



# Oregon

Theodore R. Kulungoski, 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](http://www.lcd.state.or.us)



## 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





FORM 2

DLCD

## 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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	OCT 29 2010
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Washington County**Local file number: **A-Engrossed Ordinance No. 732**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☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ 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:

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

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

**Agenda Title:** PROPOSED A-ENGROSSED ORDINANCE NO. 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

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

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#### 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.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No.	<u>4.b.</u>
Date:	<u>10/26/10</u>

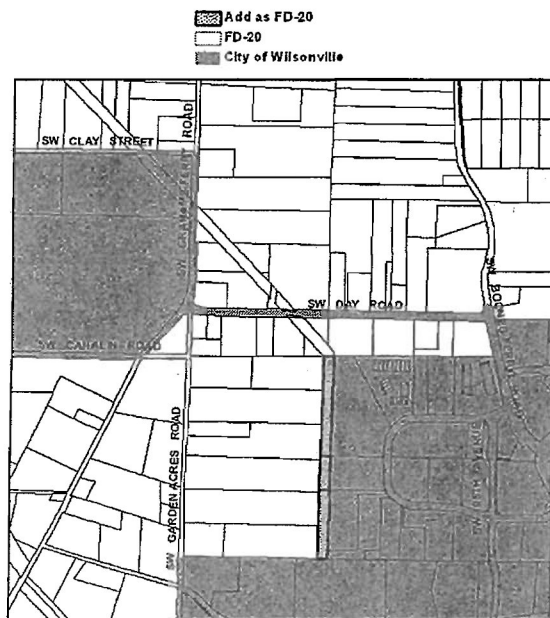
Third Public Hearing – Land Use & Transportation; County Counsel  
**PROPOSED A-ENGROSSED ORDINANCE NO. 732**  
October 26, 2010  
Page 2

Proposed A-Engrossed Ordinance No. 732 is posted on the county's land use ordinance web page at the following link:

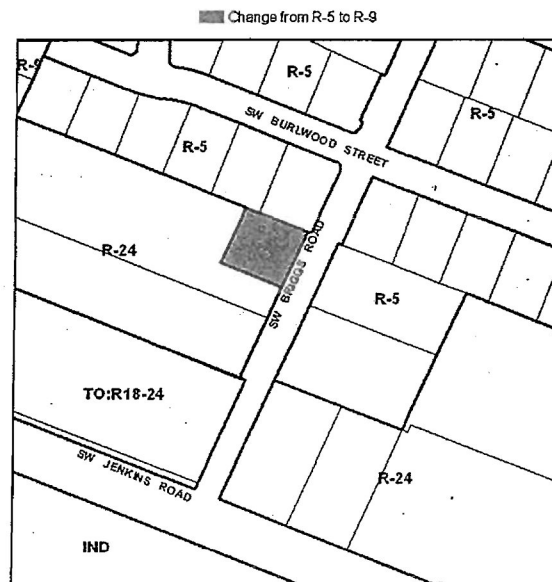
<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2010-land-use-ordinances.cfm>

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

OCT - 7 2010

FOR WASHINGTON COUNTY, OREGON

Washington County  
County Clerk

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

A. The Board 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, 686, 694, 712, 726, and 733.

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.

C. The Board 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, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-

1 489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,  
2 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635,  
3 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698,  
4 703, 704, 708, 709, 711, 712, 718, 719, 720, 725, and 735.

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

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

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

21 ///

1     SECTION 2

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

- 4             A.     Exhibit 1 (1 page) – amending Map C of the Future Development Areas of  
5                     the Comprehensive Framework Plan for the Urban Area;  
6             B.     Exhibit 2 (1 page) – amending Map D, Land Use Districts of the Cedar  
7                     Hills/Cedar Mill Community Plan; and  
8             C.     Exhibit 3 (2 pages) – amending Community Development Code Section  
               203, Processing Type I, II and III Development Actions.

9     SECTION 3

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

12    SECTION 4

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

15    SECTION 5

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

19    SECTION 6

20            The Office of County Counsel and Department of Land Use and Transportation are  
21 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
22



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




PUBLIC HEARING

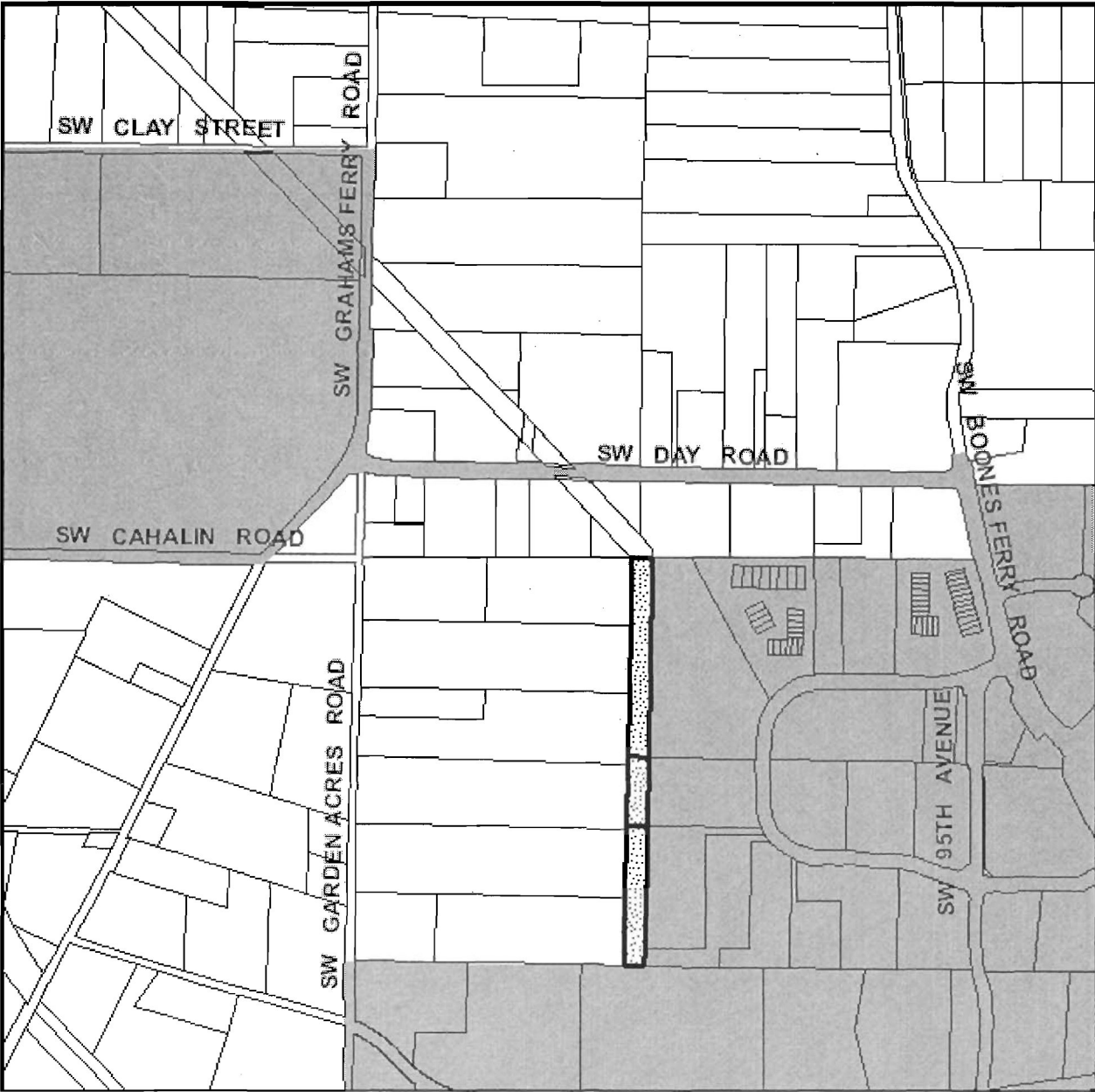
First October 5, 2010  
Second October 19, 2010  
Third October 26, 2010  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

First October 5, 2010  
Second October 19, 2010  
Third October 26, 2010  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

VOTE: Aye: Strader, Rogers, Duyck, Schouten Nay: \_\_\_\_\_  
Recording Secretary: Marian Larkin Date: October 26, 2010

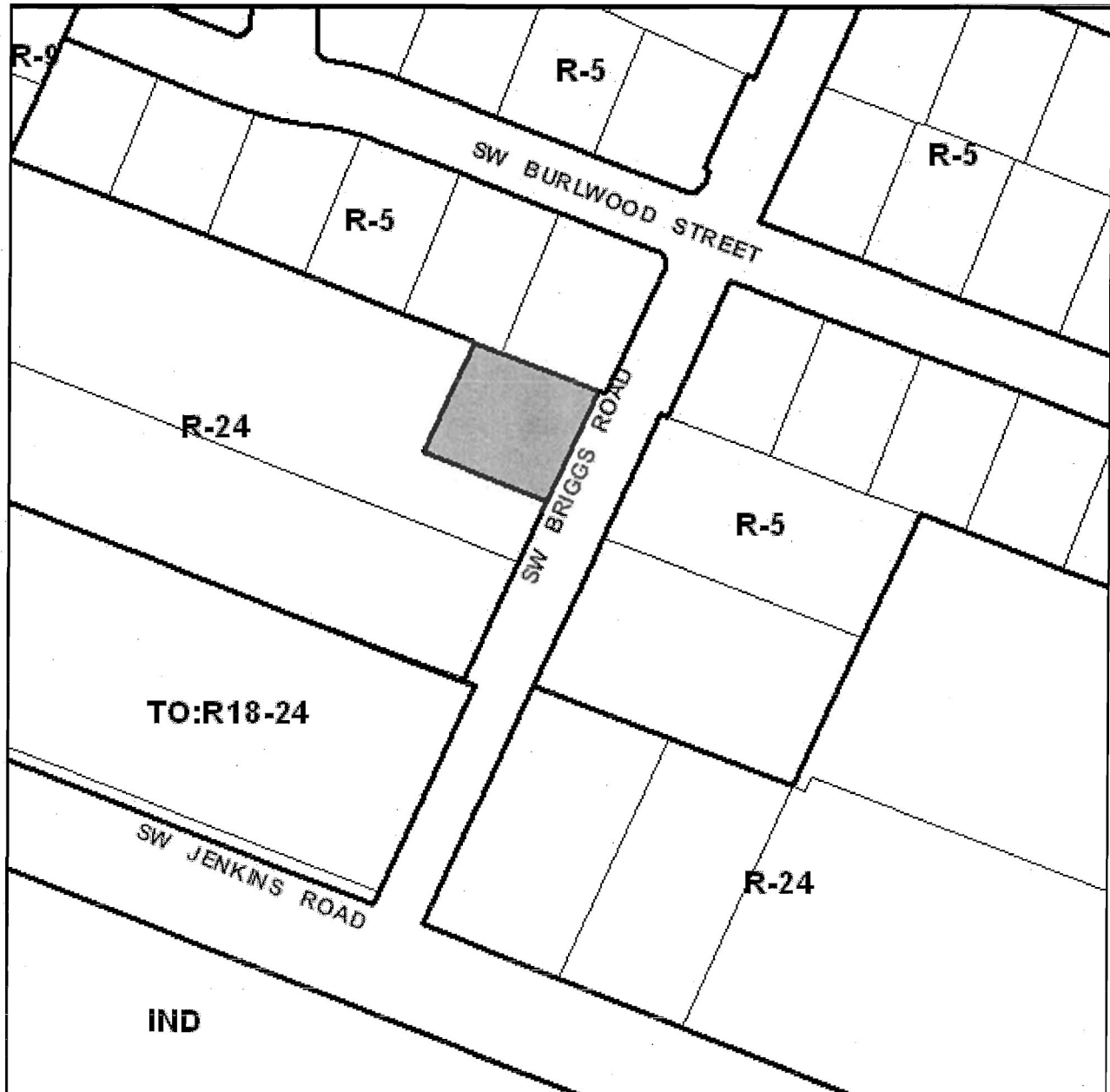
Map C of the Future Development Areas of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

-  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 ~~an Type II and III applications for a development action,~~ 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 181<sup>st</sup> 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.

abcdef Proposed additions

~~abedef~~ Proposed deletions

- 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.

\* \* \*

**Washington County**  
**Long Range Planning**  
155 N. First Ave, 350-14  
Hillsboro, OR 97124

Attn: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

Priority Mail  
ComBasPrice



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0004228463

**\$ 05.08<sup>0</sup>**  
OCT 28 2010

MAILED FROM ZIP CODE 97123