



# Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

7/20/2009

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Washington County Plan Amendment  
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Monday, August 03, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Joy L. Chang, Washington County  
Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative

<paa> YA

# 2 DLCD Notice of Adoption

in person  electronic  mailed

**DEPT OF**

**JUL 13 2009**

**LAND CONSERVATION AND DEVELOPMENT**

DLCD USE ONLY

THIS FORM **MUST BE MAILED** TO DLCD WITHIN  
**5 WORKING DAYS AFTER THE FIRST FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 713**

Date First Evidentiary Hearing: **6/17/2009**

Date of Final Hearing: **7/7/2009**

Date Notice of Adoption form (Form #2) was sent to DLCD: **7/9/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **5/1/2009**

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):  
**Ordinance 713 proposes to change the Trails and Pedestrian System Map of the Washington County 2020 Transportation Plan to include the "B" Street Trail located on the south side of the City of Forest Grove.**

Does the Adoption differ from proposal? No, no explanation is necessary

Plan map changed from: **N/A** to: **N/A**

Zone map changed from: **N/A** to: **N/A**

Location: **On the south side of the City of Forest Grove, between the City of Forest Grove, between the city limits and Hwy 47, parallel to Old Hwy 47.**

Specify density: Previous: **N/A** New density: **N/A** Acres involved: **0**

Mark applicable statewide planning goals:

- |                                     |                                     |                                     |                          |                          |                          |                          |                                     |                          |                          |                          |                                     |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                                   | 2                                   | 3                                   | 4                        | 5                        | 6                        | 7                        | 8                                   | 9                        | 10                       | 11                       | 12                                  | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment 45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 004-09 (17552) [15615]

Please list affected state or federal agencies, local governments or special districts: **City of Forest Grove and Unincorporated Rural Washington County**

Local Contact: **Joy L. Chang**  
E-mail: **joy\_chang@co.washington.or.us**  
Phone: **(503) 846-3873**

Address: **155 N. First Ave., Suite 350-14**  
City: **Hillsboro** Zip: **97124**  
Fax: **(503) 846-4412**

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## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and First Public Hearing (CPO 11  
Land Use & Transportation; County Counsel and 12F)

**Agenda Title:** PROPOSED ORDINANCE NO. 713 – AN ORDINANCE  
AMENDING THE WASHINGTON COUNTY 2020  
TRANSPORTATION PLAN RELATING TO A GENERAL  
UPDATE

**Presented by:** Brent Curtis, Planning Manager; Dan Olsen, County Counsel

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### SUMMARY:

Ordinance No. 713 proposes to amend the Trails and Pedestrian System Map of the Washington County 2020 Transportation Plan to add the “B” Street Trail, which is part of the Metro Regional Trails Master Plan and the City of Forest Grove Transportation System Plan. The trail is located between the City of Forest Grove and the bicycle/pedestrian pathway along Hwy. 47.

On June 17, 2009, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 713. The staff report will be provided to the Board prior to the hearing and it will also be available at the Clerk’s desk prior to the hearing.

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

### DEPARTMENT’S REQUESTED ACTION:

Read Ordinance No. 713 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 713.

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### COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

**ADOPTED**

100-601000

Agenda Item No. 4.b.

Date: 7/7/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 713

An Ordinance Amending the  
Washington County 2020 Transportation  
Plan relating to a General Update

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Transportation Plan Element of the Comprehensive Plan (Volume XV) was adopted on October 25, 1988, by way of Ordinance Nos. 332 and 333 with portions subsequently amended by Ordinance Nos. 343, 382, 409, 419, 426, 432, 450, 463, 470, 471, 473, 474, 480, 483-485, 493, 494, 503, 515, 526, 537, 542, 546, 552, 556, 588, 601, 609, 611, 626, 627, 631, 642, 649, 663, 674 and 683.

B. Subsequent ongoing planning efforts of the County and City of Forest Grove indicate a need for an off-street trail connecting the downtown and surrounding neighborhoods of the city to Highway 47 bike/pedestrian corridor, as designated on Metro's Regional Trails Master Plan and City of Forest Grove's Transportation System Plan, and now is a timely opportunity to construct said trail. The Board takes note that such changes are necessary to assure consistency with state law and are 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 County Planning Commission has conducted one or more public hearings on the

1 proposed amendments and has submitted its recommendations to the Board. The Board finds  
2 that this Ordinance is based on that recommendation and any modifications made by the Board,  
3 as a result of the public hearings process.

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

10 SECTION 2

11 The Board adopts the amendments attached hereto as Exhibit 1 (1 page), which amends the  
12 Washington County 2020 Transportation Plan Trails and Pedestrian System Map by adding a “B”  
13 Street Trail.

14 SECTION 3

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

17 SECTION 4

18 All applications received prior to the effective date shall be processed in accordance with  
19 ORS 215.427 (2007 Edition).

20 ////

21 ////

22 ////

1 SECTION 5

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

5 SECTION 6

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

11 SECTION 7

12 This Ordinance shall take effect 30 days after adoption.

13 ENACTED this 7 day of July, 2009, being the first reading and  
14 first public hearing before the Board of County Commissioners of Washington County, Oregon.

15 BOARD OF COUNTY COMMISSIONERS  
16 FOR WASHINGTON COUNTY, OREGON

17 **ADOPTED**

18 Tom Burr  
19 CHAIRMAN

20 Barbara Hejtmanek  
21 RECORDING SECRETARY

22 READING

First July 7, 2009  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_

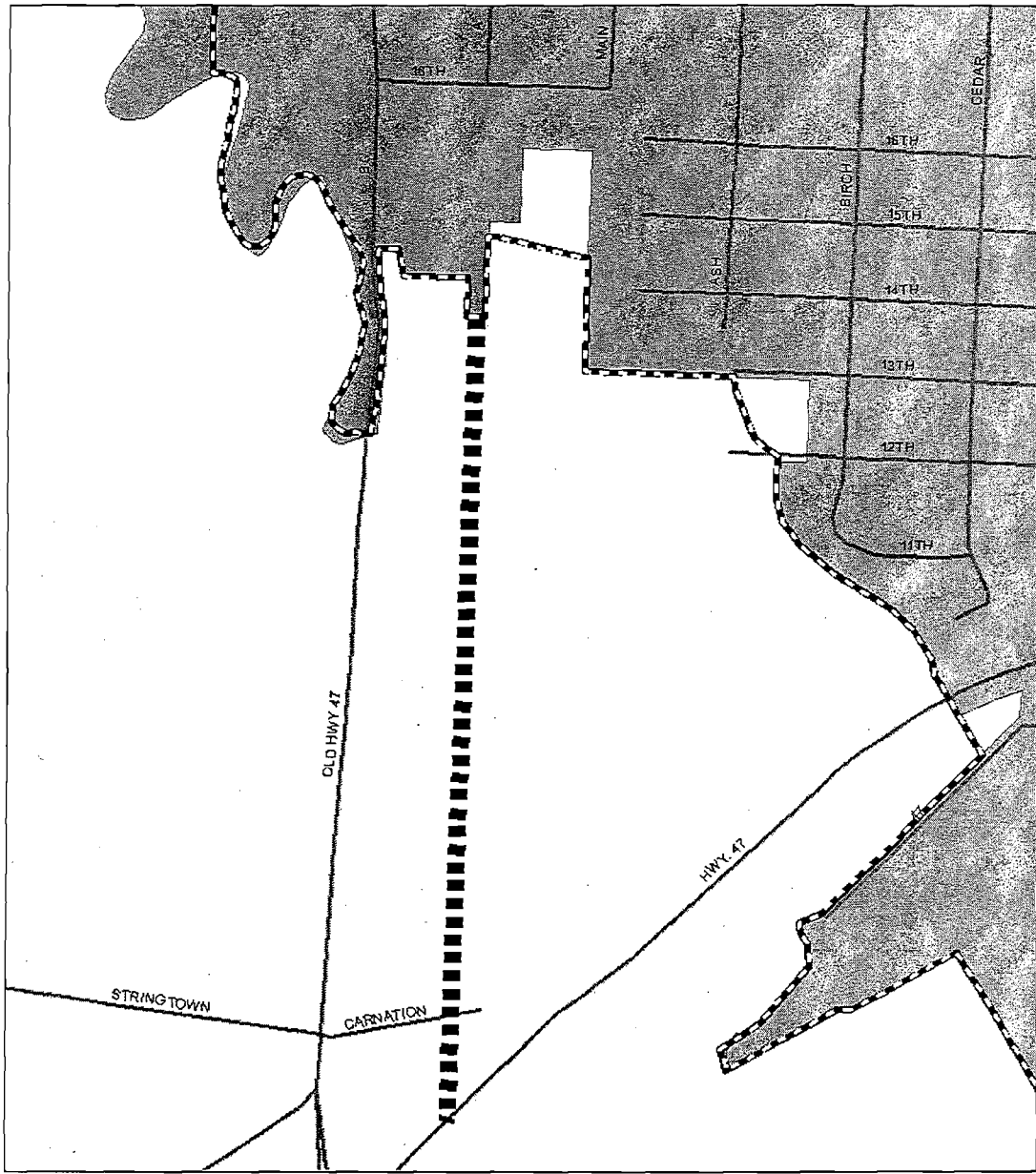
PUBLIC HEARING

First July 7, 2009  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_

VOTE: Aye: Brian, Duyck, Rogers,  
Strader, Schouten  
Barbara Hejtmanek

Nay: \_\_\_\_\_  
Date: July 7, 2009

The Washington County 2020 Transportation Plan Trails and Pedestrian System Map (Figure 12B) is amended to reflect the addition of "B" Street Trail as shown below.



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<b>Legend</b>		  200,000 Feet	 Map Location
	Proposed "B" Street Trail		
	City of Forest Grove		
	Urban Growth Boundary		

abcdef Proposed additions  
abcedef Proposed deletions



**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Action – Land Use & Transportation (CPO 11 and 12F)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 713

**Presented by:** Brent Curtis, Planning Manager

**SUMMARY:**

Ordinance No. 713 proposes to amend the Trails and Pedestrian System Map of the Washington County 2020 Transportation Plan to add the “B” Street Trail, which is part of the Metro Regional Trails Master Plan and the City of Forest Grove Transportation System Plan. The trail is located between the City of Forest Grove and the bicycle/pedestrian pathway along Hwy. 47.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., 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) must 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.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 713. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk’s desk.

**DEPARTMENT’S REQUESTED ACTION:**

Adopt the proposed findings for Ordinance No. 713 and authorize the Chair to sign the Resolution and Order memorializing the action.

**COUNTY ADMINISTRATOR’S RECOMMENDATION:**

I concur with the requested action.

100-601000

RO 09-64

Agenda Item No.	<u>8.a.</u>
Date:	<u>7/7/09</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support )  
of Ordinance No. 713 ) No. 09-64

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of July 7, 2009; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts  
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
9 Statutes and Administrative Rules, and Washington County's Comprehensive Plan relating to  
10 Ordinance No. 713; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
14 on June 17, 2009, made a recommendation to the Board, which is in the record and has been  
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance  
21 No. 713 are hereby adopted.

22 DATED this 7th day of July, 2009.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	✓	—	—
ROGERS	✓	—	—
DUYEK	✓	—	—

23 BOARD OF COUNTY COMMISSIONERS  
24 FOR WASHINGTON COUNTY, OREGON

25 Tom Brian  
Chairman

26 APPROVED AS TO FORM: \_\_\_\_\_

27 [Signature]  
County Counsel  
28 For Washington County, Oregon

29 Barbara Hejtmanek  
Recording Secretary

## **EXHIBIT A**

### **FINDINGS FOR ORDINANCE NO. 713 AN ORDINANCE AMENDING THE WASHINGTON COUNTY 2020 TRANSPORTATION PLAN RELATING TO A GENERAL UPDATE**

**July 7, 2009**

#### **GENERAL FINDINGS**

Ordinance 713 amends the Trails and Pedestrian System Map of the Washington County 2020 Transportation Plan to add the "B" Street Trail, which is part of the Metro Regional Trails Master Plan and the City of Forest Grove Transportation System Plan. The trail is located between the City of Forest Grove and the bicycle/pedestrian pathway along Hwy. 47.

#### **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 713 is consistent with Statewide Planning Goals and ORS and OAR requirements. 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 map of the Plan implicate a goal compliance issue. The following precautionary 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 Ordinance No. 713.

##### **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 Ordinance No. 713. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

### **Goal 3 - Agricultural Land**

#### **CONCLUSION**

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 713. The amendments are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3.

The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 713 did not amend the applicable Plan policies or CDC standards related to agricultural land resources which impact the county's compliance with Goal 3. The "B" Street Trail will be located in the former Union Pacific Railroad right of way, which was purchased by the city in order to construct this section of the trail. Even though the trail abuts the AF-20 land use district, the current plan designation of the trail is Land Extensive Industrial District (MAE).

### **Goal 8 - Recreation Needs**

Policies 33 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 713. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8.

Ordinance No. 713 amended the 2020 Transportation Plan by adding the "B" Street Trail to the Trails and Pedestrian System Map. The "B" Street Trail would provide a connection to existing sidewalks and bike lanes to the north in the City of Forest Grove and to the existing bike and pedestrian corridor along Hwy 47. It would also connect to the City's proposed loop trail, referred to by the city as the "Emerald Necklace", which provides opportunities to connect Forest Grove's downtown, parks, schools and regional trails.

Ordinance No. 713 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 8.

## **Goal 12 - Transportation**

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the CDC.

The Washington County 2020 Transportation Plan, Policy 14.0 (Pedestrian), implementing strategy 14.7, states that the county will “Work, as appropriate, with ...cities...to plan, map and construct an off-street system of multi-use trails and pathways. Additionally, Policy 15 (Bicycle), implementing strategy 15.5, states that the county will “Support local, regional and state agencies in their efforts to plan an off-street system of multi-use paths.” Adding the “B” Street Trail to the Washington County 2020 Transportation Plan is consistent with strategies 14.7 and 15.5 and supports the City of Forest Grove’s efforts to plan and construct its trail system.

Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 713. The amendments are consistent with the county’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP).

Washington County - DLUT  
Long Range Planning  
155 N. First Avenue, 350-14  
Hillsboro, OR 97124

**SHUTTLE**

**FIRST CLASS MAIL**

**SHUTTLE**

Attn: Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540