



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

07/08/2013

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 003-13

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: Friday, July 19, 2013

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
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

JUL 01 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Washington County**Local file number: **A-Engrossed Ordinance No. 763**Date of Adoption: **June 25, 2013**Date Mailed: **June 28, 2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **3/11/13**☒ 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 No. 763 amends the property line adjustment standards in the Community Development Code to fully implement legislation passed in House Bill 3629 (2008), the "Phillips Fix" bill. Partial implementation of this legislation was previously completed in 2009 under Washington County Ordinance No. 720.

Does the Adoption differ from proposal? Yes, Please explain below:

In addition to fully implementing HB 3629, the following amendments were also made:

Addition of clarifying standards for PLAs that are above the minimum lot size established by the applicable land use district; addition of an allowance for a Type I review process for equal land area adjustments in the EFC District; removal of the initially-proposed two-acre minimum requirement for properties subject to a PLA, but addition of requirements for these parcels to meet health and safety standards; additional language that addresses lots and parcels with more than one land use designation; and clarifying text and formatting changes.

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **0.0**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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment

35-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 ☐ NoDLCD file No. 003-13 (19737) [17518]

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

Metro, Oregon Department of Water Resources

Local Contact: **Joy L. Chang, Associate Planner**

Phone: (503) 846-3873 Extension:

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

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

City: **Hillsboro** Zip: **97124**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 6, 2012

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. 763 – AN
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT
CODE ELEMENT OF THE COMPREHENSIVE PLAN
RELATING TO PROPERTY LINE ADJUSTMENTS

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 763 proposes to amend the Community Development Code (CDC) Element of the Comprehensive Plan relating to property line adjustment standards.

The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted the initial hearing for Ordinance No. 763 on May 21, 2013 and ordered engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the May 21, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 763 on June 18, 2013 and continued the hearing to June 25, 2013.

The staff report for the June 25, 2013 hearing will be provided to the Board prior to the hearing, posted on the above land use ordinance web page prior to the hearing, and will also be available at the Clerk's desk.

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

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 763 by title only and conduct the second public hearing on the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 763.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	9.b.
Date:	06/25/13

FILED

MAY 24 2013

Washington County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 763

An Ordinance Amending the
Community Development Code Element
of the Comprehensive Plan Relating to
Property Line Adjustment Standards

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

SECTION 1

A. The Board 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, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, and 754-758.

B. Subsequent planning efforts of Washington County indicate there is a need for greater flexibility for property line adjustments on exclusive farm lands, by fully implementing the legislative changes in 2009 House Bill 3629. The Board takes note that such changes are for the health, welfare, and benefit of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Department of
2 Land Use and Transportation has carried out its responsibilities, including preparation of notices,
3 and the County Planning Commission has conducted one or more public hearings on the proposed
4 amendments and has submitted its recommendations to the Board. The Board finds that this
5 Ordinance is based on those recommendations and any modifications made by the Board are a
6 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 adoption
10 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
11 Charter, the Washington County Community Development Code, and the Washington County
12 Comprehensive Plan.

13 SECTION 2

14 The following exhibits, which are attached hereto and incorporated herein by reference, are
15 hereby adopted as amendments, as follows:

- 16 A. Exhibit 1 (1 page) -- amending Community Development Code Section 605, LAND
17 DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB;
18 B. Exhibit 2 (7 pages) -- amending Community Development Code Section 610, LAND
19 DIVISIONS AND PROPERTY ADJUSTMENTS OUTSIDE A UGB.

20 SECTION 3

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

1 SECTION 4

2 All applications received prior to the effective date shall be processed in accordance with
3 ORS 215.427.

4 SECTION 5

5 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or
6 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and
7 shall remain in full force and effect.

8 SECTION 6

9 The Office of County Counsel and Department of Land Use and Transportation are
10 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
11 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,
12 and making any technical changes not affecting the substance of these amendments as necessary to
13 conform to the Washington County Comprehensive Plan format.

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1 SECTION 7

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

3 ENACTED this 25 day of June, 2013, being the 3rd reading and
4 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS
6 FOR WASHINGTON COUNTY, OREGON

7 **ADOPTED**

8 Gregory P. Malinowski
9 *vice* CHAIRMAN

10 Barbara Hejmanek
11 RECORDING SECRETARY

12 READING

13 First May 21, 2013
14 Second June 18, 2013
15 Third June 25, 2013
16 Fourth _____
17 Fifth _____

18 Rogers, Terry
19 VOTE: Aye: Malinowski, Schouten,
20 Recording Secretary: Barbara Hejmanek

21 PUBLIC HEARING

22 First May 21, 2013 (Engrossment
First May 21, 2013 (ordered)
Second June 18, 2013
Third June 25, 2013
Fourth _____
Fifth _____

Nay: _____
Date: June 25, 2013

Community Development Code Section 605, LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB, is amended to reflect the following:

605 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB

605-1 Property Line Adjustment (Property Line Relocation)

A property line adjustment is the relocation or consolidation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created, ~~and when the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable land use district. Notwithstanding the above, equal area land exchanges among existing lots below the minimum lot size of the district are allowed.~~

605-1.1 Procedures

~~Property line adjustments shall be processed through a Type I procedure.~~

A. General Limitations

Property line adjustments are limited as follows:

- (1) Existing lots or parcels reduced in size by a property line adjustment may not be reduced below the minimum lot size established by the applicable land use district, unless authorized by Section 605-1.1 B.
- (2) For property line adjustments on lots or parcels with two or more land use districts, the minimum lot size shall be based on the predominant land use district of the parcel.

B. Property Line Adjustments Permitted Through a Type I Procedure

Property line adjustments shall be processed through a Type I procedure provided that:

- (1) Equal land areas are exchanged; or
- (2) For properties entirely outside the boundary of a city, one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable district before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable district; or
- (3) For properties entirely outside the boundary of a city, both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the property line adjustment.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

Community Development Code Section 610, LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE A UGB, is amended to reflect the following:

610 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE A UGB

610-1 Property Line Adjustments (Property Line Relocation)

A property line adjustment is the relocation or consolidation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created.

610-1.1 A. General Limitations

Property ~~Line~~ aAdjustments are limited in the following Districts as follows:

- ~~(1)~~ In the AF 10, AF 5, and RR 5 Districts, lots or parcels may be reduced below the district's specified minimum lot size (10 acres, 5 acres and 5 acres, respectively) pursuant to the standards of this Section. However, if a lot or parcel is increased in size by a property line adjustment that reduces the size of one or more other lots or parcels to less than the district's specified minimum lot size (as allowed in subsection B below), or that further reduces one or more lots or parcels already below the district's specified minimum lot size, the lot or parcel which is increased in size shall not be eligible to be divided into more lots or parcels than it could have qualified for prior to the property line adjustment.
- ~~(2)~~ In the R-COM, R-IND, and MAE Districts, no lot or parcel shall be reduced in size below the minimum lot area established by the district unless approval is granted per the standards of Section 435.
- ~~(31)~~ In the EFC District, no lot or parcel shall be reconfigured to qualify for a Lot of Record Dwelling under Section 430-37.2 E. (2). With the exception of equal land area adjustments described under Section 610-1.1 B (1), all property line adjustments in the EFC District shall be reviewed under Section 610-1.1 C.
- (2) Property line adjustments that result in lots or parcels of less than two (2) acres shall provide:
 - (a) Documentation from the Washington County Department of Health or the Department of Environmental Quality that property(ies) less than two (2) acres in size can accommodate a subsurface sewage disposal system and/or replacement system; and
 - (b) Documentation from the Water Master that property(ies) less than two (2) acres in size can accommodate public water or an on-site water source.

(3) Existing lots or parcels reduced in size by a property line adjustment may not be reduced below the minimum lot size established by the applicable land use district, unless authorized by Section 610-1.1 B or C.

(4) For property line adjustments on lots or parcels with two or more land use districts, the minimum lot size shall be based on the predominant land use district of the parcel.

B. Property Line Adjustments Permitted Through a Type I Procedure

Property lines in the EFU, ~~EFC~~, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND and MAE, ~~FD-20 and FD-10~~ Districts shall be adjusted through a Type I procedure provided:

(1) Equal land areas are exchanged; or

~~(2) A lot or parcel is reconfigured to align with a road or railroad right-of-way, a power transmission line on deeded property, an urban growth boundary (if entirely outside the boundary of a city) or a channel of a river or other watercourse or body of water that divides the lot or parcel; or~~

(3) No lot or parcel is reduced in size below the minimum lot size for the District except for the following:

(a) When a federal, state, or local judiciary issues a court decree for adverse possession, way of necessity or a prescriptive use. The adjustment shall not be larger than the minimum size necessary to implement the court decree; or

(b) Where a parcel has a lawfully established structure which is in violation of a setback requirement. The adjustment shall not be larger than the minimum size necessary to correct the violation; or

(c) Where a parcel is being reconfigured for the purpose of a Federal project for creation of, restoration of or enhancement of wetlands; or

(d) When a parcel is reconfigured to provide adequate sight distance as determined by the County Engineer; or

(e) A lot or parcel is reconfigured to align with a road or railroad right-of-way, a power transmission line on deeded property, an urban growth boundary or a channel of a river or other watercourse or body of water that divides the lot or parcel; or

(3) For properties entirely outside the boundary of a city, one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable district before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable district; or

- (4) For properties entirely outside the boundary of a city, both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the property line adjustment.
- ~~(4) In the AF-10 District no lot is reduced below eight (8) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.~~
- ~~(5) In the AF-5 District no lot is reduced below four (4) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.~~
- ~~(6) In the RR-5 District no lot is reduced below two (2) acres, except existing lots or parcels that are one (1) to two (2) acres may be adjusted through a Type I procedure if none of the lots are reduced below one (1) acre, equal areas of land are transferred, and the provisions of Section 350-6.1.C.(1) and (2) are met.~~
- ~~(7) In the AF-5 and AF-10 Districts, property lines of lots created through a Rural Planned Development may be adjusted through the Type I procedure when the findings upon which the decision is based or conditions of approval do not prevent the proposed property line adjustment; and the lotting pattern was not created to buffer an EFU, EFC or AF-20 District or commercial farm or forest use. The determination of compliance with this standard shall be based on the decision that approved the Rural Planned Development. The following standards and limits apply to these Type I adjustments:~~
- ~~(a) No lot is reduced below the minimum acreage allowed in Section 404 (RPD standards); and the adjustment:~~
- ~~(i) Is to locate a subsurface disposal system which cannot be approved due to soil conditions; or~~
- ~~(ii) Is necessary to provide suitable turn-around for emergency vehicles, but does not exceed one-half (1/2) acre in size; or~~
- ~~(iii) Is necessary to facilitate the drilling of a domestic well, but does not exceed one-quarter (1/4) acre in size; or~~
- ~~(iv) Is to correct a survey error, and is the minimum size necessary for the correction; or~~
- ~~(v) Involves an equal area exchange when the Rural Planned Development did not result in an increase in density of the basic district; and~~

- (b) ~~Streets within the development that abut an adjacent property or an exterior adjacent street are not relocated more than one-half (1/2) the width if the right-of-way, easement or tract; or are not relocated so that they abut a different property from the property approved in the final plat.~~

C. Property Line Adjustments Permitted Through a Type II Procedure

~~Property lines in the EFU, EFC, AF-20, AF-10, AF-5 and RR-5 Districts~~In the EFC District, on lots or parcels located entirely outside the boundary of a city, property lines may be adjusted through a Type II procedure when the following standards are met:

- (1) ~~In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use, not including a nonfarm dwelling, may be reduced below eighty (80) acres through a Type II procedure, provided:~~
- (a) ~~The adjustment is the minimum amount needed to accommodate the use; and~~
- (b) ~~One of the following scenarios is present:~~
- (1) ~~(i) One or both of the abutting properties are smaller than the minimum lot or parcel size before the adjustment, and after the adjustment, at least one property is as large or larger than the minimum lot or parcel size for the applicable district; or~~
- (2) ~~(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the adjustment.~~
- (c) ~~A power generation facility shall comply with the lot area requirements of Section 430-141.~~
- (3) The adjustment shall not decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable district and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling. ~~or~~
- (4) The adjustment shall not decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling.
- (5) The adjustment shall not allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

~~(2) In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use may be expanded through a Type-II procedure provided:~~

~~(a) One of the following scenarios is present:~~

~~(i) One or both of the abutting properties are smaller than the minimum lot or parcel size before the adjustment, and after the adjustment, at least one property is as large or larger than the minimum lot or parcel size for the applicable district; or~~

~~(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the adjustment; and~~

~~(b) The adjustment is the minimum amount needed to accommodate the use; and~~

~~(c) The suitability of the remnant lot or parcel for farm and/or forest practices is not lessened due to the property line adjustment; and~~

~~(d) The proposed use will not:~~

~~(i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or~~

~~(ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.~~

~~An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.~~

~~(3) In the EFC District, property lines for the uses in Sections 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility for the primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers) may be adjusted through a Type-II procedure when the following standards are met:~~

~~(a) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;~~

- ~~(b) The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;~~
 - ~~(c) The parcel is not larger than the minimum size necessary for the use; and~~
 - ~~(d) The applicant shall sign and record in agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.~~
- ~~(4) In the AF-5 and AF-10 Districts, lot lines of parcels created through a Rural Planned Development shall be adjusted through a Type II procedure when the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved are met:~~
- ~~(a) The adjustment meets the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved; or~~
 - ~~(b) If the Code in effect at the time the Rural Planned Development was submitted had no adopted standards for processing Type II property line adjustments, the adjustment meets the general Rural Planned Development approval standards.~~
- ~~(5) In the RR-5 District, a lot or parcel may be reduced to one (1) acre through a Type II procedure if the lot or parcel meets the standards in Section 350-6.1 G.~~
- ~~(6) In the EFG District, a lot or parcel with an existing dwelling may be reduced below eighty (80) acres upon findings that:~~
- ~~(a) The parcel is five (5) acres or less, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten (10) acres;~~
 - ~~(b) The dwelling existed prior to June 1, 1995;~~
 - ~~(c) The configuration of the parcels will allow for the establishment of an alternate septic-tank drainfield for the existing dwelling;~~
 - ~~(d) The remaining parcel (not containing the dwelling) is consolidated with another parcel, and together the parcels are at least eighty (80) acres; and~~
 - ~~(e) Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remaining parcel (80-acre or larger). The restrictive covenant shall be~~

~~irrevocable, unless the Director finds that the remaining parcel is no
longer subject to Statewide Goal 3 (Agricultural Lands).~~

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 763

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 763 amends the Community Development Code (CDC) Element of the Comprehensive Plan relating to property line adjustment standards.

A-Engrossed Ordinance No. 763 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

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. 763. Prior to the June 25 hearing, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and will also be available at the Clerk's desk.

Attachment: Resolution and Order

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 763 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 13-53

Agenda Item No.	11.b.
Date:	06/25/13

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of A-Engrossed Ordinance No. 763) No. 13-53

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of June 25, 2013; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 763; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on April 17, 2013, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

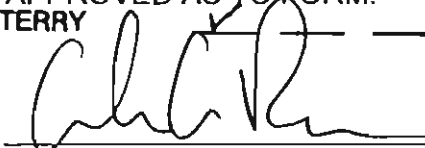
16 It appearing to the Board that, in the course of its deliberations, the Board has considered the
17 record which consists of all notices, testimony, staff reports, and correspondence from interested
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of
21 A-Engrossed Ordinance No. 763 are hereby adopted.


22 DATED this 25th day of June, 2013.

	AYE	NAY	ABSENT
23 DUYCK	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO FORM: _____

28 
County Counsel
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Vice Chairman

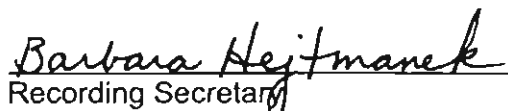

Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 763 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO PROPERTY LINE ADJUSTMENTS

June 25, 2013

GENERAL FINDINGS

A-Engrossed Ordinance No. 763 amends Community Development Code Section 605, Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary, and Section 610, Land Divisions and Property Line Adjustments Outside a Urban Growth Boundary, to fully implement changes to Oregon Revised Statutes (ORS) Chapter 92 adopted by the Oregon Legislature in January 2008. The changes to ORS 92, adopted through House Bill 3629, clarified the definition of property line adjustments and made amendments to the type of property line adjustments that could be approved by counties. Partial implementation of this legislation was previously completed in 2009 under Washington County Ordinance No. 720.

Key Ordinance Provisions

- Provides greater flexibility for property line adjustments for lots or parcels both inside and outside an Urban Growth Boundary when the proposal involves at least one lot or parcel less than the minimum size required by the applicable land use district.
- Identifies specific property line adjustment restrictions for the Exclusive Forest and Conservation District (EFC) to ensure that property line adjustments are not used to qualify lots or parcels for new dwellings.
- Adds clarifying standards for property line adjustments that are above the minimum lot size established by the applicable land use district.
- Adds an allowance for a Type I review process for equal land area adjustments in the EFC District.
- Requires resulting lots and parcels with less than two acres to meet health and safety requirements.
- Adds language that addresses lots and parcels with more than one land use designation.
- Includes miscellaneous text and formatting changes for clarification.

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 applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches

and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) 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. 763 is consistent with Statewide Planning Goals (Goals), ORS and OAR requirements, Metro's Urban Growth Management Functional Plan and the Washington County Comprehensive 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 (PAPA) 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 hearing proceedings described below. In addition, none of the proposed changes to the text of the Comprehensive Plan implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 763.

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, Comprehensive Framework Plan for the Urban Area, Community Development Code, Transportation Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 763. Notice was coordinated with all affected governmental entities and no comments were received from these parties regarding the ordinance.

Goal 3 – Agricultural Lands

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 to the county's property line adjustment standards by A-Engrossed Ordinance No. 763. The amendments are consistent with Goal 3; OAR Chapter 660, Division 33; and the county's acknowledged policies for preservation of farmland.

Goal 4 – Forestlands

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Plan compliance with Goal 4 is maintained with the amendments made to the county's property line adjustment standards by A-Engrossed Ordinance No. 763. Amendments made to the county's property line adjustment standards by A-Engrossed Ordinance No. 763 are

consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands.

Goal 9 – Economic Development

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No.763. 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:

A-Engrossed Ordinance No.763 amends the standards for property line adjustments. The amendments provides greater flexibility for property line adjustments for lots or parcels both inside and outside an Urban Growth Boundary when the proposal involves at least one lot or parcel less than the minimum size required by the applicable land use district. It also identifies specific property line adjustment restrictions for the EFC to ensure that property line adjustments are not used to qualify lots or parcels for new dwellings.

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 Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. A-Engrossed Ordinance No.763 clarifies the type of property line adjustments that may be authorized in the urban and rural areas; therefore Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No.763.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County.

The Community Development Code requires that adequate public facilities and services be available for new development. Property line adjustments that result in lots or parcels of less than two acres are required to provide documentation from the Washington County Department of Health or the Department of Environmental Quality that a property less than two acres in size can accommodate a subsurface sewage disposal system and/or replacement system, and documentation from the Water Master that a property less than two acres in size can accommodate public water or an on-site water source.

Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 763. 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.

Findings of Compliance with Metro's Urban Growth Management Functional Plan for A-Engrossed Ordinance No. 763

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.

Title 8 requires jurisdictions to submit notice to Metro at least 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Staff sent Metro a copy of proposed Ordinance No. 763 on March 11, 2013, 37 days prior to the first evidentiary hearing. Staff contacted Metro and received no comments on proposed Ordinance No. 763. Metro was mailed a copy of A-Engrossed Ordinance No. 763 on June 7, 2013. Metro provided no comments on A-Engrossed Ordinance No. 763.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the Urban Growth Management Functional Plan.



WASHINGTON COUNTY, OREGON
Planning and Development Services Division
Long Range Planning
155 N First Avenue, Suite 350, MS 14
Hillsboro, OR 97124-3072

601005



FIRST CLASS MAIL

Attention: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

DEPT OF

JUL 01 2013

LAND CONSERVATION
AND DEVELOPMENT

FIRST CLASS MAIL