



WASHINGTON COUNTY OREGON

September 7, 2007

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *AB*
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 680**

Enclosed for your information is a copy of proposed Ordinance No. 680. 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

Ordinance No. 680 proposes to amend the Washington County – Wilsonville Urban Planning Area Agreement, originally adopted in 1988, relating to delegation of planning authority for the unincorporated portion of the Wilsonville Urban Planning Area referred to as the Coffee Creek Master Plan Area. The ordinance also updates the agreement's Urban Planning Area boundary map.

Who Is Affected

Owners of land located in the unincorporated portion of the Wilsonville Urban Planning Area.

What Land is Affected

Properties located in the unincorporated portion of the Wilsonville Urban Planning Area.

Key Provisions

- The Washington County – Wilsonville Urban Planning Area Agreement (UPAA) is amended to delegate planning authority for the Coffee Creek Master Plan Area, which is located outside of the city limits and within the Wilsonville Urban Planning Area, to the City of Wilsonville contingent upon selection of a preferred alternative for the I-5/Hwy. 99W connector.
- The ordinance also adds a provision to the UPAA that planning authority for the affected area may be delegated to the City prior to the selection of the preferred connector alternative provided any proposed comprehensive plan amendment preserves the needs for all of the I-5/Hwy. 99W connector alternatives selected by the Project Steering Committee.
- Exhibit A of the existing Wilsonville UPAA, which shows the current Urban Planning Area boundary, is deleted and replaced by a new Exhibit A. The new map reflects an updated Urban Planning Area boundary that includes the Coffee Creek Correctional Facility and the unincorporated area south of Day Road known as the Coffee Creek Master Plan Area.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
October 17, 2007

Board of County Commissioners
6:30 pm
October 23, 2007

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

On October 23, 2007, 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 on November 22, 2007.

**Urban Comprehensive
Plan Policies Amended**

- Washington County – Wilsonville Urban Planning Area Agreement

**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. **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

Andy Back, Principal Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3875 Fax: 503-846-4412
e-mail: andy_back@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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 680

An Ordinance Amending the Washington
County –Wilsonville Urban Planning Area
Agreement Element of the Washington
County Comprehensive Plan

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon (“BCC”) recognizes that the Urban Planning Area Agreement with City of Wilsonville was adopted by Ordinance No. 332 on October 25, 1988, and signed on November 24, 1988.

B. Subsequent ongoing planning efforts of the County indicate a need for an update of the Washington County – Wilsonville Urban Planning Area Agreement to reflect changes to urban planning of the area outside of the city limits and within the Urban Planning Area. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Land Use Ordinance Advisory Commission has carried out its responsibilities, including preparation of notices, and the Planning Commission has conducted one or more public hearings on the proposed amendments and has submitted its recommendations to the Board.

D. The Board finds and takes public notice that it is in receipt of all matters and information necessary to consider, in an adequate manner, this Ordinance, and that this Ordinance complies with the Statewide Planning Goals, the Metro Urban Growth Management

1 Functional Plan, the Regional Transportation Plan, and the standards for legislative plan adoption
2 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
3 Charter, and the Washington County Community Development Code.

4 SECTION 2

5 Exhibit 1 (10 pages), attached hereto and incorporated herein by reference, is hereby
6 adopted in its entirety and shall then repeal and replace the Washington County – Wilsonville
7 Urban Planning Area Agreement dated November 24, 1988, upon full execution of the
8 Agreement by the County and the City.

9 SECTION 3

10 All other Comprehensive Plan provisions, which have been adopted by prior ordinance,
11 and provisions of such prior land use ordinances, which are not expressly amended or repealed
12 herein, shall remain in full force and effect.

13 SECTION 4

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

19 SECTION 5

20 B. The Office of County Counsel and Department of Land Use and Transportation
21 are authorized to codify the amendments and revise the Urban Planning Area Agreement as
22 necessary to reflect the changes adopted herein, including deleting and adding textual material

1 and maps; renumbering pages or sections, and making any technical changes not affecting the
2 substance of adopted ordinances as necessary to conform to the Washington County
3 Comprehensive Plan format.

4 SECTION 6

5 This Ordinance shall take effect 30 days after the date of its enactment.

6 ENACTED this 23 day of October, 2007, being the 1st
7 reading and 1st public hearing before the Board of County Commissioners of
8 Washington County, Oregon.

9 BOARD OF COUNTY COMMISSIONERS
10 FOR WASHINGTON COUNTY, OREGON

11 **ADOPTED**

12 Roy R. Rogers
CHAIRMAN
13 Marian Larkin
RECORDING SECRETARY

14 READING

PUBLIC HEARING

15 First October 23, 2007
16 Second _____
17 Third _____
18 Fourth _____
19 Fifth _____
20 Sixth _____
21 Seventh _____
22 Eighth _____
Ninth _____
Tenth _____
Eleventh _____
Twelfth _____
Thirteenth _____

October 23, 2007

21 VOTE: Aye: Rogers, Duyck, Strader,
Schoufen

Nay: _____

22 RECORDING SECRETARY: Marian Larkin Date: 10-23-07

The Washington County - City of Wilsonville Urban Planning Area Agreement is amended to reflect the following:

8/88

**Washington County – Wilsonville
Urban Planning Area Agreement**

THIS AGREEMENT is entered into ~~this 25th day of October, 1988~~ by WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as the "COUNTY", and the CITY OF WILSONVILLE, an incorporated municipality of the State of Oregon, hereinafter referred to as the "CITY".

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

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

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

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

I. Location of the Urban Planning Area

abcdef Proposed additions
~~abcdef~~ Proposed deletions

The Urban Planning Area mutually defined by the COUNTY and the CITY includes the area designated on Exhibit "A" to this Agreement.

In addition, the CITY and the COUNTY have identified a coordination area in which development may cause an impact on the CITY. This area, defined as that portion of the Willamette River Drainage Basin located in the COUNTY, is identified on Exhibit "A" as the Wilsonville Drainage Area. Comprehensive planning and development shall be coordinated in this area the same manner as in the Urban Planning Area.

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, partitionings 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.

III. Special Policies

- A. Annexations to the CITY of land outside of the Urban Growth Boundary and the Urban Planning Area will not be supported by the COUNTY or CITY.
- B. The CITY shall be responsible for the preparation, adoption and amendment of the Public Facility Plan required by OAR 660-11 within the Urban Planning Area.
- C. For the area outside of the city limits and within the Urban Planning Area, delegation of the planning authority to the CITY is contingent upon selection of a preferred alternative for the I-5/Hwy. 99W connector by the I-5/Hwy. 99W Connector Project Steering Committee. The COUNTY and the CITY may agree through a Memorandum of Understanding to delegate planning authority to the

CITY for this area prior to selection of the preferred alternative provided any proposed comprehensive plan amendment includes the maximum road right of way reservations or such other assurances as are necessary and consistent for preserving the I-5/Hwy. 99W connector alternatives selected by the Project Steering Committee.

- DC. As required by OAR 660-11-010 the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilities under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY.

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 drawn 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 Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County – Wilsonville Urban Planning Area Agreement dated November 24, 1988. The effective date of this Agreement shall be the last date of signature on the signature pages.~~This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986.~~

~~This Agreement commences on November 24, 1988.~~

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

CITY OF WILSONVILLE

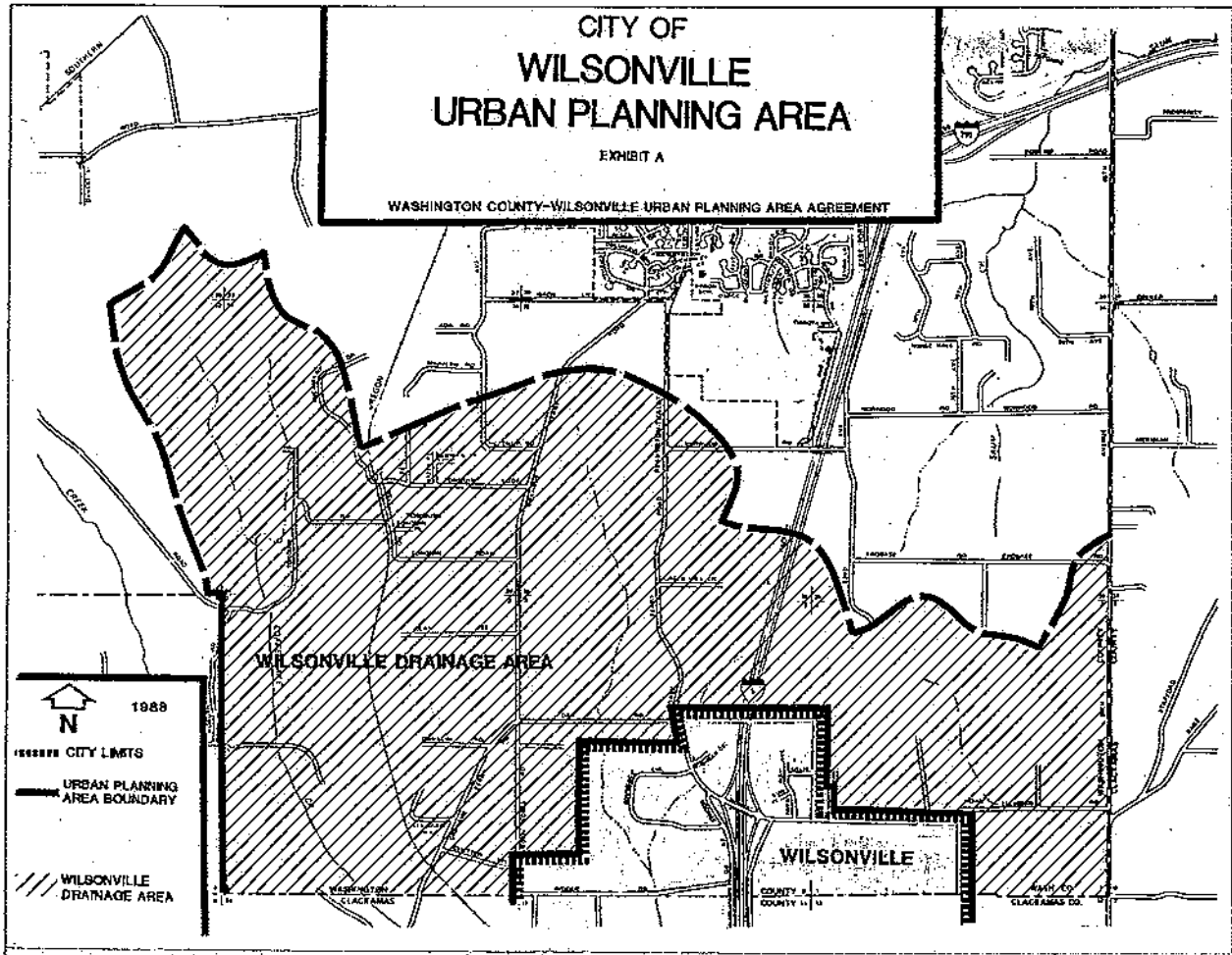
By _____ Date _____
Charlotte Lehan, Mayor

WASHINGTON COUNTY

By _____ Date _____
Chairman
Board of County Commissioners

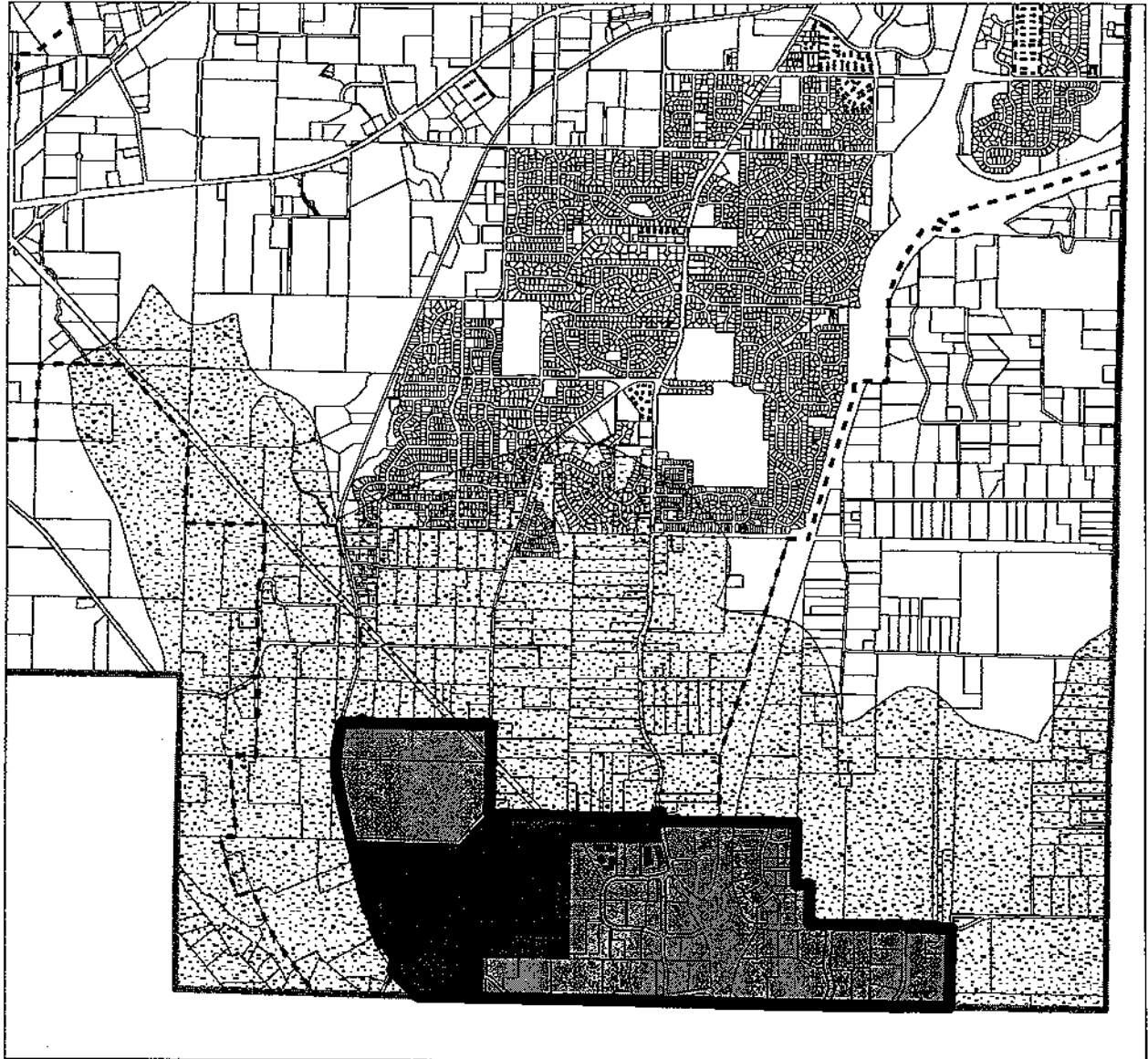
By _____ Date _____
Recording Secretary

Delete existing *Exhibit A - City of Wilsonville Urban Planning Area* as shown below and replace with new Exhibit A on page 10.









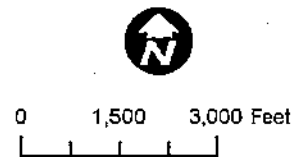
abcdef Proposed additions
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Add new *Exhibit A - City of Wilsonville Urban Planning Area* as shown below to the Washington County - City of Wilsonville Urban Planning Area Agreement.



Legend

- | | | | |
|---|---------------------------------|---|-----------------------|
|  | Wilsonville Urban Planning Area |  | Urban Growth Boundary |
|  | Willamette River Drainage Basin |  | County Boundary |
|  | Coffee Creek Master Plan Area |  | City of Wilsonville |



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