

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

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|--------------------------------|---|----------------------------|
| FOR THE PURPOSE OF RECOGNIZING |) | RESOLUTION NO. 81-244 |
| WASHINGTON COUNTY RESOLUTION |) | |
| AND ORDER NO. 81-59 AS AN |) | Introduced by the Regional |
| ADEQUATE REPLACEMENT FOR METRO |) | Development Committee |
| ORDINANCE NO. 80-95 |) | |

WHEREAS, During the process of acknowledgment of the Metro UGB the LCDC directed that the UGB could not be acknowledged as complying with Goal No. 14 (Urbanization) unless Metro or its constituent local jurisdictions adopted and implemented policies relating to the conversion of future urbanizable land to urban use in accordance with Goal No. 14; and

WHEREAS, Prior to acknowledgment, such policies were developed by Metro (Metro Resolution No. 79-83 and Resolution No. 79-102) in coordination with Washington, Multnomah and Clackamas Counties, and LCDC acknowledged the Metro UGB based in part on a finding in the Acknowledgment of Compliance order dated January 16, 1980, that "Metro is committed to continue to utilize...the policy guidelines in Metro's Resolution of August 23, 1979, as amended on November 8, 1979"; and

WHEREAS, On June 26, 1980, Metro adopted Ordinance No. 80-95, Relating to the Use of Urbanizable Land in Washington County, in order to provide interim implementation for these guidelines until Washington County had adopted and implemented its own policies for this purpose; and

WHEREAS, Ordinance No. 80-95 is effective only through July 1, 1981; and

WHEREAS, On April 14, 1981, the Washington County Board of Commissioners adopted Resolution and Order No. 81-59, establishing certain growth management policies for the unincorporated areas of the County within the Metro UGB; and

WHEREAS, Metro finds these policies generally consistent with Ordinance No. 80-95 and Metro's policy guidelines, based on the evaluation attached as Exhibit A; now, therefore,

BE IT RESOLVED,

1. That the Metro Council finds that the Washington County Resolution and Order No. 81-59 is an adequate replacement for Metro Ordinance No. 80-95.

2. That the terms of Metro Ordinance No. 80-95 shall therefore cease to apply as of July 1, 1981, pursuant to Section 3(b) of that Ordinance.

ADOPTED by the Council of the Metropolitan Service District this 28th day of May, 1981.



Presiding Officer

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EXHIBIT A

EVALUATION OF WASHINGTON COUNTY'S GROWTH MANAGEMENT POLICIES

On April 14, 1981, Washington County adopted Resolution and Order No. 81-59, adopting growth management policies for the unincorporated area of Washington County within the regional Urban Growth Boundary (UGB). This report is an evaluation of the extent to which these policies provide a suitable replacement for Metro's Ordinance No. 80-95, relating to the use of urbanizable land in Washington County.

Summary of Basic Provisions and Effect

The County's Resolution and Order and the policies adopted thereby are attached to this report.

The relevant portions of the County's policies are as follows:

1. Sewer and water must be approved concurrent with any land use action unless

- a. the lot is 10 acres or larger (Policy 1);
- b. the action is to allow construction of a detached single family residence on a lot of record (Policy 4.E.1);
- c. the following findings are made based on compelling evidence in the record:

- "(1) that the impact of the proposed development upon the unacceptable service(s) will not exceed that of a single family residence;
- "(2) that the approval of the development without the particularly unacceptable service(s) will not impede the orderly, efficient provision of any critical or essential service to that area;
- "(3) that the public or nearby residents will not be endangered by the granting of the exception;
- "(4) that it is consistent with the intent and purpose of LCDC Goal Nos. 11 and 14 regarding Public Facilities and Urbanization, respectively, and the policies involved with the LCDC acknowledgment of the Portland Metropolitan Area UGB." (Policy 4.E.2).

Where sewer and water service are available, land divisions into parcels smaller than 10 acres may be approved provided that: (1) the land is not designated Future Urban; (2) other service standards established by the County are met; and (3) the land is zoned RU-3 or denser, "except as allowed by Metro Ordinance No. 80-95." In addition, the County policies provide for the Future Urban designation to be eliminated when site specific land-use plans are

adopted for an area, unless findings are adopted in support of retaining that designation.

In general, the policies themselves represent a good approach to urban growth management which addresses the key provisions of Ordinance No. 80-95, as well as other critical questions relating to the provision of a full range of urban services. The shortcomings of these policies are certain ambiguities relating to their legal status and to the meaning and intended application of specific provisions.

The policies are adopted as "an indication of this (Washington County) Board's intentions as to the application of the Statewide and regional land-use laws and is designed to work in conjunction with State, regional and County land use requirements..." rather than as law, except where so provided in a planned text, such as for the 185th Street Study Area Plan. The policies thus give direction to staff and to the County's hearings officer relative to how these requirements should be interpreted and applied and express the Board's intent relative to its own actions.

If the County does not follow through on this commitment, however, it is uncertain what weight, if any, the Land Use Board of Appeals (LUBA) would give the resolution itself as distinct from the goal requirements it is designed to apply, if a violation of these policies were appealed. Similarly, if the County relies on the resolution alone as the justification for actions consistent with it, rather than supporting such actions by appropriate goal findings, the legality of such action might be questioned on appeal.

In addition, the resolution lacks the clarity and specificity of an ordinance. The meaning and application of several key provisions are vague or ambiguous. As a statement of intent, the policies represent the County's commitment to manage growth in a responsible way consistent with State and regional requirements; as law, however, they have little binding effect beyond that provided by the application of the goals themselves.

Evaluation of specific provisions relative to the provisions of Ordinance No. 80-95.

Ordinance No. 80-95 establishes the following standards for development approvals:

1. Urban development is allowed in urban commercial and industrial zones and on residential land zoned RU-3 or denser, provided sewer and water are available;
2. "Sub-Urban" development, where sewer or water is not available or the land is zoned RS-1, is limited to partitioning into lots 10 acres or greater except where:
 - a. special natural features make urban development with urban services inappropriate;

- b. a special hardship makes a variance of the 10-acre minimum desirable;
3. In Specially Regulated Areas, land division is prohibited in residential zones; development in commercial or industrial zones is allowed only when there are no suitable alternative locations elsewhere in the UGB; and
4. Septic tank permits are prohibited except for lots of record and lots created consistent with the ordinance standards.

The way in which the County's Growth Management Policies address each of these requirements is discussed below.

URBAN DEVELOPMENT

The County's Policy provides that partitions or subdivisions of less than 10 acres be approved only if: 1) the land is not designated for Future Urban use; 2) service standards are met as described in the County's Policy 4 (including a requirement that sewer and water be considered a critical service which shall result in a denial of the land use application if unavailable); and 3) for residential land, the zoning is RU-3 or denser, except as allowed by Metro Ordinance No. 80-95. In general these provisions establish requirements comparable to those of Section V(A)(1) of Ordinance No. 80-95, relating to allowed urban development. The County's standards for allowing development in areas zoned less densely than RU-3 or where sewers are not available are discussed under Sub-Urban Development below.

SUB-URBAN DEVELOPMENT

The County's Policy 1 effectively prohibits any land division below 10 acres in areas designated Future Urban. The exact circumstances in which suburban development can occur in areas zoned RS-1 or MA-E in the Immediate Urban Area is less clear. Condition 2 in Policy 1 provides that the service standards listed in Policy 4 must be met before any partition less than 10 acres may be approved. It is unclear, however, whether this reference is intended only to apply to the service standards themselves (Sub-sections A, B, and C of Policy 4 describing the requirements for critical, essential, and desirable services), or whether the reference is intended to include the exceptions to those standards provided for in Sub-Section E. This sub-section allows exception to the growth management standards in cases where the impact of the proposed development will not exceed that of a single family residence, and the development itself will not impede the orderly and efficient provision of services to the area in the future. At issue here is whether land division in MA-E zones to allow industrial development on septic tanks will be allowed in cases where these exception standards are met. If so, these standards vary from those of Ordinance No. 80-95, which allow large lot partitions on septic tanks in MA-E only when the County's variance standards are met.

In addition, the third condition listed in Policy 1 explicitly requires that residential land must be zoned RU3 or denser "except as allowed by Metro Ordinance No. 80-95." Exactly which of the exceptions provided for in Ordinance No. 80-95 the County intends to include by this reference is ambiguous, and however this language is interpreted, it remains problematical what legal weight it will carry if Ordinance No. 80-95 itself is no longer in effect. But although this language is vague and confusing, questions about its intent and application relate only to whether all, some, or none of the exceptions provided by Ordinance No. 80-95 for development in RS-1 zones will be allowed by the County. In other words, the policies may preclude certain types of sub-urban land divisions that Ordinance No. 80-95 would have allowed but they would not allow any land division for residential purposes that Ordinance No. 80-95 would have prohibited.

SPECIALLY REGULATED AREAS (SRAs)

Beyond recognizing that the Future Urban designation should be continued in SRAs, the County has not applied any special development standards to these areas. The policies adopted would allow the division of land into parcels ten acres or larger in SRAs as in any other Future Urban area. In consequence, the County's policies alone are not adequate to comply with Metro's policy guidelines for SRAs, which call for a prohibition of residential land division and place severe limitations on commercial and industrial development for 10 years, unless the County provides otherwise in its comprehensive plan. Metro's guidelines for SRAs were adopted prior to LCDC's application, in the Compliance Acknowledgment Order for Metro's UGB, of Goal No. 3 (Agricultural Lands) to SRAs, however. Since Goal No. 3 standards for the approval of land divisions are generally stricter than those established by Metro, further "special regulations" may not be needed to provide appropriate protection for these areas until the County has planned for them on a comprehensive basis.

The application of Goal No. 3 and Ordinance No. 80-95 provisions for SRAs differ in two respects:

1. Ordinance No. 80-95 prohibits any land divisions in residential zones while Goal No. 3 would allow partition consistent with continued commercial agricultural activity; and
2. Ordinance No. 80-95 regulates the issuance of building permits in commercial and industrial zones, while the County has applied Goal No. 3 only to land divisions and other discretionary land use actions, and not to building permits.

In its six-month review of Ordinance No. 80-95, staff evaluated the desirability of revising Ordinance No. 80-95 to allow land divisions that were consistent with Goal No. 3 and concluded that such a change was consistent with Metro's policy guidelines, but that it

would have no practical effect because the County's general policy was not to approve any land divisions in areas where Goal No. 3 applied until appropriate lot size standards were adopted. In other words, relative to the first difference between Goal No. 3 and Ordinance No. 80-95, the former provides the more appropriate standard, and the difference need be of no further concern here.

In the second case, the issue is somewhat more problematical. Although Goal No. 3 will effectively restrict the creation of new lots in commercial or industrial zones in SRAs, Ordinance No. 80-95 would, further, have limited the issuance of building permits on lots of record to cases where there was a finding that no suitable alternative location for the proposed use was available elsewhere in the UGB. The County's policies do not recognize this standard for commercial and industrial development on lots of record in SRAs in any way.

However, the enigmatic paragraph E of Policy 4 implies, by virtue of excepting construction of a single family house on a lot of record, that the service standards, including the sewer requirement, and the provisions for exceptions to them, will be applied to all other building permits issued with the UGB. If so, this provides some limitation on development of lots of record, but these limitations are not as restrictive as those provided by the Metro policy guidelines.

SEPTIC TANK PERMITS

Ordinance No. 80-95 allows the issuance of septic tank permits for lots of record and for new lots created consistent with ordinance provisions.

The extent to which the County's policies on land divisions are consistent with Ordinance No. 80-95 are discussed above. Additional considerations to be evaluated here are: 1) definition of a lot of record; 2) conditions for issuance of a septic tank permit for lots of record or newly approved lots.

The County defines a lot of record as follows:

"As defined in Washington County's Zoning Laws for residential zones within the urban growth boundary. The timing for becoming a lot of record is that the lot was created prior to the date that these management standards would have become otherwise operative as law to the site in question."

Since the resolution provides that the policies do not become operative "as law" until so enacted "such as in a plan text,...." This apparently means that any single family lot created while this resolution is in effect as an interim measure (until a plan enacting these policies as law is adopted) would have status as a lot of record for purposes of issuance of a septic tank permit. So long as

the creation of new lots is itself regulated by the County's policies, such a definition remains generally consistent with Metro's policy on lots of record. Unlike Ordinance No. 80-95, it would allow the issuance of septic tank permits for lots approved prior to resolution adoption, whether or not legally recorded, but, because Ordinance No. 80-95 was in effect during the 10 preceding months, the number of lots so affected is insignificant. If, however, a lot may be "created," for the purpose of this definition, without being approved by the County as a subdivision or partition, then this provision would allow an inappropriate level of septic tank development.

Lots of record are defined in the applicable section of the County's zoning ordinance as follows:

"Lots lawfully created...by a subdivision plat record in the Plat Records of the Department of Records and Elections, or lawfully created in such zoning districts by deed or sales contract and of record in the Deed or Miscellaneous Record of Washington County...of record prior to the effective date of the regulation sought to be avoided."

This language suggests that a lot that is created by deed without being approved through the partition process, may qualify as a lot of record provided it meets the applicable zoning standards--a one-acre minimum lot size in RS-1. Presumably, however, such a lot could not be considered "lawfully" created, given the requirements of the County's minor partitioning ordinance that the division of any parcel into three or more lots must be approved pursuant to the standards and procedures in that ordinance. The treatment of lots of record thus appears generally consistent with that in Ordinance No. 80-95.

Relative to the conditions for issuing septic tank permits, Ordinance No. 80-95 contains a provision that for residentially zoned lots of record for which a septic tank permit is requested, the building permit should be reviewed to ensure that the location of the house on the lot would not prevent future redevelopment at urban densities with urban services. The County's policies do not contain such a provision. This provision was not necessary to implement Metro's policy guidelines, however, but was added to Ordinance No. 80-95 at the request of DLCD. Metro staff has not evaluated if or how this provision has been applied by the County to date.

Finally, Ordinance No. 80-95 requires a waiver of the right to remonstrate against future formation of a local improvement district (LID) for sewers in conjunction with the issuance of septic tank permits for newly created lots subject to the 10-acre minimum lot size standards. The County's policies do not include such a requirement, but do provide that service standards, including the

requirement for sewers, may be waived only when the County finds that the development approval will not impede orderly and efficient service provision in the future.

Summary and Conclusions

The County's policies provide for, but do not legally ensure, management of growth in urban and urbanizable areas consistent with the basic principles of Metro's policy guidelines as applied in Ordinance No. 80-95. The details of the County's strategy differ from those of Ordinance No. 80-95 in several particulars, but the differences are not significant relative to the basic objectives of the policy guidelines with two possible exceptions:

1. The County's policies may allow the creation of lots between five and ten acres in size in MA-E zones, for industrial development on septic tanks, based on standards that differ from those in Ordinance No. 80-95. The County's standards are, nonetheless, intended to preserve future sewerage options for these areas;
2. The County's policies would allow commercial or industrial development on lots of record in SRAs under certain circumstances inconsistent with the standards in the policy guidelines;

It is difficult to evaluate at this time how much development may occur under the County's policies that would not have occurred under Ordinance No. 80-95 as a result of these differences, or the extent to which such development may negatively constrain future development options.

Such activities should be monitored in the future, as should land divisions and other land use actions which are subject to the County's policies, and appropriate solutions identified if and when a problem becomes apparent.

In general, however, the County has committed to a sensible growth management strategy which, if implemented firmly and consistently, provides adequate replacement for Ordinance No. 80-95 during the interim while the County completes its plan.

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1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of the Adoption of Growth)
4 Management Policies for the Unincorporated)
5 Area of Washington County Within the)
6 Regional Urban Growth Boundary)

RESOLUTION AND ORDER

NO. _____

7 The above-entitled matter came on regularly before the Board at its meeting
8 of April 14, 1981; and

9 It appearing to the Board that a need to provide specific policies address-
10 ing Growth Management for unincorporated lands inside the Regional Urban Growth
11 Boundary exists; and

12 It appearing to the Board that the Board formed a Task Force to review and
13 recommend Growth Management Policies for the unincorporated portions of Washing-
14 ton County inside the Urban Growth Boundary on January 20, 1981; and

15 It appearing to the Board that the Board of Commissioners, Planning Com-
16 mission, Community Planning Organizations, Cities, Special Districts, and other
17 interested parties received the recommendations of the Growth Management Task
18 Force on February 17, 1981; and

19 It appearing to the Board that joint Board of Commissioners and Planning
20 Commission Public Hearings were held on March 3 and 12, at which time public
21 testimony was received by both hearing bodies on the proposed policies; and

22 It appearing to the Board that the Board received a recommendation from
23 the Washington County Planning Commission for the adoption of Growth Manage-
24 ment Policies on March 16, 1981; and

25 It appearing to the Board that the Board held a public hearing on March 16,
26 1981 to consider the recommendations of the Planning Commission, Growth Manage-
ment Task Force, Incorporated Cities, CPOs, and other interested parties for

COUNTY COUNSEL, WASHINGTON COUNTY
HILLSBORO, OREGON 548-9747

1 the establishment of Growth Management Policies; and

2 It appearing to the Board upon consideration of the Planning Commission
3 recommendation, public testimony, Metropolitan Service District policies and
4 ordinances, and the Oregon Land Conservation and Development Commission's
5 Land Use Goals, that the establishment of Growth Management Policies are a
6 necessary and important land use planning tool, therefore, it is hereby:

7 RESOLVED AND ORDERED that the Growth Management Policies, marked as
8 Exhibit "A", attached hereto and by this reference incorporated herein, are
9 adopted for utilization in the unincorporated portions of Washington County
10 within the Regional Urban Growth Boundary; and it is further

11 RESOLVED AND ORDERED that said Growth Management Policies be forwarded
12 for consideration as being stated as law in the revision of the Washington
13 County Comprehensive Framework Plan; and it is further

14 RESOLVED AND ORDERED that in those unincorporated areas within the
15 Regional Urban Growth Boundary where said Policies have not been enacted by
16 this Board as law, such as in a plan text, said Policies shall only operate
17 as an indication of this Board's intentions as to the application of state-
18 wide and regional land use laws and is designed to work in conjunction with
19 State, Regional and County land use requirements; and it is further

20 RESOLVED AND ORDERED that in those unincorporated areas within the Regional
21 Urban Growth Boundary where said Policies are enacted by this Board as law,
22 such as in a plan text, said Policies shall be applied to land use decisions
23 as delineated therein.

24 DATED this ____ day of April, 1981.

25 BOARD OF COUNTY COMMISSIONERS
26 FOR WASHINGTON COUNTY, OREGON

Chairman

Recording Secretary

WASHINGTON COUNTY GROWTH MANAGEMENT POLICIES

POLICY 1: The County shall manage land within the Urban Growth Boundary to insure that critical and essential urban services are available to support orderly urban development.

Supportive Policies:

- Washington County supports the adopted Regional Urban Growth Boundary as acknowledged by the Oregon Land Conservation and Development Commission.
- Partitions and subdivisions to lots of less than ten acres shall be permitted consistent with existing zoning, provided that:
 1. The land is not designated Future Urban;
 2. Service standards are met as described in Policy 4; and
 3. For residential land, the zoning is RU-3 or denser, except as allowed by Metro Ordinance 80-95.

POLICY 2: The Future Urban designation shall remain as a growth management strategy in Specially Regulated Areas and where required by County-City Urban Planning Area Agreements; and upon the legislative adoption of a site-specific community land use plan that designation shall cease to exist unless the body adopting that plan provides findings of fact indicating that the Future Urban designation shall be retained.

POLICY 3: The County is an appropriate unit of government to provide urban services in the unincorporated area in conjunction with special service districts and other municipal bodies. Therefore, in cooperation with cities, special districts, and its citizens, the County will coordinate a study to determine the appropriate institutional arrangement of urban services for the betterment of the residents of the County.

POLICY 4: The County shall place urban services into three categories: Critical, Essential and Desirable.

- A. Critical Services are defined as: Water, sewer, fire, drainage, and local and minor collector roads. An inability to provide an acceptable level of all critical services shall result in the denial of a land use application.
- B. Essential Services are defined as: Schools, arterial and major collector roads, on-site transit improvements (such as bus shelters and turnouts, etc.) and police protection. Failure to insure the availability of an acceptable level of all essential services within five (5) years from occupancy may result in the denial of the land use application. The approving authority may condition the approval to limit the period of time to a period shorter than five (5) years depending upon the degree of impact that the land use proposal has on the unacceptable ser-

vice(s) and the risks to public safety in the interim period.

The land use application will be denied when the essential services can not be insured within the required time period unless the following findings of fact can be made:

1. The particular unacceptable service(s) is not necessary for the particular land use proposal within the aforesaid five year period;
 2. The approval of the land use application will not substantially interfere with the ability to later provide the particular unacceptable service(s) to anticipated land uses in the vicinity of the subject property;
 3. The approval of the land use application without the insurance of the particular unacceptable service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
 4. It is shown that the applicant has exhausted all practical methods within the ability of the applicant to insure the provision of the unacceptable service(s).
- C. Desirable Services are defined as: Public transportation service and parks. These are services which can be expected in a reasonable time frame (five year period) from the occupancy of a development. An application may be conditioned to facilitate these services based upon specific findings.
- D. The County shall rely upon the standards established by the appropriate special service district and adopted County standards as the measurement of acceptability for the service provided by the service provider. The information obtained from the service provider shall be treated as a rebuttable presumption as to the ability to provide an acceptable level of the service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider.
- E. These Growth Management Standards shall apply to all land use actions except for the following:
1. Construction of a detached single family residence on a lot of record.
 2. Those exceptions approved by the approving authority where the individual notification indicates that an exception is being considered and where the following findings are made based upon compelling evidence in the record:
 - a. That the impact of the proposed development upon the unacceptable service(s) will not exceed that of a single family residence;

- b. That the approval of the development without the particularly unacceptable service(s) will not impede the orderly, efficient provision of any critical or essential service to that area;
 - c. That the public or nearby residents will not be endangered by the granting of the exception; and
 - d. That it is consistent with the intent and purpose of LCDC Goals 11 and 14 regarding Public Facilities and Urbanization, respectively, and the policies involved with the LCDC acknowledgement of the Portland Metropolitan Area Urban Growth Boundary.
- F. The cost of providing the required County urban services for a particular land use proposal under consideration shall be borne by the applicant or benefited properties unless otherwise authorized by the Board of County Commissioners.

POLICY 5: Administration of Growth Management Standards

The determination of compliance with the growth management standards shall be determined in conjunction with any land use application within the Urban Growth Boundary in accordance with the same procedural requirements (i.e. notice; hearing; findings; ability to approve, deny or approve with conditions; appeal; etc.) as the accompanying land use request, except that the following shall also apply:

- A. The individual and any published notice of the accompany land use request shall indicate that compliance with the growth management standards will be considered.
- B. When the land use request subject to the growth management standards is a Design Review application pursuant to Washington County's Zoning Ordinance, the procedure for determining compliance with the growth management standards shall be like those utilized for considering an "Eating and Drinking Establishment" such as Section 963-10 of the Washington County Zoning Ordinance, B-2 District.
- C. Once it has been determined that a land use application on a particular site complies with the growth management standards, then that determination shall be conclusive as to future land use requests on the same site unless it can be demonstrated that substantial changes of conditions or intensity of uses have occurred which warrant the application of the standards. If a development application is the same as or in the intended sequence to the preceding one, these standards should not be re-applied.
- D. A reasonable fee to defray the cost of consideration of compliance with the growth management standards shall be prescribed by Resolution and Order of the Board of County Commissioners. Any such established fee must accompany the land use application.

DEFINITIONS:

The following definitions shall apply to the aforementioned Policies:

Future Urban Area:

The Future Urban Area is that geographic area of the County which lies between the Immediate Urban Area and the Metro Urban Growth Boundary as depicted on the Comprehensive Framework Plan map. It is intended to supply the County with sufficient land to meet the County's land use needs through the year 2000.

Immediate Urban Area:

The Immediate Urban Area is that geographic portion of the County depicted on the Comprehensive Framework Plan map, which is intended to meet the immediate land use and development needs of the County and which are planned and programmed for the provision of Urban Services.

Insure:

A legal and enforceable document, contract or process which guarantees to the County a public improvement will be accomplished. Assurances include, but are not limited to, the following:

- * Cash in escrow, assignment of letter of credit, etc.
- * Establishment of an LID (post remonstrance period).
- * Evidence of formal action by other public or private agencies or companies authorizing monies or scheduling of a requisite public improvement.
- * Annexation of the development area to a public agency which has pledged to assume the liability of a requisite improvement.
- * The requisite improvement is included in an adopted RTP or CIP with funds assured by the agency.
- * County assumption of responsibility for the improvement.
- * Dedication of M.S.C.I.P. (major street capital improvement program "system development charge") funds.
- * Any other legally binding arrangement which assures the improvement will be made.

Lot of Record:

As defined in Washington County's Zoning Laws for residential zones within the urban growth boundary. The timing for becoming a lot of record is that the lot was created prior to the date that these management standards would have become otherwise operative as law to the site in question.

Specifically Regulated Areas:

Land areas within the Regional Urban Growth Boundary acknowledged by LCDC to which LCDC Goal #3 (Agriculture) continues to apply.

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Recognizing Washington County Resolution and Order
No. 81-59 as an Adequate Replacement for Metro Ordinance
No. 80-95

I. RECOMMENDATIONS:

- A. **ACTION REQUESTED:** Adoption of the attached Resolution No. 81-244, recognizing Washington County Resolution and Order No. 81-59 as an adequate replacement for Metro Ordinance No. 80-95.
- B. **POLICY IMPACT:** Metro is fulfilling the commitment made to LCDC, at the time the Urban Growth Boundary (UGB) was acknowledged, to ensure that development within the UGB is managed in a manner consistent with Metro's policy guidelines.

The substantive differences between Ordinance No. 80-95, on which Metro had previously relied for this purpose, and the County's recently adopted policies are minor. Terminating Metro's direct involvement in implementation of the policy guidelines is, therefore, appropriate in light of the "Criteria for Metro Involvement" in the Five Year Operational Plan.

- C. **BUDGET IMPACT:** None.

II. ANALYSIS:

- A. **BACKGROUND:** In November, 1979, Metro adopted a set of policy guidelines for regional growth management and committed to ensure implementation of policies consistent with these guidelines in each of the three Metro-area counties. In December, 1979, LCDC acknowledged the Metro UGB based on this commitment.

Multnomah and Clackamas Counties subsequently adopted plan policies adequate to implement Metro's policy guidelines. Because of delays in its comprehensive planning process, Washington County was unable to do so by the established deadline of July 1, 1980. In consequence, Metro adopted Ordinance No. 80-95 to provide interim compliance with the policy guidelines until the County submitted its plan to LCDC or July 1, 1981, whichever came first.

Although the County's current compliance schedule does not provide for plan completion until 1983, the County has adopted a set of growth management policies to guide land

use actions in the interim. As explained in the attached staff report, staff believes these policies provide an adequate basis for growth management in the County, generally consistent with the standards established in Ordinance No. 80-95. Based on the staff recommendation, the Regional Development Committee recommended, at its May 11 meeting that the Council recognize them as an adequate replacement for the Metro ordinance.

- B. ALTERNATIVES CONSIDERED: No alternatives need be considered unless the actual implementation of the County's policies proves insufficient in practice to ensure continued consistency with Metro's policy guidelines.
- C. CONCLUSION: Washington County has expressed its commitment to a growth management strategy generally consistent with Metro's policy guidelines and should be given an opportunity to act on that commitment.

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