



Oregon

Theodore R. Kubongski, 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

11/6/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 012-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, November 27, 2009

This amendment was submitted to DLCD for review prior to adoption. with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

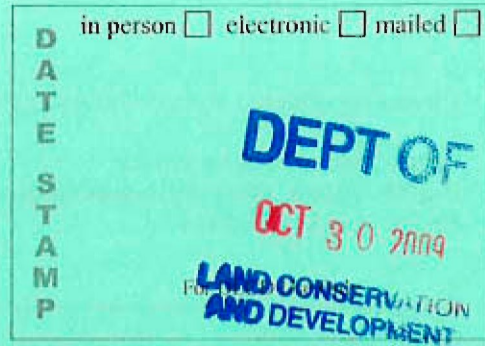
Cc: Aisha Willits, Washington County
Gloria Gardiner, DLCD Urban Planning Specialist
Katherine Daniels, DLCD Farm/Forest Specialist
Gary Fish, DLCD

<paa> YA

FORM

2 DLCD Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD WITHIN **5 WORKING DAYS AFTER THE FIRST FINAL DECISION** PER ORS 197.610, OAR CHAPTER 660, DIVISION 18



Jurisdiction: **Washington County** Local file number: **A-Engrossed Ord. 720**
 Date First Evidentiary Hearing: **9/2/2009** Date of Final Hearing: **10/27/2009**
 Date Notice of Adoption form (Form #2) was sent to DLCD: **10/29/2009**
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **7/17/2009**

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):
A-Engrossed Ordinance amended the property line adjustment standards in the Community Development Code to implement specific provisions included in legislation passed in House Bill 3629 (2008 Legislature), the "Phillips Fix" bill.

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

The initial ordinance allowed for property line adjustments to expand existing nonfarm uses located on exclusive farmland. The engrossed ordinance added a provision to allow property line adjustments that would reduce the size of a parcel containing a nonfarm use as well.

Plan map changed from: **N/A** to: **N/A**
 Zone map changed from: **N/A** to: **N/A**
 Location: **Various**
 Specify density: Previous: **N/A** New density: **N/A** Acres involved: **0**

Mark applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment 45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 012-09 (17700) [15800]

Please list affected state or federal agencies, local governments or special districts: N/A

Local Contact: **Aisha Willits**
E-mail: **Aisha_Willits@co.washington.or.us**
Phone: **(503) 846-3961**

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

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

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

2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed **within TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 720 – AN
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT
CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING
TO RURAL PROPERTY LINE ADJUSTMENTS AND LAND
DIVISIONS**

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

SUMMARY:

A-Engrossed Ordinance No. 720 proposes to amend the Community Development Code Element of the Comprehensive Plan to modify the property line adjustment standards in the rural area to address select provisions included in House Bill 3629, adopted by the 2008 Special Legislature.

The Board conducted its first public hearing for Ordinance No. 720 on October 6, 2009 and ordered engrossment of the ordinance to provide standards allowing property line adjustments to reduce a parcel featuring a nonfarm use. These standards are included as an amendment to Section 610-1.1 C. (1), as shown in Exhibit 1 to the ordinance. On October 20, the Board continued the hearing for A-Engrossed Ordinance No. 720 to October 27, 2009 as required by the county Charter.

Consistent with Board policy about public testimony, testimony about the ordinance is limited to 3 minutes for individuals and 12 minutes for a representative of a group.

A staff report will be provided to the Board prior to the October 27, 2009 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

DEPARTMENT'S REQUESTED ACTION:

Read by title only and conduct the public hearing for A-Engrossed Ordinance No. 720. After the conclusion of the hearing, adopt the ordinance as filed.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000 **ADOPTED**

Agenda Item No.	4.d.
Date:	10/27/09

FILED

OCT 07 2009

Washington County
County Clerk

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3
4 A- ENGROSSED ORDINANCE 720

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan relating to Rural
Property Line Adjustments and Land
Divisions

5
6 The Board of County Commissioners of Washington County, Oregon, ordains as follows:

7 SECTION 1

8 A. The Board of County Commissioners of Washington County, Oregon, recognizes that
9 the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted
10 with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently
11 amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397,
12 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457,
13 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545,
14 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618,
15 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676,
16 677, 682-686, 692, 694-698, 703, 704, 708, 709, and 711.

17 B. Subsequent ongoing planning efforts of the County indicate a need for minor
18 amendments to the Community Development Code to reflect legislative changes and to provide a
19 general update. The Board takes note that such changes are for the benefit of the health, safety, and
20 general welfare of the residents of Washington County, Oregon.

21 C. Under the provisions of Washington County Charter Chapter X, the Department of Land
22 Use and Transportation has carried out its responsibilities, including preparation of notices, and the

1 County Planning Commission has conducted one or more public hearings on the proposed amendments
2 and has submitted its recommendations to the Board. The Board finds that this Ordinance is based on that
3 recommendation and any modifications made by the Board, as a result of the public hearings process.

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

9 SECTION 2

10 Attached hereto and incorporated herein by this reference is Exhibit 1 (5 pages) – amending the
11 Community Development Code Section 610 LAND DIVISIONS AND PROPERTY ADJUSTMENTS
12 OUTSIDE A UGB.

13 SECTION 3

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

16 SECTION 4

17 All applications received prior to the effective date shall be processed in accordance with ORS
18 215.427 (2007 Edition).

19 SECTION 5

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

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SECTION 6

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

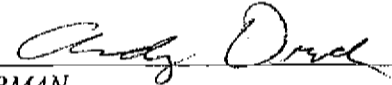
SECTION 7

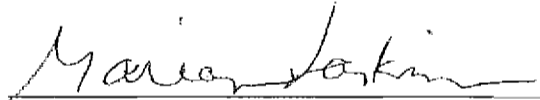
This Ordinance shall take effect on November 27, 2009.

ENACTED this 27th day of October, 2009, being the 3rd reading and 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED


CHAIRMAN


RECORDING SECRETARY

READING

PUBLIC HEARING

First October 6, 2009
Second October 20, 2009
Third October 27, 2009
Fourth _____

First October 6, 2009
Second October 20, 2009
Third October 27, 2009
Fourth _____

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

Nay: _____

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

610 LAND DIVISIONS AND PROPERTY ADJUSTMENTS OUTSIDE A UGB

610-1 Property Line Adjustments (Property Line Relocation)

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

610-1.1 A. General Limitations

Property Line Adjustments are limited in the following Districts as follows:

- (1) In the AF-10, AF-5 and RR-5 Districts, lots or parcels may be reduced below the district's specified minimum lot size (10 acres, 5 acres and 5 acres, respectively) pursuant to the standards of this Section. However, if a lot or parcel is increased in size by a property line adjustment that reduces the size of one or more other lots or parcels to less than the district's specified minimum lot size (as allowed in subsection B below), or that further reduces one or more lots or parcels already below the district's specified minimum lot size, the lot or parcel which is increased in size shall not be eligible to be divided into more lots or parcels than it could have qualified for prior to the property line adjustment.
- (2) In the R-COM, R-IND and MAE Districts, no lot or parcel shall be reduced in size below the minimum lot area established by the district unless approval is granted per the standards of Section 435.
- (3) In the EFC District, no lot or parcel shall be reconfigured to qualify for a Lot of Record Dwelling under Section 430-37.2 E. (2).

B. Property Line Adjustments Permitted Through a Type I Procedure

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

- (1) Equal land areas are exchanged; or
- (2) A lot or parcel is reconfigured to align with a road or railroad right-of-way, a power transmission line on deeded property, an urban growth boundary (if entirely outside the boundary of a city) or a channel of a river or other watercourse or body of water that divides the lot or parcel; or
- (2) 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.
- (3) In the AF-10 District no lot is reduced below eight (8) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.
- (4) In the AF-5 District no lot is reduced below four (4) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.
- (5) In the RR-5 District no lot is reduced below two (2) acres, except existing lots or parcels that are one (1) to two (2) acres may be adjusted through a Type I procedure if none of the lots are reduced below one (1) acre, equal areas of land are transferred, and the provisions of Section 350-6.1 C.(1) and (2) are met.
- (6) In the AF-5 and AF-10 Districts, property lines of lots created through a Rural Planned Development may be adjusted through the Type I procedure when the findings upon which the decision is based or conditions of approval do not prevent the proposed property line adjustment; and the lotting pattern was not created to buffer an EFU, EFC or AF-20 District or commercial farm or forest use. The determination of compliance with this standard shall be based on the decision that approved the Rural Planned Development. The following standards and limits apply to these Type I adjustments:
- (a) No lot is reduced below the minimum acreage allowed in Section 404 (RPD standards); and the adjustment:
 - (i) Is to locate a subsurface disposal system which cannot be approved due to soil conditions; or
 - (ii) Is necessary to provide suitable turn-around for emergency vehicles, but does not exceed ½ acre in size; or

- (iii) Is necessary to facilitate the drilling of a domestic well, but does not exceed ¼ acre in size; or
 - (iv) Is to correct a survey error, and is the minimum size necessary for the correction; or
 - (v) Involves an equal area exchange when the Rural Planned Development did not result in an increase in density of the basic district; and
- (b) Streets within the development that abut an adjacent property or an exterior adjacent street are not relocated more than one-half (½) the width if the right-of-way, easement or tract; or are not relocated so that they abut a different property from the property approved in the final plat.

C. Property Line Adjustments Permitted Through a Type II Procedure

Property lines in the EFU, EFC, AF-20, AF-10, AF-5 and RR-5 Districts may be adjusted through a Type II procedure when the following standards are met:

- (1) In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use, not including a nonfarm dwelling, may be reduced below eighty (80) acres through a Type II procedure, provided:
 - (a) ~~T~~the adjustment is the minimum amount needed to accommodate the use; and
 - (b) One of the following scenarios is present:
 - (i) One or both of the abutting properties are smaller than the minimum lot or parcel size before the adjustment, and after the adjustment, at least one property is as large or larger than the minimum lot or parcel size for the applicable district; or
 - (ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the adjustment.
 - (c) A power generation facility shall comply with the lot area requirements of Section 430-141.
- (2) In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use may be expanded through a Type II procedure provided:
 - (a) One of the following scenarios is present:
 - (i) One or both of the abutting properties are smaller than the minimum lot or parcel size before the adjustment, and after the

adjustment, at least one property is as large or larger than the minimum lot or parcel size for the applicable district; or

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

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

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

(d) The proposed use will not:

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

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

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

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

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

(b) The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

- (c) The parcel is not larger than the minimum size necessary for the use; and
- (d) The applicant shall sign and record in agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(34) In the AF-5 and AF-10 Districts, lot lines of parcels created through a Rural Planned Development shall be adjusted through a Type II procedure when the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved are met:

- (a) The adjustment meets the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved; or
- (b) If the Code in effect at the time the Rural Planned Development was submitted had no adopted standards for processing Type II property line adjustments, the adjustment meets the general Rural Planned Development approval standards.

(45) In the RR-5 District, a lot or parcel may be reduced to one (1) acre through a Type II procedure if the lot or parcel meets the standards in Section 350-6.1 C.

(56) In the EFC District, a lot or parcel with an existing dwelling may be reduced below eighty (80) acres upon findings that:

- (a) The parcel is five (5) acres or less, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten (10) acres;
- (b) The dwelling existed prior to June 1, 1995;
- (c) The configuration of the parcels will allow for the establishment of an alternate septic tank drainfield for the existing dwelling;
- (d) The remaining parcel (not containing the dwelling) is consolidated with another parcel, and together the parcels are at least eighty (80) acres; and
- (e) Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remaining parcel (80 acre or larger). The restrictive covenant shall be irrevocable, unless the Director finds that the remaining parcel is no longer subject to Statewide Goal 3 (Agricultural Lands).

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 720

Presented by: Brent Curtis, Planning Manager

SUMMARY:

A-Engrossed Ordinance No. 720 proposes to amend the Community Development Code Element of the Comprehensive Plan to modify the property line adjustment standards in the rural area to address select provisions included in House Bill 3629, adopted by the 2008 Special Legislature.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 720. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for A-Engrossed Ordinance No. 720 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

Agenda Item No.	5.d.
Date:	10/27/09

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 720) No. 09-89

This matter having come before the Washington County Board of Commissioners at its meeting of October 27, 2009; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, and Washington County's Comprehensive Plan relating to A-Engrossed Ordinance No. 720; 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 2, 2009, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 720 are hereby adopted.

DATED this 27th day of October, 2009.

		AYE	NAY	ABSENT	BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON
	BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
APPROVED AS TO FORM:	DUYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Tom Buan</u> Chairman
<u>BG</u>					<u>Maureen Martin</u> Recording Secretary
County Counsel					
For Washington County, Oregon					

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 720 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO RURAL PROPERTY LINE ADJUSTMENTS AND LAND DIVISIONS

October 27, 2009

GENERAL FINDINGS

A-Engrossed Ordinance No. 720 amends Section 610, Land Divisions and Property Line Adjustments Outside a UGB, of the Community Development Code (CDC) to modify the property line adjustment (PLAs) standards in the rural area to address select provisions included in House Bill 3629 (HB 3629), adopted by the 2008 Special Legislature. HB 3629 implemented changes to Oregon Revised Statutes (ORS) Chapter 92. The changes to ORS 92 clarified the definition of PLAs and made amendments to the type of PLAs that could be approved by counties.

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 OARs are not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region's strategy for addressing growth. The Board finds that A-Engrossed Ordinance No.720 amends CDC standards that are not related to the UGMFP titles; therefore, specific findings are not included in this exhibit.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No.720 is consistent with Statewide Planning Goals, ORS and OAR requirements and the Washington County Comprehensive Plan.

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. 720.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt A-Engrossed Ordinance No. 720. Notice was coordinated with all affected governmental entities and comments provided during the hearings process were made a part of the record, reviewed by the Planning Commission and Board of County Commissioners and addressed in staff's findings.

Goal 3 – Agricultural Lands

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made to the county's PLA standards by A-Engrossed Ordinance No. 720. The amendments are consistent with Goal 3; OAR Chapter 660, Division 33; and the county's acknowledged policies for preservation of farmland.

Goal 4 – Forestlands

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Plan compliance with Goal 4 is maintained with the amendments made to the county's PLA standards by A-Engrossed Ordinance No. 720. Amendments made to the county's PLA standards by A-Engrossed Ordinance No. 720 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands.

Goal 9 - Economy of the State

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.720. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

A-Engrossed Ordinance No.720 amends the standards for property line adjustments in the rural area. The amendments allow for PLAs to modify property lines to eliminate natural and manmade barriers such as roads, railway rights-of-way and waterways across properties. In addition, the ordinance authorizes PLAs for the purpose of either expanding or contracting nonfarm uses on exclusive farmland. Expansions are limited to the minimum size necessary to support the requested use.

Goal 10 - Housing

Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. A-Engrossed Ordinance No.720 clarifies the type of PLAs that may be authorized on in the rural area, therefore Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No.720.

601005

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