



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## AMENDED NOTICE OF ADOPTED AMENDMENT

November 6, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment  
DLCD File Number 009-07

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  
Aisha Willits, Washington County

<paa> ya/

# Notice of Adoption



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

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 685**

Date of Adoption: **10/23/2007**

Date Mailed: **10/25/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/17/2007

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".

Ordinance No. 685 amended Section 430 of the Washington County Community Development Code to increase the maximum floor area allowed for detached residential accessory structures on lots larger than 24,000 square feet inside the Urban Growth Boundary (UGB). Ordinance No. 685 did not change current height limits or setback standards for detached residential accessory structures. Accessory dwelling units are not included in the maximum floor area cap.

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**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                           | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 # 009-07(16309)

**DLCD file No.** \_\_\_\_\_

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

Washington County, Tualatin Valley Fire & Rescue

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Local Contact: **Aisha Willits, Senior Planner**

Phone: **(503) 846-3961** Extension:

Address: **155 N. First Avenue, Suite 35**

Fax Number: **503-846-4412**

City: **Hillsboro, OR**

Zip: **97124-3072**

E-mail Address:

**aisha\_willits@co.washington.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and Public Hearing –  
Land Use & Transportation; County Counsel (Urban CPOs)

**Agenda Title:** **PROPOSED ORDINANCE NO. 685 – AN ORDINANCE  
AMENDING THE COMMUNITY DEVELOPMENT CODE  
RELATING TO DETACHED RESIDENTIAL ACCESSORY  
STRUCTURES**

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

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### SUMMARY:

Ordinance No. 685 proposes to amend the Community Development Code relating to the Special Use standards for detached residential accessory structures. If approved, the ordinance would increase the total amount of square footage allowed for accessory structures on lots larger than 24,000 square feet. Lots between 24,000 and 50,000 square feet would be limited to five percent of total lot area, with not one building larger than 1,200 square feet. Lots larger than 50,000 square feet would be limited to 2,500 square feet of accessory structures, with no one building larger than 1,200 square feet.

On October 3, 2007, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 685. 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. 685 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 685.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 685

An Ordinance Amending the  
Community Development Code  
Element of the Comprehensive Plan  
Relating to Detached Residential  
Accessory Structures

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code ("CDC") element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 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, 670, 674, 674, 676, 677 and 683.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC relating to an update to the special use standards for residential accessory uses and structures based on lot size. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Land  
2 Use Ordinance Advisory Commission has carried out its responsibilities, including  
3 preparation of notices, and the County Planning Commission has conducted one or more  
4 public hearings on the proposed amendments and has submitted its recommendations to  
5 the Board. The Board finds that this Ordinance is based on those recommendations and  
6 any modifications made by the Board, as a result of the public hearings process.

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

12 SECTION 2

13 Exhibit 1, attached hereto and incorporated herein by reference, amends CDC  
14 Section 430-1.1 Special Use Standards for Residential Accessory Uses and Structures.

15 SECTION 3

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

19 ////

20 ////

21 ////

22 ////

1     SECTION 4

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

4     SECTION 5

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

10    SECTION 6

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

17    ////

18    ////

19    ////

20    ////

21    ////

22    ////

1 SECTION 7

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

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

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Roy R Rogers  
CHAIRMAN

10 Marian Larkin  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First October 23, 2007  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

October 23, 2007  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18 VOTE: Aye: Rogers, Duyck, Strader, Nay: \_\_\_\_\_  
19 Schouten

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

Community Development Code Section 430-1.1 Special Use Standards for Residential Accessory Uses and Structures is amended to reflect the following:

**430-1 Accessory Uses and Structures**

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

430-1.1 Residential:

A. Residential accessory uses and structures include, but are not limited to, the following:

- (1) Treehouses, playhouses and storage sheds greater than one hundred twenty (120) square feet in area;
- (2) Swimming pools, hot tubs and spas with permanent plumbing or electrical connections;
- (3) Detached garages, carports and workshops;
- (4) Greenhouses;
- (5) Pump houses;
- (6) Gazebos;
- (7) Fenced runs for dogs and other animals;
- (8) Boat houses and docks; and
- (9) Tennis and other game courts.

B. Development Standards:

No accessory use or structure shall be established prior to the primary use. Detached accessory buildings shall comply with the following, except as modified by other Sections of the Code:

- (1) Shall not occupy more than twenty-five (25) percent of a required rear yard;
- (2) Within an urban growth boundary accessory buildings are subject to the following limitations on total square footage:

- (a) For lots up to 12,000 square feet - maximum of 600 square feet.
  - (b) For lots larger than 12,000 square feet but less than 24,000 square feet - five (5) percent of total lot area.
  - (c) For lots larger than 24,000 square feet but less than 50,000 square feet - a maximum of 1,200 square feet five (5) percent of total lot area with no one building larger than 1,200 square feet.
  - (d) For lots larger than 50,000 square feet – maximum of 2,500 square feet with no one building larger than 1,200 square feet.
- (3) Buildings less than one-hundred twenty (120) square feet that are located six (6) feet or more from the primary building may be located within three (3) feet of a side or rear property line (except a street side yard) except as required by (5) below;
  - (4) Buildings greater than or equal to one-hundred twenty (120) square feet shall meet the setback requirements of the underlying land use district except as required by (5) below;
  - (5) Buildings or other structures for livestock, or buildings or other structures for poultry that are fifty-one (51) square feet or larger, shall be located in a side or rear yard at least thirty (30) feet from any property line and at least one-hundred feet from any existing residence, except the owner's dwelling;
  - (6) Fenced runs for livestock shall be at least one-hundred (100) feet from any existing residence, except the owner's residence;
  - (7) Shall not exceed the maximum height allowed by the underlying land use district;
  - (8) An accessory structure is considered "detached" if the distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or, if closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway. A variance or hardship relief change to this dimension is prohibited.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 685

**Presented by:** Brent Curtis, Planning Manager

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### SUMMARY:

Ordinance No. 685 proposes to amend the Community Development Code relating to the special use standards for detached residential accessory structures. If approved, the ordinance would increase the total amount of square footage allowed for accessory structures on lots larger than 24,000 square feet. Lots between 24,000 and 50,000 square feet would be limited to five percent of total lot area, with not one building larger than 1,200 square feet. Lots larger than 50,000 square feet would be limited to 2,500 square feet of accessory structures, with no one building larger than 1,200 square feet.

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. 685. 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. 685 and authorize the Chair to sign the Resolution and Order memorializing the action.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 07-179

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

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. 685 ) No. 07-179

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. 685; 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 October 3, 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,

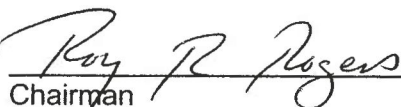
20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance  
 21 No. 685 are hereby adopted.

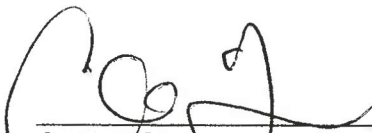
22 DATED this 23rd day of ~~October~~ ~~2007~~ ~~NOV~~ ~~2007~~ ~~ABSENT~~

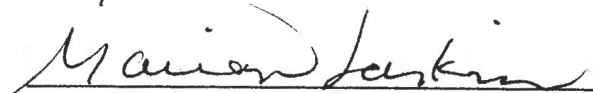
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS  
 FOR WASHINGTON COUNTY, OREGON

25 APPROVED AS TO FORM:

  
 Chairman

  
 County Counsel  
 For Washington County, Oregon

  
 Recording Secretary

## EXHIBIT A

### **FINDINGS FOR ORDINANCE NO. 685 AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO DETACHED RESIDENTIAL ACCESSORY STRUCTURES**

**October 23, 2007**

#### **GENERAL FINDINGS**

Ordinance No. 685 amends Section 430-1.1.B(2) of the Community Development Code (Code) to increase the maximum floor area allowed for detached residential accessory structures on urban lots larger than 24,000 square feet. For lots larger than 24,000 square feet but less than 50,000 square feet, the maximum floor area for detached accessory structures will be capped at five percent of total lot area, with no one building larger than 1,200 square feet. For lots larger than 50,000 square feet, the maximum floor area for detached accessory structures will be capped at 2,500 square feet, with no one building larger than 1,200 square feet. Ordinance No. 685 does not change current height limits or setback standards for detached residential accessory structures.

These findings in support of Ordinance No. 685 are arranged by Statewide Planning Goal topic, but also address state statutes, Oregon Administrative Rules (OAR), Washington County's Comprehensive Framework Plan for the Urban Area (Framework Plan) and Metro's Urban Growth Management Functional Plan (UGMFP).

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.

#### **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 685 is consistent with applicable Statewide Planning Goals, ORS and OAR requirements, Washington County Framework Plan for the Urban Area and Metro's Urban Growth Management Functional Plan.

## **Goal 1 - Citizen Involvement**

### CONCLUSION

Pursuant to Statewide Planning Goal 1, 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 followed these requirements for the adoption of this ordinance. Plan compliance with Goal 1 is maintained by implementing this citizen involvement program. 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. Board authorization to file this ordinance was granted in 2007 as an addition to the Planning Division's Annual Work Program.
4. Ordinance No. 685 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on August 24, 2007. Additionally, notice of the proposed ordinance was provided to DLCD and Metro on August 17, 2007.
5. 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 notice in writing and paid a fee. General Notice 2007-9, the Individual Notice describing proposed Ordinance No.685, was prepared by the Land Use Ordinance Advisory Commission. The notice was mailed to the 478 people on the General Notification List on September 4, 2007.
6. 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. 685 were published in the Washington County Weekly section of The Oregonian on September 13, 2007 and in the Hillsboro Argus on September 14, 2007.

7. 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.
8. The Planning Commission (Commission) held a public hearing for this ordinance on October 3, 2007. The Commission voted unanimously to forward a recommendation to the Board of County Commissioners (Board) that they adopt Ordinance No. 685 as filed.
9. 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. 685 as filed.

## **Goal 2, Land Use Planning**

### CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes the Community Development Code. Washington County utilized this process to adopt this ordinance.

The amendments that were made to the Community Development Code by this ordinance are consistent with the parameters set forth in the acknowledged Comprehensive Framework Plan (CFP) for the Urban Area - Policy 1, Implementing Strategy (d). Compliance with Goal 2 is maintained by implementing this strategy. This conclusion is supported by the following facts:

### FACTS

1. The acknowledged CFP requires 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 of the Washington County Charter requires that land use related ordinances be considered through a defined process. This process was used, as described in the findings for Goal 1, Citizen Involvement.
3. ORS 197.610, OAR 660-18-020 and Senate Bill 543 require that notice of proposed amendments to the county's acknowledged comprehensive plan shall 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. 685 was mailed to DLCD on August 17, 2007.

4. Notice of the proposed ordinance was mailed to Metro on August 17, 2007 as required by the Urban Growth Management Functional Plan.
5. At its hearing on May 22, 2007, the Board of County Commissioners authorized the filing of an ordinance amending the standards in the Community Development Code relating to detached residential accessory structures. These changes were included in proposed Ordinance No. 685.
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 its public hearing on Ordinance No. 685 on October 3, 2007.
7. Chapter X of the Charter requires that the Board hold a public hearing for a land use ordinance after the Planning Commission's hearing. The Board held its public hearing on Ordinance No. 685 on October 23, 2007.

### **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. Ordinance No. 685 is 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. 685 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts. The provisions of Ordinance No. 685 only apply to unincorporated residential lots inside the urban growth boundary.
3. Ordinance No. 685 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 Goal 3 findings for this amendment.

#### **Goal 4 - Forest Lands**

##### CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments to the Community Development Code made by Ordinance No. 685 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. 685 did not amend any plan policies or strategies applicable to the EFC District. The provisions of Ordinance No. 685 only apply to unincorporated residential lots inside the urban growth boundary.
3. Ordinance No. 685 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 Goal 4 findings for this amendment.

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

##### CONCLUSION

Policies 10, 11 and 12 of the CFP and various sections of the Community Plans and the Community Development Code (Code) include provisions for the protection of Goal 5 resources inside the urban growth boundary. 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. 685. 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. The amendments made by Ordinance No. 685 do not alter the county's acknowledged Plan requirements and land use regulations relating to Goal 5.

2. The amendments to the Community Development Code do not change uses or activities allowed in designated Goal 5 resource areas. Therefore, it is not necessary to make specific findings for Goal 5.

### **Goal 6 - Air, Water and Land Resource Quality**

#### CONCLUSION

Policies 4, 5, 6 and 7 in the CFP 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. 685. 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. 685 did not amend applicable Plan policies or Code standards related to air, water or land use quality which impact the county's compliance with Goal 6. Therefore, it is not necessary to make specific findings for Goal 6.

### **Goal 7 - Natural Disasters and Hazards**

#### CONCLUSION

Policy 8 in the CFP sets 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. 685. 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. 685 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 and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors for areas inside the urban growth boundary. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 685. 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), 430-51 (Golf Courses), 430-95 (Parks), 430-97 (Parks), 430-131 (Special Recreation Use) and 431-7 (Common Open Space). Ordinance No. 685 does not amend these Code standards.
2. Ordinance No. 685 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 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. 685. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

#### FACTS

1. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's 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.

2. Ordinance No. 685 did not amend any applicable Plan policies or Community Development Code provisions relating to economic development. 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 address the provision of housing in the urban unincorporated 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. 685. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban area as required by Goal 10. This conclusion is supported by the following facts:

#### FACTS

1. Ordinance No. 685 amends the Community Development Code to provide the opportunity for additional floor area for detached residential accessory structures such as garages, storage sheds, greenhouses, gazebos, etc. on large urban lots (24,000 square feet or more). Accessory dwelling units are not defined as detached residential accessory structures and are not affected by this amendment.
2. Ordinance No. 685 does not change existing setback provisions or height limits for detached residential accessory structures. Additionally, the maximum size of any single accessory structure is maintained at 1,200 square feet. Therefore, Ordinance No. 685 retains an appropriate scale for detached accessory structures relative to overall lot size to ensure compatibility with the scale and character of existing neighborhoods inside the urban growth boundary.
3. Ordinance No. 685 does not affect minimum density requirements of the Code and does 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 address the provision of public facilities and services in the urban 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. 685. 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). Ordinance No. 685 does not amend these Code Sections or the applicable Comprehensive Plan policies related to Public Facilities and Services.
2. Ordinance No. 685 does not amend Washington County's acknowledged Public Facilities Plan. Therefore, it is no necessary to make specific additional findings for Goal 11.

#### **Goal 12 - Transportation**

#### CONCLUSION

Policy 32 of the CFP and the Washington County 2020 Transportation Plan describe the transportation system necessary to accommodate the transportation needs of the urban area 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. 685. 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. 685 did not amend any of the applicable Plan policies or Code provisions relating to transportation. Therefore, it is not necessary to make specific findings for Goal 12.

### **Goal 13 - Energy Conservation**

#### CONCLUSION

Policies 36, 37, 38, 39 and 40 of the CFP address energy conservation in the urban 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. 685. 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. 685 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 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. 685. 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. 685 amends the Community Development Code to authorize an increase in total floor area for detached residential accessory structures inside the urban growth boundary. The amendments only affect residential lots larger than 24,000 square feet. Ordinance No. 684 provides flexibility for additional floor area for detached accessory structures in relationship to the overall lot size. Existing Code standards relating to building height and setbacks for detached residential accessory structures are not affected by Ordinance No. 685.
2. Ordinance No. 685 does not change minimum density standards or otherwise affect the county's Plan policies or Code standards for urban residential development.

## **FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 685**

### 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, and 8 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. 685 amends the Community Development Code element of the Comprehensive Plan relating to detached residential accessory structures inside the urban growth boundary. Ordinance No. 685 increases the allowed maximum floor area for detached accessory structures from the current cap of 1,200 square feet to a new cap of 2,500 square feet for very large lots (50,000 square feet or more). Accessory dwelling units are not included in this cap. Additionally, Ordinance No. 685 does not change minimum density requirements for residential districts. Therefore, Ordinance No. 685 does not affect compliance with Title 1.

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

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

#### RESPONSE

Implementation of Title 3 requirements has been completed primarily through the adoption of regulations by Clean Water Services (CWS). CWS is responsible for water quality and flood management within the urban unincorporated areas of Washington County. Ordinance No. 685 does not change any standards relating to water quality or flood plain management. The ordinance does not amend any significant natural resource designations. Therefore, Ordinance No. 685 does not affect compliance with Title 3.

### **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. 685 on August 17, 2007. The findings in this document demonstrate the amendments made by this ordinance are in compliance with the UGMFP.