



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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

NOTICE OF ADOPTED AMENDMENT

November 6, 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 013-06



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: November 16, 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: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Jim Tice, Washington County

<paa> ya/



FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

OCT 30 2006

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)

CONSERVATION AND DEVELOPMENT

Jurisdiction: Washington County

Local File No.: 670 (If no number, use none)

Date of Adoption: 10/24/06 (Must be filled in)

Date Mailed: 10/26/06

Date the Notice of Proposed Amendment was mailed to DLCD: 07/19/06

- 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."

Amends the Community Development Code Element of the Comprehensive Plan Relating to Grading and Fill

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: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: N/A Acres involved:

Specified Change in Density: Previous: New:

Applicable Statewide Planning Goals: 1, 2, 3 & 4

Is an Exception Proposed? Yes: No: [X]

Was an Exception Adopted? Yes: No: [X]

DLCD No: 013-06 (15399)

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: None
Dept of Ag. & Wash Co Soil & Water Conservation District

Local Contact: Jim Tice Area Code + Phone Number: 503-846-3967

Address: Washington County DLUT, 155 N First Avenue, Suite 350-13

City: Hillsboro Zipcode + 4: 97124-3072

Email Address: Jim_tice@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 – ATTENTION: PLAN AMENDMENT SPECIALIST.

CONTINUED FROM OCTOBER 17, 2006

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Public Hearing –
Land Use & Transportation, County Counsel (All CPOs)

Agenda Title: **PROPOSED A-ENGROSSED ORDINANCE NO. 670 – AN
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT
CODE RELATING TO GRADING AND FILL**

Presented by: Mark Brown, Land Development Services Manager;
Dan Olsen, County Counsel

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 670 proposes to amend several sections of the Washington County Community Development Code relating to grading and fill. The ordinance will streamline and clarify provisions concerning uses and exemptions from permit requirements.

At the September 6, 2006 Planning Commission hearing, the Planning Commission unanimously approved a motion for Board approval of Ordinance 670. At the September 19, 2006 Board hearing, Staff recommended that the ordinance be engrossed to not adopt proposed changes to CDC 410-1.1. The Board voted to engross Ordinance 670 and continue the hearing to October 17, 2006.

This is the second hearing on A-Engrossed Ordinance 670. Copies of the staff report will be available at the Clerk's desk prior to the hearing.

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

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 670 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt A-Engrossed Ordinance No. 670.

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

ADOPTED

Agenda Item No.	4.b.
Date:	10/24/06

FILED

SEP 27 2006

**Washington County
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE NO. 670

An Ordinance Amending the
Community Development Code Element
of the Comprehensive Plan Relating to
Grading and Drainage

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, 660, 661 and 667.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC element of the Comprehensive Plan to clarify provisions concerning uses and exemptions from permit requirement relating to grading and drainage. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the residents of Washington County, Oregon.

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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 that recommendation and any modifications made by the
6 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 finds 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 Washington
11 County Charter, and the Washington County Community Development Code.

12 SECTION 2

13 The following exhibits, attached hereto and incorporated herein by reference, are
14 adopted as amendments to the designated documents as follows:

- 15 A. Exhibit 1 (3 pages) amending CDC Section 201 (Development Permit);
16 B. Exhibit 2 (1 page) amending CDC Sections 340-4.1 (Type II Uses
17 Allowed in the EFU District), 342-3.1 (Type II Uses Allowed in the
18 EFC District), 344-4.1 (Type II Uses Allowed in the AF-20 District),
19 346-3 (Type II Uses Allowed in the AF-10 District), and 348-3 (Type II
20 Uses Allowed in the AF-5 District); and
21 C. Exhibit 3 (7 pages) amending CDC Section 410 (Grading and Drainage).

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SECTION 3

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

SECTION 4

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

SECTION 5

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

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.

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SECTION 7

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

ENACTED this 24th day of October, 2006, being the 3rd reading and 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ADOPTED

John Kuylenstierna
CHAIRMAN

Barbara Hejtmanek
RECORDING SECRETARY

READING

PUBLIC HEARING

First September 19, 2006
Second October 17, 2006
Third October 24, 2006
Fourth _____

September 19, 2006
October 17, 2006
October 24, 2006

VOTE: Aye: Brian, Keeper, Schouten

Nay: _____

Recording Secretary: Barbara Hejtmanek Date: October 24, 2006

CDC Section 201 (Development Permit) is amended as follows to clarify grading exemptions:

201 DEVELOPMENT PERMIT

201-1 Permit Required

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Section 106-57, without first obtaining a Development Permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid Development Permit has been issued. Development authorized by a Development Permit shall occur only as approved.

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.12 The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the flood plain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan without first obtaining a Development Permit:

- A. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid Development or Building Permit;
- B. Cemetery graves;
- C. Excavations for wells, tunnels or utilities;
- D. Excavations or fills for public projects conducted by or under contract of the County;
- E. Exploratory excavations affecting or disturbing areas less than six thousand (6,000) square feet in size, under the direction of soil engineers or engineering geologists;
- F. Access roads developed to support forest-related activities, agricultural crop production or grazing activities, where the roads:
 - (1) Are located on property used for an interim agricultural or forest use;
 - (2) Are solely for providing access to water supplies, equipment or supply storage areas, livestock grazing areas, producing fields or orchards, or fence lines;

- (3) Do not create a cut or fill greater than three (3) feet in height visible from a public road;
 - (4) Are sixteen (16) feet or less in width;
 - (5) Do not divert drainage onto or cause increased erosion on adjacent properties; and
 - (6) Do not discharge or threaten to discharge silt onto adjacent properties or into streams shown on the latest USGS seven and one-half (7-½) minute topographic quadrangle map;
- G. Customarily accepted agricultural activities, including preparation of land for cultivation, other than grading for roadwork or pads for structures. ~~Unless waived by the Building Official (a review fee may be required),~~ These activities are subject to all of the following:
- (1) No piping of drainages serving off-site properties;
 - (2) If fill is proposed, finished grade is no higher than adjacent property at the property line, or fill or excavation area is outside the district setbacks;
 - (3) Preserves existing drainage pattern, including direction and flow capacity and velocity of an existing drainage swale or channel. A drainage swale is a local depression, which conveys water to or from an adjoining property. All ponds shall be located outside drainage channels;
 - (4) Except for ponds, ~~surface~~ all material is either topsoil [i.e. the A Horizon as defined by Natural Resources Conservation Service (NRCS)] or if utilized for nursery purposes, the material is commonly used to grow nursery crops;
 - (5) Fill material does not contain hazardous or contaminated substances, putrescibles or material such as asphalt, concrete or tires;
 - (6) Compliance with Oregon Administrative Rule Chapter 603, Division 95 (Agricultural Water Quality Management Program);
 - (7) Grading area is returned to farm use within one calendar year of commencing site grading;
 - (8) Except for nursery farms, imported fill material shall not exceed five thousand (5,000) cubic yards.
- H. Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, ~~Soil Conservation Service~~ NRCS, and/or the Washington County Soil and Water Conservation District (SWCD), or a Water Quality Farm Plan approved by SWCD for a Container Nursery;

- I. An excavation which is less than two (2) feet in depth, or which does not create a cut slope greater than five (5) feet in height and steeper than one and one half (1-1/2) horizontal to one (1) vertical;
- J. A-Imported fill which does not exceed one-hundred-fifty (150) cubic yards on any one (1) lot or parcel placed, in a single year, on natural terrain and does not obstruct a drainage course, and where the fill will be:
 - (1) Less than one (1) foot in depth and placed on natural slope flatter than five (5) horizontal to one (1) vertical; or
 - (2) Less than three (3) feet in depth when not intended to support structures.
- K. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary, in accordance with Section 430-105.6; and
- L. Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above-ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.
- M. Farm related pipes, including but not limited to irrigation and drainage pipes, and necessary accessory structures, such as pumps.

CDC Sections 340-4.1 (Type II uses allowed in the EFU District), 342-3.1 (Type II uses allowed in the EFC District), 344-4.1, (Type II uses allowed in the AF-20 District), 346-3 (Type II uses allowed in the AF-10 District), 348-3 (Type II uses allowed in the AF-5 District) are amended to allow the following new use as follows:

NEW Unless exempt under 201-2, importing fill material as a customarily accepted farming practice or for a use allowed in the district – Section 410

CDC Sections 346-3 (Type II uses allowed in the AF-10 District), Sections 348-3 (Type II uses allowed in the AF-5 District), are amended to allow the following new use as follows:

NEW Clean Fill Site as defined by DEQ rules – Section 410

CDC Section 410 (Grading and Drainage) is amended as follows:

410 GRADING AND DRAINAGE

410-1 General Provisions

410-1.1 All grading and drainage activities are to occur pursuant to the provisions of Appendix Chapter 33 of the 1994 Uniform Building Code and the applicable State of Oregon Plumbing Code, or their successors and this Code. All grading and drainage activities on lands located within the Clean Water Services boundary shall also occur pursuant to the provisions of the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. In the event of any conflict between the provisions of this Code, the Community Plan, the Rural/Natural Resource Plan, and Appendix Chapter 33 of the 1994 Uniform Building Code, or its successor, the more restrictive standard shall prevail.

Grading applications may be processed through a two-step procedure consisting of a preliminary review (grading plan) and a final review (grading permit), unless the Director consolidates the applications into one review.

No grading and drainage activities that are subject to Section 410 shall be undertaken without a grading permit.

For Type I development, preliminary grading plans may be submitted as a stand alone application. For development reviewed through the Type II and III procedure, preliminary grading plans are to be submitted with the development application.

The purpose of a preliminary grading plan (conceptual) is to determine whether or not it is feasible to comply with the grading permit review standards of Section 410-3. Full engineering drawings are not required at the preliminary review stage. However, preliminary grading plans shall be accurate enough to provide a basis for determining whether or not the proposed activity, as designed and to be implemented, will meet the applicable Code requirements for a grading permit.

All grading permit applications (the second step) shall include detailed plans, per Section 410-2, rather than preliminary grading plans.

410-1.2 Grading Plan

The grading plan shall include:

A. A vicinity map.

B. A site plan which includes the following:

- (1) A graphic representation drawn to a scale which is noted on the drawing. In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;

- (2) Except as required by Section 421, applications for land inside the UGB shall show existing and proposed topography using the following contour intervals:
 - (a) For slopes of five (5) percent or less, contour intervals not more than one (1) foot; or
 - (b) For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; or
 - (c) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- (3) Except as required by Section 421, applications for land outside the UGB shall show existing and proposed topography using the following contour intervals:
 - (a) For slopes of ten (10) percent or less, generalized existing contours and drainage channels, including areas of the subject site and adjoining properties that will be affected by the disturbance either directly or through drainage alterations; or
 - (b) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- (4) Proposed elevations after grading is completed, including any modifications to drainage channels;
- (5) Any required retaining walls or other means of retaining cuts or fills including typical cross sections;
- (6) Typical cross sections showing existing and proposed elevations. Cross sections are to be taken through the areas that will show the most detail of the grading project;
- (7) The site plan shall show the area of the site where construction, grading, cut or fill is proposed, plus a minimum of fifty (50) feet surrounding the area;
- (8) Flow lines of surface waters onto and off the site;
- (9) Proposed building pad, areas with an impervious surface and existing and proposed finished floor and street elevations if building or parking construction is proposed;
- (10) Existing and proposed water quality sensitive areas, vegetated corridors, and drainage channels including drainage swales, wetlands, ditches and berms;
- (11) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains and drop inlets;

- (12) Location of any buildings or structures, parking areas or accessways existing or proposed on the site within fifty (50) feet of the area that may be affected by the proposed grading operations;
- (13) Location of any proposed streets; and
- (14) Location of any proposed stockpile areas, either on site or off.

C. Written narrative and/or supplemental information including all of the following:

- (1) Explanation of the reason for the proposed grading, which must be an allowed use in the district;
- (2) Estimates of surface area disturbed by proposed grading and total parcel size;
- (3) Estimates of cut/fill volume in cubic yards; and
- (4) Estimates of existing and increased runoff resulting from the proposed improvements.
- (5) Soil Map, including a soil survey legend, range of percent slopes (e.g., three [3] to seven [7] percent slopes), and soil description if no limitations exist from the USDA, Soil Conservation Service, Soil Survey Report, Washington County, July 1982. Soil limiting features must address depth to bedrock from pages 120-123 from the report, and other features which may be restrictive to construction, drainage and revegetation of property;
- (6) Provision for saving the site topsoil (surface 12") for later revegetation and landscaping, including the locations of any temporary stockpile areas;
- (7) Provisions for the disposal of excavated material, including the location of disposal;
- (8) Written statement demonstrating the feasibility of complying with Section 410-3. Demonstrating feasibility does not require detailed solutions, but there must be enough information for the review authority to find that solutions to problems are possible and likely.

D. Erosion Control Plan:

- (1) For areas inside the Tualatin River and Oswego Lake sub-basins, an erosion control plan as required by Section 426 shall be submitted.
- (2) For areas outside the Tualatin River and Oswego Lake sub-basins, an erosion control plan that complies with the requirements of the "Washington County Erosion Control Plans Technical Guidance Book," January 1991, or its successor, is required when:

- (a) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 1 through May 1; or
- (b) Land disturbance activities are conducted in geologically unstable areas, on slopes in excess of twenty (20) percent, or there is disturbance of more than six-thousand (6,000) square feet of development area, or within fifty (50) feet of any drainage hazard area or flood plain area.

E. A request for an imported fill material more than 5,000 CY in an EFU or AF-20 District shall be accompanied by a written recommendation from the Soil and Water Conservation District.

F. A request for a Clean Fill Site shall include a reclamation schedule.

410-1.3 Exemptions from Grading Plan and Permit Requirements:

In addition to those activities listed in Section 201-2.12, the following are exempt from Section 410 except as necessary to address Section 410-3.8:

- A. Refuse disposal sites approved by the County;
- B. Excavations or fills for public roads and transportation facilities substantially in the public right of way or as shown on a Transportation Plan or adopted Public Facility Plan, together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements or other public projects conducted or approved by the County or public facilities and service projects such as sewer and water lines;
- C. Surface mining operations approved in accordance with this Code;

410-1.4 Private Street Ditch Standards

- A. Existing roadside ditches alongside new development or the construction of new roadside ditches shall:
 - (1) Be constructed to pass all required flows;
 - (2) Have a maximum depth of no more than two (2) feet as measured from the shoulder of the road;
 - (3) Have side slopes no steeper than 2:1;
 - (4) Have sufficient grade to provide for water conveyance; and
 - (5) Have a maximum flow velocity when flowing full that does not exceed the erosive velocity limits of soils in the ditch. "Open Channel Hydraulics" by V. T. Chow, McGraw Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity.

- B. Any proposed roadside ditch improvement that does not meet the requirements in Section 410-1.4 A. shall be piped.
- C. All proposed or modified ditches shall have adequate erosion control provisions to prevent potential damage to the shoulder of the adjacent road as well as the ditch.
- D. No pipes, culverts or other structures shall be permitted to protrude into a ditch.

410-2 Grading Permit - Application Content

410-2.1 The grading permit plans shall be detailed (final drawings) rather than preliminary drawings (conceptual). The grading permit is to be prepared and certified by a registered civil engineer, and is to include specifications covering soils engineering or engineering geology construction and material requirements in addition to the information required in Section 410-1.2 where:

- A. The grading will move more than five thousand (5,000) cubic yards or more; or
- B. Is located on slopes of twenty (20) percent or greater; or
- C. Grading for public improvements such as public roads, tracks, ponds and drainage facilities; or
- D. Is within an identified hazard area, or is located within a Flood Plain or Drainage Hazard area; or
- E. The Building Official determines that special conditions or unusual hazards exist.

If none of these conditions apply, then the plans need not be prepared by a registered civil engineer. Outside the UGB, the Building Official may determine that an engineer's certification is not required for Section 410-2.1 A.

410-2.2 In addition to the grading plan requirements of Section 410-1.2, and application for a grading permit shall include:

- A. If required by the Building Official, a compaction report where a site is proposed to be filled to be used for a building pad;
- B. If required by the Building Official, a soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading;
- C. If required by the Building Official, an engineering geology report, including a description of site geology, conclusion and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading; and

abcdef Proposed additions

abcdef Proposed deletions

- D. Intended means of revegetation, pursuant to Section 410-3.4, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.

410-3 Criteria for Approval

A grading permit, which shall apply only to the area of the site where construction, grading, cut or fill is proposed, may be issued only after the Review Authority finds:

- 410-3.1 The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;
- 410-3.2 Proposed grading will not cause erosion to any greater extent than would occur in the absence of development or result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property; and
- 410-3.3 Appropriate siting and design safeguards shall ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions:
 - A. Seasonal, perched, high or apparent water table;
 - B. High shrink-swell capability;
 - C. Low bearing strength such as compressible organic; or
 - D. Shallow depth-to-bedrock.
- 410-3.4 Revegetation:

Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed.

A. Preparation for Revegetation:

In preparation for grading and construction, top soil removed from the surface twelve (12) inches shall be stored on or near the sites and protected from erosion while grading operations are underway. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

B. Methods of Revegetation:

Acceptable permanent or temporary vegetation measures appropriate for the site and soil drainage conditions shall be seeded and fertilized by September 1st of each year. Establishment or green growth should take place by October 1st of each year, but is dependent upon suitable fall moisture. Where lawn or turf grass

is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Review Authority. Plant materials are to be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to be used to reduce irrigation demands.

410-3.5 Final Contours:

Contours, elevations and shapes of finished surfaces are to be blended with adjacent terrain consistent with land use and surface water management requirements to achieve a consistent grade and transition to the adjacent properties. Tops of cut slopes and bottoms of fills are to be rounded off to a minimum radius of five (5) feet to blend with the natural terrain. This section is not applicable to retaining walls.

410-3.6 Except for permitted piping and culverting, the proposed grading protects and preserves existing natural drainage channels;

410-3.7 The proposed grading will preserve the functioning of off-site drainage courses or bodies of water;

410-3.8 Comply with the applicable standards for permanent storm water quality control facilities adopted by the Oregon State Department of Environmental Quality, as set forth in OAR 340-41-345(4)(a-e). This standard is satisfied by submittal of a service provider letter from the Clean Water Services indicating the proposed development is in compliance with DEQ requirements or will be in compliance when the requirements set forth in the service provider letter are met.

410-3.9 Clean Fill Sites:

A. Sites approved for more than 5,000 CY shall have direct access to a collector or arterial road;

B. Each phase of the operation shall be reclaimed within one (1) year after fill activities cease on any segment of the project area.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **ADOPT FINDINGS FOR LAND USE A-ENGROSSED ORDINANCE NO. 670**

Presented by: Mark Brown, Land Development Services Manager

SUMMARY (Attach Supporting Documents if Necessary)

As required by Chapter X of the County Charter, the Board and Planning Commission held the required number of public hearings for A-Engrossed Ordinance 670. A-Engrossed Ordinance 670 amends the Community Development Code element of the Comprehensive Plan relating to grading and fill.

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. The proposed findings will be available at the Clerk’s desk prior to the hearing.

DEPARTMENT’S REQUESTED ACTION:

Adopt the proposed findings for A-Engrossed Ordinance No. 670 and sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR’S RECOMMENDATION: I concur with the requested action.

RO 06-227

Agenda Item No.	<u>5.b.</u>
Date:	10/24/06

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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 A-Engrossed Ordinance No. 670) No. 06-227

This matter having come before the Washington County Board of Commissioners at its meeting of October 24, 2006; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 670; 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 6, 2006, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

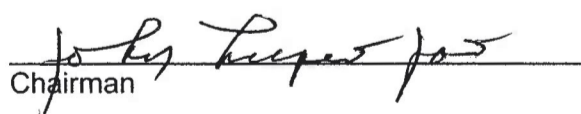
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with audio tapes of the Planning Commission's proceedings, and other items submitted to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

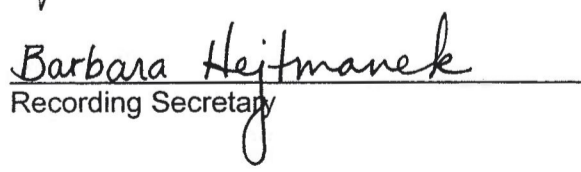
RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 670 are hereby adopted.

DATED this 24 day of October, 2006.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
APPROVED AS TO FORM:	✓	—	—
DUYCK	—	—	✓

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary

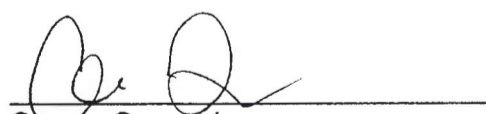

County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 670 RELATING TO AMENDING THE WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN; RELATING TO GRADING AND DRAINAGE ISSUES

October 24, 2006

GENERAL FINDINGS

A-Engrossed Ordinance 670 amended the Washington County Community Development Code (Code) to streamline and clarify provisions concerning grading and fill.

Because the amendments to this ordinance make changes that do not affect compliance with the goals, it is not necessary for these findings to address the goals with respect to each amendment. The Board finds that the goals apply to the amendments covered by these findings only to the extent noted in specific responses to individual goals, and that each amendment complies with the goals.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's functional plan. The amendments by this ordinance make changes that do not affect compliance with the functional plan because the amendments do not change allowed density or existing development review standards. Therefore, it is not necessary for these findings to address the functional plan with respect to each amendment. The Board finds that the functional plan applies to the amendments covered by these findings only to the extent noted in specific responses to individual goals, and that each amendment complies with the goals and the functional plan.

GOAL FINDINGS

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 these ordinances. 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.

EXHIBIT A
FINDINGS – A-ENGROSSED ORDINANCE 670
October 24, 2006
Page 2

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 (CPO).
3. The Planning Commission held one public hearing for this ordinance on September 6, 2006. The Board of Commissioners held one public hearing on Ordinance 670 September 19, 2006 and held hearings on A-Engrossed Ordinance 670 on October 17 and 24, 2006.
4. Copies of the proposed ordinance and staff reports were provided to the CPOs and other interested individuals and groups.
5. Chapter X of the County Charter requires that individual notice for the initial ordinance public hearings 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 of Ordinance 670 was mailed on August 23, 2006. Notice of A-Engrossed Ordinance 670 was mailed October 4, 2006.
6. Chapter X of the County Charter requires that a display ad be published in local newspapers at least 14 days prior to the first hearing. Display ads for Ordinance 670 were published in the following newspapers: The Hillsboro Argus on August 18, 2006 and The Oregonian, on August 17, 2006.

Goal 2 - Land Use Planning

CONCLUSION

Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes the Code. Washington County utilized this process to adopt these ordinances.

A-Engrossed Ordinance 670 requires more than 5,000 cubic yards of imported fill material to comply with the health and safety requirements provided for in Section 410 of the Community Development Code relating to grading activities. The ordinance also provides a process for establishing a clean fill site. No new exception is required to add clean fill sites as an allowed use because they are a subset of solid waste, which is already allowed in AF-5 and AF-10.

The amendments that were made to 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 urban Comprehensive Framework Plan 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 of the Washington County Charter requires that initial notice of public hearings be prepared by the Land Use Ordinance Advisory Commission. The Commission met August 22, 2006 to draft a notice for Ordinance 670. The Charter further 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 August 23, 2006. Notice of A-Engrossed Ordinance 670 was mailed October 4, 2006.
3. Chapter X requires that a display newspaper ad be published 14 days prior to the initial Planning Commission hearing, which was held on September 6, 2006. ORS Chapter 215.060 requires the County to provide 14 days advance public notice in a newspaper of general circulation prior to the first public hearing. Display ads were published in the following newspapers: The Hillsboro Argus on August 18, 2006 and The Oregonian, on August 17, 2006.
4. ORS 197.610 and OAR 660-18-020 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 final hearing. Notice of proposed Ordinance 670 was mailed to DLCD on July 21, 2006.

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 to the Code made by A-Engrossed Ordinance 670. 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.

FACTS

1. The EFU and AF-20 land use districts are Washington County's acknowledged exclusive farm use districts.
2. A-Engrossed Ordinance 670 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts.
3. A-Engrossed Ordinance 670 requires a Type II review for all fill projects that are in conjunction with customarily accepted agricultural practices which do not meet the exemption requirements. Projects that exceed 5,000 cubic yards of fill material are no

longer exempt from review and must comply with the grading requirements under Section 410 and any other applicable provisions provided for under the Community Development Code.

4. ORS 215.253 prohibits Washington County from adopting land use regulations that restrict or regulate farm structures or farm practices within exclusive farm use zones. A-Engrossed Ordinance 670 is consistent with ORS 215.253. ORS 215.253 does not limit or restrict Washington County's power to protect the health, safety and welfare of the public. The criteria listed under Section 201-2.12 that must be met in order for the grading to be exempt from the Code are designed to protect the health, safety and welfare of the public. Grading and fill proposals requiring a Type II review will be held to the standards of Section 410. Also, all requests for fill exceeding 5,000 cubic yards must submit a written recommendation from the Soil and Water Conservation District. If grading is done in the manner specified in Sections 201-2.12 and 410, no off-site impacts should occur and health, safety and welfare of the public will be protected.

Goal 4 - Forest Lands

CONCLUSION

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments to the Code made by A-Engrossed Ordinance 670 are consistent with Goal 4; OAR Chapter 660, Division 06; and the County's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts.

FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. A-Engrossed Ordinance 670 did not amend any plan policies or strategies related to the EFC District.
3. A-Engrossed Ordinance 670 requires all grading and fill proposals that do not meet exemption criteria to be reviewed via a Type II in the EFC District.

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 Code include provisions for the protection of Goal 5 resources. Plan compliance with Goal 5 is maintained with amendments made to the Code made by A-Engrossed Ordinance 670. The amendments are consistent with the County's acknowledged policies and

standards for the protection of Goal 5 resources. This conclusion is supported by the following facts.

FACTS

1. A-Engrossed Ordinance 670 did not amend any Plan policies or strategies relating to Goal 5.
2. The amendments to the Code did not specifically change the County's implementing regulations for protection of Goal 5 resources. The amendments are limited to clarifying existing flood plain requirements.
3. The amendments to the Code do not change uses or activities allowed in the flood plain. Therefore, it is not necessary to make specific findings for this use for Goal 5. A-Engrossed Ordinance 670 did not amend any other Code standards relating to Goal 5. The amendments made by this ordinance, therefore, did not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5.

Goal 6 - Air, Water and Land Resource Quality

CONCLUSION

Policies 4, 5, 6 and 7 in the Urban Comprehensive Framework Plan 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 these amendments made to the Code by A-Engrossed Ordinance 670. 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 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 424 (Erosion Control).
2. A-Engrossed Ordinance 670 did not amend the applicable Plan policies or Code standards related to air, water and land resources.

Goal 7 - Natural Disasters and Hazards

CONCLUSION

Policy 8 in the Urban Comprehensive Framework Plan 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 to the Code by A-Engrossed Ordinance 670. 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 Code standards related to natural disasters and hazards are contained in Sections 410 (Grading and Drainage) and 421 (Flood Plain and Drainage Hazard Area Development).
2. A-Engrossed Ordinance 670 did not amend these Code Sections, the Community Plans or the applicable Plan policies related to Section 421.
3. A-Engrossed Ordinance 670 amended the Code to address farm grading and drainage issues by clarifying exempt activities.
4. ORS 215.253 prohibits Washington County from adopting land use regulations that restrict or regulate farm structures or farm practices within exclusive farm use zones. A-Engrossed Ordinance 670 is consistent with ORS 215.253 because it does not limit or restrict Washington County's power to protect the health, safety and welfare of the public. The criteria listed under Section 201-2.12G that must be met in order for the grading to be exempt from the Code are designed to protect the health, safety and welfare of the public. If grading is done in the manner specified in Section 201-2.12G no off-site impacts should occur and health, safety and welfare of the public will be protected.

Goal 8 - Recreation Needs

CONCLUSION

Policies 33, 34 and 35 of the Urban Comprehensive Framework Plan, 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 to the Code by A-Engrossed Ordinance 670. 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), 430-51 (Golf Courses), 430-69 (Hunting and Fishing Preserves), 430-95 (Parks), 430-97 (Parks), 430-100 (Private Hunting and Fishing Operations in the EFC District), 430-125 (Shooting Club) and 430-131 (Special Recreation Use).

2. A-Engrossed Ordinance 670 did not amend these Code Sections, the Community Plans or the applicable Plan policies related to recreation.

Goal 9 - Economy of the State

CONCLUSION

Policy 20 in the Urban Comprehensive Framework Plan 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 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 to the Code by A-Engrossed Ordinance 670. 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. A-Engrossed Ordinance 670 did not amend the applicable Plan policies related to Goal 9.
2. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the County's Urban Comprehensive Framework Plan states in part that, "The County will clarify and streamline the development review process in the 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.

Goal 10 - Housing

CONCLUSION

Policies 21, 22, 23 and 24 of the Urban Comprehensive Framework Plan 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 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 to the Code by A-Engrossed Ordinance 670. 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. A-Engrossed Ordinance 670 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 Urban Comprehensive Framework Plan 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 Code requires that adequate public facilities and services be available for new development. Plan compliance with Goal 11 is maintained with the amendments made to the Code by A-Engrossed Ordinance 670. The amendments are consistent with the County's acknowledged policies and strategies for the provision of public facilities and services in the rural area as required by Goal 11. This conclusion is supported by the following facts.

FACTS

1. The standards for public facilities and services in the Code are in Article V (Public Facilities and Services).
2. A-Engrossed Ordinance 670 did not amend Plan policies, strategies, or standards in the Code related to public facilities.

Goal 12 - Transportation

CONCLUSION

Policy 32 of the Urban Comprehensive Framework Plan, Policy 23 of the Rural\Natural Resource Plan, and in particular the Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2005. Implementing measures are contained in the Transportation Plan and the Code. Plan compliance with Goal 12 is maintained with the amendments made to the Code by A-Engrossed Ordinance 670. 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. This conclusion is supported by the following facts.

FACTS

Ordinance No. 670 did not amend any Plan policies, strategies, or standards in the Code relating to Goal 12.

Goal 13 - Energy Conservation

CONCLUSION

Policies 36, 37, 38, 39 and 40 of the Urban Comprehensive Framework Plan and Policy 25 of the Rural\Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The 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 to the Code by A-

Engrossed Ordinance 670. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts.

FACTS

A-Engrossed Ordinance 670 did not amend the applicable Plan policies or Code provisions related to energy conservation.

Goal 14 - Urbanization

CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Urban Comprehensive Framework Plan address urbanization within the Regional Urban Growth Boundary. The 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 to the Code by A-Engrossed Ordinance 670. The amendments are consistent with the County's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following facts.

FACTS

1. A-Engrossed Ordinance 670 did not amend the Plan policies or Code standards related to urbanization.
2. A-Engrossed Ordinance 670 did not amend the individual Community Plans.

MEASURE 37 FINDINGS

Measure 37 requires state and local government to pay compensation for any land use regulation imposed after property is acquired that both restricts the use of private real property and causes a loss in value to that property. In lieu of compensation government may waive any regulations that fall within the scope of Measure 37. The right to compensation does not apply to regulations prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations.

The regulations set out in Section 410 are intended to regulate grading activities to prevent erosion, control storm water runoff and limit the impact of additional disturbances on existing drainage channels and water bodies. Regulating non-point source pollution is a "pollution control regulation" that is exempt from Measure 37.