



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

November 6, 2006

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 014-06



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 16, 2006

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: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Meg Fernekees, DLCD Regional Representative
Steve Kelley, Washington County

<paa> ya/



FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be received by DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 – Division 18 (See reverse side for submittal requirements)

OCT 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Washington County

Local File No.: Ordinance No. 662 (If no number, use none)

Date of Adoption: October 24, 2006 (Must be filled in)

Date Mailed: October 26, 2006

Date the Notice of Proposed Amendment was mailed to DLCD:

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Elements of the County's Comprehensive Plan were amended to support habitat friendly / Low-impact development practices. These amendments support the protection of fish and wildlife habitat throughout the unincorporated area of Washington County. The changes allow new options through regulatory provisions but do not further restrict allowed uses.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the proposed amendment, write "N/A." Changes address technical issues, clarify language, improve integration of additions and remove a proposed code Section due to potential implementation problems.

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: N/A Acres involved: N/A

Specified Change in Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 3, 4, 5, 6, 8

Is an Exception Proposed? Yes: No: X

Was an Exception Adopted? Yes: No: X

DLCD No: C14-06 (15404)

Did the Department of Land Conservation and Development receive a notice a Proposed Amendment FORTY-FIVE (45) days prior to the first evidentiary hearing?

Yes: No:

If no, do the Statewide Planning Goals apply?

Yes: No:

If no, did The Emergency Circumstances require immediate adoption?

Yes: No:

Affected State and Federal Agencies, Local Governments or Special Districts:

Washington County, Metro, Clean Water Services, Tualatin Hills Park & Recreation District

Local Contact: Steve Kelley

Area Code + Phone Number: (503) 846-3593

Address: Washington County DLUT, 155 N First Avenue, Suite 350-14

City: Hillsboro

Zipcode + 4: 97124-3072

Email Address: steve_kelley@co.washington.or.us

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 (2)** Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bound, please submit **TWO (2)** complete copies of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD no 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 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 copy this form on to 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax you request to (503) 378-5518; or email your request to Larry.French@state.or.us – ATTENTION: PLAN AMENDMENT SPECIALIST.

CONTINUED FROM OCTOBER 17, 2006

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Fifth Reading and Public Hearing –
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 662 – AN
ORDINANCE AMENDING THE WASHINGTON COUNTY
COMMUNITY DEVELOPMENT CODE, COMPREHENSIVE
FRAMEWORK PLAN FOR THE URBAN AREA AND THE
RURAL NATURAL RESOURCE PLAN RELATING TO
SUPPORTING AND ENCOURAGING THE USE OF LOW-
IMPACT / HABITAT FRIENDLY DEVELOPMENT PRACTICES
IN UNINCORPORATED WASHINGTON COUNTY**

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

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance 662 was filed in order to comply with Metro's Functional Plan requirements related to the Regional "Nature In Neighborhoods" Program (Metro Code section 3.07.1330 (B) (5) (d.)).

On October 17, 2006, the Board conducted the fourth public hearing on Ordinance 662. At this hearing, Staff recommended that the ordinance be continued to October 24, 2006 in order to fulfill the Charter requirement to hold an evening meeting prior to adoption of an engrossed ordinance. At the conclusion of this fourth hearing, the Board continued the hearing to October 24, 2006.

This is the second of two required hearings on A-Engrossed Ordinance 662. Copies of the Staff Report will 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 A-Engrossed Ordinance No. 662 by title only and conduct the fifth public hearing. At the conclusion of the hearing, adopt the ordinance.

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.a.</u>
Date:	10/24/06

FILED

OCT 03 2006

**Washington County
County Clerk**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE NO. 662

An Ordinance Amending the
Community Development Code Element
of the Washington County
Comprehensive Plan, the Comprehensive
Framework Plan for the Urban Area, and
the Rural/Natural Resource Plan Relating
to Supporting and Encouraging the Use
of Low-Impact, Habitat Friendly
Development Practices in
Unincorporated Washington County

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon,
recognizes that the Community Development Code ("CDC") element of the Comprehensive
Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance
No. 308, with portions 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, 421-423, 428-
434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-
489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-
577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631,
634, 635, 638, 642, 644, 645, 648, 649, 654, 660, 661 and 667.

B. The Board of County Commissioners of Washington County, Oregon,
recognizes that the Comprehensive Framework Plan for the Urban Area element of the
Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with

1 portions subsequently amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded),
2 459, 471, 483, 503, 516, 517, 526, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624,
3 631, 632, 637, 643, and 649.

4 C. The Board of County Commissioners recognizes that the Rural/Natural Resource
5 Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with
6 portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482,
7 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, and
8 653.

9 D. Subsequent ongoing planning efforts of the County indicate a need for further
10 clarification to the proposed changes to the Community Development Code element of the
11 Comprehensive Plan, the Comprehensive Framework Plan for the Urban Area, and the
12 Rural/Natural Resource Plan, to make the language more consistent with the overall structure
13 and form of the CDC, the Urban Plan, and the Rural Plan, and to improve the overall legibility
14 and function of these Plan documents in fulfilling the commitments outlined in the Tualatin
15 Basin Fish and Wildlife Program Element of Title 13 of Metro's Regional Functional Plan,
16 including provisions that facilitate and encourage the use of habitat-friendly development
17 practices. The Board takes note that such changes would address are necessary for the benefit
18 of the health, safety, and general welfare of the residents of Washington County, Oregon.

19 E. Under the provisions of Washington County Charter Chapter X, the Land Use
20 Ordinance Advisory Commission has carried out its responsibilities, including preparation of
21 notices, and the County Planning Commission has conducted one or more public hearings on
22 the proposed amendments and has submitted its recommendations to the Board. The Board

1 finds that this Ordinance is based on that recommendation and any modifications made by the
2 Board, as a result of the public hearings process.

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

8 SECTION 2

9 The following exhibits, attached hereto and incorporated herein by reference, are hereby
10 adopted as amendments to the documents designated below:

- 11 A. Exhibit 1 (1 page) amending CDC Section 106 – DEFINITIONS;
- 12 B. Exhibit 2 (1 page) amending Subsection 300-3 – Density Transfers for
13 Unbuildable Lands under CDC Section 300 – INTRODUCTION;
- 14 C. Exhibit 3 (1 page) amending CDC Section 300 – INTRODUCTION;
- 15 D. Exhibit 4 (4 pages) amending CDC Sections 302-1, 303-1, 304-1, 305-1, 306-1,
16 and 307-1; and Table C of Section 375; – INTENT AND PURPOSE;
- 17 E. Exhibit 5 (8 pages) amending Section 407 – LANDSCAPE DESIGN;
- 18 F. Exhibit 6 (2 pages) amending Subsection 408-9 – Accessway and Greenway
19 Design under CDC Section 408 – NEIGHBORHOOD CIRCULATION;
- 20 G. Exhibit 7 (6 pages) amending Subsection 409-3 – Urban Private Street Standards
21 under CDC Section 409 – PRIVATE STREETS;
- 22 H. Exhibit 8 (1 page) amending CDC Section 410 – GRADING AND DRAINAGE;
- I. Exhibit 9 (2 pages) amending CDC Section 413 – PARKING AND LOADING;
- J. Exhibit 10 (1 page) amending CDC Section 415 – LIGHTING;

- 1 K. Exhibit 11 (1 page) amending CDC Section 416 – UTILITY DESIGN;
- 2 L. Exhibit 12 (7 pages) amending CDC Section 422 – SIGNIFICANT NATURAL
RESOURCES;
- 3 M. Exhibit 13 (2 pages) amending Section D. NATURAL FEATURES of the
4 SUMMARY ANALYSIS OF CONSTRAINTS AND OPPORTUNITIES FOR
5 LAND DEVELOPMENT component of the Comprehensive Framework Plan for
the Urban Area;
- 6 N. Exhibit 14 (2 pages) amending Policy 10 BIOLOGICAL RESOURCES AND
NATURAL AREAS of the Comprehensive Framework Plan for the Urban Area;
- 7 O. Exhibit 15 (3 pages) amending the PREFACE to the Rural/Natural Resource
8 Plan;
- 9 P. Exhibit 16 (3 pages) amending Policy 6 WATER RESOURCES of the
Rural/Natural Resource Plan;
- 10 Q. Exhibit 17 (1 page) amending Policy 10 FISH AND WILDLIFE HABITAT of
11 the Rural/Natural Resource Plan;
- 12 R. Exhibit 18 (2 pages) amending Policy 15 EXCLUSIVE FARM LANDS of the
Rural/Natural Resource Plan;
- 13 S. Exhibit 19 (2 pages) amending Policy 17 AGRICULTURE AND FOREST-20
14 LAND of the Rural/Natural Resource Plan; and
- 15 T. Exhibit 20 (1 page) amending Policy 6 WATER RESOURCES of the Urban
16 Plan.

17 SECTION 3

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

20 SECTION 4

21 All applications received prior to the effective date shall be processed in accordance with
22 ORS 215.427 (2005 Edition).

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

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

3 SECTION 7

4 This Ordinance shall take effect thirty (30) days after adoption.

5 ENACTED this 24 day of October, 2006, being the 5th reading and
6 5th public hearing before the Board of County Commissioners of Washington County,
7 Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

11 John Luyers for
CHAIRMAN

12 Barbara Hejtmanek
RECORDING SECRETARY

	<u>READING</u>	<u>PUBLIC HEARING</u>
14	First <u>September 19, 2006</u>	<u>September 19, 2006</u>
15	Second <u>September 26, 2006</u>	<u>September 26, 2006</u>
16	Third <u>October 3, 2006</u>	<u>October 3, 2006</u>
17	Fourth <u>October 17, 2006</u>	<u>October 17, 2006</u>
18	Fifth <u>October 24, 2006</u>	<u>October 24, 2006</u>
19	Sixth _____	_____
20	VOTE: Aye: <u>Brian, Leeper, Schouten</u>	Nay: _____

21 Recording Secretary: Barbara Hejtmanek Date: October 24, 2006

Community Development Code Section 106 DEFINITIONS is amended to add the following:

106-198 Stormwater Facilities

106-198.1 Vegetated Stormwater Facilities are on-site: swales, ponds, inverted planting areas, detention facilities, and other water quality and/or quantity facilities where the land surface of the facility is covered with native vegetation.

Subsection 300-3, Density Transfers for Unbuildable Lands of Community Development Code
Section INTRODUCTION is amended as follows:

300-3 Density Transfers for Unbuildable Lands

300-3.1 Applicability:

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within ~~one~~any of the following areas:

- A. Floodplain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;
- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. Water Quality Sensitive Areas;~~or~~
- I. Vegetated Corridors;
- J. Regionally Significant Fish & Wildlife Habitat areas as designated on the current edition of Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map.
- K. In transit oriented districts, land within an area identified in ~~A through G~~ above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-2-33.4;

Community Development Code Section 300, INTRODUCTION, is amended to add new Section 300-5, as follows:

300-5 Development at Lower than Minimum Density

300-5.1 Applicability:

The Review Authority may approve development at less than the required minimum density when the following standards are met:

- A. The site contains lands identified by Metro as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map;
- B. The Regionally Significant Fish & Wildlife Habitat area is protected by compliance with Sections 405-4 and 405-5;
- C. The proposed reduction in density associated with the protected portion of the site shall not exceed the protected area's proportional share of the overall site density. (For example, on a one-acre site with a minimum density of eight (8) units per acre, a one-quarter (1/4)-acre protected area would yield a maximum density reduction of two (2) units, resulting in six (6) units on the remainder of the site); and
- D. Prior to final approval, the applicant submits evidence of having provided notice to Metro stating:
 - (1) the map and tax lot number(s) of the lot(s) or parcel(s) subject to the density reduction;
 - (2) the acreage of the Regionally Significant Fish & Wildlife Habitat area being protected; and
 - (3) the number of units (net reduction) below the normally required minimum.

Community Development Code Sections 302, 303, 304, 305, 306, 307 and 375 are amended as follows:

1. **302 R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)**

302-1 Intent and Purpose

The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2, Section 300-5 or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less. Infill development on all parcels two (2) acres or less may occur only through application of the infill policy (Section 430-72).

2. **303 R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)**

303-1 Intent and Purpose

The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2, Section 300-5 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

3. **304 R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)**

304-1 Intent and Purpose

The R-9 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2 or Section 300-5. The purpose of the R-9 District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured dwelling subdivisions and parks.

4. 305 **R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)**

305-1 **Intent and Purpose**

The intent and purpose of the R-15 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2 or Section 300-5.

5. 306 **R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)**

306-1 **Intent and Purpose**

The intent and purpose of the R-24 District is to implement the policies of the Comprehensive Plan for areas designated for residential development of no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 300-2 or Section 300-5.

6. 307 **R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)**

307-1 **Intent and Purpose**

The intent of the R-25+ District is to implement the policies of the Comprehensive Plan for areas designated for residential development of twenty-five (25) units or more per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2, Section 300-5 or Section 307-6. The purpose of the district is to provide areas for high density attached housing.

7. 375 TRANSIT ORIENTED DISTRICTS

Table C. Density Requirements for Transit Oriented Districts

Required minimum and maximum development densities for transit oriented districts are shown below. Densities are in terms of dwelling units per acre (d.u./ac.) for residential development, except group care uses (see Section 430-53), or floor area ratio (FAR) for mixed use or nonresidential development. Required densities are applicable to a development site after subtracting any unbuildable portion of a lot that is within one of the areas identified in Section 300-3.1 HK. Required densities may also be reduced as permitted by Section 300-5. A transfer of density from an unbuildable portion of a lot to another area shall be permitted pursuant to Section 300-3.

Minimum density requirements may be satisfied through build-out of an approved phased Master Plan.

DENSITY REQUIREMENTS	DISTRICT									
	TO:RC (3)	TO:BUS (3)	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120	
Minimum: - Within 1,300' of station platform or within a Regional Center	.5 FAR	.5 FAR (1)	.5 FAR	9 d.u./ac. or .35 FAR (2)	12 d.u./ac. or .5 FAR (2)	18 d.u./ac. or .5 FAR (2)	24 d.u./ac. or .65 FAR (2)	40 d.u./ac. or .8 FAR (2)	80 d.u./ac. or 1.0 FAR (2)	
- Between 1,300' and 2600' from station platform	.35 FAR	.5 FAR	.35 FAR	same	same	same	same	same	same	
- Beyond 2,600' from station platform	.25 FAR	.35 FAR	.35 FAR	same	same	same	same	same	same	
- Within a Town Center Core, as defined by an adopted Community Plan	.35 FAR	.5 FAR	same	same	same	same	same	same	same	
- Within a Town Center but outside a Town Center Core, as defined by an adopted Community Plan	.25 FAR	.35 FAR	same	same	same	same	same	same	same	
Maximum: - Within 1,300' of station platform or within a Regional Center	None (2)	None (2)	None (2)	12 d.u./ac. (No FAR)	18 d.u./ac. (No FAR)	24 d.u./ac. (No FAR)	40 d.u./ac. (No FAR)	80 d.u./ac. (No FAR)	120 d.u./ac. (No FAR)	
- Beyond 1,300' from station platform	None (2)	None (2)	None (2)	same	same	same	same	same	same	

abcdef Proposed additions
 abedef Proposed deletions

- (1) Within 1,300' of a transit center, the minimum density for development shall be 1.0 FAR.
- (2) If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.
- (3) The total square footage (FAR) of the residential component of a mixed-use development may be counted towards the minimum required FAR provisions of this section for mixed-use developments, provided that the total square footage of the residential component does not exceed 50-percent of the non-residential floor area requirement.

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Community Development Code Section 407 LANDSCAPE DESIGN is amended to reflect the following:

407-1 Minimum Landscape Standards

407-1.1 Minimum landscaping area requirements may include landscaping around buildings and in parking and loading areas, outdoor recreational use areas, ~~and screening and buffering as required under Section 411, and vegetated stormwater facilities as defined by Section 106-198.1.~~

407-1.2 Areas determined unbuildable due to slopes, ~~and flood-plains, water quality sensitive areas, vegetated corridors, or areas~~ and required as open space under Sections 405 or landscaping within parking areas under Section 407-1.67, shall not be used to calculate or satisfy minimum landscape requirements.

407-1.3 Residential:

A minimum of twenty-five (25) percent of the buildable land area pursuant to Section 407-1.2 shall be used for landscaping in residential districts. There shall be no minimum landscape requirement for detached dwellings or a duplex on a lot of record located in an urban residential district or rural district. Redevelopment or additions to attached dwelling developments shall meet the minimum area requirements of this Section.

407-1.4 Commercial, Industrial and Institutional Districts:

A. For new development, the minimum area required for landscaping shall be fifteen (15) percent of the land area.

B. For developed areas where fifteen (15) percent of the land area is not landscaped, where there are additions, alterations or changes, the following amounts of landscaping shall be provided until the fifteen (15) percent requirement is satisfied:

(1) On sites of two acres or less:

(a) Changes in use which require an increase in parking, or structural additions up to 1,999 square feet, shall be required to landscape at least five (5) percent of the entire developed site area.

(b) Structural additions of 2,000 to 4,999 square feet shall be required to landscape at least ten (10) percent of the entire developed site area.

(c) Structural additions of 5,000 square feet or more shall be required to meet the current minimum landscape requirement for new development.

- (2) On sites of more than two acres:
- (a) Changes in use which require an increase in parking shall be required to landscape at least five (5) percent of the developed site area.
 - (b) Any structural additions shall be required to provide landscaping proportional to the additional footage being proposed.

Example

Lot Area x 15% (req. landscaping) = X Existing

Existing Building Floor Area = Y

Proposed Building Floor Area = Z

Z

$Z/Y = A$ (Addition as percent of total building area)

$X \times A =$ Required Amount of Landscaping

- (3) Where successive occupancy changes or additions occur the landscape requirement shall accumulate until total conformance is reached.

407-1.5 All areas of a building site not identified in a site plan or development plan application as intended for a specified immediate use, shall be landscaped except where enclosed and blocked from the view of public streets by solid fencing or buildings.

407-1.6 The minimum landscape area required by Sections 407-1.3 and 407-1.4 may be reduced when the requirements of A. or B. below are met. Subsection 407-1.6 shall not be used to satisfy the requirements of Subsection 407-1.7.

A. A reduction of up to twenty (20) percent of the required landscape area is permitted when the following construction design features and materials are used in the development. The amount of reduction is related to the extent of the proposed improvements (more improvements result in a greater reduction). The application shall include a recommendation from Clean Water Services that indicates the amount of reduction warranted by the proposed improvements.

(1) Structure(s) incorporate vegetated roofs; or other low-impact features designed to reduce storm water runoff; or

(2) Required driveways, sidewalks or off-street parking areas are designed and constructed to reduce stormwater runoff rates and volumes through the use of pervious materials and/or other on-site stormwater management techniques;

B. Fifty (50) percent of the Metro habitat area on a site may be used as a credit to reduce the required amount of landscaping when the portion of the Metro habitat area that is used as a credit is:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- (1) Preserved and maintained consistent with the requirements of Sections 405-4 and 405-5; and
- (2) In good condition as habitat or is improved to be in good habitat condition.
- (3) For the purposes of this subsection, Metro habitat area means:

That portion of a Metro Regionally Significant Fish & Wildlife Habitat that is:

- (a) Not designated by the applicable Community Plan as a Significant Natural Resource (Significant Natural Area, Water Areas and Wetlands or Water Areas and Wetlands and Fish & Wildlife Habitat); and
- (b) Located outside of Clean Water Services' vegetated corridors or water quality sensitive areas.

407-1.67 The following interior landscaping requirements shall apply to all parking areas for ten (10) or more vehicles:

- A. Ten (10) square feet of landscaping per parking space, excluding perimeter landscaping;
- B. Landscaped islands shall be a minimum of one hundred and twenty (120) square feet.

407-2 Standards for Landscaping Materials

In order to reduce water usage, developments are encouraged to use native trees and plant materials. Developments are also encouraged to use pervious materials and compost amended soils to reduce storm water runoff.

Where landscaping is required by Section 407-1, the materials, installation and maintenance are subject to the following provisions:

407-2.1 Allowable Materials:

Landscaping is to include a combination of any of the following materials:

- A. Trees, shrubs, ground cover, vines, flowers and lawns;
- B. Brick, bark, timber, decorative rock or other decorative materials, provided that materials other than planting materials are not to exceed twenty-five (25) percent of the total area of landscaping; and
- C. Features including fountains, pools, artwork, walls and fences.

407-2.2 Prohibited Materials:

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Landscaping required by Section 407 shall not include any plant material which:

- A. Is identified by the Director as having root structures that in their mature state may damage or interfere with the normal use of existing public or private underground electrical lines, cables or conduits, pipes or other underground structures; or public or private sidewalks, curbs, gutters or paved parking turnaround areas, drainage improvements, or adjacent structures, foundations, or landscape materials; ~~or~~
- B. Cast a shadow, which is greater than the shadow cast by a hypothetical wall seven feet high located along the property line, between 10 a.m. and 2 p.m. on December 21st, upon an existing solar collector; and
- C. Are identified on regional or local plant lists as invasive or noxious plant species.

407-2.3 Landscape materials should be selected and sited to produce a hardy and drought-resistant landscaped area. Selection should include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site.

407-3 Tree Preservation and Removal

407-3.1 Applicability

Section 407-3 applies to all tree removal that is not excluded from development permits required by Section 201-2 or is not in conjunction with another Type II or Type III development action.

407-3.2 Exemptions from Tree Removal Permit Requirement

The requirements of Section 407-3 do not apply to the following:

- A. Trees identified and approved for removal through a Type II or III procedure in an approved Development Plan; or
- B. Removal of trees in conjunction with the development of a "conflicting use" of a Significant Natural Resource as specified in the applicable community plan, which was allowed pursuant to Oar 660-023-0040(5)(c) (effective September 1, 1996), through a Type IV process; or
- C. Trees in a hazardous condition which presents an immediate danger to health or property; or
- D. Trees that are removed as part of stream enhancement or ecological rehabilitation activities as directed and approved by Clean Water Services.

407-3.3 Submission Requirements

Applications for tree removal shall include the following information:

A. Written narrative containing:

- (1) A description of the size, species and condition (e.g., diseased, healthy) of each tree or group of trees, proposed for removal or replacement;
- (2) An explanation of the purpose of removal;
- (3) A description of any associated flood plain or drainage hazard area alterations;
- (4) Findings addressing the application requirements of Section 422; and
- (5) Findings addressing relevant design elements of the applicable community plan.

B. A Site Plan showing:

- (1) The location, size and species of trees six (6) inches or greater in diameter at four (4) feet above grade. For forested areas that are larger than five (5) acres, the general locations of trees may be shown with one or more detailed one (1) acre sample areas. Sample areas must be representative of the site.
- (2) A delineation of any flood plain, drainage or wetland areas in accordance with Sections 421 and 422.

C. An approved erosion control plan from the Clean Water Services.

407-3.4 Tagging Required:

Trees proposed for removal shall be identified for field inspection by means of flagging, staking, paint spotting or other means readily visible but not detrimental to a healthy tree.

If a proposed harvest area is located within twenty-five (25) feet of a rear or side property line, not including property lines adjacent to a public or private street, the applicant shall:

- A. Mark or stake the property line(s) so that it is readily visible; and
- B. Identify trees within twenty-five feet of the property line that are proposed to be removed in the manner described above.

407-3.5 Removal Standards:

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- A. Compliance with Section 422 and any other applicable Code requirement; and
- B. Inside the UGB, the harvesting of forest tree species for the commercial value of the timber shall be subject to the following additional requirement:
 - (1) The harvesting of trees shall use a selective cutting procedure. Clear-cutting shall not be permitted.
 - (2) For the purposes of Section 407-3, clear-cut means any harvest unit that leaves fewer than fifty (50) living, healthy and upright trees per acre that are well-distributed over the unit and that measure at least eleven (11) inches in diameter at four (4) feet above grade. Species left should reflect the same species proportions existing prior to harvest.
- C. The Review Authority may require the applicant to identify a property line through a boundary survey when evidence has been submitted which indicates that trees that are proposed to be removed may be located on an adjacent property. If required, the boundary survey shall be made and recorded in the County Survey Division prior to the removal of any trees from the area in question.

407-4 Landscape Plan

The purpose of a landscape plan is to identify the type and placement of plant materials. By detailing the plantings, a landscape plan provides an effective means for evaluating whether chosen plant materials will survive in the climate and soils of a given site and satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time. Landscaping plans are to be prepared, processed and used as follows:

407-4.1 When Required:

Landscaping plans are required to be submitted as part of a development application, except for detached and duplex dwelling units located within the R-5, R-6 and Agricultural Districts.

407-4.2 Landscape Plan Content:

Landscape plans are to be neatly and accurately drawn, at a scale that will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscape plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans shall show:

- A. The location of all trees six (6) inches or larger in diameter at four (4) feet above grade existing in or within fifty (50) feet of the area of the site proposed for grading or other construction. Trees proposed to be removed are to be identified;

- B. Proposed landscaping details including the location, species, container size and number of trees, shrubs and ground cover;
- C. Details and location of proposed fencing, entryways, trash collection areas and freestanding signs;
- D. Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment; and
- E. Outdoor light fixtures, including their location, height and wattage.
- F. No fill material shall be placed adjacent to existing trees inside the drip line.

407-5 General Provisions and Guidelines

- 407-5.1 The landscape design shall incorporate existing significant trees and vegetation, which shall be protected during construction to the extent practicable.
- 407-5.2 Patterns of landscape design established on adjacent properties through a consistent use of species or spacing should be continued within a development.
- 407-5.3 Fencing adjacent to stream buffers or other wildlife habitat areas shall be designed to allow the passage of wildlife. Fencing shall include openings appropriately sized and spaced to accommodate the passage of wildlife common to urban Washington County, including, deer, beaver, coyote, muskrat, rabbit, raccoon and skunk.

407-6 Parking Area Landscaping

- 407-6.1 The landscaping located within and adjacent to access roads and parking areas shall consist of a mixture of ground covers, shrubs and trees.
- 407-6.2 Landscaped areas shall be located to provide shade for parking lots and to create small clusters of parking.
- 407-6.3 In addition to pedestrian ways, parking areas and access roads shall be separated from the exterior wall of a structure with landscaping except where loading and access ways exist.
- 407-6.4 A minimum five (5) foot landscape strip shall be created along any parking lot boundary, including access roads, except where the use of joint parking or a zero setback is approved.
- 407-6.5 Landscape "islands" located within parking areas shall maintain a minimum width and length dimension of five (5) feet (see Section 407-1.6).
- 407-6.6 Entryways into parking lots shall be bordered by a minimum five (5) foot wide landscape strip.

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407-6.7 Landscape plans that do not meet the minimum area standard through requirements intended to provide landscaping around buildings and in parking and loading areas, and screening and buffering as required under Section 411, are required to focus landscaping along pedestrian walkways linking on-site building(s) to the street in order to meet the minimum area standard.

407-7 Urban Street Tree Standards

Inside an urban growth boundary, all new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot, shall be required to plant street trees in accordance with the following standards:

407-7.1 The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure. Trees shall be selected and appropriately spaced to maximize canopy coverage and provide canopy overlap for shade. Trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage unless the selected species has a wide canopy. In those instances, the spacing of trees may be greater than thirty-five (35) feet provided the spacing will result in canopy overlap.;

407-7.2 Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;

~~407-7.3 Street trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage except~~

407-7.4~~3~~ Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way; and

407-7.5~~4~~ Street trees shall be a minimum of one and one-half (1 ½) inches in diameter.

Community Development Code Section 408 NEIGHBORHOOD CIRCULATION is amended as follows:

408-9 Accessway and Greenway Design

- 408-9.1 Accessways shall be direct with at least one end of the accessway always visible from any point along the accessway.
- 408-9.2 Accessways shall have a maximum slope of five (5) percent wherever practical.
- 408-9.3 Accessways shall be no longer than three-hundred (300) feet in length between streets. Accessways less than one hundred-fifty (150) feet in length shall include a fifteen (15) foot wide right-of-way with a ten (10) foot wide paved surface to safely accommodate both bicycles and pedestrians. For accessways over one hundred-fifty (150) feet a twenty (20) foot right-of-way shall be provided with a ten foot wide paved surface. The length of the accessway shall be measured from the edge of right-of-way between streets.
- 408-9.4 Fencing along or within ten (10) feet of lot lines adjacent to accessways is permitted, provided that it is constructed of metal or wood and does not exceed five (5) feet in height. Solid, opaque fences are not permitted.
- 408-9.5 The paved portion of the accessway shall be free of horizontal obstruction and shall have a nine (9) foot, six (6) inch vertical clearance to accommodate bicyclists.
- 408-9.6 All accessways shall be landscaped. New landscaping materials shall be selected and sited in conformance with Section 407-2.3, and be limited to canopy trees, shrubs, ground cover, vines, flowers, lawns, brick, bark, timber, decorative rock or other decorative materials which meet requirements of Section 407-2.2.
- 408-9.7 Existing trees within the right-of-way are subject to preservation or removal according to procedures in Section 407-3.
- 408-9.8 Where street lighting is not present at accessway entrances, pedestrian scale lighting not to exceed 16 feet in height, having a minimum of 0.5 footcandles average illumination and a uniformity ratio not exceeding 5:1 shall be provided at both entrances to all accessways, and may also be required at intermediate points along the accessway as determined by a registered engineer. The following conditions shall also apply:
- A. The lamp shall include a high-pressure sodium bulb with-an unbreakable lens; and
 - B. Lamps shall be oriented so as not to shine excessive amounts of light upon adjacent residences or into nearby habitat areas.

- 408-9.9 Accessway surfaces shall be constructed of asphaltic concrete according to the County Road Standards or other all-weather surfaces (including pervious paving materials) as approved by the County Engineer.
- 408-9.10 Accessway curb ramps shall be provided where accessways intersect with streets.
- 408-9.11 Accessways shall be signed to prohibit access by unauthorized motor vehicles where accessways intersect with streets.
- 408-9.12 Accessways shall require a physical barrier at all intersections with streets, to prevent use of the facility by unauthorized motor vehicles. Barriers shall:
- A. Be removable, lockable posts permitting access by authorized vehicles;
 - B. Be reflectorized for night visibility and painted a bright color for day visibility; and
 - C. Be spaced five (5) feet apart.
- 408-9.13 When an accessway is provided between two properties, and at least one of the accessways is an internal connection, the accessway shall be 10 feet wide. For example, a shopping center required to provide a connection to an undeveloped office commercial property shall leave at least a ten (10) foot wide gap in any fence or berm built near the property line at the end of the connection.
- 408-9.14 When an accessway is required to connect to an existing accessway, and the existing accessway has a paved width less than ten (10) feet, a transition shall be provided between the two accessways as part of the required accessway.
- 408-9.15 Greenways, intended to partially fulfill the circulation review standards in 408-5, shall include a minimum thirty (30) foot wide right-of-way with a ten (10)-foot wide paved surface. Greenways may exceed 300 feet. Greenways shall also meet the standards of 408-9.5 through 408-9.12.
- 408-9.16 The Review Authority may modify the accessway and greenway design standards based on findings that strict compliance with the standards is not practicable, and that the modification is the minimum necessary to address the constraint.

Community Development Code Section 409 PRIVATE STREETS is amended to reflect the following:

409-3 Urban Private Street Standards

- 409-3.1 A private street may be permitted when all of the following criteria are met:
- A. The street is not needed to provide access to other properties in the area in order to facilitate provisions of the applicable Community Plan(s), the Transportation Plan, or Section 431, access spacing, sight distance, and circulation standards and requirements, or emergency access standards or concerns;
 - B. The street is not designated as a proposed facility in the Transportation Plan, or is not identified as a public street in the applicable Community Plan or by the requirements of Section 431;
 - C. The street is not designated as a public street by a previous land use action, or by a study adopted by the County;
 - D. The street does not serve as a collector or arterial street, or as a Special Area Commercial Street; and
 - E. In transit oriented districts, the street is permitted as a private street by Section 431.
- 409-3.2 Notwithstanding the above criteria for access spacing, circulation, emergency access, and collector function, the review authority may approve a private street in conjunction with a proposed development upon adequate findings from the applicant that environmental or topographic constraints make construction of a public street impractical and that no serious adverse impacts will occur to surrounding properties or roads.
- 409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:

A. Local Residential Streets:

	FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	Two-way				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	Alleys (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

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B. Private Commercial and Industrial Streets:

	FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1,500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3,000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	3,000 Plus ADT	22 ft.	(4)	Yes	Both Sides
	Two-way				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1,500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3,000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	3,000 Plus ADT	40 ft.	(4)	Yes	Both Sides
	Alleys (One-way or two-way)				
(18)	1,500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1,500 Plus ADT	16 ft.	(4)	***Yes	None

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

C. Private Street Length:

For the purpose of this Section, private street length shall be measured as the distance between the near side curb line of the intersecting street and the far edge of pavement of the private road, including any turnaround.

409-3.4 Private Street Design and Construction

A. Construction Plans

- (1) Construction plans for private streets constructed per Sections 409-3.3 A(3), ~~or A(8-1711)~~, or B (10 – 19) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.

- (2) Construction plans for private streets constructed per Sections 409-3.3 A. (1, 2, 4, 5, 6 or 7) are not required to be prepared by a civil engineer unless the applicant chooses to construct the street in accordance with the County road standards as provided by Section 409-3.6 A. (1).
- (3) Final construction plans for all private streets shall be submitted prior to final approval.

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), A (8 - 11) or B (810 through 179) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.
- (2) Private streets constructed per Section 409-3.3 A. (1, 2, 4, 5, 6, or 7) shall be constructed prior to final plat approval unless approved otherwise by the Director. The applicant's engineer or contractor shall provide written certification that the street was constructed in accordance with the final construction plans prior to final approval, or prior to issuance of any building permit within the development when the Director permits the street to be constructed after final approval.

409-3.5 Private Street Tracts

The pavement width, and curbs, if any, of all private streets, except private streets serving one or two single-family residential lots or parcels, shall be located in a tract which meets the provisions of Section 409-4. Sidewalks may be located outside a tract on individual lots or parcels when approved by the Review Authority provided the following standards are met:

- A. The sidewalk shall be located in an easement; and
- B. Except in transit oriented districts, a minimum twenty (20) foot setback to the garage vehicle entrance, measured from the sidewalk or easement for public travel, whichever is closest shall be provided. In transit oriented districts, the minimum setback to the garage vehicle entrance shall be no less than the minimum setback required by Section 375 or Section 431.

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

- A. Structural Section Type:

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- (1) Three (3) inch Type "C" AC over six (6) inches compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (2) Three (3) inch Type "C" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (3) Two (2) inch Type "C" AC over two (2) inch Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (4) Two (2) inches Type "C" AC over three (3) inches Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (5) In lieu of being constructed of asphaltic concrete as described in items (1)-(4) above, private streets or driveways may be constructed of pervious paving materials when the applicant's engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in the table in Subsections 409-3.3 A. and B.

B. Curb Standards Type:

- (1) Standard curb and gutter, six (6) inches exposed (see standard drawings of County Road Standards).
- (2) Mountable curbs.
- (3) When vegetated stormwater management facilities will be used to convey and treat street runoff, curb cuts will be allowed for the purpose of draining runoff from the private street or driveway.

C. Sidewalks:

- (1) Concrete sidewalks, minimum five (5) feet width (see standard drawings of County Road Standards), and sidewalk ramps at street corners.
- (2) In lieu of being constructed of concrete, as described in (1) above, sidewalks may be constructed of pervious paving materials when the applicant's engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in (1) above.

Subsection 410-1, General Provisions, of CDC Section 410 GRADING AND DRAINAGE is amended as follows:

410-1.4 Private Street Ditch Standards

- A. Existing roadside ditches alongside new development or the construction of new roadside ditches shall:
- (1) Be constructed to pass all required flows;
 - (2) Have a maximum depth of no more than two (2) feet as measured from the shoulder of the road;
 - (3) Have side slopes no steeper than 2:1;
 - (4) Have sufficient grade to provide for water conveyance; and
 - (5) Have a maximum flow velocity when flowing full that does not exceed the erosive velocity limits of soils in the ditch. "Open Channel Hydraulics" by V. T. Chow, McGraw Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity.
- B. Except as provided under E. below, Any proposed roadside ditch improvement that does not meet the requirements in Section 410-1.4 A. shall be piped.
- C. All proposed or modified ditches shall have adequate erosion control provisions to prevent potential damage to the shoulder of the adjacent road as well as the ditch.
- D. No pipes, culverts or other structures shall be permitted to protrude into a ditch.
- E. In lieu of retaining existing ditches or constructing new ditches, vegetated stormwater facilities may be constructed when site conditions are determined appropriate by Clean Water Services. All such facilities shall comply with any applicable Clean Water Services Design and Construction Standards.

Community Development Code Section 413-5, Off-Street Parking Standards, is amended as follows:

413-5 Off-Street Parking Standards

- 413-5.1 All required off-street parking and loading areas inside the Urban Growth Boundary shall be surfaced with concrete or asphaltic material to conform with either of the following standards:
- A. A minimum of four (4) inches of concrete for vehicles and six (6) inches for commercial vehicles or trucks; or
 - B. Two (2) inches of asphalt overlaying a six (6) inch base (compacted) of crushed stone.
 - C. In lieu of being constructed as described under A. or B. above, off-street parking and loading areas may be constructed of pervious paving materials when the applicant's engineer provides written certification with the application that appropriate site conditions exist for the use of pervious materials and that the proposed design and construction will be equal to or superior to the structural standards specified in A. or B. above.
- 413-5.2 Off-street parking and loading areas outside the UGB may be required by the Review Authority to be surfaced to the standards of 413-5.1 where:
- A. The site is adjacent to a paved limited access highway or arterial; or
 - B. Located adjacent to a developed RR-5 Rural Community; or
 - C. Where the Review Authority finds there is an adverse impact on adjacent properties.
- 413-5.3 Minimum standards for all required parking and loading areas outside the UGB shall consist of a gravel surface with four (4) inches of base rock with two (2) inches of three-quarter (3/4) inch minus leveling course.
- 413-5.4 Based upon approval of a grading plan pursuant to Section 410, for the purpose of temporary or overflow parking, or storage of heavy equipment or vehicles in the Industrial District, a gravel surface may be approved with a minimum four (4) inches of base rock with two (2) inches of three-quarter (3/4) inch minus leveling course.
- 413-5.5 All required off-street parking areas, except for detached or two unit attached dwellings on a single lot and areas outside the UGB not required to be surfaced to the standards of Section 413-5.1, shall be constructed with curbs of concrete or asphalt. Driveways for detached dwelling units that are less than one-hundred (100) feet in length shall be paved. All driveways for single family attached dwelling units

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shall be paved. Those areas constructed with a gravel surface may use curbs of wood or other materials as may be approved by the Review Authority.

- 413-5.6 Parking spaces in paved parking areas having more than three (3) stalls are to be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in gravel surfaced lots may be identified by wheel stop barriers.
- 413-5.7 Covered parking spaces are to have a vertical clearance of at least seven (7) feet, six (6) inches above the parking lot surface for all uses except residential.
- 413-5.8 The finished grade of a parking lot is not to exceed five (5) percent slope.
- 413-5.9 Parking and loading areas that are not associated with a structure shall have no less than a ten (10) foot front and rear yard setback and shall conform to the street side yard requirements of the primary district.
- 413-5.10 All parking lots shall be landscaped as required by Section 407-6.
- 413-5.11 The minimum driveway width for one single family detached dwelling unit shall be twelve (12) feet. The minimum driveway width for each single family attached dwelling unit with individual vehicular access to a street shall be twelve (12) feet. The minimum driveway depth for single family detached and single family attached units shall be twenty (20) feet (measured from the back of sidewalk or the property line as specified by the primary district). A twelve (12) foot wide and twenty (20) foot deep driveway shall be counted as one (1) off-street parking space. A twenty (20) foot wide and twenty (20) foot deep driveway shall be counted as two (2) off-street parking spaces.
- 413-5.12 Driveways for detached or single family attached lots with single car garages may be combined when the following standards are met as illustrated by Figure 1 below:
- A. A minimum six (6) foot wide planting area shall be provided between each driveway for a minimum length of fifteen (15) feet;
 - B. The minimum driveway width for each unit shall be twelve (12) feet;
 - C. The width of the driveway curb cut shall be the total width of the combined driveways and the common planting strip;
 - D. There shall be at least eighteen (18) feet of curb face between combined and/or single driveways in order to provide one (1) on-street parking space between driveways;

Community Development Code Subsection 415-5, General Provisions for Lighting is amended as follows:

415-5 General Provisions

Notwithstanding any other provision of this Section (415) to the contrary:

- 415-5.1 No flickering or flashing lights shall be permitted.
- 415-5.2 Light sources or luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.
- 415-5.3 Lighting shall be located and oriented so as not to shine excessive light into nearby habitat areas.

CDC Section 416 UTILITY DESIGN is amended as follows:

416-1 General Provisions

- 416-1.1 All utility distribution facilities supplying electric, communication, or similar or associated service, installed in and for the purpose of supplying such service to any development shall be placed underground; provided however, that the word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than fifty-thousand (50,000) volts.
- 416-1.2 Notwithstanding Section 416-1.1, overhead utility distribution lines may be permitted upon approval of the Review Authority through a Type I procedure when terrain, soil, or geologic conditions prohibit underground installation, or when proposed development is part of an urban infill process and surrounding developments do not have underground utilities. Location of such overhead utilities shall be along rear or side lot lines wherever feasible.
- 416-1.3 Easements necessary for sewers, water mains, electric lines, stormwater facilities or other public utilities shall be provided. The easements will vary according to the need of various utilities. When possible, the easement shall be located on one side of a lot line.
- 416-1.4 The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum, feasible disturbance of soil and site.

Community Development Code Section 422 SIGNIFICANT NATURAL RESOURCES is amended as follows:

422-1 Intent and Purpose

The intent and purpose of these standards is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the County, here identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Development within riparian areas, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat shall comply with applicable state and federal regulatory guidelines.

422-2 Lands Subject to this Section

Those areas identified in the applicable Community plan or the Rural/Natural Resource Plan Element as Significant Natural Resources and areas identified as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map.

Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element by the following categories:

- 422-2.1 Water Areas and Wetlands - 100 year flood plain, drainage hazard areas and ponds, except those already developed.
- 422-2.2 Water Areas and Wetlands and Fish and Wildlife Habitat - Water areas and wetlands that are also fish and wildlife habitat.
- 422-2.3 Wildlife Habitat - Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.
- 422-2.4 Significant Natural Areas - Sites of special importance, in their natural condition, for their ecological, scientific, and educational value.

422-3 Criteria for Development

- 422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:

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- A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);
- B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and
- C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations."

422-3.2 Open Space Inside the UGB:

- A. Shall be identified as provided in Section 404-1, Master Planning - Site Analysis;
- B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.

422-3.3 Development ~~Within~~within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

- A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan Element) shall be allowed except for the following:
 - (1) Crossings for streets, roads or other public transportation facilities.
 - (2) Construction or reconstruction of streets, roads or other public transportation facilities.
 - (3) Installation or construction of the following utilities: sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
 - (4) Wildlife viewing areas and recreation or nature trails.
 - (5) Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6. This use is not subject to Section 422-3.5 or Section 422-3.6.

- (6) Detached dwellings and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.
- (7) Where it can be demonstrated, with concurrence of the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife, that a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat has been degraded, an enhancement of these areas which conforms to the definition and criteria listed in Section 422-3.4 may be permitted through a Type II procedure.

Enhancement or alteration of a non-degraded portion of these areas is permitted when it is in conjunction with and it is needed to support the enhancement of the degraded area. Where development is proposed that would have negative impacts on these areas it is the County's policy to follow state and federal regulatory guidelines for mitigation proposals.

- (8) All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.
- (9) In addition in the Rural/Natural Resource Area:
 - (a) Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yarder, backhoe, grader or similar heavy mechanized equipment is prohibited;
 - (b) Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Administrative Rules; and
 - (c) Farming or raising of livestock not utilizing a structure.
 - (d) Operations for the exploration for and production of geothermal resources, oil and gas.
- (10) All public use airport related uses and activities allowed pursuant to Section 387-4.
- (11) Wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries shall be allowed upon demonstration of compliance with the requirements of Section 388-9.

B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria shall be followed.

C. Fencing adjacent to stream buffers or other wildlife habitat areas shall be designed to allow the passage of wildlife. Designs must incorporate openings appropriately sized and spaced to accommodate passage of wildlife common to urban Washington County (common mammals needing access to streams in urban Washington County include but are not limited to: Deer, Beaver, Coyote, Muskrat, Rabbit, Raccoon and Skunk).

422-3.4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3 A. (7) shall meet the following:

A. For the purposes of Section 422-3.3 A. (7) an enhancement is a modification, as a result of which no later than five (5) years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.

B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-3.4.

C. Submittal Requirements

- (1) The proposal shall include detailed information and mapping of the site, including all of the following subjects:
 - (a) Hydrology, including 100 year flood and 25 year flow events/surface water flow patterns, and groundwater information, if available;
 - (b) Substrate(s) and existing rates of sedimentation;
 - (c) Existing vegetation, including species list and community types, with approximate percent coverage, and all trees six inches in diameter or larger;
 - (d) Animal life census (macrofauna species list), preferably based on mid-April to mid-May field observations, but at least conducted during spring, summer and/or early fall.

- (2) The proposal shall include a color photographic record (taken sometime between mid-spring and mid-fall) showing the major portion of the site at sufficient detail to compare with the later transformation.
- (3) The proposal shall include a map showing the expected outcome of the proposed enhancement, with detailed description of how this is to be accomplished.
 - (a) To the maximum feasible extent, the overall design of the site shall minimize parking and human activity directly adjacent to the Significant Natural Resource, and where avoidable shall incorporate special design techniques (e.g., thick or thorny vegetation or fencing) to reduce adverse impacts such as littering and harassment of wildlife and damage to vegetation.
 - (b) A surrounding vegetation buffer of closely spaced (six feet to eight feet) trees and shrubs shall be included within the outer twenty-five feet of the Significant Natural Resource area unless there are special circumstances or design measures.
 - (c) All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (d) As many existing trees over six inches in diameter as possible shall be preserved.
 - (e) Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)
 - (f) Measures for the prevention of undesirable monotypic plant dominance, especially reed canary grass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (g) Ponds shall have varying open water depth up to a least three feet, unless required otherwise by the Oregon Department of Fish and Wildlife, Oregon Division of State Lands or the U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.
 - (h) Islands are encouraged to be two feet above normal water level, flat-topped, spaced every $\frac{1}{4}$ acre of open water, and no smaller than 450 sq. ft. where possible.

- (i) Rocks and large tree trunks are encouraged to be placed in water areas.
- (4) The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the Division of State Lands and the Army Corps of Engineers.
- (5) The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to Tualatin Hills Park and Recreation District or any other jurisdiction.

D. Follow-up Requirements

- (1) The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two (2) years after completion of the modification and again after five (5) years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five (5) years, the current property owner shall submit plans to the County Department of Land Use and Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.
- (2) The County may modify or revoke the Development Permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.

422-3.5 Significant Natural Areas

Any development requiring a permit from Washington County which is proposed in a Significant Natural Area, as identified by the applicable Community Plan or the Rural/Natural Resource Area Plan Element, shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area. Appropriate impact reducing measures shall include:

- A. Provision of additional landscaping or open space; and
- B. Relocation of the proposed site of a building, structure or use on the lot.

422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-23-040(5)(c) (effective September 1, 1996).

422-4 Density Transfer

Areas designated as a Significant Natural Resource may be eligible for density transfer as specified in Section 300-3.

422-5 State and Federal Regulatory Guidelines

Development within a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat, shall obtain all required local, state and federal permits.

Section D. NATURAL FEATURES of the SUMMARY ANALYSIS OF CONSTRAINTS AND OPPORTUNITIES FOR LAND DEVELOPMENT component of the Comprehensive Framework Plan for the Urban Area is amended as follows:

D. NATURAL FEATURES

Identification of existing natural features is needed for an adequate assessment of the constraints and opportunities, which the natural landscape imposes on urban development. This information enables both the private and the public sectors to take proper land use actions and provide adequate measures to reduce hazard potential and to enhance the urban environment.

1. ~~Flood Plain~~Floodplain

Flooding potential exists throughout the lowland Tualatin River Basin. Two areas of the county, which are subject to periodic flooding, include portions of the City of Tualatin and Cedar Mill. Other areas with high probability of flood damage include properties along Ash, Butternut, Fanno and Beaverton Creeks. Flood prone areas provide unique opportunities for open space, wildlife habitat and seasonal recreational uses.

2. Unstable Slopes

Steep slopes can be generally regarded as a significant constraint to land development. Steep slopes in excess of 20% have been identified in the hilly areas of Washington County (e.g., Bull Mountain).

3. Open Spaces, Scenic and Historic Areas and Natural Resources

The conservation of open space and the protection of natural and scenic resources must be considered as part of a Statewide Planning Goal 5. Of the twelve resources to be considered under this goal, the following eight resources are known to exist in the urban area:

Open Space	Scenic Views & Vistas
Mineral & Aggregate Resources	Water Areas & Wetlands
Fish & Wildlife Habitats	Historic Areas
Natural Areas	Cultural Areas

These resources occur to varying degrees in the Community Planning Areas.

Natural Areas:

The most important existing natural attributes of the urban area are its streams and woods. They provide Habitat for wildlife and are ~~useful in~~critical for maintaining naturally functioning ecological systems. ~~Further, these areas are visually appealing and can be used for educational and recreational purposes. In addition to their ecological functions, these areas are assets to community livability and provide beauty, shade, educational and recreational opportunities, and enhanced property value.~~ Less than 10% of the vacant buildable land in the urban unincorporated area is wooded. The general location of these areas is concentrated as follows:

Vegetation:

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Lower Tualatin River

Fanno Creek and its major tributaries (Ash and Summer Creeks)

Rock Creek and its major tributaries (Beaverton, Bronson, Cedar Mill, Willow and Butternut Creeks)

Upland Woods:

Cooper Mountain (north and east slopes)

Bull Mountain (mainly north and east slopes)

West Hills (north of Sunset Highway)

Riparian (streamside) areas are important natural features and are somewhat protected by the Flood Plain Floodplain and Drainage Hazard Area provisions, ordinance and by Clean Water Services water quality provisions. Beyond these direct health and safety aspects, streamside areas are important as wildlife habitat corridors. The Community Development Code and Community Plans set forth provisions to balance protection of these resources with conflicting uses.

Scenic Resources:

A scenic inventory of Washington County reveals a number of scenic routes and viewpoints. Wooded and heavily vegetated areas provide an excellent opportunity in the urbanizing area for enhancing the county's scenic quality and providing recreational sites.

Rock Material Resources:

Construction activity in the urban area requires rock material resources. Rock quarrying, however, has negative impacts on some urban land uses — particularly adjacent residential uses — and consequences of these operations should be carefully analyzed.

Cultural and Historical Resources:

A number of cultural resources and historic sites have been identified in the County that may require protection from alteration or destruction.

Policy 10 BIOLOGICAL RESOURCES AND NATURAL AREAS of the to the Comprehensive Framework Plan for the Urban Area is amended as follows:

It is the policy of Washington County to protect and enhance significant natural areas.

Implementing Strategies

The County will:

- a. Identify Significant Natural Resources and directions for their protection or development in the Community Plans. Those directions shall assure that the unique values of Significant Natural Resources can be examined and that all reasonable methods for their preservation can be pursued prior to development, without penalty for the potential loss of development density that may result.
- b. Outside of Significant Natural Resources, provide opportunity for the protection and enhancement of Regionally Significant Fish & Wildlife Habitat, as identified by Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map, without penalty for the potential loss of development density that may result.
- ~~b.c.~~ Through the Community Development Code, review and regulate proposed activities in identified Significant Natural Resource areas. The review process shall adhere closely to provisions in applicable Community Plans, which direct the manner and extent to which the area shall be protected.
- ~~c.d.~~ Utilize the LCDC Goal 5 process described in Oregon Administrative Rule 660-016-0025 to review Goal 5 resources during the five-year update of Community Plans.
- ~~d.e.~~ Support preferential taxation methods to encourage retention of significant natural areas as open space.
- ~~e.f.~~ Explore preservation of significant natural areas through fee simple purchase and encouragement of purchase by other concerned agencies and groups (i.e., THPRD, Nature Conservancy).
- ~~f.g.~~ Evaluate the potential for including specific natural areas and habitats within the County's or the Tualatin Hills Park and Recreation District's park and recreation system.
- ~~g.h.~~ Develop tree conservation standards to regulate the removal of or damage to trees and vegetation in identified Significant Natural Areas within the unincorporated urban area, in order to retain the wooded character and habitat of urban forested lands.
- ~~h.i.~~ Coordinate with the Clean Water Services to adopt or amend local standards, which ensure that fish and wildlife habitats are adequately protected and enhanced in compliance with local, regional, State and Federal requirements.

Summary Findings and Conclusions

Natural areas within the Urban Growth Boundary include stream corridors, adjacent riparian areas, and large wooded tracts. These areas are important as they provide fish and wildlife habitats, scenic value, and remnants of the natural landscape. Such areas as the Tonquin Scabland Geological Area are

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important for their ecological and scientific value. The relative value of these natural areas increases as surrounding land is converted from rural to urban uses.

The process and procedures used to analyze Biological Resources and Natural Areas (LCDC Goal 5) are specified in Oregon Administrative Rule 660-016-0000 to 660-016-0025. The Comprehensive Plan reflects the county's participation in the completion of this process over two distinct periods. The first of these resulted in the program based on the recognition of Significant Natural Resources; the second resulted in the Tualatin Basin Fish & Wildlife Habitat Program that is based upon Metro's Regionally Significant Fish & Wildlife Habitat Inventory. The documentation of ~~this~~ ~~these~~ ~~processes~~ ~~is~~ ~~are~~ contained in the Resource Document and in the Tualatin Basin Fish & Wildlife Habitat Program document and its attachments, including the ESEE Analysis for the Tualatin Basin. An overlap of Statewide planning goals was found to exist between Goal 5 resources and the following Goals: Forest Lands (Goal 4), Air, Water, and Land Resources Quality (Goal 6), Areas Subject to Natural Disasters and Hazards (Goal 7), and Recreational Needs (Goal 8). Ancillary strategies relating to Goal 5 may be found in sections of this Plan pertaining to the above Goals.

The PREFACE to the Rural/Natural Resource Plan is amended as follows:

PREFACE

The Rural/Natural Resource element of the Washington County Comprehensive Plan provides the framework for guiding future land use decisions in Washington County in areas outside of the established urban growth boundaries (UGB). Plan designations and Significant Natural Resource designations for properties outside of a UGB shall be consistent with this Comprehensive Plan element. This document is one of two policy documents which together comprise the Comprehensive Framework Plan policy statement for Washington County. The Framework Plan for the Urban area is the policy document for the urban areas and provides the framework for the Community Plans that are within the urban area.

This plan element is intended to provide the mechanism for guiding resource conservation and development in the Rural/Natural Resource areas in a way that is consistent with the capabilities of the natural resources, the physical limitations of the land, and the state and regional legal land use planning requirements. These requirements include the statewide planning goals, state statutes, administrative rules, and Metro goals and policies.

All decisions relating to the use and development of land are required by law to comply with the Comprehensive Plan. The goals and policies in this plan are required and will be carried out by the County. Those goals and policies which relate to the development of land will be implemented in the ~~development code~~ Community Development Code and no person requesting a development permit or filing an application to divide a lot or parcel of land shall be required to address, consider, or implement any goal, policy or strategy contained in this Rural Natural Plan Element unless required by the Development Code. The implementation strategies are suggested methods for carrying out the goals and/or policies.

The background information, findings and conclusions on which this plan is based are contained in the Washington County Resource Document. Additionally, policy choices related to the protection of fish and wildlife habitat, pursuant to Goal 5, have been updated where necessary

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to conform to findings and conclusions resulting from the Tualatin Basin Partners for Natural Places Fish & Wildlife Habitat Program, adopted in compliance with the Tualatin Basin Option under Title 13 of Metro's Urban Growth Management Functional Plan in 2005. To the extent there is area overlap, the program also helps achieve Goal 6 provisions pursuant to Title 3 of Metro's Urban Growth Management Functional Plan and Clean Water Services Healthy Streams Plan. The analysis, conclusions and findings pursuant to the Tualatin Basin Option are contained in the Tualatin Basin Program report and associated documents. The policy choices which are reflected in the policies of this plan were made after reviewing the resource information, evaluating alternative courses of action and after considerable discussion of the problems and issues.

To serve the public interest and to insure a quality environment for present and future generations, the Rural/Natural Resource Plan Element is predicated on the fact that land is a vital long-term resource and not solely a short-term commodity. In the decision making process, the public interest is served only when environmental, social, energy and economic factors are balanced and interrelated with consideration of short and long range impacts.

A comprehensive framework plan was originally adopted by Washington County on November 27, 1973. It was based upon the County's concern over urban sprawl, the financial responsibility of the County to provide public services, and concern over loss of valuable natural resources. In 1977, a plan update program was initiated to conform with plan update procedures and to review the plan with respect to statewide planning goals.

After preparation and consideration of several plan drafts which addressed the County as a whole, Washington County agreed in August, 1981 to separate the Urban and Rural/Natural Resource geographic areas of the County into two planning programs. This action was consistent with a request contained within the Oregon Land Conservation and Development Commission's planning extension offer.

Although the planning concepts remain substantially the same, many changes reflect the different conditions, needs, and the requirements of law from 1973 through the present. The County's development pattern is the product of land use and public service decisions made by

individuals and government agencies. The purpose of comprehensive planning is to provide a policy framework within which these decisions can be made in a coordinated manner.

Policy 6 WATER RESOURCES of the Rural/Natural Resource Plan is amended to add the following:

Policy 6 WATER RESOURCES:

It is the policy of Washington County to maintain or improve surface and ground water quality and quantity.

Implementing Strategies

The County will:

a. Strive to ensure adequate water supplies for all uses by:

1. Encouraging water conservation programs by water users and purveyors;
2. Reviewing and revising existing development regulations where necessary or limiting the location or operation of new wells as a condition of development approval, considering advice and/or recommendations received from the State Water Resources Department;
3. Coordinating with State and Federal agencies in evaluating and monitoring ground water supplies;
4. Complying with the May 17, 1974, Order of the State Engineer establishing and setting forth control provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area; and
5. Requiring applicants for quasi-judicial Plan Map Amendments to provide well reports (well logs) filed with the Water Master for all Public Lands Survey (township and range system) sections within one-half (1/2) mile of the subject site and provide an analysis of whether ground water quality and quantity within the area will be maintained or improved. The analysis should include well yields, well depth, year drilled or other data as may be required to demonstrate compliance with this policy.

Well logs are not required for quasi-judicial plan amendments when the designation change will not result in an increase in density (i.e. EFU to EFC plan amendments).

b. Ensure adequate quality of surface and ground water by:

1. Promoting compliance with the Healthy Streams Plan, as adopted by Clean Water Services and in compliance with the CWS-county intergovernmental agreement, to the extent that the Healthy Streams Plan and associated CWS programs apply outside the UGB;

- 1.2. Promoting compliance with Department of Environmental Quality water quality standards;
- 2.3. Cooperating with the Soil and Water Conservation District in the implementation of effective methods of controlling non-point sources of water pollution in agricultural areas;
- 3.4. Cooperating with the Oregon State Department of Forestry in the implementation of effective methods of controlling non-point sources of water pollution in forest areas; and
- 4.5. Ensuring that the establishment of subsurface sewage disposal systems (e.g., septic tanks) will not adversely affect ground water quality.
- c. Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.
- d. Limit the alteration of natural vegetation in riparian zones and in locations identified as significant water areas and wetlands.
- e. Encourage property owners with qualifying lands which qualify as "Designated Riparian Land" as defined by the 1981 Riparian Habitat Act to apply for natural resource-related exemption of that land from ad valorem taxation where such programs are available.
- f. Support viable water resources projects which are proposed in the County upon review of their cost benefit analysis, alternatives, and environmental and social impacts.
- g. Coordinate land use actions regarding water projects with agencies and jurisdictions which may be impacted by such projects.
- h. Support measures to conserve vegetation in drainage basin watersheds as a means of controlling the release of water to downstream farm lands and urban areas.
- i. Cooperate with the Division of State Lands, State of Oregon in their review and mitigation of projects that alter water areas and wetlands under their jurisdictions.
- j. Consistent with the recommendations of the Department of Environmental Quality, State of Oregon and Clean Water Services, support the expansion of stormwater sampling in the Tualatin Basin and consideration of proper planning and management measures for non-point source problems.

Summary Findings and Conclusions

Increasing demands are being placed on the limited supply of surface and ground waters in Washington County. In rural areas, demand for water resources comes primarily from uses such as irrigation for agricultural users and domestic consumption. Excessive ground water withdrawals have resulted in water shortages in some parts of the Rural/Natural Resource Area.

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The Cooper Mountain-Bull Mountain area has been designated by the State Water Resources Department as a critical ground water area because of excessive decline in the ground water table. On the other hand, the Water Resources Department of the State of Oregon has advised the County that in the County's upland areas such as the Portland Hills and Chehalem Mountain, there are many shallow perched water bodies. Consequently, the Department has also advised the County that on Parrett Mountain, Chehalem Mountain and the Portland Hills, a restriction of one or two-acre lots would be sufficient for domestic well limitation. The County's land use designations in this area provide an additional safety margin for water use.

Water quality in some portions of the County has deteriorated because of failing septic systems and soil erosion and water pollution resulting from inadequately controlled run-off.

Agricultural runoff in the Tualatin River Basin has contributed to increased turbidity and decreased overall water quality in the middle Tualatin and the lower portions of Gales Creek and Dairy Creek. The health of rural stream systems and in particular headwater areas is a critical component of water quality downstream, which may include urban areas. When maintained in their natural state, Washington County's wetlands control run-off and thus decrease soil erosion and water pollution while reducing potential damage from flooding and helping to recharge ground water supplies.

Natural wetlands also provide excellent habitat for fish and wildlife. Water from torrential winter and spring rains must be released in an orderly manner to replenish water tables and retain water supplies for periods of water shortages.

Policy 10 FISH AND WILDLIFE HABITAT of the Rural/Natural Resource Plan is amended to add the following:

It is the policy of Washington County to protect and enhance Significant Fish and Wildlife Habitat.

Implementing Strategies

The County will:

- a. Establish standards with which development in areas defined as significant fish and wildlife habitat must comply, so as to assure the conservation of this habitat.
- b. Allow activities customarily conducted in conjunction with commercial farm and forest practices in areas designated as Fish and Wildlife Areas.
- c. Rely upon the Oregon Department of Forestry, through its administration of the Oregon Forest Practice Rules, to mitigate adverse impacts of commercial forestry upon fish and wildlife habitat.
- d. Limit the alteration of natural vegetation in riparian zones, and in locations identified as significant water areas and wetlands thereby preserving fish and wildlife habitat.
- e. Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations. The recommendations of the Wildlife Habitat Protection Plan shall be applied to development applications for land outside an urban growth boundary.
- f. Implement the recommendations of the Tualatin Basin Fish & Wildlife Habitat Program for rural areas of Washington County to promote efforts to enhance and conserve significant riparian habitat corridors.

Summary Findings and Conclusions

Some of the most significant fish and wildlife habitat areas in the country are streams and adjacent riparian areas. Other significant wildlife habitat in the rural area includes the large wooded tracts, which are often big game and winter range, and adjacent agricultural lands.

Policy 15 EXCLUSIVE FARM LANDS of the Rural/Natural Resource Plan is amended as follows:

It is the policy of Washington County to conserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest management and open space. Exceptions to this policy may be allowed pursuant to the provisions of LCDC Goal 2, OAR Chapter 660 Division 04, and the applicable plan amendment criteria in Policy 1.

The County will:

- a. Conserve agricultural land in accordance with Oregon State Law, Oregon Revised Statute (ORS) Chapter 215 and LCDC Goal 3 (agricultural lands) by the adoption and implementation of an Exclusive Farm Use District (EFU) consistent with these requirements.
- b. Place agricultural lands in the Exclusive Farm Use District unless an exception to LCDC Goal 3 is provided pursuant to the LCDC Goal 2 Exception Process (OAR Chapter 660, Division 04).
- c. Require that the conversion of agricultural lands designated for Exclusive Farm Use to uses not allowed by ORS Chapter 215 be preceded by a plan amendment pursuant to the provisions of Policy 1.
- d. Allow the division of the lands placed in the Exclusive Farm Use District in accordance with the following:
 1. The lot area is consistent with the agricultural land use policy for the State of Oregon as expressed in ORS 215;
 2. The lot area is of a similar size to existing commercial agricultural operations in the surrounding area;
 3. In those instances where it is proposed to locate a farm-related dwelling, the proposed lot area is of sufficient size to support commercial production of food or fiber using accepted farm practices as defined in ORS 215.203(2)(C);
 4. Approval of the partitioning will not seriously interfere with the preservation of wildlife or fish habitat areas as identified in the Washington County Comprehensive Plan, or interference will be mitigated; and
 5. Any additional criteria as set forth in the County's Exclusive Farm Use District.
- e. Limit residential uses within the Exclusive Farm Use District to those permitted by ORS Chapter 215.
- f. Permit non-farm/non-forest uses only when not in conflict with agricultural or forestry activities.

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- g. Require that an applicant for non-farm use record a waiver of the right to remonstrate against accepted farm or forest practices including spraying.
- h. Maintain agricultural lands in blocks large enough to encourage and maintain commercial agricultural activities when considering Plan Amendments. This strategy will be used as one of the criteria in the designation of lands in the EFU District in the legislative process of adopting this plan.
- i. Encourage the development of irrigation systems in support of agricultural production.
- j. Cooperate with Clean Water Services, the Oregon State Extension Service and the ~~Soil and Water Conservation Service~~Natural Resources Conservation Service in promotion of the education and dissemination of information on agricultural management and practices that preserve and protect natural resources such as fish and wildlife habitat.
- k. Provide for the creation of a non-buildable lot within the Exclusive Farm Use District with the filing of a restrictive covenant in the deed of records of the County.

Policy 17 AGRICULTURE AND FOREST-20 LAND of the Rural/Natural Resource Plan is amended as follows:

It is the policy of Washington County to designate those lands as Agriculture and Forest-20 that were zoned AF-5 and AF-10 by the 1973 Comprehensive Framework Plan and for which a Goal 2 Exception has not been provided, and in doing so strive to retain small scale and part-time agriculture and forest production. Exceptions to this policy may be allowed pursuant to the provisions of LCDC Goal 2, OAR Chapter 660 Division 04, and the applicable plan amendment criteria in Policy 1.

Implementing Strategies

The County will:

- a. Adopt and implement an Agriculture and Forest-20 Land Use District (AF-20) consistent with LCDC Goal 3 and Oregon Revised Statutes Chapter 215.
- b. Provide for all of the uses allowed in an EFU District pursuant to ORS Chapter 215 in the AF-20 Land Use District.
- c. Designate those lands within the Agriculture and Forest-20 Plan Designation as Potential Marginal Land pursuant to the provisions of Senate Bill 237 adopted by the 1983 regular session of the Oregon Legislature.
- d. Provide in the Agriculture and Forest Land Use District a quasi-judicial process which enables a lot to qualify as "Marginal Land" which contains a lot of record provision for lots created prior to July 1, 1983.
- e. Allow the division of lands placed in the Agriculture and Forest-20 Land Use District to a minimum of 20 acres in accord with the following:
 1. The proposed division is appropriate for the continuation of the existing commercial agricultural enterprise within the area;
 2. In those instances where it is proposed to locate a farm-related dwelling, the proposed lot area is of sufficient size to support commercial production of food and fiber using accepted farm practices as defined in ORS 215.203(2)(3);
 3. Approval of the partitioning will not seriously interfere with the preservation of wildlife or fish habitat areas as identified in the Washington County Comprehensive Plan, or interference will be mitigated; and
 4. Any additional criteria as set forth in the County's Community Development Code.
- f. Permit non-farm/non-forest uses only when not in conflict with agricultural or forestry activities or as provided for under marginal land provisions.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- g. Require that an applicant for non-farm use record a waiver of the right to remonstrate against accepted farm or forest practices, including spraying. Maintain agricultural and forest lands in blocks large enough to encourage and maintain commercial agricultural and forest activities when considering Plan Amendments.
- h. Encourage the development of irrigation systems in support of agricultural production.
- i. Cooperate with Clean Water Services, the Oregon State Extension Service and the ~~Soil and Water Conservation Service~~Natural Resources Conservation Service in promotion of the education and dissemination of information on agricultural management and practices that preserve and protect natural resources such as fish and wildlife habitat.
- j. Provide for the creation of a non-buildable lot within the Agriculture and Forest Land Use District with the filing of a restrictive covenant in the deed records of the County.
- k. Require that the conversion of agricultural lands designated AF-20 to uses not allowed by ORS Chapter 215 be preceded by a plan amendment pursuant to the provisions of Policy 1.

Policy 6, Water Resources of the Comprehensive Framework Plan for the Urban Area is amended as follows:

Policy 6, Water Resources:

It is the policy of Washington County to support efforts to preserve and improve the quality of water resources.

Implementing Strategies

The County will:

- a. Limit the removal of natural vegetation along river and stream banks, particularly in locations identified as Significant Natural Areas in Community Plans.
- b. Regulate construction practices and stream channel improvements in accord with the drainage management program outline pursuant to Policy 27 of this Plan.
- c. Minimize the establishment of subsurface sewage disposal systems, e.g., septic tanks.
- d. Develop standards for connections to public drainageways to reduce volumes of chemicals and sediments reaching the stream systems.
- e. Comply with the May 17, 1974 Order of the State Engineer establishing and setting forth control provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area.
- f. Comply with Department of Environmental Quality water quality standards.
- g. Promote compliance with the Healthy Streams Plan, as adopted by Clean Water Services and in compliance with the CWS-county intergovernmental agreement, to the extent that the Healthy Streams Plan and associated CWS programs apply inside the UGB.

Summary Findings and Conclusions

Pollution of the County's streams and groundwater results from increased runoff over impervious surfaces containing chemicals and sediments (e.g., streets, parking lots, roofs), and failing septic systems. Better water quality will require careful control of the location of septic systems, adequate treatment of sewage wastes, and control of construction practices causing soil erosion.

abcdef Proposed additions
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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Department of Land Use & Transportation (All CPOs)
Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 662
Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

A-Engrossed Ordinance No. 662 amends the Washington County Community Development Code, the Comprehensive Framework Plan for the Urban Area and the Rural / Natural Resource Plan Element to facilitate and encourage the utilization of low-impact / habitat friendly development practices.

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, Section 3 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 662. 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 findings for Ordinance No. 662 and sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

RO 06-226

Agenda Item No.	5.a.
Date:	10/24/06

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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. 662) No. 06-226

This matter having come before the Washington County Board of Commissioners at its meeting of October 24, 2006; 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 Ordinance No. 662; 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 September 6, 2006, 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 audio tapes 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 Ordinance No. 662 are hereby adopted.

DATED this 24th day of October, 2006.

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

APPROVED AS TO FORM: ✓

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

John Leeper for
Chairman

Barbara Heitmanek
Recording Secretary

[Signature]
County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 662 AMENDING THE RURAL/NATURAL RESOURCE PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, AND THE COMMUNITY DEVELOPMENT CODE RELATING TO REMOVAL OF BARRIERS TO AND ESTABLISHMENT OF STANDARDS WHICH SUPPORT LOW-IMPACT / HABITAT FRIENDLY DEVELOPMENT

OCTOBER 24, 2006

GENERAL FINDINGS

Ordinance No. 662 was filed on July 19, 2006 and engrossed on October 3, 2006. This ordinance was developed in order to comply with conditions of Metro Resolution 05-3577A and applicable requirements of Title-13 of Metro's Urban Growth Management Functional Plan (Metro Code section 3.07.1330). One of the key requirements under this section of the Metro Code requires that "Provisions are adopted that facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map".

Ordinance No. 662 amends various elements of the Comprehensive Plan to support and encourage low-impact, habitat friendly development practices in all areas of unincorporated Washington County. The proposed changes provide site design alternatives designed to reduce overall environmental impacts of new development and to remove barriers to—and encourage—the use of those design alternatives.

The Plan and Code amendments will not further restrict the use of private real property in a manner that could potentially result in a reduction of property value and thus result in a Measure 37 claim.

The Board of County Commissioners (Board) finds that Oregon's Statewide Planning Goals (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 Oregon Administrative Rules (OAR's) are not addressed because these resources are not located within Washington County.

FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 662 is consistent with Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR's), Metro's Urban Growth Management Functional Plan

(UGMFP), and elements of the Washington County Comprehensive Plan (Plan), including the Community Development Code (Code).

Goal 1 - Citizen Involvement

CONCLUSION

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 this ordinance. Plan compliance with Goal 1 is maintained by implementing these citizen involvement options. This conclusion is supported by the following facts:

FACTS

1. Washington County's Citizen Participation Policy is outlined in Resolution and Order 86-58.
2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, town hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPO's).
3. Ordinance No. 662 and an accompanying summary were mailed on July 28, 2006 to the CPO's and CCI. Also on July 28, notice of the ordinance was mailed to special service districts and cities in Washington County and other interested parties. Additionally, notice of the proposed ordinance and copies of the ordinance were mailed to DLCD and to Metro on July 20, 2006. A-Engrossed Ordinance 662 was mailed to the CPO's, CCI, special service districts and other interested parties on October 6, 2006.
4. A copy of Ordinance No. 662 was made available for review at the Cedar Mill Library and the Tigard Public Library. A copy of A-Engrossed Ordinance 662 was distributed to these libraries on October 6, 2006. Copies of the ordinance were also available for review in the office of the Department of Land Use and Transportation and on the county's website.
5. Chapter X of the County Charter requires that a display ad be published in local newspapers at least 14 days prior to the first hearing. Display ads for Ordinance No. 662 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on August 17, 2006 and *The Hillsboro Argus* on August 18, 2006.

Chapter X of the County Charter requires that individual notice for the initial public hearings on the ordinance be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. Notice for Proposed Ordinance No. 662 was mailed to LUOAC subscribers on July 28, 2006. Chapter X of the County Charter requires mailing of individual notice for engrossed ordinances at least 10 days prior to the first hearing. A-Engrossed Ordinance 662 was mailed to the LUOAC subscribers on October 4, 2006.

6. The Planning Commission held a public hearing for this ordinance on September 6, 2006. This hearing resulted in a recommendation for adoption of Ordinance No. 662 to the Board of Commissioners. The Board of Commissioners held a public hearing on this ordinance on September 19, 2006 and voted to continue the hearing until September 26, 2006. This hearing was subsequently continued to October 3, 2006. The Board of Commissioners directed engrossment of Ordinance No. 662 on October 3, 2006 and held hearings on the engrossed ordinance on October 17 and October 24, 2006 consistent with the requirements outlined in Chapter X of the County Charter. The Board of Commissioners adopted A-Engrossed Ordinance No. 662 on October 24, 2006.

Goal 2 - Land Use Planning

CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and requires 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. Washington County utilized this process to adopt this ordinance.

The amendments to the Washington County Community Development Code, the Comprehensive Framework Plan for the Urban Area, as well as the Rural / Natural Resource Plan Element resulting from adoption of this ordinance are in compliance with Statewide Planning Goal 2. This compliance is held through the implementation of Policy 1, Implementing Strategy (d) of the Comprehensive Framework Plan for the Urban Area and Policy 1, Implementing Strategy (d) of the Rural / Natural Resource Plan. This conclusion is supported by the following facts:

FACTS

1. The acknowledged Comprehensive Framework Plan for the Urban Area and Rural / Natural Resource Plan both require that legislative Plan and Code amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.

2. Chapter X, Section 100(d) of the County Charter defines "land use ordinances" to include any ordinance that amends a comprehensive plan. Ordinance No. 662 amends the Washington County Community Development Code, the Comprehensive Framework Plan for the Urban Area, as well as the Rural / Natural Resource Plan Element. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.

3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission (LOUAC). The Commission met August 10, 2006 to draft a notice for Ordinance No. 662. The Charter also requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to those persons who have requested notices in writing and paid a fee. This notice was mailed on July 28, 2006.

4. Chapter X requires that a display ad be published in a newspaper of general circulation 14 days prior to the initial Planning Commission hearing, which was held on September 6, 2006. ORS Chapter 215.060 requires the county to provide 14 days advance public notice prior to the first public hearing. Display ads were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on August 17, 2006 and *The Hillsboro Argus* on August 18, 2006.

5. ORS 197.610, OAR 660-018-0020 and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the county's acknowledged Comprehensive Plan shall be forwarded to the Director of the Department of Land Conservation and Development (DLCDC) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 662 was mailed to DLCDC on July 20, 2006.

Goal 3 - Agricultural Land

CONCLUSION

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 662. The amendments are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3. This conclusion is supported by the following facts:

FACTS

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 662 did not amend the applicable Plan policies or Code standards directly related to farmland resources.

2. Oregon Revised Statute 215.296 lists the permitted uses in exclusive farm use zones and provides standards for development. Ordinance No. 662 did not amend Plan or Code language related to the standards of this Statute.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forestlands. Amendments made by Ordinance No. 662 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district. Ordinance No. 662 did not amend the applicable Plan policies or Code standards related to forestland resources which impact the county's compliance with Goal 4. Therefore, it is not necessary to make specific findings for Goal 4.

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

CONCLUSION

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 Community Development Code (Code) include strategies and provisions for the protection of Goal 5 resources.

Local governments are required to complete the Goal 5 process in accordance with provisions set forth in Metro's Functional Plan (OAR 660-023-0080(2)). Metro has completed its Goal 5 process for Fish & Wildlife Habitat and is undergoing acknowledgement with LCDC. As Partners in a watershed-based approach to addressing Regional Goal 5 program efforts, the County and other Partner jurisdictions and service providers in the Tualatin Basin entered into an Intergovernmental Agreement with Metro in June 2002. This agreement was designed to coordinate with Metro in the development of a Fish & Wildlife Habitat Program unique to the Tualatin River Basin, while recognizing Metro's inventory of regionally significant habitat.

Ordinance No. 662 was filed to make changes to certain elements of the Comprehensive Plan relating to Goal 5. This Ordinance amends several elements of the Comprehensive

Plan in order to support and encourage habitat friendly and low-impact development in urban unincorporated Washington County. A companion ordinance is also scheduled to be filed next year (2007) to make additional changes to the County's Comprehensive Plan relating to the implementation of Goal 5.

As indicated under the General Findings section above, Ordinance 662 is specifically designed to address elements of Metro's UGMFP as it pertains to Goal 5 and the protection of Regionally Significant Fish & Wildlife Habitat as identified in the Metro Inventory. With the adoption of Ordinance 662, Washington County complies with Title 13 of Metro's UGMFP and, therefore, the county complies with the Fish & Wildlife elements of Statewide Planning Goal 5. This conclusion is supported by the facts described below. Subsequent to the adoption of Ordinance 662, the county will implement the provisions of this ordinance and other applicable elements of the Tualatin Basin Fish & Wildlife Habitat Program.

FACTS

1. Ordinance No. 662 amends various elements of the Washington County Comprehensive Framework Plan (Plan) and Community Development Code (Code) with new or revised language either directly or indirectly related to improvement of fish and/or wildlife habitat in the Tualatin River Basin. All Plan and/or Code changes related to water quality are adopted for purposes of maintaining or improving habitat.
2. With the exception of only a few of the minor clarification related edits, each of the Plan and/or Code changes resulting from the adoption of Ordinance 662 is designed to improve and enhance the opportunities for new land development activities to be low-impact and habitat friendly. For purposes of these findings, "low-impact" means that the development activities are designed to reduce negative impacts on water quality; "habitat friendly" means that the development activities are designed to reduce overall impacts to fish and/or wildlife habitat. Although water quality related activities are generally addressed under findings relating to Statewide Planning Goal 6 and Title 3 of Metro's UGMFP, this section assumes that water quality has a direct effect on habitat in water areas and wetlands. Following is a summary of Goal 5 implications for each applicable amendment under Ordinance 662:
 - a. Amendments to Subsection 300-3 – Density Transfers for Unbuildable Lands under CDC Section 300 – INTRODUCTION, adds "Regionally Significant Fish & Wildlife Habitat" as an area qualifying for density transfer. This change allows permitted development densities to be moved out of Regionally Significant Fish & Wildlife Habitat areas. This change can have direct, positive impacts on habitat and improve overall compliance with Goals 5.
 - b. Amendments to CDC Section 300 – INTRODUCTION, adds a new subsection 300-5 relating to allowing development at less than minimum density. Reducing required

minimum densities in areas containing Goal 5 resources (Fish & Wildlife Habitat) will support protection of those resources.

- c. Amendments to CDC Section 407 – LANDSCAPE DESIGN, Subsection 407-1.1 provides increased flexibility in and/or reductions to minimum landscape area requirements as incentives to protect regionally significant fish & wildlife habitat areas or to the utilization of low-impact development techniques. Changes to Subsection 407-2 are designed to encourage the use of native plant materials in order to reduce water usage and maintain natural ecosystems. This reduction can help to maintain in-stream flows for water area and wetland habitat and also help to maintain water quality in streams and wetlands. Changes to Subsection 407-5.3 require fencing installed adjacent to stream corridors or wildlife habitat areas to be designed to allow wildlife passage. Changes to Subsection 407-7.1 is intended to improve the relationship between species selection and planting intervals when selecting and planting street trees. These changes are intended to improve tree canopy coverage which can help to improve water quality as well as overall habitat health.
- d. Amendments to Section 408 – NEIGHBORHOOD CIRCULATION, Subsection 408-9.4 are intended to assure the design and installation of new fencing along stream corridors and wildlife habitat areas provides for wildlife passage. Changes to Subsection 408-9.8 are designed to protect wildlife habitat areas from excessive lighting. Changes to Subsection 408-9.9 allow the utilization of pervious paving materials in required accessways in order to improve wetland and in-stream habitat.
- e. Amendments to Section 409 – PRIVATE STREETS, Subsection 409-3 allow for the utilization of pervious paving materials on private streets, driveways and sidewalks and allow for curb cuts designed to support stormwater management. Proper stormwater management practices result in improvements to water quality and in-stream habitat.
- f. Amendments to CDC Section 410 – GRADING AND DRAINAGE, allow for the utilization of vegetated stormwater management facilities in lieu of ditches along private streets. Proper stormwater management practices result in improvements to water quality and in-stream habitat.
- g. Amendments to CDC Section 413 – PARKING AND LOADING, allow for the utilization of pervious paving materials for off-street parking and loading facilities. Appropriate use of pervious paving materials improves stormwater management and can result in improvements to water quality and in-stream habitat.
- h. Amendments to CDC Section 415 – LIGHTING, specify that all required lighting is designed or directed in a manner that will not adversely affect nearby wildlife habitat.
- i. Amendments to CDC Section 422 – SIGNIFICANT NATURAL RESOURCES, add “Regionally Significant Fish and Wildlife Habitat areas” to the areas subject to this

section and require new fencing installed adjacent to stream corridors or wildlife habitat areas to be designed to allow wildlife passage.

- j. Amendments to Policy 10 BIOLOGICAL RESOURCES AND NATURAL AREAS of the Comprehensive Framework Plan for the Urban Area include the addition of an implementing strategy relating to the protection and enhancement of Regionally Significant Fish & Wildlife Habitat and the addition of a reference to the Tualatin Basin Fish & Wildlife Habitat Program document and related materials under Summary Findings and Conclusions.
- k. Amendments to the PREFACE to the Rural/Natural Resource Plan include minor clarifications to existing language together with the addition of new language referencing findings and conclusions incorporated in the Tualatin Basin Fish & Wildlife Habitat Program Report and associated documents. These changes indirectly relate to both Goals 5 & 6.
- l. Amendments to Policy 6 WATER RESOURCES of the Rural/Natural Resource Plan include the addition of an implementing strategy that takes note of the Healthy Streams Plan to the extent it is applicable outside of the UGB. This language is designed to clarify implementing strategy b, which identifies non-land use requirements that address surface and groundwater quality.
- m. Amendments to Policy 10 FISH AND WILDLIFE HABITAT of the Rural/Natural Resource Plan modify implementing strategy d. relating to alteration of natural vegetation in order to clarify areas of applicability. These changes also add a new Implementing Strategy f, relating to implementation of the Tualatin Basin Fish & Wildlife Habitat Program in rural areas of the county. These changes indirectly relate to both Goals 5 & 6.
- n. Amendments to Policy 15 EXCLUSIVE FARM LANDS of the Rural/Natural Resource Plan amends Implementing Strategy j. to include Clean Water Services as a cooperating agency in education and dissemination of information related to agricultural management and extends the strategy to include "practices that preserve fish and wildlife habitat".
- o. Amendments to Policy 17 AGRICULTURE AND FOREST-20 LAND of the Rural/Natural Resource Plan amends Implementing Strategy i. to include Clean Water Services as a cooperating agency in education and dissemination of information related to agricultural management and extends the strategy to include "practices that preserve fish and wildlife habitat".
- p. Amendments to Policy 6 WATER RESOURCES of the Comprehensive Framework Plan for the urban area include the addition of an implementing strategy that takes note of the Healthy Streams Plan. This strategy promotes compliance with that plan to the extent that it applies within the Urban Growth Boundary.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

This topic is addressed by Statewide Planning Goal 6 and Title 3 of Metro's UGMFP. Policies 4, 6 and 7 of the Framework Plan for the Urban Area and Policies 4, 5, 6 and 7 of the Rural / Natural Resource Plan, provide for the maintenance and improvement of the quality of air, water and land resources. Comprehensive Plan compliance with Goal 6 and Metro's UGMFP is maintained with the amendments made by Ordinance No. 662. These conclusions are supported by the following facts.

FACTS

1. The Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), Section 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control) and Article VII (Public Transportation Facilities).
2. Ordinance No. 662 makes a variety of changes to the Washington County Plan and Code designed to enhance opportunities for improvements to water quality and fish & wildlife habitat. As noted in the Conclusions and Facts listed under the section above related to Goal 5, most activities directed at improving upland wildlife habitat can have a positive effect on water quality. Similarly, water quality has a direct effect on habitat in water areas and wetlands. For the specific findings listed under section 2.(a. through p.) of the Goal 5 section above that are related to water quality, those findings are hereby incorporated by this reference in this section related to Goal 6.
3. Ordinance 662 amended Policy 6 of the Urban and Rural Plans by adding the Healthy Streams Plan to the list of non land-use standards and policies that address surface and groundwater quality. Ordinance 662 did not amend other Urban and Rural Plan policies related to Goal 6.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

Policy 8 in the Comprehensive Framework Plan for the Urban Area and Policy 8 in the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural disasters and hazards. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 662. The amendments are consistent with the county's acknowledged policies and standards for regulating development exposed to

potential natural disasters and hazards addressed by Goal 7. This conclusion is supported by the following facts:

FACTS

1. The Community Development Code standards relating to natural disasters and hazards are contained in Sections 410 (Grading and Drainage) and 421 (Flood Plain and Drainage Hazard Area Development).
2. Ordinance No. 662 did not amend the applicable Plan policies Code standards related to flood plain areas, or to natural disasters and hazards.

Goal 8 - Recreation Needs

CONCLUSION

Policies 33 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 662. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

FACTS

1. The Code standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-50 and 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks – Type I), 430-97 (Parks – Type II), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 662 did not amend the applicable Plan policies or Code standards related to recreational needs.

Goal 9 - Economy of the State

CONCLUSION

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 Community Development Code 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. 662. 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 following facts:

FACTS

1. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." Amendments to the Code follow this policy to achieve the economic development goal.
2. Ordinance No. 662 did not make amendments to Plan policies or Code standards related to the local economy.
3. Changes made by Ordinance 662 promote the use of low-impact and habitat friendly development practices. The cost effectiveness of implementing these practices is determined by the applicant.

Goal 10 - Housing

CONCLUSION

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 Community Development Code 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 Ordinance No. 662. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts:

FACTS

4. Although Ordinance No. 662 did not amend the applicable Plan policies related to housing, it does amend sections of the Community Development Code relating to density transfer (Section 300-3), required minimum density (Section 300-5), Master Planning (Section 404), as well as a variety of other sections related to site design and development standards. Many of these Code standards directly relate to housing capacity on lands planned for residential use. The amendments to these standards resulting from the adoption of Ordinance 662 provide site design flexibility, alternatives to required

improvements and trade-offs intended to encourage habitat protection and low-impact development. Ordinance 662 preserves the ability to maintain housing capacity.

5. Amendments to Subsection 300-3 – Density Transfers for Unbuildable Lands under CDC Section 300 – INTRODUCTION, adds “Regionally Significant Fish & Wildlife Habitat” as an area qualifying for density transfer. This change allows permitted development densities to be moved out of Regionally Significant Fish & Wildlife Habitat areas. This change will allow housing capacity to be transferred from areas that are affected to areas of a site that are not affected by Regionally Significant Fish & Wildlife Habitat and thereby maintaining overall housing capacity. Maintenance of housing capacity is key to the Goal 10 standard for local plans to “...encourage the availability of adequate numbers of housing units...”.

6. Amendments to CDC Section 300 – INTRODUCTION, adds a new subsection 300-5 relating to allowing development at less than minimum density. Reducing required minimum densities in areas containing Goal 5 resources is consistent with the Goal 10 Guideline relating to the “...carrying capacity of the air, land and water resources of the planning area.” by recognizing that the capacity of the land resource is limited by the need to protect significant Goal 5 Resources from non-compatible land uses.

7. Also see discussion below of Metropolitan Housing Rule – [OAR 660-007-0000]

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 662. The amendments are consistent with the county’s acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

FACTS

1. The standards for public facilities and services in the Community Development Code are outlined in Article V (Public Facilities and Services).
2. In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 662 does not amend the Washington County Public

Facilities Plan. No Plan policies or Code standards relating to public facilities and services were amended by Ordinance No. 662.

Goal 12 - Transportation

CONCLUSION

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 Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 662. 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). This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 662 did not amend the applicable Plan policies related to transportation.

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 Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 662. The amendments are consistent with the county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 662 did not amend the applicable Plan policies or code sections related to energy conservation.

Goal 14 - Urbanization

CONCLUSION

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 Community Development Code 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. 662. 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 facts:

FACTS

1. Ordinance No. 662 did not amend the applicable Plan policies or Code standards related to urbanization which impacts the county's compliance with Goal 14.

Metropolitan Housing Rule – [OAR 660-007-0000]

CONCLUSION

The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary. Under this rule, Washington County is required to provide for an average of 8 units per net buildable acre of residential land and to assure that at least 50 percent of the total unit capacity may be built as attached or multi-family units. The amendments made by Ordinance 662 will not affect the County's ability to continue to comply with this rule. This conclusion is supported by the following facts:

FACTS

1. The Metropolitan Housing Rule defines the term "Buildable Land" as follows: "Buildable Land" means residentially designated vacant and, at the option of the local jurisdiction, redevelopable land within the Metro urban growth boundary that is not severely constrained by natural hazards (Statewide Planning Goal 7) or subject to natural resource protection measures (Statewide Planning Goals 5 and 15). Publicly owned land is generally not considered available for residential use. Land with slopes of 25 percent or greater unless otherwise provided for at the

time of acknowledgment and land within the 100-year floodplain is generally considered unbuildable for purposes of density calculations.

Further, the rule defines "Net Buildable Acre" as follows:

A "Net Buildable Acre" consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas."

It is assumed that these terms are to be utilized in determining compliance with the average density requirements of the rule. Changes to the Community Development Code incorporated in Ordinance 662 include a provision which would allow for a reduction in required minimum density on sites where buildable land that is designated as "Regionally Significant Fish & Wildlife Habitat" is set aside and protected as non-buildable land. Therefore, since the reduction in required minimum density is only allowed on lands "subject to natural resource protection measures", and those protected lands are excluded from the definitions of both "Buildable Lands" and "Net Buildable Acre"(s), calculation of the County's ability to provide for an average of 8 units per net buildable acre of residential land, would not be affected by the allowed density reduction permitted through this ordinance.

FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 662 AMENDING
THE RURAL/NATURAL RESOURCE PLAN, THE COMPREHENSIVE
FRAMEWORK PLAN FOR THE URBAN AREA, AND THE COMMUNITY
DEVELOPMENT CODE RELATING TO REMOVAL OF BARRIERS TO AND
ESTABLISHMENT OF STANDARDS WHICH SUPPORT LOW-IMPACT /
HABITAT FRIENDLY DEVELOPMENT

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, 8 and 13 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. 662 amends various elements of the Comprehensive Plan to support and encourage low-impact, habitat friendly development practices in unincorporated Washington County. Generally, these changes do not directly affect housing or employment capacity. For those Ordinance 662 changes to the Community Development Code that may indirectly affect housing or employment capacity, the specific changes are discussed below:

- a. Amendments to Subsection 300-3 – Density Transfers for Unbuildable Lands under CDC Section 300 – INTRODUCTION, adds "Regionally Significant Fish & Wildlife Habitat" as an area qualifying for density transfer. This change allows permitted development densities to be moved out of Regionally Significant Fish & Wildlife Habitat areas. This change will allow housing and/or employment capacity to be transferred from areas that are affected to areas of a site that are not affected by Regionally Significant Fish & Wildlife Habitat and thereby maintaining overall capacities.
- b. Amendments to CDC Section 300 – INTRODUCTION, adds a new subsection 300-5 relating to allowing development at less than minimum density. This new Code subsection was developed in order to comply with the requirements of Metro Code Section 3.07.1330 (B) (5) e. This section of the Metro Code requires the County to adopt "...provisions to allow for the reduction of the density and capacity requirements of Title-

1 of the Urban Growth Management Functional Plan, Metro Code Sections 3.07.110 to 170 consistent with Metro Code Section 3.07.1330 (H).”

c. Section 3.07.1330-H (3) a. of the UGMFP provides that “If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection 3(H)(1) of this title, then such city or county shall: a. Be permitted an offset against the capacity specified for that city or county in Table 3.07-1 of the Metro Code. The amount of such offset shall be calculated by subtracting the difference between the number of dwelling units that the city or county approved to be built pursuant to subsection 3(H)(1) of this title and the minimum number of dwelling units that would have otherwise been required to be built on the property pursuant to the applicable minimum density requirements for the zoning district where the property is located;” and b. Report to Metro by April 15 of every year the number of approvals made pursuant to this subsection 3(H) of this title, including documentation that the factors in subsection 3(H)(1) had been satisfied for each such approval, and the capacity offsets that the city or county shall be afforded as a result of such approvals.

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

Title 3 of Metro’s Urban Growth Management Functional Plan requires protection of beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Title 3 requires establishment of buffer zones around resource areas to protect them from new development. Title 3 further directs Metro to establish performance standards to protect regionally significant fish and wild habitat areas classified pursuant to Statewide Planning Goal 5.

RESPONSE

Ordinance No. 662 includes an array of Plan and Code changes that directly relate to the requirements of Title 3. Applicable changes are discussed below:

- a. Amendments to Subsection 300-3 – Density Transfers for Unbuildable Lands under CDC Section 300 – INTRODUCTION, adds “Regionally Significant Fish & Wildlife Habitat” as an area qualifying for density transfer. This change allows permitted development densities to be moved out of Regionally Significant Fish & Wildlife Habitat areas. This change can have direct, positive impacts on habitat and improve overall compliance with Title 3 by encouraging the protection of habitat areas through density transfers.
- b. Amendments to CDC Section 300 – INTRODUCTION, adds a new subsection 300-5 relating to allowing development at less than minimum density. Reducing required

minimum densities in areas containing Goal 5 resources (Fish & Wildlife Habitat) will support protection of those resources and increase opportunities for improving drainage management as well as water quality.

- c. Amendments to CDC Section 407 – LANDSCAPE DESIGN, Subsection 407-1.1 provides increased flexibility in and/or reductions to minimum landscape area requirements as incentives to protect regionally significant fish & wildlife habitat areas or to the utilization of low-impact development techniques. Changes to 407-2 are designed to encourage the use of native plant materials in order to reduce water usage – this reduction can help to maintain in-stream flows for water area and wetland habitat and also help to maintain water quality in streams and wetlands. Changes to 407-7.1 are intended to improve the relationship between species selection and planting intervals when selecting and planting street trees. These changes are intended to improve tree canopy coverage which can help to improve water quality as well as overall habitat health. Implementation of these code changes can provide direct benefits to water quality, flood management and fish and wildlife habitat conservation.
- d. Amendments to Section 408 – NEIGHBORHOOD CIRCULATION, section 408-9.9 allow the utilization of pervious paving materials in required accessways which can improve stormwater management and result in improvements to water quality and in-stream habitat.
- e. Amendments to Section 409 – PRIVATE STREETS, Subsection 409-3 allow for the utilization of pervious paving materials on private streets, driveways and sidewalks and allow for curb cuts designed to support stormwater management. Proper stormwater management practices result in improvements to water quality and in-stream habitat.
- f. Amendments to CDC Section 410 – GRADING AND DRAINAGE, allow for the utilization of vegetated stormwater management facilities in lieu of ditches along private streets. Proper stormwater management practices result in improvements to water quality and in-stream habitat.
- g. Amendments to CDC Section 413 – PARKING AND LOADING, allow for the utilization of pervious paving materials for off-street parking and loading facilities. Appropriate use of pervious paving materials improves stormwater management and can result in improvements to water quality and in-stream habitat.
- h. Amendments to CDC Section 422 – SIGNIFICANT NATURAL RESOURCE AREAS, add “Regionally Significant Fish and Wildlife Habitat areas” to the areas subject to this section and require a finding that the proposed use will not seriously impact the habitat or that the impacts can be mitigated.

- i. Amendments to Policy 10 BIOLOGICAL RESOURCES AND NATURAL AREAS of the Comprehensive Framework Plan for the Urban Area include the addition of an implementing strategy relating to the protection and enhancement of Regionally Significant Fish & Wildlife Habitat and the addition of a reference to the Tualatin Basin Fish & Wildlife Habitat Program document and related materials under Summary Findings and Conclusions. These Plan changes are implemented through various sections of the CDC. These implementing Code standards can result in direct improvements to water quality, flood management and fish and wildlife habitat.
- j. Amendments to Policy 6 WATER RESOURCES of the Rural/Natural Resource Plan include the addition of an implementing strategy related to Clean Water Services Healthy Streams Plan (to the extent applicable outside of the UGB). This language is designed to clarify implementing strategy d. and the addition of language relating to stream health under Summary Findings and Conclusions. These Plan changes are implemented through various sections of the CDC. These implementing Code standards can result in direct improvements to water quality, flood management and fish and wildlife habitat.
- k. Amendments to Policy 10 FISH AND WILDLIFE HABITAT of the Rural/Natural Resource Plan modify implementing strategy d. relating to alteration of natural vegetation in order to clarify areas of applicability. These changes also add a new Implementing Strategy f, relating to implementation of the Tualatin Basin Fish & Wildlife Habitat Program in rural areas of the county. When implemented, these changes can have positive impacts on water quality, flood management and fish and wildlife habitat.
- l. Amendments to Policy 6 WATER RESOURCES of the Comprehensive Framework Plan for the Urban area include the addition of an implementing strategy related to Clean Water Services Healthy Streams Plan. This strategy promotes compliance with that plan to the extent that it applies within the Urban Growth Boundary. The primary focus of the Healthy Streams Plan is on Water Quality within the Tualatin River Basin.

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. 662 on July 20, 2006. The findings in this document demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.

Title 13 – Nature in Neighborhoods

The purposes of this Metro program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

Ordinance 662 was developed in order to comply with conditions of Metro Resolution 05-3577A and applicable requirements of Title-13 of Metro's Urban Growth Management Functional Plan. Specifically, this Ordinance implements the requirements under Metro Code section 3.07.1330 which requires that "Provisions are adopted that facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map".