



Oregon

Theodore R. Kubongoski, 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

7/16/2010

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 009-10

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: Thursday, July 29, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Joy Chang, Washington County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JUL 09 2010

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Washington County**

Local file number: **Ordinance 734**

Date of Adoption: **July 6, 2010**

Date Mailed: **July 8, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **April 28, 2010**

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".

Ordinance 734 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**

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

to: **N/A**

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

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

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. 009-10 (18273) [16205]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Joy L. Chang**

Phone: **503-846-3873**

Address: **155 N First Ave., Suite 350-14**

Fax Number: **503-846-4412**

City: **Hillsboro** Zip: **97124-3072**

E-mail Address: **joy_chang@co.washington.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD** 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

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. 734 – 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

SUMMARY:

Ordinance No. 734 would grant 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 date. The purpose of this ordinance is to address the continued downturn in the real estate market and the credit crisis. If the ordinance is adopted by your Board on July 6th, the effective time period would be August 5, 2010 to August 5, 2011.

On June 16, 2010, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission voted 6-1 to recommend that the Board adopt Ordinance No. 734.

This agenda has been prepared in advance of the staff report for the July 6th hearing. The staff report will be provided to the Board and the Board's clerk prior to the hearing date. Proposed Ordinance No. 734 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2010-land-use-ordinances.cfm>

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. 734 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 734.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

APR 27 2010

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 734

An Ordinance Granting a Second 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, even with the automatic one-year extensions granted by and through the adoption of Ordinance 716 on July 7, 2009, are struggling to move forward with approved preliminary and final approvals given the continued, 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 second one-year period to provide additional time for builders to respond to market constraints.

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

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

7 SECTION 2

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

13 SECTION 3

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

16 SECTION 4

17 If any section, clause, phrase, or word of this Ordinance or its application shall for any
18 reason be determined invalid or unenforceable by a body of competent jurisdiction, the validity of
19 the remainder or its application and all portions not so stricken shall not be affected thereby and
20 remain in full force and effect, and any provision of a prior ordinance amended or repealed by the
21 stricken portion of this Ordinance shall be revived and again be considered in full force and effect.

22 ///

1 SECTION 5

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

5 SECTION 6

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

7 ENACTED this 6 day of July, 2010, being the
8 first reading and first public hearing before the Board of County Commissioners of
9 Washington County, Oregon.

10 BOARD OF COUNTY COMMISSIONERS
11 FOR WASHINGTON COUNTY, OREGON

12 **ADOPTED**

13 Roy R. Rogers
CHAIRMAN

14 Barbara Hejtmanek
RECORDING SECRETARY

15 READING

16 First July 6, 2010
17 Second _____
18 Third _____
19 Fourth _____
20 Fifth _____
21 Sixth _____

15 PUBLIC HEARING

16 First July 6, 2010
17 Second _____
18 Third _____
19 Fourth _____
20 Fifth _____
21 Sixth _____

19 VOTE: Aye: Rogers, Duyck, Schauten

Nay: _____

20 Recording Secretary: Barbara Hejtmanek Date: July 6, 2010

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 734

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 734 would grant 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 date. The purpose of this ordinance is to address the continued 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. 734. 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. 734 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 10-75

Agenda Item No. 5.a.

Date: 7-6-10

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. 734) No. 10-75

This matter having come before the Washington County Board of Commissioners at its meeting of July 6, 2010; 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. 734; 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 16, 2010, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

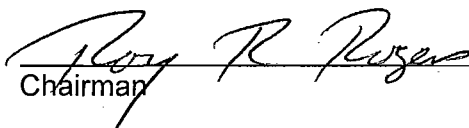
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the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

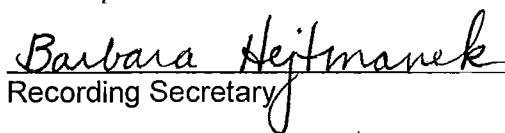
RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 734 are hereby adopted.

DATED this 6th day of July, 2010.

	AYE	NAY	ABSENT
BRIAN SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APPROVED AS TO FORM:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary



Senior Assistant County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 734 - 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 6, 2010

GENERAL FINDINGS

Ordinance No. 734 grants a 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 date (expected to be August 5, 2010 to August 5, 2011). The purpose of this ordinance is to address the continued 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. 734 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 proceedings for Ordinance No. 734. 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. 734. One letter in favor of the ordinance was received.

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 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. 734. Notice was coordinated with all affected governmental entities and no comments were received from these agencies 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.

In 2009, under Ordinance No. 716, the county approved a one-year extension of all urban and rural preliminary land use approvals and all final approvals of land division and property line adjustments. The Home Builders Association of Metro Portland (HBA) has requested an extension of this approval for an additional year due to the continuing economic downturn.

When Ordinance No. 716 was adopted last year, the Board said it would consider the need for another extension in 2010. Since the effective date of Ordinance No. 716, 13 of the extended applications obtained building permits or recorded a subdivision or partition plat. Three applications were withdrawn. If a new extension is granted, 67 new applications would also be eligible, bringing the total number of applications subject to the extension to 135. Building permit activity for new single family dwellings for the first quarter of 2010 is up from 2009 but not quite to the level of 2008 permits.

Plan compliance with Goal 9 is maintained by Ordinance No. 734. 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. 734. 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 No. 734 would grant a 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 August 5, 2010 and August 5, 2011. Over 135 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 Division, #350-14
55 North First Avenue
Hillsboro, OR 97124-3072



FIRST CLASS MAIL

Attn: Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

FIRST CLASS MAIL