



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

November 7, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 011-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 24, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

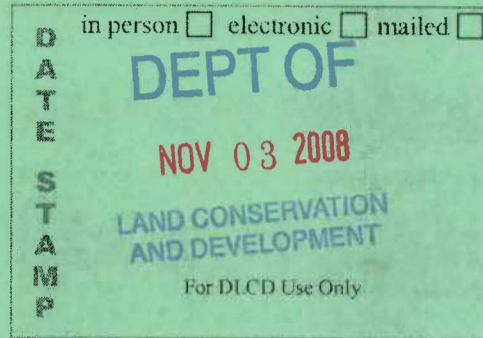
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Katherine Daniels, Farm/Forest Specialist
Anne Elvers, Washington County

<paa> ya/

FORM

2 DLCD Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD WITHIN
5 WORKING DAYS AFTER THE FIRST FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Washington County** Local file number: **A-Engrossed Ordinance No. 704**
 Date First Evidentiary Hearing: **9/3/2008** Date of Final Hearing: **10/28/2008**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **7/18/2008**

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):

A-Engrossed Ordinance No. 704 makes clarifying amendments to the Community Development Code relating to:

- life estates in the EFU and AF-20 Districts was amended to be consistent with ORS Ch. 215-213(8)
- correction of a typographical error and clarification of the diagram in Section 418-4 (Fences and Retaining Walls)
- solid waste storage areas on private streets
- written comments concerning solid waste and recycling pick-up and storage
- clarification that a building permit may be required for a sign exempt from land use permits
- corrects a cross-reference to the County Code and deletes redundant text

Does the Adoption differ from proposal? **Yes**

The ordinance was engrossed in order to include an amendment to Section 215 (code enforcement procedures) which corrected a cross-reference and deleted a portion of text that was already included in the Washington County Code.

Plan map changed from: **n/a** to: **n/a**
 Zone map changed from: **n/a** to: **n/a**
 Location: **n/a**
 Specify density: Previous: **n/a** New density: **n/a** Acres involved: **n/a**

Mark applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing? Yes No
 If no, do the statewide planning goals apply? Yes No
 If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 011-08 (17027)

Please list affected state or federal agencies, local governments or special districts:
DLCD and Metro

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

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

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 704 – AN
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT
CODE ELEMENT OF THE COMPREHENSIVE PLAN
RELATING TO GENERAL UPDATE AND HOUSEKEEPING
CHANGES**

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

SUMMARY:

A-Engrossed Ordinance No. 704 proposes to make housekeeping and general update amendments to the Community Development Code.

The first hearing for the ordinance was held on October 7, 2008, and the Board directed engrossment of the ordinance to change Community Development Code Section 215 to make it consistent with code enforcement procedures adopted as part of the Washington County Code by Ordinance No. 707.

The first hearing for the engrossed ordinance was held on October 21, 2008. This is the second required public hearing for A-Engrossed Ordinance No. 704.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

A staff report will be provided to the Board prior to the October 28, 2008 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

DEPARTMENT'S REQUESTED ACTION:

Read by title only and conduct the public hearing for A-Engrossed Ordinance No. 704. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 704.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

100-601000

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

FILED

OCT 09 2008

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE NO. 704

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan relating to General
Update and Housekeeping Changes

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 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, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692 and 694-698.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC to reflect legislative changes, provide general update and housekeeping amendments, and assure consistency with recently adopted code enforcement provisions. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

13 SECTION 2

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

- 16 A. Exhibit 1 (2 pages) amending CDC Section 414 SIGNS to clarify that
17 an exempt sign may require a building permit;
- 18 B. Exhibit 2 (1 page) amending CDC Section 340 EXCLUSIVE FARM
19 USE (EFU) and Section 344 AGRICULTURE AND FOREST
20 DISTRICT (AF-20);
- 21 C. Exhibit 3 (2 pages) amending CDC Section 418-4 SETBACKS;
- 22 D. Exhibit 4 (3 pages) amending CDC Section 406 BUILDING, SITING
AND ARCHITECTURAL DESIGN; and
- E. Exhibit 5 (2 pages) amending CDC Section 215 CODE COMPLIANCE.

1 SECTION 3

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

4 SECTION 4

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

7 SECTION 5

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

13 SECTION 6

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

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

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

3 SECTION 7

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

5 ENACTED this 28 day of October, 2008, being the 3rd reading and 3rd
6 public hearing before the Board of County Commissioners of Washington County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

9
10 **ADOPTED**

Vice- *Dick Schouten*
CHAIRMAN

Marian Larkin
RECORDING SECRETARY

14 READING

PUBLIC HEARING

15 First October 7, 2008
16 Second October 21, 2008
17 Third October 28, 2008
18 Fourth _____
19 Fifth _____
20 Sixth _____

15 First October 7, 2008
16 Second October 21, 2008
17 Third October 28, 2008
18 Fourth _____
19 Fifth _____
20 Sixth _____

(Engrossment ordered October 7, 2008)

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

Recording Secretary: Marian Larkin Date: October 28, 2008

Community Development Code Section 414 SIGNS is amended to reflect the following:

414-5 Exemptions and Supplemental Criteria

The following signs are exempted from development permit requirements and from the standards set forth above; however, a permit may be required as determined by the Building Official.

414-5.1 Temporary Signs:

The following temporary signs are permitted subject to the standards of Section 414-5.1 F:

- A. Construction Signs;
- B. Real Estate Signs;
- C. Temporary Land Development Project Signs pertaining to the sale, lease, rent or development of a subdivision, shopping center, industrial park or similar land parcel;
- D. Political campaign signs; and
- E. Farm or Forest product signs.
- F. Temporary signs listed in A through E above shall meet the following standards:
 - (1) Shall not exceed sixteen (16) square feet in area;
 - (2) Shall be located on private property, not within any dedicated right-of-way; and
 - (3) Shall be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event.

414-5.2 Bench Signs:

On-premises and off-premises advertising on street benches provided:

- A. The benches shall not be higher than four (4) feet above ground;
- B. The advertising is limited to fourteen (14) square feet in area;
- C. The benches are not located closer than five (5) feet to any street right-of-way line;

abcdef Proposed additions
~~abcdef~~ Proposed deletions

D. Benches are located in a manner not to obstruct vision;

E. The advertising shall be included as part of the total permitted sign area of the premise on which it is located.

414-5.3 Directory Signs are permitted when the maximum total area does not exceed one-hundred (100) square feet. Directory signs shall not front on any public street.

414-5.4 Farm Signs:

Names of occupants and other identification, painted or otherwise made a part of a surface or roof of a barn or other accessory building provided said identification sign is not for advertising purposes.

414-5.5 Flag:

A United States flag up to fifty (50) square feet in area.

414-5.6 Household Goods Sales:

A. Signs may not exceed a total area of four (4) square feet;

B. Shall be erected only during daylight hours;

C. Shall be removed within forty-eight (48) hours after erecting; and

D. Shall not be located in a manner which would cause a public safety hazard.

414-5.7 Integral Signs

414-5.8 Private Traffic Direction:

Signs directing traffic movement onto a premise or within a premise, not to exceed three (3) square feet in area for each sign. Illumination of these signs shall be in accordance with Section 414-6. Horizontal directional signs flush with paved areas are exempt from these standards.

414-5.9 Safety Signs:

Danger signs, trespassing signs, warning signs, traffic signs, memorial plaques, signs of historical interest, holiday signs, public and service information signs such as rest rooms, mailbox identification, newspaper container identification.

414-5.10 Street Banners for Public Events (Temporary)

Community Development Code Section 340 EXCLUSIVE FARM USE and Section 344 AGRICULTURE AND FOREST DISTRICT (AF-20) are amended to reflect the following:

1. **340 EXCLUSIVE FARM USE DISTRICT (EFU)**
 - 340-4 **Uses Permitted Through a Type II Procedure**
 - 340-4.1 Permitted Uses which are exempt from Section 340-4.3:
 - E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), ~~to allow a second farm dwelling is subject to the following standards:~~
 - ~~(1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;~~
 - ~~(2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and~~
 - ~~(3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.~~
2. **344 AGRICULTURE AND FOREST DISTRICT (AF-20)**
 - 344-4.1 Permitted Uses which are exempt from Section 344-4.3:
 - E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), ~~to allow a second farm dwelling is subject to the following standards:~~
 - ~~(1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;~~
 - ~~(2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and~~
 - ~~(3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.~~

Community Development Code Section 418-4 SETBACKS is amended to reflect the following:

418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

- 418-4.1 A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.
- 418-4.2 A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.
- 418-4.3 A combination fence [not more than six (6) feet in height] and retaining wall structure [not more than four (4) feet in height] located in a side or rear yard (for design standards see Section 419-4).
- 418-4.4 Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 418-4.5 All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.
- 418-4.6 A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.
- 418-4.7 Residential lots or parcels with driveways closer than seven-and-a-half (7.5) feet from the property line shall maintain a clear vision area with no sight obscuring fence or wall (does not include a retaining wall) not more than three (3) feet in height, measured from finished grade, within a seven-and-a-half (7.5) feet by fifteen (15) foot rectangle. A clear vision shall be measured from the interior edge of the sidewalk (for design standards see Figure 1 and Figure 2).

Figure 1. Plan View

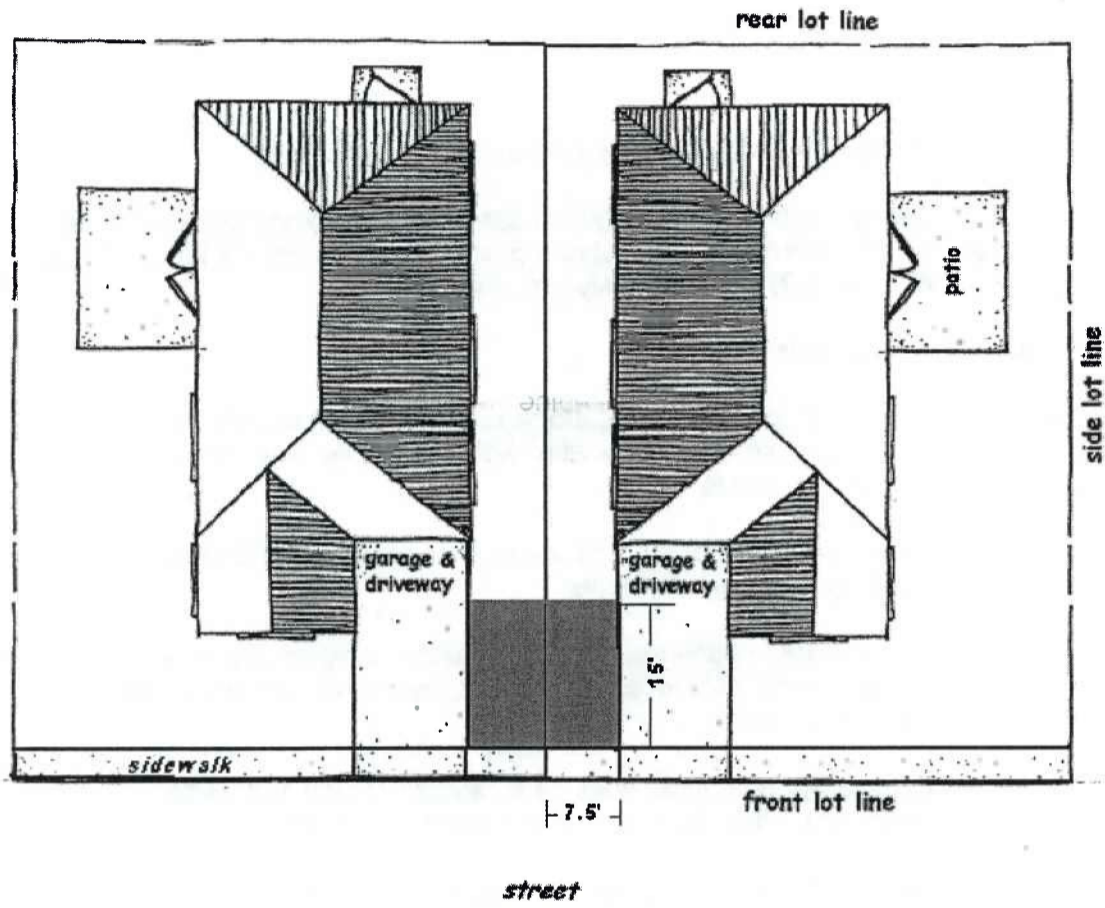
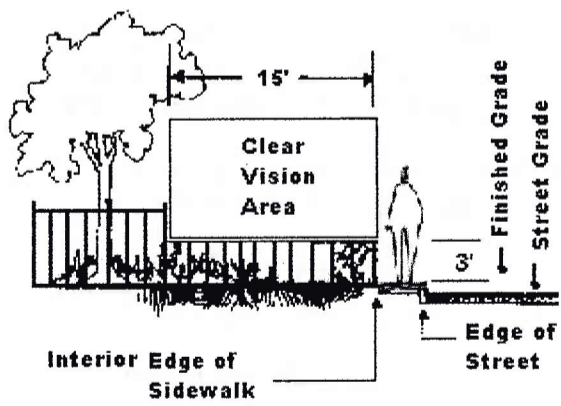


Figure 2. Side View



abcdef Proposed additions
abcd~~ef~~ Proposed deletions

Community Development Code Section 406 BUILDING, SITING AND ARCHITECTURAL DESIGN is amended to reflect the following:

406-6.4 Location, Design and Access Standards for Storage Areas

The following location, design and access standards for storage areas are applicable to all three methods of compliance: 1) minimum standards; 2) waste assessment; and 3) comprehensive recycling plan.

A. Location Standards:

- (1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- (2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.
- (3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.
- (5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.
- (6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site.
- (7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.

B. Design Standards:

- (1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.

- (2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- (3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- (4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position.
- (5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards:

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
- (2) Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building facades, the following information must be submitted:

- 406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;
- 406-7.2 Building Floor Plans;
- 406-7.3 Building Elevations and Sections;
- 406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and

abcdef Proposed additions
abedef Proposed deletions

406-7.5 Building Shadow Plan.

406-7.6 For new development required to provide mixed solid waste and recyclables storage facilities, a written statement from the ~~applicable franchised solid waste collection company~~ Washington County Health and Human Services Solid Waste and Recycling Division concerning the adequacy of the proposed design and location of the storage facilities as required by Section 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C (1, 2, and 3).

Community Development Code Section 215 CODE COMPLIANCE is amended to reflect the following:

215 CODE COMPLIANCE

215-1 No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of the Comprehensive Framework Plan including but not limited to this Development Code or the applicable Community Plan.

215-2 No building or development permit shall be issued unless it has first been determined whether there are existing violations on the property. A building or development permit may be denied where there is an existing violation or may include a condition addressing any existing violation. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

~~215-3~~ **Voluntary Compliance**

~~Washington County's first preference regarding code enforcement is voluntary compliance.~~

~~215-3.1~~ **Voluntary Compliance Agreement**

~~The County may, in its sole discretion, enter into a written voluntary compliance agreement with a respondent before or after a citation is issued. The agreement shall include the required corrective action, time limits for compliance and shall be binding.~~

~~The fact that a person alleged to have committed a violation enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation for any purpose.~~

~~The County will delay further processing of the alleged violation during the time allowed in the voluntary compliance agreement for completion of the required corrective action. The County shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate the proceedings against respondent.~~

~~215-3.2~~ **Failure to Comply with Voluntary Compliance Agreement**

~~Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation, and shall be handled in accordance with the procedures established by Chapter 14.16 of the Washington County Code, except no further notice after the voluntary compliance agreement has been signed need be given before further enforcement proceedings are initiated. The County may also proceed on the alleged violation that gave rise to the voluntary compliance agreement.~~

215-4.3 Prosecution of Violations

Violations of the Comprehensive Framework Plan including but not limited to this Development Code and any applicable Community Plan will be prosecuted as provided under Chapter ~~44.16~~ 1.14 of the Washington County Code

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 704

Presented by: Brent Curtis, Long Range Planning Manager

SUMMARY:

A-Engrossed Ordinance No. 704 proposes to make housekeeping and general update amendments to the Community Development Code.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan. Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 704. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for A-Engrossed Ordinance No. 704 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 08-123

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. 704) No. 08-123

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

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 704; 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 3, 2008, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 704 are hereby adopted.

DATED this 28th day of October, 2008.

BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON <i>Dick Schouten</i> _____ Chairman
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STRADER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

APPROVED AS TO FORM:

[Signature]

County Counsel
For Washington County, Oregon

[Signature]

Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 704 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO GENERAL UPDATE AND HOUSEKEEPING CHANGES

October 28, 2008

GENERAL FINDINGS

A-Engrossed Ordinance No. 704 amends the Community Development Code (CDC) relating to housekeeping and general update amendments. The changes include correcting typographical errors, clarifying regulations relating to signs exempt from land use permits, identifying the review authority for solid waste and recycling collection areas in new developments and correcting two section of the CDC so that they complies with ORS 215.213(8).

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 704 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metros' Urban Growth Management Functional Plan, and the Washington County Comprehensive Plan.

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 and in Chapter X of the Washington County Charter.
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 (CPOs).
3. A-Engrossed Ordinance 704 has been adopted in compliance with the acknowledged Citizen Participations Policies of the County outline in R & O 86-58 and in Chapter X of the Charter. Citizen participation efforts include conducting public hearings before the Planning Commission and the Board of County Commissioners, providing for CPO involvement as well as general public participation in the process via public notifications.
4. The Planning Commission held a public hearing on September 3, 2008 that resulted in a recommendation for engrossment of Ordinance 704 to the Board of Commissioners.
5. The Board of Commissioners held public hearings on Ordinance 704 on October 7, 2008 and on A-Engrossed Ordinance 704 on October 21, 2008 and October 28, 2008 consistent with Chapter X of the Washington County Charter.
6. Proposed Ordinance No. 704 and an accompanying summary were mailed on July 29, 2008 to the CPOs and CCI. Also on July 29, 2008, 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 Department of Land Conservation and Development (DLCD) on July 18, 2008.
7. A copy of the proposed ordinance was made available for review at the Cedar Mill Library and the Tigard Public Library. 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.
8. 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. 692 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on August 14, 2008 and *The Hillsboro Argus* also on August 15, 2008.
9. 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 Ordinance No. 704 was mailed to the 466 persons that requested such notice on August 20, 2008.

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 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 CDC. Washington County utilized this process to adopt this ordinance.

The amendments that were made to the CDC by this ordinance are consistent with the parameters set forth in the acknowledged Comprehensive Framework Plan for the Urban Area - Policy 1, Implementing Strategy (d); and the Rural/Natural Resource Plan - Policy 1, Implementing Strategy (d). Plan compliance with Goal 2 is maintained by implementing these two strategies. 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. 704 amends the county’s the CDC which is an element of the county’s Comprehensive Plan. 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. The Commission met August 7, 2008 to draft a notice for Ordinance No. 704. 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 August 20, 2008.
 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 3, 2008. 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* August 15, 2008 and *The Hillsboro Argus* on August 15, 2008.

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 be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 704 was mailed to DLCD on July 18, 2008.
6. At its hearing on May 6, 2008, the Board of County Commissioners authorized the 2008 Planning Division and Land Use Ordinance Work Program, which included the filing of an ordinance to make housekeeping and general update changes. A-Engrossed Ordinance No. 704 made housekeeping and general update changes to the CDC.
7. Amendments were made to limited CDC standards to comply with state statutory and administrative rule requirements.

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 A-Engrossed Ordinance No. 704. 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. A-Engrossed Ordinance No. 704 did not amend the applicable Plan policies or strategies relating farm use districts.
2. Oregon Revised Statute (ORS) 215.213(8) allows a property owner to retain a life estate in a dwelling on a property and in a tract of land under and around the dwelling. While Sections 340-4.1 and 344-4.1 currently allow for life estates, they also allow for a second farm dwelling on the same property. This allowance does not comply with ORS 215.213(8) because the ORS does not state that a second farm dwelling is allowed; therefore, these sections were amended in order to be consistent with state law.

These limited changes do not amend the applicable Plan policies or strategies relating to farm use districts.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments made by A-Engrossed Ordinance No. 704 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

A-Engrossed Ordinance No. 704 did not amend the applicable Plan policies or CDC sections related to forest lands. Therefore, it is not necessary to make specific findings for Goal 4.

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

CONCLUSION

Policies 10, 11 and 12 of the Comprehensive Framework Plan for the Urban Area, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

Plan compliance with Goal 5 is maintained with amendments made by A-Engrossed Ordinance No. 704. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23. This conclusion is supported by the following facts:

FACTS

1. A-Engrossed Ordinance 704 does not amend any Plan policies or strategies relating to Goal 5.
2. A-Engrossed Ordinance 704 does not amend any provisions of the CDC relating to Goal 5.
3. A-Engrossed Ordinance 704 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.

4. A-Engrossed Ordinance 704 does not allow any new uses in any affected land use district and there will consequently be no new uses that conflict with acknowledged Goal 5 resources.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the Comprehensive 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.

Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 704. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts:

FACTS

A-Engrossed Ordinance 704 does not amend any Plan policies or strategies relating 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 A-Engrossed Ordinance No. 704. 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 CDC 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. A-Engrossed Ordinance No. 704 did not amend the applicable Plan policies and strategies or CDC sections related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

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 A-Engrossed Ordinance No. 704. 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 CDC 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. A-Engrossed Ordinance No. 704 did not amend any Plan policies relating to Goal 8.

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 CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 704. 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." While there are no specific CDC standards directly related to this goal, amendments to the CDC should follow this policy to achieve the economic development goal.

3. A-Engrossed Ordinance No. 704 makes various housekeeping amendments to the CDC to improve implementation of standards through the development review process.

The amendment to Section 418-5 clarifies that although a sign may be exempt from a land development permit, it may still need a building permit as required by the International Building Code.

Sections 340 and 344 are amended so that they are consistent with state law. Oregon Revised Statute (ORS) 215.213(8) allows a property owner to retain a life estate in a dwelling on a property and in a tract of land under and around the dwelling. While Sections 340-4.1 and 344-4.1 currently allow for life estates, they also allow for a second farm dwelling on the same property. This allowance does not comply with ORS 215.213(8) because the ORS does not state that a second farm dwelling is allowed; therefore, these sections are being amended in order to be consistent with state law.

A typographical error in CDC Section 418-4.7 is corrected and additional labels are included in order to clarify the diagram referred to in Section 418-4.

In Section 409, the Washington County Health and Human Services Solid Waste and Recycling Division is named as the review authority for solid waste and recyclables collection areas in new developments. There is also a clarification in Section 409 which states that solid waste and recyclables collection areas may not obstruct pedestrian or vehicular traffic on private streets.

Recently adopted Chapter 1.14 of the County Code includes provisions for code enforcement; therefore, Section 215-3 was deleted to avoid redundancy. Section 215-4 was updated so that it references the correct County Code section.

These clarifying housekeeping amendments promote a streamlined development review process and are consistent with Goal 9.

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 CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 704. 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

1. A-Engrossed Ordinance No. 704 did not amend any Plan policies or strategies relating to Goal 10.
2. A-Engrossed Ordinance No. 704 did not amend the use or density requirements of residential land use districts.

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 CDC requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 704. 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 CDC 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. A-Engrossed Ordinance No. 704 does not amend the Washington County Public Facilities Plan.
3. A-Engrossed Ordinance No. 704 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 11.

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 CDC. Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 704. 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. A-Engrossed Ordinance No. 704 did not amend the applicable Plan policies related to transportation. Therefore, it is not necessary to make specific findings for Goal 12.
2. A-Engrossed Ordinance No. 704 made limited amendments to standards for solid waste and recycling collection on private streets.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 704. 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

A-Engrossed Ordinance No. 704 did not amend the applicable Plan policies or CDC sections related to energy conservation. Therefore, it is not necessary to make specific findings for Goal 13.

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 CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments

made by A-Engrossed Ordinance No. 704. 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

A-Engrossed Ordinance No. 704 did not amend any Plan policies or strategies or CDC standards relating to Goal 14. Therefore, it is not necessary to make specific findings for Goal 14.

FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 704 (RELATING TO HOUSEKEEPING AND GENERAL UPDATE AMENDMENTS)

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, 2, 3, 4, 6, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

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

RESPONSE

A-Engrossed Ordinance No. 704 made housekeeping and general update amendments to the Community Development Code (CDC). A-Engrossed Ordinance No. 704 did not amend any Plan policies or development standards related to Title 1 housing and employment targets. Therefore the changes adopted by A-Engrossed Ordinance No. 704 are consistent with Title 1 of the UGMFP.

Title 2 - Regional Parking Policy

To meet state TPR requirements to reduce new parking spaces and vehicle miles traveled in the region, Metro requires limits on the minimum and maximum number of parking spaces.

RESPONSE

A-Engrossed Ordinance No. 704 amends the CDC to make various housekeeping and general update amendments. The ordinance did not modify any standards relating to minimum and maximum number of parking spaces.

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

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

RESPONSE

Implementation of Title 3 requirements has been completed primarily through the adoption of regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. A-Engrossed Ordinance No. 704 did not change any standards relating to water quality or flood plain management. The ordinance does not amend any significant natural resource designations.

Title 4 - Industrial and Other Employment Areas

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

RESPONSE

A-Engrossed Ordinance No. 704 amends the CDC to make various housekeeping and general update amendments. The ordinance did not amend any plan designations that would affect the county's supply of industrial land.

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

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

RESPONSE

A-Engrossed Ordinance No. 704 made amendments to the CDC standards that are not related to Title 6 Centers.

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 Ordinance No. 704 on July 18, 2008. The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.

Title 11 - Planning For New Urban Areas

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

RESPONSE

A-Engrossed Ordinance No. 704 did not modify any standards relating to the planning of new urban areas described in Title 11.

601005

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

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