



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/29/2014
Jurisdiction: Washington County
Local file no.: Ordinance 784
DLCD file no.: 005-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/26/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 005-14 {22295}

Received: 9/26/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Washington County

Local file no.: A-Engrossed Ordinance No. 784

Date of adoption: September 23, 2014

Date sent: September 25, 2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD? Yes – May 29, 2014

Is the adopted change different from what was described in the Notice of Proposed Change?

If yes, describe how the adoption differs from the proposal:

Yes. A-Engrossed Ordinance 784 included the following changes:

1. Ensure distinction between farmers markets and farm stands in Exclusive Farm Use (EFU) and Agriculture and Forest (AF-20) land use districts.
2. Revise hours of operation to allow a 5:00 a.m. start time.
3. Revise percentage of farm products offered and types of vendors to 50% averaged over the market season.
4. Add Principal Arterial to list of allowed roadway classifications to which a farmers market must be adjacent.
5. Clarify that farmers markets are not allowed in residential land use districts.

Local contact (name and title): Mike Dahlstrom, Senior Planner

Phone: (503) 846-8101

E-mail: mike_dahlstrom@co.washington.or.us

Street address: 155 N. First Avenue

City: Hillsboro

Zip: 97124

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

A-Engrossed Ordinance No. 784 amends sections of Washington County's Community Development Code: 106, 302, 303, 304, 305, 306, 307, 308, 309, 314, 352, 354, 375, 390, and 430.

A-Engrossed Ordinance No. 784 meets provisions in Statewide Planning Goals; 1, 2, and 9.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from _____ to _____ acres. A goal exception was required for this change.

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

A-Engrossed Ordinance No. 784 amends sections of Washington County's Community Development Code: DEFINITIONS 106; RESIDENTIAL 5 UNITS PER ACRE 302; RESIDENTIAL 6 UNITS PER ACRE 303; RESIDENTIAL 9 UNITS PER ACRE 304; RESIDENTIAL 15 UNITS PER ACRE 305; RESIDENTIAL 24 UNITS PER ACRE 306; RESIDENTIAL 25+ UNITS PER ACRE 307; FUTURE DEVELOPMENT 20-ACRE DISTRICT 308; FUTURE DEVELOPMENT 10-ACRE DISTRICT 309; GENERAL COMMERCIAL DISTRICT 314; RURAL COMMERCIAL DISTRICT 352; RURAL INDUSTRIAL DISTRICT 354; TRANSIT ORIENTED DISTRICT 375; NORTH BETHANY SUBAREA OVERLAY DISTRICT 390; and SPECIAL USE STANDARDS 430.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (CPO All)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 784 –
AN ORDINANCE AMENDING THE COMMUNITY
DEVELOPMENT CODE TO EXPAND ALLOWABLE
LOCATIONS FOR FARMERS MARKETS AND LOWER
APPLICATION COSTS**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 784 proposes to amend the Community Development Code by expanding the allowable land use designations for Farmers Markets and changing the application process to a Type I Temporary Use valid for one year and renewable annually. The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

The Board conducted its initial public hearing for Ordinance No. 784 on August 5, 2014 and directed engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the September 2nd hearing. The Board held its first hearing for A-Engrossed Ordinance No. 784 on September 2, 2014 and continued the hearing to September 23, 2014.

The staff report for the September 23, 2014 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 784 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 784.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	4.b.
Date:	09/23/14

AUG 19 2014

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 784

An Ordinance Amending the Community
Development Code Relating to Farmers Markets

The Board of County Commissioners of Washington County, Oregon ("Board")
ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon,
recognizes that the Community Development Code Element of the Comprehensive Plan
(Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance
No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-
378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434,
436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489,
504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,
581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,
694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-
758, 760, 762, 763, 765, 766, and 769-776.

B. As part of its ongoing planning efforts Washington County staff has identified
amendments to the Community Development Code to allow for Type I, temporary use
permits and to expand allowable land use designations for the operation of farmers markets.

1 The Board recognizes that such changes are necessary from time to time for the benefit and
2 welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the
4 Department of Land Use and Transportation has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to the
7 Board. The Board finds that this Ordinance is based on those recommendations and any
8 modifications made by the Board are a result of the public hearings process;

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

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as amendments to the designated documents as follows:

- 18 1. Exhibit 1 (9 pages), amending the following sections of the Community
19 Development Code:
 - 20 a. Section 106 – DEFINITIONS:
 - 21 i. Section 106-80 is added to define Farmers Market;
 - 22 ii. Section 106-80.1 is added to define Mini Farmers Market;

- iii. Section 106-80.2 is added to define Farm Products;
- iv. Section 106-80.3 is added to define Producer;
- v. Section 106-80.4 is added to define Value-added Farm Product;
- b. Section 302-2.9 of the RESIDENTIAL 5 UNITS PER ACRE DISTRICT (R-5) is amended to exclude Farmers Markets;
- c. Section 303-2.9 of the RESIDENTIAL 6 UNITS PER ACRE DISTRICT (R-6) is amended to exclude Farmers Markets;
- d. Section 304-2.11 of the RESIDENTIAL 9 UNITS PER ACRE DISTRICT (R-9) is amended to exclude Farmers Markets;
- e. Section 305-2.9 of the RESIDENTIAL 15 UNITS PER ACRE DISTRICT (R-15) is amended to exclude Farmers Markets;
- f. Section 306-2.9 of the RESIDENTIAL 24 UNITS PER ACRE DISTRICT (R-24) is amended to exclude Farmers Markets;
- g. Section 307-2.8 of the RESIDENTIAL 25+ UNITS PER ACRE DISTRICT (R-25+) is amended to exclude Farmers Markets;
- h. Section 308-2.8 of the FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20) is amended to exclude Farmers Markets;
- i. Section 309-2.8 of the FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10) is amended to exclude Farmers Markets;
- j. Section 314-3.12 of the GENERAL COMMERCIAL DISTRICT (GC) is amended to delete Farmers Market as a use permitted through a Type II Procedure;

- 1 k. Sections 352-2.4 and 352-3.1 of the RURAL COMMERCIAL DISTRICT
2 (R-COM) are amended to allow Farmers Markets as a temporary use;
- 3 l. Sections 354-2.2 and 354-3.1 of the RURAL INDUSTRIAL DISTRICT
4 (R-IND) are amended to allow Farmers Markets as a temporary use;
- 5 m. Section 375-7 24 of the TRANSIT ORIENTED DISTRICTS is amended
6 to prohibit Farmers Markets from all residential Transit Oriented Districts;
- 7 n. Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT:
- 8 i. Section 390-8.2 K of the R-6 North Bethany District (R-6 NB) is
9 amended to exclude Farmers Markets;
- 10 ii. Section 390-9.2 L of the R-9 North Bethany District (R-9 NB) is
11 amended to exclude Farmers Markets;
- 12 iii. Section 390-10.2 I of the R-15 North Bethany District (R-15 NB) is
13 amended to exclude Farmers Markets;
- 14 iv. Section 390-11.2 I of the North Bethany District (R-24 NB) is
15 amended to exclude Farmers Markets;
- 16 v. Section 390-12.2 H of the R-25+ North Bethany District (R-25+ NB)
17 is amended to exclude Farmers Markets;
- 18 vi. Section 390-13.2 of the Neighborhood Corner Commercial District
19 (NCC NB) is amended to specifically exclude Farmers Markets as
20 a temporary use permitted through a Type I Procedure;
- 21 vii. Section 390-14.2 of the Neighborhood Commercial Mixed Use
22 District (NCMU NB) is amended to specifically exclude Farmers

Markets as a temporary use permitted through a Type I Procedure;

viii. Section 390-15.2 of the Institutional North Bethany District (INST

NB) is amended to exclude Farmers Markets;

o. Section 430 – Special Use Standards is amended to provide standards regarding Farmers Markets.

SECTION 3

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

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages or sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

///

The following sections of the Community Development Code area amended as shown below:

1. Section 106 DEFINITIONS

106-79 Farm Use As defined by Oregon Revised Statutes

106-80 Farmers Market An outdoor market open to the public, operated by a public agency, a nonprofit corporation, or one or more producers, at which:

A. At least fifty (50) percent of the products sold are farm products or value-added farm products as computed over the entirety of the market offerings or within a vendor's mix of offerings and over the length of the market season;

B. At least fifty (50) percent of the vendors regularly participating during the market's hours of operation are producers, or family members or employees of producers; and-

C. Farmers Markets are distinct from Farm Stands and are not allowed in EFU or AF-20 land use districts.

106-80.1 Mini Farmers Market Defined same as farmers market but with a maximum of five (5) vendors.

106-80.2 Farm Products Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock and dairy food products (including meat, milk, cheese and other dairy products), poultry, seafood, fish, or similar products approved by the Director or the Director's designee.

106-80.3 Producer A person or business that raises or produces farm products on land that the person or business farms and owns, rents, or leases. Also means a person or business that propagates and/or harvests fish, seafood, or other aquatic species.

106-80.4 Value-added Farm Product Any product processed by a producer from a farm product such as baked goods, jams, and jerky.

2. Section 302 – R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-2 Uses Permitted Through a Type I Procedure

abcdef Proposed additions
abcde Proposed deletions

302-2.9 Temporary Use - Section 430-135.1, excluding C (9). |

3. Section 303 – R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-2 Uses Permitted Through a Type I Procedure

303-2.9 Temporary Use - Section 430-135.1, excluding C (9). |

4. Section 304 – R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-2 Uses Permitted Through a Type I Procedure

304-2.11 Temporary Use - Section 430-135.1, excluding C (9). |

5. Section 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-2 Uses Permitted Through a Type I Procedure

305-2.9 Temporary Use - Section 430-135.1, excluding C (9). |

6. Section 306 – R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-2 Uses Permitted Through a Type I Procedure

306-2.9 Temporary Use - Section 430-135.1, excluding C (9). |

7. Section 307 – R-25+ DISTRICT (RESIDENTIAL 25+ UNITS PER ACRE)

307-2 Uses Permitted Through a Type I Procedure

307-2.8 Temporary Use - Section 430-135.1, excluding C (9). |

8. Section 308 – FD-20 DISTRICT (FUTURE DEVELOPMENT 20-ACRE DISTRICT)

308-2 Uses Permitted Through a Type I Procedure

308-2.8 Temporary Use - Section 430-135.1, excluding C (9). |

9. Section 309 – FD-10 DISTRICT (FUTURE DEVELOPMENT 10-ACRE DISTRICT)

309-2 Uses Permitted Through a Type I Procedure

309-2.8 Temporary Use - Section 430-135.1, excluding C (9). |

10. Section 314 GENERAL COMMERCIAL DISTRICT (GC)

314-3 Uses Permitted Through a Type II Procedure

~~314-3.12 Farmers' Market.~~

11. Section 352 RURAL COMMERCIAL DISTRICT (R-COM)

352-2 Uses Permitted Through a Type I Procedure

352-2.4 Temporary Uses - Section 430-135.1 A., B., C. (~~4~~, 5, and 9), D., E., F., and H.

352-3 Uses Which May Be Permitted Through a Type II Procedure

352-3.1 M. Open air businesses, except as provided for by Section 430-135.1 B. (1) and (2), and C (9) for the sale of farm or forest products for such uses as plant material, produce and firewood. These uses are exempt from Section 352-3.2.

12. Section 354 RURAL INDUSTRIAL DISTRICT (R-IND)

354-2 Uses Permitted Through a Type I Procedure

354-2.2 Temporary Uses - Sections 430-135.1 A. and C. (5 and 9); 430-135.1 H.

354-3 Uses Permitted Through a Type II Procedure

354-3.1 N. Temporary Use - Section 430-135.2 A and C (9). These uses are exempt from Section 354-3.2.

13. Section 375 – TRANSIT ORIENTED DISTRICTS

~~abc~~def Proposed additions

~~abc~~def Proposed deletions

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

24. Type I temporary uses and structures, as defined in Section 430-135.1, shall be allowed in all TO Districts subject to the provisions of Section 430-135.1, except that temporary uses as defined in Section 430-135.1 C (9) are not allowed in the following TO Districts: TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, and TO:R80-120.

14. Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-8 R-6 North Bethany District (R-6 NB)

390-8.2 Uses Permitted Through a Type I Procedure

K. Temporary Use – Section 430-135.1, except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C(9)).

390-9 R-9 North Bethany District (R-9 NB)

390-9.2 Uses Permitted Through a Type I Procedure

L. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C(9)).

390-10 R-15 North Bethany District (R-15 NB)

390-10.2 Uses Permitted Through a Type I Procedure

- I. Temporary Use – Section 430-135.1, except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

390-11 R-24 North Bethany District (R-24 NB)

390-11.2 Uses Permitted Through a Type I Procedure

- I. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

390-12 R-25+ North Bethany District (R-25+ NB)

390-12.2 Uses Permitted Through a Type I Procedure

- H. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

390-13 Neighborhood Corner Commercial District (NCC NB)

390-13.2 Uses Permitted Through a Type I Procedure

- G. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

390-14 Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.2 Uses Permitted Through a Type I Procedure

- F. Temporary Use – Section 430-135 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G.) and temporary use permit for Farmers Markets (430-135.1 C (9)).

390-15 Institutional North Bethany District (INST NB)

390-15.2 Uses Permitted Through a Type I Procedure

- G. Temporary Use – Section 430-135 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G.) and temporary use permit for Farmers Markets (430-135.1 C (9)).

15. Section 430 SPECIAL USE STANDARDS

430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

- C. The following temporary permits may be issued through a Type I procedure for a period not to exceed one (1) year:

- (9) Farmers Market and Mini Farmers Market (as defined in Section 106-80) may be allowed where the following requirements are met:

- (a) The Farmers Market site abuts a Collector, Arterial, or Principal Arterial roadway as defined in the Washington County Transportation System Plan.

- (b) Mini Farmers Market site is allowed in all Institutional land use plan designations regardless of adjacent roadway classification.
- (c) The site has access to paved or graveled parking.
- (d) Comply with all federal, state, and county laws and regulations relating to the operation, use, and enjoyment of the market premises.
- (e) Receive all required operating and health permits, and these permits (or copies) shall be in possession of the farmers or mini-farmers market manager or the vendor, as applicable, on the site of the farmers market or mini-farmers market during all hours of operation.
- (f) Have an established set of operating rules addressing the governance structure, maintenance, and security requirements and responsibilities, and appointment of a market manager.
- (g) Have a market manager or designee authorized to direct the operations of all participating vendors on the site of the market during all hours of operation.
- (h) Provide for recycling and waste removal in accordance with all applicable county requirements.
- (i) Provide a litter control program. Trash and recycling receptacles shall be provided on-site. Written verification must be provided that the market manager or designee will conduct at a minimum daily on-site litter pickup and an off-site litter pickup along sidewalks adjacent to the site.
- (j) Provide motorized and non-motorized (e.g., bicycles) parking for their patrons at a minimum rate of one (1) off-street parking space for each one (1) vendor and minimum of one (1) bicycle parking space for each one (1) vendor, located in close proximity to the farmers market entrance.
- (k) Comply with the following permitted days and hours of operation:
 - (i) No more than twice weekly;
 - (ii) Hours of operation: 5:00 a.m. to 8:00 p.m., including set-up and tear-down of booths, canopies, and other temporary structures; and
 - (iii) All structures, canopies, product, and other items associated with, or used by, the vendors must be removed by the end of the hours of operation.

(l) Temporary permits for farmers market and mini farmers market shall
be renewed annually.

S:\PLNG\WPSHARE\2014ord\Ord784_FarmMkts\Exhibits\Engrossment\A-EngOrd784_Exhibit1.doc

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO All)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 784

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 784 amends the Community Development Code by expanding the allowable land use designations for Farmers Markets and changing the application process to a Type I Temporary Use valid for one year and renewable annually. A-Engrossed Ordinance No. 784 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are amendments made to the county's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 784. Prior to the September 23, 2014 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

Clerk's Desk Item: Ordinance Findings *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 784 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 14-106

Agenda Item No.

5.a.

Date:

09/23/14

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 784) No. 14-106

This matter having come before the Washington County Board of Commissioners at its meeting of September 23, 2014; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 784; and

It appearing to the Board that the findings attached as Exhibit "A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on July 16, 2014, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

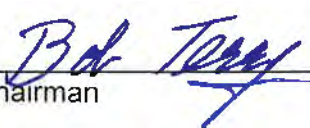
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 784 are hereby adopted.

DATED this 23rd day of September 2014.

DUYCK	☒	☐	☐
SCHOUTEN	☒	☐	☐
MALINOWSKI	☒	☐	☐
ROGERS	☐	☐	☒
APPROVED AS FORM:	☒	☐	☐

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


County Counsel
For Washington County, Oregon


Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 784 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO FARMERS MARKETS

September 23, 2014

GENERAL FINDINGS

A-Engrossed Ordinance No. 784 amends the Community Development Code (CDC) to expand allowable land use designations for Farmers Markets and change the application process to a Type I Temporary Use permit valid for one year and renewable annually.

Currently a Farmers Market is only allowed in the General Commercial (GC) and North Bethany Neighborhood Corner Commercial land use districts and only through a Type II application process.

Key Ordinance Provisions

- Defines Farmers Market, Mini Farmers Market, Farm Products, Value-added Farm Products, and Producers.
- Allows Farmers Markets and Mini Farmers Markets through a Type I Temporary Use permit good for one year and renewable annually with certain conditions including limits on operation, parking management, garbage collection, and recycling plans.
- Distinguishes the difference between Farmers Market and Farm Stands in Exclusive Farm Use (EFU) and Agricultural Forest (AF-20) land use districts (Farmers Markets are not an allowed use in EFU or AF-20 districts.)
- Expands allowable land use districts for Farmers Markets to all commercial, institutional, industrial, rural commercial, rural industrial, transit oriented retail and commercial, and transit oriented business districts where properties abut a Collector, Arterial, or Principal Arterial roadway.
- Specifies all residential land use districts where Farmers Markets and Mini Farmers Markets are not an allowed use.
- Allows Mini Farmers Markets in all institutional land use districts regardless of adjoining road classification.
- Clarifies that A-Engrossed Ordinance 784 does not change any provisions in the CDC for the North Bethany Subarea.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners finds that the Goals apply to

amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 784 is consistent with Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) requirements, Metro's Urban Growth Management Functional Plan and the Washington County Comprehensive Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the proceeding below. In addition, none of the proposed changes to the text of the plan implicate a goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 784.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt A-Engrossed Ordinance No. 784. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 9 - Economy of the State

Policy 20 in the Comprehensive Framework Plan for the Urban Area sets out the county's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 784 amends the application process for Farmers Markets and Mini Farmers Markets. The amendments reduce the processing costs and times considerably. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 784. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Findings of Compliance with Metro's Urban Growth Management Functional Plan

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan (UGMFP.) Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans.

Title 8 requires jurisdictions to submit notice to Metro at least 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Consistent with Title 8, staff sent a copy of proposed Ordinance No. 784 to Metro on May 29, 2014, 49 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 784. Staff also sent a copy of proposed A-Engrossed Ordinance No. 784 to Metro on August 22, 2014. Metro provided no comments on A-Engrossed Ordinance No. 784.

The findings in this document demonstrate that the amendments made by this ordinance are in compliance with the UGMFP.