

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 879
ADOPTED

An Ordinance Amending the Washington
County – Tigard Urban Planning Area
Agreement, an Element of the Washington
County Comprehensive Plan

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Urban Planning Area Agreement with the City of Tigard (“City”) was adopted by Ordinance No. 263 on June 28, 1983 and further amended by Ordinance No. 307 on September 2, 1986, Ordinance No. 332 on October 25, 1988, and Ordinance No. 614 on October 7, 2003.

B. Following the Urbanization Forum process, Washington County (“County”) recognized, through Resolution and Order 09-65, that all future Urban Growth Boundary (UGB) additions are to be governed and urbanized by the City. And that further, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon Legislature acknowledged the regional UGB, and Rural and Urban Reserves with respect to the County and City.

C. In 2002, Metro adopted Ordinance 02-969B and brought Areas 63 and 64, approximately 450 acres in size, into the UGB. The area, known as River Terrace, has been annexed to the City and is located south of Scholls Ferry Road and between Roy Rogers Road and 150th Avenue and north of Beef Bend Road.

///

1 D. Subsequent ongoing planning efforts by the City and County indicate a need
2 for changes to the Urban Planning Area Agreement with the City relating to the City's Urban
3 Planning Area and the need to coordinate planning and urban services for new urban reserve
4 lands.

5 E. The Board recognizes that such changes are necessary for the health, safety,
6 and welfare of the residents of Washington County, Oregon.

7 F. Under the provisions of Washington County Charter Chapter X, the
8 Department of Land Use and Transportation has carried out its responsibilities, including
9 preparation of notices, and the County Planning Commission has conducted one or more
10 public hearings on the proposed amendments and has submitted its recommendations to the
11 Board. The Board finds that this Ordinance is based on those recommendations and any
12 modifications made by the Board are a result of the public hearings process.

13 G. The Board finds and takes public notice that it is in receipt of all matters and
14 information necessary to consider this Ordinance in an adequate manner and finds that this
15 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
16 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
17 County Charter, the Washington County Community Development Code, the Washington
18 County Transportation System Plan, and the Washington County Comprehensive Plan.

19 SECTION 2

20 The following exhibit, attached and incorporated herein by reference, is adopted as an
21 amendment to the Washington County – Tigard Urban Planning Area Agreement, an Element
22 of the Washington County Comprehensive Plan as follows:

1 A. Exhibit 1 (18 pages) –

- 2 1. Adds language related to coordination of planning activities in the Urban
3 Reserve Planning Area;
- 4 2. Adds language related to coordination of planning activities in the Urban
5 Planning Area;
- 6 3. Makes changes to language related to annexations;
- 7 4. Adds special policies related to transportation planning, access
8 management, and funding;
- 9 5. Deletes maps “Exhibit A” and “Exhibit B” of the Washington County –
10 Tigard Urban Planning Area Agreement effective November 6, 2003; and
- 11 6. Adds new map “Exhibit A” of the Washington County – Tigard Urban
12 Planning Area Agreement.

13 SECTION 3

14 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
15 which are not expressly amended or repealed herein, shall remain in full force and effect.

16 SECTION 4

17 All applications received prior to the effective date shall be processed in accordance
18 with ORS 215.427.

19 SECTION 5

20 If any portion of this Ordinance, including the exhibit, shall for any reason be held
21 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
22 affected thereby and shall remain in full force and effect.

1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
4 this Ordinance, including deleting and adding textual material and maps, renumbering pages
5 or sections, and making any technical changes not affecting the substance of these
6 amendments as necessary to conform to the Washington County Comprehensive Plan format.

7 SECTION 7

8 This Ordinance shall take effect 30 days after adoption.

9 ENACTED this 9th day of November, 2021, being the 1st reading and
10 1st public hearing before the Board of County Commissioners of Washington County,
11 Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 
15 CHAIR KATHRYN HARRINGTON

16 
17 RECORDING SECRETARY

18 READING

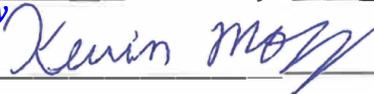
18 PUBLIC HEARING

19 First 11/9/21
20 Second _____
21 Third _____
22 Fourth _____
Fifth _____
Sixth _____

19 First 11/9/21
20 Second _____
21 Third _____
22 Fourth _____
Fifth _____
Sixth _____

VOTE: Aye: Harrington, Treece, Fai,
Rogers, Willey

Nay: _____

Recording Secretary:  Date: 11/9/21

Washington County – Tigard Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF TIGARD, an incorporated municipality of the State of Oregon, hereinafter referred to as the “CITY”.

WHEREAS, ORS 190.010 provides that units of local government may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, Statewide Planning Goal #2 (Land Use Planning) requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary (UGB) will be implemented; and

WHEREAS, the CITY and COUNTY have entered into cooperative agreements with special service districts for fire and life safety; water; parks, recreation and open space; sanitary sewer; and surface water services, consistent with ORS 195.020; and

WHEREAS, following the Urbanization Forum process, the COUNTY through Resolution & Order 09-65, and the CITY through Resolution No. 09-40, agreed that future additions to the UGB during or after 2010 must be governed and urbanized by the CITY in the COUNTY and also agreed to urge Metro to expand the UGB only to such areas as are contiguous to incorporated areas of Washington County; and

WHEREAS, the state legislature, with House Bill 4078-A in 2014 and House Bill 2047 in 2015, validated the acknowledged UGB and Urban and Rural Reserves established through the Metro Regional process involving both the COUNTY and CITY; and

WHEREAS, the CITY has participated with the COUNTY on long range planning studies to identify long-term transportation needs to accommodate future development of the Urban Reserve Planning areas adjacent to the CITY; and

WHEREAS, the CITY together with the COUNTY, City of King City, Metro and Clean Water Services signed a Memorandum of Understanding March 31, 2020, and agreed to coordinate

planning efforts for unincorporated land near SW Beef Bend Road and SW Roy Rogers Road;
and

WHEREAS, the CITY and COUNTY have entered into the Tigard Urban Service Agreement with Clean Water Services, Tigard Water District, TriMet, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue and Tualatin Valley Water District, consistent with ORS 195.060 to 195.085; and

WHEREAS, the COUNTY and the CITY desire to amend the Urban Planning Area Agreement to reflect the changes to the UGB, the CITY's Urban Planning Area, and the need for urban planning of the new Urban Reserve lands; and

WHEREAS, the COUNTY and the CITY, to ensure coordinated and consistent comprehensive plans, consider it mutually advantageous to establish:

1. An Urban Planning Area Agreement incorporating a~~A~~ site-specific Urban Planning Area within the UGB~~Regional Urban Growth Boundary~~ where ~~within which~~ both the COUNTY and the CITY maintain an interest in comprehensive planning and an Urban Reserve Planning Area (URPA) outside the UGB where both the COUNTY and the CITY maintain an interest in concept planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area and concept planning in the URPA;
3. Special p~~P~~olicies regarding comprehensive planning and development in the Urban Planning Area, and concept planning in the URPA; and
4. A process to amend the Urban Planning Area Agreement.

NOW THEREFORE, THE COUNTY AND THE CITY AGREE AS FOLLOWS:

I. Location of the Urban Planning Area and Urban Reserve Planning Area

The Urban Planning Area and URPA mutually defined by the COUNTY and the CITY ~~is the Tigard Urban Service Area and~~ includes the areas designated on the Washington County – Tigard Urban Planning Area Agreement and “Exhibit “A” to this Agreement.

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation-

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. “Comprehensive Plan” amendments do not include small tract comprehensive plan map changes.

Implementing Regulation means any local government zoning ordinance, adopted under ORS chapters 197, 215, or 227, a land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. ~~“Implementing regulation” does not include small tract zoning map amendments, conditional use permits, individual subdivision, partition or planned unit development approval or denials, annexations, variances, building permits and similar administrative type decisions.~~

2. The COUNTY shall provide the CITY with the ~~appropriate~~ opportunity to participate, review and comment on proposed amendments to or adoption of the COUNTY comprehensive plan or implementing regulations. The CITY shall provide the COUNTY with the ~~appropriate~~ opportunity to participate, review and comment on proposed amendments to or adoption of the CITY comprehensive plan or implementing regulations. The following procedures shall be followed by the COUNTY and the CITY to notify and involve one another in the process to amend or adopt a comprehensive plan or implementing regulation:

- a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall notify the other agency, hereinafter the responding agency, of the proposed action at the time such planning efforts are initiated, but in no case less than ~~at 35 calendar~~45 days prior to the ~~first final~~ hearing on adoption. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency’s land use or transportation system, the originating agency shall provide the responding agency with the opportunity to participate in the originating agency’s advisory committee, if any. The specific method and level of involvement shall be finalized by “Memorandums or Understanding” negotiated and signed by the planning directors of the CITY and the COUNTY. The “Memorandums of Understanding” shall clearly outline the process by which the responding agency shall participate in the adoption process. If, at the time of being notified of a proposed action, the responding agency determines it does not need to

~~participate in the adoption process, it may waive the requirement to negotiate and sign a “Memorandum of Understanding”.~~

- b. For COUNTY or CITY comprehensive plan updates with the potential to affect the responding agency’s land use or transportation system, ~~The originating agency shall transmit the draft amendments by first class mail or as an attachment to electronic mail recommendations on any proposed actions~~ to the responding agency for its review and comment at least 10 calendar days before finalizing. ~~Unless otherwise agreed to in a “Memorandum of Understanding”,~~ The responding agency shall have ten (10) calendar days after receipt of a draft to submit comments orally or in writing. Lack of response shall be considered “no objection” to the draft.
- c. The originating agency shall respond to the comments made by the responding agency either by a) revising the final draft amendment recommendation(s), or b) a statement on the record ~~by letter to the responding agency~~ explaining why the comments cannot be addressed in the final draft.
- d. Comments from the responding agency shall be given consideration and included as part of the public record on the proposed action. If after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.
- e. Upon final adoption of the proposed action by the originating agency, it shall transmit the adopting ordinance to the responding agency as soon as publicly available, or if not adopted by ordinance, whatever other written documentation is available to ~~properly~~ inform the responding agency of the final actions taken.

B. Development Actions Requiring Individual Notice to Property Owners

1. Definition

Development Action Requiring Notice means an action by the COUNTY or CITY ~~a local government~~ which requires notifying by mail the owners of property which could potentially be affected (usually specified as a distance measured in feet) by a proposed development action which directly affects and is applied to a specific parcel or parcels. Such development actions may include, but not be limited to, small tract zoning or comprehensive plan amendments, conditional or special use permits,

~~land divisions, individual subdivisions, partitionings or~~ planned unit developments, variances, and other similar actions requiring a quasi-judicial hearings process ~~which is quasi-judicial in nature.~~

2. The COUNTY will provide the CITY with the opportunity to review and comment on proposed development actions requiring notice within the designated Urban Planning Area and/or URPA. The CITY will provide the COUNTY with the opportunity to review and comment on proposed development actions requiring notice within the CITY limits that may have an effect on unincorporated portions of the designated Urban Planning Area or the COUNTY's transportation network.
3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The originating agency with CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice which identifies the proposed development action to the ~~other agency, hereinafter the~~ responding agency, at the earliest opportunity, but no less than 14 calendar ten (10) days prior to the date of the first scheduled public hearing or end of the comment period, whichever date is earlier. The failure of the responding agency to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The responding agency receiving the notice may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. If received in a timely manner, the originating agency shall include or attach the comments to the written staff report and respond to any concerns addressed by the responding agency in such report or orally at the hearing.
 - d. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

C. Additional Coordination Requirements

1. The CITY and the COUNTY shall do the following to notify one another of proposed actions with the potential to ~~which may~~ affect the responding agency's land use or transportation system ~~community~~, but are not subject to the notification and participation requirements contained in subsections A. and B. above.
 - a. The originating agency with CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class mail or as an attachment to electronic mail a copy of all public hearings agendas which contain the proposed actions to the ~~other agency, hereinafter the~~ responding agency, at the earliest opportunity, but no less than ~~three (3)~~ calendar days prior to the date of the scheduled public hearing. The failure of the responding agency to receive an agenda shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
 - b. The responding agency receiving the public hearing agenda may respond at its discretion. Comments may be submitted in written form or an oral response may be made at the public hearing. Lack of written or oral response shall be considered "no objection" to the proposal.
 - c. Comments from the responding agency shall be given consideration as a part of the public record on the proposed action. If, after such consideration, the originating agency acts contrary to the position of the responding agency, the responding agency may seek appeal of the action through the appropriate appeals body and procedures.

III. Concept Planning for Urban Reserve Areas

A. Definitions

1. Urban Reserve means those lands outside the UGB that have been so designated by Metro for the purpose of:
 - a. Future expansion of the UGB over a long-term period (40-50 years), and
 - b. The cost-effective provision of public facilities and services when the lands are included within the UGB.

2. Urban Reserve Planning Area (URPA) means those Urban Reserves identified for annexation and urbanization by the CITY at such time as the UGB is amended to include the Urban Reserve Area.

B. The CITY's URPA is identified on "Exhibit A" to this Agreement.

C. The CITY shall be responsible for developing a concept plan in coordination with the COUNTY for the URPA and in conjunction with Metro and appropriate service districts. The concept plan shall include the following:

1. An agreement between the COUNTY and the CITY regarding expectations for road funding, jurisdictional transfer over roadways to and from the CITY and COUNTY and access management for County roads in the URPA. The agreement should describe any changes to the CITY and/or COUNTY transportation system plans, other comprehensive plan documents, or codes that have been adopted or will be necessary to implement this agreement.

2. An agreement between the COUNTY and the CITY that preliminarily identifies the likely provider of urban services, as defined in ORS 195.065(4), when the area is urbanized.

D. The concept plan shall be completed by the CITY following the requirements of Metro's Urban Growth Management Functional Plan.

E. Upon completion and acknowledgement of the concept plan by the CITY and the COUNTY, and the addition of the area into the UGB by Metro, the affected portion of the URPA shall be designated as part of Urban Planning Area B, as described below. Inclusion in Urban Planning Area B is automatic and does not require an amendment to this Agreement.

F. Once an URPA has been added to the UGB and prior to annexation into the CITY, the COUNTY will apply the Future Development 20-Acre District (FD-20) land use designation to the land.

IV. Comprehensive Planning and Development Policies for Urban Planning Areas

A. Active Planning Area

1. Definition

Active Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate

~~development activities to the greatest extent possible. The CITY Active Planning Area is designated as Area A on Exhibit "A".~~

- ~~2. The CITY shall be responsible for comprehensive planning within the Active Planning Area.~~
- ~~3. The CITY is responsible for the preparation, adoption and amendment of the public facility plan, required by OAR 660-11 within the Active Planning Area.~~
- ~~4. The COUNTY shall not approve land divisions within the Active Planning Area which would create lots less than 10 acres in size, unless public sewer and water service are available to the property.~~
- ~~5. The COUNTY shall not approve a development in the Active Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for, redevelopment to urban densities consistent with CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.~~
- ~~6. Approval of the development actions in the Active Planning Area shall be content upon provision of adequate urban services including sewer, water, storm drainage, streets, and police and fire protection.~~
- ~~7. The COUNTY shall not oppose annexation to the CITY within the CITY's Active Planning Area.~~

~~AB.~~ Urban Planning Area A ~~Area of Interest~~

1. Definition
~~Urban Planning Area A~~ Area of Interest or Primary Area of Interest means includes unincorporated lands contiguous to the Active Planning Area CITY boundary in which the CITY does not conduct comprehensive planning but in which the CITY does maintain an interest in comprehensive planning and development actions by the COUNTY because of potential impacts on the CITY. ~~Active Planning Area. The CITY Area of Interest within the Urban Planning Area A is designated as Urban Planning Area A on "Exhibit "A".~~
2. The COUNTY shall be responsible for comprehensive planning and development actions within ~~the Area of Interest~~ Urban Planning Area A. ~~The COUNTY has entered into an intergovernmental agreement with the CITY for the CITY to provide land development services on behalf of the COUNTY within the Area of Interest. Through this intergovernmental~~

~~agreement the CITY also provides building services and specific road services to the area on behalf of the COUNTY.~~

3. The COUNTY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-Division 11 within ~~the Area of Interest~~ Urban Planning Area A.

B. Urban Planning Area B

1. Urban Planning Area B includes the future areas brought into the UGB per Section III of this Agreement (Concept Planning for Urban Reserve Areas) for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible.
2. The CITY shall be responsible for comprehensive planning within Urban Planning Area B and shall implement the planning process outlined in the CITY's comprehensive plan. The COUNTY shall support the planning process and participate as necessary.
3. The CITY is responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660 Division 11, in coordination with other service providers that will provide urban services within this area.
4. As required by OAR 660-011-0010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within Urban Planning Area B when those areas annex in the future. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.
5. The COUNTY shall not approve land divisions within Urban Planning Area B that are inconsistent with the provisions of the COUNTY Community Development Code and the FD-20 District.
6. The COUNTY shall not approve a development in Urban Planning Area B if the proposal would not provide for, nor be cautioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY's Comprehensive Plan.

7. The COUNTY shall not oppose annexation to the CITY within Urban Planning Area B.
8. The CITY will amend the CITY comprehensive plan to include Urban Planning Area B consistent with the original Urban Reserve concept plan. If modifications to the original concept plan are made during the comprehensive planning process, the parties will update the related agreements to reflect these changes, which may include transportation, access and funding. Until the CITY amends its transportation system plan (TSP), the COUNTY's TSP will serve as the TSP for Urban Planning Area B.

C. Annexations

1. The COUNTY and CITY recognize the CITY as the ultimate service provider of the urban services specified in the Tigard Urban Service Agreement. -The COUNTY also recognizes the CITY as the ultimate local governance provider to all of the territory in the Urban Planning Area designated on "Exhibit "Tigard Urban Service Area, including A," including unincorporated properties. ~~So that all properties within the Tigard Urban Service Area will be served by the CITY, the COUNTY and CITY will be supportive of annexations to the CITY.~~
2. The CITY and COUNTY desire to transfer COUNTY services to the CITY in an orderly and efficient manner upon annexation so that service provision to residents and businesses will not be interrupted or diminished.
3. In order to provide for the orderly transfer of COUNTY services to the CITY, the CITY and COUNTY recognize annexation plans as the most appropriate method to annex properties to the CITY. ~~Annexations to the CITY, however, shall not be limited to an annexation plan and the CITY and COUNTY recognize the rights of the CITY and property owners to annex properties using the other provisions provided by the Oregon Revised Statutes. All annexations shall be consistent with the provisions of the Tigard Urban Service Agreement.~~
4. Any change to the CITY boundary due to annexation or any change to the UGB boundary within the CITY's Urban Planning Area automatically amends "Exhibit A" without further amendment to this Agreement. ~~So that there will be an orderly transfer of COUNTY services to the CITY as a result of annexations, the CITY and COUNTY shall enter into an inter-governmental agreement which specifies how the two will comply with the requirements of Section I. G. of the Tigard Urban Service Agreement no later than February 2, 2004.~~

- ~~5. The CITY agrees in principle to a plebiscite or other representative means for annexation in the Metzger/Progress Community Planning Area within the CITY Area of Interest. Not contrary to the foregoing, the CITY reserves all of its rights to annex and acknowledges the rights of individual property owners to annex to the CITY pursuant to Oregon Revised Statutes.~~
- ~~6. Upon annexation of land within the Area of Interest to the CITY, the CITY agrees to convert COUNTY plan designations to CITY plan designations which most closely approximate the density, use provisions and standards of COUNTY designations. Furthermore, the CITY agrees to maintain this designation for one year after the effective date of annexation unless both the CITY and the COUNTY Planning Directors agree at the time of annexation that the COUNTY designation is outdated and an amendment may be initiated before the one year period is over.~~

D. Special Policies

1. The CITY and the COUNTY agree that SW Tile Flat Road should be extended south from SW Scholls Ferry Road, through the River Terrace West URPA (formerly Roy Rogers Road West), as a collector intersecting with the southern extension of SW Mountainside Way.
2. The CITY and COUNTY agree that SW Mountainside Way should be extended south through the River Terrace West URPA as a collector, with an intersection with SW Bull Mountain Road and allowing for a future connection at SW Roy Rogers Road further south from the URPA boundary to provide adequate transportation connectivity in the area. At least one copy of any COUNTY ordinance which proposes to (1) amend the COUNTY comprehensive plan, (2) adopt a new plan, or (3) amend the text of the COUNTY development code shall be mailed to the CITY within five (5) days after its introduction.
3. The CITY and COUNTY agree to coordinate on the ultimate design and alignment of the SW Tile Flat Road extension and the SW Mountainside Way extension within the River Terrace West URPA to its ultimate connection at SW Roy Rogers Road. The CITY and COUNTY agree that the multimodal roadway extension will be context sensitive to meet the transportation needs of the area to provide for the potential future CITY park and access to the CITY URPA and King City UPA on the east side of SW Roy Rogers Road. At least one copy of any COUNTY ordinance which proposes to rezone land within one (1) mile of the corporate limits of the CITY shall be mailed to the CITY within five (5) days after its introduction.

4. ~~The City of Tigard, City of Beaverton and Washington County have agreed to the following stipulations regarding the connection of Murray Boulevard from Old Scholls Ferry Road to the intersection of SW 121st Avenue and Gaarde Street:~~
 - a. ~~The City of Tigard, City of Beaverton and Washington County agree to amend their respective comprehensive plans to reflect the following functional classification and design considerations:~~
 1. ~~Designation: Collector~~
 2. ~~Number of Travel Lanes: 2 (plus turn lanes at major intersections)~~
 3. ~~Bike Lanes: Yes~~
 4. ~~Right of Way: 60 feet (plus slope easements where necessary)~~
 5. ~~Pavement Width: 40 foot minimum~~
 6. ~~Access: Limited~~
 7. ~~Design Speed: 35 M.P.H.~~
 8. ~~Minimum Turning Radius: 350 to 500 feet~~
 9. ~~Parking Facilities: None provided on street~~
 10. ~~Upon verification of need by traffic analysis, the connection may be planned to eventually accommodate additional lanes at the Murray/Old Scholls Ferry and Murray/New Scholls Ferry intersections.~~
 11. ~~The intersection of the SW 135th Avenue and Murray Boulevard connection will be designed with Murray Boulevard as a through street with 135th Avenue terminating at the Murray connection with a “T” intersection.~~
 12. ~~The general alignment of the Murray Boulevard connection is illustrated in Exhibit “B”.~~
 - b. ~~Any changes to the land use designations in the Murray Boulevard connection area shall be coordinated with all jurisdictions to assure that traffic impacts are adequately analyzed.~~

- ~~e. The City of Tigard, City of Beaverton and Washington County shall support improvements to the regional transportation system as outlined in the adopted Regional Transportation Plan (RTP).~~
- ~~5. The COUNTY and the CITY will execute a Memorandum of Understanding outlining the methodology for transferring COUNTY records regarding land use activities to the CITY when property is annexed to the CITY.~~

IV. Amendments to the Urban Planning Area Agreement

- A. The following procedures shall be followed by the CITY and the COUNTY to amend the language of this ~~A~~ agreement or the Urban Planning Area Boundary:
 - 1. The CITY or the COUNTY, whichever jurisdiction originates the proposal, shall submit a formal request for amendment to the responding agency.
 - 2. The formal request shall contain the following:
 - a. A statement describing the amendment.
 - b. A statement of findings indicating why the proposed amendment is necessary.
 - c. If the request is to amend the planning area boundary, a map which clearly indicates the proposed change and surrounding area.
 - 3. Upon receipt of a request for amendment from the originating agency, the responding agency shall schedule a review of the request before the appropriate reviewing body, with said review to be held within 45 calendar days of the date the request is received.
 - 4. The CITY and the COUNTY shall make good faith efforts to resolve requests to amend this ~~A~~ agreement. Upon completion of the review, the reviewing body may approve the request, deny the request, or make a determination that the proposed amendment warrants additional review. If it is determined that additional review is necessary, the following procedures shall be followed by the CITY and COUNTY:
 - a. If inconsistencies noted by both parties cannot be resolved in the review process as outlined in Section IV, A (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 30 calendar ~~90~~ days of the date it is determined that a proposed amendment creates an inconsistency, and shall be

completed within 90 calendar days of said date. Methodologies and procedures regulating the conduct of the joint study shall be mutually agreed upon by the CITY and the ~~County~~COUNTY prior to commencing the study.

- b. Upon completion of the joint study, the study and the recommendations drawn un from it shall be included within the record of the review. ~~The agency considering the proposed amendment shall give careful consideration to the study prior to making a final decision.~~

B. The parties ~~will~~may individually or jointly initiate review of this Agreement ~~every two (2) years~~ to evaluate the effectiveness of the processes set forth herein and determine if conditions warrant to make any amendments. ~~The review process shall commence two (2) years from the date of execution and shall be completed within 60 days.~~ Both parties shall make a good faith effort to resolve inconsistencies that may have developed since the previous review. If, ~~after completion of the 60-day review period~~ inconsistencies still remain at the conclusion of the review period, either party may terminate this Agreement.

~~C. The COUNTY and CITY, in conjunction with other Washington County cities, shall begin in 2004 to update all county-city urban planning area agreements so they address planning issues and initiatives that have occurred since 1988.~~

VI. This Agreement shall become effective upon full execution by the COUNTY and the CITY. This Agreement upon full execution ~~and~~ shall ~~then~~ repeal and replace the Washington County – Tigard Urban Planning Area Agreement dated October 2003 ~~October 25, 1988~~. The effective date of this Agreement shall be the last date of signature on the signature pages.

IN WITNESS WHEREOF the parties have executed this Urban Planning Area Agreement on the date set opposite their signatures.

CITY OF TIGARD

By _____ Date: _____
Mayor

Approved as to Form:

By _____
City Attorney

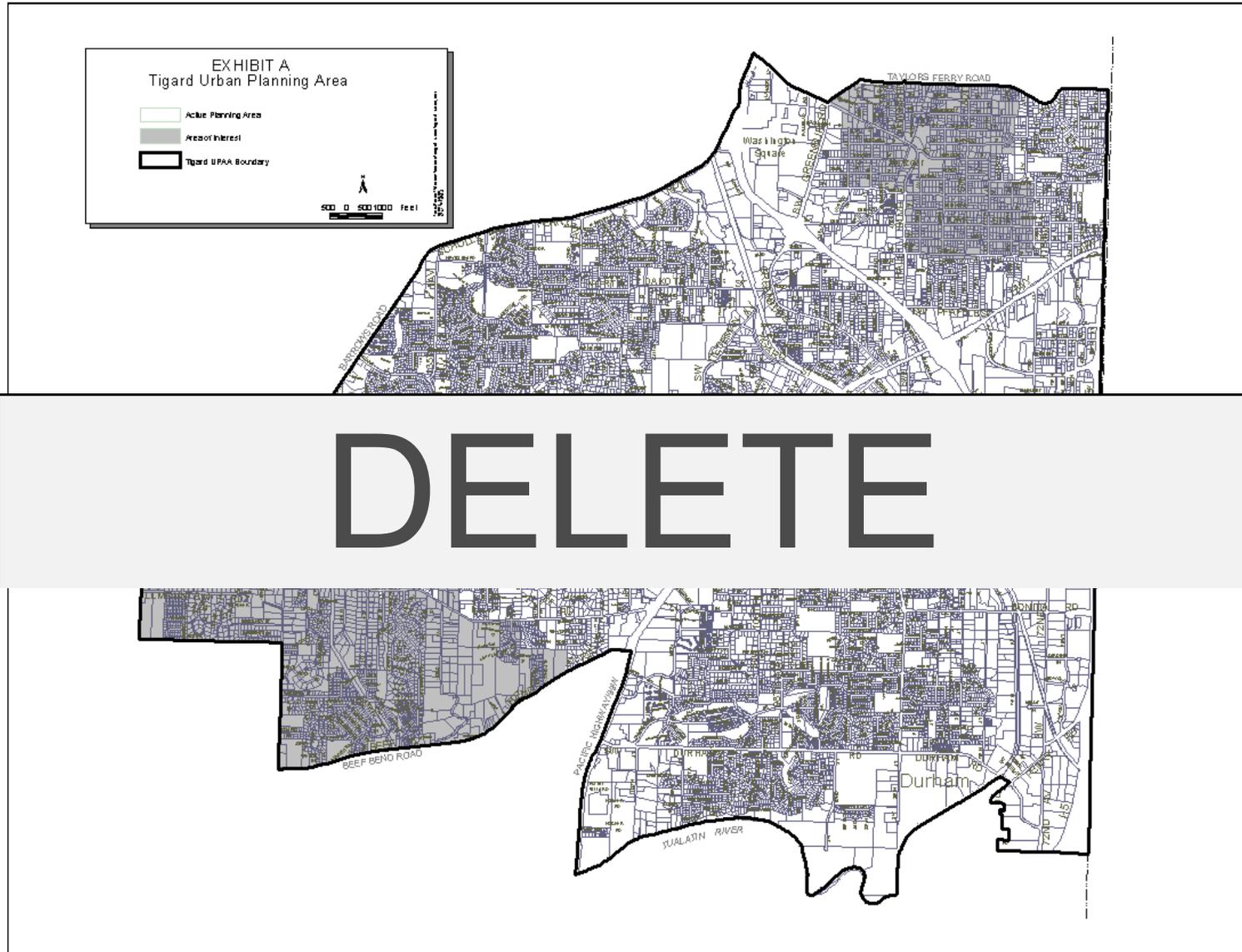
WASHINGTON COUNTY

By _____ Date: _____
Chair, Board of County Commissioners

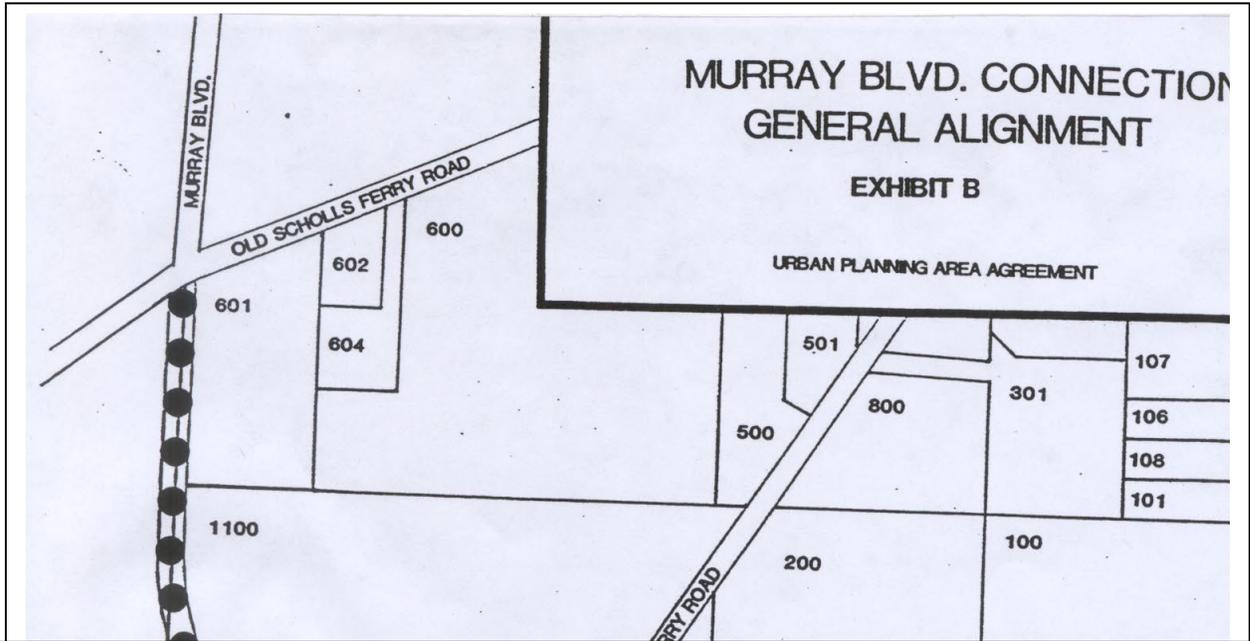
Approved as to Form:

By _____
County Counsel

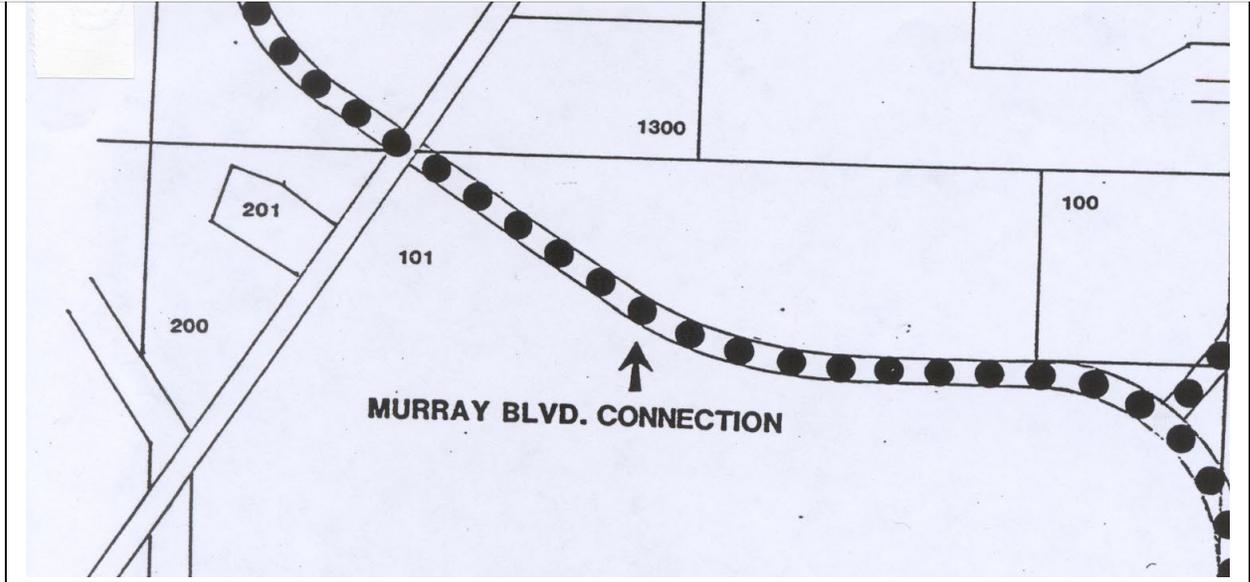
By _____ Date: _____
Recording Secretary

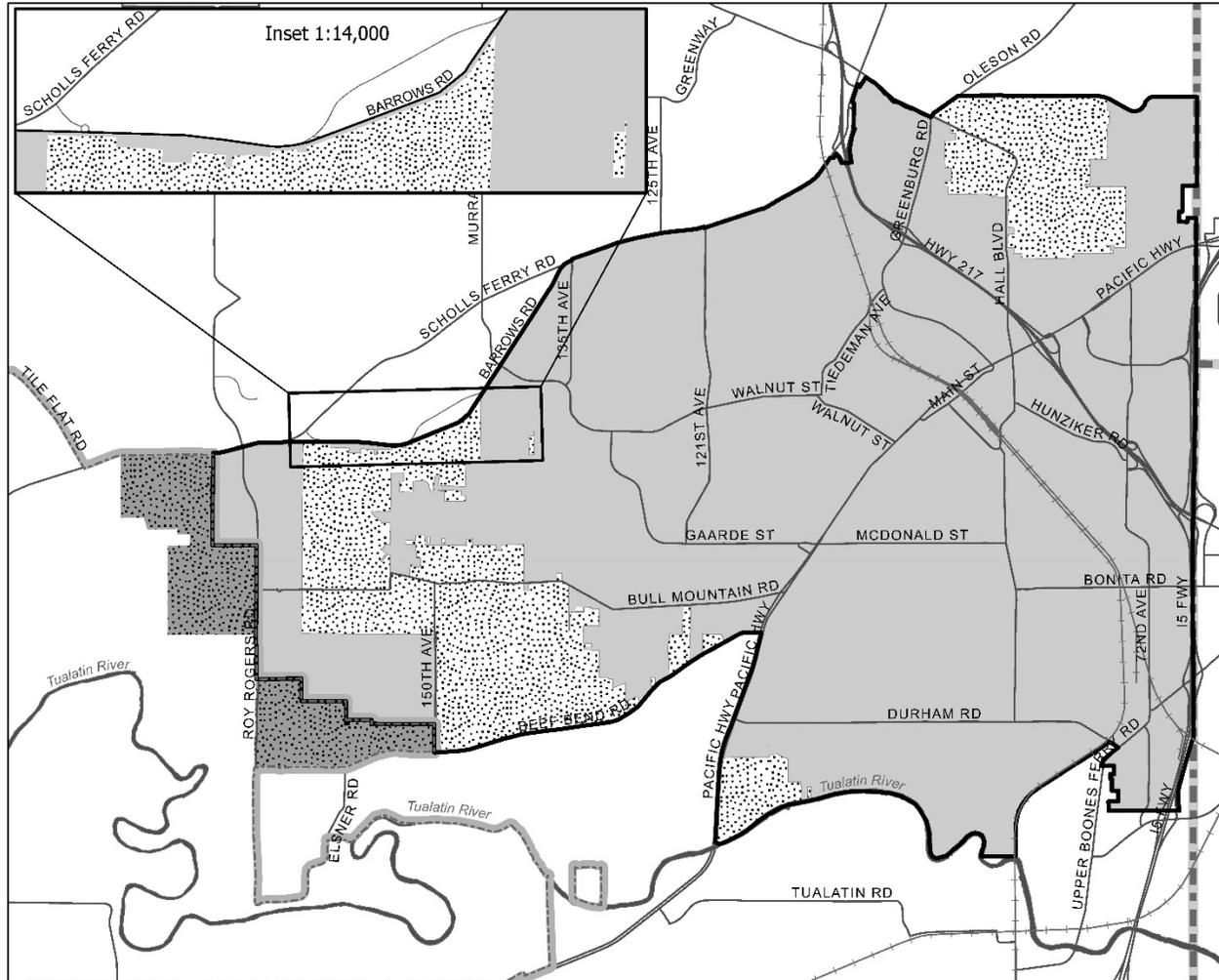


abcdef Proposed additions
~~abcdef~~ Proposed deletions



DELETE





City of Tigard
 Urban Planning Area
 Washington County - Tigard
 Urban Planning Area Agreement
 Exhibit A

City Limit
 Urban Planning Area
 Urban Planning Area A
 Urban Reserve Planning Area
 County Boundary
 Urban Growth Boundary*
 Railroad
 Major Street

*Reflects Metro adopted 2018 expansion. Not adopted by the State of Oregon.

1:35,000

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AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

RO 21-125

Meeting Date: November 09, 2021

CPO: 4B, 4M and 6

Agenda Category: ACTION

Department(s): Land Use & Transportation

Presented by: Stephen Roberts, Director of Land Use & Transportation

Agenda Title: **Adopt Findings for Ordinance No. 879**

REQUESTED ACTION:

Adopt the findings for Ordinance No. 879 and authorize the Chair to sign the Resolution and Order memorializing the action.

SUMMARY:

Ordinance No. 879 amends the Washington County – Tigard Urban Planning Area Agreement (UPAA), an element of the County Comprehensive Plan. Proposed updates include adding policies regarding coordination on land use and transportation planning in Tigard's identified Urban Reserve Planning Area and minor changes to the policies and processes for comprehensive planning in the Urban Planning Area. Ordinance No. 879 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 879. Prior to the Nov. 9, 2021 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

None known at this time

Legal History/Prior Board Action:

Refer to Ordinance No. 879 Board agenda item

Budget Impacts:

None

ATTACHMENTS:

[Resolution and Order 21-125 Ordinance 879 - Findings](#)
[Ordinance 879 Findings](#)

Approved by the
Washington County Board of Commissioners
also serving as the governing body of Clean Water Services and all other County Districts



Kevin Moss, Board Clerk

November 9, 2021

Date Signed

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support) No. 21-125
5 of Ordinance No. 879)
6)

7 This matter having come before the Washington County Board of Commissioners (Board)
8 at its meeting of November 9, 2021; and

9 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant
10 facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon
11 Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles
12 of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 879; and

13 It appearing to the Board that the findings attached and herein incorporated as Exhibit A
14 constitute appropriate legislative findings with respect to the adopted ordinance; and

15 It appearing to the Board that the Planning Commission, at the conclusion of its public
16 hearing on October 6, 2021, made a recommendation to the Board, which is in the record and
17 has been reviewed by the Board; and

18 It appearing to the Board that, in the course of its deliberations, the Board has considered
19 the record which consists of all notices, testimony, staff reports, and correspondence from
20 interested parties, together with a record of the Planning Commission's proceedings, and other
21 items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

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21

1 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of Ordinance No. 879
2 are hereby adopted.

3 DATED this 9th day of November, 2021.

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5 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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7 _____
CHAIR KATHRYN HARRINGTON

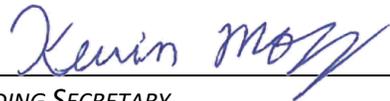
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RECORDING SECRETARY

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 879

AN ORDINANCE AMENDING THE WASHINGTON COUNTY – TIGARD URBAN PLANNING AREA AGREEMENT, AN ELEMENT OF THE WASHINGTON COUNTY COMPREHENSIVE PLAN

Nov. 9, 2021

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Plan Findings

Part 1:

GENERAL FINDINGS

Ordinance No. 879 amends the Washington County – Tigard Urban Planning Area Agreement (UPAA), an element of the Comprehensive Plan. UPAA's establish planning and development coordination policies and processes within specified areas of interest

Key Ordinance Provisions

- A new Section III (Concept Planning for the Urban Reserve Areas) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area.
- Minor changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area.
- Replacement of Urban Planning Area maps, "Exhibits A and B" of the 2003 UPAA, with a new Exhibit A, a map reflecting the addition of the Urban Reserve Planning Area and recent city annexations.
- Minor text changes throughout the document to provide consistency and clarity.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OARs) are not addressed because these resources are not located within Washington County.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 879 is consistent with the Goals, Oregon Revised Statutes (ORS), OAR requirements, Metro's UGMFP and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a Goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 – Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate community participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for community members and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for community involvement during review and adoption of land use ordinances, including public hearings. Washington County has followed these requirements for the adoption of Ordinance No. 879.

Goal 2 – Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan (RNRP), Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC) and Transportation System Plan (TSP). Washington County utilized this process to adopt Ordinance No. 879.

Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 3 – Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the RNRP include provisions for the preservation of agricultural lands.

With House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. Ordinance No. 879 includes amendments to the Washington County – Tigard UPAA that add policies and processes for coordinating concept planning in the Urban Reserve lands within Tigard's Urban Planning Area. The concept planning required under Title 11 of the UGMFP for the designated Urban Reserve areas will not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Ordinance No. 879 is consistent with Goal 3.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c), of the RNRP include provisions for the conservation and maintenance of forest lands.

With House Bill 4078-A in 2014 and House Bill 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. Ordinance No. 879 includes amendments to the Washington County – Tigard UPAA that add policies and processes for coordinating concept planning in the Urban Reserve lands within Tigard's Urban Planning Area. The concept planning required under Title 11 of the UGMFP for the designated Urban Reserve areas will not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Ordinance No. 879 is consistent with Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments when the PAPA: 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site on an acknowledged resource list.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the RNRP, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

Ordinance No. 879 does not allow any new uses in any affected land use district within the Tigard Planning Area and therefore will not conflict with acknowledged Goal 5 resources.

Goal 10 – Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19, 25 and 26 of the RNRP address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

Ordinance No. 879 does not amend the applicable Plan policies related to housing, Plan designations or housing density standards. The amendment to the UPAA includes adding policies and processes for coordinating concept planning in the Urban Reserves within Tigard's area of interest and minor changes to the process for comprehensive planning in the Urban Planning Area, and therefore does not conflict with Goal 10.

Goal 11 – Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the RNRP address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 879. The amendments are consistent with the County's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments identify that the city is responsible, in coordination with the County, for developing concept plans in the unincorporated areas within Tigard's Urban Planning Area. The UPAA includes policies and processes for coordinating concept and comprehensive planning in order to preliminarily identify the likely providers of urban services, as defined in ORS 195.065(4), when the area urbanizes. Ordinance No. 879 is consistent with Goal 11.

Goal 12 – Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the RNRP and in particular the TSP describe the transportation system necessary to accommodate the transportation needs of

Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

Ordinance No. 879 amends the Washington County – Tigard UPAA, an element of the Comprehensive Plan. Ordinance No. 879 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

The amendments are consistent with the County’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). The findings of compliance for the applicable TPR provisions are summarized below.

The amendments in Ordinance No. 879 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 879 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility. The amendments in Ordinance No. 879 make no amendments to the TSP and are consistent with the TSP.

Goal 14 – Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the regional Urban Growth Boundary (UGB). The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

The UGB was expanded to include lands surrounding Tigard in 2002 and in 2011, with Urban Reserve Areas 63 and 64/River Terrace. These expansions were acknowledged by the Land Conservation and Development Commission (LCDC). The County relies on the findings acknowledged by LCDC to show compliance with Goal 14.

Ordinance No. 879 does not add any land to the UGB or urbanize any land. The UPAA with Tigard describes a process, policies and requirements for coordinating concept planning in the designated Urban Reserve Area providing for the orderly and efficient transition from rural to urban land uses. Goal 14 will apply to future decisions to add Urban Reserve lands to the UGB or when lands are annexed in the city’s Urban Planning Area as identified in Exhibit A, the Tigard Urban Planning Area map. Ordinance No. 879 is consistent with Goal 14.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro’s UGMFP requires that county comprehensive plan changes be consistent with the UGMFP. The following findings for Ordinance No. 879 have been prepared to address Titles 1, 8, 11 and 14 of the UGMFP.

Title 1 – Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a “fair share” approach to meeting housing needs.

RESPONSE

Ordinance No. 879 amends the Washington County – Tigard UPAA, which does not directly address housing capacity or housing need. The UPAA provides an opportunity for Tigard, along with the County, to coordinate planning efforts and develop comprehensive plans that will meet Tigard’s future housing needs and support Title 1 requirements.

Title 8 – Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 879 was sent to Metro on Sept. 1, 2021, 35 days prior to the first evidentiary hearing. Metro had no comments on Ordinance No. 879.

Title 11 – Planning for New Urban Areas

Title 11 guides planning of Urban Reserves and areas added to the UGB for conversion from rural to urban use. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

In 2014 and 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing Urban and Rural Reserve land designations for the region, including Urban Reserve land within the unincorporated areas surrounding Tigard. Title 11 identifies the

planning responsibilities and guiding policies and requirements for the Urban Reserve areas as they transition from rural to urban uses.

The County has an interest in assuring that the planning for the unincorporated area meets the expectations for road funding, access management, any potential jurisdictional transfer of roadways and appropriate serviceability to the area, in compliance with Title 11. Thus, the 2021 UPAA amendment provides the opportunity to clearly identify and coordinate planning responsibilities and a process that will guide the concept planning expectations for the Urban Reserve Area in a timely manner, including specific provisions in the UPAA that directly address Title 11 requirements.

Title 14 – Urban Growth Boundary

Title 14 prescribes criteria and procedures for amendments to the UGB to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.

RESPONSE

Ordinance No. 879 does not add any land to the UGB or urbanize any land. The UPAA provides a process, policies and requirements for coordinating concept planning in the Urban Reserve Area in order to provide for the orderly and efficient transition from rural to urban land uses. Title 14 will apply to future decisions to add Urban Reserve lands to the UGB or when lands are annexed in the city's Urban Planning Area as identified in Exhibit A, the Tigard Urban Planning Area map. Ordinance No. 879 is consistent with Title 14.

Part 4:

REGIONAL TRANSPORTATION PLAN FINDINGS

This section addresses the consistency of Ordinance No. 879 with the applicable policies of Metro's Regional Transportation Plan (RTP). The Board finds that the RTP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plan, and that the amendments comply with the applicable goals and policies of the RTP.