



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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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 005-07

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
Amanda Punton, DLCD Natural Resource Specialist
Aisha Willits, Washington County

<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

DATE STAMP	in person ☐ electronic ☐ mailed ☐
	DEPT OF
	OCT 30 2007
	LAND CONSERVATION AND DEVELOPMENT For DLCD Use Only

Jurisdiction: **Washington County**Local file number: **Ordinance No. 686**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: **October 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):
Removes properties from the Rural/Natural Resource Plan that were added to the regional UGB by Metro in 2005. The Future Development 20 Acre (FD-20) designation is applied to the properties through amendments to Policy 41 of the Comprehensive Framework Plan for the Urban Area and East Hillsboro Community Plan. Text amendments are made to the Comprehensive Framework Plan for the Urban Area to clarify the requirements of the Title 11 planning process and to describe three new areas of special concern.

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

Plan map changed from: **Various**to: **FD-20**Zone map changed from: **N/A**to: **N/A**Location: **Near the northern boundaries of Cornelius and Hillsboro**

Specify density:

Previous: **Various**New density: **20 Acre Minimum**Acres involved: **604**

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 ☐ NoDLCD file No. 005-07(16282)

Please list affected state or federal agencies, local governments or special districts: Washington County, City of Hillsboro, City of Cornelius, Metro, ODOT

Local Contact: **Aisha Willits, Senior Planner**
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 – First Reading and Public Hearing – (CPOs 8,
Land Use & Transportation; County Counsel 12C & 13)

Agenda Title: **PROPOSED ORDINANCE NO. 686 – AN ORDINANCE
AMENDING THE RURAL/NATURAL RESOURCE PLAN, THE
COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN
AREA, THE EAST HILLSBORO COMMUNITY PLAN AND THE
COMMUNITY DEVELOPMENT CODE TO IMPLEMENT THE
2005 URBAN GROWTH BOUNDARY EXPANSION**

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

SUMMARY:

Ordinance No. 686 proposes to amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the East Hillsboro Community Plan and the Community Development Code to incorporate changes made to the regional urban growth boundary by Metro. The proposed ordinance removes properties totaling approximately 604 acres from the Rural/Natural Resource Plan and designates the properties Future Development 20 Acre (FD-20) District.

On September 19, 2007, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 686. The staff report will be provided to the Board prior to the hearing and it will be available at the Clerk's desk prior to the hearing.

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.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 686 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 686.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

100-601000

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

AUG - 3 2007

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 686

An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the East Hillsboro Community Plan, and the Community Development Code to Implement the 2005 Metro Urban Growth Boundary Expansion

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

SECTION 1

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

B. 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.

C. The Board recognizes that the East Hillsboro Community Plan was adopted by Ordinance Nos. 278 and 280 and subsequently amended by Ordinance Nos. 349, 420, 480, 532, 551, 588, 610, and 615.

D. The Board recognizes that the Community Development Code ("CDC") Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by

1 way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-
2 341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-
3 423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481,
4 486-489, 504, 506-512, 517-523, 525-526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-
5 577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
6 635, 638, 642, 644, 645, 648, 649, 654, 660-662, 667, 670, 674, 676, 677, and 682.

7 E. Subsequent ongoing planning efforts of the County indicate a need for a general
8 update and housekeeping changes to the Rural/Natural Resource Plan, the Comprehensive
9 Framework Plan for the Urban Area element of the Comprehensive Plan, the East Hillsboro
10 Community Plan, and the Community Development Code in order to implement Metro's Urban
11 Growth Boundary Expansion in 2005 to bring in industrial lands pursuant to Metro Ordinance
12 No.05-1070A. The Board takes note that such changes are necessary to assure consistency with
13 state law and are for the benefit of the residents of Washington County, Oregon.

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

20 G. The Board finds and takes public notice that it is in receipt of all matters and
21 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance
22 complies with the Statewide Planning Goals, and the standards for legislative plan adoption, as set

1 forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter,
2 and the Washington County Community Development Code.

3 SECTION 2

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

- 6 A. Exhibit 1 (2 pages) amends the Rural/Natural Resource Plan by
7 removing certain areas;
- 8 B. Exhibit 2 (2 pages) amends the Future Development Areas map
9 (Map A) in Policy 41 (Urban Growth Boundary Expansions) of
10 the Comprehensive Framework Plan for the Urban Area to
11 apply the FD-20 designation to certain areas;
- 12 C. Exhibit 3 (2 pages) amends the Goal 5 Resources for Future
13 Development Areas map (Map B) in Policy 41 (Urban Growth
14 Boundary Expansions) of the Comprehensive Framework Plan
15 for the Urban Area to apply the Goal 5 Resource designations
16 identified in the Rural/Natural Resources Plan to certain areas;
- 17 D. Exhibit 4 (1 page) amends the Future Development Areas
18 Detailed Areas map (Map C) in Policy 41 (Urban Growth
19 Boundary Expansions) of the Comprehensive Framework Plan
20 for the Urban Area to apply Areas of Special Concern (ASC) to
21 certain areas;
- 22 E. Exhibit 5 (5 pages) amends Implementing Strategy d. of Policy
41 of the Comprehensive Framework Plan for the Urban Area
to add an Area of Special Concern;
- F. Exhibit 6 (5 pages) amends the East Hillsboro Community Plan
to: (1) include a new area and designate it as the ““Evergreen”
subarea on the Washington County Subareas Map, (2) amend
the Washington County Areas of Special Concern Map to add
two new areas of special concern, (3) include a new area on
the Washington County Land Use Districts Map, add an FD-20
designation to the map, and apply the FD-20 designation to that
new area, (4) include a new area on the Significant Natural
and Cultural Resources Map and apply the Goal 5 Resource

designations, and (5) amend the Washington County Parking Maximum Designations Map to include the new area; and

G. Exhibit 7 (2 pages) amends the East Hillsboro Community Plan to add descriptions for the new "Evergreen Road Subarea" and Areas of Special Concern 6 and 7.

H. Exhibit 8 (6 pages) amends the Community Development Code to modify the uses allowed within the Future Development 20 Acre (FD-20).

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.

SECTION 7

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

ENACTED this 23 day of October, 2007, being the 1st reading and 1st public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED

Roy R. Rogers
CHAIRMAN

Marian Larkin
RECORDING SECRETARY

READING

PUBLIC HEARING

First October 23, 2007

October 23, 2007

Second _____

Third _____

Fourth _____

Fifth _____

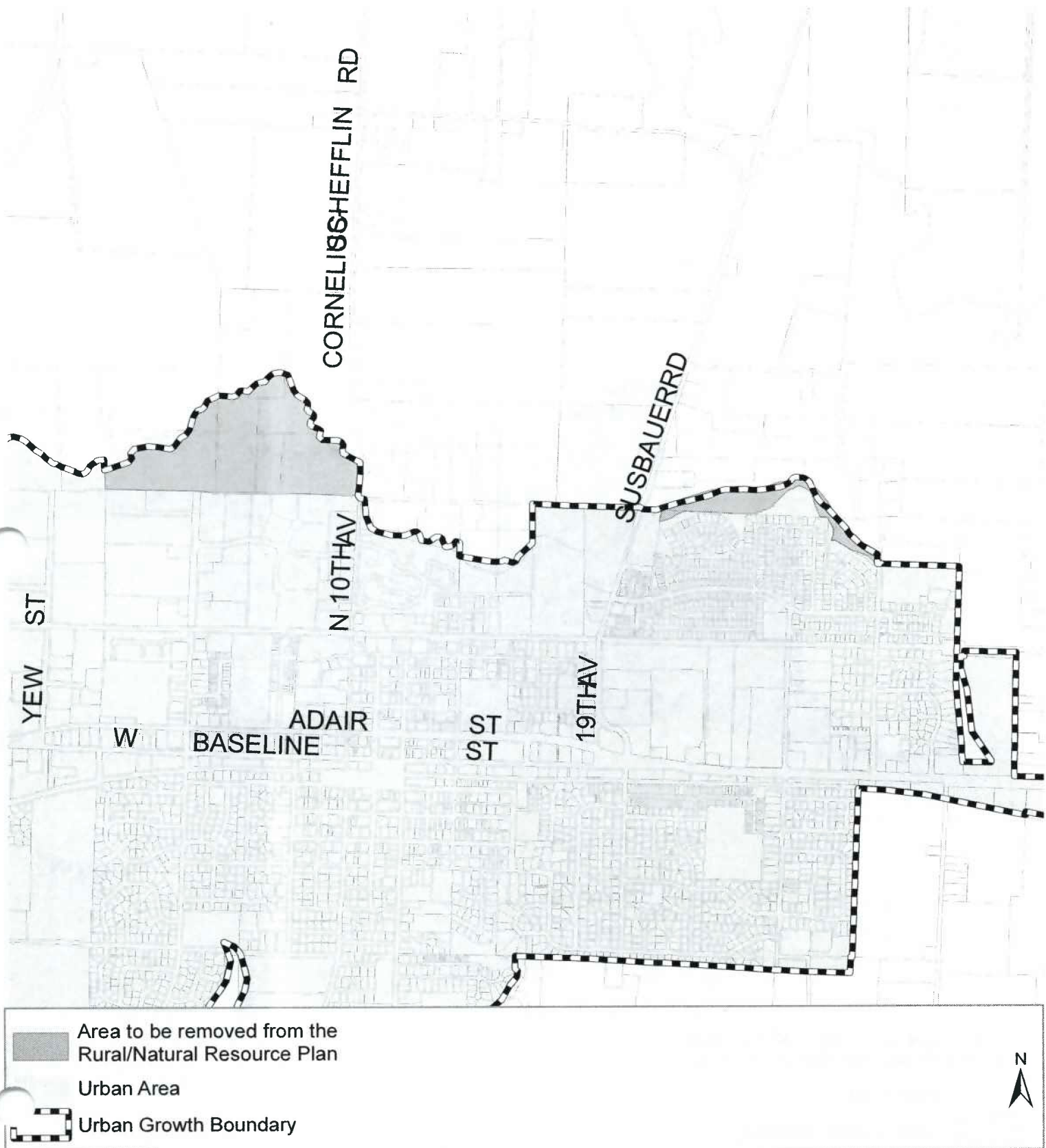
Sixth _____

VOTE: Aye: Rogers, Duyck, Strader,
Schouten

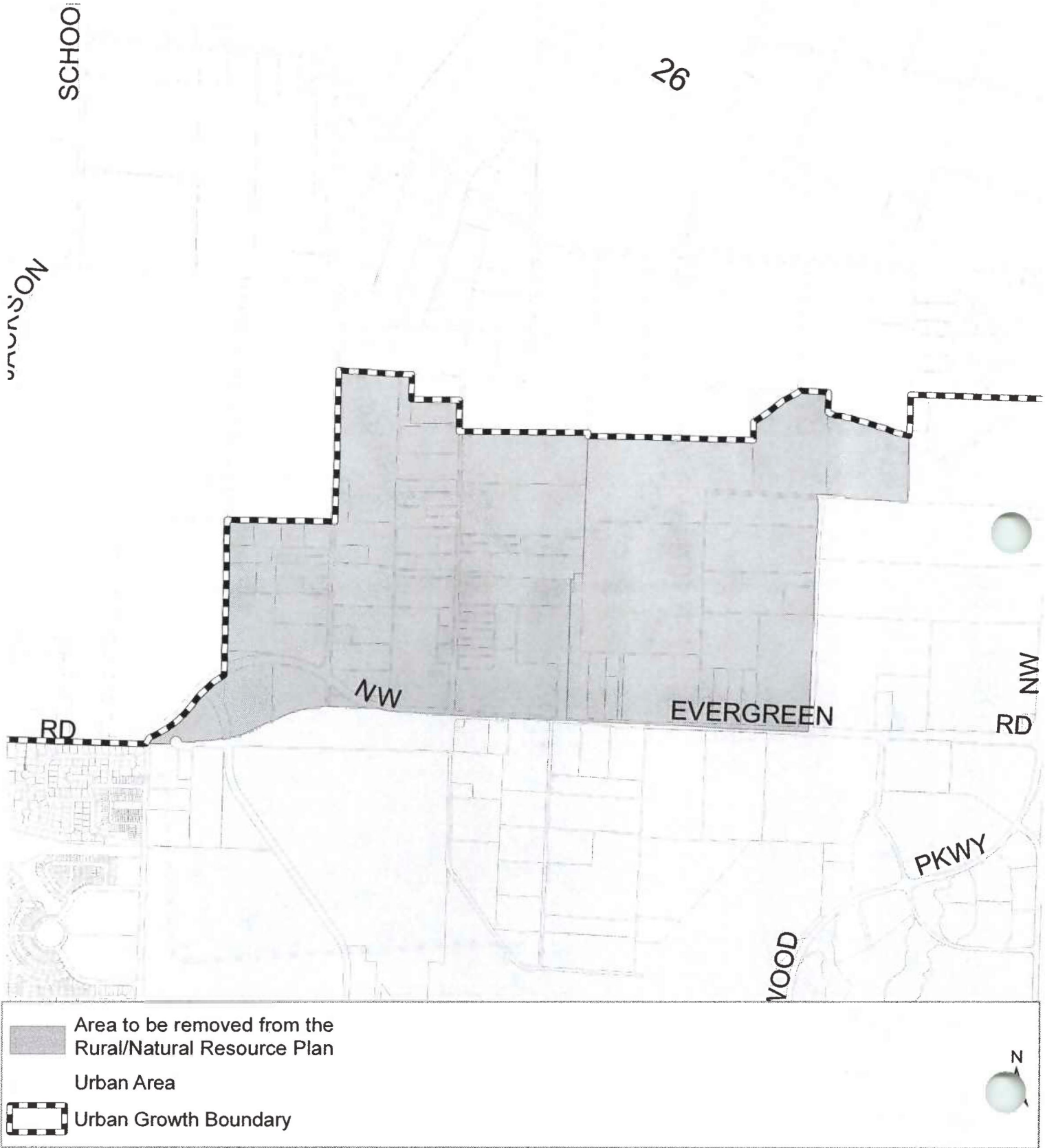
Nay: _____

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

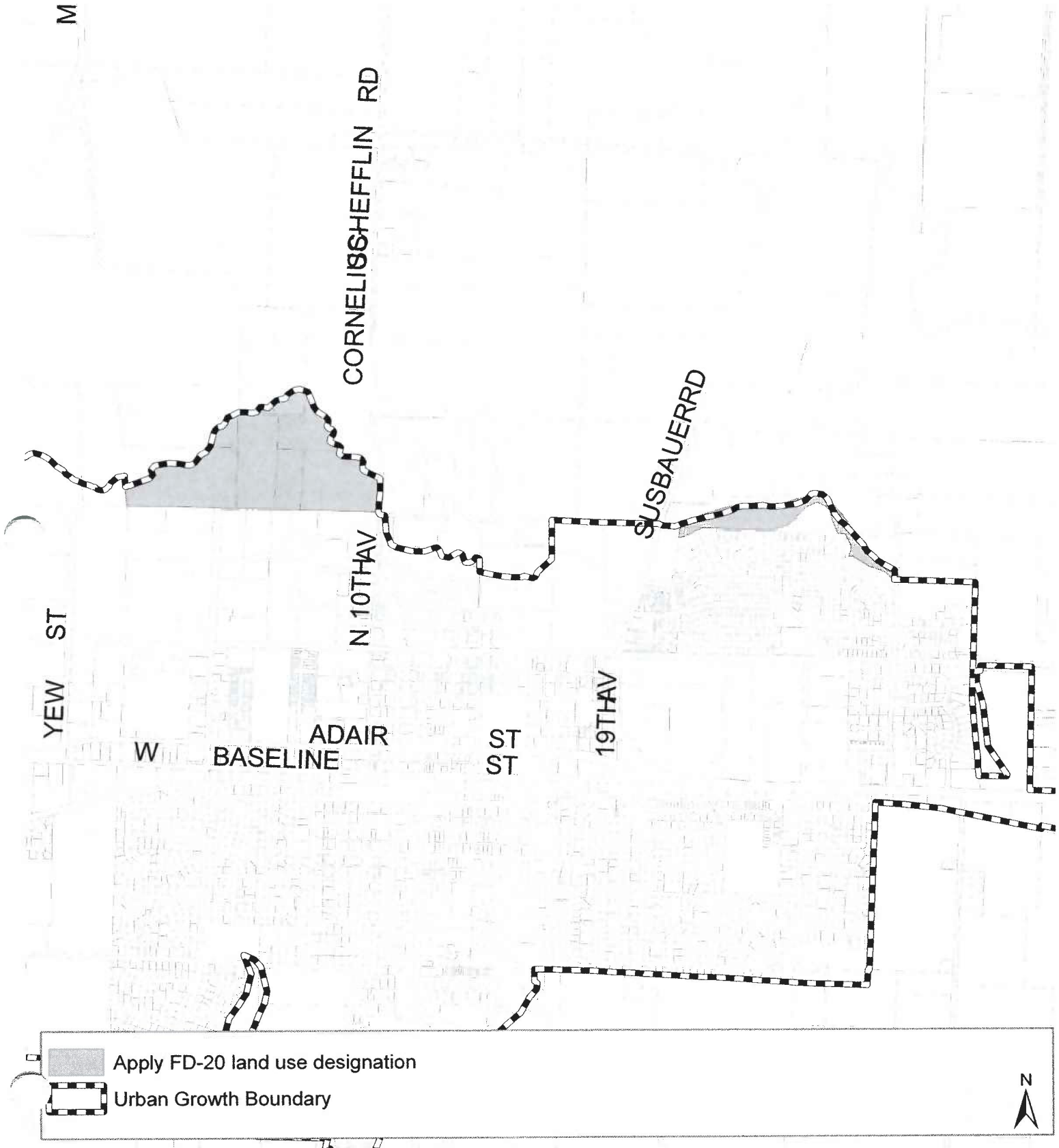
The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



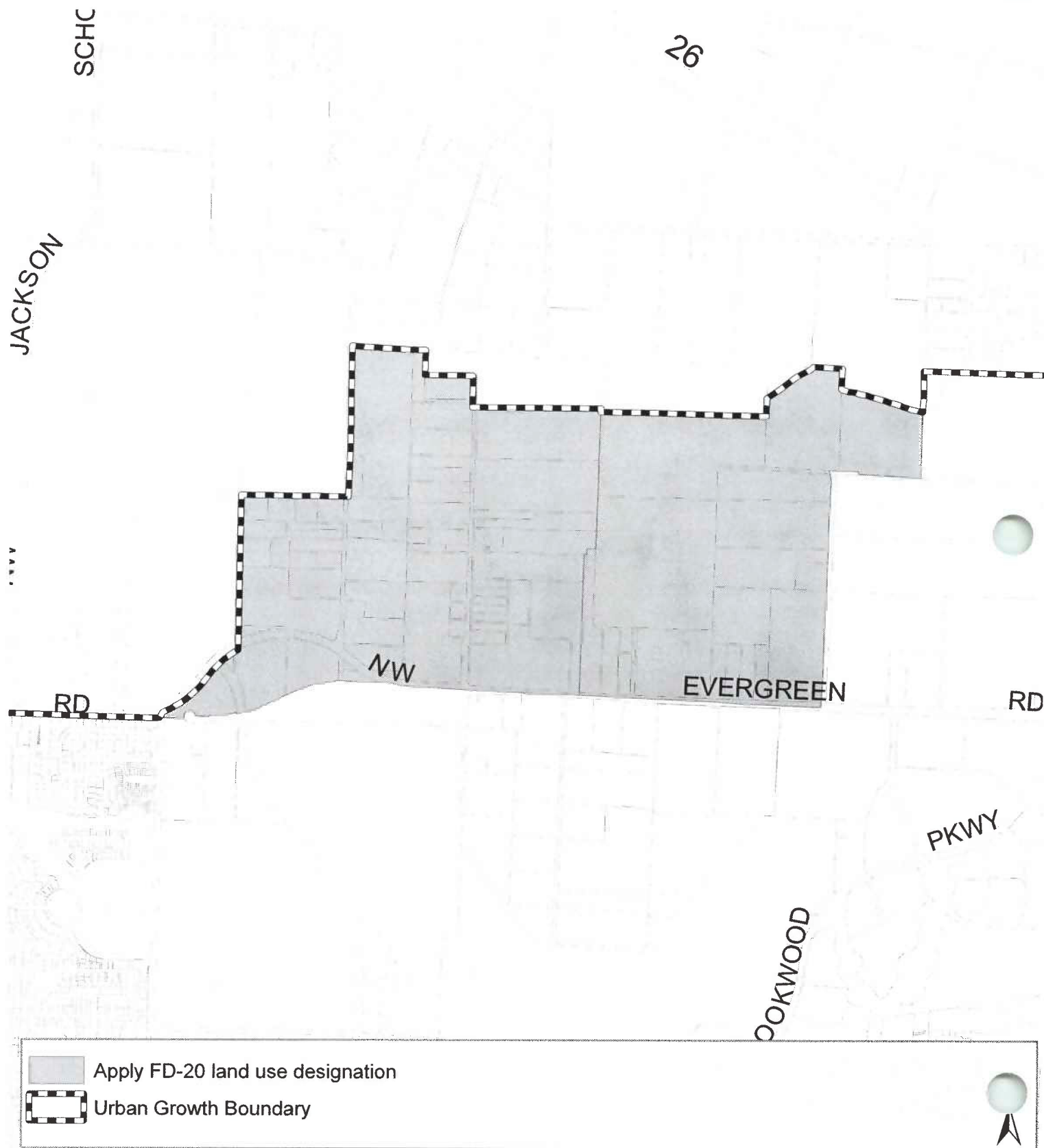
The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



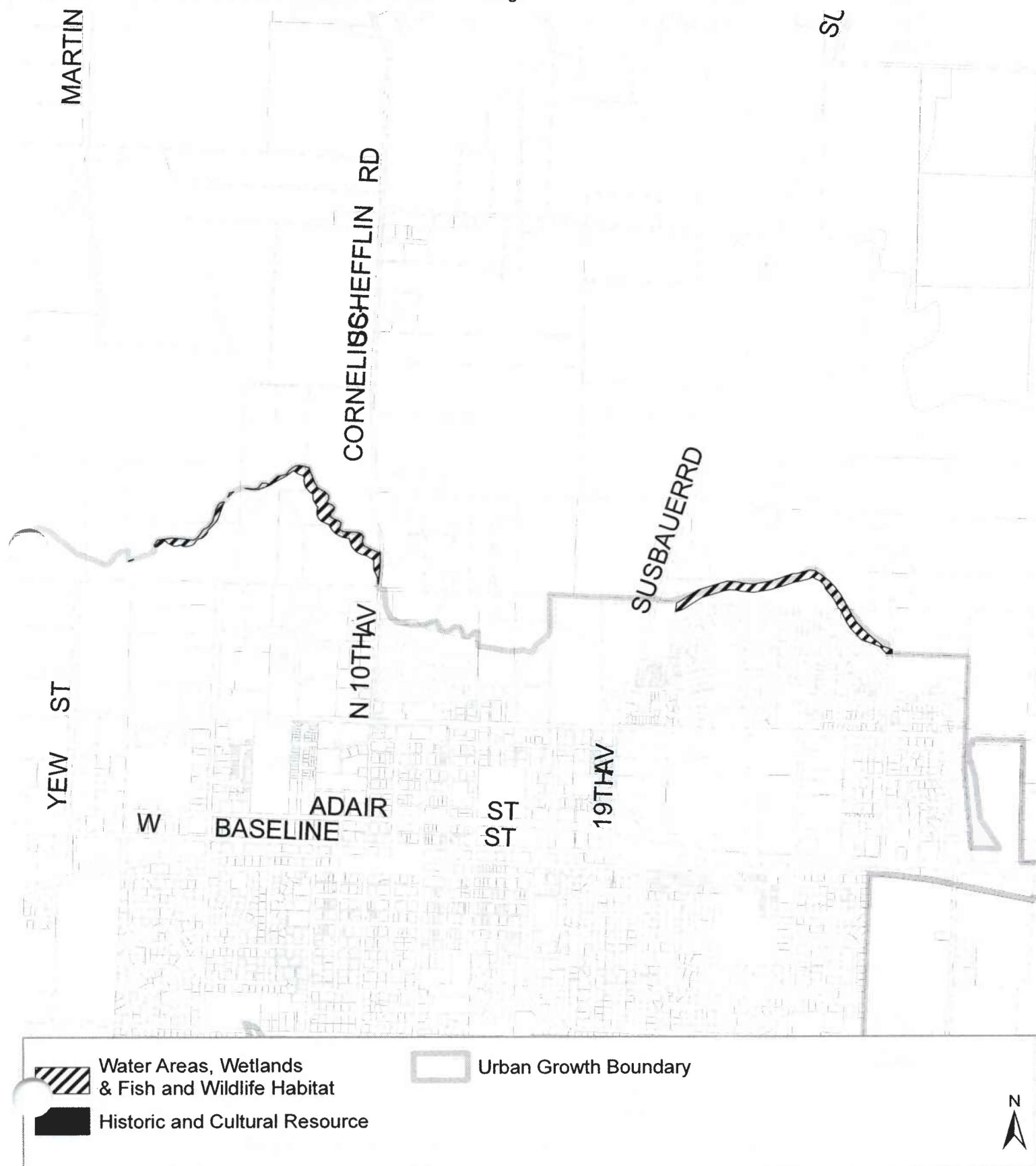
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



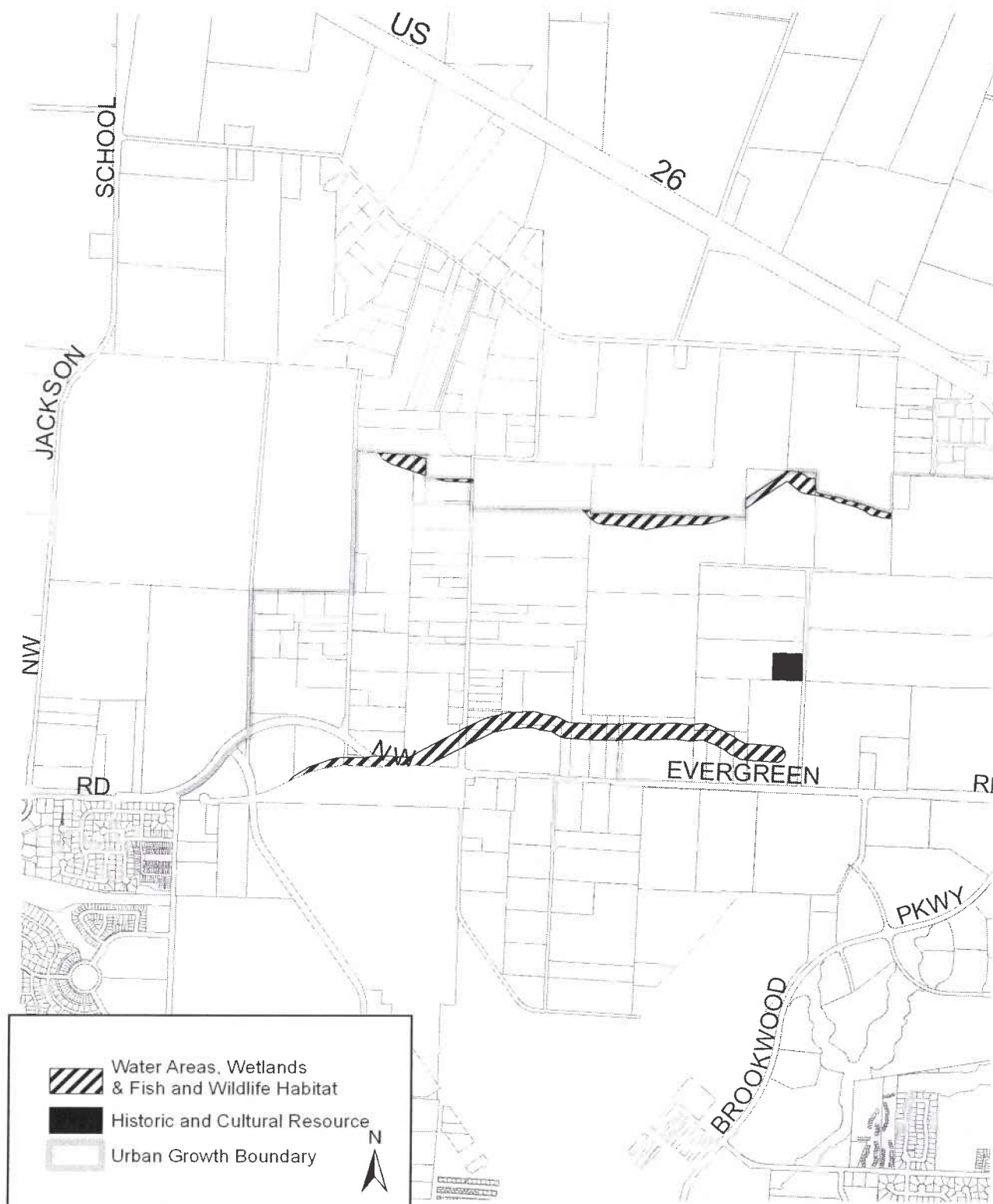
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



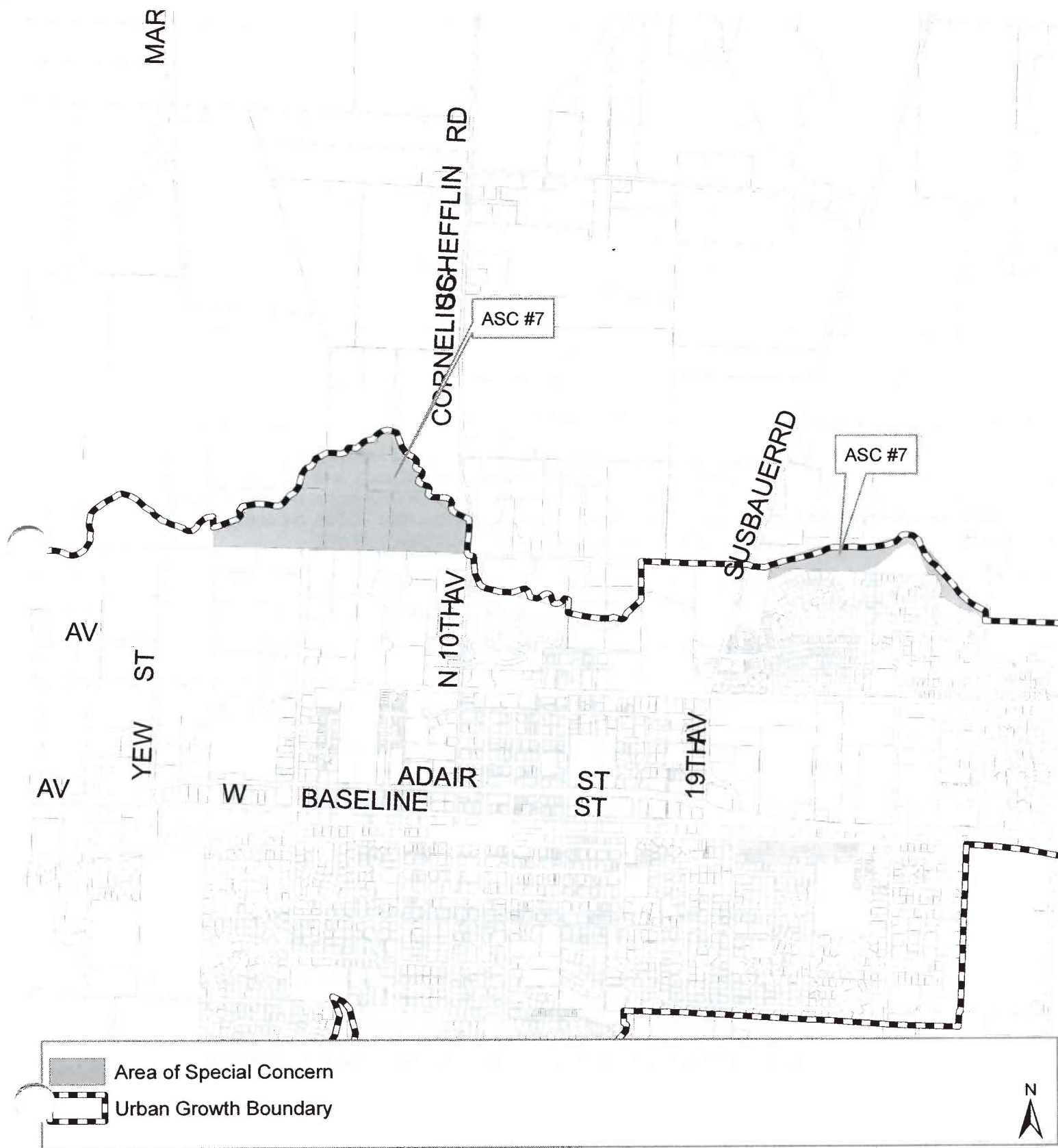
Amend the Goal 5 Resources for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



Amend the Goal 5 Resources for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



Amend the Future Development Areas Detailed Areas map (Map C) in Policy 41 (Urban Growth Boundary Expansions) the Comprehensive Framework Plan for the Urban Area to apply Areas of Special Concern (ASC) to the following areas:



Implementing Strategy d. of Policy 41 of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

d. Apply the following Areas of Special Concern to the Future Development Areas Map:

1. Area of Special Concern 1 is comprised of approximately 60 acres of land located west of Highway 47 and north of Hartford Drive. The property included in this Area of Special Concern is illustrated on the Future Development Areas Map (Map A). This property was added to the UGB by Metro Ordinance 02-985A in December 2002.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

- a) No urbanization may occur in this area until the alignment of the David Hill Extension with the Highway 47 bypass is determined and adopted as part of the City of Forest Grove's Transportation Plan.
- b) New commercial retail uses are prohibited.

2. Area of Special Concern 2 is comprised of approximately 252 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties included in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-990A in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

- a) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.

~~This site is designated as a Regionally Significant Industrial Area by Metro.~~

- b) Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan. ~~the following provisions:~~
 - 1) ~~Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.~~
 - 2) ~~Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.~~
 - 3) ~~Lots or parcels larger than 50 acres, including those established pursuant to 2) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.~~

~~Notwithstanding 2) and 3), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:~~

- ~~a) Provide public facilities and services;~~
- ~~b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;~~
- ~~c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or~~
- ~~d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.~~
- ~~e) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.~~

3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

~~a)~~

~~This site is designated as a Regionally Significant Industrial Area by Metro.~~

Ba) Future lot/parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

~~eb)~~ New commercial retail uses are prohibited.

4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted June 24, 2004) and were designated as Industrial land by Metro's 2040 Growth Concept Plan.

~~a)~~ Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

b) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.
- 3) Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.
- 1) ~~The general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan, shall be incorporated into any Title 11 planning. In addition, Title 11 planning shall, if possible, be coordinated with the Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.~~
- 2) ~~No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.~~
5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B, (adopted on June 24, 2004), and designated as Industrial land on Metro's 2040 Growth Concept Plan.
 - a) ~~Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:~~
 - a)1) ~~Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.~~
 - b) The Title 11 planning required by Metro shall:
 - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
 - 2) ~~Title 11 planning shall~~ incorporate the general location of the projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment", as shown on the Region 2040 Growth Concept Map, as amended by Metro Ordinance No. 03-1014, adopted October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" on the Growth Concept Map and the portion that lies south shall be designated "Industrial."
 - 3) Consider using the I-5/99W connector as a boundary between the cities of Tualatin and Wilsonville.
 - 3) ~~The I-5/99W Connector shall be considered in this area as a possible boundary between the city limits of Tualatin and Wilsonville.~~

- ~~4) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.~~
- ~~5) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.~~
- ~~6) Lots or parcels larger than 50 acres, including those established pursuant to 5) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.~~

~~Notwithstanding 5) and 6), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:~~

- ~~a) Provide public facilities and services;~~
- ~~b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;~~
- ~~c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or~~
- ~~d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.~~

- 6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B, (adopted on June 24, 2004), and were designated as Industrial land on Metro's 2040 Growth Concept Plan.

- ~~a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:~~

- ~~a) 1) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.~~

- ~~b) The Title 11 planning required by Metro shall:~~

- ~~1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.~~
- ~~22) Incorporate tThe general location of the projected right-of-way location for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan shall be incorporated into any Title 11 planning.~~

~~3) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.~~

~~4) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.~~

~~5) Lots or parcels larger than 50 acres, including those established pursuant to 4) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.~~

~~Notwithstanding 4) and 5), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:~~

~~a) Provide public facilities and services;~~

~~b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;~~

~~c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or~~

~~d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.~~

7. Area of Special Concern 7 consists of two individual UGB expansion areas that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

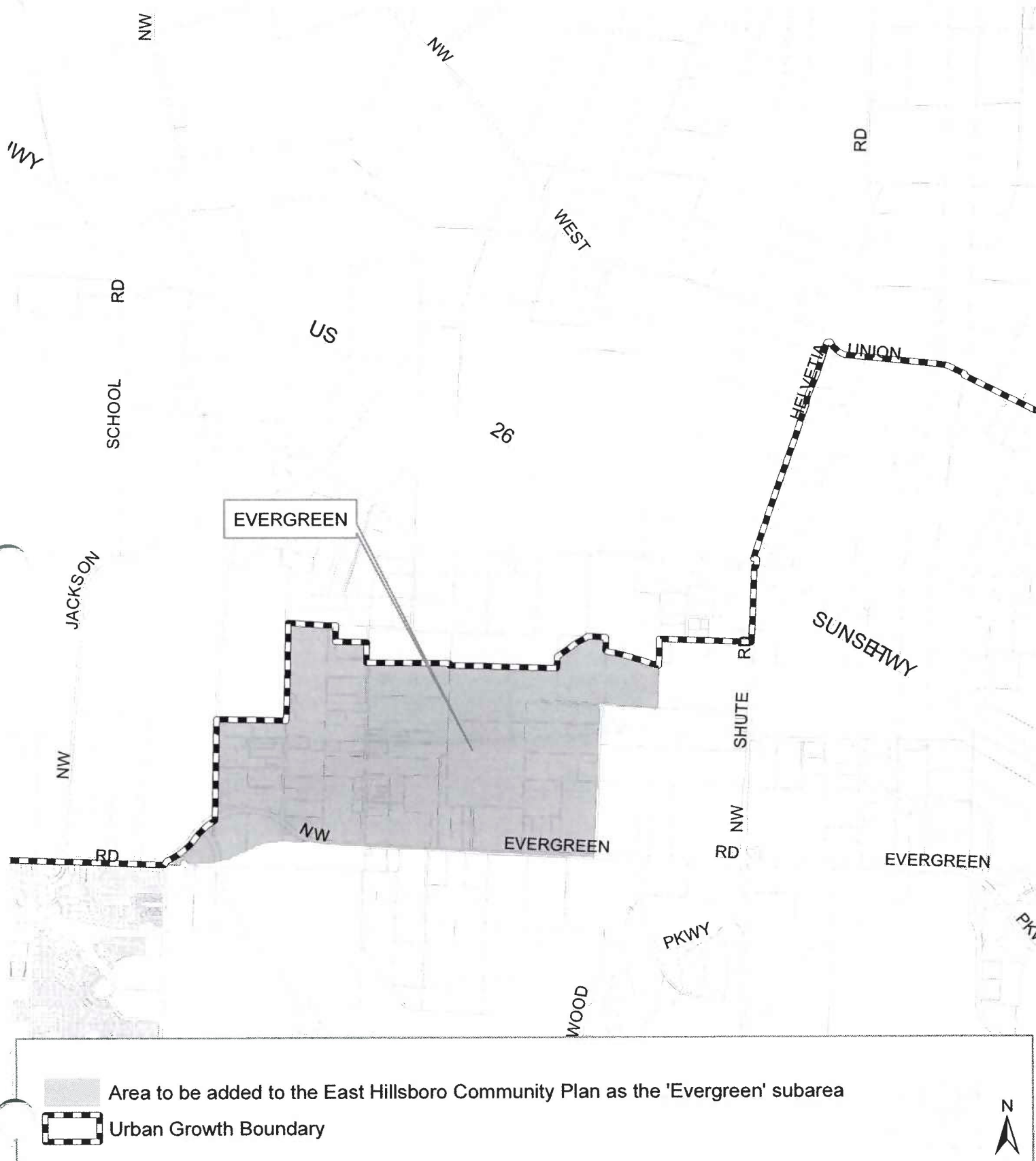
a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

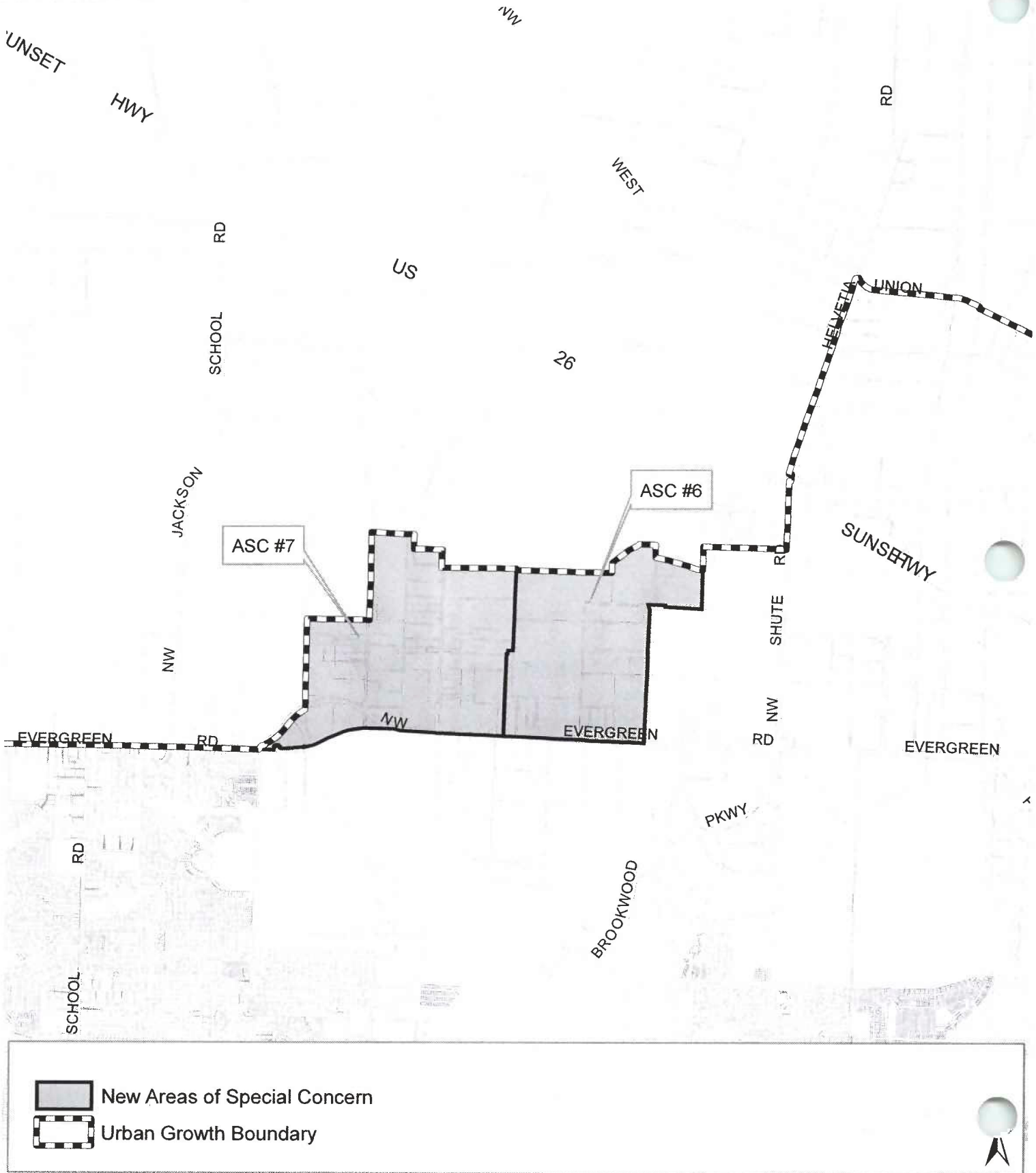
b) The Title 11 planning required by Metro shall:

1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

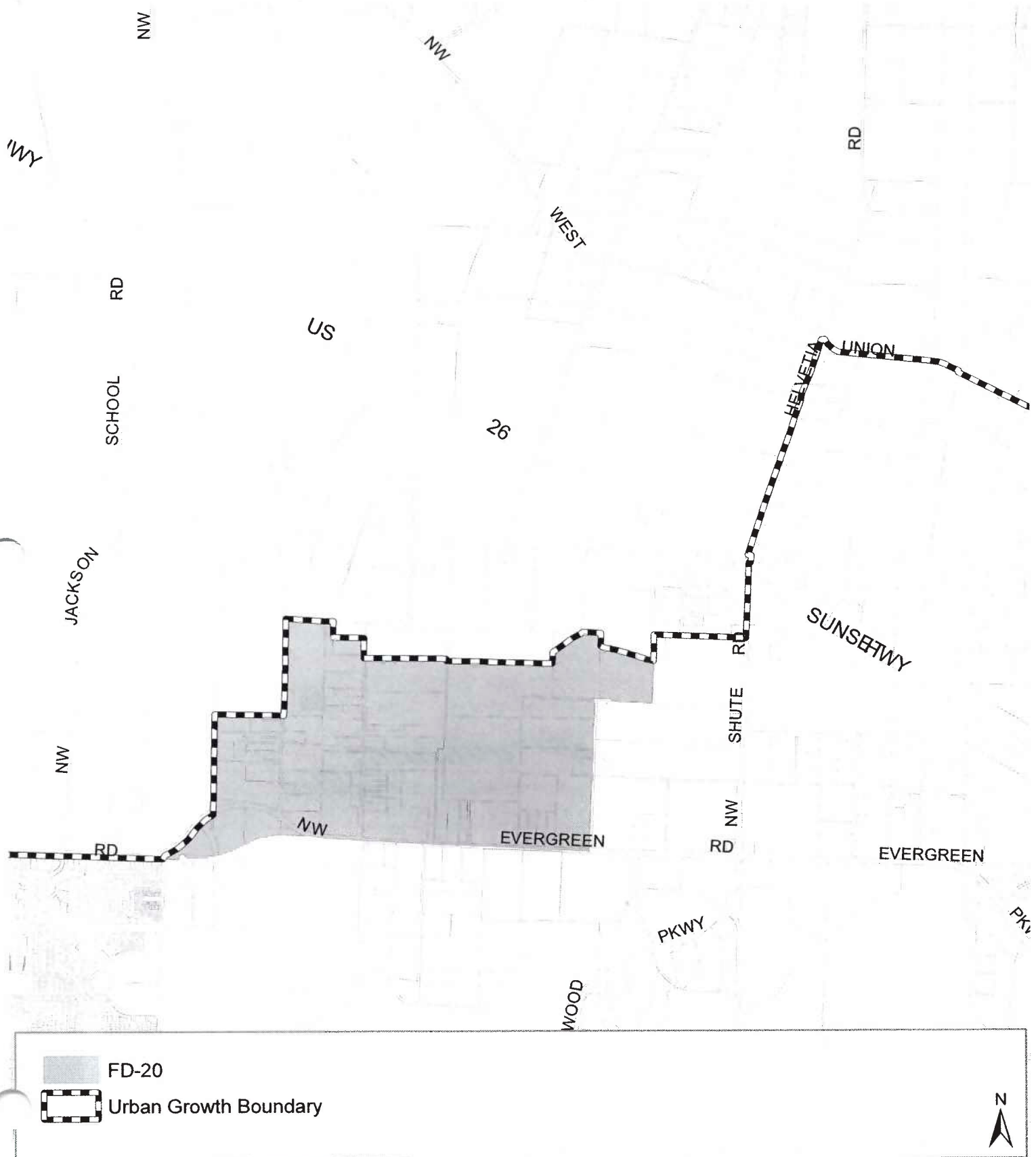
Amend the East Hillsboro Community Plan boundary and the Subareas map to include the new area and designate it as the 'Evergreen' subarea as indicated below:



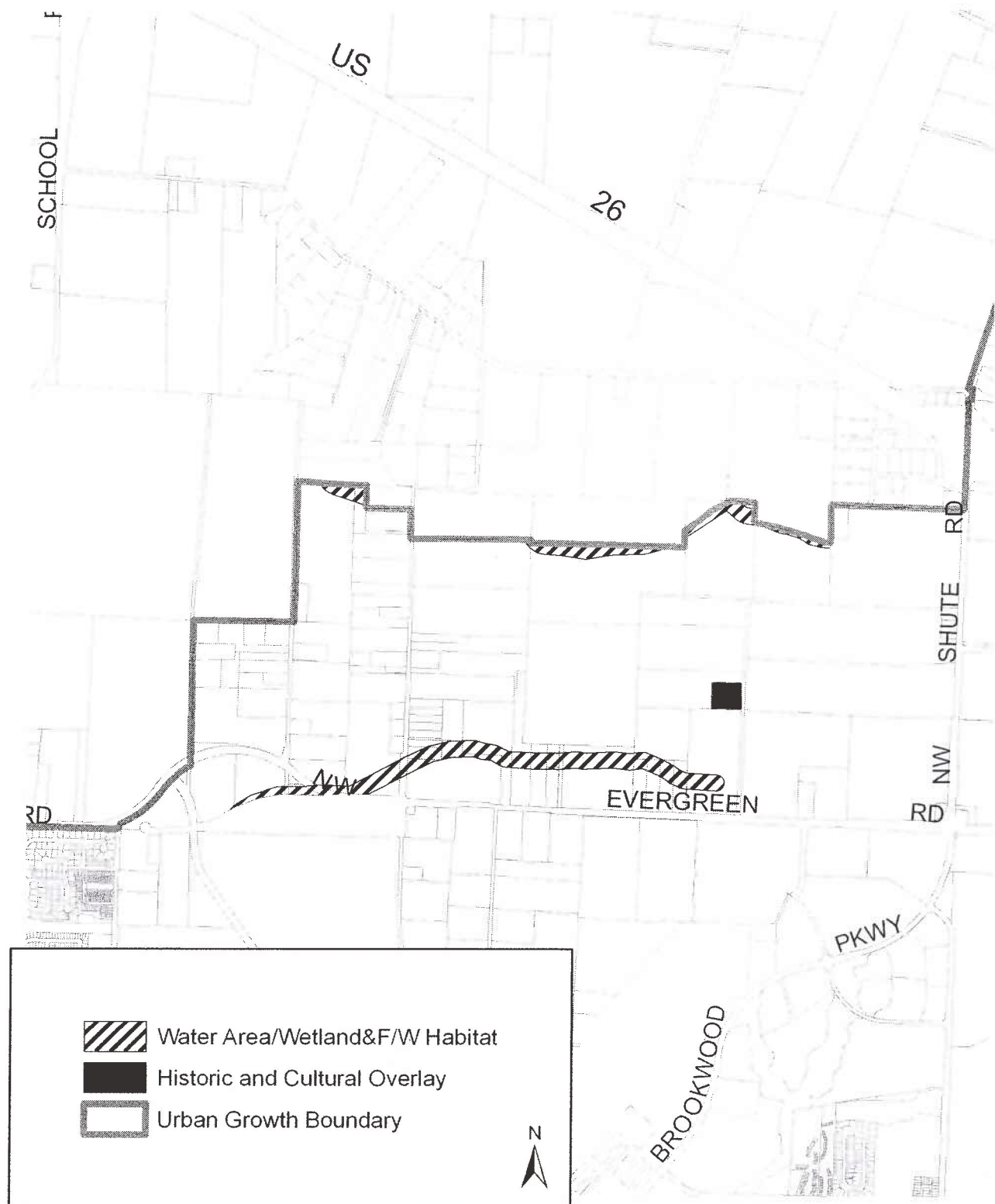
Amend the East Hillsboro Community Plan, 'Washington County Areas of Special Concern' map to apply the Area of Special Concern designation to the following areas:



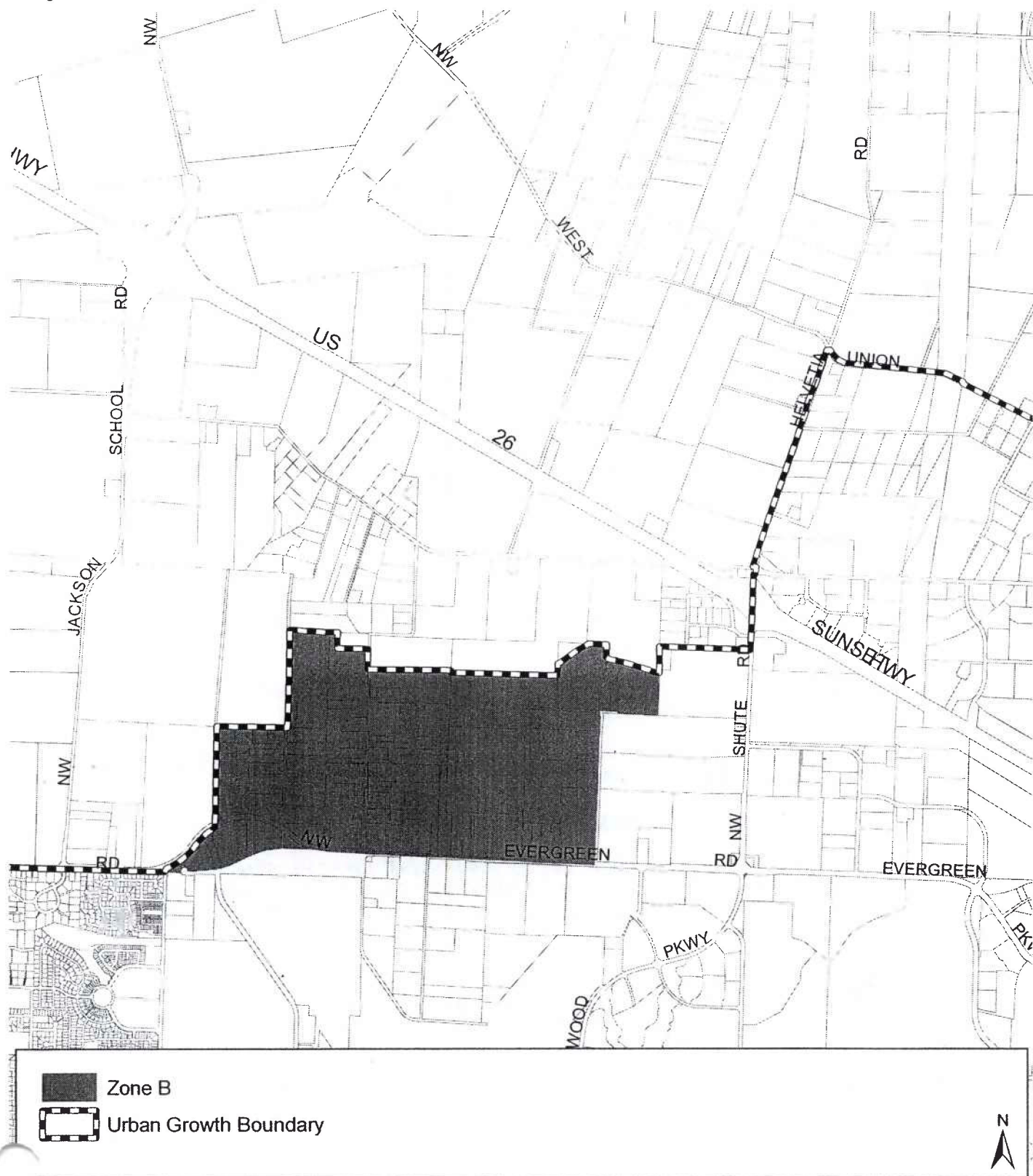
Amend the East Hillsboro Community Plan 'Land Use Districts' map to apply the FD-20 designation as indicated below:



Amend the East Hillsboro Community Plan 'Significant Natural & Cultural Resources' map to apply the resource designations as indicated below:



Recommend the East Hillsboro Community Plan 'Washington County Parking Maximum Designations' map to apply the Zone B designation as indicated below:



Amend the East Hillsboro Community Plan to add the following description for the new "Evergreen Road Subarea":

EVERGREEN ROAD SUBAREA

This area encompasses approximately 539 acres located on the north side of Evergreen Road and generally west of Shute Road and east of Jackson School Road. This property was added to the UGB by Metro Ordinance 05-1070A adopted November 17, 2005. On the 2040 Growth Concept Plan, Metro designated the eastern half of the area (Area of Special Concern 6) as a Regionally Significant Industrial Area (RSIA) and the remaining area (Area of Special Concern 7) as Industrial land.

The area is designated Future Development - 20 Acres (FD-20) on the East Hillsboro Community Plan. The FD-20 designation shall be maintained until the planning requirements of Title 11 have been adopted by ordinance or quasi-judicial plan amendment. In the course of Title 11 planning, a lot/parcel reconfiguration plan shall be developed to result in at least one parcel that is 100 acres or larger in size. Subsequent creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.420 or 3.07.430 of Metro's Urban Growth Management Functional Plan, whichever is applicable.

Area of Special Concern 6: This area consists of approximately 238 acres located north of Evergreen Road and west of 253rd Avenue. The planning of this area shall be coordinated with the planning of Area of Special Concern 1 on the West Union Community Plan ("Helvetia Area").

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.
 - 2) The creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
- b) The Title 11 planning required by Metro shall:
 - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Evergreen area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

Area of Special Concern 7: This area consists of approximately 300 acres located north of Evergreen Road, west of Area of Special Concern 6 and generally east of NW 273rd Avenue. The planning of this area shall be coordinated with the planning for Area of Special Concern 1 on the West Union Community Plan ("Helvetia Area").

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.
 - 2) The creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.430 of Metro's Urban Growth Management Functional Plan.
- b) The Title 11 planning required by Metro shall:
 - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Evergreen area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

CDC Section 308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20) is amended to reflect the following:

308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)

308-1 Intent and Purpose

The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

308-2 Uses Permitted Through a Type I Procedure:

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

308-2.1 Accessory Uses and Structures - Section 430-1.

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

308-2.3 Bus Shelter - Section 430-23.

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use

district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

- 308-2.5 Home Occupation - Section 430-63.1.
- 308-2.6 Parks - Section 430-95.
- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

308-3 Uses Permitted Through a Type II Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

308-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-4.1 Cemetery - Section 430-27, except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.2 Church - Section 430-29., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.3 Commercial Chicken or Rabbit Raising.
- 308-4.4 Commercial Greenhouse.
- 308-4.5 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).
- 308-4.6 Contractor's Establishment.
- 308-4.7 Day Care Center - Section 430-53.2., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.8 Public Building - Section 430-103.
- 308-4.9 Public Utility - Section 430-105.
- 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 308-4.12 School - Section 430-121., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

308-5 Prohibited Uses

- 308-5.1 Structures or uses not specifically authorized in Section 308.
- 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
- 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
- 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 308-5.8 Auto wrecking yards.
- 308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

308-6 Dimensional Requirements

In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

308-6.1 Lot Area:

- A. The minimum lot area shall be twenty (20) acres unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area, or as provided below.
- B. Partitions to create parcels less than twenty (20) acres may be allowed for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services. If the partition is required to accommodate the sale of land for the noted public facilities and services, application submittal materials shall include the following in order to demonstrate proof of a qualified service provider's intent to purchase the parcel(s) created through such a partition:

- (1) A letter of intent to purchase or signed purchase agreement from the applicable service provider for the proposed parcel(s), and
- (2) Application by all the owners of the subject property and the service provider(s) intending to purchase the proposed parcel(s), or any person authorized in writing to act as agent of the owners or service providers.

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

308-6.4 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

308-7 Additional Standards

- 308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.
- 308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.
- 308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

308-8 Access

All lots in this District shall either:

- 308-8.1 Abut a public street; or
- 308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

308-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPOs 8, 12C & 13)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 686

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 686 proposes to amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the East Hillsboro Community Plan and the Community Development Code to incorporate changes made to the regional urban growth boundary by Metro. The proposed ordinance removes properties totaling approximately 604 acres from the Rural/Natural Resource Plan and designates the properties Future Development 20 Acre (FD-20) District.

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. 686. 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. 686 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 07-180

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

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of Ordinance No. 686) No. 07-180

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

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to Ordinance No. 686; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on September 19, 2007, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance
21 No. 686 are hereby adopted.

22 DATED this 23rd day of October, 2007.

BRIAN	☒	—	—	—	✓	BOARD OF COUNTY COMMISSIONERS
SCHOUTEN	☒	—	—	—	—	FOR WASHINGTON COUNTY, OREGON
STRADER	☒	—	—	—	—	
ROGERS	☒	—	—	—	—	
DUYCK	☒	—	—	—	—	

23
24
25 APPROVED AS TO FORM:

Chairman

26
27
28 
County Counsel
For Washington County, Oregon

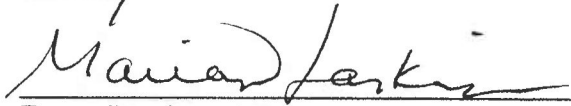

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 686 RELATING TO AMENDING THE RURAL/NATURAL RESOURCE PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE EAST HILLSBORO COMMUNITY PLAN AND THE COMMUNITY DEVELOPMENT CODE TO IMPLEMENT THE 2005 METRO URBAN GROWTH BOUNDARY EXPANSION

October 23, 2007

GENERAL FINDINGS

Ordinance No. 686 amends various elements of the Washington County Comprehensive Plan by incorporating changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2005. Specifically, Ordinance No. 686 amends the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), the East Hillsboro Community Plan and the Community Development Code by removing properties totaling approximately 604 acres from the Rural/Natural Resource Plan and designating the properties Future Development 20 Acre (FD-20) District. Natural, cultural and historical resource designations from the Rural/Natural Resource Plan are carried over to the CFP and the East Hillsboro Community Plan for those lands added to the UGB. New Areas of Special Concern are created to describe particular conditions placed on the expansion areas by Metro. Additionally, existing text in Policy 41 of the CFP relating to previously-adopted areas of special concern is amended to make clarifying changes and to remove redundant text. The text comes from Metro's Urban Growth Management Functional Plan and it is not necessary to include it in the CFP. Finally, Section 308 of the Community Development Code relating to the FD-20 District is amended to restrict certain non-industrial uses on these 2005 UGB expansion lands.

The Board finds that Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not applicable because these resources are not located within Washington County. The Board also finds there are no applicable OAR requirements due to the subject matter of the ordinance.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are also addressed in this document.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 686 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's UGMFP 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.
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 No. 686 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on August 10, 2007.
4. 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.
5. On August 31, 2007, a letter was mailed to 69 property owners in the affected areas notifying them of the changes proposed by Ordinance No. 686.
6. Board authorization to file this ordinance was granted in 2006 as part of the Planning Division's Annual Work Program. However, due to the fact that Metro's 2005 UGB industrial lands expansion was not acknowledged that year, staff did not file a land use ordinance. Ordinance No. 686 was filed once the decision was acknowledged by the Land Conservation and Development Commission in order

to comply with Metro's Title 11 requirements applicable to the 2005 UGB industrial lands expansion.

7. The Planning Commission held a public hearing for this ordinance on September 19, 2007. This hearing resulted in a recommendation that the Board of Commissioners adopt the ordinance as filed.
8. The Board of Commissioners held a public hearing for this ordinance on October 23, 2007. After the public hearing, the Board voted to adopt Ordinance No. 686 as filed.
9. 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. 686 were published in the Washington County Weekly section of The Oregonian on August 30, 2007 and in the Hillsboro Argus on August 31, 2007.
10. 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. General Notice 2007-6, the Individual Notice describing proposed Ordinance No. 686, was prepared by the Land Use Ordinance Advisory Commission. The notice was mailed to the 478 people on the General Notification List on September 5, 2007.

Goal 2, Land Use Planning

CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan (Plan). Washington County utilized this process to adopt this ordinance.

The amendments that were made to Plan by this ordinance are consistent with the parameters set forth in the acknowledged CFP - 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 CFP and Rural/Natural Resource Plan both require that legislative Plan 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. 686 amends the Rural/Natural Resource Plan, the CFP, the East Hillsboro Community Plan, and the Community Development Code, all 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 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 3, 2003. 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 660-18-020 and Senate Bill 543 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. 686 was e-mailed and mailed to DLCD on August 3, 2007.
6. Chapter X of the Charter requires that the Planning Commission hold at least one public hearing for a land use ordinance. The Planning Commission held their public hearing on Ordinance No. 686 on September 19, 2007.
7. Chapter X of the Charter requires that the Board hold a hearing for land use ordinances after the Planning Commission's hearing. The Board held a hearing for Ordinance No. 686 on October 23, 2007 in accordance with Chapter X of the County Charter.

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 to the Plan made by Ordinance No. 686. 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

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts.
2. Ordinance No. 686 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts.
3. Ordinance No. 686 did not amend the standards or allow a new use or activity in the EFU and AF-20 Districts, nor did it alter prohibited uses or activities in these districts. Therefore, it is not necessary to make specific findings for this amendment 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 to the Plan Code made by Ordinance No. 686 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

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. Ordinance No. 686 did not amend any plan policies or strategies related to the EFC District.
3. Ordinance No. 686 did not amend standards applicable to the EFC district, allow a new use or activity in the EFC District, nor alter prohibited uses or activities in the EFC District. Therefore, it is not necessary to make specific findings for this amendment to Goal 4.

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

CONCLUSION

Policies 10, 11 and 12 of the CFP, 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 (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 to the Plan by Ordinance No. 686. 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 No. 686 did not amend any Plan policies or strategies relating to Goal 5.
2. The amendments did not change the County's implementing regulations for protection of Goal 5 resources.
3. Ordinance No. 686 removes properties added to the UGB from the Rural/Natural Resource Plan and adds them to the CFP and to the East Hillsboro Community Plan. Resource data for the affected properties shown on the Rural/Natural Resource Plan is carried over to the urban plan documents.
4. Ordinance No. 686 does not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
5. The amendments to the Plan did not change uses or activities allowed in designated Goal 5 resource areas. Ordinance No. 686 did not amend any Code standards related to Goal 5. The amendments made by this ordinance, therefore, did not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5. Therefore, it is not necessary to make specific findings for this use for Goal 5.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the CFP 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 these amendments made by Ordinance No. 686. 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 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. Ordinance No. 686 did not amend any Code sections or any other Plan policies related to air, water and land resources which addresses the County's compliance with Goal 6.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

Policy 8 in the CFP 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. 686. 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. 686 did not amend the applicable Plan policies or Code standards 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, 34 and 35 of the CFP, 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. 686. 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 Code standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks), 430-97 (Parks), 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. 686 did not amend these Code Sections, or the applicable Plan or community plan policies related to recreation. Therefore, it is not necessary to make specific findings for Goal 8.

Goal 9 - Economy of the State

CONCLUSION

Policy 20 in the CFP 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. 686. 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. The provisions of Ordinance No. 686 contribute to a sound economy by protecting the subject properties for future urban industrial uses.
2. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the County's CFP states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific Code standards directly related to this goal, amendments to the Code should follow this policy to achieve the economic development goal.

3. Ordinance No. 686 did not amend any Community Development Code provisions relating to economic development.
4. Ordinance No. 686 did not amend the applicable Plan policies related to Goal 9. Therefore, it is not necessary to make specific findings for Goal 9.

Goal 10 - Housing

CONCLUSION

Policies 21, 22, 23 and 24 of the CFP 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. 686. 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. 686 did not amend the applicable Plan policies related to housing. Therefore, it is not necessary to make specific findings for Goal 10.

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP 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. 686. 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. 686 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 686 does not amend Washington County's acknowledged Public Facilities Plan.
4. Ordinance No. 686 did not amend any Plan policies and strategies relating to Goal 11.
5. The provisions of Ordinance No. 686 help to ensure the orderly development of the subject industrial lands through the application of interim protection measures.

Goal 12 - Transportation

CONCLUSION

Policy 32 of the CFP, 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. 686. 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

Ordinance No. 686 did not amend any Plan policies and strategies relating to Goal 12. 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 CFP 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. 686. 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. 686 did not amend the applicable Plan policies or Code provisions 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, 19, 41 and 42 of the CFP 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. 686. 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

1. Ordinance No. 686 revised the ASC text for ASCs 1 - 6 set forth in Policy 41 of the CFP. Changes to the ASC text are minimal and housekeeping in nature and serve to make clarifying changes and to remove redundant text.
2. Ordinance No. 686 added ASC 7 to the CFP because this area is located outside of existing community plan boundaries. This ASC applies the specific development conditions that were adopted through the Metro UGB expansion process (Ordinance 05-1070A). Two additional ASCs (ASC 6 and 7) for the Evergreen Road expansion area are included in the East Hillsboro Community Plan.
3. Ordinance No. 686 amended the "Future Development Areas" map in Policy 41 of the CFP to include properties that were added to the UGB in 2005 and designate them FD-20. The "Goal 5 Resources for the Future Development Areas" map is also amended to show natural, cultural and historic resource data for the areas added to the UGB. The "Future Development Areas Detailed Areas" map was amended to reflect the addition of Area of Special Concern 7.

4. Ordinance No. 686 amended the East Hillsboro Community Plan to:
 - a. Include a new area and designate it as the "Evergreen" subarea on the Washington County Subareas Map.
 - b. Modify the Washington County Areas of Special Concern Map to add two new areas of special concern.
 - c. Include a new area on the Washington County Land Use Districts Map, add an FD-20 designation to the map, and apply the FD-20 designation to that new area.
 - d. Include a new area on the Significant Natural and Cultural Resources Map and apply the Goal 5 Resource designations.
 - e. Modify the Washington County Parking Maximum Designations Map to include the new area.
 - f. Add text describing new Areas of Special Concern 6 and 7.
5. Ordinance No. 686 amended the Future Development 20 Acre District standards to prohibit certain non-industrial uses within the UGB expansion areas addressed by this ordinance. Uses not allowed within the county's Industrial zone were prohibited in the Cornelius and Evergreen expansion areas. These uses are cemeteries, churches, day care facilities and schools.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 686 (RELATING
TO NEW URBAN GROWTH BOUNDARY LANDS)**

Urban Growth Management Functional Plan

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, 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. 686 implements Metro's Title 11 by applying interim protection measures designed to regulate development until permanent industrial zoning has been established in accordance with Title 4. The FD-20 designation will remain until the completion of Title 11 planning and the adoption by the governing jurisdiction(s) of comprehensive plan amendments and land use regulations that are consistent with Section 3.07.1120 of the UGMFP.

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 implementation 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. 686 does not change any standards relating to water quality or flood plain management. Significant natural, historic and cultural designations are carried over from the Rural/Natural Resource Plan to the Goal 5 Resources for Future Development Areas Map in the CFP and the resource map in the East Hillsboro Community Plan. 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. 686 created Areas of Special Concern (ASCs) for the Industrial Areas located near Hillsboro and Cornelius. The ASCs describe the development criteria applied to the properties by Metro through the UGB expansion process in 2005. The provisions applicable to ASC 7 in the CFP and ASCs 6 and 7 (East Hillsboro Community Plan) also implement certain provisions set forth in Title 4 regarding minimum lot sizes.

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. 686 does not change 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. 686 on August 7, 2007. The findings in this document demonstrate 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

The requirements of Title 11 have been incorporated into Ordinance No. 686 by applying the Future Development - 20 Acre District (FD-20) to the lands added in 2005 to the regional urban growth boundary for industrial purposes. Specific development criteria prescribed by Metro for the expansion areas is applied through the designation of areas of special concern in Policy 41 of the CFP and in the East Hillsboro Community Plan. The FD-20 designation will remain until the completion of Title 11 planning and the adoption by the governing jurisdiction(s) of comprehensive plan amendments and land use regulations that are consistent with Section 3.07.1120 of the UGMFP.