



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

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 016-13

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: Joy Chang, 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. 776**

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: **Aug. 1, 2013**

☒ 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. 776 amended the Rural/Natural Resource Plan Element of the Comprehensive Plan, the Aloha-Reedville-Cooper Mountain Community Plan, and the Community Development Code relating to housekeeping and general updates.

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

Additional non-substantive amendments were made to the Community Development Code.

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<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 ☐ No

DLCD file No. 016-13 (19952) [17655]

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

Metro

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

Phone: **(503) 846-3873** Extension: **n/a**

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

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.

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. 776 – AN
ORDINANCE AMENDING ELEMENTS OF WASHINGTON
COUNTY'S COMPREHENSIVE PLAN RELATING TO
HOUSEKEEPING AND GENERAL UPDATE CHANGES**

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

SUMMARY:

A-Engrossed Ordinance No. 776 proposes to amend elements of Washington County's Comprehensive Plan relating to housekeeping and general update changes. 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 a hearing for Ordinance No. 776 on October 1, 2013 and directed engrossment of the ordinance to make a number of changes. A description of the changes was included in the staff report as Attachment A for the October 1, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 776 on October 15, 2013 and continued the hearing to October 22, 2013.

The staff report for the October 22, 2013 hearing will be provided to the Board prior to the 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 meeting.

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. 776 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 776.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.g.</u>
Date:	<u>10/22/13</u>

OCT 02 2013

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 776

An Ordinance Amending the Rural/Natural Resource Plan Element of the Comprehensive Plan, the Aloha-Reedville Cooper Mountain Community Plan, and the Community Development Code Relating to Housekeeping and General Update

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

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, 740, 753, and 764.

B. The Board recognizes that the Aloha-Reedville-Cooper Mountain Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 292, 294, 344, 367, 418, 420, 471, 480, 551, 588, 610, 615, 620, 649, 653, 674 and 683.

C. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and 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,

1 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489,
2 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,
3 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
4 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,
5 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-
6 758, 760, 762, 763, 765, and 766.

7 D. As part of its ongoing planning efforts Washington County staff has identified
8 general update amendments that are needed to maintain the Comprehensive Plan's
9 consistency with federal, state, regional, and local requirements and to improve the efficiency
10 and effectiveness of the Plan's requirements. The Board recognizes that such changes are
11 necessary from time to time for the benefit and welfare of the residents of Washington
12 County, Oregon.

13 E. Under the provisions of Washington County Charter Chapter X, the
14 Department of Land Use and Transportation has carried out its responsibilities, including
15 preparation of notices, and the County Planning Commission has conducted one or more
16 public hearings on the proposed amendments and has submitted its recommendations to the
17 Board. The Board finds that this Ordinance is based on those recommendations and any
18 modifications made by the Board are a result of the public hearings process;

19 F. The Board finds and takes public notice that it is in receipt of all matters and
20 information necessary to consider this Ordinance in an adequate manner, and finds that this
21 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
22 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington

1 County Charter, the Washington County Community Development Code, and the Washington
2 County Comprehensive Plan.

3 SECTION 2

4 The following exhibits, attached hereto and incorporated herein by reference, are
5 adopted as amendments to the designated documents as follows:

- 6 1. Exhibit 1 (1 page), amending the *Significant Natural Resources* map of the
7 Rural/Natural Resources Plan Element;
- 8 2. Exhibit 2 (1 page), amending the *Significant Natural and Cultural Resources*
9 map of the Aloha-Reedville-Cooper Mountain Community Plan; and
- 10 3. Exhibit 3 (24 pages), amending the following sections of the Community
11 Development Code:
 - 12 a. Section 106- Definitions;
 - 13 b. Section 107 – Planning Participants;
 - 14 c. Section 201 – Development Permit;
 - 15 d. Section 203 – Processing Type I, II and III Development Actions;
 - 16 e. Section 204 – Notice of Type I, II or III Development Actions;
 - 17 f. Section 209 – Appeals;
 - 18 g. Section 320 – Industrial District (IND);
 - 19 h. Section 330 – Institutional District (INS);
 - 20 i. Section 340 – Exclusive Farm Use District (EFU);
 - 21 j. Section 342 – Exclusive Forest and Conservation District (EFC);
 - 22 k. Section 344 – Agriculture and Forest District (AF-20);

- l. Section 379 – Mineral and Aggregate Overlay District;
- m. Section 380 – Convenient Access to Transit Overlay District;
- n. Section 383 – State and Regional Park Overlay District;
- o. Section 387 – Public use Airport Overlay District;
- p. Section 407 – Landscape Design;
- q. Section 408 – Neighborhood Circulation;
- r. Section 410 – Grading and Drainage;
- s. Section 411 – Screening and Buffering;
- t. Section 414 – Signs;
- u. Section 418 – Setbacks;
- v. Section 421 – Flood Plain and Drainage Hazard Area Development;
- w. Section 422 – Significant Natural Resources;
- x. Section 423 – Environmental Performance Standards;
- y. Section 424 – Creation of Parcels in the EFU, EFC, and AF-20 Districts;
- z. Section 428 – Forest Structure Siting and Fire Safety Standards;
- aa. Section 430 – Special Use Standards;
- bb. Section 501 – Public Facility and Service Requirements;
- cc. Section 605 – Land Divisions and Property Line Adjustments Inside a
UGB;
- dd. Section 610 – Land Divisions and Property Line Adjustments Outside a
UGB; and
- ee. Section 709 – Alterations to Flood Plain and Drainage Hazard Areas.

1 SECTION 3

2 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
3 which 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
6 with ORS 215.427.

7 SECTION 5

8 If any portion of this Ordinance, including the exhibits, shall for any reason be held
9 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
10 affected thereby and 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
14 this Ordinance, including deleting and adding textual material and maps, renumbering pages
15 or sections, and making any technical changes not affecting the substance of these
16 amendments as necessary to conform to the Washington County Comprehensive Plan format.

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22 ///

1 SECTION 7

2 This Ordinance shall take effect on November 21, 2013.

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

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Andy Dard
10 CHAIRMAN

11 Ana D. Nayola
12 RECORDING SECRETARY

13 READING

14 PUBLIC HEARING

15 First October 1, 2013
16 Second October 15, 2013
17 Third October 22, 2013
18 Fourth _____
19 Fifth _____

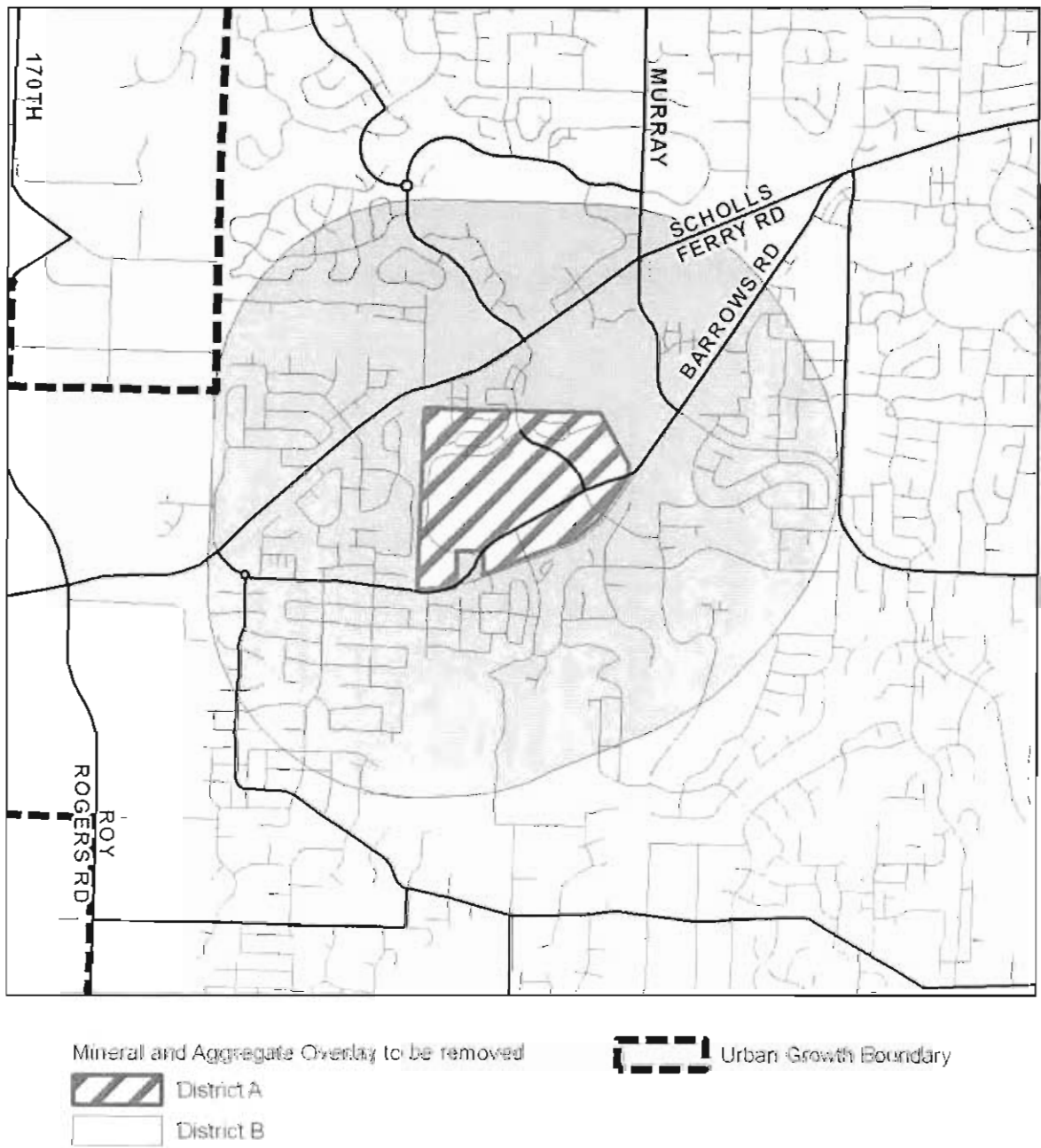
20 First October 1, 2013 (Engrossment
21 Ordered)
22 Second October 15, 2013
23 Third October 22, 2013
24 Fourth _____
25 Fifth _____

26 Terry, Rogers,
27 VOTE: Aye: Malinowski, Duyck

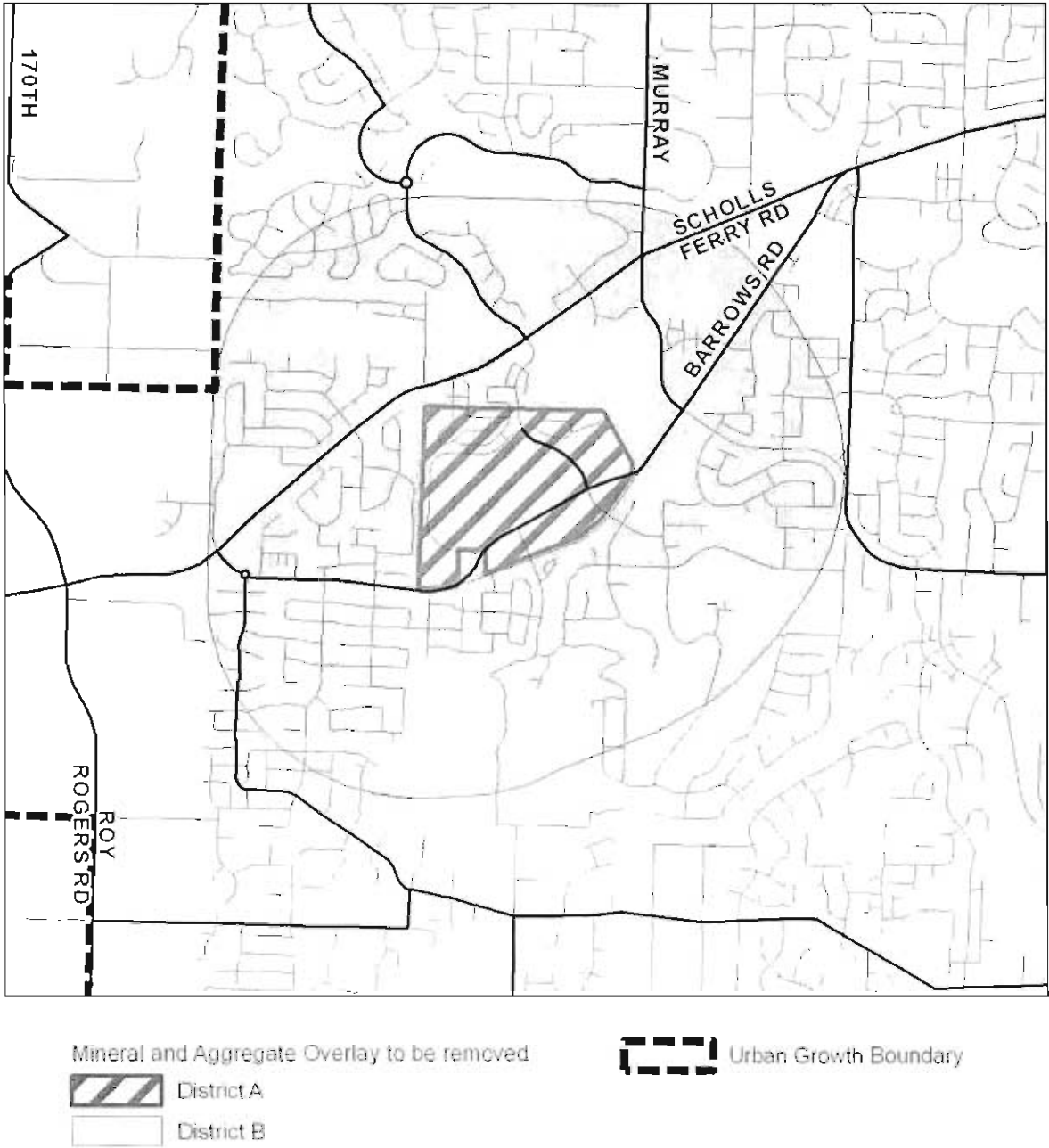
28 Nay: NONE

29 Recording Secretary: Ana D. Nayola Date: 10/22/13

The following amendment is made to the *Significant Natural Resources* map of the Rural/Natural Resources Plan Element:



The following amendment is made to the *Significant Natural and Cultural Resources* map of the Aloha-Reedville-Cooper Mountain Community Plan:



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

1. SECTION 106 - DEFINITIONS

106-169 Primary District A land use district as designated on the Community Plan Map or the Rural/Natural Resource Plan, (i.e., R-5, R-6, R-9, R-15, R-24, R-25+, INST, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, NCC NB, NCMU NB, INST NB, FD-20, FD-10, NC, OC, CBD, GC, IND, ~~INS~~, TO:RC, TO:BUS, TO:EMP, EFU, EFC, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND, MAE).

106-174.9 Non-Residential Districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INST, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND, NCC NB, NCMU NB, INST NB and MAE Land Use Districts.

106-174.16 Residential Districts: R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5 Land Use Districts.

106-175 Recreational Vehicle Any vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed for human occupancy and to serve as temporary living accommodations for recreational, camping, travel or emergency purposes. Pursuant to OAR 918-525-0005(35), recreational vehicles include camping trailers, camping vehicles, motor homes, park model trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational use and any vehicle converted for partial use as a recreational vehicle. Recreational vehicle does not include a special use vehicle which is capable of providing eating or sleeping facilities unless the vehicle also is equipped with a holding tank, and liquid petroleum gas or a 110 to 240 volt electrical system used in conjunction with the eating or sleeping facilities.

106-175.1 Park Model Recreational Unit, or Park Model Trailer A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis. Designed to provide recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances. Pursuant to OAR 918-525, park model units greater than 320 square feet when in set-up mode may be dual labeled by the manufacturer as both a park trailer recreational vehicle and a manufactured home.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

106-185 Riparian Corridor (Water Areas and Wetlands) This term shall have one of the following two meanings:

- (1) For areas that have not been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR ~~660, Division 23-660-023~~ (effective September 1, 1996), riparian corridor shall mean the area, adjacent to a water area, which is characterized by moisture-dependent vegetation, compared with vegetation on the surrounding upland, as determined by a qualified botanist or plant ecologist, or in no case less than a ground distance of twenty-five (25) feet on either side of the channel. Where, in its existing condition, a wetland or watercourse has no discernible channel which conveys surface water runoff, the riparian zone shall be measured from the center of the topographic trough, depression or canyon in which it is located.
- (2) For areas that have been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR ~~660, Division 23-660-023~~ (effective September 1, 1996), riparian corridor shall mean a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary, or the definition of the term used in OAR 660, Division 23. The boundary of a riparian corridor having this meaning shall be defined pursuant to OAR ~~660-023-0090~~.

106-195 Solid Waste

106-195.1 Mixed Solid Waste Means solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.

106-195.2 Source Separated Recyclables Means, at a minimum, recyclable materials designated "principle recyclable materials" by the State Environmental Quality Commission under ORS 459A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, office paper, and tin cans (OAR ~~340-060-0030~~).

2. SECTION 107 - PLANNING PARTICIPANTS

107-3 Director

The Director shall:

abcdef Proposed additions

~~abedef~~ Proposed deletions

107-3.1 Be responsible for the administration of planning and development activities within the County and shall be the chief administrator in charge of Planning. The Director's responsibilities shall be outlined in the job description and may include but are not limited to the following activities:

- A. Schedule and assign cases for review and hearings;
- B. Conduct all pertinent correspondence of the Hearings bodies;
- C. Give notice as required by this Code;
- D. Maintain agendas and minutes of all ~~Land Use Ordinance Advisory Commission,~~ Planning Commission and Hearings Officer meetings;

3. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.12 The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the flood plain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan without first obtaining a Development Permit:

G. Accepted farm practices, as defined in ORS 215.203, such as preparation of land for cultivation and not including grading for roadwork or pads for structures are subject to all of the following:

- (1) No piping of drainages serving off-site properties;
- (2) If fill is proposed, finished grade is no higher than adjacent property at the property line, or fill or excavation area is outside the district setbacks;
- (3) Preserves existing drainage pattern, including direction and flow capacity and velocity of an existing drainage swale or channel. A drainage swale is a local depression, which conveys water to or from an adjoining property. All ponds shall be located outside drainage channels;
- (4) Except for ponds, all material is either topsoil [i.e. the A Horizon as defined by Natural Resources Conservation Service (NRCS)] or if utilized for nursery purposes, the material is commonly used to grow nursery crops;
- (5) Fill material does not contain hazardous or contaminated substances, putrescibles or material such as asphalt, concrete or tires;

- (6) Compliance with ~~Oregon Administrative Rule Chapter 603, Division 95 OAR 603-095~~ (Agricultural Water Quality Management Program);
- (7) All grading activities must be completed within one calendar year of commencing grading and the graded area returned to farm use;
- (8) Except for nursery farms, imported fill material shall not exceed five thousand (5000) cubic yards;
- (9) Charging a fee to place fill is not allowed.

4. SECTION 203 - PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-3 Neighborhood Meeting

203-3.2 The following types of application shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

Partitions;

Subdivisions;

Type III Special Uses;

Type II Manufactured Dwelling Parks;

Type II Hardship Relief - (Article V only);

Type III Variances;

Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);

Residential Planned Developments;

Type II or III Development Review -Residential; and

Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the proposal abuts a Residential District).

abcdef Proposed additions

~~abcdef~~ Proposed deletions

5. SECTION 204 - NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS

204-3.2 The public notice shall contain:

- F. The comment closing date, which ends at the end of the Department of Land Use & Transportation's business day 5:00 p.m. that day, in bold letters; and

204-3.4 Notice of the decision shall be provided to the applicant, all persons who submitted written comments, all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and the Citizen Participation Organization in which the subject property is located. The notice shall contain:

- D. A statement that the decision may be appealed and a public hearing held by filing a signed petition for review within ~~ten~~twelve (12~~40~~) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use ~~and~~ & Transportation by the end of the department's business day of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who responded in writing to the notice of pending review and all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, are entitled to appeal the decision; and

204-4.6 Notice of the decision shall be provided to the applicant, the owners of the subject property and all persons who made an appearance of record. The notice shall contain:

- D. For quasi-judicial plan amendments, a statement that the decision may be appealed and a public hearing held by filing a signed petition for review within fourteen (14) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use ~~and~~ & Transportation by ~~5:00 p.m. the end of the department's business day~~ of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal or request reconsideration of the decision. A statement that a motion for reconsideration may be filed as provided in Section 208, but that filing a motion does not stop the appeal period from running.

For Type III development actions in transit oriented districts, a statement that the decision may be appealed and a public hearing held by filing a signed petition or review (appeal) within ten (10) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use ~~and Transportation by 5:00 p.m. the end of the department's business day~~ of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision; and

6. SECTION 209 - APPEALS

209-3 Petition for Review

209-3.1 A petition for review shall contain the following.

- D. The nature of the decision and the specific grounds for appeal. Unless otherwise directed by the appellate authority, the appeal of Type I and III decisions shall be limited to the issue(s) raised in the petition;

7. SECTION 320 - INDUSTRIAL DISTRICT (IND)

320-3 Uses Permitted Through a Type II Procedure

320-3.17 Communication Towers ~~greater than sixty-five (65) feet and up to two hundred (200) feet in height, not otherwise allowed through a Type I Procedure~~ –Section 430-109.

8. SECTION 330 - INSTITUTIONAL DISTRICT (INST)

330-1 Intent and Purpose

This District is intended to implement the policies of the Comprehensive Plan by providing standards and procedures for reviewing proposed institutional facilities necessary for support of community development. The purpose of the District is to provide for identification of existing and proposed institutional facilities on the Community Plan maps. This District is intended to allow the public service providers and governmental agencies the assurance that future sites identified through long range and capital improvement planning will be available for the uses specifically identified when they are needed.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

330-4.4 Communication Towers ~~greater than seventy-five (75) feet and up to two hundred (200) feet in height, not otherwise allowed through a Type I Procedure~~ --Section 430-109.

9. SECTION 340 - EXCLUSIVE FARM USE DISTRICT (EFU)

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

- O. Schools - Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR ~~660, Division 4660-004.~~
- P. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
- Q. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
- R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 340-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 and OAR 660-033 (Utility facilities necessary for public service).

340-5 Uses Which May be Permitted Through a Type III Procedure

340-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:

- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half (1/2) mile of a community college.

- B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Dog training classes or testing trials, which may be conducted outdoors or in preexisting farm buildings, when:
- (1) The number of dogs participating in training does not exceed ten (10) dogs per training class and the number of training classes to be held on-site does not exceed six (6) per day; and
 - (2) The number of dogs participating in a testing trial does not exceed sixty (60) and the number of testing trials to be conducted on-site is limited to four (4) or fewer trials per calendar year.

340-5.2 Uses which may be allowed subject to Section 340-5.3:

- H. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 340-5.1(C). Kennels are subject to Section 430-73.

10. SECTION 342 - EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-006 and ORS 215.

342-2 Uses Permitted through a Type I Procedure

- 342-2.8 Detached dwelling unit (one) which meets the Type I forest structure siting and fire safety standards in Section 428-3. See Section 430-37.2 EF for required standards.

11. SECTION 344 - AGRICULTURE AND FOREST DISTRICT (AF-20)

344-5 Uses Which May be Permitted Through a Type III Procedure

344-5.1 Uses which may be allowed, but are not subject to Section 344-5.3:

- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half mile of a community college.
- B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is exempt from Section 344-5.3. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Dog training classes or testing trials, which may be conducted outdoors or in preexisting farm buildings, when:
 - (1) The number of dogs participating in training does not exceed ten (10) dogs per training class and the number of training classes to be held on-site does not exceed six (6) per day; and
 - (2) The number of dogs participating in a testing trial does not exceed sixty (60) and the number of testing trials to be conducted on-site is limited to four (4) or fewer trials per calendar year.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- H. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 344-5.1(C). Kennels are subject to Section 430-73.

12. SECTION 379 - MINERAL AND AGGREGATE OVERLAY DISTRICT**379-5 Exemptions from the Mineral and Aggregate Overlay District Regulations**

- 379-5.1 The following mineral and aggregate related activities addressed in OAR 632-030-0016 are exempt from the provisions of Section 379, except in the EFU and AF-20 Districts. Operators or landowners claiming any of these exemptions may be asked to establish the validity of the exemption by providing a copy of an exemption certificate issued by the Department of Geology and Mineral Industries.

379-13 Development Standards - District A

379-13.5 Environmental Standards

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Mineral and aggregate resource extraction, processing and stockpiling shall conform to the applicable standards as set forth in Section 423, Environmental Performance Standards. The applicable noise and emission standards on the effective date of this Ordinance shall be those adopted by the Oregon Department of Environmental Quality as set forth in ~~Oregon Administrative Rules, Chapter~~ OAR 340, dated June 1983. The Board may consider future revisions to these standards. Said revisions may be adopted by the Board by Resolution and Order after a Type III hearing with a generalized notice to all owners of record within two hundred and fifty (250) feet of District "B" boundary.

379-13.6 Safety Standards

- A. All buildings, structures, and equipment used for the production or processing of mineral and aggregate materials shall be maintained in such a manner to assure that such buildings, structures and equipment will not become hazardous.
- B. Access to all mineral and aggregate sites shall be gated and locked when not in operation.

379-13.7 Site Reclamation

A site reclamation plan (prepared in conjunction with a State of Oregon surface mining operating permit) which demonstrates that the mineral and aggregate extraction site will be reclaimed for the land uses specified in the Primary District shall be submitted. The reclamation plan shall be prepared by the applicant or the applicant's agent and approved by the State of Oregon Department of Geology and Mineral Industries pursuant to ORS Chapter 517, and the standards and procedures contained in OAR ~~Chapter 632, Division 30 or Division 35~~ 632-030 or -035, whichever is applicable.

379-16 Termination of a Mineral and Aggregate Overlay District Designation

A Mineral and Aggregate Overlay District (A and B) Designation shall be removed from a mineral and aggregate resource site when:

- 379-16.1 The mineral and aggregate resource site has been reclaimed in accordance with the provisions of ORS Chapter 517; OAR ~~Chapter 632, Division 30 or Division 35~~ 632-030 or -035, whichever is applicable; and Section 379.

13. SECTION 380 - CONVENIENT ACCESS TO TRANSIT OVERLAY DISTRICT

380-1 Intent and Purpose

The intent of the Convenient Access to Transit Overlay District is to ensure new retail, office and institutional buildings at or near major bus stops shall provide for convenient pedestrian access to transit. The requirements of this district implement the access to transit provisions of OAR ~~660-012-0045(4)(b)~~ and the applicable public transit provisions of the Regional Transportation Plan (RTP).

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14. SECTION 383 - STATE AND REGIONAL PARK OVERLAY DISTRICT**383-1 Intent and Purpose**

The intent of the State and Regional Park Overlay District is to facilitate the development of state and regional parks that meet the provisions of ~~Oregon Administrative Rule 660, Division 34~~ OAR 660-034 and the applicable provisions of this Code.

15. SECTION 387 - PUBLIC USE AIRPORT OVERLAY DISTRICT**387-4 Uses Permitted Through at Type I Procedure**

The following uses and activities are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. In addition, the Twin Oaks Airpark is located within an area identified by the Oregon Water Resources Department as the Bull Mountain-Cooper Mountain Critical Groundwater Area. Pursuant to this, groundwater consumption and activities on site that impact groundwater resources may be limited, as described in ~~ORS Ch. 537 and OAR Ch. 690.~~

16. SECTION 407 - LANDSCAPE DESIGN**407-3 Tree Preservation and Removal****407-3.1 Applicability**

Section 407-3 applies to all tree removal that is not excluded from development permits required by Section 201-2 or is not in conjunction with another Type II or Type III development action.

407-3.2 Exemptions from Tree Removal Permit Requirement

The requirements of Section 407-3 do not apply to the following:

- A. Trees identified and approved for removal through a Type II or III procedure in an approved Development Plan; or
- B. Removal of trees in conjunction with the development of a "conflicting use" of a Significant Natural Resource as specified in the applicable community plan, which was allowed pursuant to OAR 660-023-0040(5)(c) (effective September 1, 1996), through a Type IV process; or

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17. SECTION 408 - NEIGHBORHOOD CIRCULATION**408-7 Modification of Standards For an Alternate Design Through a Type III Procedure**

The Hearings Officer may approve a modification to the circulation analysis review standards of Section 408-5 or 408-6 through a Type III procedure based on findings that:

- 408-7.1 The applicant has submitted an alternate design which serves the purpose of providing safe, convenient and direct pedestrian and bicycle access and access to transit consistent with the standards of the Transportation Plan, the Community Plans, the Transportation Planning Rule (OAR 660-012), and Metro's Urban Growth Management Functional Plan; and

18. SECTION 410 - GRADING AND DRAINAGE**410-3 Criteria for Approval**

- 410-3.8 Comply with the applicable standards for permanent storm water quality control facilities adopted by the Oregon State Department of Environmental Quality, as set forth in OAR 340-041-0345(4)(a-e). This standard is satisfied by submittal of a service provider letter from the Clean Water Services indicating the proposed development is in compliance with DEQ requirements or will be in compliance when the requirements set forth in the service provider letter are met.

19. SECTION 411 - SCREENING AND BUFFERING

411-3 Determination of Screening and Buffering Requirements**411-3.2 Responsibility for Screening and Buffering:**

- A. When a property is the first to develop adjacent to a vacant parcel, the first property shall provide the buffer identified in the vacant land use category as shown on the Screening and Buffering Matrix, Section 411-5.
- B. The second use to develop shall, at the time it develops, provide all additional plant materials, landscaping, and land necessary to provide total screening and buffering required by the Screening and Buffering Matrix for developed uses.
- C. Screening and buffering is not required when lots or parcels are separated by a public street or road.

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- D. Where two adjacent developments in different districts are developed with the same housing type and maintain the same standards as the lower density district, the screening and buffering requirements may be reduced to the level of the lower density use through a Type II procedure when a recorded legal instrument (~~including a final subdivision plat~~ such as a deed restriction) insures that the lot and house type will remain the same as the lower density requirements for the life of development.

20. SECTION 414 - SIGNS

414-2 Commercial and Institutional Districts

414-2.1 Scope:

This Section shall apply to all Commercial Districts and the Institutional District.

414-2.2 Size:

For each lot or parcel signing at the listed size may be allowed:

- A. Neighborhood Commercial (NC), Office Commercial (OC) and Institutional District (INST) signs shall not exceed thirty-five (35) square feet. For additional standards for the Institutional District see Section 330-9.

21. SECTION 418 - SETBACKS

- 418-2.4 The setback requirements of this Code shall not apply to existing structures when the setback is reduced by a public dedication. If the setback is not reduced by a public dedication, the structure(s) shall meet the setback requirements of this section.

22. SECTION 421 - FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421 FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

The county administers and enforces the State of Oregon Specialty Codes pursuant to the requirement established in ORS 455. The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards

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- 421-1.1 The maps entitled "Flood Plain Series, Washington County, Oregon" Revision 5/01/74, 1/03/78, 1/81 and 5/25/83 and 12/12/83 based upon data from the U.S. Army Corps of Engineers; U.S.G.S.; U.S.B.; S.C.S.; and Washington County, together with the Flood Insurance Rate Maps and the "Flood Insurance Study for Washington County" maps, as may be amended from time to time, including the Flood Boundary and Floodway Map, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) hereby are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. But where the maps are not available, the Director may use any base flood elevation and floodway data available from a federal or state source, or any other authoritative source, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

421-2 Definitions

As used in this section, the words listed below have the following meaning:

- 421-2.1 Flood area A flood plain or drainage hazard area.
- 421-2.2 Structure A walled and roofed building, including a storage tank (gas or liquid) or silo, that is principally above ground. Structure does not include such things as pipes, culverts, roads, bridges and other transportation facilities.

421-3 Submittal Requirements

In addition to the requirements of Section 203-4 and 410, an application for a flood plain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed which shall be prepared by a registered civil engineer. This information may be submitted with or be made part of a site plan or grading plan for the proposed development.

- 421-3.1 Existing and proposed topography within the boundaries of the flood area using the following contour intervals:
- A. For slopes of five (5) percent or less, contour intervals not more than one (1) foot;
 - B. For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; and
 - C. For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- 421-3.2 For applications for Type II and III flood plain or drainage hazard area alterations, documentation which demonstrates compliance with the applicable review standards of Sections 421-7 through 421-14.

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421-3.3 Upon demonstration of no other alternative as determined by the county engineer, applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, fences or other development, in the regulatory Floodway is permitted that will cause any increase in the Base Flood Elevation. The CLOMR shall be submitted prior to the application being deemed complete.

421-11 Criteria for Utilities and Tanks

421-11.1 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. The applicant shall obtain all applicable local, state or federal permits.

421-11.2 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into, or discharge from, the system. The applicant shall obtain all applicable local, state and federal permits.

421-11.3 On-site disposal systems shall be permitted only if located and designed to avoid impairment and eliminate contamination of flood waters. The applicant shall obtain all applicable local, state and federal permits.

421-11.4 Above ground electrical, communication and signal transmission and distribution lines and related accessory structures other than poles or towers shall be constructed at or above the flood surface elevation. Poles and towers shall be constructed and placed to minimize risk of damage.

421-11.5 Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

421-11.6 Construction of utilities shall be done in a way which minimizes the impact on the flood area. The site shall be restored, as far as practicable, to its original state.

421-11.7 New and replacement tanks in flood hazard areas shall either be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

421-11.8 New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two (2) feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

421-14 General Requirements and Prohibitions

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- 421-14.1 Property owners shall maintain the flood area in such a manner as to prevent reduction of the natural carrying capacity. Maintenance outside of the public right-of-way shall be done by means of hand implements unless a Development Permit for an alteration is first obtained (lawn mowers are considered hand implements).
- 421-14.2 Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides and rodenticide is prohibited.
- 421-14.3 Dumping of solid waste in the flood area is prohibited.
- 421-14.4 Section 421 is in addition to any and all Federal, State or special district laws and regulations in force at the time of approval of the Development Permit. Any permits required from a local, state or federal agency shall be obtained prior to any development within the flood area.
- 421-14.5 The standards and criteria of this Section are cumulative and in addition to any other requirements of this Code. Any more stringent provisions of an applicable Community Plan or the Rural/Natural Resource Plan Element shall control.
- 421-14.6 The Review Authority may condition any Type II or III development permit to the extent necessary to avoid any specifically identified deleterious impacts on the natural integrity of the flood area or to wildlife and vegetation within the flood area.
- 421-14.7 In the case of the partitioning or subdivision of land for the location of structures for human occupancy, such site shall provide a building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, with a ground elevation at least one (1) foot above the flood surface elevation. No partition or subdivision shall create a lot whose dimensions do not meet this standard.
- 421-14.8 There shall be no dumping of fill in a flood area without a flood plain or drainage hazard area alteration permit.
- 421-14.9 The applicant shall submit to the Floodplain Administrator technical data as set forth in Section 421-14.10 prior to any watercourse alteration that will result in the expansion, relocation or elimination of the special flood hazard area.
- 421-14.10 Within six (6) months of project completion, an applicant who obtains a CLOMR from FEMA, or whose development alters a watercourse, modifies floodplain boundaries, or Base Flood Elevations shall obtain from FEMA a Letter of Map Revision (LOMR) reflecting the as-built changes to the Flood Insurance Study (FIS) and/or Flood Insurance Rate Map (FIRM).

23. SECTION 422 - SIGNIFICANT NATURAL RESOURCES

422-3 Criteria for Development

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- 422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-023-0040(5)(c) (effective September 1, 1996).

24. SECTION 423 - ENVIRONMENTAL PERFORMANCE STANDARDS

423-9 Storage

423-9.4 Storage of Hazardous Materials

Developments which store hazardous materials must comply with State standards, OAR Chapter 340 Division 63340-063, and the Federal standards, 40 CFR Part 262 and 264 and shall demonstrate such compliance. All hazardous materials must be stored above ground. Transport of and disposal of such materials shall be in conformance with all applicable local, State and Federal regulations with such compliance

25. SECTION 424 - CREATION OF PARCELS IN THE EFU, EFC, AND AF-20 DISTRICTS

424 CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS

In order to create a lot or parcel in the EFU, EFC, or AF-20 Districts, the following applicable standards shall be met. In addition to the following standards, in the EFU and AF-20 Districts, the applicable requirements of ORS 215 shall be met, and in the EFC District, the applicable requirements of OAR 660-006-0026 shall be met. Findings shall be made for each of the applicable standards.

26. SECTION 428 - FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS

428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure

428-3.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

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- A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (~~OAR 690, Division 11690-011~~) and not from a Class II stream as defined in the Forest Practices Rule [~~OAR 629-024-0101(3)~~].

428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure

428-4.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

- A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (~~OAR 690, Division 11690-011~~) and not from a Class II stream as defined in the Forest Practices Rule [~~OAR 629-024-0101(3)~~].

27. SECTION 430 - SPECIAL USE STANDARDS

430-1 Accessory Uses and Structures

430-1.4 Receive-only Satellite Dishes:

Receive-only satellite dishes that exceed ten (10) feet in diameter, or the center of which is mounted more than six (6) feet above grade, are allowed subject to the following standards:

- E. Dishes may be mounted on the roof of a building only in the NC, OC, CBD, GC, IND, INST, R-COM, R-IND and MAE land use districts.

430-37 Detached Dwelling Unit

430-37.2 Rural

- E. In the EFC District, a single-family dwelling unit on a lot or may be approved when the following standards are met:

(3) Large Tract Forestland Dwelling Standards

(a) Lot Area Requirements:

- (i) The dwelling will be sited on a tract in one ownership of at least one-hundred and sixty (160) contiguous acres zoned for forest use. A tract shall not be considered to consist of less than one-hundred and sixty (160) acres because it is crossed by a public road or waterway; or
- (ii) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two (2) or more tracts to total two-hundred (200) acres or more.
- (iii) Prior to issuance of a building permit:

The owner shall submit proof that the covenants, conditions, and restrictions form adopted by OAR 660-006, effective March 1, 1994, has been recorded in the deed records for all the tracts that are used to meet the acreage requirement.

430-44 Emergency Response/Safety Training Center

430-44.2 Prior to any approval of a development application for this use, the County must adopt findings for any necessary exception to a Statewide Planning Goal pursuant to Goal 2, Part II(c) and OAR 660-004-0020 and 0022. The County's adoption of findings shall be considered through a quasi-judicial plan amendment process initiated by the applicant pursuant to Section 203 of this Code.

430-74 Living History Museum in the EFU and AF-20 Districts

430-74.2 In addition to the requirements of Section 501-9, an application for a living history museum shall include a transportation/traffic impact analysis which demonstrates the following. The analysis shall be prepared and certified by a traffic or civil engineer registered in the state of Oregon.

A. Consistency with the following standards based upon existing and planned conditions (planning horizon of the applicable transportation plan or functional plan):

- (1) Washington County's functional classification policy (Policy-910) of the Transportation Plan;

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(2) Washington County's level of service standard, as defined by Section 501-8.8 I.; and

(3) The Oregon Department of Transportation (ODOT) functional plans, including *The Oregon Highway Plan* and the *Oregon Transportation Plan*.

B. Consistency with OAR 660-012-0065 (Transportation Improvements on Rural Lands).

430-88 Outdoor Performing Arts Center

430-88.3 The applicant shall be required to submit findings for exception to LCDC Goals pursuant to LCDC Goal 2, OAR 660-004-0020. Any exception request shall be processed as a quasi-judicial plan amendment. The development review application may be heard and processed in conjunction with the plan amendment.

430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.2 Type II:

A. The use of one temporary living accommodation, for a period not to exceed two years, where there is a finding of health hardship, which may include conditions resulting from advanced age, which is documented by a physician.

(1) For the purposes of this provision, the temporary accommodation may be:

(a) A manufactured dwelling; or

(b) In the EFU, EFC, AF-20, AF-10 and AF-5 Districts, a recreational vehicle (RV), as described below under item (5); or

(c) In the EFU, EFC, AF-20, AF-10 and AF-5 Districts, the residential use of an existing building on a lot or parcel with a Dwelling Unit.

(2) The decision shall be based on demonstration that the temporary accommodation is necessary to provide adequate and immediate health care, as defined below under item (3), for the existing resident or a relative of the resident. Except in the INST, IND, EFU, EFC or AF-20 Districts, the decision may also be based on demonstration that the temporary accommodation is necessary to provide adequate and immediate health care for a person other

than a relative of the resident who is dependent upon the resident for day to day care, as defined below under item (3).

28. SECTION 501 - PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-12 Standards for Development Within the North Bethany Subarea Plan Area

501-12.1 Development within the North Bethany Subarea Plan shall be subject to the following provisions of Article V. In the event of a conflict with any other provision of Article V, this Article 501-12 shall control.

A. Section 501-2, Application of the Public Facility and Service Standards inside a UGB;

29. SECTION 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.

605-1.1 A. General Limitations

B. Property Line Adjustments Permitted Through a Type I Procedure

Property line adjustments shall be processed through a Type I procedure, unless otherwise specified in this Code, provided that:

(1) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or

(24) Equal land areas are exchanged; or

(32) 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

(43) 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.

605-1.3 Review Standards

The proposed property line adjustment must be found to comply with the applicable provisions of this Code and the applicable Community Plan, including the definition set forth above and the dimensional requirements of the district except as described in Section 605-1.1 B. No property line adjustment shall result in a boundary line that violates the setback standards of the applicable land use district unless a variance to the setback is approved. Property line adjustments shall comply with Section 501-8.5 (Access to County and Public Roads) except as provided in this subsection. Property line adjustments for parcels or lots which do not meet the sight distance standards of Section 501-8.5 E., (including existing accesses), shall be approved if the parcel or lot's sight distance is not decreased as a result of the property line adjustment.

30. SECTION 610 - LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE A UGB

610-1.1 B. Property Line Adjustments Permitted Through a Type I Procedure

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

- (1) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or
- (2) Equal land areas are exchanged; 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

(43) 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

(54) 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.

C. Property Line Adjustments Permitted Through a Type II Procedure

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) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or

(2) 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

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

(43) 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.

(54) 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.

(65) 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.

31. SECTION 709 - ALTERATIONS TO FLOOD PLAIN AND DRAINAGE HAZARD AREAS

709-4 A project proposed on a flood plain site where the use does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the use will not increase the flood plain elevation more than one (1) foot at any point in the community. Notwithstanding this provision, an increase in excess of one (1) foot may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). ~~No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation.~~ Upon demonstration of no other alternative as determined by the county engineer, applicants shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, fences or other development, in the regulatory Floodway is permitted that will cause any increase in the Base Flood Elevation. The CLOMR shall be submitted prior to the application being deemed complete.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 776**

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

SUMMARY:

A-Engrossed Ordinance No. 776 amends elements of Washington County's Comprehensive Plan relating to housekeeping and general update changes.

A-Engrossed Ordinance No. 776 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.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 776. Prior to 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. 776 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 13-110

Agenda Item No.

5.g.

Date:

10/22/13

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. 776) No. 13-110

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 22, 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. 776; 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 September 18, 2013, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

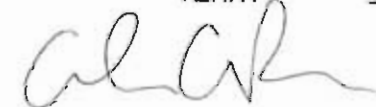
16 It appearing to the Board that, in the course of its deliberations, the Board has considered the
17 record which consists of all notices, testimony, staff reports, and correspondence from interested
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted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

22 DATED this 22nd day of October, 2013.


	AYE	NAY	ABSENT
23 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 SCHOUTEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

28 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. 776 AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN ELEMENT OF THE COMPREHENSIVE PLAN, THE ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE RELATING TO HOUSEKEEPING AND GENERAL UPDATE CHANGES.

October 22, 2013

GENERAL FINDINGS

A-Engrossed Ordinance No. 776 amends elements of Washington County's Comprehensive Plan relating to housekeeping and general update changes. Amendments to the Significant Natural Resources map of the Rural/Natural Resource Plan Element and the Significant Natural and Cultural Resources map of the Aloha-Reedville-Cooper Mountain Community Plan are made to remove the Mineral and Aggregate Overlay on the former Progress Quarry. Several amendments to the Community Development Code (CDC) are also made to ensure consistency with federal, state, regional and local requirements and improve the efficiency and operation of the Plan.

Amendments to the CDC include:

- CDC Section 106 – Definitions is amended to add the North Bethany Land Use Designations.
- The acronym for Institutional Land Use District is amended from INS to INST for consistency. Formatting references to the Oregon Revised Statutes and Oregon Administrative Rules are also amended for consistency.
- The amendments to CDC Section 107-3 remove references to the Land Use Ordinance Advisory Commission (LUOAC). On November 4, 2008, Washington County voters approved Ballot Measure 34-155 which made changes to the Washington County Charter. One of the changes eliminated the LUOAC.
- Amendments to CDC Section 204 are made to reflect the Department of Land Use & Transportation's end of business day, instead of a specific hour; and to reflect the correct appeal period from 10 calendar days to 12 calendar days as required by state law, ORS 215.416(11)(c). Additionally, amendments to Land Use & Transportation's department title are made to utilize the ampersand (&). instead of the word "and".
- Communication Tower use standards under CDC Sections 320 and 330 are amended to maintain a maximum height cap, but delete the minimum height requirement. Under the existing standards, if a proposed tower can't meet the Type I review process and is required to be reviewed under a Type II application, the tower would have to be greater than 65-feet (IND) or 75-feet (INST) in height; not allowing the flexibility for a shorter tower.

- Dog training classes or testing trials uses, identified in CDC Sections 340 and 344, are amended to reference CDC Section 430-73 (Kennel). Other amendments to this CDC section are made for clarity.
- Amendments to CDC Section 342 are made to reflect the correct CDC Section reference.
- CDC Section 411 is amended to identify a deed restriction as the appropriate legal instrument for screening and buffering requirements.
- Setback standards in CDC Section 418 are amended to make non-conforming setbacks legal as a result of a public dedication.
- CDC Sections 421 and 709 are amended to reflect new Federal Emergency Management Agency (FEMA) standards based on the Oregon Model Companion Flood Damage Prevention Ordinance. In 2011, FEMA standards were updated and reflected in the Model Ordinance. Some of the new FEMA standards are proposed in A-Engrossed Ordinance No. 776.
- Amendments to CDC Section 430-74 are made to reflect the correct Policy reference.
- CDC Section 501 is amended for clarification.
- Amendments are made to CDC Sections 605 and 610, Land Division and Property Line Adjustments (PLA) Inside and Outside a Urban Growth Boundary (UGB), to clarify that PLAs are allowed by a Type I or Type II process if they meet or exceed the minimum lot size standard.

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. 776 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 map and 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. 776.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the CDC. Washington County utilized this process to adopt A-Engrossed Ordinance No. 776. Notice was coordinated with all affected governmental entities and no comments were received 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. A-Engrossed Ordinance No. 776 makes housekeeping changes to the county's PLA standards for lands outside the UGB. The amendments clarify that PLAs are allowed by a Type I or Type II process if they involve lots that meet or exceed the minimum lot size standard of the district. Plan compliance with Goal 3 is maintained with the amendments made to the county's PLA standards by A-Engrossed Ordinance No. 776. The amendments are consistent with Goal 3; OAR Chapter 660, Division 33; and the county's acknowledged policies for preservation of farmland.

Goal 4 – Forest Lands

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. A-Engrossed Ordinance No. 776 makes housekeeping changes to the county's PLA standards for lands outside the UGB. The amendments clarify that PLAs are allowed by a Type I or Type II process if they involve lots that meet or exceed the minimum lot size standard of the district. Plan compliance with Goal 4 is maintained with the amendments made to the county's PLA standards by A-Engrossed Ordinance No. 776. Amendments made to the county's PLA standards by A-Engrossed Ordinance No. 776 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Policy 8 in the Comprehensive Framework Plan for the Urban Area and Policy 8 in the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural disasters and hazards. A-Engrossed Ordinance No. 776 implements language contained in FEMA's model flood plain ordinance. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 776. The amendments are consistent with the

county's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

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 CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 776. 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:

- Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific CDC standards directly related to this goal, amendments to the CDC should follow this policy to achieve the economic development goal.
- A-Engrossed Ordinance No. 776 made various general update and housekeeping changes that assisted in clarifying and streamlining the development review process in the CDC (e.g. clarifying standards relating to Cellular Towers, PLAs, and FEMA standards).
- Ensuring that necessary updates are made and that errors are corrected maintains an effective CDC and is therefore consistent with Goal 9.

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. Staff sent Metro a copy of proposed Ordinance No. 776 on August 1, 2013, 48 days prior to the first evidentiary hearing. Metro was mailed a copy of A-Engrossed Ordinance No. 776 on October 4, 2013. Metro provided no comments on Ordinance No. 776 and A-Engrossed Ordinance No. 776.

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

601005

WASHINGTON COUNTY, OREGON

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

155 N First Avenue, Suite 350, MS 14
Hillsboro, OR 97124-3072



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