



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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

## NOTICE OF ADOPTED AMENDMENT

September 26, 2008

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 007-08



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: October 9, 2008**

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: Doug White, DLCD Community Services Specialist  
Gary Fish, DLCD Regional Representative  
Christine Shirley, FEMA Specialist  
Aisha Willits, Washington County

<paa> ya/

FORM

2

# DLCD Notice of Adoption

in person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**SEP 19 2008**

**LAND CONSERVATION AND DEVELOPMENT**

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

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 696**

Date First Evidentiary Hearing: **8/6/2008**

Date of Final Hearing: **9/16/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **6/20/2008**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment     | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):  
**Ordinance No. 696 implements legislative changes and administrative rule amendments relating to campgrounds in private parks within the EFC District, limited land use decisions, land divisions for public parks and open spaces and validating unlawfully created units of land. The ordinance also amends the county's floodplain regulations to be consistent with Federal Emergency Management Agency requirements.**

Does the Adoption differ from proposal? **No**

Plan map changed from: **n/a**

to: **n/a**

Zone map changed from: **n/a**

to: **n/a**

Location: **n/a**

Specify density: Previous: **n/a** New density: **n/a** Acres involved: **n/a**

Mark applicable statewide planning goals:

- |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1                                   | 2                                   | 3                                   | 4                                   | 5                                   | 6                                   | 7                                   | 8                                   | 9                        | 10                                  | 11                                  | 12                       | 13                       | 14                       | 15                       | 16                       | 17                       | 18                       | 19                       |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 007-08 (16954)

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

Local Contact: **Aisha Willits, Senior Planner**  
E-mail: [aisha\\_willits@co.washington.or.us](mailto:aisha_willits@co.washington.or.us)  
Phone: (503) 846-3961

Address: **155 N. First Ave., Suite 350-14**  
City: **Hillsboro** Zip: **97124**  
Fax: **(503) 846-4412**

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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](http://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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

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

**Agenda Title:** **PROPOSED ORDINANCE NO. 696 – AN ORDINANCE  
AMENDING THE COMMUNITY DEVELOPMENT CODE  
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO  
LEGISLATIVE CHANGES AND A GENERAL UPDATE**

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

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**SUMMARY:**

Ordinance No. 696 proposes to amend various sections of the Community Development Code Element of the Comprehensive Plan to update county standards for compliance with changes made by the Oregon Legislature as well as changes made to Oregon Administrative Rules (OAR). Changes include updating the standards for campgrounds in private parks on exclusive forest land, limited land use decisions, land divisions for public parks and open spaces and validating unlawfully created units of land. The ordinance also proposes to amend the county's floodplain regulations to be consistent with Federal Emergency Management Agency requirements.

On August 20, 2008, the Planning Commission voted unanimously to recommend adoption of the ordinance, with further examination by the Board regarding property line adjustments on properties split by an urban growth boundary.

On September 2, 2008, the Board conducted the first public hearing for this ordinance. No public testimony was provided and the Board continued the hearing on Ordinance 696 to September 16 for staff to provide findings to support the adoption of the ordinance.

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. 696 by title only and conduct the second public hearing. At the conclusion of the hearing, adopt Ordinance 696.

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**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

100-601000

**ADOPTED**

Agenda Item No.	<b>4.a.</b>
Date:	09/16/08

**FILED**

**JUN 20 2008**

**Washington County  
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 696

An Ordinance Amending the  
Community Development Code  
Element of the Comprehensive Plan  
Relating to Legislative Changes and a  
General Update

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, (Board) 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, 669, 670, 674, 676, 677, 682-686, 697 and 698.

B. Subsequent ongoing planning efforts of the County indicate a need for revisions to the CDC to implement 2007 legislative changes and Oregon Administrative Rules updates. The Board takes note that such changes are necessary for clarification and the benefit of the residents of Washington County, Oregon.

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1 C. Under the provisions of Washington County Charter Chapter X, the Land Use  
2 Ordinance Advisory Commission has carried out its responsibilities, including preparation of  
3 notices, and the County Planning Commission has conducted one or more public hearings on  
4 the proposed amendments and has submitted its recommendations to the Board. The Board  
5 finds that this Ordinance is based on those recommendations and any modifications made by  
6 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 plan  
10 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 The following exhibits, attached and incorporated herein by reference, are hereby  
14 adopted as amendments to the designated documents:

- 15 A) Exhibit 1 (1 page) adding to the Community Development Code a new  
16 Section 216 VALIDATION OF AN UNLAWFULLY CREATED UNIT  
17 OF LAND;
- 18 B) Exhibit 2 (3 pages) amending Community Development Code Section 342  
19 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC);
- 20 C) Exhibit 3 (1 page) amending Community Development Code Sections 386  
21 PRIVATE USE AIRPORT SAFETY OVERLY DISTRICT and 388  
22

- 1 PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY  
2 DISTRICT;
- 3 D) Exhibit 4 (3 pages) amending Community Development Code Section 421  
4 FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT;
- 5 E) Exhibit 5 (2 pages) amending Community Development Code Section 424  
6 CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS;  
7 and
- 8 F) Exhibit 6 (1 page) amending Community Development Code Section 602  
9 GENERAL PROVISIONS.

10 SECTION 3

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

13 SECTION 4

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

16 SECTION 5

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

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SECTION 6

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

SECTION 7

This Ordinance shall take effect on November 27, 2008.

ENACTED this 16 day of September, 2008, being the 2nd reading and 2nd public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

**ADOPTED**

Tom Burgin  
CHAIRMAN

Barbara Hejtmanek  
RECORDING SECRETARY

READING

PUBLIC HEARING

First September 2, 2008  
Second September 16, 2008  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_

First September 2, 2008  
Second September 16, 2008  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_

VOTE: Aye: Brian, Schouten, Duyck, Rogers, Strader Nay: \_\_\_\_\_

Recording Secretary: Barbara Hejtmanek Date: September 16, 2008

Add to the Community Development Code a new Section 216 VALIDATION OF AN UNLAWFULLY CREATED UNIT OF LAND as shown below:

**216 VALIDATION OF AN UNLAWFULLY CREATED UNIT OF LAND**

- 216-1 An application to validate a unit of land created by a sale that did not comply with the applicable criteria for creation of a unit of land may be approved through a Type II procedure if the unit of land:
- A. Is not a lawfully established unit of land; and
  - B. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
- 216-2 Notwithstanding Section 440-11.1 B., an application to validate a unit of land under Section 440 may be approved if the county approved a permit for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the dwelling must qualify for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).
- 216-3 The application for a permit for continued use of a dwelling or other building on a unit of land that was not lawfully established may be approved if:
- A. The dwelling or other building was lawfully established prior to January 1, 2007; and
  - B. The permit does not change or intensify the use of the dwelling or other building.
- 216-4 An application to validate a unit of land is not subject to the minimum lot or parcel sizes established by ORS 215.780.
- 216-5 A unit of land becomes a lawfully established parcel when the owner of the unit of land causes a partition plat to be recorded within ninety (90) days after the date the county validated the unit of land.
- 216-6 An application to validate a unit of land shall not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- 216-7 Development or improvement of a parcel created under Section 604 must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a) or 227.178 (3)(a).

Community Development Code Section 342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC) is amended to reflect the following:

**342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)**

**342-1 Intent and Purpose**

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

The purpose of this District is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources of the County and to prohibit uses of land which are not compatible with the management and development of forest resources, in order to minimize the potential for damage from fire, pollution, soil erosion and conflict caused by development. This District is suited for application to forest land as well as associated scenic lands, recreation land, wildlife habitat or other sensitive land forms or watershed areas.

The EFC District is provided to meet Oregon statutory requirements for forest lands. Uses permitted by the Forest Practices Act are not subject to the requirements of this Section.

For all permitted uses, the property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. All new buildings, including accessory buildings, in this District shall comply with the fire structure siting and fire safety standards of Section 428.

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**342-4 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

**342-4.1 Uses which may be allowed:**

- A. Airport, expansion of existing airports only - Section 430-7.

- B. Campground - Section 430-25. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds in private parks shall not be allowed within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Firearms training facility, as provided in ORS 197.770.
- D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Ch. 520, and not otherwise permitted by Section 342-3.1 C. or Section 342-3.1 G.
- E. Permanent facility for the primary processing of forest products.
- F. Private accommodations for fishing occupied on a temporary basis - Section 430-100.3
- G. Private seasonal accommodations for fee hunting operations - Section 430-100.2.
- H. Public Building - limited only to fire stations for rural fire protection - Section 430-103.
- I. Solid Waste Disposal Site - Section 430-127.2.
- J. Microwave facilities, Broadcast and Communication Towers and transmission towers greater than two-hundred (200) feet in height - Section 430-109.
- K. All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related alterations.

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**342-5 Creation of Lots or Parcels by a Land Division Through a Type II Procedure**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 342-5.1 Creation of minimum eighty (80) acre parcels - Section 424-3.
- 342-5.2 Creation of a parcel less than eighty (80) acres, only for uses listed in the following sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities)

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility or primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers). See Section 610-1.1 B. (2) for required standards.

- 342-5.3 Creation of a parcel with an existing dwelling in EFC District – Section 424-8. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-5.4 Division of a Lot or Parcel with at least two (2) existing lawfully established dwellings in the EFC District which existed prior to November 4, 1993 – Section 424-9. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-5.5 Division of a Lot or Parcel for a Public Park or Open Space in the EFC District – Section 424-10.

Community Development Code Sections 386 PRIVATE USE AIRPORT SAFETY OVERLAY DISTRICT and 388 PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY DISTRICT are amended to reflect the following:

1. Amend Section 386-4 as shown:

**386-4 Notice of Land Use and Permit Applications within Overlay District Area**

Written notice of applications and decisions for land use ~~or limited land use~~ decisions, including Comprehensive Plan or Map amendments, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

2. Amend Section 388-4 as shown:

**388-4 Notice of Land Use and Permit Applications within Overlay District Area**

Except as otherwise provided herein, written notice of applications for land use ~~or limited land use~~ decisions, including comprehensive plan amendments, in an area within this overlay district, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

Community Development Code Section 421 for FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT is amended to reflect the following:

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**421-8 Criteria for Dwellings**

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- 421-8.2 Construction standards for new dwellings and substantial improvements to existing dwellings in flood areas:
- A. All new dwellings and substantial improvements to existing dwellings shall have the lowest habitable floor, including any basement, elevated to at least one (1) foot above the flood surface elevation and shall be anchored so as to prevent flotation, collapse or lateral movement;
  - B. New dwellings and substantial improvements to existing dwellings may be placed on pressure treated pilings when:
    - (1) Certified by a registered engineer as sufficient to prevent collapse or movement during a one-hundred (100) year flood.
    - (2) Pilings are placed on stable compacted fill on no greater than ten foot centers; and
    - (3) Pilings greater than six (6) feet high are reinforced;
  - C. New dwellings and substantial improvements to existing dwellings may be placed on approved fill providing the building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, is above the flood surface elevation.
  - D. All new construction and improvements to existing structures shall be done with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage. All new construction and improvements to existing structures shall be anchored to prevent flotation, collapse or lateral movement;
  - E. Fully enclosed ~~non-habitable~~ areas below the lowest floor that are subject to flooding ~~are permitted only if~~ shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting ~~this~~ the above requirement must either be certified by a registered professional engineer; ~~or,~~ must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade; and
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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#### 421-10 Criteria for Non-Dwelling Structures

421-10.1 New construction or substantial improvement of non-dwelling structures shall either have the lowest floor, including any basement, elevated to or above the flood surface elevation; or, the structure together with attendant utility and sanitary facilities shall:

- A. Be floodproofed so that below the flood surface elevation the structure is watertight with walls substantially impermeable to the passage of water;
- B. Be constructed with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage;
- C. Be anchored to prevent flotation, collapse or lateral movement;
- D. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

~~E. Be certified by a registered professional engineer or architect shall certify that the proposed that the design and methods of construction comply with the above described criteria are in accordance with accepted standards of practice and satisfy the standards of Section 421-10; and~~

~~F. Have the non-dwelling space below the lowest floor incorporate the applicable standards of Section 421-8.2.~~

421-10.2 In accordance with FEMA regulations, the flood insurance premiums for floodproofed non-dwelling structures will be based on the rates that are one (1) foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one (1) foot below) or as otherwise amended by FEMA.

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**421-15 Duties of the County**

- 421-15.1 The County shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures located within the flood area and whether or not such structures contain a basement and, shall obtain and maintain for any floodproofed structure, the elevation to which the structure was floodproofed. Such information shall be public record.
- 421-15.2 The Director shall notify adjacent communities, Oregon Department of Land Conservation and Development, and ~~the other~~ relevant State agencies of any approval prior to alteration of a watercourse. The Director shall submit evidence of said notification to the Federal Insurance Administration.

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Community Development Code Section 424 CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS is amended to add a new Section 424-10 as shown below:

**424 CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS**

In order to create a lot or parcel in the EFU, EFC, or AF-20 Districts, the following applicable standards shall be met. In addition to the following standards, in the EFU and AF-20 Districts, the applicable requirements of ORS 215 shall be met, and in the EFC District, the applicable requirements of OAR 660-06-026 shall be met. Findings shall be made for each of the applicable standards.

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**424-10 Division of Land for Public Parks or Open Space in the EFC District**

A proposed division of land in a forest zone to create two parcels may be approved if the proposed division of land is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels.

424-10.1 A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

- A. If the parcel contains a dwelling or another use allowed under ORS 215, the parcel must be large enough to support continued residential use or other allowed use of the parcel; or
- B. If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

424-10.2 Before approving a proposed division of land under this section, a condition of approval shall be required that the provider of public parks or open space, or the not-for-profit land conservation organization record an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

- A. Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone except park or conservation uses; and
- B. Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

424-10.3 If a proposed division of land under Section 424-10 results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a

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~~abedef~~ Proposed deletions

parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division.

Community Development Code Section 602 GENERAL PROVISIONS is amended to reflect the following:

**602 GENERAL PROVISIONS**

**602-1 Filing and Recording**

- 602-1.1 All land divisions shall be created by a subdivision or partition plat and must comply with ORS Ch. 92. All property line adjustments shall be executed by deed and must comply with ORS Ch. 92. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the Washington County Department of Records, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land. Plats to lawfully establish unlawfully created units of land must be filed within ninety (90) days of the County's validation of the property – Section 216. Within two (2) years of approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Washington County Department of Records.
- 602-1.2 Prior to acceptance of a final subdivision or partition plat for recording by the Washington County Department of Records, a copy of all supplemental information that must be recorded, such as restrictive covenants, shall be attached to the final plat. Supplemental information that is required to be recorded shall be recorded immediately after recording the plat. The County Clerk shall note the document recording numbers on the plat.
- 602-1.3 All subdivision plats shall be approved and signed by the County Surveyor, the County Assessor, and the Chairperson or Vice-Chairperson of the Board of County Commissioners prior to recording.

## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 696

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

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#### SUMMARY:

Ordinance No. 696 proposes to amend various sections of the Community Development Code Element of the Comprehensive Plan to update county standards for compliance with changes made by the Oregon Legislature as well as changes made to Oregon Administrative Rules (OAR). Changes include updating the standards for campgrounds in private parks on exclusive forest land, limited land use decisions, land divisions for public parks and open spaces and validating unlawfully created units of land. The ordinance also proposes to amend the county's floodplain regulations to be consistent with federal requirements.

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. 696. 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. 696 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 08-106

Agenda Item No.	<u>5.a.</u>
Date:	09/16/08

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IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting ) RESOLUTION AND ORDER  
Legislative Findings in Support )  
of Ordinance No. 696 ) No. 08-106

This matter having come before the Washington County Board of Commissioners at its meeting of September 16, 2008; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 696; 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 16, 2008, 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 meeting minutes of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 696 are hereby adopted.

DATED this 16th day of September, 2008.

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

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Bruen  
Chairman

[Signature]  
County Counsel  
For Washington County, Oregon

Barbara Hefmanek  
Recording Secretary

## EXHIBIT A

### **FINDINGS FOR ORDINANCE NO. 696 AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO LEGISLATIVE CHANGES AND A GENERAL UPDATE**

**SEPTEMBER 16, 2008**

#### **GENERAL FINDINGS**

Ordinance No. 696 proposes to amend several sections of the Community Development Code (CDC) to implement House Bill 2723 (HB 2723) and House Bill 2992 (HB 2992), adopted by the Oregon Legislature in 2007. This ordinance also includes general update amendments relating to the National Flood Insurance Program, allowed uses in the Exclusive Farm Use (EFC) District, and updating terminology relating to land use decisions.

HB 2723 grants cities and counties authority to validate an unlawfully created unit of land. HB 2723 amends Oregon Revised Statutes 92.010, 92.018, 92.177, 93.040 and 105.464. The bill was adopted by the Oregon Legislature and became effective on January 1, 2008.

HB 2992 allows a county to approve a proposed division of land in a forest zone (the EFC District) to create two parcels in certain situations. The bill allows this type of land division for the purpose of allowing a provider of a public park or open space or a not-for-profit land conservation organization to purchase one of the resulting parcels. HB 2992 amended Oregon Revised Statute (ORS) 215.780, and the bill became effective on January 1, 2008. Amendments pertaining to this bill are found in Section 342 (Exclusive Forest and Conservation District) and Section 424 (Creation of Parcels in the EFU, EFC and AF-20 Districts).

In 2006, the Oregon Department of Land Conservation and Development conducted a review of Section 421, Washington County's flood plain ordinance, and how it meets the standards of FEMA's National Flood Insurance Program (NFIP). Amendments to Section 421 are proposed to ensure compliance with NFIP standards and to clarify the county's floodplain regulations.

Ordinance 701 also makes the following general update changes to the CDC:

- Section 342 (Exclusive Forest and Conservation District) restricts campgrounds on EFC land within three miles of an urban growth boundary to comply with OAR 660-006-0025.

- Sections 386 (Private Use Airport Safety Overlay District) and 388 (Public Use Airport Safety and Compatibility Overlay District) removes “limited” from the reference to “limited land use decision.”
- Section 602 (General Provisions) was amended to include filing and recording requirements for plats used to lawfully establish an unlawfully created unit of land.

Because the ordinance would make changes that do not affect compliance with Oregon’s Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

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

## **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 696 is consistent with Statewide Planning Goals, ORS and OAR requirements and the Washington County Comprehensive Plan, and Metro’s Urban Growth Management Functional Plan (UGMFP).

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

#### **CONCLUSION**

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has utilized these requirements for the adoption of this ordinance. Plan compliance with Goal 1 is maintained by implementing these citizen involvement options. This conclusion is supported by the following facts:

#### **FACTS**

1. Washington County’s Citizen Participation Policy is outlined in Resolution and Order 86-58.

2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, town hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPOs).
3. Proposed Ordinance No. 696 and an accompanying summary were mailed July 2, 2008 to the CPOs and CCI. Also on July 2, 2008, notice of the ordinance was mailed to special service districts and cities in Washington County and other interested parties. Additionally, notice of the proposed ordinance and copies of the ordinance were mailed to DLCD on June 20, 2008.
4. A copy of the proposed ordinance was made available for review at the Cedar Mill Library and the Tigard Public Library. Copies of the ordinance were also available for review in the office of the Department of Land Use and Transportation and on the county's website.
5. 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. 696 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on July 17, 2008 and *The Hillsboro Argus* on July 18, 2008.
6. Chapter X of the County Charter requires that individual notice for the initial public hearings on the ordinance be mailed at least 14 days prior to the first hearing to those persons who have requested them in writing and paid a fee. Notice for Proposed Ordinance No. 696 was mailed on July 23, 2008.
7. The Planning Commission held public hearings for this ordinance on August 6 and 20, 2008. These hearings resulted in a recommendation for adoption of Ordinance No. 696 to the Board of Commissioners. The Board of Commissioners held public hearings on the ordinance on September 2 and 16, 2008 and voted to adopt Ordinance No 696.

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

#### **CONCLUSION**

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

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

#### FACTS

1. The acknowledged Comprehensive Framework Plan for the Urban Area and Rural/Natural Resource Plan both require that legislative Plan and CDC amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X, Section 100(d) of the County Charter defines "land use ordinances" to include any ordinance that amends a comprehensive plan. Ordinance No. 696 amends the county's Community Development Code, which is an element of the county's Comprehensive Plan. It is therefore a legislative land use ordinance in accordance with the definitions in Chapter X of the County Charter.
3. Chapter X of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met July 10, 2008 to draft a notice for Ordinance No. 696. The Charter also requires that the notice be mailed at least 14 days prior to the initial Planning Commission hearing to those persons who have requested notices in writing and paid a fee. This notice was mailed on July 23, 2008.
4. Chapter X requires that a display ad be published in a newspaper of general circulation 14 days prior to the initial Planning Commission hearing, which was held on August 6, 2008. ORS Chapter 215.060 requires the county to provide 14 days advance public notice prior to the first public hearing. Display ads were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on July 17, 2008 and *The Hillsboro Argus* on July 18, 2008.
5. ORS 197.610, OAR 660-018-0020 and Senate Bill 543 (effective on June 30, 1999) require that notice of proposed amendments to the county's acknowledged comprehensive plan be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 696 was mailed to DLCD on June 20, 2008.
6. At its hearing on March 18, 2008, the Board of County Commissioners authorized the 2008 Planning Division and Land Use Ordinance Work Program, which included the filing of an ordinance to implement limited 2007/2008 legislative

changes and administrative rule changes to maintain the Comprehensive Plan's consistency. These changes were included in Proposed Ordinance No. 696.

### **Goal 3 - Agricultural Land**

#### CONCLUSION

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and standards for protecting agricultural lands identified under Goal 3. This conclusion is supported by the following facts:

#### FACT

The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 696 did not amend the applicable Plan policies or CDC standards related to agriculture land resources which impact the county's compliance with Goal 4. Therefore, it is not necessary to make specific findings for Goal 3.

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

#### CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments made by Ordinance No. 696 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. Ordinance No. 696 amended Section 342 of the Community Development Code to comply with Oregon Administrative Rule 660-006-0025, which prohibits campgrounds within private parks on EFC land within three miles of an urban growth boundary, except on a lot or parcel contiguous to a lake or reservoir.
2. The EFC District standards were also amended to include a cross-reference to new CDC Section 424-10, which was added to implement House Bill 2992. The bill provided a new process to divide land to facilitate the sale of one of the resulting parcels to a public parks or open space provider.
3. CDC Section 424-10 is created to implement House Bill 2992, adopted in 2007. The legislation allowed counties to divide exclusive forest land properties below

the district's minimum lot size to allow property owners to sell portions of their land to public park providers and not-for-profit land conservation groups.

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

CONCLUSION

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

Plan compliance with Goal 5 is maintained with amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660, Division 23. This conclusion is supported by the following facts:

FACTS

1. Ordinance No. 696 amended the Community Development Code element of the Comprehensive Plan by updating the EFC District standards for compliance with Oregon Administrative Rule 660-006-0025. CDC 342 was amended to prohibit campgrounds within private parks on EFC land within three miles of an urban growth boundary, except on a lot or parcel contiguous to a lake or reservoir.
2. The EFC District standards were also amended to include a cross-reference to new CDC Section 424-10, which provides for a new process to divide land to facilitate the sale of one of the resulting parcels to a public parks or open space provider.
3. CDC Section 424-10 was created to implement House Bill 2992, adopted in 2007. The legislation allowed counties to divide exclusive forest land properties below the district's minimum lot size to allow property owners to sell portions of their land to public park providers and not-for-profit land conservation groups.

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

CONCLUSION

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

Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts:

FACTS

1. The Community Development Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. The ordinance did not amend any Plan policies or strategies or CDC standards related to air, water, or land resources which impact the county's compliance with Goal 6. Therefore, it is not necessary to make specific findings for Goal 6.

**Goal 7 - Natural Disasters and Hazards**

CONCLUSION

Policy 8 in the Comprehensive Framework Plan for the Urban Area and Policy 8 in the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural disasters and hazards. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 696. 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. 696 amends CDC Section 421, Flood Plain and Drainage Hazard Area Development, for clarity and consistency with the Oregon Model Flood Damage Prevention Ordinance. CDC Section 421-10.1.F was deleted because it
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contradicted the previous standards under CDC Section 421-10.1.A-E. Amendments to CDC Section 421-15 were made for clarity, specifically to include the Oregon Department of Land Conservation and Development and other relevant State agencies.

3. Ordinance No. 696 did not amend the applicable Plan policies related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

### **Goal 8 - Recreation Needs**

#### CONCLUSION

Policies 33 and 34 of the Comprehensive Framework Plan for the Urban Area, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of the citizens of Washington County and visitors. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

#### FACTS

1. The CDC standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-50 and 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks – Type I), 430-97 (Parks – Type II), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 696 amended the Community Development Code element of the Comprehensive Plan by updating the EFC District standards for compliance with Oregon Administrative Rule 660-006-0025. CDC Section 342 was amended to prohibit campgrounds within private parks on EFC land within three miles of an urban growth boundary, except on a lot or parcel contiguous to a lake or reservoir.
3. The EFC District standards were also amended to include a cross-reference to new CDC Section 424-10, which provides for a new process to divide land to facilitate the sale of one of the resulting parcels to a public parks or open space provider.
4. CDC Section 424-10 is created to implement House Bill 2992, adopted in 2007. The legislation allowed counties to divide exclusive forest land properties below the district's minimum lot size to allow property owners to sell portions of their land to public park providers and not-for-profit land conservation groups.

5. Ordinance No. 696 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 8. Therefore, it is not necessary to make specific findings for Goal 8.

### **Goal 9 - Economy of the State**

#### CONCLUSION

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The Community Development Code contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

#### FACTS

1. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific CDC standards directly related to this goal, amendments to the CDC should follow this policy to achieve the economic development goal.
2. Ordinance No. 696 modified CDC Section to remove the reference to "limited" land use decisions from Sections 386 (Private Use Airport Safety Overlay District) and 388 (Public Use Airport Safety and Compatibility Overlay District). The amendments to Sections 386 (Private Use Airport Safety Overlay District) and 388 (Public Use Airport Safety and Compatibility Overlay District) remove the references to limited land use decisions. The county does not perform limited land use decisions; therefore, these references must be removed.
3. Ordinance No. 696 amended the Community Development Code to create a new section, Section 216 (Validation of an Unlawfully Created Unit of Land), to comply with HB 2723. Section 216 describes two methods by which an unlawfully created unit of land may be validated. The first option is to show that the unit of land was not created legally and that it could have complied with applicable criteria for the creation of a lawfully established unit of land in effect when the unit was sold. The second option is to validate an unlawfully created unit of land under Section 216 (Validation of an Unlawfully Created Unit of Land) by providing evidence that the county approved a permit for the construction or placement of a building on the unit of land after the sale. If a

permit was approved for a dwelling, it must qualify for replacement under the criteria set forth in ORS 215.755(1)(a) to (e).

4. The ordinance also amended CDC Section 602 to state that in order to lawfully establish an unlawfully created unit of land, a plat must be filed within ninety days of the county's validation of the property.

### **Goal 10 - Housing**

#### CONCLUSION

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts:

#### FACTS

1. In order to implement HB 2723, adopted in 2007, CDC Section 216 (Validation of an Unlawfully Created Unit of Land), was added to the CDC. Section 216 describes two methods by which an unlawfully created unit of land may be validated. The first option is to show that the unit of land was not created legally and that it could have complied with applicable criteria for the creation of a lawfully established unit of land in effect when the unit was sold. The second option is to validate an unlawfully created unit of land under Section 216 (Validation of an Unlawfully Created Unit of Land) by providing evidence that the county approved a permit for the construction or placement of a building on the unit of land after the sale. If a permit was approved for a dwelling, it must qualify for replacement under the criteria set forth in ORS 215.755(1)(a) to (e).
2. CDC Section 602 (General Provisions) was also amended to require the filing and recording of a plat to lawfully establish an unlawfully created unit of land as described in Section 216. The amendment to Section 602 states that to lawfully establish an unlawfully created unit of land, a plat must be filed within ninety days of the county's validation of the property.

### **Goal 11 - Public Facilities and Services**

#### CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The Community Development Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 696. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

#### FACTS

1. The standards for public facilities and services in the Community Development Code are outlined in Article V (Public Facilities and Services).
2. In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 696 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 696 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 11. Therefore, it is not necessary to make specific findings for Goal 11.

### **Goal 12 - Transportation**

#### CONCLUSION

Policy 32 of the Comprehensive Framework Plan for the Urban Area, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the Transportation Plan and the Community Development Code. Plan compliance with Goal 12 is maintained with the amendments made by Ordinance No. 696. 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:

FACT

Ordinance No. 696 did not amend the applicable Plan policies related to transportation. Therefore, it is not necessary to make specific findings for Goal 12.

**Goal 13 - Energy Conservation**

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 696. 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:

FACT

Ordinance No. 696 did not amend the applicable Plan policies or CDC sections related to energy conservation. Therefore, it is not necessary to make specific findings for Goal 13.

**Goal 14 - Urbanization**

CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 696. 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:

FACT

Ordinance No. 696 did not directly amend any Plan policies or strategies or CDC standards relating to Goal 14. Therefore, it is not necessary to make specific findings for Goal 14.

**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH  
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 696  
AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE  
COMPREHENSIVE PLAN RELATING TO LEGISLATIVE CHANGES AND A  
GENERAL UPDATE**

**FOR THE SEPTEMBER 16, 2008 HEARING**

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

In order to implement HB 2723, a new section, Section 216 (Validation of an Unlawfully Created Unit of Land), was added to the CDC. Section 602 (General Provisions) would also be amended to require the filing and recording of a plat to lawfully establish an unlawfully created unit of land as described in Section 216.

As proposed, Section 216 describes two methods by which an unlawfully created unit of land may be validated. The first option is to show that the unit of land was not created legally and that it could have complied with applicable criteria for the creation of a lawfully established unit of land in effect when the unit was sold. The second option is to validate an unlawfully created unit of land under Section 216 (Validation of an Unlawfully Created Unit of Land) by providing evidence that the county approved a permit for the construction or placement of a building on the unit of land after the sale. If a permit was approved for a dwelling, it must qualify for replacement under the criteria set forth in ORS 215.755(1)(a) to (e). The amendment to Section 602 states that to lawfully establish an unlawfully created unit of land, a plat must be filed within ninety days of the county's validation of the property.

Ordinance No. 696 also modified CDC Section 421, Flood Plain and Drainage Hazard Area Development. The changes, which could impact residential properties located within flood plain areas, were made for clarity and consistency with the Oregon Model Flood Damage Prevention Ordinance. Amendments to CDC Section 421-8.2.E. were

made for clarity, while CDC Section 421-10.1.F was deleted because it contradicted the previous standards under CDC Section 421-10.1.A-E. Amendments to CDC Section 421-15 were made for clarity, specifically to include the Oregon Department of Land Conservation and Development and other relevant State agencies. Therefore the changes adopted by Ordinance No. 696 are consistent with Title 1 of the UGMFP.

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

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

#### **RESPONSE**

Implementation of Title 3 requirements has been completed primarily through the adoption of 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. 696 modified CDC Section 421, Flood Plain and Drainage Hazard Area Development. The changes, which could impact properties located within flood plain areas, were made for clarity and consistency with the Oregon Model Flood Damage Prevention Ordinance. Amendments to CDC Section 421-8.2.E. were made for clarity, while CDC Section 421-10.1.F was deleted because it contradicted the previous standards under CDC Section 421-10.1.A-E. Amendments to CDC Section 421-15 were made for clarity, specifically to include the Oregon Department of Land Conservation and Development and other relevant State agencies. Ordinance No. 696 does not amend any resource designations on the county's Goal 5 inventory. Therefore the changes adopted by Ordinance No. 696 are consistent with Title 3 of the UGMFP.

### **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. 696 on June 20, 2008. These findings demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.

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DEVELOPMENT  
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