



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

AMENDED NOTICE OF ADOPTED AMENDMENT



November 6, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 006-07

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: November 20, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Joy L. Chang, Washington County

<paa> ya/

FORM

2

DLCD Notice of Adoption

DATE STAMP

in person ☐ electronic ☐ mailed ☐

DEPT OF

OCT 30 2007

LAND CONSERVATION
AND DEVELOPMENT

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: **Ordinance No. 669**Date First Evidentiary Hearing: **9/19/2007**Date of Final Hearing: **10/23/2007**Date Notice of Adoption form (Form #2) was sent to DLCD: **10/25/2007**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **8/3/2007**☒ 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):
Ordinance No. 669 amends the Comprehensive Framework Plan for the Urban Area and the Community Development Code relating to housekeeping and general updates.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan map changed from: **N/A**to: **N/A**Zone map changed from: **N/A**to: **N/A**Location: **Various areas throughout the county**

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
☒	☒	☐	☐	☒	☒	☐	☐	☒	☒	☐	☐	☐	☒	☐	☐	☐	☐	☐

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.

006-07(16283)

Please list affected state or federal agencies, local governments or special districts: Washington County and Metro

Local Contact: **Joy L. Chang**
E-mail: joy_chang@co.washington.or.us
Phone: (503) 846-3873

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 – First Reading and Public Hearing –
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: PROPOSED ORDINANCE NO. 669 – AN ORDINANCE
RELATING TO HOUSEKEEPING AND GENERAL UPDATE
CHANGES TO THE COMPREHENSIVE FRAMEWORK PLAN
FOR THE URBAN AREA AND THE COMMUNITY
DEVELOPMENT CODE ELEMENTS OF THE
COMPREHENSIVE PLAN

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

SUMMARY:

Ordinance No. 669 proposes to amend the above Comprehensive Plan elements relating to housekeeping and general update amendments.

On September 19, 2007, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously approved a motion for Board approval of Ordinance 669.

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

The staff report will be provided to the Board prior to the hearing. Copies of the report will be available at the Clerk's desk prior to the hearing.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 669 by title only and conduct the first public hearing. At the conclusion of the public hearing, adopt Ordinance No. 669.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No.	4.b.
Date:	10/23/07

AUG - 2 2007

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 669

An Ordinance Relating to
Housekeeping & General Update
Changes to the Comprehensive
Framework Plan for the Urban Area
and the Community Development Code
Elements of the Comprehensive Plan

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

SECTION 1

A. The Board recognizes that the Comprehensive Framework Plan for the
Urban Area element of the Comprehensive Plan (Volume II) was readopted with
amendments on September 9, 1986, with portions subsequently amended by Ordinance
Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 480, 483, 516, 517, 526, 551,
555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649,
662, 666, and 671.

B. The Board further recognizes that the Community Development Code
("CDC") element of the Comprehensive Plan (Volume IV) was readopted with
amendments on September 9, 1986, by way of Ordinance No. 308, with portions
subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381,
384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437,
439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504,
506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,

1 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631,
2 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 670, 674, 676 and 677.

3 C. Subsequent ongoing planning efforts of the County indicate a need for a
4 general update and housekeeping changes to the Comprehensive Framework Plan for the
5 Urban Area element of the Comprehensive Plan and the Community Development Code
6 element of the Comprehensive Plan for clarity. The Board takes note that such changes
7 are necessary to assure consistency with state law and are for the benefit of the residents
8 of Washington County, Oregon.

9 D. Under the provisions of Washington County Charter Chapter X, the Land
10 Use Ordinance Advisory Commission has carried out its responsibilities, including
11 preparation of notices, and the County Planning Commission has conducted one or more
12 public hearings on the proposed amendments and has submitted its recommendations to
13 the Board. The Board finds that this Ordinance is based on those recommendations and
14 any modifications made by the Board, as a result of the public hearings process.

15 E. The Board finds and takes public notice that it is in receipt of all matters and
16 information necessary to consider this Ordinance in an adequate manner, and that this
17 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
18 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
19 Washington County Charter, and the Washington County Community Development Code.

20 SECTION 2

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

- 1 A. Exhibit 1 (1 page) amends the Future Development Areas map (Map A) in
2 Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive
3 Framework Plan for the Urban Area to reflect the FD-10 designation on
4 certain properties in the City of Banks Urban Planning Area;
- 5 B. Exhibit 2 (1 page) amends the Future Development Areas map (Map A) in
6 Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive
7 Framework Plan for the Urban Area to reflect the FD-10 designation on
8 certain properties in the City of Gaston Urban Planning Area;
- 9 C. Exhibit 3 (1 page) amends CDC Section 106 DEFINITIONS;
- 10 D. Exhibit 4 (5 pages) amends CDC Section 201 DEVELOPMENT PERMIT;
- 11 E. Exhibit 5 (1 page) amends CDC Section 215 ENFORCEMENT;
- 12 F. Exhibit 6 (2 pages) amends CDC Section 410-3 Criteria for Approval for
13 GRADING AND DRAINAGE;
- 14 G. Exhibit 7 (1 page) amends CDC Section 300-5 INTRODUCTION;
- 15 H. Exhibit 8 (2 pages) amends CDC Section 408 NEIGHBORHOOD
16 CIRCULATION;
- 17 I. Exhibit 9 (2 pages) amends CDC Section 440 NONCONFORMING USES
18 AND STRUCTURES; and
- 19 J. Exhibit 10 (5 pages) amends CDC Sections 302-3 (R-5 District), 303-3
20 (R-6 District), 304-3 (R-9 District), 305-3 (R-15 District), 306-3 (R-24
21 District), 307-3 (R-25+ District), 308-4 (FD-20 District), 309-4 (FD-10
22

District), 311-3 (Neighborhood Commercial District), 313-4 (Community Business District), and 375-7 (Transit Oriented District).

SECTION 3

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

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427 (2005 Edition).

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect, and any provision of a prior land use ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and again be considered in full force and effect.

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.

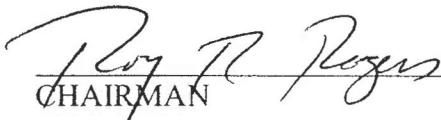
1 SECTION 7

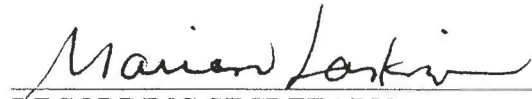
2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 23 day of October, 2007, being the 1st reading
4 and 1st 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 
CHAIRMAN

10 
11 RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First October 23, 2007
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____
18 Sixth _____

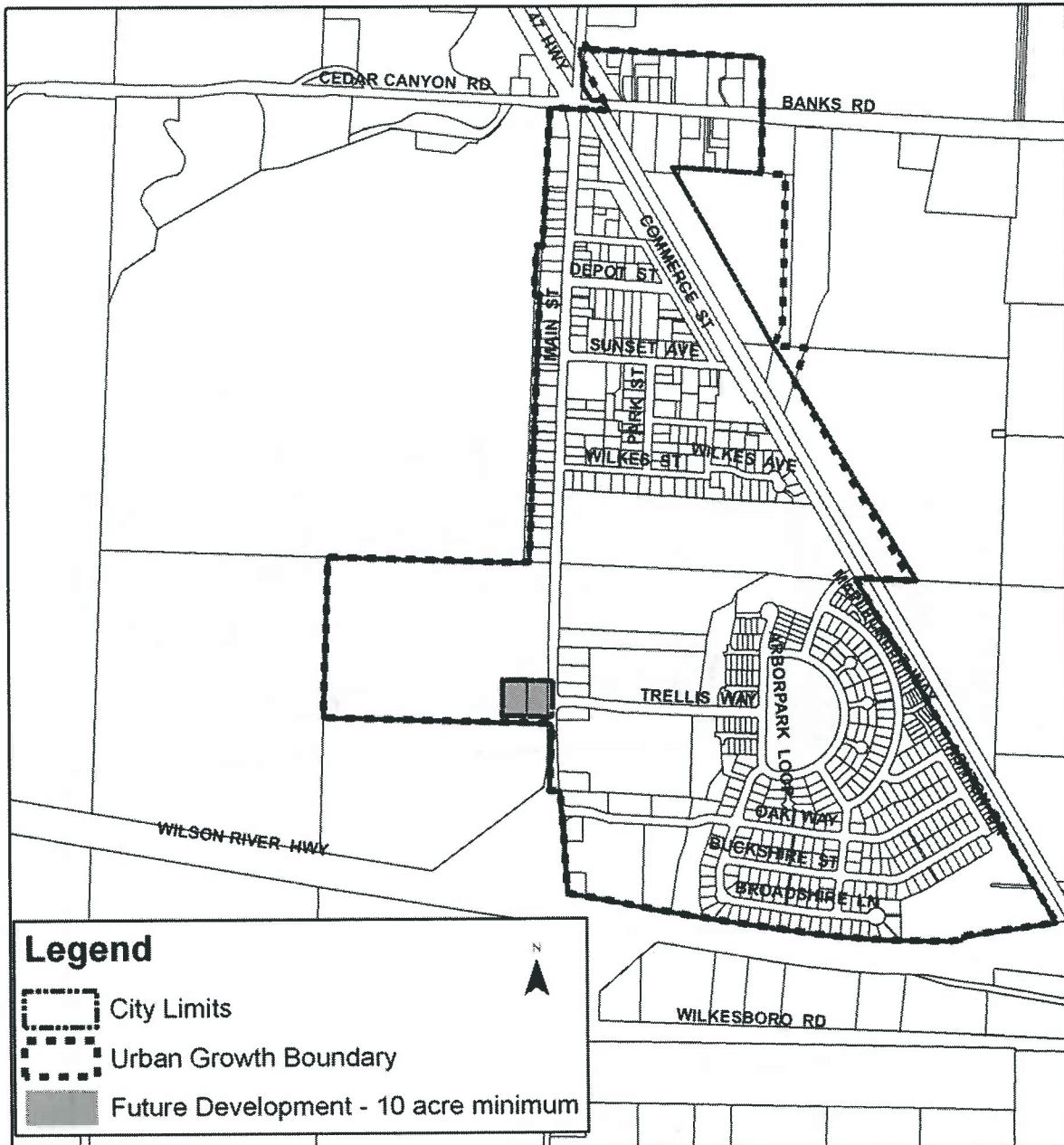
October 23, 2007

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

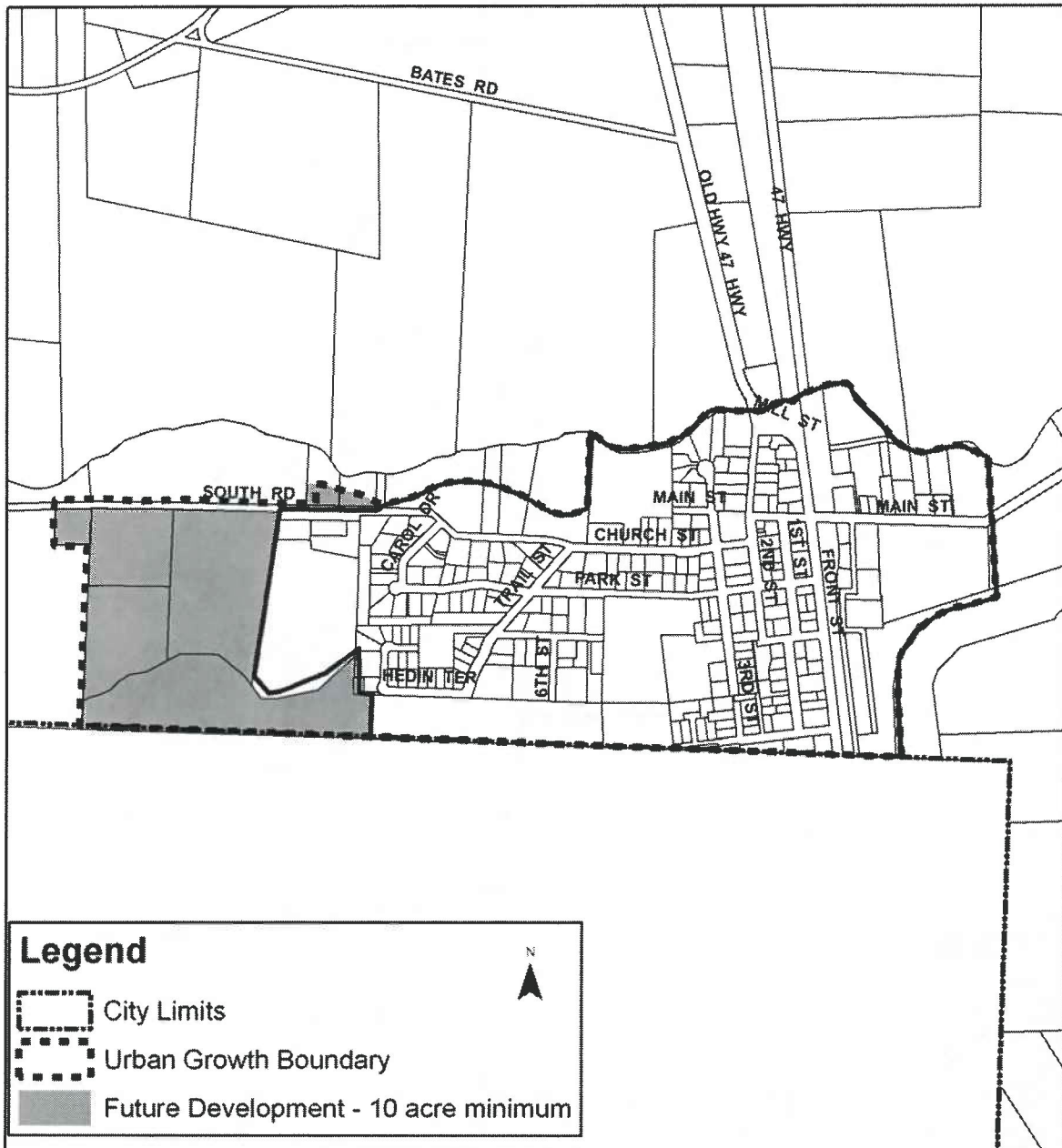
Nay: _____

20 Recording Secretary: Marian Larkin Date: 10-23-07

Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to reflect the FD-10 designation on the following properties in the City of Banks Urban Planning Area:



Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to reflect the FD-10 designation on the following properties in the City of Gaston Urban Planning Area:



Community Development Code Section 106 DEFINITIONS is amended to reflect the following:

106-78 Family Day-Care Provider A day-care (child care) provider who regularly provides day care ~~(child care)~~ in the provider's home in the family living quarters to fewer than ~~thirteen (13)~~ sixteen (16) children (or as specified otherwise by ORS 657A.280), including children of the provider, regardless of full-time or part-time status.

Community Development Code Section 201 DEVELOPMENT PERMIT is amended to reflect the following:

200 INTRODUCTION

This Article establishes the procedures to be used in reviewing and taking action on development proposals.

201 DEVELOPMENT PERMIT

201-1 Permit Required

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Section 106-57, without first obtaining a Development Permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid Development Permit has been issued. Development authorized by a Development Permit shall occur only as approved.

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

- 201-2.1 Landscaping outside the flood plain and not involving a structure or parking lot;
- 201-2.2 Any change or repair to a building or other structure that does not alter or expand the use thereof, and, except as permitted by Section 440-2, does not require a building permit;
- 201-2.3 Erection of a tent for a lawful use not exceeding ten (10) days in any thirty (30) day period;
- 201-2.4 Farm use, except for grading or as provided in Section 201-2.12 as prohibited by Sections 421 and 422 and those specific farm uses specifically prohibited in urban land use districts. For the purposes of Section 201-2.4, "farm use" does not include the boarding or training of horses for profit;
- 201-2.5 An emergency measure necessary for immediate safety of persons or protection of property, except those authorized by Section 702 which are exempt from the requirements of this Code, provided however, that an application for a Development Permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency;

- 201-2.6 Propagation or cutting of trees except as specified in Section 407-3 provided the trees are not designated as a significant natural resource area in an urban Community Plan, designated for preservation through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a flood plain or drainage hazard area;
- 201-2.7 Establishment, construction, maintenance, preservation or termination of local public streets substantially in the public right-of-way together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 421, 422, and 426;
- 201-2.8 Except in the EFU, AF-20 and EFC Districts, establishment, construction, maintenance, preservation or termination of the following authorized public facilities in the public right-of-way directly serving development or as shown on the Transportation Plan or adopted Public Facility Plan, together with piping and culverting and necessary drainage systems and accessory structures and easements: sewer and water lines, electrical and gas distribution lines, telephone and television cable transmission lines. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 416, 421, 422, and 426;
- 201-2.9 Maintenance, preservation or repair of local public streets or private streets, including culverting and piping, accessory drainage systems and necessary accessory structures, within a flood plain or drainage hazard area. Work shall comply with local, state and federal regulatory requirements, including the requirements of Article IV;
- 201-2.10 In the EFU, EFC, AF-20, and MAE Districts only, operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the construction of access roads, subject to the following:
- A. There shall be no work in a flood plain, drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource;
 - B. A permit is obtained from the Department of Geology and Mineral Industries (DOGAMI) prior to commencing work; and
 - C. Access to the site from a public road shall comply with the sight distance standards of Section 501-8.5 E.
- 201-2.11 The following structures accessory to a residential use:
- A. Playground equipment and structures;

- B. Stone or brick barbecues;
- C. Clotheslines;
- D. Treehouses, playhouses and storage sheds less than one-hundred and twenty (120) square feet in area;
- E. Arbors and trellises;
- F. Dog houses totaling no more than fifty (50) square feet;
- G. Hutches for rabbits and other small animals totaling no more than fifty (50) square feet;
- H. Houses for wild or domestic birds totaling no more than fifty (50) square feet;
- I. Basketball hoops, tetherball poles and other permanently mounted sports equipment;
- J. Above-ground swimming pools, hot tubs and spas with no permanent plumbing or electrical connections.

Such uses shall not be located in a required front or street side yard and shall be set back at least three (3) feet from a side (except a street side yard) or rear property line. Such uses, except uses authorized by Section 201-2.11 D., may be placed at a side or rear property line if a sight-obscuring fence at least six (6) feet in height is located along the property line. No portion of the structure shall extend over the property line. The maximum allowed height is fifteen (15) feet.

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:

- A. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid Development or Building Permit;
- B. Cemetery graves;
- C. Excavations for wells, tunnels or utilities;
- D. Excavations or fills for public projects conducted by or under contract of the County;
- E. Exploratory excavations affecting or disturbing areas less than six thousand (6,000) square feet in size, under the direction of soil engineers or engineering geologists;

F. Access roads developed to support forest-related activities, agricultural crop production or grazing activities, where the roads:

- (1) Are located on property used for an interim agricultural or forest use;
- (2) Are solely for providing access to water supplies, equipment or supply storage areas, livestock grazing areas, producing fields or orchards, or fence lines;
- (3) Do not create a cut or fill greater than three (3) feet in height visible from a public road;
- (4) Are sixteen (16) feet or less in width;
- (5) Do not divert drainage onto or cause increased erosion on adjacent properties; and
- (6) Do not discharge or threaten to discharge silt onto adjacent properties or into streams shown on the latest USGS seven and one-half (7-½) minute topographic quadrangle map;

G. ~~Customarily accepted agricultural activities~~ Accepted farm practices, as defined in ORS 215.203, such as including preparation of land for cultivation, and other than not including grading for roadwork or pads for structures. These activities 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 (Agricultural Water Quality Management Program);

(7) ~~Grading area is returned to farm use within one calendar year of commencing site grading~~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 (5,000) cubic yards;

(9) Charging a fee to place fill is not allowed.

H. Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, NRCS, and/or the Washington County Soil and Water Conservation District (SWCD), or a Water Quality Farm Plan approved by SWCD for a Container Nursery;

I. An excavation which is less than two (2) feet in depth, or which does not create a cut slope greater than five (5) feet in height and steeper than one and one half (1-1/2) horizontal to one (1) vertical;

J. Imported fill which does not exceed one-hundred-fifty (150) cubic yards on any one (1) lot or parcel placed, in a single year, on natural terrain and does not obstruct a drainage course, and where the fill will be:

(1) Less than one (1) foot in depth and placed on natural slope flatter than five (5) horizontal to one (1) vertical; or

(2) Less than three (3) feet in depth when not intended to support structures.

K. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary, in accordance with Section 430-105.6; and

L. Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above-ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.

M. Farm related pipes, including but not limited to irrigation and drainage pipes, and necessary accessory structures, such as pumps.

201-2.13 Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration or replacement of a nonconforming use shall require a Development Permit as provided in Section 440.

Community Development Code Section 215 ENFORCEMENT is amended to reflect the following:

215 ENFORCEMENT

215-1 No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of this Code, or ~~the~~any other applicable ~~Community~~element of the Comprehensive Plan.

215-2 Maximum fines upon conviction are as follows:

215-2.1 \$1,000 per offense for intentional violations;

215-2.2 \$250 per offense for all others;

215-2.3 Each day of violation shall constitute a separate offense.

215-3 Justice, ~~District~~ and Circuit Courts shall have jurisdiction over prosecutions under this Code as provided by Law.

215-4 The fines provided for in this Section are in addition to and not in lieu of any other remedy provided by law, including, but not limited to denial or revocation of a Development Permit, injunction, mandamus, abatement or civil damages as provided by State law.

215-5 No building or ~~d~~Development permit shall be issued unless it has first been determined whether there are existing violations on the property. that such building or structure, as proposed, and the land upon which it is proposed to be located, complies with all applicable provisions of this Code, with approved site plans, and with conditions of approval, or is exempt therefrom. Where there is an existing violation, the building or Development Permit may be denied or approved with conditions addressing any existing violation on the property. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

Community Development Code Section 410-3 Criteria for Approval for GRADING AND DRAINAGE is amended to reflect the following:

410-3 Criteria for Approval

A grading permit, which shall apply only to the area of the site where construction, grading, cut or fill is proposed, may be issued only after the Review Authority finds:

410-3.1 The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;

410-3.2 Proposed grading will not cause erosion to any greater extent than would occur in the absence of the proposed development or result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property; and

410-3.3 Appropriate siting and design safeguards shall ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions:

- A. Seasonal, perched, high or apparent water table;
- B. High shrink-swell capability;
- C. Low bearing strength such as compressible organic; or
- D. Shallow depth-to-bedrock.

410-3.4 Revegetation:

Where ~~natural~~ previously undisturbed vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed.

A. Preparation for Revegetation:

In preparation for grading and construction, top soil removed from the first ~~surface~~ twelve (12) inches shall be stored on or near the sites and protected from erosion while grading operations are underway. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting. This does not require that the property have sufficient topsoil to revegetate the site after grading, only that the topsoil that is removed be reused for revegetation.

B. Methods of Revegetation:

Acceptable permanent or temporary vegetation measures appropriate for the site and soil drainage conditions shall be seeded and fertilized by September 1st of each year. Establishment or green growth should take place by October 1st of each year, but is dependent upon suitable fall moisture. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Review Authority. Plant materials are to be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to be used to reduce irrigation demands.

410-3.5 Final Contours:

Contours, elevations and shapes of finished surfaces are to be blended with adjacent terrain consistent with land use and surface water management requirements to achieve a consistent grade and transition to the adjacent properties. Tops of cut slopes and bottoms of fills are to be rounded off to a minimum radius of five (5) feet to blend with the natural terrain. This section is not applicable to retaining walls.

410-3.6 Except for permitted piping and culverting, the proposed grading protects and preserves existing natural drainage channels. For the purposes of Section 410-3.6, an existing natural drainage channel is a natural drainage channel that carries more than a de minimis amount of runoff;

410-3.7 The proposed grading will preserve the functioning of off-site drainage courses or bodies of water. When examining off-site drainage courses or bodies of water, a natural resource assessment is not required.

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 340-41-345(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.

410-3.9 Clean Fill Sites:

- A. Sites approved for more than 5,000 CY shall have direct access to a collector or arterial road;
- B. Each phase of the operation shall be reclaimed within one (1) year after fill activities cease on any segment of the project area.

Community Development Code Section 300-5, INTRODUCTION, is amended to specify applicability of lower minimum density standards, as follows:

300-5 Development at Lower than Minimum Density

300-5.1 Applicability:

The Review Authority may approve development at less than the required minimum density when the following standards are met:

- A. The site was located within the Portland Metropolitan Area Urban Growth Boundary on or before January 1, 2002;
- AB. The site contains lands identified by Metro as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map;
- BC. The Regionally Significant Fish & Wildlife Habitat area is protected by compliance with Sections 405-4 and 405-5;
- CD. The proposed reduction in density associated with the protected portion of the site shall not exceed the protected area's proportional share of the overall site density. (For example, on a one-acre site with a minimum density of eight (8) units per acre, a one-quarter (1/4)-acre protected area would yield a maximum density reduction of two (2) units, resulting in six (6) units on the remainder of the site); and
- DE. Prior to final approval, the applicant submits evidence of having provided notice to Metro stating:
 - (1) the map and tax lot number(s) of the lot(s) or parcel(s) subject to the density reduction;
 - (2) the acreage of the Regionally Significant Fish & Wildlife Habitat area being protected; and
 - (3) the number of units (net reduction) below the normally required minimum.

Community Development Code Section 408 NEIGHBORHOOD CIRCULATION is amended to reflect the following:

408-6 Review Standards for Development on Lands Designated in the Community Plan Local Street Connectivity Maps

The following review standards shall apply to lands designated on a Community Plan's Local Street Connectivity Map and shall be used to: 1) meet Metro's street connectivity requirements; 2) provide a generally direct and uncircuitous pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and 3) ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of this section.

- 408-6.1 In the event of a conflict between the standards in Section 408-6 and Local Street Connectivity maps element or specific Town Center or LRT Station Community Plan elements, the more specific Community Plan elements shall control.
- 408-6.2 For residential, office, retail, and institutional development, on-site streets shall be provided which meet the following:
- A. Block lengths for local streets and collectors shall not exceed 530 feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-6.2 F., 408-6.4, 408-6.5 or 408-7 are met.
 - B. The total length of a perimeter of a block for local and collector streets shall not exceed eighteen hundred (1,800) feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 408-6.2 F., 408-6.4, 408-6.5 or 408-7 are met.
 - C. Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impracticable due to the provisions of Section 408-6.2 F., or application of Sections 408-6.4, 408-6.5 or 408-7.
 - D. Streets shall connect to all existing or approved stub streets which abut the development site.
 - E. When cul-de-sacs are allowed, they shall be limited to two hundred (200) feet and no more than twenty five (25) dwelling units unless impracticable.
 - F. The Review Authority may modify the review standards of Section 408-6.2 A., B., or C. above based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to the following:

- (1) Topography, although grades that may be too steep for a street are not necessarily too steep for an accessway;
- (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;
- (3) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
- (4) Abutting undeveloped or underdeveloped property is not designated with an urban residential district, a transit oriented district, FD-10, FD-20 or an urban reserve area;
- (5) Arterial access restrictions; or
- (6) Railroads.

Community Development Code Section 440 NONCONFORMING USES AND STRUCTURES is amended to reflect the following:

440-5 Restoration or Replacement of a Nonconforming Use or Structure Made Necessary by Fire, Other Casualty or Natural Disaster

The following nonconforming uses or structures may be replaced or restored through either a Type I or a Type II procedure when the replacement or restoration is made necessary by fire, other casualty or natural disaster when in conformance with the following standards.

Restoration or replacement shall begin within one (1) year from the occurrence of the fire, casualty or natural disaster.

440-5.1 Restoration or Replacement Permitted Through a Type I Procedure

A nonconforming single family dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts when the following standards are met:

- A. The applicant demonstrates the dwelling was lawfully established on or after April 6, 1959 by submitting the following information:
 1. A development application approval for the dwelling issued on or after April 6, 1959;
 2. A building permit for the dwelling issued on or after April 6, 1959; or
 3. A certificate of zoning compliance for the dwelling issued on or after April 6, 1959; or
- B. The applicant demonstrates the dwelling was lawfully established by providing documentation from the Department of Assessment and Taxation that the dwelling was established prior to April 6, 1959;
- C. The applicant provides a letter from an insurance company stating that the loss is covered by a valid homeowner's insurance policy (at the time of fire, other casualty or natural disaster) for at least eighty (80) percent of the replacement cost;
- D. In the EFC District, the replacement dwelling meets the standards in Section 428-3 (forest structure siting and fire safety standards for dwellings reviewed through a Type I procedure).

440-5.2 Restoration or Replacement Permitted Through a Type II Procedure

- A. A nonconforming single dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts.
- B. A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings may be replaced or restored regardless of the extent of damage or destruction provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- C. A structure or use that is nonconforming as a result of the dimensional standards of the district or the standards of Article IV, may be repaired or replaced if damaged or destroyed, provided that the repair or replacement conforms as much as practicable to those standards.
- D. If a nonconforming use or structure, except as permitted by Section 440-5.1, or Section 440-5.2 A., B. or C. is damaged or destroyed by fire or other casualty or natural disaster to an extent not exceeding seventy (70) percent in value based on an insurance appraisal, the use may be replaced or restored. The Review Authority shall make findings that the restoration or replacement will have no greater adverse impact on the neighborhood than the use and improvements had before the damage or destruction occurred.
- E. If a nonconforming use or structure, except as permitted by Section 440-5.1, or Section 440-5.2 A., B., or C. is damaged or destroyed by fire or other casualty or natural disaster to an extent exceeding seventy (70) percent in value based upon an insurance appraisal, the nonconforming use or structure shall not be replaced or restored.

The following sections of the Community Development Code are amended for consistency from Day Care Center to Day Care Facility:

1. Section 302-3 Uses Permitted Through a Type II Procedure (R-5 District)

302-3.9 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care ~~center~~facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

2. Section 303-3 Uses Permitted Through a Type II Procedure (R-6 District)

303-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care ~~center~~facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

3. Section 304-3 Uses Permitted Through a Type II Procedure (R-9 District)

304-3.13 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care center ~~center~~ facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

4. Section 305-3 Uses Permitted Through a Type II Procedure (R-15 District)

305-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care center ~~center~~ facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

5. Section 306-3 Uses Permitted Through a Type II Procedure (R-24 District)

306-3.12 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care center ~~center~~ facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

6. Section 307-3 Uses Permitted Through a Type II Procedure (R-25+ District)

307-3.12 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care center ~~center~~ facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

7. Section 308-4 Uses Which May Be Permitted Through a Type III Procedure (FD-20 District)

308-4.7 Day Care Center ~~Center~~ Facility- Section 430-53.2.

8. Section 309-4 Uses Which May Be Permitted Through a Type III Procedure (FD-10 District)

309-4.7 Day Care ~~Center~~Facility- Section 430-53.2.

9. Section 311-3 Uses Permitted Through a Type II Procedure (Neighborhood Commercial District)

311-3.7 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care ~~center~~facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

10. Section 313-4 Uses Which May be Permitted Through a Type III Procedure (Community Business District)

313-4.6 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care ~~center~~facility- Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

11. Section 375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

22. Accessory recreation uses are accessory and incidental to a residential development and provided for the service and convenience of the residents of the development. Accessory recreation uses to a residential development include the following facilities:

- (1) Clubhouse;
- (2) Meeting hall;
- (3) Day care ~~center~~facility- Section 430-53.2;
- (4) Recreation center;
- (5) Gymnasium; and
- (6) Indoor swimming pool.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 669

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 669 proposes to amend the Comprehensive Framework Plan for the Urban Area and the Community Development Code Elements of the Comprehensive Plan relating to housekeeping and general update amendments.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan. Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 669. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 669 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 07-176

Agenda Item No.	<u>5.a.</u>
Date:	<u>10/23/07</u>

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 669) No. 07-176

This matter having come before the Washington County Board of Commissioners at its meeting of October 23, 2007; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 669; 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 19, 2007, 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 audio tapes of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 669 are hereby adopted.

DATED this 23 day of October, 2007.

BRIAN
SCHOUTEN
STRADER
ROGERS

	AYE	NAY	ABSENT
BRIAN			
SCHOUTEN	✓		
STRADER	✓		
ROGERS	✓		
DEFORM	✓		

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

APPROVED AS TO FORM:

Chairman

County Counsel
For Washington County, Oregon

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 669 AN ORDINANCE RELATING TO HOUSEKEEPING AND GENERAL UPDATE CHANGES TO THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA AND THE COMMUNITY DEVELOPMENT CODE ELEMENTS OF THE COMPREHENSIVE PLAN

October 23, 2007

GENERAL FINDINGS

Ordinance No. 669 amends the Comprehensive Framework Plan for the Urban Area (CFP) and the Community Development Code (CDC) relating to housekeeping and general update amendments.

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 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.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 669 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metros' Urban Growth Management Functional Plan, and the Washington County Comprehensive Plan.

Goal 1 - Citizen Involvement

CONCLUSION

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 this ordinance. Plan compliance with Goal 1 is

maintained by implementing these citizen involvement options. This conclusion is supported by the following facts:

FACTS

1. Washington County's Citizen Participation Policy is outlined in Resolution and Order 86-58 and in Chapter X of the Washington County Charter.
2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, town hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPOs).
3. Ordinance 669 has been adopted in compliance with the acknowledged citizen participation policies of the County outlined in R & O 86-58 and in Chapter X of the Charter. Citizen participation efforts include conducting public hearings before the Planning Commission and the Board of County Commissioners, providing for CPO involvement as well as general public participation in the process via public notifications.
4. The Planning Commission held a public hearing for this ordinance on September 19, 2007. This hearing resulted in a recommendation for adoption of Ordinance No. 669 to the Board of Commissioners. The Board of Commissioners held a public hearing on the ordinance on October 23, 2007 and voted to adopt Ordinance No 669.
5. Proposed Ordinance No. 669 and an accompanying summary were mailed on August 6, 2007 to the CPOs and CCI. Also on August 6, 2007, notice of the ordinance was mailed to special service districts and cities in Washington County and other interested parties. Additionally, notice of the proposed ordinance and copies of the ordinance were mailed to Department of Land Conservation and Development (DLCD) on August 3, 2007.
6. A copy of the proposed ordinance was made available for review at the Cedar Mill Library and the Tigard Public Library. Copies of the ordinance were also available for review in the office of the Department of Land Use and Transportation and on the county's website.
7. Chapter X of the County Charter requires that a display ad be published in local newspapers at least 14 days prior to the first hearing. Display ads for Ordinance No. 669 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on August 30, 2007 and *The Hillsboro Argus* on August 31, 2007.
8. Chapter X of the County Charter requires that individual notice for the initial public hearings on the ordinance be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. Notice for Ordinance No. 669 was mailed to the 478 persons that requested such notice on September 5, 2007.

Goal 2, Land Use Planning

CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and 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. Washington County utilized this process to adopt this ordinance.

The amendments that were made to the Community Development Code by this Ordinance are consistent with the parameters set forth in the acknowledged Comprehensive Framework Plan for the Urban Area - Policy 1, Implementing Strategy (d); and the Rural/Natural Resource Plan - Policy 1, Implementing Strategy (d). Plan compliance with Goal 2 is maintained by implementing these two strategies. This conclusion is supported by the following facts:

FACTS

1. The acknowledged Comprehensive Framework Plan for the Urban Area and Rural/Natural Resource Plan both require that legislative Plan and Code amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X, Section 100(d) of the County Charter defines “land use ordinances” to include any ordinance that amends a comprehensive plan. Ordinance No. 669 amends the county’s Comprehensive Framework Plan for the Urban Area and the Community Development Code, which are elements of the county’s Comprehensive Plan. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.
3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met August 23, 2007 to draft a notice for Ordinance No. 669. The Charter also requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to those persons who have requested notices in writing and paid a fee. This notice was mailed on September 5, 2007.
4. Chapter X requires that a display ad be published in a newspaper of general circulation 14 days prior to the initial Planning Commission hearing, which was held on September 19, 2007. ORS Chapter 215.060 requires the county to provide 14 days advance public notice prior to the first public hearing. Display ads were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on August 30, 2007 and *The Hillsboro Argus* on August 31, 2007.

5. ORS 197.610, OAR 660-018-0020 and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the county's acknowledged comprehensive plan be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 669 was mailed to DLCD on August 3, 2007.
6. At its meeting on February 20, 2007, the Board of County Commissioners authorized the 2007 Planning Division and Land Use Ordinance Work Program, which included the filing of an ordinance to make housekeeping changes. These changes were included in Proposed Ordinance No. 669.

Goal 3 - Agricultural Land

CONCLUSION

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 by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3. This conclusion is supported by the following facts:

FACTS

The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 669 did not amend the applicable Plan policies or CDC standards related to agricultural land resources which impact the county's compliance with Goal 3. Therefore, it is not necessary to make specific findings for Goal 3.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments made by Ordinance No. 669 are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

FACTS

The EFC District is Washington County's acknowledged exclusive forest district. Ordinance No. 669 did not amend the applicable Plan policies or CDC standards related to forest land resources which impact the county's compliance with Goal 4. Therefore, it is not necessary to make specific findings for Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

CONCLUSION

Policies 10, 11 and 12 of the Comprehensive Framework Plan for the Urban Area, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan and various sections of the Community Plans and the Community Development Code include provisions for the protection of Goal 5 resources. In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to Post Acknowledgment Plan Amendments (PAPAs) initiated on or after September 1, 1996 when the PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource or if the PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 site.

Plan compliance with Goal 5 is maintained with amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23. This conclusion is supported by the following facts:

FACTS

1. Ordinance 669 does not amend any Plan policies or strategies relating to Goal 5.
2. Ordinance 669 does amend CDC Section 300-5, Development at Lower than Minimum Density to be in compliance with Title 13 of the Metro Code. Language is added limiting the application of this section to properties that were within the Metro UGB on January 1, 2002.
3. Ordinance 669 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
4. Ordinance 669 does not allow any new uses in any affected land use district and there will consequently be no new uses that conflict with acknowledged Goal 5 resources.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the Comprehensive Framework Plan for the Urban Area and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts:

FACTS

1. The Community Development Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. CDC Section 410 was amended to address recent decisions by the Oregon State Land Use Board of Appeals.
3. Ordinance No. 669 did not amend the applicable Plan policies or CDC standards related to air, water or land resources which impact the county's compliance with Goal 6. Therefore, it is not necessary to make specific findings for Goal 6.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

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. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 669. 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. This conclusion is supported by the following facts:

FACTS

1. The Community Development Code standards relating to natural disasters and hazards are contained in Sections 410 (Grading and Drainage) and 421 (Flood Plain and Drainage Hazard Area Development).
2. Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. CDC Section 410 was amended to address recent decisions by the Oregon State Land Use Board of Appeals.

3. Ordinance No. 669 did not amend the applicable Plan policies and strategies or CDC sections related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

Goal 8 - Recreation Needs

CONCLUSION

Policies 33 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

FACTS

1. The CDC standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-50 and 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks – Type I), 430-97 (Parks – Type II), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. Ordinance No. 669 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 8. Therefore, it is not necessary to make specific findings for Goal 8.

Goal 9 - Economy of the State

CONCLUSION

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 669. 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:

FACTS

1. 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.
2. Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. Future Development Area maps in Policy 41, Urban Growth Boundary Expansions, were amended to reflect the FD-10 designation on certain properties in the City of Banks and City of Gaston Urban Planning Areas which were inadvertently excluded through the Ordinance No. 615.
3. Ordinance No. 669 makes various housekeeping amendments to the CDC to improve implementation of standards through the development review process. Section 106-78 of the CDC is amended to reflect the current number of children allowed by state statute ORS 657A.280. Sections 201, 215, and 410-3 are amended to address recent decision by the Oregon State Land Use Board of Appeals. Language is added to limit the application of Section 300-5 to properties that were within the Metro UGB on January 1, 2002. Sections 408-6 and 440-5 are amended to include the FD-20 designation. Lastly, several sections of the CDC are amended to reflect name consistency of Day Care Facility.

Goal 10 - Housing

CONCLUSION

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts:

FACTS

Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. Ordinance No. 669 did not amend any Plan policies or strategies relating to Goal 10. Therefore, it is not necessary to make additional findings for Goal 10.

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

FACTS

1. The standards for public facilities and services in the Community Development Code are outlined in Article V (Public Facilities and Services).
2. In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 669 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. Ordinance No. 669 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 11. Therefore, it is not necessary to make specific findings for Goal 11.

Goal 12 - Transportation

CONCLUSION

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR,

implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP). This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 669 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments.
2. Ordinance No. 669 did not amend the applicable Plan policies related to transportation. Therefore, it is not necessary to make specific findings for Goal 12.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts:

FACTS

Ordinance No. 669 did not amend the applicable Plan policies or CDC sections related to energy conservation. Therefore, it is not necessary to make specific findings for Goal 13.

Goal 14 - Urbanization

CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 669. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following facts:

FACTS

Ordinance No. 669 did not amend any Plan policies or strategies or CDC standards relating to Goal 14. Therefore, it is not necessary to make specific findings for Goal 14.

FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 669 (RELATING TO HOUSEKEEPING AND GENERAL UPDATE AMENDMENTS)

Section 3.07.830.A. of Title 8 of the Urban Growth Management Functional Plan (UGMFP) requires that all comprehensive plan changes submitted after February 19, 1997 "...be consistent with this functional plan." The following findings have been prepared to address Titles 1, 2, 3, 4, 6, 8 and 11 of the Functional Plan.

Title 1 - Requirements for Housing and Employment Accommodations

Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.

RESPONSE

Ordinance No. 669 made housekeeping and general update amendments to the Comprehensive Framework Plan for the Urban Area and the CDC. Ordinance No. 669 did not amend any Plan policies or development standards related to Title 1 housing and employment targets.

Title 2 - Regional Parking Policy

To meet state TPR requirements to reduce new parking spaces and vehicle miles traveled in the region, Metro requires limits on the minimum and maximum number of parking spaces.

RESPONSE

Ordinance No. 669 does not modify any standards relating to minimum and maximum number of parking spaces.

Title 3 - Water Quality, Flood Management and Fish/Wildlife Habitat Conservation

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

RESPONSE

Implementation of Title 3 requirements has been completed primarily through the adoption of regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. Ordinance No. 669 amended CDC Section 300-5 (Development at Lower than Minimum Density) by including language limiting the application of this section to properties that were within the Metro UGB on January 1, 2002. This amendment is made to correct an oversight in Ordinance 662. The ordinance does not amend any significant natural resource designations.

Title 4 - Industrial and Other Employment Areas

To improve the region's economic climate, the Plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas.

RESPONSE

Ordinance No. 669 amends the Comprehensive Framework Plan for the Urban Area and the Community Development Code to make various housekeeping and general update amendments. The ordinance does not amend any plan designations that would affect the county's supply of industrial land.

Title 6 - Central City, Regional Centers, Town Centers and Station Communities

Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles.

RESPONSE

Ordinance No. 669 amends various elements of the county's Comprehensive Plan to make housekeeping and general update changes to increase Plan efficiency and implementation. The ordinance does not modify any standards relating to the designation of Title 6 Centers.

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.

RESPONSE

Consistent with Title 8, Metro was sent a copy of Proposed Ordinance No. 669 on August 3, 2007. The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.

Title 11 - Planning For New Urban Areas

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

Ordinance No. 669 amends various elements of the county's Comprehensive Plan to make housekeeping and general update amendments to increase Plan efficiency and implementation. The ordinance does not modify any standards relating to the planning of new urban areas described in Title 11.