



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

July 7, 2006



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 007-06

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: July 20, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Linda Schroeder, Washington County

<paa> ya/

DEPT OF

DLCD NOTICE OF ADOPTION

This form must be received by DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

JUN 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Washington County

Local File No.: Ordinance No. 661 (if no number, use none)

Date of Adoption: June 27, 2006 (Must be filled in)

Date Mailed: June 29, 2006

Date the Notice of Proposed Amendment was mailed to DLCD: May 4, 2006

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other: (Please specify type of action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached." Ordinance 661 modifies the standards for lot dimensions in the Future Development 20 Acre District (FD-20) to allow partitions less than 20 acres when the proposed parcel is to be sold to provide public facilities or services.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres involved:

Specified Change in Density: Previous: New:

Applicable Statewide Planning Goals: 1, 2, 5, 6, 8, 11, 14

Is an Exception Proposed? Yes: No: X

Was an Exception Adopted? Yes: No: X

DLCD No: 007-06

Did the Department of Land Conservation and Development receive a notice a Proposed Amendment FORTY-FIVE (45) days prior to the first evidentiary hearing?

Yes:  No:

If no, do the Statewide Planning Goals apply?

Yes:  No:

If no, did The Emergency Circumstances require immediate adoption?

Yes:  No:

Affected State and Federal Agencies, Local Governments or Special Districts: Metro

Local Contact: Linda Schroeder Area Code + Phone Number: 503-846-3962

Address: Washington County DLUT, 155 N First Avenue, Suite 350-14

City: Hillsboro Zipcode + 4: 97124-3072

Email Address: linda\_schroeder@co.washington.or.us

### 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 (2)** Copies 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. Submit **TWO (2) copies** of the adopted material, if copies are bound, please submit **TWO (2)** complete copies of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD no 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 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 copy this form on to 8½ x 11 inch green paper only; or call the DLCD Office at (503) 373-0050; or Fax you request to (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) – ATTENTION: PLAN AMENDMENT SPECIALIST.

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Public Hearing – First Reading and Public Hearing – (CPOs 4B  
Land Use & Transportation; County Counsel and 4M)

**Agenda Title:** **PROPOSED ORDINANCE NO. 661 – AN ORDINANCE  
AMENDING THE COMMUNITY DEVELOPMENT CODE  
RELATING TO PARTITIONS WITHIN THE FUTURE  
DEVELOPMENT 20 ACRE (FD-20) DISTRICT IN THE BULL  
MOUNTAIN AND WEST TIGARD COMMUNITY PLAN AREAS**

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

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**SUMMARY** (Attach Supporting Documents if Necessary)

Ordinance No. 661 proposes to amend the Community Development Code (CDC) to make changes to the Future Development 20 Acre (FD-20) District relating to land partitions in the unincorporated territory located in the boundaries of the Bull Mountain and West Tigard Community Plans. The proposed change would allow creation of parcels less than 20 acres to accommodate public facilities and services associated with the provision of sewer, water, schools, fire, and park and recreation services in the Bull Mountain and West Tigard Community Plan areas.

On June 21, 2006, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission’s recommendation will be included in the staff report, which will be provided to the Board prior to the June 27, 2006 hearing. Copies of the report will also be available at the Clerk’s desk prior to the hearing.

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

**DEPARTMENT’S REQUESTED ACTION:**

Read Ordinance No. 661 by title only and conduct the first public hearing. At the conclusion of the public hearing, adopt Ordinance No. 661.

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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:	06/27/06

MAY 04 2006

**Washington County  
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE No. 661

An Ordinance Amending the  
Community Development Code  
Element of the Comprehensive Plan  
Relating to Lot Area for Partitions  
Within the Future Development 20-  
Acre (FD-20) District in the Bull  
Mountain and West Tigard Community  
Plan Areas

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code ("CDC") element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659, and 660.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC element of the Comprehensive Plan to accommodate public facilities and services associated with the provision of sewer, water, school, fire, and park and

1 recreation services in parcels less than twenty (20) acres in the Bull Mountain and West  
2 Tigard Community Plan areas. The Board takes note that such changes are necessary to  
3 assure consistency with state law and are for the benefit of the residents of Washington  
4 County, Oregon.

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

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

16 SECTION 2

17 The following exhibits, attached and incorporated herein by reference, are hereby  
18 adopted and made applicable to the West Tigard and Bull Mountain Community Plan area  
19 as provided below:

- 20 1. Exhibit 1 – Map of the affected territory in the West Tigard and Bull Mountain  
21 Community Plan areas (1 page); and
- 22 2. Exhibit 2 – Amendments to CDC Section 308-6.1 Lot Area in the Future  
Development 20-Acre District (1 page).

1     SECTION 3

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

5     SECTION 4

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

8     SECTION 5

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

14     SECTION 6

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

21     ////

22     ////

1 SECTION 7

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

3 ENACTED this 27th day of June, 2006, being the 1st reading  
4 and 1st public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 John Reynolds  
CHAIRMAN

10 Marian Larkin  
RECORDING SECRETARY

11  
12 READING

PUBLIC HEARING

13 First June 27, 2006  
14 Second \_\_\_\_\_  
15 Third \_\_\_\_\_  
16 Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

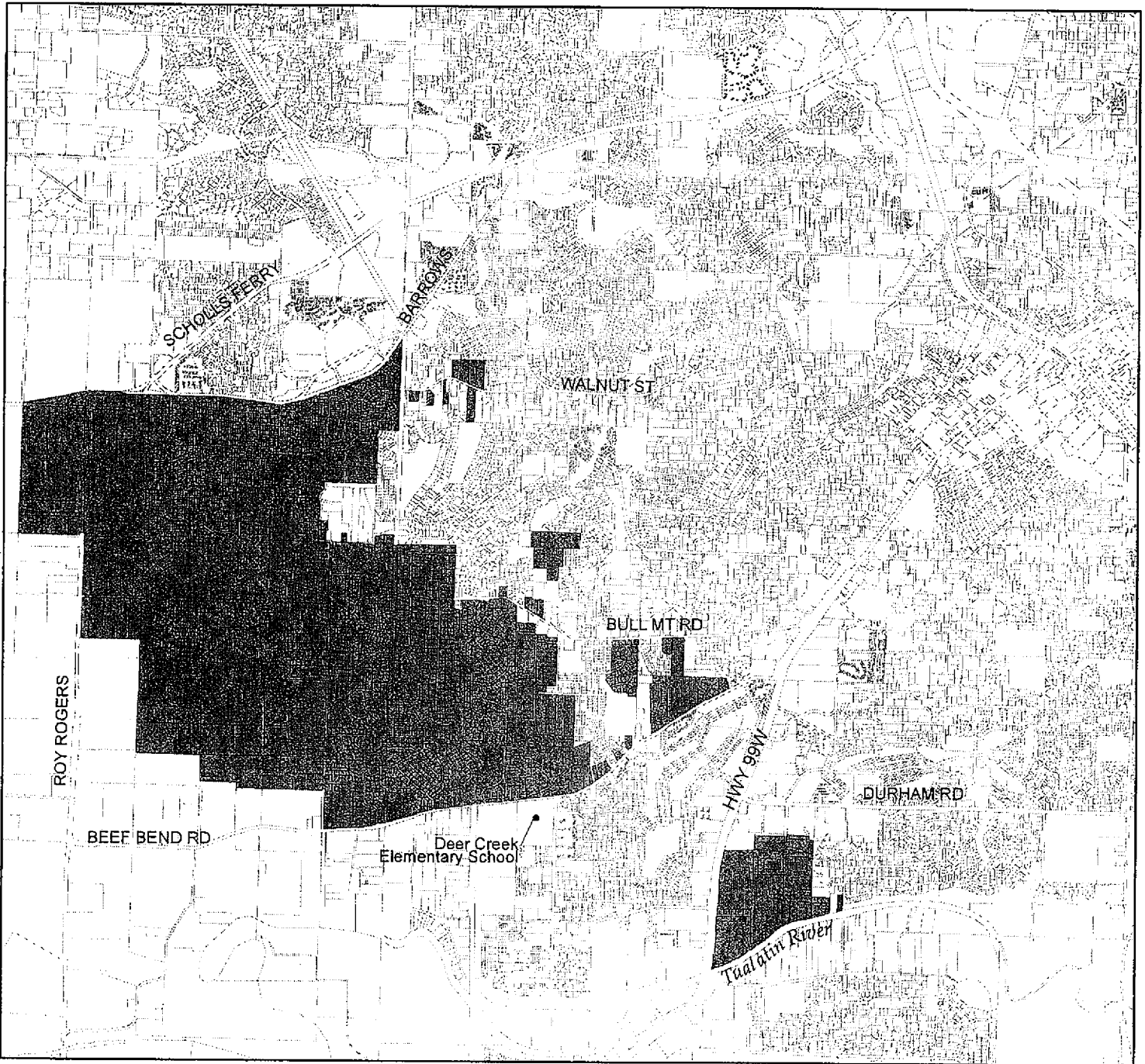
June 27, 2006  
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17 VOTE: Aye: Leeper, Duyck, Schouten Nay: \_\_\_\_\_

18 Recording Secretary: Marian Larkin Date: June 27, 2006



# Bull Mountain Community Plan & West Tigard Community Plan Affected Territory



S:\P\ng\WPSHARE\2006\ord\Ord 661\Exhibits\Exhibit1\_map.mxd DM 5/3/06

 Affected Territory



3,400 1,700 0 3,400 Feet

CDC Section 308-6 DIMENSIONAL REQUIREMENTS in the Future Development 20 Acre District is amended as shown below. These changes are only applicable to the unincorporated territory in the boundaries of the Bull Mt. and West Tigard Community Plans shown on Exhibit 1.

**308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)**

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**308-6 Dimensional Requirements**

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

**308-6.1 Lot Area:**

A. The minimum lot area shall be twenty (20) acres unless specified otherwise by the applicable Community Plan, or Policy 41 of the Comprehensive Framework Plan for the Urban Area, or as provided below.

B. Partitions to create parcels less than twenty (20) acres may be allowed for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services. If the partition is required to accommodate the sale of land for the noted public facilities and services, application submittal materials shall include the following in order to demonstrate proof of a qualified service provider's intent to purchase the parcel(s) created through such a partition:

(1) A letter of intent to purchase or signed purchase agreement from the applicable service provider for the proposed parcel(s), and

(2) Application by all the owners of the subject property and the service provider(s) intending to purchase the proposed parcel(s), or any person authorized in writing to act as agent of the owners or service providers.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Land Use & Transportation (CPOs 4B and 4M)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 661

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

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### SUMMARY:

Ordinance No. 661 proposes to amend the Community Development Code (CDC) to make changes to the Future Development 20 Acre (FD-20) District relating to land partitions in the unincorporated territory located in the boundaries of the Bull Mountain and West Tigard Community Plans. The proposed change would allow creation of parcels less than 20 acres to accommodate public facilities and services associated with the provision of sewer, water, schools, fire, and park and recreation services in the Bull Mountain and West Tigard Community Plan areas.

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, Section 3 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 661. 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. 661 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 06-154

Agenda Item No.	<u>9.a.</u>
Date:	<u>06/27/06</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support )  
of Ordinance No. 661 ) No. 06-154

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of June 27, 2006; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts  
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's  
10 Urban Growth Management Functional Plan relating to Ordinance No. 661; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
14 on June 21, 2006, made a recommendation to the Board, which is in the record and has been  
15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance  
21 No. 661 are hereby adopted.

22 DATED this 27th day of June, 2006.

	AYE	NAY	ABSENT	
BRIAN SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON
LEEPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
OLYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
APPROVED AS TO FORM:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

*John Leeper for*  
Chairman

*[Signature]*  
County Counsel  
For Washington County, Oregon

*Marianne Lakson*  
Recording Secretary

## EXHIBIT A

### **FINDINGS FOR ORDINANCE NO. 661 AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO LOT AREA FOR LAND PARTITIONS WITHIN THE FUTURE DEVELOPMENT 20-ACRE (FD-20) DISTRICT IN THE BULL MOUNTAIN AND WEST TIGARD COMMUNITY PLAN AREAS**

**JUNE 27, 2006**

#### **GENERAL FINDINGS**

Ordinance No. 661 amends the Community Development Code element of the Comprehensive Plan relating to lot area for land partitions within the Future Development 20-Acre (FD-20) District in the Bull Mountain and West Tigard Community Plan areas. The proposed changes allow for the creation of parcels less than 20 acres for certain public services, which include water, sewer, fire, schools, and park and recreation.

Ordinance No. 661 applies the provisions adopted by Ordinance No. 654 to the Bull Mountain and West Tigard Community Plan areas. Ordinance No. 654 applied the above lot area amendments to all FD-20 land in Washington County. Ordinance 654 was adopted on March 21, 2006 and became effective on April 20, 2006.

Ordinance No. 659, which carried out the termination of the "Urban Services Intergovernmental Agreement between the City of Tigard and Washington County" (Service Agreement), was filed on April 21, 2006, the day after Ordinance 654 became effective. The FD-20 properties within the Bull Mountain Community Plan boundary were subject to the Service Agreement until its dissolution through Ordinance 659. There are no FD-20 properties located within the West Tigard Community Plan Boundary, so Ordinance 661 affects only FD-20 properties located within the Bull Mountain Community Plan Boundary.

The Community Development Code text in Ordinance 659 did not include the new FD-20 language adopted by Ordinance 654 since it was not in effect when Ordinance 659 was prepared. As a result, Ordinance 659 negated Ordinance 654 for FD-20 properties located within the Bull Mountain Community Plan boundary that were previously subject to the Service Agreement.

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.

## **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 661 is consistent with Statewide Planning Goals, ORS and OAR requirements and the Washington County Comprehensive Plan.

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

#### **CONCLUSION**

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

#### **FACTS**

1. Washington County's Citizen Participation Policy is outlined in Resolution and Order 86-58.
2. Resolution and Order 86-58 endorses a variety of citizen involvement mechanisms. These include public hearings, town hall meetings, open houses, advisory committees, the Committee for Citizen Involvement (CCI) and Citizen Participation Organizations (CPOs).
3. Proposed Ordinance No. 661 and an accompanying summary were mailed on May 10, 2006 to the CPOs and CCI. Also on May 10th, 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 May 4, 2006.
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. 661 were published in the following newspapers: the Washington County Weekly section of *The Oregonian* on June 1, 2006 and *The Hillsboro Argus* on June 2, 2006.

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. 661 was mailed on May 24, 2006.
7. The Planning Commission held a public hearing for this ordinance on June 21, 2006. This hearing resulted in a recommendation for adoption of Ordinance No. 661 to the Board of Commissioners. The Board of Commissioners held a public hearing on this ordinance on June 27, 2006 and voted to adopt the ordinance as filed.

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

### CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires an adequate factual base to support a decision and coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes 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 Code 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. 661 amends one element of 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 May 18, 2006 to draft a notice for Ordinance No. 661. 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 May 24, 2006.
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 June 21, 2006. 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 June 1, 2006 and *The Hillsboro Argus* on June 2, 2006.
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 shall be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing. Notice of Proposed Ordinance No. 661 was mailed to DLCD on May 4, 2006.
6. At its hearing on January 24, 2006, the Board of County Commissioners authorized the filing of an ordinance amending the standards in Section 308 (Future Development 20 Acre District) of the Community Development Code. These changes were included in Ordinance No. 654, which applied to all FD-20 properties in Washington County. Ordinance 659 negated the provisions of Ordinance 654 for the FD-20 properties that were previously subject to the Tigard Service Agreement. Ordinance No. 661 applies the standards adopted in Ordinance 654 to the subject properties and provides uniform standards for FD-20 land throughout Washington County.

### **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. 661. 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

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 661 did not amend the applicable Plan policies or Code standards related to agricultural land resources which impact the county's compliance with Goal 3. 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. 661 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:

FACT

1. The EFC District is Washington County's acknowledged exclusive forest district. Ordinance No. 661 did not amend the applicable Plan policies or Code standards related to forest land resources which impact the county's compliance with Goal 4. Therefore, it is not necessary to make specific findings for Goal 4.

**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. 661. 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. 661 amended the Community Development Code element of the Comprehensive Framework Plan relating to lot area for partitions within the Future Development 20 Acre (FD-20) District (Section 308) for the Bull Mountain Community Plan area. The proposed changes allow for the creation of parcels less than 20 acres for certain public services, which include water, sewer, fire, schools, and park and recreation.
2. While Ordinance No. 661 did not directly amend any Plan policies or strategies or Code standards relating to Goal 5, the amendments may assist in the provision of park and recreation facilities that require parcels less than 20 acres.

## **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. 661. 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. Ordinance No. 661 amends Section 308 of the Community Development Code - Future Development 20 Acre (FD-20) District for the Bull Mountain Community Plan area. Ordinance No. 661 did not amend the applicable Plan policies or Code standards related to air, water or land resources which impact the county's compliance with 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. 661. 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. 661 amends Section 308 of the Community Development Code - Future Development 20 Acre (FD-20) District for the Bull Mountain Community Plan area. Ordinance No. 661 did not amend the applicable Plan policies related to flood plain areas or to natural disasters and hazards.

## **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. 661. The amendments are consistent with the county's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8. This conclusion is supported by the following facts:

### FACTS

1. The Code standards related to recreation uses are contained in Sections 405 (Open Space), 430-11 (Amusement Park), 430-25 (Campground), 430-50 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. 661 amends Section 308 of the Community Development Code - Future Development 20 Acre (FD-20) District for the Bull Mountain Community Plan area. While Ordinance No. 661 did not directly amend any Plan policies or strategies or Code standards relating to Goal 8, the amendments may assist in the provision of park and recreation facilities that require parcels less than 20 acres and support Goal 8 – Recreation Needs.

### **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. 661. 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 Code standards directly related to this goal, amendments to the Code should follow this policy to achieve the economic development goal.
2. Ordinance No. 661 amends the Community Development Code element of the Comprehensive Plan relating to lot area for land partitions within the Future Development 20 Acre (FD-20) District for the Bull Mountain Community Plan area. The proposed changes allow for the creation of parcels less than 20 acres for certain public services, which include water, sewer, fire, schools, and park and recreation.
3. The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary (UGB) by Metro through a Major or Legislative Amendment process after 1998. Approximately 483 acres in the Bull Mountain Community Plan area were added to the UGB at that time. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The proposed changes support the economy by providing the opportunity for certain public services to create parcels less than 20 acres in size in order to efficiently serve future land that has been brought into the urban growth boundary.

## **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. 661. 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:

### FACT

1. Ordinance No. 661 did not amend the applicable Plan policies related to housing.

## **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. 661. 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. 661 does not amend the Washington County Public Facilities Plan.

3. Ordinance No. 661 amends the Community Development Code element of the Comprehensive Framework Plan relating to lot area for land partitions within the Future Development 20 Acre (FD-20) District for the Bull Mountain Community Plan area. The proposed changes allow for the creation of parcels less than 20 acres for certain public services, which include water, sewer, fire, schools, and park and recreation.
4. The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary (UGB) by Metro through a Major or Legislative Amendment process after 1998. Approximately 483 acres in the Bull Mountain Community Plan area were added to the UGB at that time. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The proposed changes provide the opportunity for certain public services to create parcels less than 20 acres in size in order to efficiently serve future land that has been brought into the urban growth boundary.

### **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. 661. 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

1. Ordinance No. 661 did not amend the applicable Plan policies related to transportation.

### **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. 661. 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

1. Ordinance No. 661 did not amend the applicable Plan policies or code 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. 661. 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

1. Ordinance No. 661 did not amend the applicable Plan policies or Code standards related to urbanization which impacts the county's compliance with Goal 14. The amendment to the FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. 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. 661**

**Relating to Lot Area Requirements for Land Partitions within  
the Future Development 20 Acre (FD-20) District in the  
Bull Mountain and West Tigard Community Plan Areas**

**FOR THE JUNE 27, 2006 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, 6 and 8 of the Functional Plan.

**Title 1 - Requirements for Housing and Employment Accommodations**

Functional Plan policies in Title 1 seek ways to increase the capacity within the urban growth boundary, such as changing local zoning to accommodate development at higher densities in locations supportive of the transportation system.

RESPONSE

Ordinance No. 661 amends the Community Development Code element of the Comprehensive Framework Plan relating to lot area for land partitions within the Future Development 20 Acre (FD-20) District for the Bull Mountain Community Plan area. The proposed changes allow for the creation of parcels less than 20 acres for certain public services, which include water, sewer, fire, schools, and park and recreation and do not impact housing or employment accommodations.

**Title 3 - Water Quality, Flood Management and Fish and 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. 661 does not change any standards relating to water quality or flood plain management. The ordinance does not amend any significant natural resource designations.



## **Title 6 - Central City, Regional Centers, Town Centers and Station Communities**

Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles.

### **RESPONSE**

Ordinance No. 661 does not change any standards relating to the designation of Title 6 Centers.

## **Title 8 - Compliance Procedures**

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

### **RESPONSE**

Consistent with Title 8, Metro was sent a copy of Proposed Ordinance No. 661 on May 4, 2006. The findings in this document demonstrate the amendments made by this ordinance are in substantial compliance with the UGMFP.

## **Title 11 - Planning For New Urban Areas**

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

### **RESPONSE**

The requirements of Title 11 have been incorporated into the Community Development Code by the creation of the Future Development - 20 Acre District (FD-20). The FD-20 district requires a minimum parcel size of 20 acres, in keeping with Metro's interim protection measures for new lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998.

On February 23, 2006, the Metro Council unanimously approved Ordinance No. 06-1110A, which included changes to Title 11. The amended Title 11 requirements allow partitions below the 20-acre minimum for new urban lands to facilitate the purchase of land for specific public services and facilities.

Ordinance No. 654 was filed to make conforming amendments as a result of the Title 11 changes adopted by the Metro Council. Ordinance No. 654 amends the Community Development Code element of the Comprehensive Framework Plan relating to lot area for land partitions within the Future Development 20 Acre (FD-20) District. Ordinance 659 negated the provisions of Ordinance 654 for the FD-20 properties that were previously subject to the Tigard Service Agreement.

Ordinance No. 661 applies the standards adopted in Ordinance 654 to the subject properties and provides uniform standards for the FD-20 land throughout Washington County. The proposed changes provide the opportunity for certain public services, which include water, sewer, fire, schools, and park and recreation, to create parcels less than 20 acres in size in order to efficiently serve future land that has been brought into the urban growth boundary.

The FD-20 designation will remain until the completion of Title 11 planning and the adoption by the governing jurisdiction(s) of comprehensive plan amendments and land use regulations that are consistent with Section 3.07.1120 of the UGMFP.