



# 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

10/30/2013

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 014-13

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: Thursday, November 14, 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: Clare Fuchs, Washington County  
Jon Jinings, DLCD Community Services Specialist  
Anne Debbaut, DLCD Regional Representative

<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  
OCT 25 2013  
LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

Jurisdiction: **Washington County**Local file number: **A-Engrossed Ordinance No. 774**Date of Adoption: **October 22, 2013**Date Mailed: **October 24, 2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **08/01/13**☒ 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".

A-Engrossed Ordinance No. 774 amends the Community Development Code to change the development of accessory dwelling units from a Type III use in the R-5 District (Residential 5 Units Per Acre) and from a Type II use in the R-6 District (Residential 6 Units Per Acre) to a Type I use in both districts.

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

A-Engrossed Ordinance No. 774 differs from the original filed ordinance (Ordinance No. 774) in that ADUs are allowed to be up to 800 square feet in total floor area (regardless of compliance with the Americans with Disability Act) and ADUs designed to be compliant with the Americans with Disability Act standards may be an additional 15% (up to 120 square feet) larger.

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **N/A**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

☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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. 014-13 (19950) [17659]



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

Washington County

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Local Contact: **Paul Schaefer, Senior Planner**

Phone: **(503) 846-8817**

Extension: **n/a**

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

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

City: **Hillsboro**

Zip: **97124**

E-mail Address: **paul\_schaefer@co.washington.or.us**

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## **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 (CPO All)

**Agenda Title:** **PROPOSED A-ENGROSSED ORDINANCE NO. 774 – AN  
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT  
CODE RELATING TO ACCESSORY DWELLING UNITS**

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

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#### SUMMARY:

A-Engrossed Ordinance No. 774 proposes to amend the Community Development Code (CDC) by changing the land use review process for Accessory Dwelling Units (ADUs) to a Type I process in the R-5 (Residential 5 Units Per Acre) and R-6 (Residential 6 Units Per Acre) land use districts. The ordinance increases the allowed floor area of ADUs, and authorizes an additional increase for ADUs that are designed to comply with the Americans with Disabilities Act (ADA).

A-Engrossed Ordinance No. 774 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>

On October 15, 2013 the Board conducted its first public hearing for the engrossed ordinance and continued the hearing to October 22, 2013.

A staff report will be provided to the Board prior to the October 22, 2013 hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

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

Clerk's Desk Item: Staff Report (*click to access electronic copy*)

#### DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 774 by title only and conduct the second public hearing on the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 774.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No.	<b>4.e.</b>
Date:	10/22/13

OCT 02 2013

Washington County  
County Clerk

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR WASHINGTON COUNTY, OREGON

## A-ENGROSSED ORDINANCE 774

An Ordinance Amending the  
Community Development Code Relating  
to Accessory Dwelling Units

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, 754-758, 760, 762, 763, 765-766.

B. Upon further planning efforts of Washington County, in part in response to citizen request in 2010, it is determined a consistent review process for accessory dwelling units across the land use districts is warranted. 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 Exhibit I (7 pages), amending the following sections of the Community Development Code  
15 is attached hereto and incorporated herein by reference:

- 16 a. Section 302 – R-5 District (Residential 5 Units Per Acre);  
17 b. Section 303 – R-6 District (Residential 6 Units Per Acre);  
18 c. Section 304 – R-9 District (Residential 9 Units Per Acre);  
19 d. Section 305 – R-15 District (Residential 15 Units Per Acre);  
20 e. Section 306 – R-24 District (Residential 24 Units Per Acre);  
21 f. Section 307 – R-25+ District (Residential 25 Units or More Per Acre); and  
22 g. Section 430 – Special Use Standards.

1     SECTION 3

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

4     SECTION 4

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

7     SECTION 5

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

11    SECTION 6

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

17    ///

18    ///

19    ///

20    ///

21    ///

22    ///

SECTION 7

This Ordinance shall take effect on November 21, 2013.

ENACTED this 22nd day of October, 2013, being the 3rd reading and  
3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

ADOPTED

READING

First October 1, 2013  
Second October 15, 2013  
Third October 22, 2013  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
VOTE: Aye: Terry, Malinowski, Rogers,  
Duffy  
Recording Secretary: Ana D. Nayola

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

[Signature]  
CHAIRMAN  
[Signature]  
RECORDING SECRETARY  
PUBLIC HEARING

First October 1, 2013 (Engrossment Ordered)  
Second October 15, 2013  
Third October 22, 2013  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Nay: NONE  
Date: 10/22/13



The following sections of the Community Development Code are amended as shown below:

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

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**302-2 Uses Permitted Through a Type I Procedure**

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302-2.13 Single-Family Accessory Dwelling Unit - Section 430-117.1.

\*\*\*

**302-4 Uses Which May Be Permitted Through a Type III Procedure**

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~~302-4.15 Single-Family Accessory Dwelling Unit - Section 430-117.1.~~

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

\*\*\*

**303-2 Uses Permitted Through a Type I Procedure**

\*\*\*

303-2.13 Single-Family Accessory Dwelling Unit - Section 430-117.1.

\*\*\*

**303-3 Uses Permitted Through a Type II Procedure**

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~~303-3.10 Single-Family Accessory Dwelling Unit - Section 430-117.1.~~

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

\*\*\*

**304-7 Dimensional Requirements**

\*\*\*

abcdef Proposed additions

~~abcdef~~ Proposed deletions

304-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Twelve (12) foot front yard to the front building wall and a nine (9) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with F. below;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- E. Fifteen (15) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of F below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setback standards of F below and Section 430-117.12 EF.;
- F. A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of the R-9 District that was in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;

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

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#### 305-7 Dimensional Requirements

\*\*\*

abcdef Proposed additions

~~abedef~~ Proposed deletions

305-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.12 FE.
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 C., plus any screening and buffering setback now required by Section 411.

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

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### **306-7 Dimensional Requirements**

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abcdef Proposed additions

~~abcdef~~ Proposed deletions

## 306-7.2 Yard (Setback) Requirements.

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.12 EF.; and
- (6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 C., plus any screening and buffering setback now required by Section 411.

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

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**307-7 Dimensional Requirements**

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**307-7.2 Yard (Setback) Requirements.**

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.21 EF.; and
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side,



street side, or rear yard setback of Section 307-7.2 C., plus any screening and buffering setback now required by Section 411.

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## 7. Section 430 - Special Use Standards

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### 430-117 Single Family Accessory Dwelling Unit

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430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. See Figures 1.1 through 1.3 for examples of Accessory Dwelling Units;
- B. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:
  - (1) The floor area of an interior accessory dwelling unit may be as large as 50% of the primary dwelling's existing total floor area (excluding the garage and expansions for additional floor area). See Figure 1.2 for example.
  - (2) In all other situations the total floor area of an accessory dwelling shall not exceed eight hundred (800)600 square feet. See Figures 1.1 and 1.3 for examples. ~~However, the Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;~~ However, when the accessory dwelling unit is designed to comply with the Americans with Disabilities Act (ADA) building code standards, the square footage maximum can be increased by up to 15 percent, to a maximum of nine hundred twenty (920) square feet. Prior to building permit issuance, plans shall show compliance with the accessibility standards of the current Oregon Residential Specialty Code.
- C. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;
- D. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;

E. An accessory dwelling unit shall meet the following setback standards:

- (1) A detached accessory dwelling unit shall be located behind or a minimum of twenty (20) feet behind the front façade foundation of the primary dwelling and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district;
- (2) The minimum side yard setback for an accessory dwelling unit shall be five (5) feet; and,
- (3) The minimum rear yard setback for an accessory dwelling unit shall be no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district;

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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 774

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

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### SUMMARY:

A-Engrossed Ordinance No. 774 proposes to amend the Community Development Code (CDC) by changing the land use review process for Accessory Dwelling Units (ADUs) to a Type I process in the R-5 (Residential 5 Units Per Acre) and R-6 (Residential 6 Units Per Acre) land use districts. The ordinance increases the allowed floor area of ADUs, and authorizes an additional increase for ADUs that are designed to comply with the Americans with Disabilities Act (ADA). A-Engrossed Ordinance No. 774 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>

Post acknowledgment comprehensive plan amendments are 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. ORS 197.615 requires that such amendments 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 (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 774. Prior to the October 22, 2013 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.

Clerk's Desk Item: Findings (*click to access electronic copy*)

Attachment: Resolution and Order

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 774 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.

RO 13-108

Agenda Item No.

5.c.

Date:

10/22/13

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting ) RESOLUTION AND ORDER  
Legislative Findings in Support )  
of A-Engrossed Ordinance No. 774 ) No. 13 - 108

This matter having come before the Washington County Board of Commissioners at its meeting of A-Engrossed Ordinance No. 774; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 774; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 18, 2013, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

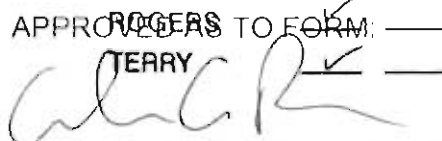
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the 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. 774 are hereby adopted.



DATED this 22nd day of October, 2013.

	AYE	NAY	ABSENT
DUYCK	✓	—	—
SCHOUTEN	—	—	✓
MALINOWSKI	✓	—	—
ROGERS	✓	—	—
TERRY	✓	—	—

APPROVED AS TO FORM:

  
County Counsel  
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman  
  
Recording Secretary

## **EXHIBIT A**

### **FINDINGS FOR A-ENGROSSED ORDINANCE NO. 774 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS**

**October 22, 2013**

#### **GENERAL FINDINGS**

A-Engrossed Ordinance No. 774 amends the Community Development Code (CDC) to change the land use review process for Single Family Accessory Dwelling Units (ADUs) in the R-5 (Residential 5 Units Per Acre) and R-6 (Residential 6 Units Per Acre) land use districts. Currently, the land use application type for ADUs in the R-5 and R-6 districts is the Type III process and Type II process respectively. The proposed amendments would change ADU's to a Type I development application process in both land use districts. The other key change would increase the maximum allowed floor area of ADUs from 600 square feet to 800 square feet and would allow an additional increase in maximum floor area of up to 15 percent (up to 120 additional square feet) when the ADU is designed to comply with Americans with Disabilities Act (ADA) standards.

#### **Key Ordinance Provisions**

- Allows Single Family ADUs in the R-5 and R-6 Residential Districts to be processed through the Type I land use application process.
- Increases the maximum allowed floor area of ADUs from 600 to 800 square feet.
- Allows an additional increase in maximum floor area of up to 15 percent (up to 120 additional square feet) when the ADU is designed to comply with Americans with Disabilities Act (ADA) standards.

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. 774 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 proceeding below. In addition, none of the proposed changes to text 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. 774.

### **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 (CDC), Transportation Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 774. Notice was coordinated with all affected governmental entities.

### **Goal 9 – Economic Development**

Policy 20 in the Comprehensive Framework Plan for the Urban Area sets out the county's policies to strengthen the local urban economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. A-Engrossed Ordinance No. 774 amends the development review process required for Single Family ADUs. The amendments reduce the processing costs and times considerably; which in turn will reduce the development costs for constructing this housing type. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 774. The amendments are 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 address the provision of housing in urban Washington County. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 774 changes CDC Section 430-117 to increase the floor area of ADUs from a maximum of 600 square feet to a maximum of 800 square feet and allows the square footage of ADA-compliant ADUs to be increased by up to 15 percent, to a maximum of 920 square feet in floor area.

A-Engrossed Ordinance No. 774 changes the required review procedures (currently a Type III process in the R-5 District and a Type II process in the R-6 District) to a Type I process. The proposed changes contained in A-Engrossed Ordinance No. 774 will reduce the county's development application processing times and costs. The proposed change in processing will also result in a significant cost savings to the applicant, both in terms of time and money. The proposed changes will have a positive effect on housing costs (i.e., lower housing costs); and are anticipated to serve as an incentive for the construction of ADUs. Therefore, Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 774.

## **Findings of Compliance with Metro's Urban Growth Management Functional Plan**

### **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. Consistent with Title 8, staff sent a copy of proposed Ordinance No. 774 to Metro on August 1, 2013, 48 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 774. Staff also sent a copy of proposed A-Engrossed Ordinance No. 774 to Metro on October 4, 2013. Metro provided no comments on A-Engrossed Ordinance No. 774.

The findings in this document demonstrate that the amendments made by this ordinance are in compliance with the UGMFP.

**WASHINGTON COUNTY, OREGON**

**Department of Land Use & Transportation  
Long Range Planning Division**

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**

**OCT 25 2013**

**LAND CONSERVATION  
AND DEVELOPMENT**

**FIRST CLASS MAIL**