

## **EXHIBIT A**

### **FINDINGS FOR A-ENGROSSED ORDINANCE NO. 788 AN ORDINANCE AMENDING ELEMENTS OF WASHINGTON COUNTY'S COMPREHENSIVE PLAN RELATING TO HOUSEKEEPING AND GENERAL UPDATE CHANGES**

**October 7, 2014**

Part 1 - General Findings

Part 2 - Statewide Planning Goal Findings

Part 3 - Metro's Urban Growth Management Functional Plan Findings

#### **Part 1**

#### **GENERAL FINDINGS**

A-Engrossed Ordinance No. 788 amends elements of Washington County's Comprehensive Plan (Plan) relating to housekeeping and general update changes, specifically the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC). The amendments are intended to maintain consistency with federal, state, regional and local requirements, and to improve Plan efficiency and functionality.

#### **KEY ORDINANCE PROVISIONS**

Amends the Comprehensive Framework Plan for the Urban Area, Policy 15, to reflect Portland Public Schools as an existing school service provider for Area 93.

Amends the CDC as follows:

- All Sections that include the term "church" or churches" – For consistency with the Religious Land Use and Institutionalized Persons Act, these terms are replaced with "religious institution" or "religious institutions," except in Sections 106-178, 390-16.1, and 430-116.
- Section 106 – The definition of "Development" is amended to more plainly reference changes in use of land.
- Section 107-2 –Rules and Procedures regarding the month for election of Planning Commission Chairman and Vice-Chairman are amended per a change adopted in 2013.
- Section 201-2 – A cross-reference is corrected, and permit expiration dates are updated consistent with expiration standards adopted in 2013.
- Section 201-4 – Approval terminology and distinctions between expiration dates of Property Line Adjustments and Land Divisions are clarified per changes adopted in 2012; and language regarding expiration of approvals for replacement dwellings in the EFU and AF-20 districts is deleted consistent with House Bill 2746.

- Section 201-6 – Language stating that a development permit does not expire once development has commenced is annotated to reference exceptions found in other CDC sections.
- Section 204-3 – Language concerning the public comment period for Type II Actions is clarified.
- Section 204-4 – Airport overlay names are corrected and cross-references to overlay standards are added.
- Sections 304-8, 305-8, 306-8, and 307-8 – A correction is made to the number of a referenced policy of the Comprehensive Framework Plan for the Urban Area.
- Section 307-6 – A reference to “employment center” is replaced with descriptive language for clarification.
- Sections 308-5 and 309-5 – Regarding prohibitions against keeping of fowl or swine, the CDC section number of a referenced exception is corrected.
- Section 330-6 – Regarding prohibitions against new dwellings in the Institutional district, references to existing exceptions are added, and a reference to a nonexistent subsection is deleted.
- Section 342-5 – A paragraph referencing numerous uses is reformatted in list form for clarity, and the name of a county department is updated.
- Sections 346-3 and 348-3 – References to a nonexistent subsection are deleted.
- Section 373-11 – A correction is made to the referenced number of a Plan policy.
- Section 375-7 – A referenced CDC section number is corrected.
- Section 377-4 – The identifying letter of a Comprehensive Framework Plan strategy is corrected.
- Sections 377-5, 380-2, and 380-4 – Referenced CDC section numbers are corrected.
- Section 390-6 – A reference to a nonexistent subsection is deleted; cross references that incorrectly refer to Neighborhood Commercial standards are replaced with references to the appropriate North Bethany standards.
- Section 390-8 – A referenced CDC section number regarding Boarding Houses is corrected; and clarification is provided as to when a Bed and Breakfast facility is subject to Boarding House standards (pursuant to existing requirements of Section 430-19).
- Section 390-14 – Referenced CDC section numbers are corrected.
- Section 390-15 – A reference to a nonexistent subsection is deleted.
- Section 390-17.9 – A reference to Section 413 parking reductions of up to 30% is deleted because it is not consistent with the range of reductions currently allowed by that section, and other referenced subsection numbers are corrected.
- Sections 390-17.10 and 390-22.3 – Referenced CDC section numbers are corrected.

- Section 390-22.4 – Two subsections are reformatted for clarity, and referenced CDC section numbers are corrected.
- Sections 390-28-4.2 and 390-28-4.3 – These subsections duplicate preceding standards and are therefore deleted. (A renumbered version of these standards was added in 2012, but the set of standards as originally numbered was inadvertently left in the code as well).
- Section 404-1 – Language regarding on-site analysis exceptions for duplexes is clarified.
- Section 418-3 – A referenced CDC section number is corrected.
- Section 419-3 – A change is made to the fence height for which a building permit is required, consistent with a 2014 International Building Code update.
- Section 421-1.1 and 709-1 – As requested by County Engineering staff, accepted flood data sources are updated to more current versions, and existing language regarding potentially accepted alternative data sources is clarified.
- Sections 421-8.2, 421-9.3, and 421-9.4 – As requested by County Engineering staff, standards for flood flow openings beneath dwellings and elevation requirements for manufactured dwellings within flood plains are updated consistent with FEMA and Oregon Manufactured Dwelling Specialty Code requirements.
- Section 424-5 – Referenced CDC section numbers are corrected.
- Section 430-1.1, 430-1.2, and 430-1.3 – Language describing “detached” accessory structures is reformatted for clarity.
- Section 430-33 – Content-based sign standards are removed consistent with the First Amendment, and language is clarified.
- Section 430-63 – Regarding home occupations, an existing restriction currently found in another code section is added here to prevent oversights.
- Section 430-109 – The word “church” is deleted from a reference to “church steeple” for compliance with the Religious Land Use and Institutionalized Persons Act, and language regarding cell tower design is clarified.
- Section 430-113 – Content-based sign standards are removed consistent with the First Amendment.
- Section 430-117.1 – Language regarding a home occupation prohibition is clarified.
- Section 430-119.2 – Language regarding sign provisions for sawmills/lumber manufacturing is clarified.
- Section 440-10 – Language regarding extent of building/use expansion or alteration that triggers public road access requirements is clarified.
- Section 602-1 – The period allowed for property line adjustment deed recording is updated consistent with associated expiration dates adopted in 2012; and a department name is corrected.
- Section 602-2 – Certain permit expiration dates are clarified consistent with expiration dates adopted in 2012.

- Section 602-7 and 605-1 – Referenced CDC section numbers are corrected.
- Section 605-2 – The full name of an overlay district is added to supplement its acronym for clarification, and a cross reference to overlay standards is added.
- Section 610-1 – Standards for equal land area exchanges addressed elsewhere in the CDC are included here for clarity, a restriction on lot size reduction via property line adjustment is deleted consistent with a 2013 ordinance, a referenced CDC section number is corrected and a repeated one is removed.

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 Board of County Commissioners (Board) 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 Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

## **Part 2**

### **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 788 is consistent with Statewide Planning Goals (Goals), ORS and OAR requirements, Metro’s Urban Growth Management Functional Plan and the Washington County Comprehensive Plan. The Washington County Comprehensive 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 Comprehensive 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 Comprehensive Plan implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

#### **Goal 1 - Citizen Involvement**

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 788. A-Engrossed Ordinance No. 788 makes one change relevant to a facet of public involvement – an update to the election period for the Planning Commission chair and vice-chair, consistent with a previous action by the County Board of Commissioners. The previously adopted change went through the required citizen involvement process and therefore maintains compliance with Goal 1.

## **Goal 2 - Land Use Planning**

Statewide 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 Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Development Code (CDC), Transportation Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 788. Notice was coordinated with all affected governmental entities and no comments were received from these parties regarding the ordinance.

## **Goal 3 – Agricultural Lands**

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. A-Engrossed Ordinance No. 788 makes housekeeping changes to the county's Property Line Adjustment standards for lands outside the Urban Growth Boundary. The amendments remove reference to a prohibition previously lifted by 2013 Ordinance No. 763 (against reduction of lot areas through a PLA to less than the minimum for the district); and eliminate expiration of EFU and AF-20 replacement dwelling approvals consistent with House Bill 2746. Other amendments made through A-Engrossed Ordinance No. 788 make simple non-substantive Community Development Code language or format changes to standards affecting (but not specific to) exclusive farm uses. The changes are intended for clarification, consistency, cross-reference accuracy, removal of duplications, or department name updates. Amendments, as made through A-Engrossed Ordinance No. 788, maintain Plan compliance with Goal 3, and consistency with OAR Chapter 660, Division 33, and the county's acknowledged policies for preservation of farmland.

## **Goal 4 – Forest Lands**

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. A-Engrossed Ordinance No. 788 makes housekeeping changes to the county's PLA standards for lands outside the UGB. The amendments clarify that PLAs are allowed through a Type I procedure in the Exclusive Forest Conservation (EFC) district when equal land areas are exchanged. Amendments also remove reference to a prohibition previously lifted by 2013 Ordinance No. 763, against reduction of lot areas through a PLA to less than the minimum for the district. Plan compliance with Goal 4 is maintained with the amendments made to the county's PLA standards by A-Engrossed Ordinance No. 788. Further amendments made through A-Engrossed Ordinance No. 788 make simple non-substantive Community Development Code language or format changes to standards affecting (but not specific to) forest land. The changes are intended for clarification, consistency, cross-reference accuracy, removal of duplications, or department name updates. Amendments, as made through A-Engrossed Ordinance No. 788, maintain Plan compliance with Goal 4, and consistency with OAR Chapter 660, Division 06, and the county's acknowledged policies for preservation of forest lands.

## **Goal 7 – Areas Subject to Natural Disasters and Hazards**

Policy 8 in the Comprehensive Framework Plan for the Urban Area and Policy 8 in the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural

disasters and hazards. A-Engrossed Ordinance No. 788 updates accepted flood data sources and standards for development in flood plains and drainage hazard areas for consistency with FEMA’s model flood plain ordinance and the Oregon Manufactured Dwelling Specialty Code. These amendments, as made through A-Engrossed Ordinance No. 788, maintain Plan compliance with Goal 7, and consistency with the county’s acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards.

### **Goal 12 - Transportation**

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the Transportation Plan and the Community Development Code. A-Engrossed Ordinance No. 788 clarifies language under roadway standards for Planned Developments in North Bethany; and within standards for alteration or expansion of nonconforming access points to public or county roads. These amendments maintain Plan compliance with Goal 12, and consistency 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 660-012) and the Regional Transportation Plan (RTP).

### **Goal 14 - Urbanization**

In part, Goal 14 addresses criteria to be applied when undeveloped land is converted to urban uses. Policies 1, 13, 14, 16, 17, 18, 19 and 41 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional UGB. Many of the amendments made through A-Engrossed Ordinance No. 788 make simple non-substantive Community Development Code language or format changes to standards affecting (but not necessarily specific to) urban development. The changes are intended for clarification, consistency, cross-reference accuracy, removal of duplications, or department name updates. Amendments made through A-Engrossed Ordinance No. 788 do not impact compliance with the county’s acknowledged policies and strategies for urbanization as required by Goal 14.

## **Part 3**

### **Findings of Compliance with Metro’s Urban Growth Management Functional Plan**

#### **Title 8 - Compliance Procedures**

Title 8 sets forth Metro’s procedures for determining compliance with the Urban Growth Management Functional Plan. 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 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Staff sent Metro a copy of proposed Ordinance No. 788 on June 19, 2014, 48 days prior to the first evidentiary hearing. Metro was mailed a copy of A-Engrossed Ordinance No. 788 on September 12, 2014. Metro provided no comments on Ordinance No. 788 or A-Engrossed Ordinance No. 788.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the Urban Growth Management Functional Plan.