



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

June 13, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment  
DLCD File Number 002-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 26, 2008**

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Aisha Willits, Washington County

<paa> ya

FORM

2

DLCD

Notice of Adoption

DATE STAMP

in person  electronic  mailed

DEPT OF

JUN 06 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

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

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 694**

Date First Evidentiary Hearing: **5/7/2008**

Date of Final Hearing: **6/3/2008**

Date Notice of Adoption form (Form #2) was sent to DLCD: **6/6/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date mailed to DLCD: **3/21/2008**

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):  
**The ordinance amends various elements of the county's Comprehensive Plan to prohibit certain uses on Future Development 20 Acre (FD-20) District lands that have been designated for industrial use by Metro's 2040 Growth Plan. These uses include cemeteries, churches, day care facilities and schools.**

Does the Adoption differ from proposal? No, no explanation is necessary  
**N/A**

Plan map changed from: **N/A** to: **N/A**

Zone map changed from: **N/A** to: **N/A**

Location: **New urban lands added to the UGB in 2004**

Specify density: Previous: **Various** New density: **1 d.u./20 acres** Acres involved: **1538**

Mark applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment 45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

DLCD file No. 002-08 (16791)



Please list affected state or federal agencies, local governments or special districts: Washington County, City of Sherwood, City of Tualatin, City of Wilsonville, City of Hillsboro, Metro, ODOT

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

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

---

## ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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



April 2, 2008

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 694**

Enclosed for your information is a copy of proposed Ordinance No. 694. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

#### **Ordinance Purpose and Summary**

The FD-20 District (Future Development – 20 acre minimum lot size) includes the following institutional uses that generally are not appropriate in industrial areas: schools, churches, free-standing day care centers, and cemeteries. This ordinance would prohibit these uses on FD-20 lands that have been designated by Metro for industrial use. The proposed changes are similar to restrictions adopted by Ordinance No. 686 in 2007, which included this provision for industrial lands added by Metro in 2005. Ordinance No. 694 would apply the same prohibition on certain uses for the industrial lands added to the UGB in 2004.

#### **Who Is Affected**

Owners of property located in areas added to the urban growth boundary for industrial land in Washington County in 2004. The affected properties are shown on the attached map.

#### **What Land is Affected**

Properties added to the UGB as industrial land by Metro in 2004 as shown on the attached map. These properties are specifically described as Areas of Special Concern 4, 5 and 6 in Policy 41 of the Comprehensive Framework Plan for the Urban Area (CFP) and are located in the vicinity of the cities of Sherwood, Tualatin and Wilsonville. Also affected is Area of Special Concern 1 in the Helvetia subarea of the East Hillsboro Community Plan. Area of Special Concern 1 is located southeast of Helvetia and West Union Roads.

#### **Key Provisions**

- These institutional uses (schools, churches, day care centers and cemeteries) would be prohibited on land added to the UGB in 2004 that was designated as a Regionally Significant Industrial Area or as Industrial land by Metro's 2040 Growth Concept Plan. Text amendments relating to this change are included in CFP Policy 41, Urban Growth Boundary Expansions, and in the Helvetia Subarea description contained within the West Union Community Plan.
- Section 308 (Future Development 20 Acre District) of the Community Development Code is amended to prohibit churches, schools, day care facilities and cemeteries **only** within the FD-20 lands added to the UGB in 2004.



**Initial Public Hearings  
Time and Place**

**Planning Commission  
1:30 pm  
May 7, 2008**

**Board of County Commissioners  
10:00 am  
June 3, 2008**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

On June 3, 2008, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on July 3, 2008.

**Urban Comprehensive  
Plan Policies Amended**

- Policy 41, Urban Growth Boundary Expansions

**West Union  
Community Plan  
Amendments**

- Helvetia subarea text

**Community  
Development Code  
Standards Amended**

- Section 308, Future Development 20 Acre (FD-20) District

**How to Submit  
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Planning Division  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

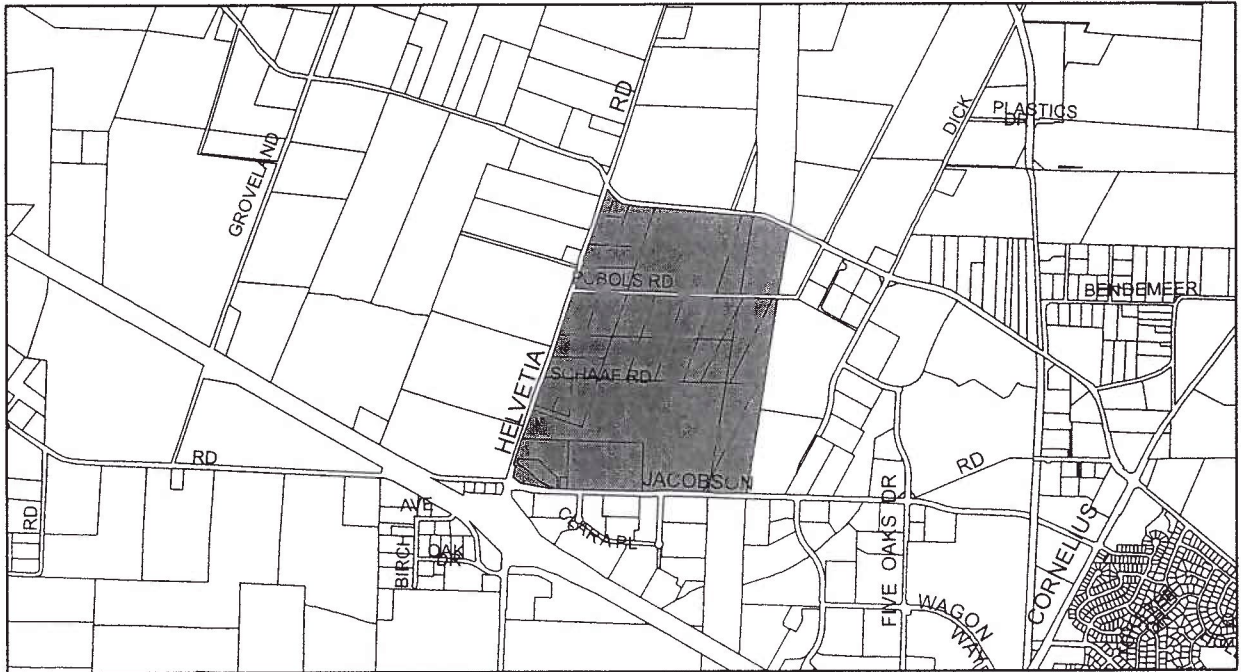
**Staff Contact**

Aisha Willits, Senior Planner  
155 North 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3961 Fax: 503-846-4412  
e-mail: Aisha\_Willits@co.washington.or.us

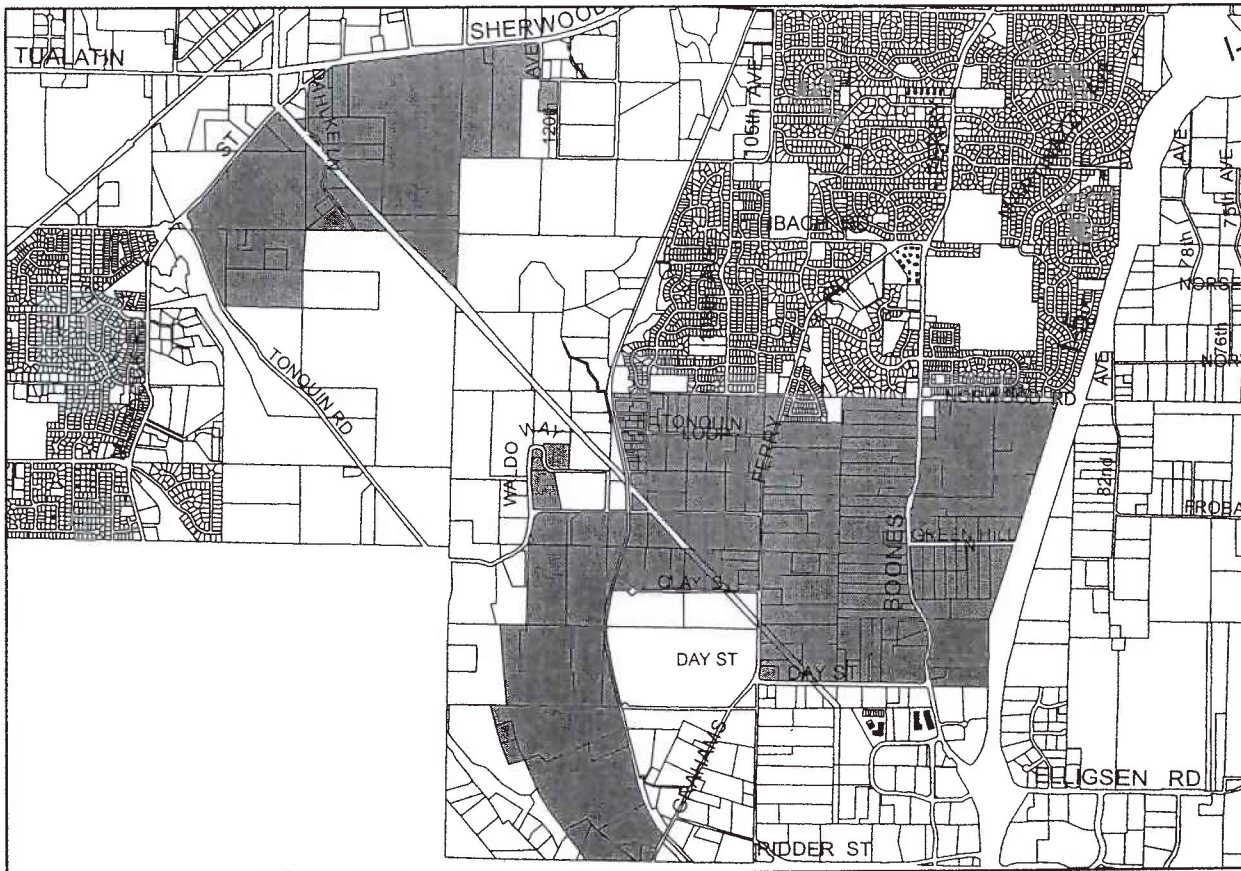
**Proposed Ordinance is  
available at the  
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 North 1<sup>st</sup> Ave., Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

# Properties affected by Ordinance 694



Hillsboro Area



Tualatin Area





BEFORE THE BOARD OF COUNTY COMMISSIONERS

Washington County  
County Clerk

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 694

An Ordinance Amending the  
Comprehensive Framework Plan for the  
Urban Area, the West Union Community  
Plan, and the Community Development  
Code Element of the Comprehensive  
Plan relating to Industrial Urban Growth  
Boundary Lands

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 Comprehensive Framework Plan for the Urban Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683 and 686.

B. The Board of County Commissioners of Washington County, Oregon, recognizes that the West Union Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 420, 480, 551, 588, 610 and 671.

C. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443,

1 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525,  
2 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-  
3 605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654,  
4 659-662, 667, 669, 670, 674, 676, 677 and 682-686.

5 D. Subsequent ongoing planning efforts of the County indicate a need for a general  
6 update to the Comprehensive Framework Plan for the Urban Area, the West Union Community  
7 Plan, and the Community Development Code Element of the Comprehensive Plan to provide  
8 clarification as to uses which are not compatible with industrial lands consistent with Title 11 of  
9 the Metro Urban Growth Management Functional Plan. The Board takes note that such changes  
10 are necessary for the benefit of the health, safety, and general welfare of the residents of  
11 Washington County, Oregon.

12 E. Under the provisions of Washington County Charter Chapter X, the Land Use  
13 Ordinance Advisory Commission has carried out its responsibilities, including preparation of  
14 notices, and the County Planning Commission has conducted one or more public hearings on the  
15 proposed amendments and has submitted its recommendations to the Board. The Board finds  
16 that this Ordinance is based on that recommendation and any modifications made by the Board,  
17 as a result of the public hearings process.

18 F. The Board finds and takes public notice that it is in receipt of all matters and  
19 information necessary to consider this Ordinance in an adequate manner, and finds that this  
20 Ordinance complies with the Statewide Planning Goals, the Metro Urban Growth Management  
21 Functional Plan, the standards for legislative plan adoption as set forth in Chapters 197 and 215

22 ////



1 of the Oregon Revised Statutes, the Washington County Charter, the Washington County  
2 Community Development Code, and the Washington County Comprehensive Plan.

3 SECTION 2

4 The following exhibits, attached hereto and incorporated herein by reference, are hereby  
5 adopted as amendments to the documents designated below:

- 6 A. Exhibit 1 (5 pages) amending Policy 41, Urban Growth Boundary Expansions, of the  
7 Comprehensive Framework Plan for the Urban Area;
- 8 B. Exhibit 2 (1 page) amending the Helvetia Subarea text of the West Union  
9 Community Plan; and
- 10 C. Exhibit 3 (6 pages) amending Community Development Code Section 308 FUTURE  
11 DEVELOPMENT 20 ACRE DISTRICT (FD-20).

2 SECTION 3

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

15 SECTION 4

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

18 SECTION 5

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

22 ////

1 or repealed by the stricken portion of this Ordinance shall be revived and again be considered in  
2 full force and effect.

3 SECTION 6

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

9 SECTION 7

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

11 ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2008, being the \_\_\_\_ reading and \_\_\_\_  
12 public hearing before the Board of County Commissioners of Washington County, Oregon.

13 BOARD OF COUNTY COMMISSIONERS  
14 FOR WASHINGTON COUNTY, OREGON

15 \_\_\_\_\_  
16 CHAIRMAN

17 \_\_\_\_\_  
18 RECORDING SECRETARY

19 READING

20 PUBLIC HEARING

21 First \_\_\_\_\_  
22 Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_  
VOTE: *Aye:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Nay:* \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_



Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

Implementing Strategies

The County will:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable Community Plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until all appeals regarding the UGB expansion have been finalized and, when applicable, the planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a Locational or Minor Adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.
- b. Require that land added to the Regional UGB be added to a Community Plan and/or the Future Development Areas Map when applying any urban land use designation through a quasi-judicial or legislative plan amendment.
- c. Continue to apply the Significant Natural Resource designations on the Rural/Natural Resource Plan to properties designated FD-10 or FD-20.
- d. Apply the following Areas of Special Concern to the Future Development Areas Map:
  1. Area of Special Concern 1 is comprised of approximately 60 acres of land located west of Highway 47 and north of Hartford Drive. The property included in this Area of Special Concern is illustrated on the Future Development Areas Map (Map A). This property was added to the UGB by Metro Ordinance 02-985A in December 2002.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No urbanization may occur in this area until the alignment of the David Hill Extension with the Highway 47 bypass is determined and adopted as part of the City of Forest Grove's Transportation Plan.
  - b) New commercial retail uses are prohibited.
2. Area of Special Concern 2 is comprised of approximately 252 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties included in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-990A in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- 3) Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B
5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
  - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.
- bc) The Title 11 planning required by Metro shall:
  - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - 2) Incorporate the general location of projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.
  - 3) Consider using the I-5/99W Connector as a boundary between the cities of Tualatin and Wilsonville.

6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and were designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.



b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

bc) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of projected right-of-way location alignment for the 1-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

7. Area of Special Concern 7 consists of two individual UGB expansion area that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

b) The Title 11 planning required by Metro shall:

1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

- e. Require that land added to the Regional Urban Growth Boundary (UGB) be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD), and when appropriate, the Tualatin Hills Park and Recreation District (THPRD) prior to placing any urban plan designation on the property, with the exception of the FD-10 and FD-20 Districts. Annexation into URMD and ESPD, and when appropriate, THPRD, shall be completed before the County determines that a quasi-judicial plan amendment for any plan designation, except FD-10 and FD-20 is complete. For legislative plan amendments for any plan designation, except FD-10 and FD-20, the subject properties shall be required to annex into URMD and ESPD, and when appropriate, THPRD, prior to preliminary or final approval of any development application.

## Summary Findings and Conclusions

The development and use of urban land requires more services than rural land due to the higher development intensity that takes place in urban areas. The County created the Urban Road Maintenance District and the Enhanced Sheriff Patrol District to address expanded road maintenance and public safety needs of urban residents living in unincorporated Washington County. The Tualatin Hills Park and Recreation District was established to provide County residents in the Beaverton area with park and recreation facilities and services. Implementing Strategy "e" ensures that newly added urban land that is not planned for annexation and development within a city will be served by URMD and ESPD. Implementing Strategy "e" also ensures that all new urban lands that are designated to be served by THPRD will be annexed into that district.

Prior to 1999, the FD-10 District was applied to properties that were intended to be planned, developed and annexed by a city rather than the County to ensure that limited development will occur while the land is located within unincorporated Washington County. For lands in this situation, the County does not require that they be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) or the Tualatin Hills Park and Recreation District (THPRD).

In 1999, ~~and 2002, 2004 and 2005~~, Metro expanded the Regional Urban Growth Boundary. Metro's Urban Growth Management Functional Plan (UGMFP) limits the size of new parcels to 20 acres and requires local governments to restrict development on new urban lands until master planning has occurred. The FD-20 District will be applied to properties added to the Regional UGB through Metro's Major or Legislative Amendment processes in order to comply with Metro's 20 acre minimum lot area requirement. The FD-20 District will be maintained on new urban areas until the Title 11 requirements of Metro's UGMFP have been completed and adopted. Properties designated FD-20 are not required to annex into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) and the Tualatin Hills Park and Recreation District (THPRD).



The Helvetia Subarea text of the West Union Community Plan is amended to reflect the following:

HELVETIA

This area consists of several parcels located at the southeast corner of Helvetia and West Union Roads and encompasses approximately 250 acres. These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004. Metro designated the area as a Regionally Significant Industrial Area on the 2040 Growth Concept Plan.

The area is designated Future Development - 20 Acre (FD-20) District on the West Union Community Plan and the FD-20 designation shall be maintained until the property is annexed to the City of Hillsboro and rezoned. Area of Special Concern 1 provisions apply to the entire Helvetia Subarea.

Area of Special Concern 1: - Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria: Until the effective date of new regulations adopted pursuant to Title 11, FD-20 development applications within this Area of Special Concern shall be subject to Section 308 and any other applicable provisions of the Community Development Code, except

- a) ~~No~~ lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
  - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

Community Development Code Section 308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20) is amended to reflect the following:

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

**308-1 Intent and Purpose**

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. 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 provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

**308-2 Uses Permitted Through a Type I Procedure:**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

308-2.1 Accessory Uses and Structures - Section 430-1.

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

308-2.3 Bus Shelter - Section 430-23.

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use



district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

- 308-2.5 Home Occupation - Section 430-63.1.
- 308-2.6 Parks - Section 430-95.
- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

### **308-3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**308-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-4.1 Cemetery - Section 430-27., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.2 Church - Section 430-29., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.3 Commercial Chicken or Rabbit Raising.
- 308-4.4 Commercial Greenhouse.
- 308-4.5 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).
- 308-4.6 Contractor's Establishment.
- 308-4.7 Day Care Facility - Section 430-53.2., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.8 Public Building - Section 430-103.
- 308-4.9 Public Utility - Section 430-105.
- 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 308-4.12 School - Section 430-121., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of



Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

**308-5 Prohibited Uses**

- 308-5.1 Structures or uses not specifically authorized in Section 308.
- 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
- 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
- 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 308-5.8 Auto wrecking yards.
- 308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**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.

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved

as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

**308-6.4 Lot Dimensions:**

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

**308-7 Additional Standards**

- 308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.
- 308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.
- 308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

**308-8 Access**

All lots in this District shall either:

- 308-8.1 Abut a public street; or
- 308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

**308-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and Public Hearing –  
Land Use & Transportation; County Counsel (CPO 5 & 8)

**Agenda Title:** **PROPOSED ORDINANCE NO. 694 – AN ORDINANCE  
AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR  
THE URBAN AREA, THE WEST UNION COMMUNITY PLAN  
AND THE COMMUNITY DEVELOPMENT CODE RELATING  
TO INDUSTRIAL URBAN GROWTH BOUNDARY LANDS**

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

---

### SUMMARY:

Ordinance No. 694 proposes to amend the Comprehensive Framework Plan for the Urban Area, the West Union Community Plan and the Community Development Code to modify the list of uses allowed in Future Development 20 Acre (FD-20) District lands that were added to the urban growth boundary in 2004. The proposed ordinance prohibits churches, cemeteries, day care facilities and schools, which are uses not allowed in the county's urban Industrial District. The prohibition is intended to minimize conflicts between these kinds of uses and the future industrial development expected to occur on the 2004 industrial UGB lands.

On May 7, 2008, the Planning Commission conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 694. The staff report will be provided to the Board prior to the hearing and it will be available at the Clerk's desk prior to the hearing.

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

### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 694 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 694.

---

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

# ADOPTED

Agenda Item No.	<u>5.c.</u>
Date:	06/03/08

**MAR 20 2008**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

**Washington County  
County Clerk**

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 694

An Ordinance Amending the Comprehensive Framework Plan for the Urban Area, the West Union Community Plan, and the Community Development Code Element of the Comprehensive Plan relating to Industrial Urban Growth Boundary Lands

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 Comprehensive Framework Plan for the Urban Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683 and 686.

B. The Board of County Commissioners of Washington County, Oregon, recognizes that the West Union Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 420, 480, 551, 588, 610 and 671.

C. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443,

1 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525,  
2 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-  
3 605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654,  
4 659-662, 667, 669, 670, 674, 676, 677 and 682-686.

5 D. Subsequent ongoing planning efforts of the County indicate a need for a general  
6 update to the Comprehensive Framework Plan for the Urban Area, the West Union Community  
7 Plan, and the Community Development Code Element of the Comprehensive Plan to provide  
8 clarification as to uses which are not compatible with industrial lands consistent with Title 11 of  
9 the Metro Urban Growth Management Functional Plan. The Board takes note that such changes  
10 are necessary for the benefit of the health, safety, and general welfare of the residents of  
11 Washington County, Oregon.

12 E. Under the provisions of Washington County Charter Chapter X, the Land Use  
13 Ordinance Advisory Commission has carried out its responsibilities, including preparation of  
14 notices, and the County Planning Commission has conducted one or more public hearings on the  
15 proposed amendments and has submitted its recommendations to the Board. The Board finds  
16 that this Ordinance is based on that recommendation and any modifications made by the Board,  
17 as a result of the public hearings process.

18 F. The Board finds and takes public notice that it is in receipt of all matters and  
19 information necessary to consider this Ordinance in an adequate manner, and finds that this  
20 Ordinance complies with the Statewide Planning Goals, the Metro Urban Growth Management  
21 Functional Plan, the standards for legislative plan adoption as set forth in Chapters 197 and 215

22 ////



1 of the Oregon Revised Statutes, the Washington County Charter, the Washington County  
2 Community Development Code, and the Washington County Comprehensive Plan.

3 SECTION 2

4 The following exhibits, attached hereto and incorporated herein by reference, are hereby  
5 adopted as amendments to the documents designated below:

- 6 A. Exhibit 1 (5 pages) amending Policy 41, Urban Growth Boundary Expansions, of the  
7 Comprehensive Framework Plan for the Urban Area;
- 8 B. Exhibit 2 (1 page) amending the Helvetia Subarea text of the West Union  
9 Community Plan; and
- 10 C. Exhibit 3 (6 pages) amending Community Development Code Section 308 FUTURE  
11 DEVELOPMENT 20 ACRE DISTRICT (FD-20).

12 SECTION 3

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

15 SECTION 4

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

18 SECTION 5

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

22 ////

1 or repealed by the stricken portion of this Ordinance shall be revived and again be considered in  
2 full force and effect.

3 SECTION 6

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

9 SECTION 7

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

11 ENACTED this 3rd day of June, 2008, being the 1st reading and 1st  
12 public hearing before the Board of County Commissioners of Washington County, Oregon.

13 BOARD OF COUNTY COMMISSIONERS  
14 FOR WASHINGTON COUNTY, OREGON

15 **ADOPTED**

16 Tam Buan  
17 CHAIRMAN

18 Barbara Hejtmanek  
19 RECORDING SECRETARY

20 READING

21 PUBLIC HEARING

22 First June 3, 2008  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

\_\_\_\_\_ June 3, 2008  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VOTE: Aye: Brian, Schouten, Rogers,  
Strader

Nay: Duyck

Recording Secretary: Barbara Hejtmanek Date: June 3, 2008

Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

Implementing Strategies

The County will:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable Community Plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until all appeals regarding the UGB expansion have been finalized and, when applicable, the planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a Locational or Minor Adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.
- b. Require that land added to the Regional UGB be added to a Community Plan and/or the Future Development Areas Map when applying any urban land use designation through a quasi-judicial or legislative plan amendment.
- c. Continue to apply the Significant Natural Resource designations on the Rural/Natural Resource Plan to properties designated FD-10 or FD-20.
- d. Apply the following Areas of Special Concern to the Future Development Areas Map:
  1. Area of Special Concern 1 is comprised of approximately 60 acres of land located west of Highway 47 and north of Hartford Drive. The property included in this Area of Special Concern is illustrated on the Future Development Areas Map (Map A). This property was added to the UGB by Metro Ordinance 02-985A in December 2002.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No urbanization may occur in this area until the alignment of the David Hill Extension with the Highway 47 bypass is determined and adopted as part of the City of Forest Grove's Transportation Plan.
  - b) New commercial retail uses are prohibited.
2. Area of Special Concern 2 is comprised of approximately 252 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties included in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-990A in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:



- a) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
  - b) Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Future lot/parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
  - b) New commercial retail uses are prohibited.
4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land by Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

- 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

b)c) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.

- 3) Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B
5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
  - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.
- bc) The Title 11 planning required by Metro shall:
  - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - 2) Incorporate the general location of projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.
  - 3) Consider using the I-5/99W Connector as a boundary between the cities of Tualatin and Wilsonville.

6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and were designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.



b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

bç) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of projected right-of-way location alignment for the 1-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

7. Area of Special Concern 7 consists of two individual UGB expansion area that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

b) The Title 11 planning required by Metro shall:

1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

e. Require that land added to the Regional Urban Growth Boundary (UGB) be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD), and when appropriate, the Tualatin Hills Park and Recreation District (THPRD) prior to placing any urban plan designation on the property, with the exception of the FD-10 and FD-20 Districts. Annexation into URMD and ESPD, and when appropriate, THPRD, shall be completed before the County determines that a quasi-judicial plan amendment for any plan designation, except FD-10 and FD-20 is complete. For legislative plan amendments for any plan designation, except FD-10 and FD-20, the subject properties shall be required to annex into URMD and ESPD, and when appropriate, THPRD, prior to preliminary or final approval of any development application.



### Summary Findings and Conclusions

The development and use of urban land requires more services than rural land due to the higher development intensity that takes place in urban areas. The County created the Urban Road Maintenance District and the Enhanced Sheriff Patrol District to address expanded road maintenance and public safety needs of urban residents living in unincorporated Washington County. The Tualatin Hills Park and Recreation District was established to provide County residents in the Beaverton area with park and recreation facilities and services. Implementing Strategy "e" ensures that newly added urban land that is not planned for annexation and development within a city will be served by URMD and ESPD. Implementing Strategy "e" also ensures that all new urban lands that are designated to be served by THPRD will be annexed into that district.

Prior to 1999, the FD-10 District was applied to properties that were intended to be planned, developed and annexed by a city rather than the County to ensure that limited development will occur while the land is located within unincorporated Washington County. For lands in this situation, the County does not require that they be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) or the Tualatin Hills Park and Recreation District (THPRD).

In 1999, ~~and 2002, 2004 and 2005~~, Metro expanded the Regional Urban Growth Boundary. Metro's Urban Growth Management Functional Plan (UGMFP) limits the size of new parcels to 20 acres and requires local governments to restrict development on new urban lands until master planning has occurred. The FD-20 District will be applied to properties added to the Regional UGB through Metro's Major or Legislative Amendment processes in order to comply with Metro's 20 acre minimum lot area requirement. The FD-20 District will be maintained on new urban areas until the Title 11 requirements of Metro's UGMFP have been completed and adopted. Properties designated FD-20 are not required to annex into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) and the Tualatin Hills Park and Recreation District (THPRD).

The Helvetia Subarea text of the West Union Community Plan is amended to reflect the following:

HELVETIA

This area consists of several parcels located at the southeast corner of Helvetia and West Union Roads and encompasses approximately 250 acres. These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004. Metro designated the area as a Regionally Significant Industrial Area on the 2040 Growth Concept Plan.

The area is designated Future Development - 20 Acre (FD-20) District on the West Union Community Plan and the FD-20 designation shall be maintained until the property is annexed to the City of Hillsboro and rezoned. Area of Special Concern 1 provisions apply to the entire Helvetia Subarea.

Area of Special Concern 1: - Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria: Until the effective date of new regulations adopted pursuant to Title 11, FD-20 development applications within this Area of Special Concern shall be subject to Section 308 and any other applicable provisions of the Community Development Code, except

- a) ~~No~~ lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
  - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

Community Development Code Section 308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20) is amended to reflect the following:

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

**308-1 Intent and Purpose**

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. 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 provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

**308-2 Uses Permitted Through a Type I Procedure:**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

308-2.1 Accessory Uses and Structures - Section 430-1.

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

308-2.3 Bus Shelter - Section 430-23.

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use



district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

- 308-2.5 Home Occupation - Section 430-63.1.
- 308-2.6 Parks - Section 430-95.
- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

### **308-3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

#### **308-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-4.1 Cemetery - Section 430-27., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.2 Church - Section 430-29., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.3 Commercial Chicken or Rabbit Raising.
- 308-4.4 Commercial Greenhouse.
- 308-4.5 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).
- 308-4.6 Contractor's Establishment.
- 308-4.7 Day Care Facility - Section 430-53.2., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.8 Public Building - Section 430-103.
- 308-4.9 Public Utility - Section 430-105.
- 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 308-4.12 School - Section 430-121., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of

Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

**308-5 Prohibited Uses**

- 308-5.1 Structures or uses not specifically authorized in Section 308.
- 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
- 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
- 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 308-5.8 Auto wrecking yards.
- 308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**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.

#### 308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

#### 308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved

as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

308-6.4 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

**308-7 Additional Standards**

308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.

308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.

308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

**308-8 Access**

All lots in this District shall either:

308-8.1 Abut a public street; or

308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

**308-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action – Land Use & Transportation (CPO 5 & 8)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 694

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

---

### SUMMARY:

Ordinance No. 694 proposes to amend the Comprehensive Framework Plan for the Urban Area, the West Union Community Plan and the Community Development Code to modify the list of uses allowed in Future Development 20 Acre (FD-20) District lands that were added to the urban growth boundary in 2004. The proposed ordinance prohibits churches, cemeteries, day care facilities and schools, which are uses not allowed in the county's urban Industrial District. The prohibition is intended to minimize conflicts between these kinds of uses and the future industrial development expected to occur on the 2004 industrial UGB lands.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals) must be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan. Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 694. 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. 694 and authorize the Chair to sign the Resolution and Order memorializing the action.

---

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 08-62

Agenda Item No.	<u>6.a.</u>
Date:	06/03/08



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. 694 ) No. 08-62

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of June 3, 2008; 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. 694; 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 May 7, 2008, made a recommendation to the Board, which is in the record and has been reviewed  
15 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, and other items submitted to the Planning Commission and Board regarding this ordinance; it  
19 is therefore,

20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance  
21 No. 694 are hereby adopted.

22 DATED this 3rd day of June, 2008.

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

23 APPROVED AS TO FORM.

23 BOARD OF COUNTY COMMISSIONERS  
24 FOR WASHINGTON COUNTY, OREGON

25 Tom Brun  
Chairman

26 [Signature]  
27 County Counsel  
28 For Washington County, Oregon

26 Barbara Hejtmanek  
27 Recording Secretary

## EXHIBIT A

### **FINDINGS FOR ORDINANCE NO. 694 RELATING TO AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE WEST UNION COMMUNITY PLAN AND THE COMMUNITY DEVELOPMENT CODE RELATING TO INDUSTRIAL URBAN GROWTH BOUNDARY LANDS**

**June 3, 2008**

#### **GENERAL FINDINGS**

Ordinance No. 694 amends various elements of the Washington County Comprehensive Plan by prohibiting institutional uses within urban growth boundary expansion areas that were designated by Metro for industrial use. This ordinance affects only properties added to the regional UGB in 2004 by Metro Ordinance No. 04-1040B. Specifically, Ordinance No. 694 amends the Comprehensive Framework Plan for the Urban Area (CFP), the West Union Community Plan and the Community Development Code by prohibiting churches, schools, cemeteries and free-standing day care facilities within FD-20 lands designated by Metro as industrial land.

The Board finds that Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not applicable because these resources are not located within Washington County. The Board also finds there are no applicable OAR requirements due to the subject matter of the ordinance.

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

#### **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 694 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's UGMFP 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. Ordinance No. 694 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on April 3, 2008.
4. A copy of the proposed ordinance was made available for review at the Cedar Mill Library and the Tigard Public Library. Copies of the ordinance were also available for review in the office of the Department of Land Use and Transportation and on the county's website.
5. On April 28, 2008, a Measure 56 notice was mailed to 191 property owners in the affected areas notifying them of the changes proposed by Ordinance No. 694.
6. Board authorization to file this ordinance was granted in 2008 as part of the Planning Division's Annual Work Program.
7. The Planning Commission held a public hearing for this ordinance on May 7, 2008. This hearing resulted in a recommendation that the Board of Commissioners adopt the ordinance as filed.
8. The Board of Commissioners held a public hearing for this ordinance on June 3, 2008. After the public hearing, the Board voted to adopt Ordinance No. 694 as filed.
9. 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. 694 were published in the Washington County Weekly section of The Oregonian on April 17, 2008 and in the Hillsboro Argus on April 18, 2008.



10. 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. General Notice 2008-2, the Individual Notice describing proposed Ordinance No. 694, was prepared by the Land Use Ordinance Advisory Commission. The notice was mailed to the 466 people on the General Notification List on April 23, 2008.

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

### CONCLUSION

Statewide Planning Goal 2 addresses Land Use Planning. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan (Plan). Washington County utilized this process to adopt this ordinance.

The amendments that were made to Plan by this ordinance are consistent with the parameters set forth in the acknowledged CFP - 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 CFP and Rural/Natural Resource Plan both require that legislative Plan amendments be adopted by ordinance in accordance with the procedures specified in the Washington County Charter and State Law.
2. Chapter X, Section 100(d) of the County Charter defines "land use ordinances" to include any ordinance that amends a comprehensive plan. Ordinance No. 694 amends the CFP, the West Union Community Plan, and the Community Development Code, all elements 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 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 April 23, 2008.
4. Chapter X requires that a display ad be published in a newspaper of general circulation 14 days prior to the initial Planning Commission hearing, which was held on May 7, 2008. ORS Chapter 215.060 requires the County to provide 14

days advance public notice prior to the first public hearing. Display ads were published in the following newspapers: the Washington County Weekly section of The Oregonian on April 17, 2008 and the Hillsboro Argus on April 18, 2008.

5. ORS 197.610, OAR 660-018-0020 and Senate Bill 543 require that notice of proposed amendments to the County's acknowledged comprehensive plan be forwarded to the Director of the Department of Land Conservation and Development (DLCD) at least 45 days before the first hearing. Notice of proposed Ordinance No. 694 was e-mailed and mailed to DLCD on March 21, 2008.
6. Chapter X of the Charter requires that the Planning Commission hold at least one public hearing for a land use ordinance. The Planning Commission held their public hearing on Ordinance No. 694 on May 7, 2008.
7. Chapter X of the Charter requires that the Board hold a hearing for land use ordinances after the Planning Commission's hearing. The Board held a hearing for Ordinance No. 694 on June 3, 2008 in accordance with Chapter X of the County Charter.

### **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 Plan made by Ordinance No. 694. 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. Ordinance No. 694 did not amend any plan policies or strategies applicable to the EFU and AF-20 Districts.
3. Ordinance No. 694 did not amend the standards or allow a new use or activity in the EFU and AF-20 Districts, nor did it alter prohibited uses or activities in these districts. Therefore, it is not necessary to make specific findings for this amendment 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 to the Plan Code made by Ordinance No. 694 are consistent with Goal 4; OAR Chapter 660, Division 06; and the County's acknowledged policies for preservation of forest lands. This conclusion is supported by the following facts:

##### FACTS

1. The EFC District is Washington County's acknowledged exclusive forest district.
2. Ordinance No. 694 did not amend any plan policies or strategies related to the EFC District.
3. Ordinance No. 694 did not amend standards applicable to the EFC district, allow a new use or activity in the EFC District, nor alter prohibited uses or activities in the EFC District. Therefore, it is not necessary to make specific findings for this amendment to Goal 4.

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

##### CONCLUSION

Policies 10, 11 and 12 of the CFP, 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 (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 to the Plan by Ordinance No. 694. 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. 694 did not amend any Plan policies or strategies relating to Goal 5.



2. The amendments did not change the County's implementing regulations for protection of Goal 5 resources.
3. Ordinance No. 694 did not amend any resource list, plan provision or land use regulation that protects significant Goal 5 resources.
4. The amendments to the Plan did not change uses or activities allowed in designated Goal 5 resource areas. Ordinance No. 694 did not amend any Code standards related to Goal 5. The amendments made by this ordinance did not alter the County's acknowledged Plan requirements and land use regulations relating to Goal 5. Therefore, it is not necessary to make specific findings for this use for Goal 5.

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

#### CONCLUSION

Policies 4, 5, 6 and 7 in the CFP 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 by Ordinance No. 694. The amendments are consistent with the County's acknowledged policies and standards for the protection of Goal 6 resources. This conclusion is supported by the following facts:

#### FACTS

1. The Community Development Code standards related to these resources are contained in Section 379 (Mineral and Aggregate Overlay District), Section 410 (Grading and Drainage), Section 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), Section 423 (Environmental Performance Standards) and Section 426 (Erosion Control).
2. Ordinance No. 694 did not amend any Code sections or any other Plan policies related to air, water and land resources which addresses the County's compliance with Goal 6.

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

### CONCLUSION

Policy 8 in the CFP 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. 694. 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. 694 did not amend the applicable Plan policies or Code standards related to flood plain areas, or to natural disasters and hazards. Therefore, it is not necessary to make specific findings for Goal 7.

## **Goal 8 - Recreation Needs**

### CONCLUSION

Policies 33, 34 and 35 of the CFP, 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. 694. 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), 430-131 (Special Recreation Use) and 431-7 (Common Open Space).
2. Ordinance No. 694 did not amend these Code Sections, or the applicable Plan or community plan policies related to recreation. Therefore, it is not necessary to make specific findings for Goal 8.

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

### CONCLUSION

Policy 20 in the CFP 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. 694. The amendments are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9. This conclusion is supported by the following facts:

### FACTS

1. Implementing Strategy a. of Policy 20 (Urban Area Economy) of the County's CFP states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific Code standards directly related to this goal, amendments to the Code should follow this policy to achieve the economic development goal.
2. Ordinance No. 694 did not amend the applicable Plan policies related to Goal 9.
3. The provisions of Ordinance No. 694 contribute to a sound economy by protecting the subject properties for future urban industrial uses by limiting uses typically not found in industrial land use districts.
4. Ordinance No. 694 amends Section 308 (Future Development 20 Acre District) of the Community Development Code to prohibit institutional uses within areas designated by Metro for industrial use. The prohibited uses - churches, schools, cemeteries and day care facilities - are not allowed uses within the county's existing urban industrial land use district.

## **Goal 10 - Housing**

### CONCLUSION

Policies 21, 22, 23 and 24 of the CFP 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. 694. 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

Ordinance No. 694 did not amend the applicable Plan policies related to housing. Therefore, it is not necessary to make specific findings for Goal 10.

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

#### CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP 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. 694. 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. 694 does not amend the Washington County Public Facilities Plan.
3. Ordinance No. 694 did not amend any Plan policies and strategies relating to Goal 11.
4. The provisions of Ordinance No. 694 help to ensure the orderly development of the subject industrial lands through the application of interim protection measures. The prohibition of institutional uses within the 2004 UGB expansion areas protects the subject properties for future urban industrial uses by limiting uses typically not found in industrial land use districts.

## **Goal 12 - Transportation**

### CONCLUSION

Policy 32 of the CFP, 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. 694. The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12) and the Regional Transportation Plan (RTP). This conclusion is supported by the following facts:

### FACTS

Ordinance No. 694 did not amend any Plan policies and strategies relating to Goal 12. Therefore, it is not necessary to make specific findings for Goal 12.

## **Goal 13 - Energy Conservation**

### CONCLUSION

Policies 36, 37, 38, 39 and 40 of the CFP 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. 694. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13. This conclusion is supported by the following facts:

### FACTS

Ordinance No. 694 did not amend the applicable Plan policies or Code provisions related to energy conservation. Therefore, it is not necessary to make specific findings for Goal 13.

## **Goal 14 - Urbanization**

### CONCLUSION

Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the 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. 694. 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

Ordinance No. 694 amended the Future Development 20 Acre District standards to prohibit certain non-industrial uses within the UGB expansion areas addressed by this ordinance. Uses not allowed within the county's Industrial zone were prohibited in the 2004 UGB expansion areas near the cities of Hillsboro, Sherwood, Tualatin and Wilsonville. The prohibited uses are cemeteries, churches, day care facilities and schools.



**FINDINGS OF COMPLIANCE WITH METRO'S URBAN GROWTH  
MANAGEMENT FUNCTIONAL PLAN FOR ORDINANCE NO. 694 (RELATING  
TO INDUSTRIAL URBAN GROWTH BOUNDARY LANDS)**

**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, 4, 8 and 11 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. 694 implements Metro's Title 11 by applying interim protection measures designed to regulate development until permanent industrial zoning has been established in accordance with Title 4. The limitation on institutional uses within the FD-20 District for lands added to the UGB in 2004 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.

**Title 4 - Industrial and Other Employment Areas**

To improve the region's economic climate, the Plan seeks to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas.

**RESPONSE**

Ordinance No. 694 amends the Areas of Special Concern (ASCs) developed for the 2004 UGB expansion areas near the cities of Hillsboro, Sherwood, Tualatin and Wilsonville. The ASC language indicates that institutional uses – cemeteries, churches, day care facilities and schools – are prohibited due to the areas' designation as industrial land by Metro. The FD-20 District is also amended to reflect the prohibition on institutional uses within these areas.

### **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. 694 on March 21, 2008. The findings in this document demonstrate the amendments made by this ordinance are in 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**

Ordinance No. 694 prohibits institutional uses within the FD-20 District that may be incompatible with the future industrial development planned for the 2004 UGB expansion lands. These uses – cemeteries, churches, day care facilities and schools – are uses not allowed within the county's existing urban industrial district. The changes made by Ordinance No. 694 preserve the 2004 UGB expansion areas until Title 11 planning occurs. 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.

- a) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
  - b) Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Future lot/parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
  - b) New commercial retail uses are prohibited.
4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land by Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

- 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

b~~c~~) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.



601006

COUNTY - DLUT  
SION, #350-14  
Avenue  
7124-3072



PROHIBITED

Attn: Plan Amendment Specialist  
 DLCD  
 635 Capital St. NE Ste 150  
 Salem OR 97301-2540