



WASHINGTON COUNTY OREGON

March 7, 2003

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE No. 606**

Enclosed for your information is a copy of proposed Ordinance No. 606. 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 606 proposes to amend the Washington County - Gaston Urban Planning Area Agreement and Rural/Natural Resource Plan Element of the Comprehensive Plan relating to the redesignation of property removed from Gaston's Urban Growth Boundary. Additionally, several rural parcels near Gaston's eastern Urban Growth Boundary (UGB) are proposed to be removed from the planning area boundary.

Who Is Affected

Property owners of tax lot 1S4350002600 and several rural properties near Gaston's eastern UGB.

What Land is Affected

The southern portion of tax lot 1S4350002600 and several rural properties near Gaston's eastern UGB.

Key Provisions

- Ordinance No. 606 proposes to remove the Future Development-10 acre (FD-10) designation on the southern portion of tax lot 1S4350002600 and amend the *Rural/Natural Resource Plan's* Land Use Districts map by designating that portion of tax lot 1S4350002600 Agriculture and Forest District - 20 acres (AF-20). (NOTE: The remaining portion of the tax lot is currently designated AF-20.)
- Ordinance No. 606 proposes to amend the Rural/Natural Resource Plan's Significant Natural Resources map by designating the southern portion of tax lot 1S4350002600 as Water Areas and Wetlands.
- Ordinance No. 606 proposes to amend the Washington County - City of Gaston Urban Planning Area Agreement by removing the southern portion of tax lot 1S4350002600 and several rural properties near Gaston's eastern UGB from the planning area boundary.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
April 16, 2003

Board of County Commissioners
10:00 am
May 6, 2003

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

On May 6th, 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 June 5, 2003.

**Rural/Natural Resource
Plan Policies Amended**

➤ None

**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/ord2003/ord2003.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2115 for a directory of CPOs.

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 Ordinance No. 606 (An Ordinance Amending the Washington
4 (County-City of Gaston Urban Planning
5 (Area Agreement Element and the Rural
6 (Natural Resource Plan Element of the
7 (Comprehensive Plan

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

9 SECTION 1

10 A. The Board of County Commissioners of Washington County, Oregon,
11 recognizes that the Gaston Urban Planning Area Agreement was adopted by way of Ordinance
12 No. 307 and was subsequently amended by way of Ordinance No. 333 and that the
13 “Rural/Natural Resource Plan Element (Rural)” (Volume III) was readopted with amendments,
14 by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342,
15 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 578, and 588.

16 B. Subsequent ongoing planning efforts of the City of Gaston and the County
17 indicate a need for an update of the Washington County-City of Gaston Urban Planning Area
18 Agreement. The Board takes note that such changes are necessary for the benefit of the
19 health, safety, and general welfare of the residents of Washington County, Oregon, and to
20 accommodate projected growth in the Portland metropolitan area.

21 C. Under the provisions of Washington County Charter Chapter X, the Land Use
22 Ordinance Advisory Commission has carried out its responsibilities, including preparation of
23 notices, and the County Planning Commission has conducted a public hearing on the
24 proposed amendments and has submitted its recommendations to the Board. The Board finds

1 that this Ordinance reflects those recommendations and any modifications made by the
2 Board, as a result of the public hearing process.

3 D. The Board finds and takes public notice that it is in receipt of all matters and
4 information necessary to consider this Ordinance in an adequate manner, and that this
5 Ordinance complies with the Statewide Planning Goals, and the standards for legislative plan
6 adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
7 Washington County Charter, and the Washington County Community Development Code.

8 SECTION 2

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

- 11 1. Exhibit "1" (1 page) amending the Rural/Natural Resource
12 Plan Element's Land Use Districts map.
- 13 2. Exhibit "2" (1 page) amending the Rural/Natural Resource
14 Plan Element's Significant Natural Resources map.
- 15 3. Exhibit "3" (9 pages) amending the Washington County-
16 City of Gaston Urban Planning Area Agreement.

17 SECTION 3

18 All other Comprehensive Plan provisions, which have been adopted by prior
19 ordinances and are not expressly amended or repealed herein, shall remain in full force and
20 effect.

21 ///

22 ///

1 SECTION 4

2 All applications completed and submitted under former land use ordinances shall
3 continue to be processed pursuant to the provisions of the former ordinance, until a final
4 decision is rendered by the County or the application is withdrawn, unless specifically
5 provided otherwise by law.

6 SECTION 5

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

12 SECTION 6

13 The Office of County Counsel and Department of Land Use and Transportation are
14 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
15 this Ordinance, including deleting and adding textual material and maps, renumbering pages
16 or sections, adding photographs and accompanying captions that illustrate design principles
17 and standards, and making any technical changes not affecting the substance of these
18 amendments as necessary to conform to the Washington County Development Code format.

19 ////

20 ////

21 ////

22 ////

1 SECTION 7

2 This Ordinance shall take effect 30 days after its enactment.

3 ENACTED this _____ day of _____, 2003, being the _____
4 reading and _____ public hearing before the Board of County Commissioners of
5 Washington County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 _____
CHAIRMAN

9 _____
RECORDING SECRETARY

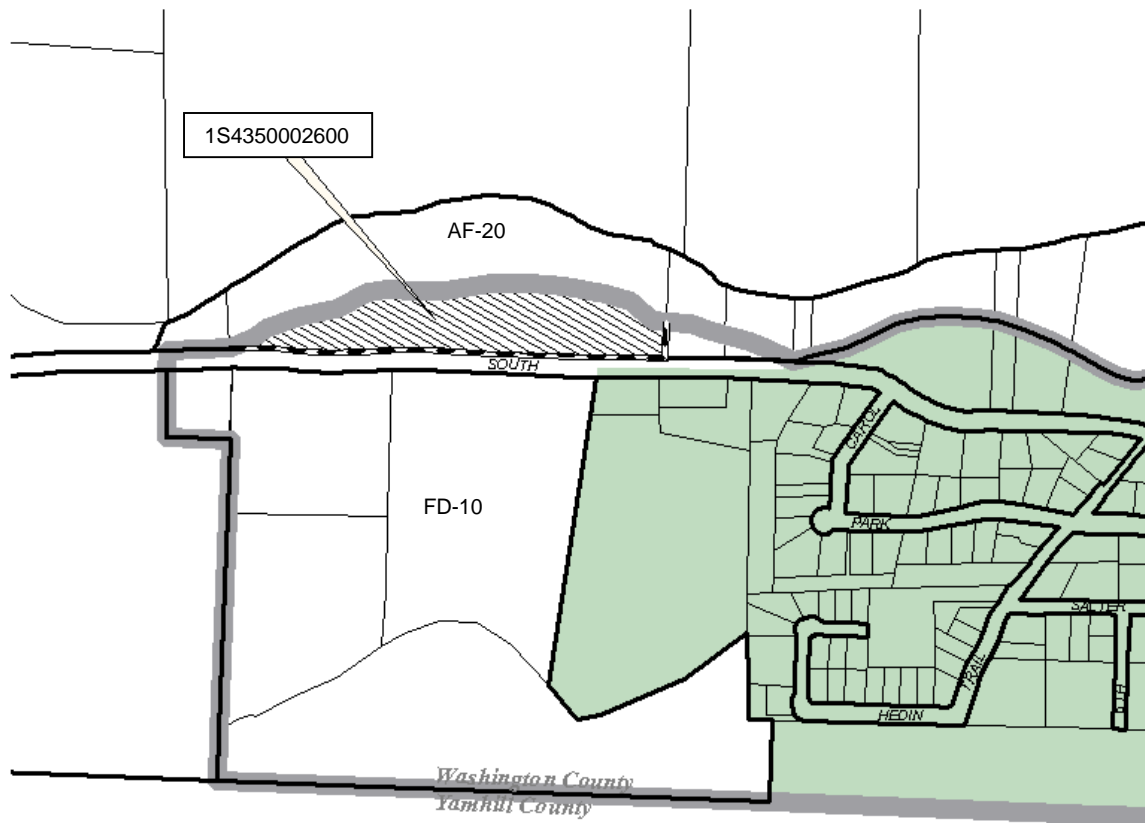
11 READING

11 PUBLIC HEARING






12 First	_____	_____
13 Second	_____	_____
14 Third	_____	_____
14 Fourth	_____	_____

15 Recording Secretary _____ Date _____

Remove the designation of FD-10 from the southern portion of tax lot 1S4350002600 and designate it AF-20 Agriculture and Forest District on the Rural/Natural Resource Plan Element's Land Use Districts map:



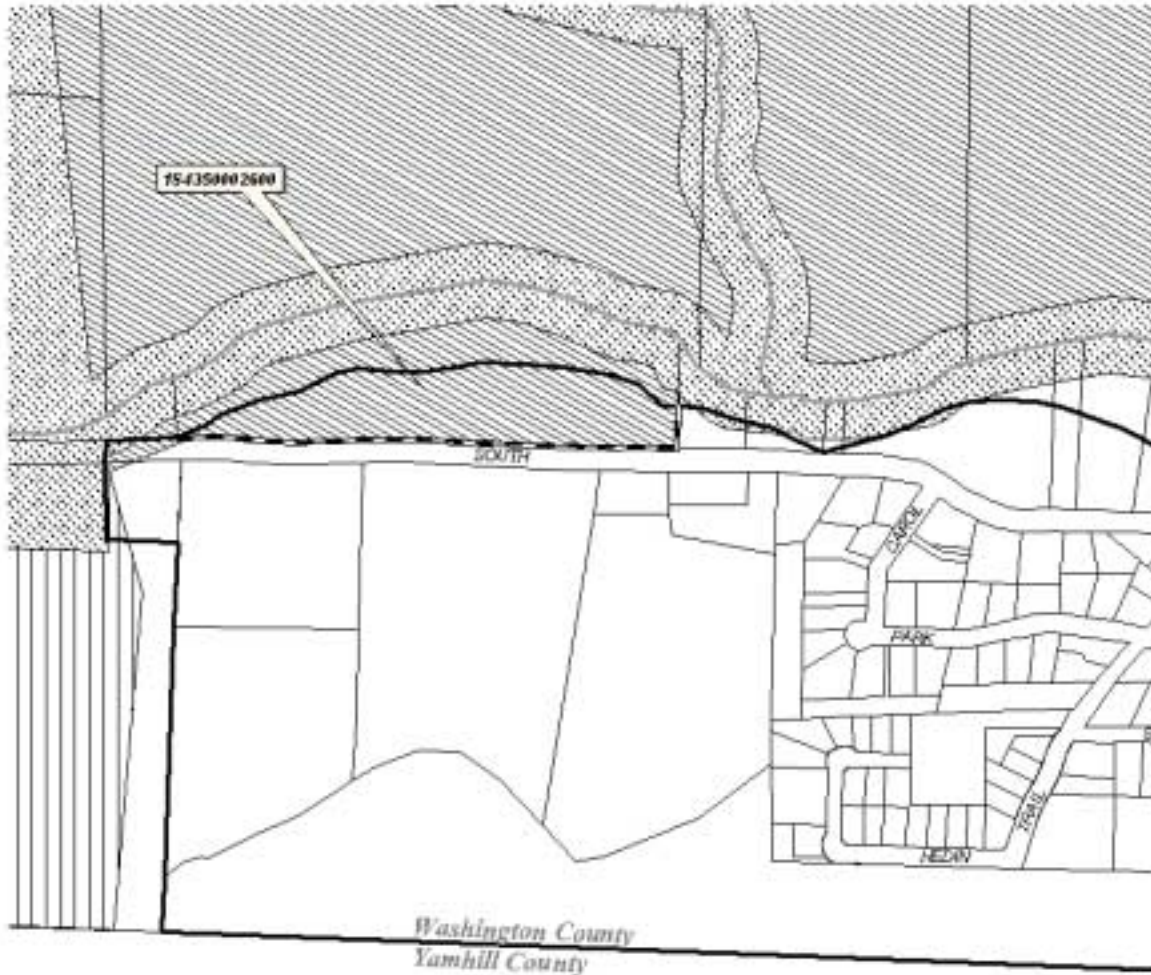
Legend

-  City of Gaston
-  Portion of subject tax lot to be removed from the Urban Growth Boundary and designated AF-20
-  Washington County Land Use Designation
-  Revised Urban Growth Boundary
-  Current Urban Growth Boundary



Washington County
Yamhill County

Amend the Rural/Natural Resource Plan Element's Significant Natural Resources map by adding the southern portion of tax lot 1S4350002600 and designating it as Water Areas and Wetlands:



Legend

154350002600_030203.mxd
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-  Water Areas & Wetlands
-  Wildlife Habitat
-  Water Areas & Wetlands and Fish & Wildlife Habitat
-  Revised Urban Growth Boundary
-  Current Urban Growth Boundary
-  Waterways



The Washington County - Gaston Urban Planning Area Agreement is amended to reflect the following:

8/88 |

Washington County – Gaston 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 GASTON, 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.

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, 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. 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 III (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.
- IV. This Urban Planning Area Agreement repeals and replaces the Urban Planning Area Agreement dated September 9, 1986. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County - Gaston Urban Planning Area Agreement dated October 25, 1988. The effective date of this Agreement shall be the last date of signature on the signature pages.

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 GASTON

By _____ Date: _____
Mayor

Approved as to Form:

By _____
City Attorney

WASHINGTON COUNTY

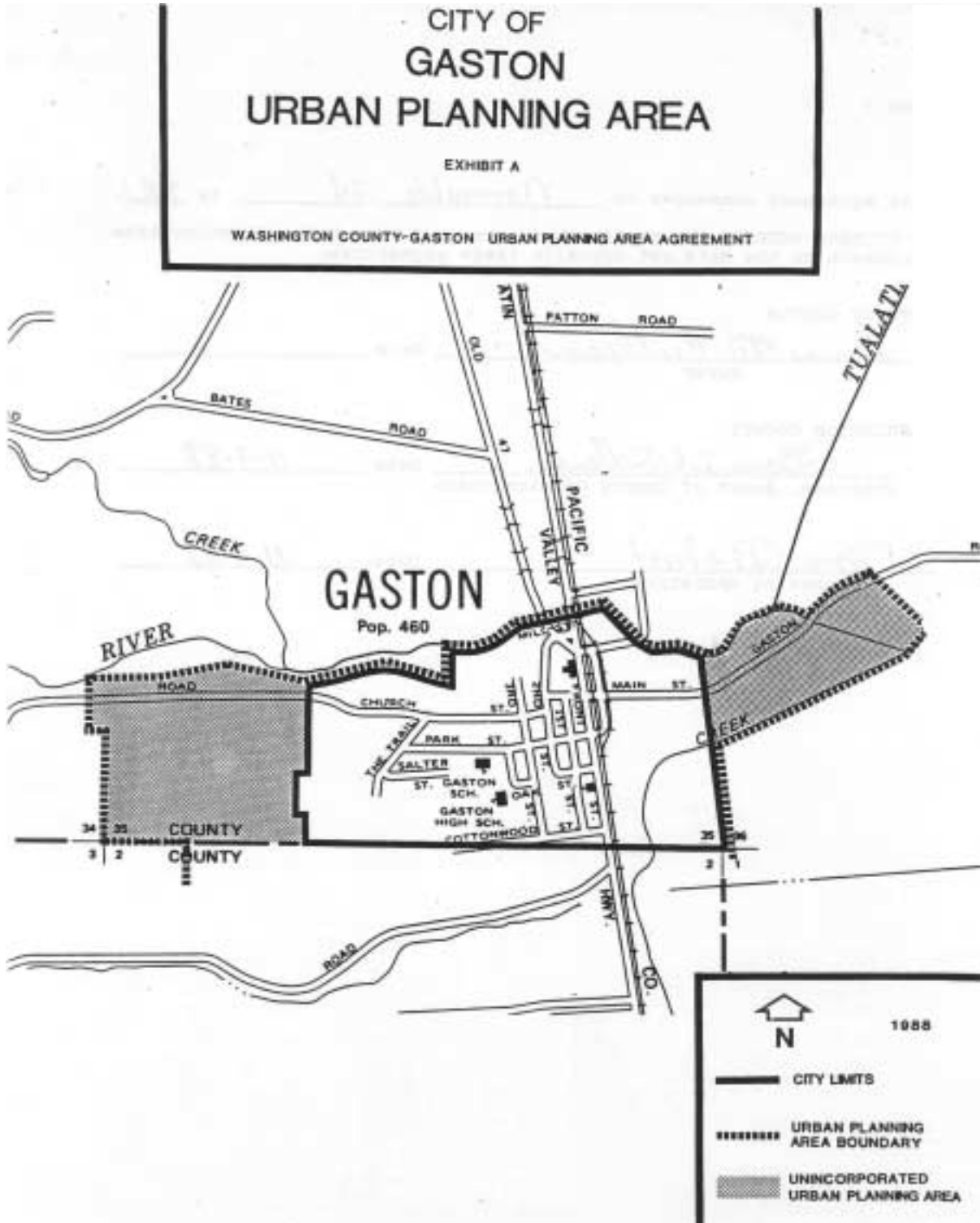
By _____ Date: 11-9-88 _____
Chair, Board of County Commissioners

Approved as to Form:

By _____
County Counsel

By _____ Date: 11-9-88 _____
Recording Secretary

Delete Exhibit A of the Washington County - Gaston Urban Planning Area Agreement dated October 25, 1988 as shown below:



abcdef Proposed additions
abcdef Proposed deletions

Add the following map as Exhibit A of the Washington County - Gaston Urban Planning Area Agreement:

**Washington County - Gaston Urban Planning Area Agreement
Exhibit A**



~~abc~~ef Proposed additions
~~abc~~ef Proposed deletions