



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

11/3/2009

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 014-09

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: Tuesday, November 24, 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.

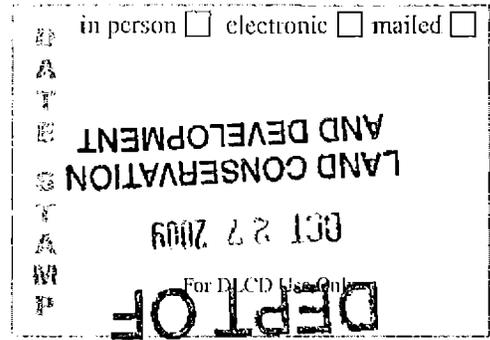
Cc: Linda Schroeder, Washington County /Joy Chang
Gloria Gardiner, DLCD Urban Planning Specialist
DLCD: Jennifer Donnelly, Jon Jinings

<paa> YA

FORM

2 Notice of Adoption

DLCD



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. 723**

Date First Evidentiary Hearing: **9/16/2009**

Date of Final Hearing: **10/20/2009**

Date Notice of Adoption form (Form #2) was sent to DLCD: **10/26/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **7/29/2009**

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
- Land Use Regulation Amendment Zoning Map Amendment
- New Land Use Regulation Other: **Sherwood Urban Planning Agreement**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):
Ordinance No. 723 amends the Washington County - City of Sherwood Urban Planning Area Agreement to incorporate the Tonquin Employment Area into the city's area of interest.

Does the Adoption differ from proposal? **No**

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

to: **N/A**

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

to: **N/A**

Location: **Sherwood Urban Planning Area**

Specify density: Previous: **N/A** New density: **N/A** Acres involved: **approx. 300 acres**

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 checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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. 014-09 (17733) [15783]

Please list affected state or federal agencies, local governments or special districts: **City of Sherwood, 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**

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing
Land Use & Transportation; County Counsel (CPO 5)

Agenda Title: **PROPOSED ORDINANCE NO. 723 – AN ORDINANCE
AMENDING THE WASHINGTON COUNTY – SHERWOOD
URBAN PLANNING AREA AGREEMENT OF THE
WASHINGTON COUNTY COMPREHENSIVE PLAN**

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

SUMMARY:

Ordinance No. 723 proposes to amend the Washington County - Sherwood Urban Planning Area Agreement that was last updated in 2006 by Land Use Ordinance 668. Proposed amendments include the addition of approximately 300 acres of land in 'Study Area 48' to the City's urban planning area boundary. The City is currently in the process of preparing a concept plan for this area as the 'Tonquin Employment Area'.

On September 16, 2009, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 723. 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. 723 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance 723.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

JUL 28 2009

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 723

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

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Urban Planning Area Agreement with City of Sherwood was adopted by way of Ordinance No. 263 on June 28, 1983, and subsequently amended by Ordinance Nos. 332 and 668.

B. Subsequent ongoing planning efforts of the City of Sherwood and the County indicate a need for an update of the City of Sherwood Urban Planning Area to incorporate the Tonkin Employment Area into the city’s area of interest. The Board takes note that such changes are necessary for the benefit and general welfare of the residents of Washington County, Oregon.

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

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

7 SECTION 2

8 Exhibit 1 (10 pages), attached hereto and incorporated herein by reference, is hereby
9 adopted as amendments to the Washington County – Sherwood Urban Planning Area Agreement
10 Element of the Washington County Comprehensive Plan.

11 SECTION 3

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

14 SECTION 4

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

17 SECTION 5

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

21 ////

22 ////

1 SECTION 6

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

7 SECTION 7 .

8 This Ordinance shall take effect on November 27, 2009.

9 ENACTED this 20th day of October, 2009, being the 1st reading
10 and 1st public hearing before the Board of County Commissioners of Washington County,
11 Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 Tom Brun
16 CHAIRMAN

17 Barbara Hejtmanek
18 RECORDING SECRETARY

19 READING

20 PUBLIC HEARING

21 First October 20, 2009
22 Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

First October 20, 2009
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

23 VOTE: Aye: Brian, Duyck, Rogers,
Schouten, Strader

Nay: _____

24 Recording Secretary: Barbara Hejtmanek Date: 10-20-09

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

Washington County – Sherwood Urban Planning Area Agreement

THIS AGREEMENT is entered into by WASHINGTON COUNTY, a political subdivision of the State of Oregon, hereinafter referred to as the “COUNTY”, and the CITY OF SHERWOOD, 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 State Land Conservation and Development Commission (LCDC) 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 (UGB) will be implemented; and

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

1. An Urban Planning Area Agreement incorporating a site-specific Urban Planning Area within the Regional UGB 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;
3. Policies regarding comprehensive planning and development in the Urban Planning Area; and
4. A process to amend the Urban Planning Agreement.

WHEREAS, Metro expanded the Regional UGB in December 2002 and June 2004. LCDC acknowledged the 2002 UGB expansion in July 2003 and the 2004 expansion in July 2005; and

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

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

I. Location of the Urban Planning Area

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

II. Coordination of Comprehensive Planning and Development

A. Amendments to or Adoption of a Comprehensive Plan or Implementing Regulation.

1. Definitions

Comprehensive Plan means a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive Plan" amendments do not include small tract comprehensive plan map changes.

For purposes of this agreement, Electronic Mail (i.e., e-mail) means the transmission of messages (including public hearing notices, agency comments or other communications relating to this agreement), over communications networks in an electronic form. Attachments, including public hearing notices and agency comments, to an e-mail shall be formatted as a Microsoft Word document, a PDF file or other format as agreed upon by the originating and responding agencies.

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, by first class mail or as an attachment to electronic mail of the proposed action at the time such planning efforts are initiated, but in no case less than forty-five (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 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.
- 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 map 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 or as an attachment to electronic 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 or electronic 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 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. The originating agency shall utilize tracking options to ensure that the responding agency receives the public hearing notice in a timely manner. In the event that tracking indicates that the responding agency did not receive the e-mailed notice within twenty-four (24)-hours of being sent, the originating

agency shall send no later than the next business day a copy of the notice by first class mail.

- f. The originating and responding agencies shall keep copies of all electronic mail as part of the public record consistent with state archive laws.

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 or as an attachment to electronic mail a copy of all public hearing 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 or electronic 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. Comprehensive Planning and Development Policies

A. Definition

Urban Planning Area means the incorporated area and certain unincorporated areas contiguous to the incorporated area for which the CITY conducts comprehensive planning and seeks to regulate development activities to the greatest extent possible. The CITY Urban Planning Area is designated on Exhibit "A".

- B. The CITY shall be responsible for comprehensive planning within the Urban Planning Area.

- C. The CITY shall be responsible for the preparation, adoption and amendment of the public facility plan required by OAR 660-011 within the Urban Planning Area.
- D. As required by OAR 660-011-0010, 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.
- E. The COUNTY shall not approve land divisions within the unincorporated portions of the Urban Planning Area ~~which would create lots less than ten (10) acres in size, or for lands designated FD-20, land divisions that are inconsistent with the provisions of the Future Development 20 Acre District (FD-20).~~
- F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY's Comprehensive Plan in the future upon annexation to the CITY as indicated by the CITY Comprehensive Plan.
- G. The COUNTY will not oppose any annexation of land to the City of Sherwood within the CITY's Urban Planning Area.

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 that 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 forty-five (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. A. (3), the CITY and the COUNTY may agree to initiate a joint study. Such a study shall commence within thirty (30)~~90~~ days of the date it is determined that a proposed amendment creates an inconsistency, and shall be completed within ninety (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, or more frequently if mutually needed, to evaluate the effectiveness of the processes set forth herein and to make any necessary amendments. The review process shall commence two (2) years from the date of execution and shall be completed within sixty (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 sixty (60) day review period inconsistencies still remain, either party may terminate this Agreement.
- IV. This Agreement shall become effective upon full execution by the COUNTY and the CITY and shall then repeal and replace the Washington County-Sherwood Urban Planning Area Agreement effective November 20, 2006~~dated October 25, 1988~~. The effective date of this Agreement shall be the last date of signature on the signature page.

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

CITY OF SHERWOOD

By _____
Mayor

Date _____

City Recorder

Date _____

WASHINGTON COUNTY

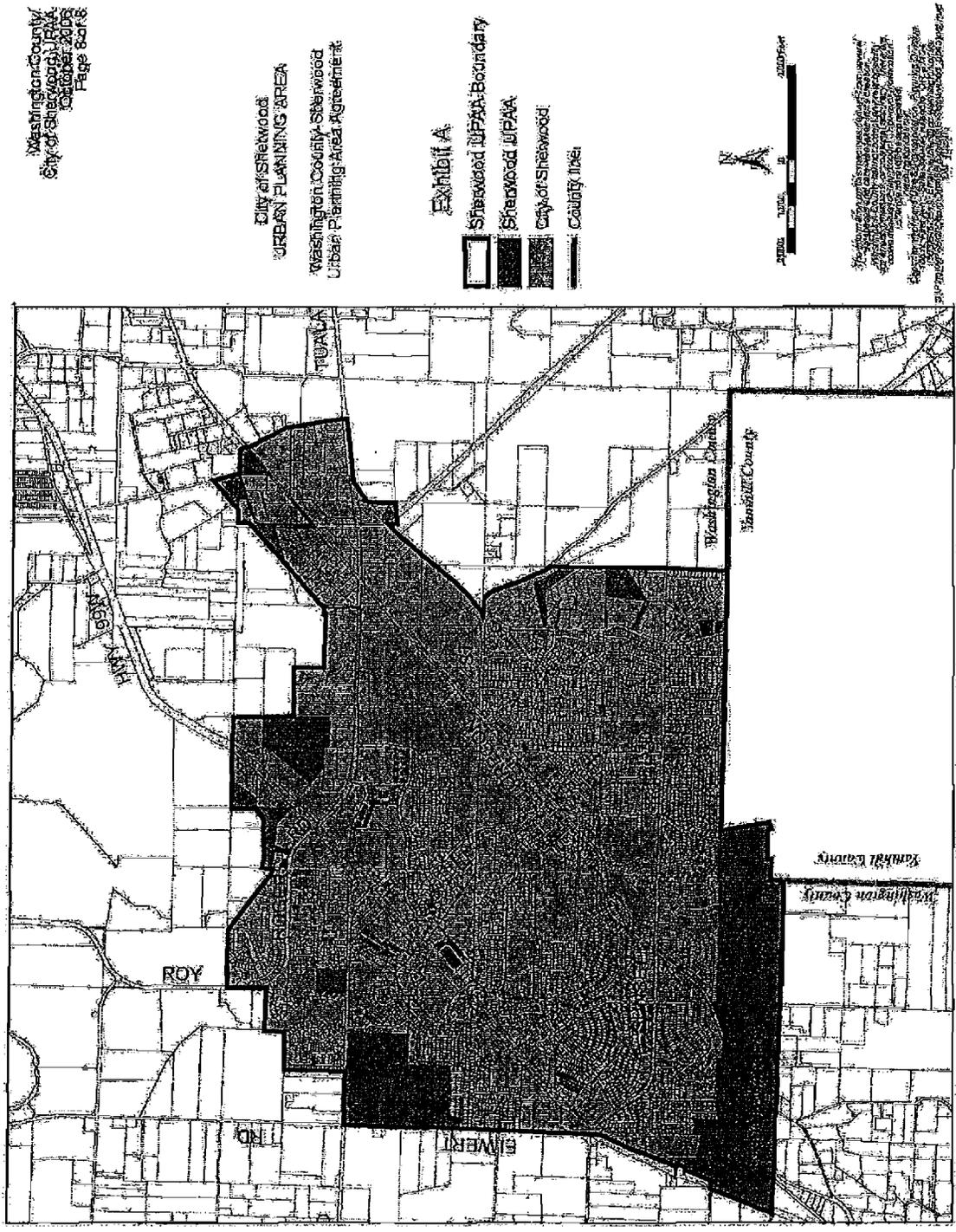
By _____
Chairman, Board of County Commissioners

Date _____

Recording Secretary

Date _____

Delete Exhibit A of the Washington County - Sherwood Urban Planning Area Agreement effective November 20, 2006 as shown below:



abcdef Proposed additions
~~abcdef~~ Proposed deletions

ADD THE FOLLOWING MAP AS EXHIBIT A
 OF THE WASHINGTON COUNTY - SHERWOOD
 URBAN PLANNING AREA AGREEMENT

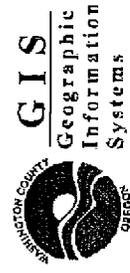
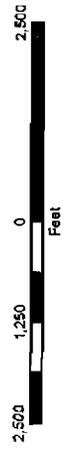
City of Sherwood
 URBAN PLANNING AREA

Washington County - Sherwood
 Urban Planning Area Agreement

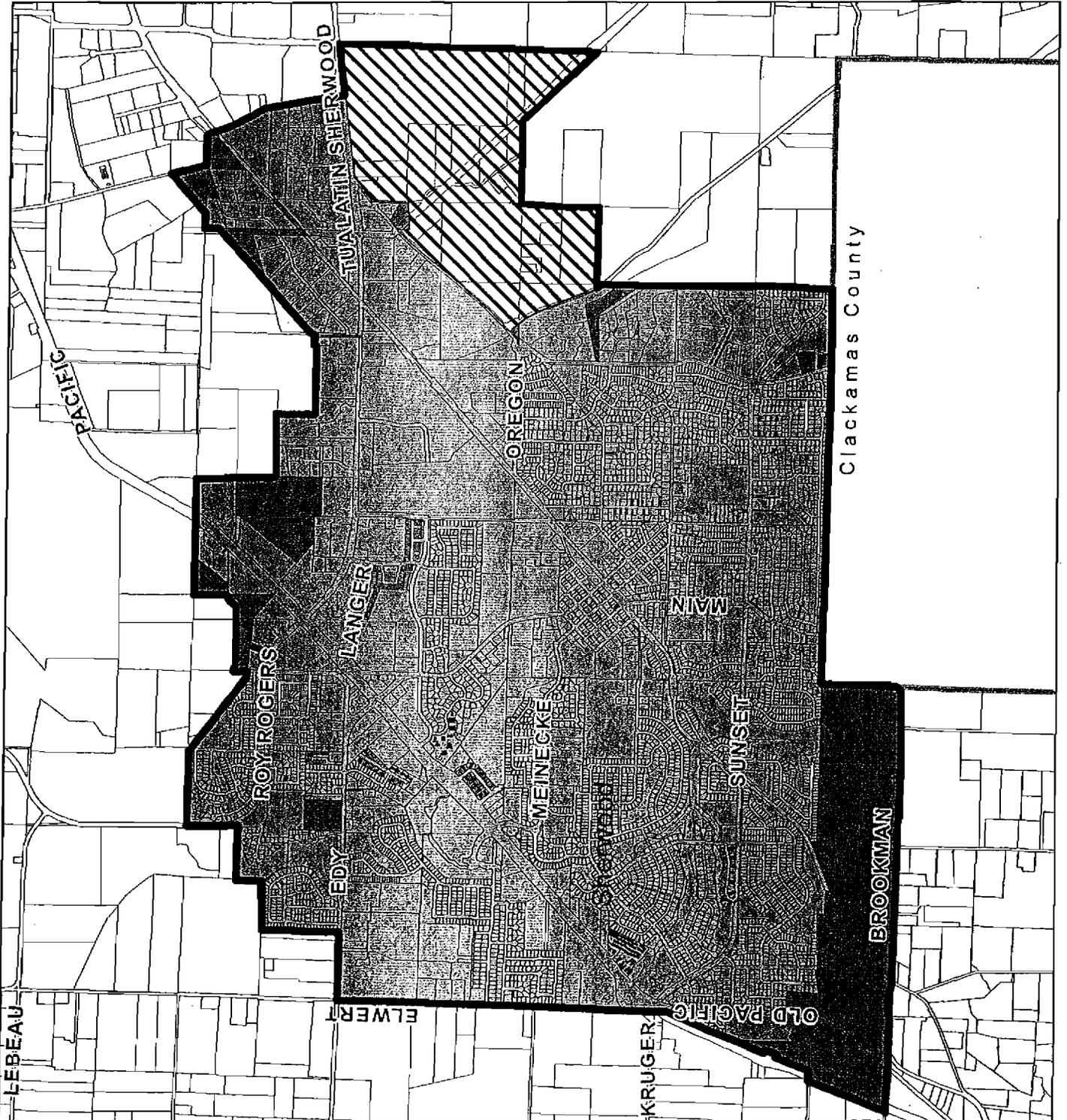
EXHIBIT A

-  Sherwood UPAA Boundary
-  Tonquin Employment Area (Area 48)
-  City of Sherwood
-  Unincorporated Urban Planning Area
-  County Line

Note: The UPAA Boundary between the cities of Tuatlatin and Sherwood for the SW Concept Plan Area will be the future west right-of-way line of an extension of SW 124th Avenue south of Tuatlatin-Sherwood Road.



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO 5)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 723

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 723 proposes to amend the Washington County - Sherwood Urban Planning Area Agreement that was last updated in 2006 by Land Use Ordinance 668. Proposed amendments include the addition of approximately 300 acres of land in 'Study Area 48' to the City's urban planning area boundary. The City is currently in the process of preparing a concept plan for this area as the 'Tonquin Employment Area'.

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

Attached is the Resolution and Order to adopt the findings for Ordinance No. 723. 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. 723 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

R009-83

Agenda Item No.	<u>6.b.</u>
Date:	10/20/09

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. 723) No. 09-83

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 20, 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, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to Ordinance No. 723; 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 September 16, 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. 723 are hereby adopted.

22 DATED this 20th day of October, 2009.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	✓	—	—
APPROVED AS TO FORM:	✓	—	—
DUYCK	✓	—	—

23 BOARD OF COUNTY COMMISSIONERS
24 FOR WASHINGTON COUNTY, OREGON

25 Tom Bruni
Chairman

26 Barbara Hejtmanek
27 Recording Secretary

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

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 723 AMENDING THE WASHINGTON COUNTY – SHERWOOD URBAN PLANNING AREA AGREEMENT ELEMENT OF THE COMPREHENSIVE PLAN

October 20, 2009

GENERAL FINDINGS

Ordinance No. 723 amends the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to incorporate approximately 300 acres of land located within “Study Area 48” into the City of Sherwood’s urban planning area boundary. Metro brought this land into the Regional Urban Growth Boundary (UGB) in 2004 for industrial use. Ordinance No. 723 also removes a reference to land designated as Future Development 10 Acre District (FD-10) because there are no lots less than ten acres in size in the urban planning area boundary.

The Board of County Commissioners (Board) finds that the Statewide Planning Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual 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 OARs are not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region’s strategy for addressing growth. Specific findings for Ordinance No. 723 relating to the UGMFP are found in this report.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 723 is consistent with Statewide Planning Goals, ORS and OAR requirements and the Washington County Comprehensive Plan.

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. 723.

Goal 2, Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and 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 the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 723. Notice was coordinated with all affected governmental entities and no comments were received regarding this ordinance.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

This topic is addressed by Statewide Planning Goal 5, and Division 23 of Chapter 660 in the Oregon Administrative Rules. Policies 10, 11 and 12 of the Framework Plan, Policies 7, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Code include strategies and provisions for the protection of Goal 5 resources. In addition, OAR 660-0023-0250 requires application of current Goal 5 provisions to Post Acknowledgement Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

Plan compliance with Goal 5 is maintained with amendments made by Ordinance No. 723. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23. This conclusion is supported by the following facts:

1. Drainage Hazard Areas (DHAs) and 100-year floodplains are located within the area subject to Ordinance No. 723; however, this ordinance does not amend any provision of the CDC or Plan policies or strategies relating to Goal 5.
2. Ordinance No. 723 does not allow any new uses in any affected land use district; therefore, there will not be a conflict with acknowledged Goal 5 resources.

Goal 9 – Economy of the State

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set 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. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 723. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the facts:

1. The approximately 300 acres affected by Ordinance No. 723 were added to the UGB by Metro in 2004 for use as industrial land. The City of Sherwood is currently in the process of preparing a concept plan for this area as the "Tonquin Employment Area".
2. Ordinance No. 723 did not amend the applicable Plan policies or CDC standards related to Goal 9.

Goal 14 - Urbanization

Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 723. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following fact:

The UGB was expanded in 2004 to include lands surrounding the City of Sherwood. The expansion was subsequently acknowledged by the Land Conservation and Development Commission. The county relies on the findings acknowledged by LCDC to demonstrate compliance with Statewide Planning Goal 14.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 723 (RELATING
TO PLANNING FOR NEW URBAN GROWTH BOUNDARY LANDS)**

FOR THE OCTOBER 20, 2009 HEARING

Urban Growth Management Functional Plan

Section 3.07.830.A. of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 "...be consistent with this functional plan." The following findings have been prepared to address Titles 1, 3, 4, 6, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.

RESPONSE

Ordinance No. 723 amended the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2004 by Metro to the city's urban planning boundary. The Future Development 20 Acre District (FD-20) designation on the properties added to the urban planning area will remain until the land is annexed to the City of Sherwood and are zoned with an urban city zoning district in accord with Title 11.

Title 3 - Water Quality, Flood Management and Fish/Wildlife Habitat Conservation

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

RESPONSE

Implementation of Title 3 requirements has been completed primarily through the adoption of regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. Ordinance No. 723 does not change any standards relating to water quality or flood plain management.

Title 4 - Industrial and Other Employment Areas

To improve the region's economic climate, the Plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas.

RESPONSE

Ordinance No. 723 amended the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to properties added to the Regional UGB in 2004 by Metro to the city's urban planning boundary. Some of the properties added to the Regional UGB in 2004 that were added to the city's urban planning area by Ordinance No. 723 are designated as Industrial Lands on Metro's 2040 Growth Concept Plan. As previously mentioned, approximately 300 acres of land affected by this ordinance will be used for an industrial/employment area.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles.

RESPONSE

Ordinance No. 723 amended the Washington County – Sherwood Urban Planning Area Agreement (UPAA) to add properties added to the Regional UGB in 2004 by Metro to the city's urban planning boundary. None of the properties added to the city's urban planning area boundary by Ordinance No. 723 are located within a Metro designated Central City, Regional Center, Town Center or Station Community.

Title 8 - Compliance Procedures

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

RESPONSE

Consistent with Title 8, Metro was sent a copy of Proposed Ordinance No. 723. The findings in this document demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.

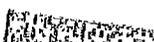
Title 11 - Planning For New Urban Areas

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

The land affected by Ordinance No. 723 has been designated as FD-20. The FD-20 District requires a minimum parcel size of 20 acres in keeping with Metro's interim protection measures for new urban lands. The FD-20 designation will remain until the City of Sherwood applies city zoning designations to the properties.

Washington County - BLUT
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FIRST CLASS

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