



Oregon

Theodore R. Kulongoski, 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

November 7, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 009-08



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: November 24, 2008

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Anne Elvers, Washington County

<paa> ya/

FORM

2 DLCD Notice of Adoption

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: **A-Engrossed Ordinance No. 702**
 Date First Evidentiary Hearing: **8/6/2008** Date of Final Hearing: **10/28/2008**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **6/20/2008**

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):
A-Engrossed Ordinance 702 amended the Central Bethany Subarea section of the Bethany Community Plan to remove requirements that no more than 15 acres of land is provided in Area of Special Concern (ASC) 1 and that all Community Business District (CBD) development would be required to be located in one quadrant of the NW Laidlaw Road/NW Bethany Boulevard intersection. Design and review criteria for future developments in Area of Special Concern (ASC) 1A were also added to the Central Bethany Subarea section.

The ordinance also changed plan designations to more accurately reflect current and future uses. Three acres of commercially developed land were changed from Residential Nine Units per Acre (R-9) to CBD for a total of 7.32 acres of CBD within the Central Bethany Subarea. Also, one vacant 1.12 acre parcel designated as Residential Fifteen Units per Acre (R-15) that will be developed with medical offices was changed to Office Commercial (OC).

Does the Adoption differ from proposal? Yes
 > **Changed 1.12 acres of vacant R-15 to OC**
 > **Changed 3.32 acres of commercially developed land from R-9 to CBD**
 > **Added criteria for future development in ASC 1 to require two public plazas, building design criteria, a plan for the location of remaining required open space and dwelling units. The applicant is also required to hold two public design workshops prior to the submittal of a development application. All development applications are required to be processed via a Type III procedure.**

Plan map changed from: **Residential Nine Units per Acre (R-9)** to: **Office Commercial (OC) & Community Business District (CBD)**

Zone map changed from: **n/a** to: **n/a**

Location: **n/a**

Specify density: Previous: **n/a** New density: **n/a** Acres involved: **n/a**

Mark applicable statewide planning goals.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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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 # 009-08 (16956)

DLCD file No. _____

Please list affected state or federal agencies, local governments or special districts:
Washington County

Local Contact: **Anne Elvers, Associate Planner**
E-mail: **anne_elvers@co.washington.or.us**
Phone: **(503) 846-3583**

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

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 – Fifth Reading and Fifth Public Hearing
Land Use & Transportation; County Counsel (CPO 7)

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 702 – AN
ORDINANCE AMENDING THE BETHANY COMMUNITY PLAN
RELATING TO NEW DESIGN ELEMENTS FOR AREA OF
SPECIAL CONCERN 1 AND CREATING AREA OF SPECIAL
CONCERN 1A**

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

SUMMARY:

Ordinance No. 702 was filed to allow the Board to consider Roy Kim’s proposed two lot plan amendment in Central Bethany. The ordinance proposes to amend the Bethany Community Plan to designate two parcels at the southwest quadrant of the Bethany/Laidlaw intersection as Community Business District (CBD).

The Board held public hearings for Ordinance 702 on September 2, September 16 and October 7. On October 7, the Board directed staff to engross Ordinance 702 to include changes made to address design issues and other prevailing issues identified through the hearings process. Also, land use designations located in Area of Special Concern 1 for the Providence Health Services property and the retail buildings on the east side of 153rd Terrace were changed to more accurately reflect existing uses and future development. On October 21, the Board continued the hearing for A-Engrossed Ordinance 702 to October 28 as required by the County Charter.

A staff report will be provided to the Board prior to the October 28, 2008 hearing. Copies of the report 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 by title only and conduct the public hearing for A-Engrossed Ordinance 702. After taking testimony, adopt A-Engrossed Ordinance 702.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

ADOPTED

100-601000

Agenda Item No.	<u>3.a.</u>
Date:	<u>10/28/08</u>

FILED

OCT 09 2008

**Washington County
County Clerk**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE NO. 702

An Ordinance Amending the Bethany
Community Plan Relating to New Design
Elements for Area of Special Concern 1 and
Creating Area of Special Concern 1A

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

SECTION 1

A. The Board recognizes that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, 620 and 649.

B. Subsequent ongoing planning efforts of the County indicate a need for an update to enhance the development of the community-village atmosphere in Central Bethany. These efforts include an expansion of the Community Business District to allow a greater mix of retail, service and business establishments together with guidelines that will facilitate unified design themes and development of public plaza areas. The Board takes note that such changes are necessary for the benefit 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 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 those recommendations 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 that this Ordinance
3 complies with the Statewide Planning Goals and other relevant standards and criteria set forth in
4 Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter, and the
5 Washington County Community Development Code.

6 SECTION 2

7 The following exhibits, attached and incorporated herein by reference, are hereby adopted as
8 amendments to the designated documents:

- 9 A) Exhibit 1 (6 pages) amending the Central Bethany Subarea in the Bethany
10 Community Plan;
11 B) Exhibit 2 (1 page) modifying the Bethany Community Plan Land Use Districts Map
12 to Reflect the Land Use Designations for Area of Special Concern #1; and
13 C) Exhibit 3 (1 page) modifying the Bethany Community Plan Area of Special Concern
14 Map to Reflect the Creation of Area of Special Concern 1A.

15 SECTION 3

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

18 SECTION 4

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

21 ////

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1 SECTION 5

2 If any portion of this Ordinance, including the exhibits, shall for any reason be held
3 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
4 affected thereby and shall remain in full force and effect, and any provision of a prior land use
5 ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and
6 again be considered in full force and effect.

7 SECTION 6

8 The Office of County Counsel and Department of Land Use and Transportation are
9 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
10 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,

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1 and making any technical changes not affecting the substance of these amendments as necessary to
2 conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect on November 27, 2008.

5 ENACTED this 28 day of October, 2008, being the 5th reading and
6 5th public hearing before the Board of County Commissioners of Washington County, Oregon.

7 BOARD OF COUNTY COMMISSIONERS
8 FOR WASHINGTON COUNTY, OREGON

9 **ADOPTED**

9 *Dick Schouten*
10 CHAIRMAN

11 *Marian Larkin*
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First September 2, 2008

14 First September 2, 2008

15 Second September 16, 2008

15 Second September 16, 2008

16 Third October 7, 2008

16 Third October 7, 2008

17 Fourth October 21, 2008

17 Fourth October 21, 2008

18 Fifth October 28, 2008

18 Fifth October 28, 2008

19 Sixth _____

19 Sixth _____

20 (Engrossment ordered October 7, 2008)

21 VOTE: Aye: Schouten, Rogers, Duyck Nay: _____

22 Recording Secretary: Marian Larkin Date: October 28, 2008

The Central Bethany Subarea in the Bethany Community Plan is amended to reflect the following:

CENTRAL BETHANY

The Central Bethany area is perhaps the most sensitive area in terms of achieving the overall development concept for Bethany. The Community Business District (CBD) at the southeast quadrant of the intersection of NW Laidlaw Road and NW Bethany Boulevard ~~a 15-acre commercial area~~, provides the focus for development in Central Bethany. It is envisioned that a mix of local retail and small community-based office uses would provide a community-village atmosphere at the CBD. Following the adoption of this community plan, the area comprising the Central Bethany Planned Development was designated by Washington County and Metro as the Bethany Town Center.

Since the adoption of the Bethany Community Plan, the commercial area and nearby residential areas have developed as ~~the Bethany Village Center~~. Bethany Village Center was developed as apart of the Central Bethany Planned Development consistent with the provisions of the Community Plan and has become the core of the Bethany Town Center. ~~The Bethany Village Center~~ includes the Bethany Village ~~Shopping area~~ Center, which provides a grocery store and a variety of retail shops, offices, restaurants, mixed use retail/residential buildings bordering Central Drive, a day care and an education center as well as a popular ~~common~~ public plaza and fountain area used to hold public gatherings and concerts. The ~~development town center~~ provides a wide range of housing types – from the Duets (low scale single family attached housing) to the Arbor Parc Town Homes (medium density) to higher density apartments and the multi-story Promenade Condominiums. Open space amenities consisting of the Promenade Park and future plazas and park space ~~at~~ on the west ~~endside~~ of the development provide outdoor open space for residents, employees and visitors.

The presence of the CBD, coupled with the access provided by the transportation system in Central Bethany, provides the opportunity to locate medium and higher density residential uses in this area.

A number of elements warrant particular consideration in Central Bethany. These include:

- a. The forested ~~side~~ area (approximately 35 acres) located at the western edge of Central Bethany;
- b. The development of the Community Business District in a manner compatible with the overall design of Central Bethany;
- c. The buffering of higher density and lower density residential development through the provision of open space and landscaping; and
- d. The transportation system in Central Bethany.

Because of these elements and the potential impact on Central Bethany if each area is developed without the benefits of the master planning process, the majority of Central Bethany has been designated as an Area of Special Concern (**Area of Special Concern No. 1**). The Bethany Community Plan requires that all development proposals within the area boundary be accomplished through the Master Planning-Planned Development process set forth in the Community Development Code. The Central Bethany Planned Development received land use approval by the Board of County Commissioners through Case File 93-333-PD/S/SU/D(R)/AV/MR. The application included a request for a Planned Development which allowed the land use districts identified on the Community Plan to be reallocated throughout the site as allowed by Central Bethany Subarea Design Element #6. Additionally, the application ~~fixed~~ identified the

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alignments of Bethany Boulevard and Laidlaw Road, which determined the location of the Community Business District at the southeast quadrant of the Bethany Boulevard/Laidlaw Road intersection. For an accurate depiction of allowed uses and their locations, one must review the 1993 land use decision [and all subsequent applications associated with implementing the Central Bethany Planned Development, including applications approving revisions to the 1993 approval]. The appropriate land use decisions impacting the site are available for review at the Department of Land Use and Transportation.

Ordinance No. 702

The Central Bethany Subarea was amended in 2008 by Ordinance No. 702 for the purpose of providing 4.38 acres of CBD land at the southwest quadrant of the Laidlaw\Bethany intersection [Parcels 1 and 2 of Area of Special Concern 1A]. A legislative plan amendment was necessary in order to remove the Central Bethany Subarea requirements that 1) no more than 15 acres of CBD land be provided in Area of Special Concern 1, and 2) that all CBD development be located in one quadrant of the Laidlaw\Bethany intersection. Ordinance No. 702 also changed the plan designation of the Providence Health and Services property at the southwest corner of the Bethany\Laidlaw intersection from R-15 to Office Commercial for the purpose of providing medical offices.

Ordinance No. 702 also amended the Central Bethany Subarea text and some plan designations in Area of Special Concern 1 (as described below) to recognize the development of ASC 1 that was developed as part of the Central Bethany Planned Development. The Central Bethany Planned Development reallocated some plan designations to other areas of ASC 1 pursuant to the Community Development Code standards for planned developments.

Plan designations:

1. Designated the Bethany Village shopping area, at the southeast quadrant of the Laidlaw\Bethany intersection, as CBD. The area of the original CBD plan designation was also increased from 15 acres to 16.46 acres to reflect the actual size of the shopping center as approved by the Central Bethany Planned Development.
2. Changed the plan designations of the following parcels to reflect the following non-residential land uses that were approved as Special Uses by the Planned Development:
 - a. Professional offices approved in the R-15 District on 1N120DB 01700;
 - b. Health\athletic club approved in the R-9 District on 1N120CA07600; and
 - c. Group care facility for seniors approved in the R-9 District on 1N120CA07200 and a portion of 1N120CA07300.

The land use designations for the residential developments in the Planned Development were not changed to reflect the density of each development because the Planned Development allows the minimum required 860 dwelling units to float throughout the Planned Development boundary, subject to compliance with its conditions of approval.

Design Elements:

Specific design elements which shall be considered during the preparation of development proposals in Central Bethany include the following:

1. The forested ~~side~~area in the western portion of Central Bethany shall be considered for park and open space use. Because of the natural features of the site, passive recreational opportunities

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such as hiking ~~or horse~~ trails would be considered appropriate. The site should be examined to determine its recreational potential with the Tualatin Hills Park and Recreation District. Upon determining its recreational value, steps shall be taken through the design of the property to preserve as much of the area as possible. Areas preserved for park and open space will be eligible for density transfers in accordance with the provisions of the Community Development Code. Portions of the Westside Trail ~~Waterhouse Powerline Trail, Rock Creek Powerline Trail and Beaverton Powerline Trail~~ have been constructed in the Central Bethany area.

2. In order to achieve the intended commercial atmosphere envisioned in the Community Business District at the southeast quadrant of the Bethany Blvd./Laidlaw Road intersection, the site shall be developed in accordance with a unified theme, presenting consistent design features between buildings. The commercial atmosphere intended by the Bethany Community Plan is one of a community center or urban village which, ideally, could take advantage of the historical significance of the Bethany community. A mixture of retail uses or community-based office uses would be considered appropriate. Examples include: a full-service grocery store, specialty shops, restaurant, medical offices, and a branch bank. Additionally, institutional uses such as a library or small post office could be considered as well. The Tanasbourne Town Center is located two miles to the south and is considered adequate for the provision of regional and comparison shopping.

Because of the commercial area's proximity to residential uses, landscaping and buffering will be an important design element necessary to ensure an aesthetic transition between commercial and residential uses. In addition, the CBD is located in close proximity to the Bethany Baptist Church. The design of both the commercial and residential uses surrounding it should take into account existing views available to the Church as well as their relationship to the distinct architectural style of the Church.

3. The smaller Community Business District at the southwest quadrant of the Bethany/Laidlaw intersection shall be designed as an urban, compact mixed use development with a mix of commercial uses fronting on two public plazas. The plaza shall be fronted by buildings with active ground floor uses throughout the day and evening.
34. The Master Planning-Primary Use or Planned Development procedures and standards shall be required for development on land which includes the Bronson Creek flood plain as a means of protecting the resource while allowing new development consistent with the provisions of the Community Development Code. An exception to this requirement shall be allowed if all of this Significant Natural Resource site is retained as open space. Public dedication of this open space is not required, but is encouraged. A density transfer from the resource area to the buildable portion shall be allowed as specified in the Community Development Code.
45. The western boundary of Central Bethany is defined by the existing power line easement which runs north/south. As with other power line easements in Bethany, the opportunity exists here to establish a multi-purpose trail system. Pedestrian or bicycle access to the proposed open space/forested site area in Central Bethany could be made via this section of power line easement. Tualatin Hills Park and Recreation District (THPRD) identifies a trail connection through the forested area along the western boundary of Central Bethany. For development that occurs adjacent to the power line easement, the opportunity to establish a multi-purpose trail system shall be considered an important design element in the development review process.
56. As Central Bethany develops, additional roads will be necessary to serve that development. The exact location will, in most cases, be determined through the development review process. The following guidelines are recommended:

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- Individual access to Bethany Boulevard and Laidlaw Road by new development will be strongly discouraged. Access shall be achieved via well spaced connections to the major transportation system shown on the plan map. Access shall be consolidated unless demonstrated to not be feasible.
 - The preparation of the Master Plan for the area inside of the Area of Special Concern shall include the identification of the internal road system required to serve the entire development proposal as well as a description of the expected impacts on the major road system and key intersections. Areas which will merit special consideration from a transportation perspective include:
 - a. Laidlaw/Kaiser intersection;
 - b. Laidlaw/Bethany Boulevard intersection;
 - c. Bethany Boulevard/West Union intersection;
 - d. Access points to the Community Business District; and
 - e. Any additional road connections to West Union Road from the north.
 - Finally, development proposals in Central Bethany shall identify expected traffic impacts to the Cornell Road/Sunset Highway interchange and the segment of Bethany Boulevard between Cornell Road and West Union Road. Traffic impacts to this access point to the Sunset Highway may require consideration of phasing of development in Central Bethany until improvements to the Cornell/Sunset interchange have been made.
67. Locational adjustments to the development designations within the Area of Special Concern boundary may be approved during the Master Planning-Planned Development process. Such adjustments could potentially occur as a result of the engineering and construction of Bethany Boulevard and Laidlaw Road or in response to topographical or natural features of the property. Any adjustments, however, must recognize that the locations depicted on the Bethany Community Plan map are, in large part, a function of both the proposed transportation system as well as the Plan's expressed intent to protect existing residential areas. Therefore, any locational adjustments within the Area of Special Concern must reflect a continuation of the transportation/land use relationship depicted on the Plan map and described in the text. ~~The entire Community Business District shall be located within one quadrant of the Laidlaw/158th Avenue intersection.~~
78. Transit service is provided along Bethany Boulevard, connecting the Portland Community College campus with the Bethany Town Center and light rail transit. To take advantage of its ~~presence,~~ present and future transit service, residential and commercial development adjacent to these roads shall be arranged in a manner to take advantage of the availability of transit. This could include orienting buildings towards both roads, providing bike and pedestrian access through the development site to transit stops and locating parking areas away from the road rather than adjacent to it. Additional transit service to better connect the Bethany Town Center with the Cedar Mill Town Center and the Tanasbourne area is also recommended.
9. All development in ASC 1 shall comply with the conditions of approval for the Central Bethany Planned Development, including Design Guidelines (Exhibit G of Resolution and Order No. 94-104).
10. Development of the Providence Health Services' building shall comply with Area of Special Concern 1A Design Element 4.d.

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1140. A minimum of 860 dwelling units shall be provided in ASC 1. Upper story dwelling units provided in the CBD District shall be maintained for residential use.

1244. No additional commercial designations shall be provided in ASC 1.

Area of Special Concern 1A

Development in ASC 1A shall comply with the following Design Elements:

1. A minimum of 155 dwelling units out of the required 860 dwellings shall be provided in ASC 1A;
2. All development applications in ASC 1A shall be processed through the Type III procedure. Prior to the submittal of an application, the applicant shall conduct at least two public design workshops. Minutes of the workshops shall be included in the application materials.
3. Any application for development of Parcels 1, 2, 3, 4, or 5 shall include:
 - a. A plan for how the outstanding open space for the Central Bethany Planned Development will be provided. The plan shall identify the type and amount of open space that will be provided on each parcel. This plan shall be binding upon all future development unless the applicant provides additional open space in the initial development.
 - b. Information and site and building plans that demonstrate compliance, or demonstrate that it is feasible, for development of all five parcels to comply with a. above and provide the outstanding 155 dwelling units required in 1 above. Plans shall be consistent with all the requirements of the Central Bethany Subarea, the Central Bethany Planned Development, and Community Development Code Sections 404 through 413 and Section 429. Any development application for any one of these parcels shall include conceptual site plans, building floor plans and building elevations for all five parcels. The conceptual plans shall be drawn to scale and shall not exceed a scale of one inch to sixty feet (1":60').
4. Parcels 1 and 2 shall be developed as an urban, compact mixed use development centered by a main plaza along Central Drive. The plaza shall be fronted by buildings with active ground floor uses throughout the day and evening. The plaza shall be designed as year-round active, flexible space that is programmed to act as the 'outdoor living room' for the broader Bethany community. Adjacent retail and civic uses will activate its edges and spill out during special events. The development of both parcels shall contain a vertical mix of uses (housing and/or office over retail) with ample, safe and convenient pedestrian amenities, such as plazas, alleys, wide sidewalks, benches, or fountains.

A second plaza and open space area shall be provided at the western edge of Parcels 1 and 2. This area shall be designed to provide a passive pedestrian oriented area that will function as a quiet gathering spot for nearby residents. It shall be fronted by buildings with ground floor uses that are active during the day.

Pedestrian passages shall connect the plazas to each other and adjacent streets to provide a continuous walkway through Parcels 1 and 2.

- a. Other main plaza design elements:

- (1) Be located approximately mid-block along Central Drive and be at least 10,000 square feet in size. Vehicular areas, including parking and loading areas, shall not be included in the plaza or counted as Planned Development open space.
- (2) Be designed to have maximum visibility from Central Drive and adjacent buildings;
- (3) Have multiple points of pedestrian ingress and egress;
- (4) Have appropriately scaled exterior lighting to create a safe night time pedestrian environment;
- (5) Include a focal element, such as a water feature or a sculpture;
- (6) Hardscaped areas shall use textured paving to differentiate the plaza from adjacent vehicular areas. Bollards or similar elements shall also be used to visually differentiate the plaza from adjacent vehicular areas;
- (7) Have areas with all weather protection that includes seating.
- (8) Pedestrian seating that includes a mixture of types of all weather seating; and
- (9) Have at least three of the following features: entry features, kiosks, low walls with seating or planters atop, free-standing planters, a drinking fountain, or in addition to 5 above, other public art.

b. Other design elements of the second plaza and open space area:

- (1) Be at least 8,000 square feet in size;
- (2) Have seating for pedestrians;
- (3) Have appropriately scaled exterior lighting to create a safe night time pedestrian environment that is sensitive to nearby residents; and
- (4) Have at least four of the following features: entry features, steps, low walls with seating or planters atop, free-standing planters, lawn area with trees, a drinking fountain, an ornamental fountain or public art.

c. Pedestrian passages shall be at least ten feet wide and each passage shall include three of the following features: entry features, steps, a small courtyard, low walls with seating or planters atop, free-standing planters, a drinking fountain, or public art.

d. Design elements for building façades facing streets and open space areas:

- (1) The dominant feature of the façades shall be the buildings' habitable areas with accompanying windows and doors. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited on the ground floor;
- (2) Facades shall be broken into multiple vertical elements; and
- (3) Facades greater than two-hundred feet in length shall not be flat, monolithic walls but shall include architectural elements that break up the wall to create a ground floor pedestrian scale. Architectural elements include but are not limited to recessed entrances, an eight inch minimum vertical or horizontal wall relief, and changes in materials.

5. Provide a private or public street between Central Drive and Laidlaw Road, adjacent to Parcels 1, 2 and 3; and
6. Parcel 2 may be used for retail or office uses when it has been determined it is not needed to satisfy the open space requirements of the Central Bethany Planned Development.



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Proposed Amendments to Ordinance 702 Exhibit 2 October 6, 2008 Page 1 of 1

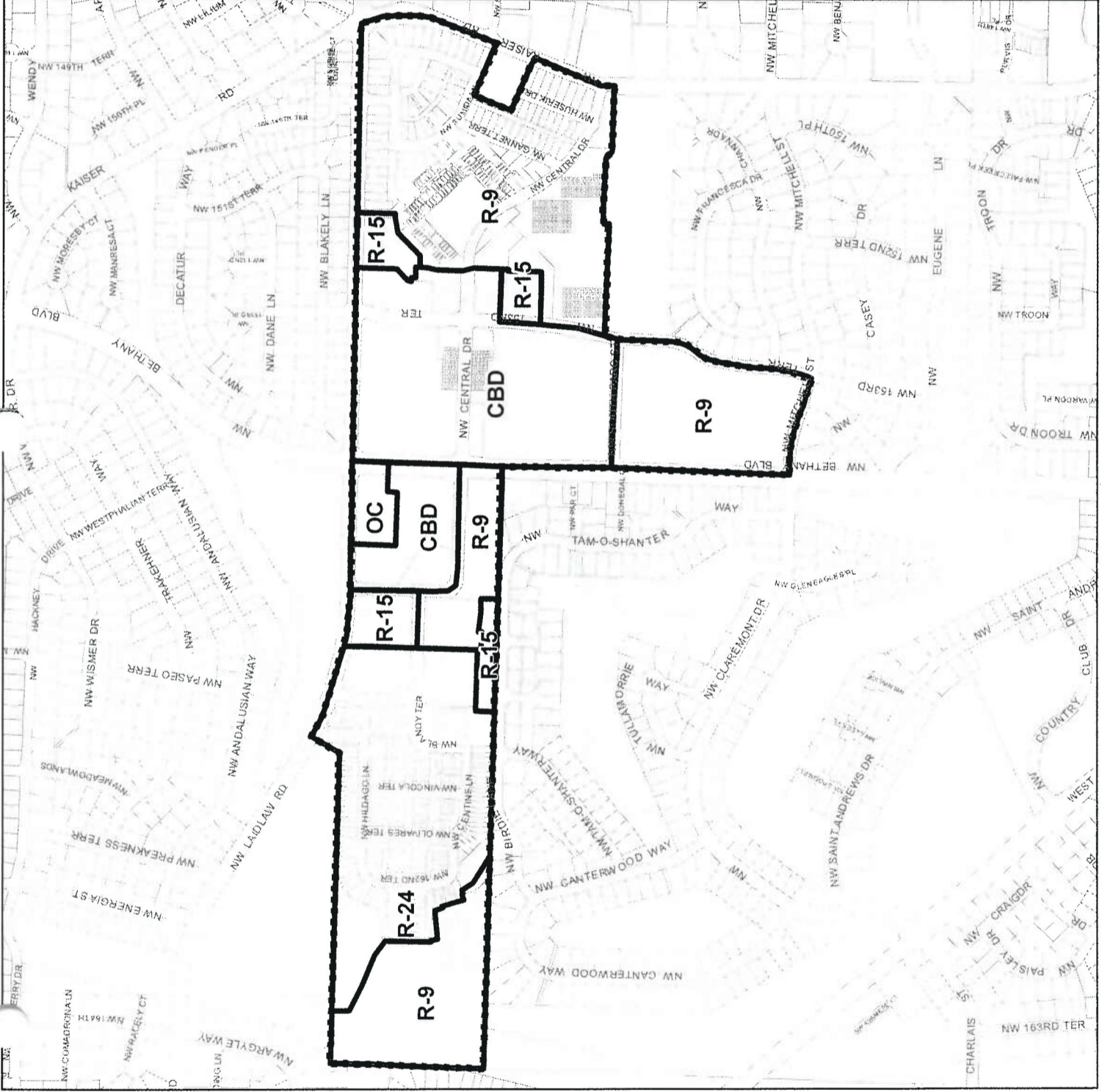
The Bethany Community Plan Land Use Districts Map shall be modified to reflect the Land Use Designations for A.S.C. #1 as shown on this map.

The Boundary of Area of Special Concern 1 shall be modified as shown on this map.

 Area of Special Concern 1
 Proposed Land Use Districts



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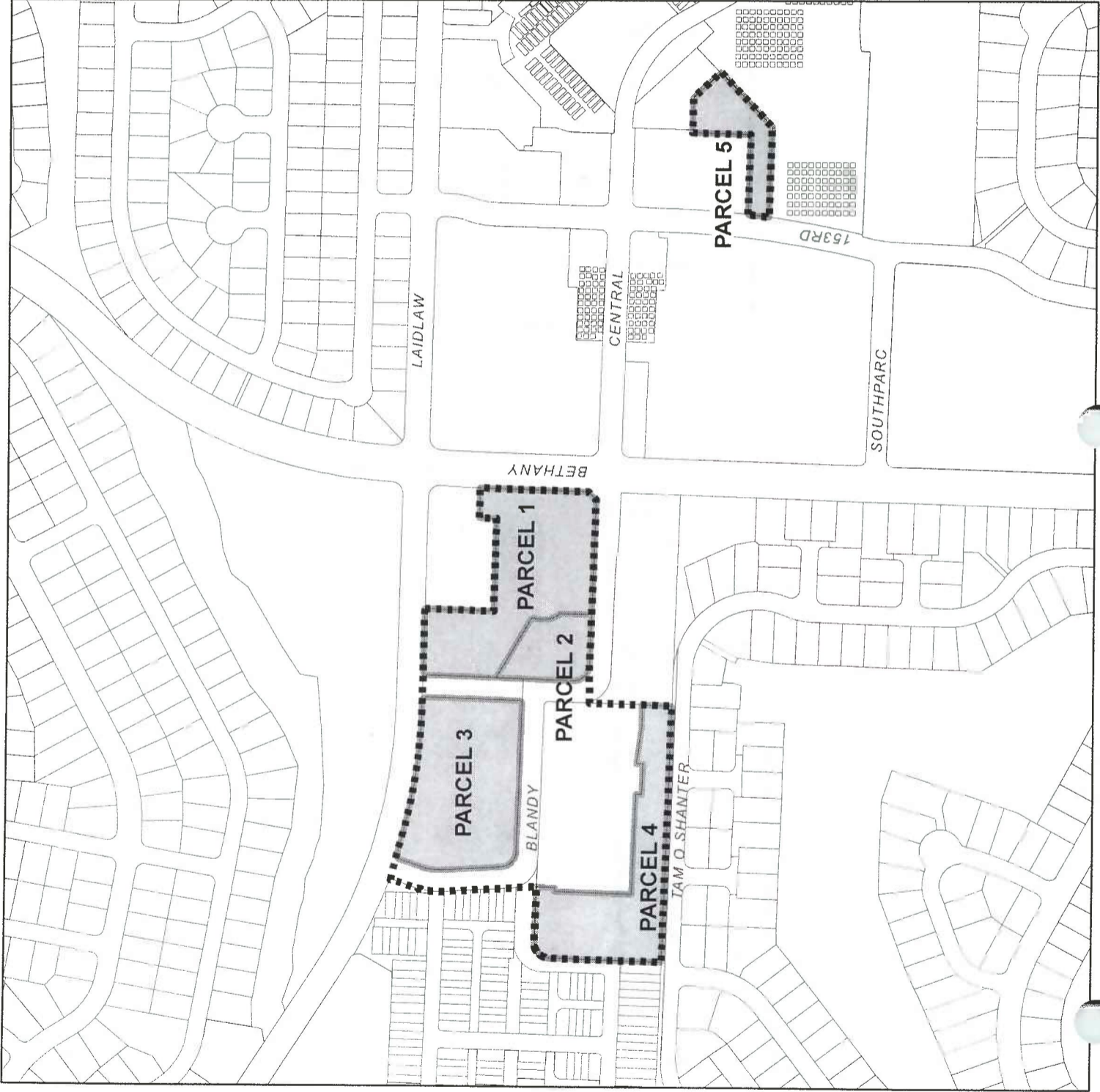


The Bethany Community Plan
Area of Special Concern Map shall be
modified to reflect the creation of
Area of Special Concern 1A.

Proposed Area of
Special Concern 1A



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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 702

Presented by: Brent Curtis, Long Range Planning Manager

SUMMARY:

Ordinance No. 702 was filed to allow the Board to consider Roy Kim's proposed two lot plan amendment in Central Bethany. The ordinance proposes to amend the Bethany Community Plan to designate two parcels at the southwest quadrant of the Bethany/Laidlaw intersection as Community Business District (CBD). Ordinance 702 was engrossed to include changes made to address design issues and other prevailing issues identified through the hearings process. Also, land use designations located in Area of Special Concern 1 for the Providence Health Services property and the retail buildings on the east side of 153rd Terrace were changed to more accurately reflect existing uses and future development.

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 A-Engrossed Ordinance No. 702. 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 A-Engrossed Ordinance No. 702 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

RO08-121

Agenda Item No.	<u>4.a.</u>
Date:	10/28/08

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 702) No. 08-121

This matter having come before the Washington County Board of Commissioners at its meeting of October 28, 2008; 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. 702; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on August 20, 2008, 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. 702 are hereby adopted.

DATED this 28th day of October, 2008.

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

APPROVED AS TO FORM:—

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

210 - Dick Schouten
Chairman

[Signature]
County Counsel
For Washington County, Oregon

Marion Larkin
Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 702 AN ORDINANCE AMENDING THE BETHANY COMMUNITY PLAN RELATING TO NEW DESIGN ELEMENTS FOR AREA OF SPECIAL CONCERN 1 AND CREATING AREA OF SPECIAL CONCERN 1A

October 28, 2008

GENERAL FINDINGS

A-Engrossed Ordinance No. 702 amends the Bethany Community Plan by changing the plan designation for specific areas of the Central Bethany development located in the Bethany Town Center, adding design criteria for future buildings, requiring public plazas and requiring plans detailing remaining open space and housing requirements. A map of the area is included as Attachment A to these findings. Specifically, A-Engrossed Ordinance No. 702 amends the Bethany Community Plan's plan designation map and plan text to modify the design elements for Area of Special Concern 1 and to create Area of Special Concern 1A.

Attachment 1 to these findings explains the requirements of new Design Elements for new applications and their review procedures in ASC 1A and their relationship to Community Development Code standards.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 702 is consistent with Statewide Planning Goals, ORS and OAR requirements and Metro's Urban Growth Management Functional 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 map and text 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 A-Engrossed Ordinance No. 702.

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. 702. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

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

Policies 10, 11 and 12 of the Comprehensive Framework Plan for the Urban Area, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment 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.

As part of the planned development approval for Central Bethany Development, several acres of Goal 5-designated land (Open Space, Wildlife Habitat, Water Area and Wetlands and Fish and Wildlife Habitat) was dedicated by subdivision plat as a non-buildable tract. The tract is subject to a storm water, drainage and detention easement over its entirety. Improvements relating to a pedestrian trail will eventually be constructed through the tract, but no other development will be allowed.

A-Engrossed Ordinance No. 702 does not affect this Goal 5 tract; therefore Goal 5 does not apply to this plan amendment. Compliance with Goal 5 is maintained with amendments made by A-Engrossed Ordinance No. 702 and the county's existing acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23.

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 A-Engrossed Ordinance No. 702. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8.

The Central Bethany Subarea of the Bethany Community Plan is amended by A-Engrossed Ordinance No. 702. Text relating to the newly-created Area of Special Concern 1A states that, as part of future development, two public plazas must be provided for public use. Design criteria for each plaza is provided in the amended Central Bethany Subarea section. For example, the main plaza must be at least 10,000 square feet in area, have areas with all-weather protection that includes seating, include a focal element and have multiple points of access and egress for pedestrians. The second plaza must be at least 8,000 square feet in area, have seating for pedestrians and incorporate certain design features. The public plazas are intended to provide both active and passive recreation areas for residents of the Bethany Village area as well as visitors. The plazas will be in addition to the open space already provided through development of the area, which will not be affected by A-Engrossed Ordinance No. 702.

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.

A-Engrossed Ordinance No. 702 designates approximately 16 additional acres of land as office and retail designations, specifically Office Commercial (OC) and Community Business District (CBD). Bethany is designated as a Town Center, and the additional OC and CBD areas would allow for development that would support the community by providing services and employment opportunities. This will allow the area to continue to foster the community-village atmosphere. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 702. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Goal 10 - Housing

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 702. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural areas as required by Goal 10.

The planned development approved in 1993 for Central Bethany required a minimum of 866 residential units. To date, the area has been developed with 711 residential units in a variety of housing types such as single-family attached, condominiums and apartments. Currently there are 155 residential units that have not been constructed. Although A-Engrossed Ordinance No. 702 increases the amount of commercial area and reduces the acreage of vacant residential land, the 155 remaining units will still be constructed. Due to the reduced area, the future residential units will be provided in some type of higher density buildings, possibly including mixed-use buildings. A-Engrossed Ordinance No. 702 requires the applicant to provide a plan that demonstrates how the 155 units will be provided as part of any application for development in Area of Special Concern 1A in order to ensure these units are provided.

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 County reviewed the traffic analysis for the area affected by A-Engrossed Ordinance No. 702. Staff found that the amendment will not result in significant impacts to the transportation network in the area. The report provided by the applicant states that study intersections will still operate within the county's adopted performance criteria even when developed with the uses allowed by the current and proposed land use designations.

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 702. 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).

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

The planned development approved in 1993 for Central Bethany required a minimum of 866 residential units. To date, the area has been developed with 711 residential units in a variety of

housing types such as single-family attached, condominiums and apartments. Currently there are 155 residential units that have not been constructed. Although A-Engrossed Ordinance No. 702 increases the amount of commercial area and reduces the acreage of vacant residential land, the 155 remaining units must still be constructed. Due to the reduced area, the future residential units will be provided in some type of higher density buildings. Some buildings within Areas of Special Concern 1 and 1A are expected to be both vertically and horizontally mixed-use. Shared building walls and facades will assure future development's compliance with the energy conservation policy. A-Engrossed Ordinance No. 702 requires the applicant to provide a plan that demonstrates how the 155 units will be provided as part of any application for development in Area of Special Concern 1A.

Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 702. The amendments are consistent with the county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Attachment 1

Clarification of Application Requirements and Review Procedures in Central Bethany Area of Special Concern 1A

A-Engrossed Ordinance No. 702 requires all new development in Area of Special Concern 1A (ASC 1A) to comply with a number of Design Elements. The purpose of this attachment to the ordinance findings is to provide greater clarity about Ordinance No. 702's requirements for development applications and their review procedures and their relationship to requirements of the Community Development Code (CDC).

The Type III procedure requirements listed below shall be met by all new development applications in Area of Special Concern (ASC) 1A.

1. All land use applications in ASC 1A shall be reviewed through the Type III procedure to allow testimony to be provided at a public hearing. The denial criteria set forth in CDC Section 403-4.19 shall not apply.
2. The applicant shall submit a new master plan application for ASC 1A pursuant to CDC Section 404 as part of the first Type III application. Approval of the new master plan shall rescind all prior land use approvals in ASC 1A that have not been constructed. The new master plan shall comply with the conditions of approval of the Central Bethany Planned Development (Case file 93-333-PD/S/SU/D(R)/AV/MR), the requirements of ASC 1 and ASC 1A and CDC standards. Any modifications to the new master plan that are not permitted by CDC 401-5.4 shall require a new master plan application for ASC 1A.
3. The new master plan shall designate on specific parcels in ASC 1A where:
 - A. The outstanding planned development open space of the Central Bethany Planned Development will be located. Nothing in the Bethany Community Plan shall preclude Parcel 2 from being converted from an open space tract to developable land when Parcel 2 is not needed to satisfy the open space requirement.
 - B. The outstanding 155 dwelling units will be located. Any dwelling units approved as part of development of Parcels 1 or 2 may count as part of the outstanding dwellings. Site plans and building elevations and floor plans for all residential units on all parcels shall be provided as part of the new master plan application. Approval of the new master plan is contingent upon a determination by the Review Authority that each proposed residential building can comply with the Design Elements of ASC 1 and ASC 1A, the applicable standards of the CDC, and the Central Bethany Planned Development.
4. The second of two required public design workshops may be used to satisfy the neighborhood meeting requirement as set forth in CDC Section 203-3 when all applicable requirements are met.

601005

TON COUNTY - DLUT
DIVISION, #350-14
First Avenue
OR 97124-3072

DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
ATTN: PLAN AMENDMENT SPECIALIST
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540