



Oregon

Theodore R. Kuibongski, 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

7/20/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment  
DLCD File Number 006-09

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: Monday, August 03, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Joy L. Chang, Washington County  
Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative

<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

DATE STAMP	in person <input type="checkbox"/> electronic <input type="checkbox"/> mailed <input type="checkbox"/>
	DEPT OF
	JUL 13 2009
	LAND CONSERVATION AND DEVELOPMENT <small>For DLCD Use Only</small>

Jurisdiction: **Washington County**

Local file number: **Ordinance 716**

Date First Evidentiary Hearing: **6/17/2009**

Date of Final Hearing: **7/7/2009**

Date Notice of Adoption form (Form #2) was sent to DLCD: **7/9/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **5/15/2009**

☐ 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):  
**Ordinance 716 grants an automatic one-year extension of all preliminary land use approvals and all final approvals of subdivisions, partitions, and property line adjustments that are set to expire between the effective date of this ordinance and one year from that effective date.**

Does the Adoption differ from proposal? No, no explanation is necessary

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: **0**

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<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. 006-09 (17582) [15614]

Please list affected state or federal agencies, local governments or special districts: **None**

Local Contact: **Joy L. Chang**  
E-mail: **joy\_chang@co.washington.or.us**  
Phone: **(503) 846-3873**

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

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## 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 – First Reading and First Public Hearing  
Land Use & Transportation; County Counsel (All CPOs)

**Agenda Title:** PROPOSED ORDINANCE NO. 716 – AN ORDINANCE  
GRANTING A ONE-YEAR EXTENSION OF ALL PRELIMINARY  
AND FINAL LAND USE APPROVALS THAT ARE SET TO  
EXPIRE BETWEEN THE EFFECTIVE DATE OF THIS  
ORDINANCE AND ONE YEAR FROM THAT DATE

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

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#### SUMMARY:

Ordinance No. 716 would grant an automatic one-year extension of all preliminary land use approvals and all final approvals of subdivision, partitions, and property line adjustments that are set to expire between the effective date of this ordinance and one year from that date. The purpose of this ordinance is to address the unprecedented downturn in the real estate market and the credit crisis. If the ordinance is adopted by your Board on July 7<sup>th</sup>, the effective time period would be August 6, 2009 to August 6, 2010.

On June 17, 2009, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 716. The staff report will be provided to the Board prior to the hearing and it will also be available at the Clerk's desk prior to the hearing.

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

#### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 716 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 716.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

100-601000

Agenda Item No. 4.c.

Date: 7/7/09

FILED

MAY 14 2009

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 716

An Ordinance Granting a One-Year  
Extension of All Preliminary and Final  
Land Use Approvals that Are Set to  
Expire Between the Effective Date of  
this Ordinance and One Year from that  
Date

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

SECTION 1.

A. The Board of County Commissioners ("Board") finds that builders in Washington County are currently struggling to move forward with approved preliminary and final approvals given the unprecedented downturn in the real estate market and the credit crisis.

B. The Board finds that to avoid expiration of existing approvals it is appropriate to grant automatic extensions for a one-year period to provide additional time for builders to respond to market constraints.

C. The Board finds that the current market conditions and credit crisis are emergency circumstances that require submittal of this proposed change to the Director of the Department of Land Conservation and Development (DLCD) in less than 45 days consistent with ORS 197.610(2).

D. Under the provisions of Washington County Charter Chapter X, the Department of Land Use and Transportation has carried out its responsibilities, including preparation of notices, and the County Planning Commission has conducted one or more public hearings on the proposed amendments and has submitted its recommendations to the Board. The Board finds

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

3 E. 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, 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, the Washington County Community Development Code, and the Washington  
8 County Comprehensive Plan.

9 SECTION 2

10 Notwithstanding any existing provision under the Community Development Code, this  
11 ordinance shall grant an automatic one-year extension of all preliminary land use approvals and all  
12 final approvals of subdivisions, partitions, and property line adjustments that are set to expire  
13 between the effective date of this ordinance and one year from that effective date. No additional  
14 process, application or fee is required for any of these automatic one-year extensions.

15 SECTION 3

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

18 SECTION 4

19 If any section, clause, phrase, or word of this Ordinance or its application shall for any  
20 reason be determined invalid or unenforceable by a body of competent jurisdiction, the validity of  
21 the remainder or its application and all portions not so stricken shall not be affected thereby and

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1 remain in full force and effect, and any provision of a prior ordinance amended or repealed by the  
2 stricken portion of this Ordinance shall be revived and again be considered in full force and effect.

3 SECTION 5

4 The Department of Land Use and Transportation is authorized to take such steps as are  
5 necessary to inform applicants of the automatic extension and to track the modified expiration date  
6 to assure compliance with Section 2 above.

7 SECTION 6

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

9 ENACTED this 7th day of JULY, 2009, being the  
10 1st reading and 1st public hearing before the Board of County Commissioners of  
11 Washington County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS  
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 Tom Brin  
CHAIRMAN

16 Barbara Hejmanek  
RECORDING SECRETARY

17 READING

PUBLIC HEARING

18 First July 7, 2009  
19 Second \_\_\_\_\_  
20 Third \_\_\_\_\_  
21 Fourth \_\_\_\_\_  
22 Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

First July 7, 2009  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

21 VOTE: Aye: Brian, Duyck, Rogers,  
Strader, Schouten

Nay: \_\_\_\_\_

22 Recording Secretary: Barbara Hejmanek Date: July 7, 2009

## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 716

Presented by: Brent Curtis, Planning Manager

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#### SUMMARY:

Ordinance No. 716 would grant an automatic one-year extension of all preliminary land use approvals and all final approvals of subdivision, partitions, and property line adjustments that are set to expire between the effective date of this ordinance and one year from that date. The purpose of this ordinance is to address the unprecedented downturn in the real estate market and the credit crisis.

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 Ordinance No. 716. 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 Ordinance No. 716 and authorize the Chair to sign the Resolution and Order memorializing the action.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 09-65

Agenda Item No.	<u>8.b.</u>
Date:	<u>7/7/09</u>



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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 Ordinance No. 716	)	No. <u>09-65</u>

This matter having come before the Washington County Board of Commissioners at its meeting of July 7, 2009; 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. 716; 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 June 17, 2009, 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 Ordinance No. 716 are hereby adopted.

DATED this 7th day of July, 2009.

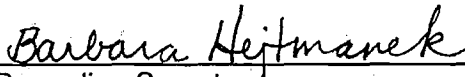
	AYE	NAY	ABSENT
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BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	✓	—	—
ROGERS	✓	—	—
APPROVED AS TO FORM:	✓	—	—
DUYCK			

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman

  
County Counsel  
For Washington County, Oregon

  
Recording Secretary

## **EXHIBIT A**

### **FINDINGS FOR ORDINANCE NO. 716 - AN ORDINANCE GRANTING A ONE-YEAR EXTENSION OF ALL PRELIMINARY AND FINAL LAND USE APPROVALS THAT ARE SET TO EXPIRE BETWEEN THE EFFECTIVE DATE OF THIS ORDINANCE AND ONE YEAR FROM THAT DATE**

**July 7, 2009**

#### **GENERAL FINDINGS**

Ordinance 716 would grant a one-year extension of all preliminary land use approvals and all final land divisions and property line adjustments that are set to expire between the effective date of this ordinance and one year from that date. The purpose of this ordinance is to address the unprecedented downturn in the real estate market and the credit crisis.

#### **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 716 is consistent with Statewide Planning Goals, ORS and OAR requirements and Metro's Urban Growth Management Functional Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the proceeding below. The following precautionary findings are provided to demonstrate ongoing compliance.

##### **Goal 1 - Citizen Involvement**

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of Ordinance No. 716.

##### **Goal 2 - Land Use Planning**

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community

Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 716. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

#### **Goal 9 - Economy of the State**

Policy 20 in the Comprehensive Framework Plan for the Urban Area 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.

The Portland Home Builders Association asked the Board of County Commissioners to extend pending land use approvals due to current economic conditions. Ordinance 716 would grant a one-year extension of all urban and rural preliminary land use approvals and all final land divisions and property line adjustments that are set to expire between August 6, 2009 and August 6, 2010. Over 80 land use approvals would be affected by this proposal.

The purpose of this ordinance is to address the unprecedented downturn in the real estate market and the credit crisis. The current economic status has caused an increase in Land Use Extension applications. In 2006 and 2007, a total of 22 (11 each year) extension applications were submitted and approved. However, in 2008 alone, approximately 28 extension applications were submitted and approved. The increase in extension applications is a clear indication that the building community is struggling to meet the existing two year approval time period.

Plan compliance with Goal 9 is maintained by Ordinance No. 716. The proposed ordinance is consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

#### **Goal 10 - Housing**

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 716. The ordinance is consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural areas as required by Goal 10.

Ordinance 716 would grant a one-year extension of all urban and rural preliminary land use approvals and all final land divisions and property line adjustments that are set to expire between August 6, 2009 and August 6, 2010. Over 80 land use approvals would be affected by this proposal. With the extensions, the county is facilitating development in an orderly and efficient fashion.

Washington County - DLUT  
Long Range Planning  
155 N. First Avenue, 350-14  
Hillsboro, OR 97124

**SHUTTLE**

**FIRST CLASS MAIL**

**SHUTTLE**

Attn: Plan Amendment Specialist  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540