



# 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

10/30/2013

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 013-13

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: Thursday, November 14, 2013

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Anne Kelly, Washington County  
Jon Jinings, DLCD Community Services Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF  
OCT 25 2013  
LAND CONSERVATION  
AND DEVELOPMENT  
Per Office Use Only

Jurisdiction: **Washington County**

Local file number: **A-Engrossed Ordinance No. 773**

Date of Adoption: October 22, 2013

Date Mailed: October 24, 2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7/19/13

☒ 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".

A-Engrossed Ordinance No. 773 amends Washington County's Community Development Code standards for home occupations. Primary changes include removal of existing restrictions on warehousing, distribution, retail sales and "...sale of goods not made, repaired, or reconditioned on the premises." Language is added to ensure prospective impacts to surrounding neighborhoods are addressed via limits on storage and business-related deliveries/pick-ups.

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

Deletes text of originally-filed language prohibiting onsite consumption of intoxicants; amends filed language to increase maximum business-related deliveries for Type II and III home occupations to a weekly average of 2 per day; simplifies existing language regarding home occupation space restrictions.

Plan Map Changed from: N/A

to: N/A

Zone Map Changed from: N/A

to: N/A

Location: N/A

Acres Involved: 0.00

Specify Density: Previous: N/A

New: N/A

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 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...

35-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. 013-13 (19933) [17658]



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

Washington County, Metro

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Local Contact: **Anne Kelly, Associate Planner**

Phone: **(503) 846-8131** Extension: **n/a**

Address: **155 N. First Avenue, Suite 350-14**

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

City: **Hillsboro**

Zip: **97123**

E-mail Address:

**anne\_kelly@co.washington.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** **PROPOSED A-ENGROSSED ORDINANCE NO. 773 – AN  
ORDINANCE AMENDING HOME OCCUPATION STANDARDS OF  
THE COMMUNITY DEVELOPMENT CODE**

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

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#### SUMMARY:

A-Engrossed Ordinance No. 773 proposes to amend Community Development Code (CDC) Section 430-63, primarily to remove Home Occupation standards that currently prevent retail sale of pre-manufactured products, storage, and distribution. To avoid added impacts to surrounding residential uses, no increases are proposed to existing limits on employee numbers, customer visits to the site, vehicles, parking, or signage. As further protection, caps on business-related deliveries are proposed.

The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted a hearing for Ordinance No. 773 on September 24, 2013 and directed engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the September 24, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 773 on October 15 and continued the hearing to October 22, 2013.

The staff report for the October 22 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

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

Clerk's Desk Item: Staff Report (*click to access electronic copy*)

#### DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 773 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 773.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

|                 |             |
|-----------------|-------------|
| Agenda Item No. | <b>4.d.</b> |
| Date:           | 10/22/13    |

SEP 27 2013

Washington County  
County Clerk

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR WASHINGTON COUNTY, OREGON

## A-ENGROSSED ORDINANCE 773

An Ordinance Amending the  
Community Development Code Relating  
to Home Occupation Standards

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

SECTION 1

A. The Board 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, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, and 766.

B. Subsequent planning efforts of Washington County, and based on a request from 2010, indicate there is a growing need to address home occupation standards as related to retail sales of products from a residence. The Board takes note that such changes are for the health, welfare, and benefit of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Department of  
2 Land Use and Transportation has carried out its responsibilities, including preparation of notices,  
3 and the County Planning Commission has conducted one or more public hearings on the proposed  
4 amendments and has submitted its recommendations to the Board. The Board finds that this  
5 Ordinance is based on those recommendations and any modifications made by the Board are a  
6 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 finds that this  
9 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption  
10 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County  
11 Charter, the Washington County Community Development Code, and the Washington County  
12 Comprehensive Plan.

13 SECTION 2

14 Exhibit 1 (7 pages), which amends Community Development Code Section 430 – SPECIAL  
15 USE STANDARDS, is attached hereto and incorporated herein by reference.

16 SECTION 3

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

19 SECTION 4

20 All applications received prior to the effective date shall be processed in accordance with  
21 ORS 215.427.

22 ///

1 SECTION 5

2 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or  
3 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and  
4 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 21, 2013.

13 ENACTED this 22nd day of October, 2013, being the 3rd reading and  
14 3rd 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 *Andy Dard*  
CHAIRMAN

19 *A. D. Noyola*  
RECORDING SECRETARY

PUBLIC HEARING

20 READING

21 First September 24, 2013  
22 Second October 15, 2013  
Third October 22, 2013  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

VOTE: Aye: Terry, Rogers, Malimowsky, Duyck  
Recording Secretary: Ana D. Noyola

First September 24, 2013 (Engrossment  
Second October 15, 2013 ordered)  
Third October 22, 2013  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Nay: \_\_\_\_\_  
Date: 10/22/13

Community Development Code Section 430, SPECIAL USE STANDARDS, is amended to reflect the following:

#### **430-63 Home Occupation**

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1 C does not apply to bed and breakfast facilities). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons).

There are four types of home occupations: exempt (see Section 201-2.18), Type I (Section 430-63.1), Type II (Section 430-63.2) and Type III (Section 430-6463.3). The following summarizes the key differences:

##### **Exempt**

- Same as Type I, but no on-site customers

##### **Type I**

- Operated within the dwelling (~~includes one or two car attached garage~~)
- ~~No retail sales other than telephone sales~~
- Limited to five (5) on-site customers or fewer per day
- Allows ~~No~~ employees who do not reside at the home occupation site
- Does not allow any additional parking
- Allows one (1) commuter vehicle with weight limits
- Allows weekly average of one (1) business-related delivery per day

##### **Type II**

- Operated within the dwelling or an accessory building
- ~~Limited retail sales~~
- Limited to nine (9) on-site customers or fewer per day
- Allows ~~One~~ (1) employee ~~allowed~~ who does not reside at the home occupation site
- Allows additional parking
- Allows one commuter vehicle with weight limits
- Allows weekly average of two (2) business-related deliveries per day



## Type III

- Same as Type II, ~~and but~~
- Limited outdoor storage allowed
- ~~Allows one commuter vehicle with a~~ No weight limit on the allowed commuter vehicle
- Limited to the AF-5 and AF-10 Districts

430-63.1 Home Occupation - (Type I) ~~(not including~~ Excluding Type I home occupations that do not require a Development Permit pursuant to Section 201-2.18.)

A Type I Home Occupation shall:

A. Require the applicant to obtain a permit ~~that~~ which shall be renewed annually;

B. Be operated entirely within the applicant's dwelling. ~~The use of detached garages, three-car or more attached garages, accessory structures or~~ Use of outdoor areas is not allowed;

C. Including storage of materials and products, Use occupy:

(1) ~~a~~ Not more than six hundred (600) square feet or twenty-five (25) percent of the dwelling, whichever is greater; floor area used for human occupancy (the basement counts as area used for human occupancy, but the garage does not) or all of a one or two-car attached garage. However, an applicant with a disability may use up to thirty-five (35) percent of the floor area used for human occupancy or

(2) An area exceeding the above maximums by up to ten (10) percent, when requested by an applicant with a disability.

For purposes of Section 430-63.1 B and C, a "dwelling" includes the basement and attached garage.

D. ~~When located in~~ In a residential, agricultural, or forest district, limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area. ~~(B)business identification on a commuter vehicle is exempt from this requirement);~~

E. In a commercial or industrial district, limit any external evidence of a home occupation to one (1) identification sign not to exceed twenty (20) square feet in area;

~~E~~ F. ~~Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle. In the urban area, the commuter vehicle shall not exceed a manufacturer's rating of one ton. In the rural area, the commuter vehicle shall not exceed a gross vehicle weight of 26,000 pounds. The commuter vehicle shall not be larger than one-ton manufacturer's rating in the urban area and not be larger than a gross vehicle weight of 26,000 pounds in~~

~~the rural area.~~ Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;

~~FG. Include no retail sales other than telephone sales; Not exceed a weekly average of one (1) business-related delivery or pick-up per day, excluding regular residential deliveries by the U.S. Postal Service;~~

~~GH.~~ Not have more than five (5) customers daily entering the premises;

~~HJ.~~ Produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure;

~~IJ.~~ Not require any additional parking;

~~J.~~ When located in a commercial or industrial district, limit any external evidence of an occupation to one (1) identification sign not to exceed twenty (20) square feet in area;

K. Employ no persons who are not permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee.

#### 430-63.2 Home Occupation (Type II)

A Type II Home Occupation shall:

A. Require the applicant to obtain a permit which shall be renewed annually;

B. Be operated entirely within a residential structure or permitted the applicant's dwelling, garage, or lawful accessory structure. ~~(Use of outside storage areas is not allowed).~~ Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the residential character;

C. Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the residential character of the site; ~~Area Allowed for a Home Occupation. (The Review Authority may grant an increase to the following floor area requirements for an applicant with a disability when additional floor area is necessitated as a result of the applicant's disability. The additional floor area shall not be greater than the minimum area needed to accommodate the disability.)~~

D. Including storage of materials and products, occupy:

(1) Inside the UGB

(a) Not more than six hundred (600) square feet or twenty-five (25) percent of a dwelling or lawful accessory structure, whichever is greater the floor area used for human occupancy (may include the basement); or all of a one or two car attached garage. A three car or

~~more attached garage also may be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or~~

~~(b) Use no more than six hundred (600) square feet of allowed accessory structure (including detached garage);~~

(b) An area exceeding the above maximums by up to ten (10) percent, when requested by an applicant with a disability.

For purposes of Section 430-63.2 D(1), a "dwelling" includes the basement and attached garage.

(2) Outside the UGB

~~(a) Not more than one thousand (1000) square feet or twenty-five (25) percent of a dwelling or lawful accessory structure, whichever is greater the floor area used for human occupancy (may include the basement); or all of a one or two-car attached garage. A three-car or more attached garage also may be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or~~

~~(b) No more than one thousand (1000) square feet of Where an allowed accessory structure building or detached garage is used, other than storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1000) square feet (including detached garage);~~

(b) An area exceeding the above maximums by up to ten (10) percent, when requested by an applicant with a disability.

For purposes of Section 430-63.2 D(2), a "dwelling" includes the basement and attached garage. Areas used only for storage of farm equipment or farm vehicles are not considered as part of the maximum allowed home occupation space.

D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;

E. ~~When located in a residential, agricultural or forest district, limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area. (b) Business identification on a commuter vehicle is exempt from this requirement);~~

- F. ~~When located in~~ a commercial or industrial district, limit any external evidence of ~~an a home~~ occupation to one (1) identification sign not to exceed twenty (20) square feet in area;
- G. Not involve ~~warehousing or distribution, or~~ the use or storage of vehicles used for the business, other than one commuter vehicle. In the urban area, the commuter vehicle shall not ~~exceed a be larger than one ton~~ manufacturer's rating ~~in the urban area and of one ton. In the rural area, the commuter vehicle shall~~ not ~~be larger than~~ exceed a gross vehicle weight of 26,000 pounds. ~~in the rural area.~~ Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
- H. Not exceed a weekly average of two (2) business-related deliveries or pick-ups per day, excluding regular residential deliveries by the U.S. Postal Service; ~~involve no sales of goods not made, repaired or reconditioned on the premises;~~
- I. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- J. Not have more than nine (9) customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- K. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered ~~to be an employee; and~~
- L. Provide a plan for any additional required parking, ~~required~~ which shall be approved if:
  - (1) The residential character of the parcel is not changed; and
  - (2) The parking area does not detract from the visual appearance of the residence;

#### 430-63.3 Home Occupation ~~(Type III)~~

A Type III Home Occupation shall:

- A. Be ~~only allowed~~ only in the AF-5 and AF-10 Districts;
- B. Require the applicant to obtain a permit which shall be renewed annually through the Type II procedure. The Type II renewal permit shall be subject to any conditions imposed through the Type III procedure and the conditions shall only be modified via the Type III procedure;
- C. Including storage of materials and products, occupy:

~~Area Allowed for a Home Occupation. (The Review Authority may grant an increase to the following floor area requirements for an applicant with a disability when additional floor area is necessitated as a result of the applicant's disability. The additional floor area shall not be greater than the minimum area needed to accommodate the disability.)~~

- (a) ~~Use a~~Not more than one thousand (1000) square feet or twenty-five (25) percent of a dwelling or lawful accessory structure, whichever is greater, the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage may also be used for the home occupati~~The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or~~
- (b) An area exceeding the above maximums by up to ten (10) percent, when requested by an applicant with a disability; and
- ~~(b) Where an accessory building is used, other than storage of farm equipment or vehicles, the home occupation shall be limited to one thousand (1000) square feet (including detached garage);~~
- (c) Not more than six hundred (600) square feet ~~Outside of outdoor area for storage of inventory, equipment, a vehicles, or other items associated with the home occupations shall be limited to six hundred (600) square feet;~~

For purposes of Section 430-63.3 C, a "dwelling" includes any basement and attached garage. Indoor and outdoor areas used only for storage of farm equipment or farm vehicles are not considered as part of maximum allowed home occupation spaces.

- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;
- E. Limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area, ~~(b)~~Business identification on a commuter vehicle is exempt from this requirement;
- F. Not involve ~~warehousing or distribution, or~~ the use or storage of vehicles used for the business, other than one commuter vehicle;
- G. Not exceed a weekly average of two (2) business-related deliveries or pick-ups per day, excluding regular residential deliveries by the U.S. Postal Service; ~~Involve no sales of goods not made, repaired or reconditioned on the premises~~
- H. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;



- I. Have no more than nine (9) customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- J. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee; and
- K. Provide a parking plan which shall be approved if:
  - (1) The residential character of the parcel is not changed;
  - (2) The parking area does not detract from the visual appearance of the residence; and
  - (3) The parking area for a commuter vehicle with a gross vehicle weight more than 26,000 pounds shall be located at least one hundred (100) feet from any property line and be screened with at least a six (6) foot site-obscuring fence; or be located within a permitted accessory structure;
- L. Be located on a lot or parcel that is at least five (5) acres in size and with direct access to a public road (use of an easement or shared driveway is prohibited);
- M. Screen Outdoor storage areas shall be screened with a minimum six (6) foot site-obscuring fence. These areas and shall be located at least one hundred (100) feet from all property lines.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 773

Presented by: Andrew Singelakis, Director of Land Use & Transportation

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### SUMMARY:

A-Engrossed Ordinance No. 773 amends Home Occupation standards of the Community Development Code (CDC) Section 430-63. A-Engrossed Ordinance No. 773 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are 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. ORS 197.615 requires that such amendments 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 (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 773. Prior to October 22, 2013 the proposed findings will be provided to the Board and posted on the above land use ordinance web page. Copies of the findings will also be available electronically and at the Clerk's desk prior to the meeting.

Clerk's Desk Item: Findings (*click to access electronic copy*)

Attachment: Resolution and Order

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 773 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.

RO 13-107

Agenda Item No.

5.d.

Date:

10/22/13

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting ) RESOLUTION AND ORDER  
Legislative Findings in Support )  
of A-Engrossed Ordinance No. 773 ) No. 13-107

This matter having come before the Washington County Board of Commissioners at its meeting of October 22, 2013; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 773; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 4, 2013, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

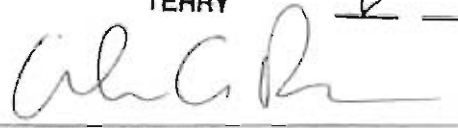
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the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

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 773 are hereby adopted.

DATED this 22nd day of October, 2013.

|            | AYE                                 | NAY                      | ABSENT                              |
|------------|-------------------------------------|--------------------------|-------------------------------------|
| DUYCK      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| SCHOUTEN   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MALINOWSKI | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ROGERS     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| TERRY      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

APPROVED AS TO FORM:

  
County Counsel  
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman

  
Recording Secretary

## EXHIBIT A

### FINDINGS FOR A-ENGROSSED ORDINANCE NO. 773 AN ORDINANCE AMENDING HOME OCCUPATION STANDARDS OF THE COMMUNITY DEVELOPMENT CODE

October 22, 2013

#### GENERAL FINDINGS

A-Engrossed Ordinance No. 773 amends Community Development Code (CDC) Section 430-63, primarily to remove home occupation standards that prevent retail sale of pre-manufactured products, storage, and distribution. To avoid added impacts to surrounding residential uses, the ordinance does not allow increases to limits on employee numbers, visiting customers, vehicles, parking, or signage. As further protection, caps on business-related deliveries are added. The ordinance also clarifies language, especially with respect to spaces eligible for home occupation use.

#### Key Ordinance Provisions

- Remove existing CDC restrictions on warehousing, distribution, retail sales and “...sale of goods not made, repaired, or reconditioned on the premises.”
- Add language limiting business-related deliveries and pick-ups, excluding regular U.S. Postal Service deliveries.
- Simplify existing language regarding home occupation space restrictions.
- Change some existing language for clarity only.

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 Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

#### GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 773 is consistent with Statewide Planning Goals (Goals), ORS and OAR requirements, Metro’s Urban Growth Management Functional Plan and the Washington County Comprehensive Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal compliance issues were raised in the proceeding below. In addition, none of the

proposed changes to text implicate a Goal compliance issue. The following findings are provided to demonstrate ongoing compliance.

### **Goal 1 - Citizen Involvement**

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of A-Engrossed Ordinance No. 773.

### **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, Comprehensive Framework Plan for the Urban Area, Community Development Code, Transportation Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 773. Notice was coordinated with all affected governmental entities.

### **Goal 9 – Economic Development**

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. Plan compliance with Goal 9 is maintained and enhanced with the amendments made by A-Engrossed Ordinance No. 773. 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:

- The Community Development Code (CDC) contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. A-Engrossed Ordinance No. 773 amends the CDC, mainly to remove Home Occupation standards that currently prohibit retail sale of products pre-manufactured off-site, warehousing, and distribution.
- A-Engrossed Ordinance No. 773 is primarily driven by economic considerations, including:
  - Concerns of an existing home occupation proprietor, restricted from selling goods integral to her home medical practice that are not "*made or reconditioned on-site.*"
  - A need to cultivate small business within the Aloha-Rosedale community, a chief goal expressed by its residents within public involvement workshops for community plan development.
  - Broader efforts to ease recent regional economic struggles and increase economic health countywide.

- A-Engrossed Ordinance No. 773 facilitates start-up and continued operation of home occupations by allowing greater flexibility in product and practice. As such, the ordinance contributes to economic development by facilitating entrepreneurship.

### **Goal 10 - Housing**

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policy 19 in the Rural/Natural Resource Plan address the provision of housing in Washington County. The Community Development Code (CDC) contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 773 does not affect CDC approval criteria for dwellings. While A-Engrossed Ordinance No. 773 seeks to remove unnecessary impediments to approval and operation of home businesses, it maintains and enhances safeguards against any associated impacts to residential character (onsite and off). The ordinance does not affect the ability to achieve allowed residential densities or otherwise provide for allowed housing stock. Plan compliance with Goal 10 is therefore maintained with the amendments made by A-Engrossed Ordinance No. 773.

## **FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

### **Title 8 - Compliance Procedures**

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan (UGMFP). Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans.

Title 8 requires jurisdictions to submit notice to Metro at least 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Consistent with Title 8, staff sent a copy of proposed Ordinance No. 773 to Metro on July 19, 2013, 47 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 773. Staff also sent a copy of proposed A-Engrossed Ordinance No. 773 to Metro on October 4, 2013. Metro provided no comments on A-Engrossed Ordinance No. 773.

The findings in this document demonstrate that the amendments made by this ordinance are in compliance with the UGMFP.



**WASHINGTON COUNTY, OREGON**

**Department of Land Use & Transportation**

**Long Range Planning Division**

155 N First Avenue, Suite 350, MS 14

Hillsboro, OR 97124-3072

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Priority Mail  
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\$ 05.32<sup>0</sup>

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**FIRST CLASS MAIL**

Attention: Plan Amendment Specialist  
Department of Land Conservation &  
Development  
635 Capitol St. NE, Suite 150  
Salem, OR 97301-2540

DEPT OF

OCT 25 2013

LAND CONSERVATION  
AND DEVELOPMENT

**FIRST CLASS MAIL**