



July 26, 2004

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE No. 629**

Enclosed for your information is a copy of proposed Ordinance No. 629. 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 Planning Division.

Ordinance Purpose and Summary

Proposed Ordinance No. 629 amends the Washington County Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Washington County – North Plains Urban Planning Area Agreement by incorporating changes made to the urban growth boundary (UGB) of North Plains. Ordinance No. 629, if adopted, would apply the Future Development – 10 Acre District (FD-10) designation to areas added to the North Plains UGB.

Who Is Affected

Owners of property located in areas added to the urban growth boundary of North Plains.

What Land is Affected

Land located in areas added to the urban growth boundary of North Plains.

Key Provisions

- Amends the Rural/Natural Resource Plan to remove properties added to the urban growth boundary of North Plains.
- Amends Policy 41 of the Comprehensive Framework Plan for the Urban Area by adding the new urban areas to the Future Development Areas map.
- Removes the rural designations on the property added to the UGB and designates the land Future Development – 10 Acre District (FD-10).
- Transfers the Goal 5 resources on the areas added to the UGB from the Rural/Natural Resource Plan to the Goal 5 Resources for Future Development Areas map in Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- Amends the Washington County – North Plains Urban Planning Area Agreement (UPAA) to reference the inclusion of new urban lands. The agreement is also amended to require that the city of North Plains be responsible for planning for the new urban areas. In addition, the previous map showing the UPAA boundary and UGB is deleted and replaced with an updated boundary map.

Initial Public Hearings Time and Place

Planning Commission
1:30 pm
September 1, 2004

Board of County Commissioners
10:00 am
September 21, 2004

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On September 21, the Board of County 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, it would become effective thirty days later.

Urban Comprehensive Plan Policies Amended

- Policy 41, Urban Growth Boundary Expansions

Community Development Code Standards Amended

- None

How to Submit Comments

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **At this time, we are unable to accept e-mail as public testimony.**

Washington County, Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Aisha Willits, Associate Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3961 Fax: 503-846-4412
e-mail: aisha_willits@co.washington.or.us

Proposed Ordinance is available at the following locations:

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2004ord/ord629/Notices & Affidavits/CPO Notice

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 ORDINANCE NO. 629

An Ordinance Amending the Comprehensive
Framework Plan for the Urban Area, the
Rural/Natural Resource Plan, and the
Washington County – North Plains Urban
Planning Area Agreement, Relating to Planning
for New Urban Growth Boundary Lands

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5
6
7 The Board of County Commissioners of Washington County, Oregon, ordains:

8 SECTION 1

9 A. The Board of County Commissioners of Washington County, Oregon, recognizes
10 that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan
11 (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently
12 amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 480, 483,
13 503, 516, 517, 526, 561, 571, 572, 588-590, 598, 608-610, 612, 614, 615, and 620.

14 B. The Board of County Commissioners of Washington County, Oregon, recognizes
15 that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of
16 Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412,
17 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, and 615.

18 C. The Board of County Commissioners of Washington County, Oregon, recognizes
19 that the Washington County – North Plains Urban Planning Area Agreement was adopted by way
20 of Ordinance No. 307 and was subsequently amended by way of Ordinance Nos. 332, 333, 425, and
21 565.

22 ////

1 D. Subsequent ongoing planning efforts of the City of North Plains and the County
2 indicate a need for changes to the Comprehensive Framework Plan for the Urban Area, the
3 Rural/Natural Resource Plan, and the Washington County – North Plains Urban Planning Area
4 Agreement for purposes of applying land use designations to properties recently brought into the
5 urban growth boundary. The Board takes note that such changes are necessary for the benefit of the
6 health, safety, and general welfare of the residents of Washington County, Oregon.

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

13 F. 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 that this Ordinance
15 complies with the Statewide Planning Goals, and the standards for legislative plan adoption, as set
16 forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter, and
17 the Washington County Community Development Code.

18 SECTION 2

19 The following exhibits, attached and incorporated herein by reference, are hereby adopted as
20 amendments to the designated documents:

21 (A) Exhibit 1 (1 page) amending the Rural/Natural Resource Plan Element;

22 /////

- 1 (B) Exhibit 2 (2 pages) amending the Future Development Areas map of the
2 Comprehensive Framework Plan for the Urban Area and the Goal 5 Resources for
3 Future Development Areas map of the Comprehensive Framework Plan for the
4 Urban Area; and
- 5 (C) Exhibit 3 (10 pages) amending the Washington County – North Plains Urban
6 Planning Area Agreement.

7 SECTION 3

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

10 SECTION 4

11 All applications received prior to the effective date shall be processed in accordance with
12 ORS 215.427 (2003 Edition).

13 SECTION 5

14 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid
15 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby
16 and shall remain in full force and effect, and any provision of a prior land use ordinance amended or
17 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full
18 force and effect.

19 SECTION 6

20 The Office of County Counsel and Department of Land Use and Transportation are
21 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this

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1 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,
2 and making any technical changes not affecting the substance of these amendments as necessary to
3 conform to the Washington County Comprehensive Plan format.

4 SECTION 7

5 This Ordinance shall take effect thirty (30) days after adoption.

6 ENACTED this _____ day of _____, 2004, being the _____ reading
7 and _____ public hearing before the Board of County Commissioners of Washington County,
8 Oregon.

9 BOARD OF COUNTY COMMISSIONERS
10 FOR WASHINGTON COUNTY, OREGON

11 _____
12 CHAIRMAN

13 _____
14 RECORDING SECRETARY

15 READING

15 PUBLIC HEARING

16 First _____

17 Second _____

18 Third _____

19 Fourth _____

20 Fifth _____

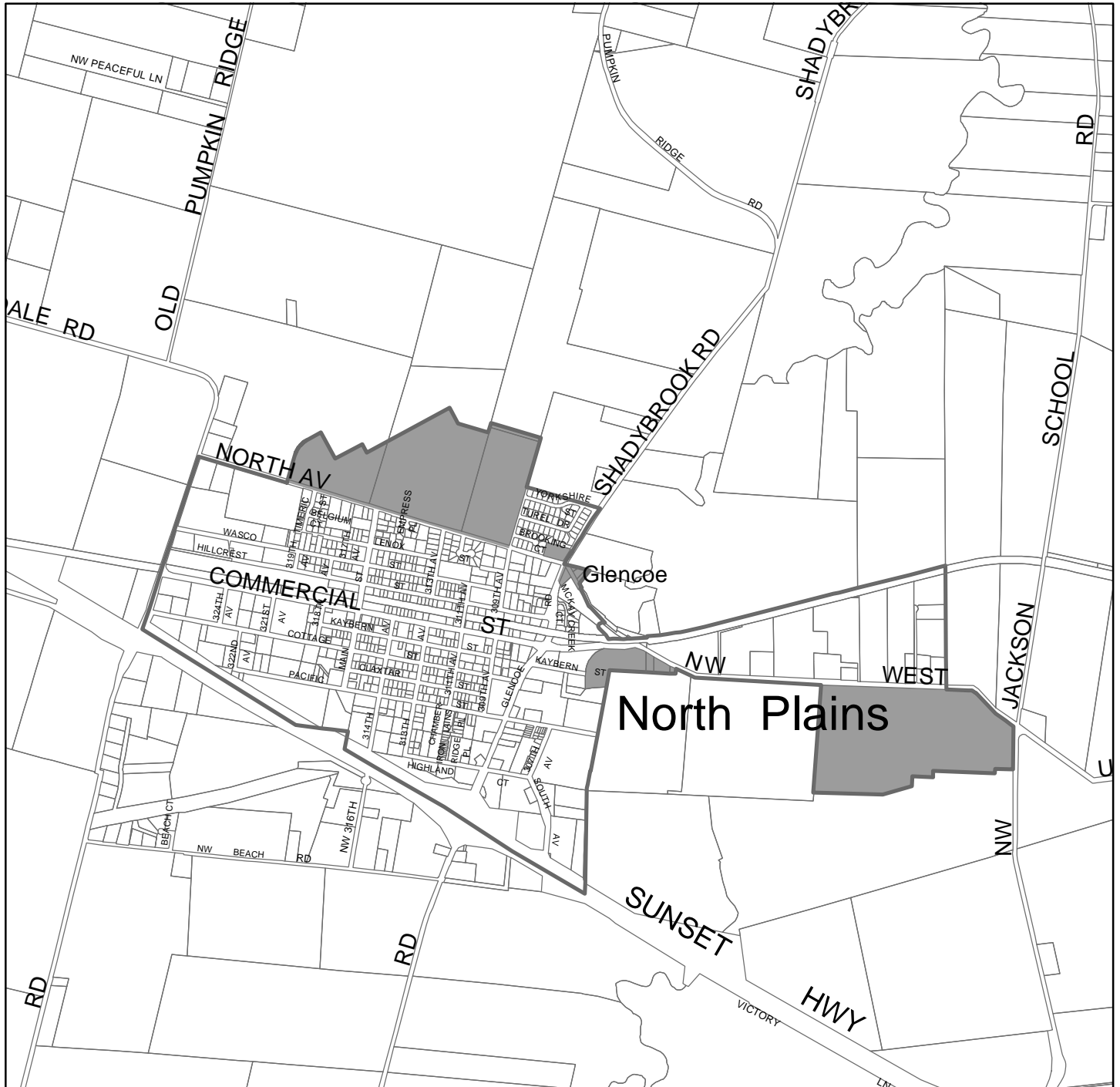
21 Sixth _____

22 VOTE: *Aye*: _____

Nay: _____

Recording Secretary: _____ Date: _____

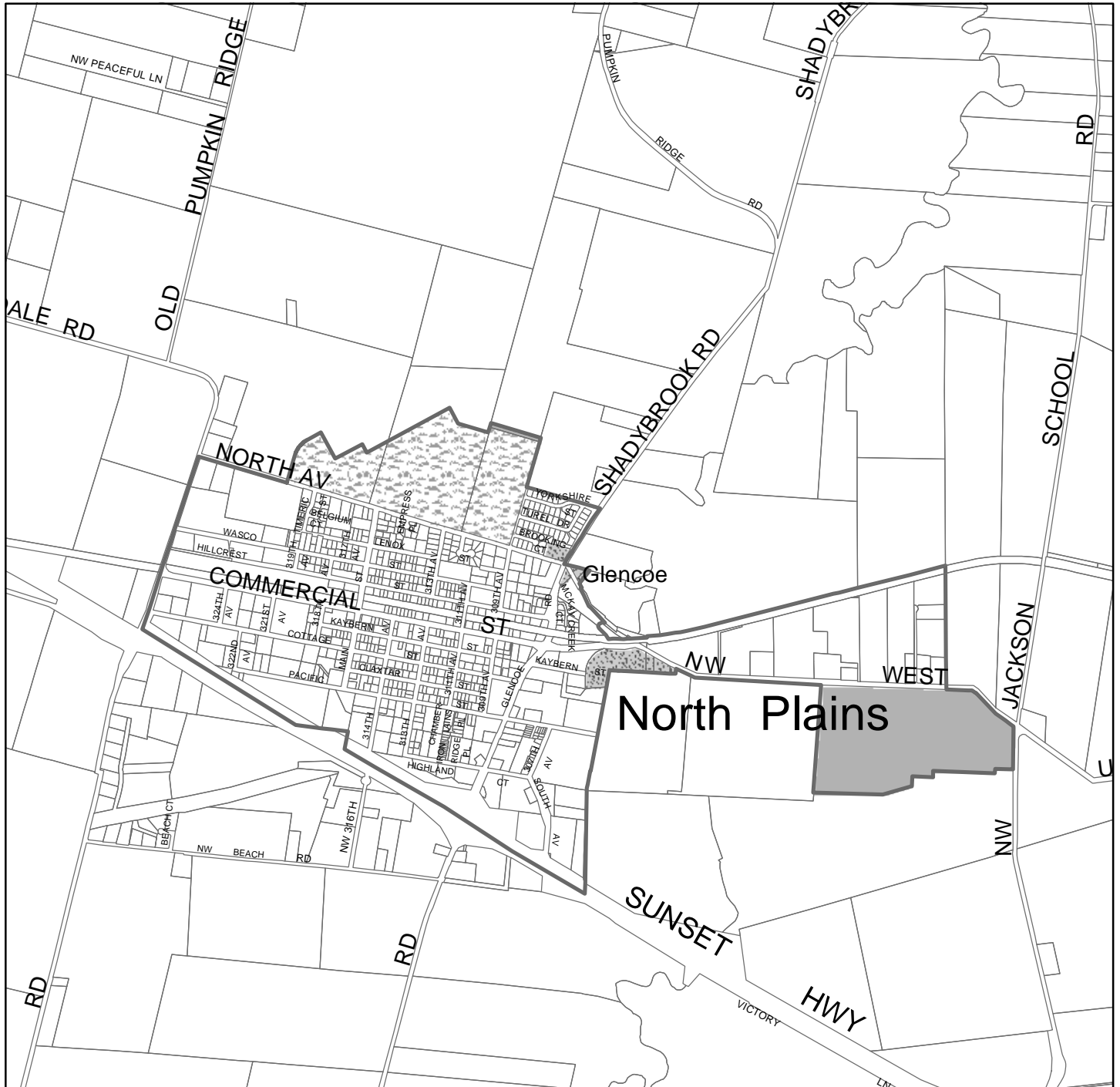
Remove the properties identified below from the Rural/Natural Resource Plan maps.







- Urban Growth Boundary
- Area to be removed from the Rural/Natural Resource Plan



Add the properties shown below to the Future Development Areas map of the Comprehensive Framework Plan for the Urban Area.






-  Urban Growth Boundary
-  Change from AF-20 to FD-10
-  Change from AF-5 to FD-10
-  Change from EFU to FD-10



Add the properties shown below to the Goal 5 Resources for Future Development Areas map of the Comprehensive Framework Plan for the Urban Area.



-  Urban Growth Boundary
-  Water Areas and Wetlands
-  Water Areas, Wetlands & Fish and Wildlife Habitat



The Washington County – North Plains Urban Planning Area Agreement is amended to reflect the following:

12/92

Washington County – North Plains Urban Planning Area Agreement

THIS AGREEMENT is entered into ~~this 27th day of October, 1992~~ by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF NORTH PLAINS, 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 will be implemented; and

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

1. A site-specific Urban Planning Area within which both the COUNTY and the CITY maintain an interest in comprehensive planning;
2. A process for coordinating comprehensive planning and development in the Urban Planning Area; and
3. A process to amend the Urban Planning Agreement; and

WHEREAS, the CITY'S urban growth boundary (UGB) was expanded and approved by the Oregon State Land Conservation and Development Commission in July 2003; and

WHEREAS, the COUNTY and CITY desire to amend the UPAA to reflect the changes in the CITY boundary and the urban growth boundary and the need for urban planning of the new urban land.

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

- I. Location of the Urban Planning Area

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on 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, 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, partitioning 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 45 days prior to the final hearing on adoption. The specific method and level of involvement shall be finalized by "Memorandums of 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. The originating agency shall transmit draft recommendations on any proposed actions to the responding agency for its review and comment before finalizing. Unless otherwise agreed to in a "Memorandum of Understanding", the responding agency shall have ten (10) 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 recommendations, or b) 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 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 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, individual subdivisions, partitioning or planned unit developments, variances, and other similar actions requiring a 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. 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 affect on unincorporated portions of the designated Urban Planning Area.

3. The following procedures shall be followed by the COUNTY and the CITY to notify one another of proposed development actions:
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposal, hereinafter the originating agency, shall send by first class 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 ten (10) days prior to the date of the scheduled public hearing. 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 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, 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 which may affect the community, but are not subject to the notification and participation requirements contained in subsections A and B above.
 - a. The CITY or the COUNTY, whichever has jurisdiction over the proposed actions, hereinafter the originating agency, shall send by first class 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) 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 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.

D. The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon a mutually agreed upon plan.

1. For land which has COUNTY rural plan designations which have been included inside the urban growth boundary (UGB), or land with the FD-10 District designation, the CITY shall be responsible for comprehensive planning, including necessary work to comply with Statewide planning goals and associated administrative rules and requirements. The CITY and COUNTY will enter into an intergovernmental agreement pursuant to which the CITY will adopt urban plan and zoning designations for the land. The parties will apply the coordination provisions of Paragraph II.A.2. of the UPAA. The urban designations will not become effective and development of the land pursuant to the designations will not occur until the land has been annexed to the CITY. As an interim measure, the COUNTY will adopt the FD-10 plan designation for lands which have been included inside the UGB.

III. Special Policies

A. Definitions

- 1. Urban Growth Boundary means the area within which urban development will occur as represented in the City of North Plains' Comprehensive Plan. The CITY is responsible for comprehensive planning within the Urban Growth Boundary.
- 2. Area of Interest means the area adjacent to but outside of the existing Urban Growth Boundary which is not currently identified as needed for urban development by the CITY but is the most logical area for urban expansion should a future need be demonstrated. The COUNTY is responsible for comprehensive planning and development actions within the area of interest until such time as the CITY Urban Growth Boundary is expanded and the area annexed to the CITY.

3. Urban Planning Area means the combined area of the Urban Growth Boundary and the Area of Interest. The CITY and the COUNTY shall notify one another of proposed comprehensive planning and development actions within the Urban Planning Area according to the provisions of this Agreement.
- B. Approval of any annexations outside the CITY's Urban Growth Boundary must be preceded by or in conjunction with a comprehensive plan amendment to the CITY's Urban Growth Boundary. Such amendments shall be subject to the major amendment provisions of the CITY Comprehensive Plan and shall adequately address all applicable LCDC Statewide Planning Goals.
 - C. Amendments to the CITY Urban Growth Boundary within the identified Area of Interest shall not require an amendment to Exhibit "A" of this Agreement. Amendments to the Urban Growth Boundary outside of the identified Area of Interest shall require an amendment to Exhibit "A" as outlined in Section IV of this Agreement.
- 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 agreement or the Urban Planning Area Boundary:
 1. The CITY or 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 days of the date the request is received.
 4. The CITY and COUNTY shall make good faith efforts to resolve requests to amend this 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 (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within 30 days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within 90 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 prior to commencing the study.
 - b. Upon completion of the joint study, the study and the recommendations draw 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 jointly review this Agreement every two (2) years to evaluate the effectiveness of the processes set forth herein and 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 any inconsistencies that may have developed since the previous review. If, after completion of the 60 day review period inconsistencies still remain, either party may terminate this Agreement.
- V. This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated October 25, 1988. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – North Plains Urban Planning Area Agreement dated October 27, 1992. The effective date of this Agreement shall be the last date of signature on the signature pages.

~~This Agreement commences on November 21, 1992.~~

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

CITY OF NORTH PLAINS

By _____ Date 2-1-93
Mayor

Approved as to Form:

By _____
City Attorney

WASHINGTON COUNTY

abcdef Proposed additions
~~abcdef~~ Proposed deletions

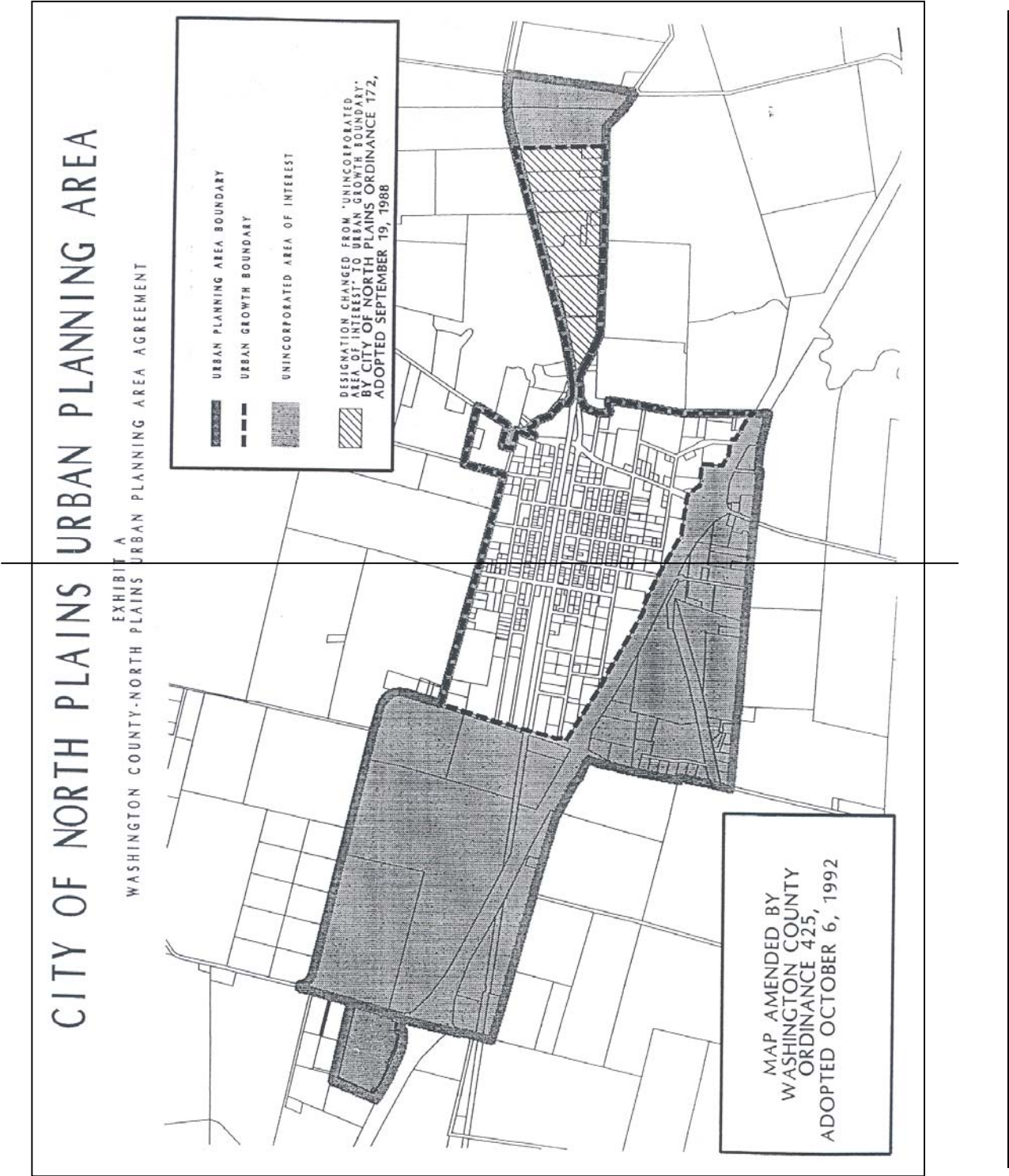
By _____ Date ~~1-7-93~~ _____
Chair, Board of County Commissioners

Approved as to Form:

By _____
County Counsel

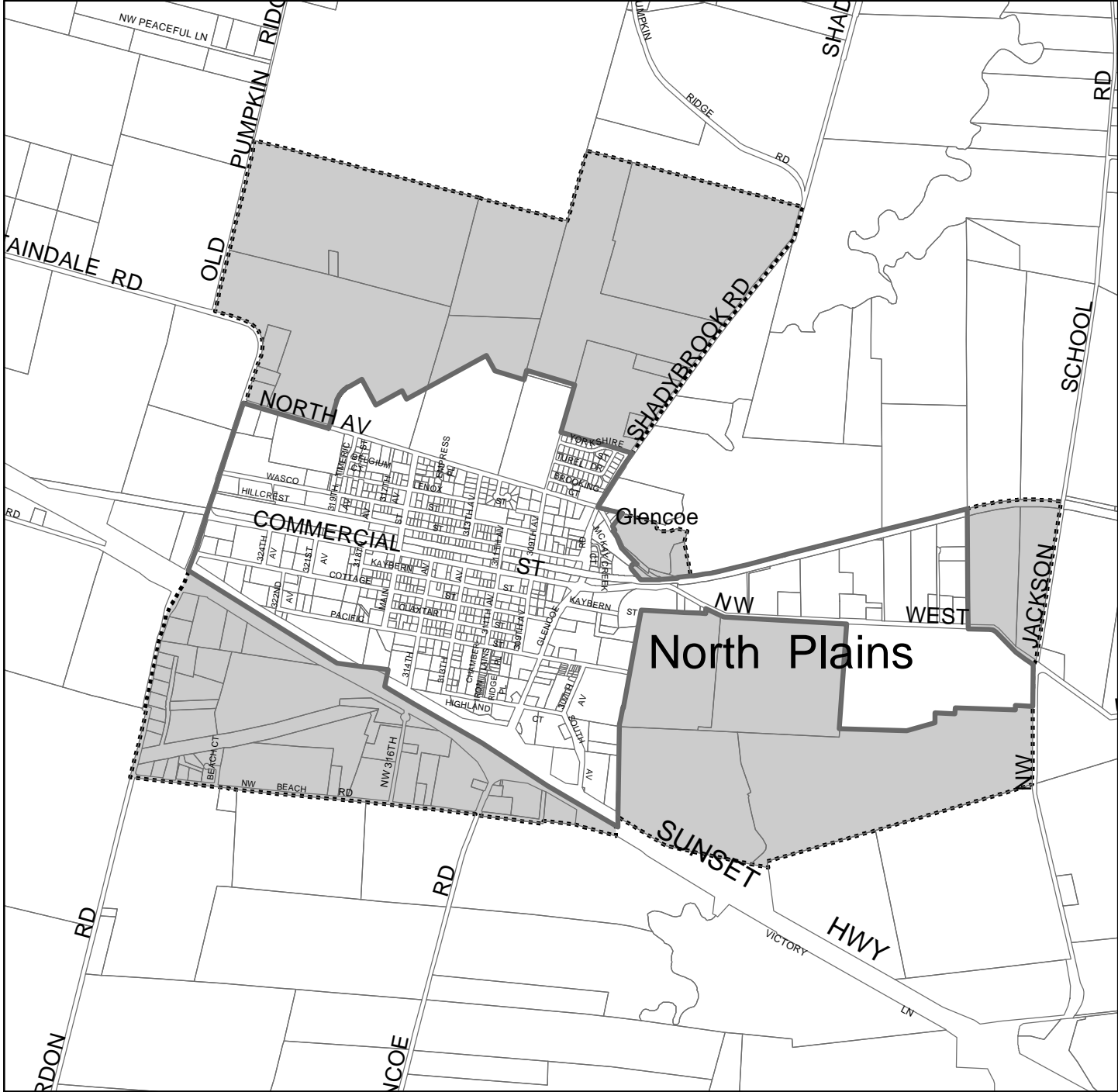
By _____ Date ~~1-7-93~~ _____
Recording Secretary

Delete Exhibit A of the Washington County – North Plains Urban Planning Area Agreement dated October 27, 1992 as shown below:



abcdef Proposed additions
abcdef Proposed deletions

Add the following map as Exhibit A of the Washington County - North Plains Urban Planning Area Agreement.



- Urban Planning Area Boundary
- Urban Growth Boundary
- Unincorporated Area of Interest

