

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Fourth Reading and Fourth Public Hearing
Land Use & Transportation; County Counsel (CPO 7)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 838 –
AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN
TO IMPLEMENT THE NORTH BETHANY MAIN STREET
URBAN DESIGN PLAN**

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

SUMMARY:

A-Engrossed Ordinance No. 838 proposes to amend the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, and the Community Development Code to add requirements applicable to future development within the Main Street area of the North Bethany Subarea. A-Engrossed Ordinance No. 838 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted public hearings Aug. 28 and Sept. 18, 2018 for Ordinance No. 838. After its Sept. 18 hearing, the Board directed engrossment of the ordinance to include several amendments. A summary of the amendments were included in the staff report for the Oct. 2 hearing. The Board conducted its first hearing Oct. 2 for A-Engrossed Ordinance No. 838 and continued the hearing to Oct. 23, 2018.

A staff report will be provided to the Board prior to the Oct. 23 hearing and posted on the above land use ordinance webpage. 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. 838 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 838 and associated findings.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>3.a.</u>
Date:	10/23/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS Washington County
FOR WASHINGTON COUNTY, OREGON County Clerk

A-ENGROSSED ORDINANCE 838

An Ordinance Amending the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, and the Community Development Code Implementing the North Bethany Main Street Urban Design Plan

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

SECTION 1

A. The Board recognizes that the Comprehensive Framework Plan for the Urban Area (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, 764, 769, 771, 775, 785, 788-790, 796, 799, 802, 805, 809, 813-814, 820, 822, and 828.

B. The Board recognizes that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, 620, 649, 702, 712, 730, 739, 744-745, 758, 771, 783, 789, 790, 799, 801, and 809.

C. The Board 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-

1 423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-
2 481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561,
3 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624,
4 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669, 670, 674, 676-677,
5 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739,
6 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-
7 811, 813-815, 820, 822-824, 826-828, and 831-837, and 840-842.

8 D. The Board recognizes that amendments to several elements of the
9 Comprehensive Plan are necessary to implement the North Bethany Main Street Urban
10 Design Plan. The Plan promotes a Main Street Area design that prioritizes pedestrian and
11 bicycle environments and provides attractive and quality design, both for the public realm
12 (streets and sidewalks) and for private development. These amendments are for the benefit of
13 the health, safety, and general welfare of the residents of Washington County, Oregon.

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

20 F. The Board finds and takes public notice that it is in receipt of all matters and
21 information necessary to consider this Ordinance in an adequate manner and finds that this
22 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan

1 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
2 County Charter, the Washington County Community Development Code, and the Washington
3 County Comprehensive Plan.

4 SECTION 2

5 The following exhibits, attached hereto and incorporated herein by reference, are
6 adopted as amendments to the designated documents as follows:

7 A. Exhibit 1 (1 page), amends the Comprehensive Framework Plan for the Urban
8 Area, Policy 43, Map 1 ‘North Bethany Subarea Concept Plan Design Elements.’

9 B. Exhibit 2 (60 pages), amends Chapter 2, the North Bethany Subarea Plan of
10 the Bethany Community Plan:

11 a. Section III. - Background, Planning, Process, Community Design Goals &
12 Plan Amendments;

13 b. Section V. North Bethany Subarea Design Elements;

14 c. Section VI. Neighborhood Design Elements; and

15 d. Section VII. Maps, Drawings, Tables & Guides.

16 C. Exhibit 3 (1 page), amends the Community Development Code:

17 a. Section 390 - North Bethany Subarea Overlay District.

18 SECTION 3

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

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1 SECTION 4

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

4 SECTION 5

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

8 SECTION 6

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

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1 SECTION 7

2 This Ordinance shall take effect on November 23, 2018.

3 ENACTED this 23rd day of October, 2018, being the 4th reading
4 and 4th public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Andy Dard*
CHAIRMAN

10 *A. D. Noyola*
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First August 28, 2018
13 Second September 18, 2018
14 Third October 2, 2018
15 Fourth October 23, 2018
Sixth _____

12 First August 28, 2018
13 Second September 18, 2018 (Engrossment)
14 Third October 2, 2018
15 Fourth October 23, 2018
Sixth _____

16 VOTE: Aye: Malinowski, Rogers,
Terry, & Duyck

Absent:
Nay: Schouten

17 Recording Secretary: Ana D. Noyola Date: 10-23-18

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO 7)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 838

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

SUMMARY:

A-Engrossed Ordinance No. 838 amends the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, and the Community Development Code to add requirements applicable to future development within the Main Street area of the North Bethany Subarea. A-Engrossed Ordinance No. 838 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

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 such amendments be accompanied by findings setting forth the facts and analysis showing 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 A-Engrossed Ordinance No. 838. Prior to the Oct. 23, 2018 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage 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 A-Engrossed Ordinance No. 838 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 18-103

Agenda Item No.	<u>4.a.</u>
Date:	10/23/18

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 838) No. **18-103**

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of October 23, 2018; 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. 838; and

It appearing to the Board that the findings attached and herein incorporated 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 August 1, 2018, 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. 838 are hereby adopted.

DATED this 23rd day of October, 2018.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

APPROVED TO FORM:

County Counsel
For Washington County, Oregon


Recording Secretary