



August 25, 2014

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 787 - An Ordinance Amending the Community Development Code Relating to Public Transportation Facilities**

STAFF REPORT

For the September 2, 2014 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 am)

I. STAFF RECOMMENDATION

Conduct the Board's first public hearing for Ordinance No. 787. At the conclusion of public testimony and the Board's deliberations, order engrossment of the ordinance to include the Planning Commission (PC) recommended changes described in this staff report and shown in Attachment A.

Continue the hearing to September 23 and October 7, 2014 and direct staff to prepare and mail notice of the amendments consistent with the requirements of Chapter X of the County Charter.

II. PLANNING COMMISSION RECOMMENDATION

On August 6, 2014 the Planning Commission (PC) voted 7-0 to recommend that the Board of Commissioners (Board) adopt Ordinance No. 787 with proposed amendments. Staff and PC members have suggested a number of amendments to the ordinance. These changes are mostly minor and/or technical in nature. One substantive amendment worth noting adds a provision prohibiting exempt reconstruction, replacement, and repair projects from reducing existing bicycle and pedestrian facilities. The proposed amendments are described in the *Proposed Engrossment Amendments* section of this report and shown in Attachment A.

III. OVERVIEW

Ordinance No. 787 proposes to amend Sections 701 through 705 of the Community Development Code (CDC) to provide efficiency in the land use review process and consistency

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Long Range Planning

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with state and federal guidelines and best practices for projects related to safety improvements, maintenance and general upkeep of public roads and related facilities.

IV. BACKGROUND

The changes proposed in Ordinance No. 787 ensure consistency with federal, state, regional and local requirements and improve the efficiency and operation of the county's Comprehensive Plan, particularly the Community Development Code (CDC). The Board authorized a minor update to Article VII, Public Transportation Facilities, of the CDC as part of the 2014 Planning and Development Services Land Use Ordinance Work Program in response to a request made by the County Engineer and Operations and Maintenance Division Manager.

The intent of Article VII of the CDC is to identify public transportation improvements that are subject to development review and establish the standards and procedures for such review. Article VII applies to project development for the design, construction, operation, maintenance, repair and preservation of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities authorized by the Transportation System Plan (TSP), Transportation Planning Rule (TPR) and Oregon Revised Statutes (ORS).

Below are descriptions of the Article VII public transportation improvement project categories:

Exempt Projects: Projects that are exempt from the provisions of this Code. Decisions authorizing exempt projects are not land use decisions.

Category A Projects: Projects that involve land use standards that do not require interpretation or the exercise of policy or legal judgment. Decisions authorizing Category A projects are not land use decisions.

Category B Projects: Projects that involve land use criteria that are reasonably objective and generally require only limited discretion or judgment. Category B projects are assumed to be appropriate in the district. Decisions authorizing Category B projects are land use decisions.

Category C Projects: Projects that involve land use criteria that require the exercise of a more significant level of discretion and judgment. Category C projects generally have more significant impacts or involve more complex land use issues. Decisions authorizing Category C projects are land use decisions.

Ordinance Notification

Ordinance No. 787 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on June 27, 2014. A display advertisement regarding the proposed ordinance was published in *The Oregonian* and *Hillsboro Argus* newspapers on July 18, 2014. Individual Notice No. 2014-08 describing proposed Ordinance No. 787 was mailed to 434 people on the General Notification List on July 23, 2014. A copy of this notice was also mailed to the Planning Commission at that time.

V. ANALYSIS

The proposed changes to Article VII are consistent with the intent of the Work Program Tier I task 1.17. According to the adopted Work Program it is expected that additional, more substantive, revisions to Article VII will take place within the next couple of years. All of the proposed changes to Article VII are meant to address minor betterment projects, which include channelization (the separation or regulation of conflicting traffic movements into definite paths of travel). A complete list of specific changes is found under the summary of proposed changes.

Minor Betterment Projects

Minor betterment projects, which are primarily related to operations and maintenance improvements that under ordinary circumstances do not have a significant impact on land use, are often categorized similarly to large capital projects. The result is inefficient in that the application must respond to inapplicable criteria and incur unnecessary costs and project delays. Below is an example of a recent land use review of a minor betterment project:

- Replacement of a failing culvert on NW Kay Road that was required to go through a Category B project review and public notification process – flood plain alteration not otherwise allowed under Category A – that added nearly \$5,000 to a grant funded project.

In the example above, the county received a grant and partnered with the Bureau of Land Management to replace a culvert in an effort to improve hydrologic conditions and fish passage in compliance with state and federal guidelines. Projects like these, where partnerships and grant funding are key to a project's success, are becoming more common place and are of particular interest to the county and other partners. The cost and time associated with land use reviews for minor betterment projects, which are often constrained by limited budgets, present challenges to achieving project objectives and significant barriers to outside agencies awarding grant funds.

The proposed amendments intend to acknowledge the best management practices already employed by the county, including programmatic approaches responding to state and federal permitting requirements, and improve efficiency and reduce the overall cost of project implementation.

Channelization

Channelization, referring to the separation or regulation of conflicting traffic movements into definite paths of travel, is currently an exempt operational activity inside the Urban Growth Boundary (UGB) and a regulated activity outside the UGB. The following example describes a recent project that was subject to a land use review:

- A safety project to add a left-turn pocket on River Road at Rosedale Road within existing right-of-way was required to go through a costly Category B project review and public notification process – categorized as channelization outside the UGB.

OAR 660-012-0065 identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Statewide Planning Goals 3, 4, 11 and 14.

OAR 660-012-0065 (3)(c) identifies “channelization not otherwise allowed under subsection (a) and (b)” as an allowed use. As established in the current version of Article VII, the county narrowly interpreted this provision to mean a separate project type needed to be established for channelization outside the UGB. However, channelization, regardless of whether inside or outside the UGB, is primarily a safety-related transportation improvement based on engineering judgment not subject to land use criteria. The proposed amendments would make channelization an exempt activity both inside and outside the UGB.

Process

An internal working group was convened to develop the proposed amendments to the CDC. The working group was comprised of staff from all affected Land Use & Transportation Divisions including Engineering and Construction Services, Operations and Maintenance, and Planning and Development Services.

Proposed Engrossment Amendments

The following proposed amendments to Ordinance No. 787 shown in shading below reflect issues and improvements identified by staff and the PC to date. The amendment to Section 702-4, recommended by the PC and supported by staff, adds a provision prohibiting exempt reconstruction, replacement, and repair projects from reducing existing bicycle and pedestrian facilities. The clarifying text amendments in Sections 703-1.3 and 703-2.2 are minor in nature. If more issues arise, the Board can recommend these be addressed through additions to the proposed amendments provided.

Amendment 1:

702 EXEMPT PROJECTS

The following public transportation projects and decisions are exempt from the provisions of this Article, applicable to all functional classifications both inside and outside an urban growth boundary, unless otherwise specified below.

702-4 ~~Reconstruction, or in-kind replacement, or repair of a public transportation facility within existing right-of-way, including the enlargement or removal of culverts, pilings or similar structures, provided that:~~

- A. No removal or displacement of buildings occur;
- B. No new land parcels result, provided they are
- C. The facility is not located in a flood plain, drainage hazard area or Significant Natural Resource area; or they
- D. would not No change or alteration to a designated historic or cultural resource occur, pursuant to Section 373; or
- E. No additional travel lanes result; and
- F. No reduction in bicycle and pedestrian facilities result.

Amendment 2:

703 CATEGORY A PROJECTS

703-1 Category A Projects Permitted Inside an Urban Growth Boundary

703-1.3 Alteration of a flood plain, drainage hazard area, or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20) percent of its original footprint for reconstruction, modification, repair, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise in flood level is consistent with an adopted drainage master plan.

Amendment 3:

703-2 Category A Projects Permitted Outside an Urban Growth Boundary

703-2.25 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20) percent of its original footprint for reconstruction, modification, repair, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise is consistent with an adopted drainage master plan.

Summary of Proposed Changes

Including the proposed engrossment amendments noted above and shown in Attachment A, Ordinance No. 787 proposes to amend CDC Sections 701 through 705 to provide efficiency in the land use review process and consistency with state and federal guidelines and best management practices for projects related to safety improvements, maintenance, and general upkeep of public roads and related facilities. Key provisions of the ordinance are:

- CDC Section 701 – Intent and Purpose - updates definitions of maintenance, channelization and road prism. The proposed amendments reflect changes in construction techniques and maintenance practices.

- CDC Section 702 – Exempt Projects - updates language regarding exempt projects to reflect current practices of the Maintenance and Operations Division related to minor betterment type projects, including in kind replacement of culverts, constructing pedestrian paths, and statutorily defined projects allowed without a land use review outside the UGB.
- CDC Section 703 – Category A Projects - amends language regarding alterations to flood plains, and removes the statutorily defined projects allowed without a land use review outside the UGB.
- CDC Section 704 – Category B Projects - amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the UGB.
- CDC Section 705 – Category C Projects - amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the UGB.

Article VII: PUBLIC TRANSPORTATION FACILITIES of the Community Development Code is amended to reflect the following:

701 INTENT AND PURPOSE

701-4 Definitions

701-4.3 Channelization: ~~Outside an urban growth boundary, s~~Separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of vehicles, bicycles, and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes.

701-4.9 Maintenance: Recurring activities that are needed to keep an existing transportation facility in good operating condition in order to maintain the functional integrity and safe operation of the facility. Maintenance activities are carried out within existing right-of-way and result in no increase of traffic capacity or change in the character of a facility. ~~Maintenance activities include but are not limited to: ditch cleaning and shaping; culvert or pipe repair, cleaning or in-kind replacement; road surface repair, sealing, reconstruction or reversion; grading of aggregate roads; street cleaning and flushing; vegetation management; and bridge cleaning and repair.~~

701-4.15 Roadway Prism: The original constructed embankment or excavation of an existing roadway, area occupied by soil, aggregate, and/or other materials or structures necessary to support a road, including, but not limited to, appurtenant features such as wing walls, retaining walls, or headwalls.

702 EXEMPT PROJECTS

The following public transportation projects and decisions are exempt from the provisions of this Article, applicable to all functional classifications both inside and outside an urban growth boundary, unless otherwise specified below.

702-2 Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within existing right-of-way and ancillary easements. Maintenance may include the in-kind replacement of structures within the flood plain, drainage hazard area or Significant Natural Resource area, if necessary to maintain its serviceability.

702-3 Operational improvements within existing right-of-way and ancillary easements including, but not limited to striping, installation of guard rails, pedestrian ways, widening shoulders, street lighting, signalization, reflectors, buttons, signs, flashing beacons, channelization and median control.

~~Outside an urban growth boundary, improvements that meet the definition of channelization (Section 701-4.3), and improvements to restrict access, including channelization and median control, are not exempt operational improvements.~~

702-4 Reconstruction, or in-kind replacement, or repair of a public transportation facility within existing right-of-way, including the enlargement or removal of culverts, pilings or similar structures, provided that:

- A. No removal or displacement of buildings occur;
- B. No new land parcels result, provided they are
- C. The facility is not located in a flood plain, drainage hazard area or Significant Natural Resource area; or they
- D. would not No change or alteration to a designated historic or cultural resource occur, pursuant to Section 373; or
- E. No additional travel lanes result; and
- F. No reduction in bicycle and pedestrian facilities result.

702-8 Acquisition of right-of-way or ancillary easements related to an approved facility or use, provided that the acquisition is consistent with the Transportation System Plan.

702-11 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

702-12 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

703 CATEGORY A PROJECTS

703-1 Category A Projects Permitted Inside an Urban Growth Boundary

703-1.3 Alteration of a flood plain, drainage hazard area, or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20) percent of its original footprint for reconstruction, modification, repair, or replacement of a transportation facility or any component thereof, ~~occurring entirely within the existing roadway prism,~~ so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise in flood level is consistent with an adopted drainage master plan.

703-2 Category A Projects Permitted Outside an Urban Growth Boundary

~~703-2.1 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.~~

~~703-2.2 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.~~

~~703-2.3 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.~~

703-2.14 Uses listed as exempt in Section 702, excluding Section 702-8, which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.

703-2.25 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to the enlargement of the roadway prism by no more than twenty (20) percent of its original footprint for reconstruction, modification, repair, or replacement of a transportation facility or any component thereof, ~~occurring entirely within the existing roadway prism,~~ so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise is consistent with an adopted drainage master plan.

704 CATEGORY B PROJECTS

704-2 Category B Projects Permitted Outside an Urban Growth Boundary

704-2.2 The following improvements are allowed within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels-, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.
- G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels-, provided that the alignment and right-of-way width is consistent with the Transportation System Plan.
- H. ~~Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.~~

705 CATEGORY C PROJECTS

705-2 Category C Projects Permitted Outside an Urban Growth Boundary

705-2.1 The following projects are allowed in AF-20, EFU and EFC Districts:

- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels-, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation System Plan.
- ~~F.~~ G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels-, provided that the alignment and right-of-way width is consistent with the Transportation System Plan.
- ~~J.~~ ~~Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.~~



WASHINGTON COUNTY PLANNING COMMISSION
WEDNESDAY, AUGUST 6, 2014

Proposed Ordinance No. 787 – Public Transportation Facilities – Dyami Valentine

Deliberations

Planning Commission (PC) members present: A. Richard Vial, Jeff Petrillo, Ed Bartholemy, Liles Garcia, Mary Manseau, Tegan Enloe, and Anthony Mills. Matt Wellner and Eric Urstadt were absent.

Staff present: Andy Back, Theresa Cherniak, Michelle Pimentel, Stephen Shane, Dyami Valentine, Anne Kelly, Angela Brown, and Connie McCracken, Long Range Planning; Jacquilyn Saito-Moore, County Counsel.

Summary

Staff gave the PC a PowerPoint presentation of Ordinance No. 787 – Minor Revisions to Article VII. This ordinance proposes to amend the Community Development Code (CDC) to provide efficiency in the land use review process, consistency with state and federal guidelines, and best management practices for projects related to safety improvements, maintenance and general upkeep of public roads and related facilities.

Ordinance No. 787 proposes to amend the following sections of Article VII of the CDC:

- Section 701 – Intent and Purpose
- Section 702 – Exempt Projects
- Section 703 – Category A Projects
- Section 704 – Category B Projects
- Section 705 – Category C Projects

Staff Recommendations

- Conduct the public hearing, consider testimony, continue to August 20 for further consideration

OR

- Recommend approval of proposed Ordinance No. 787 with proposed engrossment to Board of Commissioners

Documents submitted regarding ~~in opposition~~ of Ordinance No. 787

- None

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Long Range Planning

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Testimony regarding opposing Ordinance No. 787

- None

PC Discussion

- ~~Concern about impact of new signal timing standards on safety~~
- Questions about the differences and applications of Categories A, B, and C
- Concern that language changes could create ambiguity for staff
- ~~Concern that passing the motion could have unintended consequences~~
- Questions about how impacts on bicycle and pedestrian safety is are measured

Commissioner Manseau moved to recommend Board adoption of Proposed Ordinance No. 787 changes to Community Development eCode Subsections 703-1.3 and 703.7.2, removing the phrase “occurring entirely within the existing roadway prism” and changing code subsection 702-4 to add “no decrease in bike and pedestrian safety.” Petrillo seconded.

Commissioner Enloe proposed a friendly amendment to change the language within Section 702 Exempt Projects, Subsection 702-4 to “no reduction in bicycle-pedestrian designated facilities without changing it to a non-exempts status.”

Chair Vial asked if there was any objection to amending Commissioner Manseau’s motion according to the language proposed by Commissioner Enloe. Without objection, the amendment was recognized and a vote taken on the amended motion.

Vote: 7-0, motion passed.

<u>Commissioner</u>	<u>Vote</u>
Bartholemy	Yes
Garcia	Yes
Enloe	Yes
Manseau	Yes
Mills	Yes
Petrillo	Yes
Vial	Yes

End of deliberations.

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July 23, 2014

Individual Notice No. 2014-08

At your request, Long Range Planning is providing you with Individual Notice No. 2014-08 which describes proposed Land Use Ordinance No. 787.

Ordinance Purpose and Summary

Ordinance No. 787 proposes to amend the Community Development Code (CDC) to provide efficiency in the land use review process and consistency with state and federal guidelines and best practices for projects related to safety improvements, maintenance, and general upkeep of public roads and related facilities.

Who is Affected

Residents and businesses within urban and rural unincorporated areas of Washington County will be affected.

What Land is Affected

Urban and rural unincorporated areas of Washington County will be affected.

Key Provisions

- CDC Section 701 – Intent and Purpose - updates definitions of maintenance, channelization and road prism.
- CDC Section 702 – Exempt Projects - updates language regarding exempt projects to reflect current practices of the Maintenance and Operations Division related to minor betterment type projects, including in kind replacement of culverts, constructing pedestrian paths, and statutorily defined projects allowed without a land use review outside the Urban Growth Boundary.
- CDC Section 703 – Category A Projects - amends language regarding alterations to flood plains, and removes the statutorily defined projects allowed without a land use review outside the Urban Growth Boundary.
- CDC Section 704 – Category B Projects - amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the Urban Growth Boundary.
- CDC Section 705 – Category C Projects - amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the Urban Growth Boundary.

Initial Public Hearings Time and Place

Planning Commission
2:00 pm
August 6, 2014

Board of Commissioners
10:00 am
September 2, 2014

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On September 2, 2014, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 2, the ordinance would become effective on November 28, 2014.

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

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Community Development Code Standards Amended

- Article VII: Public Transportation Facilities
- Section 701 – Intent and Purpose
 - Section 702 – Exempt Projects
 - Section 703 – Category A Projects
 - Section 704 – Category B Projects
 - Section 705 – Category C Projects

How to Submit Comments

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation
 Planning and Development Services, Long Range Planning
 155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072
 Fax: 503-846-4412

Staff Contact

Dyami Valentine, Senior Planner
 155 North First Ave., Suite 350-14, Hillsboro, OR 97124-3072
 Telephone: 503-846-3821 Fax: 503-846-4412
 e-mail: Dyami_valentine@co.washington.or.us

Proposed Ordinance is available at the following locations

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
 155 N. First Ave., Suite 350, Hillsboro, OR 97124-3072
 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

<p>Plan Documents Affected by Ordinance No. 787</p> <p><i>For more information about these plan documents, please call Long Range Planning at (503) 846-3519.</i></p>	WASHINGTON COUNTY COMPREHENSIVE PLAN DOCUMENTS			
	Comprehensive Framework Plan for the Urban Area <input type="checkbox"/>	Rural/Natural Resource Plan <input type="checkbox"/>	Exceptions Statement Document <input type="checkbox"/>	
	Urban Community Plans: <input type="checkbox"/>			
	Community Development Code <input checked="" type="checkbox"/>	Transportation Plan <input type="checkbox"/>	Public Facility Plan <input type="checkbox"/>	Urban Planning Area Agreements <input type="checkbox"/>



June 27, 2014

To: Washington County Cities and Special Service Districts
From: Andy Back, Manager *JB for AB*
Planning and Development Services

Subject: Land Use Ordinance No. 787

The Washington County Planning Commission and the Board of Commissioners will soon consider proposed Ordinance No. 787. This ordinance is available on the Washington County web site at:

www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm

If you would like a copy of this ordinance or additional information, please contact Long Range Planning at (503) 846-3519.

The initial public hearings before the Planning Commission and the Board of Commissioners are listed below. The hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon. The Planning Commission or Board may continue hearings on this ordinance if necessary.

Planning Commission
2:00 pm
August 6, 2014

Board of Commissioners
10:00 am
September 2, 2014

Ordinance No. 787

Ordinance No. 787 proposes to amend the Community Development Coded (CDC) relating to the land use review of public transportation facilities:

Key Ordinance Provisions:

- Updates definitions of maintenance, channelization and road prism.
- Updates language regarding exempt projects to reflect current practices of the Maintenance and Operations Division related to minor betterment type projects, including in kind replacement of culverts, constructing pedestrian paths, and statutorily defined projects allowed without a land use review outside the Urban Growth Boundary.
- Amends language regarding alternations to flood plains, and removes the statutorily defined projects allowed without a land use review outside the Urban Growth Boundary.
- Amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the Urban Growth Boundary.
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June 27, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager *JB for AB*
Planning and Development Services

Subject: **PROPOSED ORDINANCE NO. 787**

Enclosed for your information is a copy of proposed Ordinance No. 787. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Section.

Ordinance Purpose and Summary

Ordinance No. 787 proposes to amend the Community Development Coded (CDC) relating to the land use review of public transportation facilities.

Who is Affected

Ordinance No. 787 affects residents and businesses within urban and rural unincorporated areas of Washington County.

What Land is Affected

Urban and rural unincorporated areas of Washington County will be affected.

Key Provisions

- CDC Section 701 – Intent and Purpose - updates definitions of maintenance, channelization and road prism.
- CDC Section 702 – Exempt Projects - updates language regarding exempt projects to reflect current practices of the Maintenance and Operations Division related to minor betterment type projects, including in kind replacement of culverts, constructing pedestrian paths, and statutorily defined projects allowed without a land use review outside the Urban Growth Boundary.
- CDC Section 703 – Category A - amends language regarding alternations to flood plains, and removes the statutorily defined projects allowed without a land use review outside the Urban Growth Boundary.
- CDC Section 704 – Category B - amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the Urban Growth Boundary.
- CDC Section 705 – Category C - amends language regarding acquisition of right-of-way to ensure consistency with the Transportation System Plan and removes channelization as a project type outside the Urban Growth Boundary.

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**Initial Public Hearings
Time and Place**

**Planning Commission
2:00 pm
August 6, 2014**

**Board of Commissioners
10:00 am
September 2, 2014**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On September 2, 2014, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 2, it would become effective on November 28, 2014.

**Community Development
Code Standards Amended**

- 701 Intent and Purpose
- 702 Exempt Projects
- 703 Category A
- 704 Category B
- 705 Category C

How to Submit Comments

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

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Telephone: 503-846-3821 Fax: 503-846-4412
e-mail: Dyami_valentine@co.washington.or.us

**Proposed Ordinance is
available at the following
locations:**

- Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 North First Ave., Suite 350
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/
2014-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

FILED

JUN 18 2014

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 787

An Ordinance Amending the Community
Development Code Relating to Public
Transportation Facilities

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon,
recognizes that the Community Development Code Element of the Comprehensive Plan
(Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance
No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-
378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434,
436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489,
504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,
581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,
694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-
758, 760, 762, 763, 765, 766, and 769-776.

1 B. As part of its ongoing planning efforts Washington County staff has identified
2 amendments to the Code, including but not limited to, definitions and project categories, to
3 allow for consistency in process and criteria between County, State and Federal requirements
4 for public transportation projects with predictable and limited effects. The Board recognizes
5 that such changes are necessary from time to time for the benefit and welfare of the residents
6 of Washington County, Oregon.

7 C. 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 D. 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, and the Washington
18 County Comprehensive Plan.

19 SECTION 2

20 The following exhibit, attached hereto and incorporated herein by reference, is adopted
21 as amendments to the designated documents as follows:

- 22 1. Exhibit 1 (4 pages), amending the following sections of the Community