



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/3/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 016-09

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 24, 2009

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

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

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

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

Bill Holmstrom, DLCD Regional Representative

<paa> YA

FORM

2

DLCD Notice of Adoption

DATE STAMP

in person electronic mailed

DEPT OF

OCT 27 2009

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. 722**

Date First Evidentiary Hearing: **9/16/2009**

Date of Final Hearing: **10/20/2009**

Date Notice of Adoption form (Form #2) was sent to DLCD: **10/26/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **7/29/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):
Ordinance No. 722 amended the Community Development Code to add standards for Type I expansions of existing uses in the Transit Oriented Districts.

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: **N/A**

Specify density:

Previous: **N/A**

New density: **N/A**

Acres involved: **0**

Mark applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

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

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

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

DLCD file No. 016-09 (17735) [15782]

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

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**

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing (CPOs 1, 4M, Land Use & Transportation; County Counsel 6, 7, and 9)

Agenda Title: **PROPOSED ORDINANCE NO. 722 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO TRANSIT ORIENTED DISTRICTS**

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

SUMMARY:

Ordinance No. 722 proposes to amend the Community Development Code to add standards for Type I expansions of existing uses in Transit Oriented Districts.

On September 16, 2009, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 722 with a clarifying text change. The proposed text change was reviewed by County Counsel and it was determined that the text change would alter the meaning of the original sentence and not just clarify it. Since the text amendment proposed by the Planning Commission doesn't clarify the language, the original filed text should remain as is.

The staff report will be provided to the Board prior to the hearing and it will also 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. 722 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance 722.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

100-601000

| | |
|-----------------|-------------|
| Agenda Item No. | <u>4.e.</u> |
| Date: | 10/20/09 |

FILED

JUL 28 2009

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 722

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan relating to Transit
Oriented District

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

SECTION 1

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

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

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

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

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

11 SECTION 2

12 Attached hereto and incorporated herein by this reference is Exhibit 1 (2 pages) – amending
13 the Community Development Code Section 375, Transit Oriented District.

14 SECTION 3

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

17 SECTION 4

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

20 ////

21 ////

22 ////

1 SECTION 5

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

5 SECTION 6

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

11 SECTION 7

12 This Ordinance shall take effect on November 27, 2009.

13 ENACTED this 20th day of October, 2009, being the 1st reading and
14 1st public hearing before the Board of County Commissioners of Washington County, Oregon.

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON

17 **ADOPTED**

18 Tom Buren
CHAIRMAN
Barbara Heitmanek
RECORDING SECRETARY

19 READING
20 First October 20, 2009
21 Second _____
22 Third _____
Fourth _____

PUBLIC HEARING
First October 20, 2009
Second _____
Third _____
Fourth _____

VOTE: Aye: Brian, Duyck, Rogers, Schouten, Strader, Nay:
Recording Secretary: Barbara Heitmanek Date: October 20, 2009

Community Development Code Section 375, Transit Oriented District, is amended to reflect the following:

1. 375-6 Change or Expansion of Existing Uses or Structures

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.
- B. All other uses and structures that were lawfully in existence at the time of application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full compliance with all applicable standards and provisions of this Code and the applicable community plan.

C. Type I Minor Expansions:

Minor expansions to an existing use or structure are permitted when the proposed expansion:

1. Is less than ten (10) percent of the gross floor area of the existing structure or use;
2. Is less than five hundred (500) square feet when the above building percentage is not utilized;
3. Is not a new dwelling unit;

- 4. Does not amend any previous approval or previous condition of approval;
- 5. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report; and
- 6. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer.

2. Table A. Permitted and Prohibited Uses in Transit Oriented Districts

| DISTRICT | | | | |
|--|----------------|----------------|----------------|----------|
| USE | TO:RC | TO:BUS | TO:EMP | TO:R9-12 |
| Accessory, Secondary and Temporary Uses and Structures: | | | | |
| Accessory Uses and Structures (23.a. and 23.b.) | <u>I or II</u> | <u>I or II</u> | <u>I or II</u> | I |
| Temporary Uses and Structures (24) | I | I | I | I |
| Home Occupations (25) | N | N | N | I |

abcdef Proposed additions
~~abcdef~~ Proposed deletions

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPOs 1, 4M, 6, 7, and 9)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 722

Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 722 proposes to amend the Community Development Code (CDC) to add standards for Type I expansions of existing uses in Transit Oriented Districts.

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. 722. 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. 722 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 09-82

100-601000

| | |
|-----------------|-------------|
| Agenda Item No. | <u>6.a.</u> |
| Date: | 10/20/09 |

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. 722) No. 09-82

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of October 20, 2009; 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. 722; 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 16, 2009, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance
21 No. 722 are hereby adopted.

22 DATED this 20th day of October, 2009.

23 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

| | AYE | NAY | ABSENT |
|----------|-----|-----|--------|
| BRIAN | ✓ | — | — |
| SCHOUTEN | ✓ | — | — |
| STRADER | ✓ | — | — |
| ROGERS | ✓ | — | — |
| DUYCK | ✓ | — | — |

APPROVED AS TO FORM: _____

24 Tom Buons
25 Chairman

26 Barbara Hejtmanek
27 Recording Secretary

28 [Signature]
County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 722 - AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO TRANSIT ORIENTED DISTRICTS

October 20, 2009

GENERAL FINDINGS

Ordinance No. 722 amends the Community Development Code to add standards for Type I expansions of existing uses in Transit Oriented Districts. Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region's strategy for addressing growth. Section 3.07.830.A. of Title 8 of the 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 Title 6 of the Functional Plan.

FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 722 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's UGMFP, and the Washington County Comprehensive Plan.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of Ordinance No. 722.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 722. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 9 - Economy of the State

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Amendments to the CDC identified in Ordinance 722 provide new standards that will facilitate development in an orderly and efficient fashion. Minor expansions, under the current standards in the Transit Oriented Districts, would be required to go through either a Type II or III review process. The proposed amendments under Ordinance 722 would provide a more expeditious review process as a Type I when certain standards are met.

Plan compliance with Goal 9 is maintained by Ordinance No. 722. The proposed ordinance is consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Goal 10 - Housing

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area 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 CDC 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. 722. The ordinance is consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural areas as required by Goal 10.

Current standards in the CDC require limited expansions of existing uses, in the Transit Oriented Districts, to go through a Type II or III review process. Ordinance 722 would provide a more expeditious review process for these limited expansions as a Type I so long as certain standards are met. With the proposed amendments, the county is facilitating development in an orderly and efficient fashion.

Goal 14 - Urbanization

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 CDC 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. 722. 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:

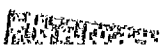
Ordinance No. 722 promotes appropriate urban developments by creating a more expeditious review process for limited expansions in the Transit Oriented Districts. Ordinance No. 722 does not amend any Plan policies or strategies relating to Goal 14.

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.

Ordinance No. 722 encourages development in the Transit Oriented Districts by creating a more expeditious review process for limited expansions. Minor expansions would be allowed as a Type I review process so long as certain standards are satisfied.

Washington County - BLUT
Long Range Planning
155 N. First Avenue, 350-14
Hillsboro, OR 97124



FIRST CLASS

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540