NOTICE OF ADOPTED AMENDMENT

11/2/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
        DLCD File Number 012-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, November 18, 2010

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Joy Chang, Washington County
    Gloria Gardiner, DLCD Urban Planning Specialist
    Anne Debbaut, DLCD Regional Representative

<paa> YA
**Notice of Adoption**

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000.

**Jurisdiction:** Washington County

**Date of Adoption:** October 26, 2010

**Date Mailed:** October 28, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☑ Yes ☐ No Date: 7/29/10

- ☑ 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”.

**A-Engrossed Ordinance No. 732:**

- Designated two tax lots as Future Development 20 Acre (FD-20) District where the land use designation was inadvertently not applied (Exhibit 1);
- Changed the land use designation for a duplex site from the Residential 5 Units per Acre (R-5) District to the Residential 9 Units per Acre (R-9) District (Exhibit 2); and,
- Amended Community Development Code Section 203-5 to clarify that only Type II and III applications are subject to the time limitations set forth in ORS 215.427 (Exhibit 3).

**Does the Adoption differ from proposal?** Yes. The Board of County Commissioners ordered engrossment of Ordinance No. 732 order to further clarify Section 203-5. No other changes were made.

**Location #1:** The two tax lots designated as FD-20 by this ordinance are located south of SW Day Road and east of SW Garden Acres (see Exhibit 1).

- **Plan Map changed from:** None Assigned to: FD-20
- **Zone Map changed from:** N/A to: N/A
- **Specific Density:** Previous: None New: One dwelling per 20 acres

**Location #2:** The tax lot changed from R-5 to R-9 is located west of SW Briggs Road and north of SW Jenkins Road (see Exhibit 2).

- **Plan Map changed from:** R-5 to: R-9
- **Zone Map changed from:** N/A to: N/A
- **Specific Density:** Previous: 4 min / 5 max units per acre New: 7 min / 9 max units per acre

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? ☐ YES ☑ NO

**DLCD file No.** 012-10 (18440) [16383]
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

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

Bonneville Power Administration

Local Contact: Anne Elvers, Associate Planner Phone: 503-846-3583
Address: 155 N. First Ave., Suite 350-14 Fax Number: 503-846-4412
City: Hillsboro Zip: 97124-3072 E-mail Address: anne_elvers@co.washington.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:

4. Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp. (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated twenty-one (21) days from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. Need More Copies? You can now access these forms online at http://www.lcd.state.or.us/. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.
AGENDA
WASHINGTON COUNTY BOARD OF COMMISSIONERS

Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (All CPOs)


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

SUMMARY:
On October 19, 2010 the Board held its second public hearing for A-Engrossed Ordinance No. 732. A-Engrossed Ordinance No. 732 proposes to:

➢ Amend the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan for the Urban Area by applying the Future Development 20 Acre District (FD-20) designation to two tax lots that were inadvertently not assigned a land use designation. The parcels are located south of SW Day Road and east of SW Garden Acres Road (See Exhibit 1 map);

➢ Amend the Land Use Districts Map in the Cedar Hills-Cedar Mill Community Plan to change the land use designation of a duplex lot located near the intersection of SW Jenkins Road and SW Briggs Road from the R-5 District to the R-9 District. (See Exhibit 2 map);

➢ Amend CDC Section 203-5 to clarify that only Type II and Type III development applications are subject to the processing time limitations in ORS 215.427. (Exhibit 3)

- Continued -

DEPARTMENT’S REQUESTED ACTION:
Read A-Engrossed Ordinance No. 732 by title only and conduct the third public hearing. After taking testimony, close the public hearing and adopt the ordinance.

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

AGENDA Item No. 4.b.
Date: 10/26/10
ADOPTED
Proposed A-Engrossed Ordinance No. 732 is posted on the county's land use ordinance web page at the following link:

http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2010-land-use-ordinances.cfm

A staff report will be provided to the Board prior to the October 26, 2010 hearing. Copies of the report will also be available at the Clerk’s desk prior to the hearing.

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

Exhibit 1 Map

Exhibit 2 Map
BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 732

An Ordinance Amending the Comprehensive Framework Plan for the Urban Area, the Cedar Hills-Cedar Mill Community Plan, and the Community Development Code relating to General Update and Housekeeping Amendments

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

SECTION 1


B. The Board recognizes that the Cedar Hills-Cedar Mill Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 346, 369, 396, 418, 420, 450, 471, 480, 484, 526, 551, 553, 588, 609, 610, 620 and 631.

D. Subsequent ongoing planning efforts of the County indicate a need for minor amendments to different elements of the Comprehensive Plan to comply with state law or to provide a general update. The Board takes note that such changes are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

F. The Board finds and takes public notice that it is in receipt of all matters and information necessary to consider this Ordinance in an adequate manner, and finds that this Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter, the Washington County Community Development Code, and the Washington County Comprehensive Plan.
SECTION 2

The following Exhibits, attached and incorporated herein by reference, are hereby adopted as amendments to the following documents:

A. Exhibit 1 (1 page) – amending Map C of the Future Development Areas of the Comprehensive Framework Plan for the Urban Area;

B. Exhibit 2 (1 page) – amending Map D, Land Use Districts of the Cedar Hills/Cedar Mill Community Plan; and

C. Exhibit 3 (2 pages) – amending Community Development Code Section 203, Processing Type I, II and III Development Actions.

SECTION 3

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

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427 (2009 Edition).

SECTION 5

If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 6

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

SECTION 7

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

ENACTED this 26 day of October, 2010, being the 3rd reading and 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON

ADOPTED

CHAIRMAN

RECORDING SECRETARY

READING

First October 5, 2010
Second October 19, 2010
Third October 26, 2010

PUBLIC HEARING

First October 5, 2010
Second October 19, 2010
Third October 26, 2010

VOTE: Aye: Strader, Rogers, Dwyck, Schouten. Nay: 

Recording Secretary: Marian Larkin Date: October 26, 2010
Map C of the Future Development Areas of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

- **Add as FD-20**
- **FD-20**
- **City of Wilsonville**
Map D, Land Use Districts of the Cedar Hills/Cedar Mill Community Plan is amended to reflect the following:

- **Change from R-5 to R-9**
Community Development Code Section 203, PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS, is amended to reflect the following:

* * *

203-5 Application Submittal and Acceptance

203-5.1 Applications shall be submitted to the Director in the number specified on the application form. The Director, however, may waive copies of specific documents, maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.

203-5.2 No application shall be received by the Department for determination of completeness without the appropriate application fee.

203-5.3 Except as provided in Sections 203-5.6 and 203-5.7, the Review Authority shall take final action on all-Type II and III applications for development actions, including resolution of all appeals under ORS 215.422, within one-hundred twenty (120) days for all applications inside the UGB and mineral aggregate extraction and one-hundred fifty (150) days for all applications (except mineral aggregate extraction) outside the UGB, after the application is deemed complete consistent with the requirements of ORS 215.427.

203-5.4 If an application is incomplete, the Review Authority shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of Section 203-5.3 upon receipt by the governing body or its designee of:

A. All of the missing information;
B. Some of the missing information and written notice from the applicant that no other information will be provided; or
C. Written notice from the applicant that none of the missing information will be provided.

203-5.5 On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted the applicable information as described in Section 203-5.4.

203-5.6 If the application was complete when first submitted or the applicant submits the requested additional information within one-hundred eighty (180) days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
203-5.7  The 120-day and 150-day periods set in Section 203-5.3 may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

203-5.8  The decision of the Director as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this Code by Resolution and Order of the Board or by action of the Director. Rejection by the Director for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.

203-5.9  The Review Authority shall approve or approve with conditions an application which the Director has determined to be incomplete only if it determines that sufficient, accurate information has been submitted and adequately reviewed by the Review Authority with an opportunity for review by affected parties or that conditions can be imposed to ensure proper review at the appropriate time. In all other cases the Review Authority shall defer or deny.

* * *