




September 15, 2014

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 784 - An Ordinance Amending the Community Development Code to expand allowable locations for Farmers Markets and lower application costs**

STAFF REPORT

For the September 23, 2014 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 pm)

I. STAFF RECOMMENDATION

Conduct the second of two required public hearings on A-Engrossed Ordinance No. 784. At the conclusion of public testimony, close the hearing and adopt A-Engrossed Ordinance No. 784 and associated findings.

II. BACKGROUND

At the August 5, 2014, public hearing on proposed Ordinance No. 784, the Board directed engrossment of the ordinance and continued the hearing to September 2 and September 23, 2014. The Board further directed staff to provide notice of the ordinance changes and the schedule for engrossment hearings as required by Chapter X of the County Charter. A copy of A-Engrossed Ordinance No. 784 and Individual Notice No. 2014-15 were provided in the Board's materials for the September 2, 2014 hearing.

On September 2, the Board held the first of two required public hearings for A-Engrossed Ordinance No. 784 and continued the hearing to September 23.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 784 by resolution and order is being provided in the meeting materials for the Board's September 23, 2014 hearing.

Department of Land Use & Transportation · Planning and Development Services

Long Range Planning

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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 A-Engrossed Ordinance No. 784) No. _____

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of September 23, 2014; 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 A-Engrossed Ordinance No. 784; 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 July 16, 2014, 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
21 A-Engrossed Ordinance No. 784 are hereby adopted.

22 DATED this 23rd day of September, 2014.

23 BOARD OF COUNTY COMMISSIONERS
24 FOR WASHINGTON COUNTY, OREGON

25 APPROVED AS TO FORM:

Chairman

26
27 _____
28 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.