



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

10/05/2011

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 003-11

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, October 20, 2011

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
Jon Jinings, DLCD Community Services 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

In person electronic mailed

DATE STAMP

DEPT OF

SEP 30 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 742**

Date of Adoption: **9/27/2011**

Date Mailed: **9/29/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

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".

Ordinance No. 742 amended the Comprehensive Framework Plan for the Urban Area and the Community Development Code relating to housekeeping and general updates.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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 checked="" type="checkbox"/>	<input checked="" 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"/>	<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. 003-11 (18907) [16783]

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

Washington County, Metro

Local Contact: Joy L. Chang, Associate Planner	Phone: (503) 846-3873	Extension:
Address: 155 N First Ave., Suite 350 MS 14	Fax Number: 503-846-4412	
City: Hillsboro	Zip: 97124	E-mail Address: joy_chang@co.washington.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **PROPOSED ORDINANCE NO. 742 – AN ORDINANCE
AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR
THE URBAN AREA AND THE COMMUNITY DEVELOPMENT
CODE RELATING TO GENERAL UPDATE AND
HOUSEKEEPING AMENDMENTS**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 742 proposes to amend the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC) relating to housekeeping and general update amendments. Ordinance No. 742 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2011-land-use-ordinances.cfm>

On September 7, 2011, the Planning Commission (PC) conducted a public hearing for this ordinance and unanimously recommended that the Board adopt Ordinance No. 742 with two proposed amendments to Exhibit 1. One amendment would delete a reference to the Land Use Ordinance Advisory Commission and the other would insert the word “recordings” in CDC Section 107-3.1 D. To save the costs associated with an ordinance engrossment, staff recommends that the Board adopt Ordinance No. 742 as filed and direct staff to evaluate the PC's proposed amendments as part of next year's annual land use ordinance work program.

The staff report will be provided to the Board prior to the hearing and it will also be available at the Clerk's desk prior to the hearing.

Consistent with Board policy, 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. 742 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 742 and direct staff to evaluate the Planning Commission's proposed amendments to Exhibit 1 as part of the 2012 Land Use Ordinance Work Program.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No.	<u>4.b.</u>
Date:	09-27-11

FILED

JUL 20 2011

Washington County
County Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 742

An Ordinance Amending the
Comprehensive Framework Plan for the
Urban Area and the Community
Development Code Relating to a 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, 730, 732, and 733.

B. 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, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 725, 730, 732, and 735.

1 C. Subsequent ongoing planning efforts of the County indicate a need for minor limited
2 non-policy changes to the Comprehensive Framework Plan for the Urban Area and the Community
3 Development Code to provide a general update. The Board takes note that such changes are for the
4 benefit of the residents of Washington County, Oregon.

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

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

17 SECTION 2

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

- 20 A. Exhibit 1 (6 pages) – Amending the following sections of the Community
21 Development Code:
22 1. Section 106-173 is amended to delete a reference to the now defunct Land Use
Ordinance Advisory Committee;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

2. Section 107-3.2 is amended to delete a reference to the now defunct Land Use Ordinance Advisory Committee;
3. Section 300 INTRODUCTION is amended to correct an error in the numeric indexing;
4. Section 303-7.3 of the R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE) is amended to clarify the correct building height limitation is 35 feet and not 40 feet based on existing limits in other districts;
5. Section 340-5.2 of the EXCLUSIVE FARM USE DISTRICT (EFU) is amended to update an existing reference to state law regarding compost facilities in exclusive farm use zones;
6. Section 344-5.2 of the AGRICULTURE AND FOREST DISTRICT (AF-20) is amended to update an existing reference to state law regarding compost facilities in exclusive farm use zones;
7. Section 413-3.4 PARKING AND LOADING is amended to allow for shared parking for more than one use on the same property in the rural area when the peak hours of operation do not overlap;
8. Section 501-9.6 of the PUBLIC FACILITY AND SERVICE REQUIREMENTS is amended to allow an exemption from site distances for Temporary Health Hardships; and
9. Sections in which references are made to the "Uniform Road Improvement Design Standards," as follows, are replaced with "Road Design and Construction Standards:"
 - a. Section 390-22.3 of the NORTH BETHANY SUBAREA OVERLAY DISTRICT;
 - b. Section 409-3.6 of the PRIVATE STREETS;
 - c. Section 413-6.2 of the PARKING AND LOADING;
 - d. Section 427-3.4 of the SOLAR ACCESS STANDARDS;
 - e. Sections 428-3.5 and 428-4.5 of the FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

- f. Sections 431-4.2 and 431-5.1 of the TRANSIT ORIENTED DESIGN PRINCIPLES, STANDARDS AND GUIDELINES; and
- g. Sections 501-6.3, 501-8.1, 501-8.2, 501-8.5, 501-8.8, 501-9.8, and 501-9.9 of the PUBLIC FACILITY AND SERVICE REQUIREMENTS.

B. Exhibit 2 (1 page) – Amending Policy 2, Citizen Involvement, of the Comprehensive Framework Plan for the Urban Area.

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.

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,

////

1 and making any technical changes not affecting the substance of these amendments as necessary to
2 conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect on November 25, 2011.

5 ENACTED this 27 day of September, 2011, being the first reading and
6 first public hearing before the Board of County Commissioners of Washington County, Oregon.

7 BOARD OF COUNTY COMMISSIONERS
8 FOR WASHINGTON COUNTY, OREGON

9 **ADOPTED**

Andy Osoch
CHAIRMAN

Barbara Hejtmanek
RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First September 27, 2011
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____
18 Sixth _____

First September 27, 2011
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

16 Malinowski, Terry
17 VOTE: Aye: Duyck, Rogers, Schouten,
Recording Secretary: Barbara Hejtmanek

Nay: _____
Date: September 27, 2011

Sections of the Community Development Code are amended to reflect the following:

1. Section 106 DEFINITIONS

106-173 Quorum The minimum number of members of a body who must be present for the valid transaction of business. In all cases, ~~except the Land Use Ordinance Advisory Commission,~~ a quorum shall consist of a majority of the active members. For purposes of opening a meeting or hearing and continuing the matter to a time and date certain, a majority of those members in attendance shall constitute a quorum.

2. Section 107 PLANNING PARTICIPANTS

107-3 Director

The Director shall:

- 107-3.1 Be responsible for the administration of planning and development activities within the County and shall be the chief administrator in charge of Planning. The Director's responsibilities shall be outlined in the job description and may include but are not limited to the following activities:
- A. Schedule and assign cases for review and hearings;
 - B. Conduct all pertinent correspondence of the Hearings bodies;
 - C. Give notice as required by this Code;
 - D. Maintain agendas and minutes of all Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer meetings;
 - E. Compile and maintain all necessary records, files and indexes for Planning and Development activities; and,
- 107-3.2 Provide professional expertise, staff assistance and act as secretary to the ~~Land Use Ordinance Advisory Commission,~~ Planning Commission and Hearings Officer, keeping an accurate, permanent and complete record of all proceedings.
- 107-3.3 Provide professional expertise and staff assistance to the Board of County Commissioners as necessary for planning matters.

3. Section 300 INTRODUCTION

300-1.2 Rural/Natural Resource Plan Provisions:

- A. Significant Natural Resource Designations;
- B. Historic and Cultural Resource Designations;
- C. Mineral and Aggregate Resource Designations (District A and B designations);
- D. Habitat Protection Plan;
- E. Implementing Strategy E of Policy 10; and
- F. Transportation Functional Classification Map.

300-1.2a3 Additional provisions specific to the North Bethany Subarea Overlay District are identified under Section 390-3.

300-1.34 Transportation Plan

- A. Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
- B. The Functional Classification System Map;
- C. The Lane Numbers Map;
- D. The Special Area Streets Overlay Maps
- E. The Regional Street Design Overlay Map
- F. The Transit System Map;
- G. The Pedestrian System Maps
- H. The Off-Street Trail System Maps
- I. The Planned Bicycle System Map

300-1.45 Comprehensive Framework Plan for the Urban Area
Policy 41, Urban Growth Boundary Expansions

abcdef Proposed additions
~~abcdef~~ Proposed deletions

4. Section 303 R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-7.3 Height:

- A. The maximum height for structures shall be ~~forty (40)~~ 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 ~~forty (40)~~ thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.

5. Section 340 EXCLUSIVE FARM USE DISTRICT (EFU)

340-5.2 Uses which may be allowed subject to Section 340-5.3:

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle. may be permitted on high-value farmland and on land not defined as high value farmland as allowed by OAR 660-033-0130.

6. Section 344 AGRICULTURE AND FOREST DISTRICT (AF-20)

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. ~~Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024 (1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.~~ may be permitted on high-value farmland and on land not defined as high value farmland as allowed by OAR 660-033-0130.

7. Section 413 PARKING AND LOADING

413-3 General Requirements

- 413-3.1 Development permits for parking shall be reviewed through a Type I procedure except as otherwise specified in this Code.
- 413-3.2 Proper maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner.
- 413-3.3 In case of enlargement of a building or use of land existing on the effective date of this Code, the number of parking and loading spaces required shall be based on floor area or capacity of the entire use.
- 413-3.4 In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately. In the rural area, development with two or more uses may use the same parking or loading area when the peak hours of operation of each use do not overlap.

8. Section 501 PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

501-9.6 Accesses for the following development actions are exempt from the Sight Distance standards (Section 501-8.5 F.), but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:

A. Replacement dwellings;

B. Nonbuildable parcels;

C. Type II and Type III applications for one dwelling on an existing vacant parcel;

D. Home Occupation applications under Section 430-63.1 in the EFU, AF-20 and EFC Districts; ~~or~~

E. Temporary Health Hardships; or

~~EF~~ Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards, except as required by Section 501-9.5.

9. The following Sections show references to the "Uniform Road Improvement Design Standards" replaced with "Road Design and Construction Standards".

390 NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-22 Additional North Bethany Subarea Development Standards

390-22.3 Neighborhood Circulation

In addition to the requirements of Section 408, the following standards apply:

A. Streets

- (4) Traffic management elements incorporated into the street cross sections shall be consistent with the North Bethany Street Design Cross-Sections and the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards. Curb extensions, colored and/or textured pavement treatments, or medians may be allowed on any public street based on prior approval from the County Engineer and findings that the treatment will be safe, will not result in an unreasonable amount of public maintenance, and will maintain the functional classification of the facility.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

In addition to the requirements of Section 390-24.3 A.(3) above, the Review Authority may approve other traffic management measures on any North Bethany street based on prior approval from the County Engineer through the engineering modification process. Any prior engineering approval for such measures is to be considered preliminary and subject to subsequent land use approval.

B. Alleys

Alleys may be allowed in the North Bethany Subarea subject to compliance with all of the following requirements:

- (1) Alleys shall be private and designed in accordance with the Special Area Local Street – Alleys (SAL-5) standards set forth in the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards.

409 PRIVATE STREETS

409-3 Urban Private Street Standards

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

A. Structural Section Type:

- (1) Three (3) inch Type "C" AC over six (6) inches compacted crushed rock or in accordance with the standards of the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards.
- (2) Three (3) inch Type "C" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards.
- (3) Two (2) inch Type "C" AC over two (2) inch Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards.

- (4) Two (2) inches Type "C" AC over three (3) inches Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Road Design and Construction Standards.

413 PARKING AND LOADING

413-6 On-Street Parking Requirements for Urban Residential Districts

- 413-6.2 Required on-street parking shall be provided along the affected lot's street frontage by parallel or angled parking (perpendicular parking is not allowed) in accordance with the standards of the Washington County Uniform Road Improvement Design Road Design and Construction Standards. Parallel parking spaces shall be at least eighteen (18) feet long for one (1) or two (2) adjoining spaces. When three (3) or more adjoining spaces are provided, the minimum length of each space shall be twenty (20) feet. Angled parking shall be provided on a street corner and not along the front of dwelling units. Driveway aprons and cross walk area shall not be used for on-street parking. Curb frontage with a fire hydrant or congregate mail boxes shall not be used to satisfy the required on-street parking standards.

427 SOLAR ACCESS STANDARDS

427-3 Solar Access Standard for New Development

- 427-3.4 Adjustments to the Solar Design Standard:

The Review Authority shall reduce the percentage of lots or spaces that must comply with Section 427-3.2 to the minimum extent necessary if it finds the applicant has demonstrated it would cause or is subject to one (1) or more of the following conditions.

A. Adverse impacts upon density, cost or amenities:

- (1) If the design standard in Section 427-3.2 A. is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs (e.g., more extensive utility lines or street improvements are required due to the solar access requirements) are at least five (5) percent more per lot or space than if the standard is not applied.

The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 427-3.2 A. would reduce density or increase per lot costs as previously described. The applicant shall demonstrate which if any of these or other similar site characteristics apply to a development.

- (c) Existing road patterns must be continued through the site or must terminate on-site in order to provide adequate circulation, comply with future roadway alignments designated in the Transportation Plan or an adopted study, or to comply with the standards of the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards in a way that prevents proposed streets, lots or spaces in the development from being oriented for solar access.

428 FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS

428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure

428-3.5 Fire Safety Design Standards for Roads and Driveways

- A. All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards.

428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure

428-4.5 Fire Safety Design Standards for Roads and Driveways

- A. All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards.

431 TRANSIT ORIENTED DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

431-4 Circulation System Design

431-4.2 Standards:

D. Design

- (4) Streets in transit oriented districts shall incorporate the following traffic management elements consistent with the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards:

431-5 Streetscapes for Pedestrians

431-5.1 Streetscapes - Transit Oriented Districts

B. Standards:

- (4) Minimum sidewalk widths in Transit Oriented Districts shall be the widest identified by the Washington County ~~Uniform Road Improvement Design~~ Road Design and Construction Standards for the adjacent Special Area Street (as shown in the 2020 Transportation Plan, Figures 6 through 8), except for Special Area Commercial Streets. Special Area Commercial Streets shall have sidewalks that are a minimum of twelve (12) feet in width. On arterials within or adjacent to Transit Oriented Districts and which are designated as 'Boulevards' on the Regional Street Design Overlay Map in the 2020 Transportation Plan, the minimum sidewalk width shall be twelve (12) feet (see Technical Appendix B-8 of the 2020 Transportation Plan for typical roadway cross-sections).

501 PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-6 Exceptions for Critical and Essential Services

501-6.3 Development proposals that cannot ensure improvements required by Sections 501-8.1 B. (4) or 501-8.2 G. [Half-street improvements] within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.

- C. The County Engineer makes a written determination that there are technical feasibility constraints that preclude construction of the required improvements with the proposed development, including but not limited to one or more of the following:

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- (4) Construction of the subject improvements would cause substantial negative effects on adjacent properties or on natural resources, provided that the negative effects could be avoided with a comprehensive public roadway improvement project on the subject road, designed and constructed in accordance with the Washington County Transportation Plan and ~~Uniform Road Improvement Design~~Road Design and Construction Standards.

501-8 Standards for Development

501-8.1 Critical Services

- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:

- (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's ~~Uniform Road Improvement Design~~Road Design and Construction Standards; and

- (4) A half-street improvement shall be constructed along the site's frontage of existing Local and Neighborhood Route roads which abut the site and are not improved in accordance with the Washington County Transportation Plan and ~~Uniform Road Improvement Design~~Road Design and Construction Standards.

501-8.2 Essential Services

- E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with the Washington County Transportation Plan and ~~Uniform Road Improvement Design~~Road Design and Construction Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.
- F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with the Washington County Transportation Plan and ~~Uniform Road Improvement Design~~Road Design and Construction Standards.

- G. A half-street improvement shall be constructed along the site's frontage of existing Collector and Arterial roads which abut the site and are not improved in accordance with the Washington County Transportation Plan and ~~Uniform Road Improvement Design~~Road Design and Construction Standards.

501-8.5 Access to County and Public Roads

F. Sight Distance

- (7) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:
- (a) Submitted and certified by a registered engineer (Oregon);
 - (b) Documented and reference nationally accepted specifications or standards;
 - (c) Certified that the modification will not compromise safety or the intent of the County's transportation standards, which include but are not limited to the following: Washington County Transportation Plan; Washington County ~~Uniform Road Improvement Design~~Road Design and Construction Standards; Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements Under the Traffic Impact Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan for the Urban Area; and the Community Development Code;

501-8.8 Definitions

A. Half-Street Improvement

Improvement of one-half (½) of an existing substandard road directly abutting a proposed development site in accordance with the Washington County Community Development Code, Transportation Plan, ~~Uniform Road Improvement Design~~Road Design and Construction Standards, and other applicable County standards. One-half (½) of the road shall mean the area between the right-of-way centerline and the ultimate right-of-way line directly abutting the development site, along the entire length of the development site's frontage on the abutting road(s), except as provided herein. Required improvements may include any or all of the following elements as determined by

the Review Authority and the County Engineering Division through the development review process:

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

501-9.8 For those Local and Neighborhood Route roads which are not improved in accordance with Washington County's ~~Uniform~~ Road Design and Construction Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve and maintain these roads to County standards. Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.

501-9.9 For those Arterial and Collector roads which are not improved in accordance with Washington County's ~~Uniform~~ Road Design and Construction Standards and which abut the development site or those roads which do not abut the development site but provide access to the site, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve the base facility of this road(s) to County standards. Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.

Policy 2, Citizen Involvement, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

Summary Findings and Conclusions

Comprehensive planning requires, and depends on, an informed citizenry. For the plan to reflect the needs and values of the citizens of Washington County, citizen participation is essential. This meaningful involvement is necessary throughout the planning process and is an integral part of the ongoing planning program.

In 1986, by adopting Resolution and Order No. 86-58 (included in the Appendix), the Board again affirmed the County's commitment to citizen participation in County government and declared its intent to broaden the scope of CPO activities to include advising and consulting with the Board on matters beyond Land Use Planning including housing, parks, open space and recreation, human resource delivery systems, water and sewage disposal systems, and other matters affecting the livability of the community. To reflect this broader scope of activities, and the CPO role as a vehicle for communication between governments and citizens, the acronym CPO was redefined as Citizen Participation Organization.

In 2001, the Board ~~will consider~~ adopted a Resolution and Order No. 2001-75 that updates the CPO boundary map and establishes a process for the creation of new CPOs and the alteration of CPO boundaries. This Resolution and Order ~~will then be~~ is included in the appendices as Appendix E.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 742

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 742 proposes to amend the Comprehensive Framework Plan for the Urban Area and the Community Development Code relating to housekeeping and general update amendments.

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. 742. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

Attachment: Resolution and Order

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 742 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 11-65

Agenda Item No.	<u>5.a.</u>
Date:	<u>09-27-11</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 742) No. 11-65

This matter having come before the Washington County Board of Commissioners at its meeting of September 27, 2011; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 742; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 7, 2011, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

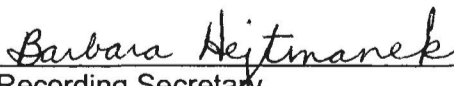
RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 742 are hereby adopted.

DATED this 27th day of September, 2011.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary

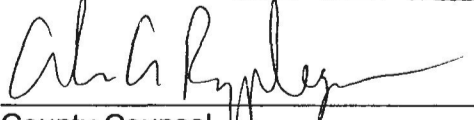

County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 742 AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA AND THE COMMUNITY DEVELOPMENT CODE RELATING TO A GENERAL UPDATE AND HOUSEKEEPING AMENDMENTS

September 27, 2011

GENERAL FINDINGS

Ordinance No. 742 amends the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC) relating to housekeeping and general update amendments. The amendments include removing references to the Land Use Ordinance Advisory Commission (LUOAC), correcting an error in the numeric indexing, changing the maximum height for structures to 35 feet instead of 40 feet in the R-6 Residential District, updating an existing reference to state law regarding compost facilities in exclusive farm use zones, allowing for shared parking for more than one use on the same property in the rural area when the peak hours of operation do not overlap, allowing an exemption for the sight distance standards for Temporary Health Hardship dwellings, replacing multiple sections of the CDC which references the "Uniform Road Improvement Design Standards with "Road Design and Construction Standards", and updating language regarding the creation of new Citizen Participation Organizations and their boundaries.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Board of County Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related OARs are not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region's strategy for addressing growth. The Board finds that Ordinance No. 742 amends CDC standards that are not related to the UGMFP titles; therefore, specific findings are not included in this exhibit.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 742 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's Urban Growth Management Functional Plan, and the Washington County Comprehensive Plan.

Goal 1 - Citizen Involvement

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 Ordinance No. 742.

Goal 2 - Land Use Planning

Statewide Planning Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the CDC. Washington County utilized this process to adopt Ordinance No. 742. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 3 – Agricultural Land

Policy 15, Implementing Strategies (a) and (f) of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands. Plan compliance with Goal 3 is maintained with the amendments made by Ordinance No. 742. 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:

1. The Exclusive Farm Use (EFU) and Agriculture and Forest (AF-20) land use districts are Washington County's acknowledged exclusive farm use districts. Ordinance No. 742 did not amend the applicable Plan policies or strategies relating to farm use districts.
2. Ordinance No. 742 made limited changes to some development standards for the EFU and AF-20 land use districts. The changes consisted of an update to an existing reference to a state law regarding compost facilities and to allow for shared parking for more than one use on the same property in the rural area when the peak hours of operation do not overlap. These limited changes do not amend the applicable Plan policies or strategies relating to farm use districts.

Goal 4 – Forest Lands

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Amendments made by Ordinance No. 742 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:

1. The Exclusive Forest and Conservation (EFC) land use district is Washington County's acknowledged forest district. Ordinance No. 742 did not amend the applicable Plan policies or strategies relating to farm use districts.
2. Ordinance 742 made limited changes to some development standards for forest land which allows for shared parking for more than one use on the same property in the rural area when the peak hours of operation do not overlap. This limited change does not amend the applicable Plan policies or strategies relating to farm use districts.

Goal 9 - Economy of the State

Policy 20 in the Comprehensive Framework Plan for the Urban Area and Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The CDC 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. 742. 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:

Implementing Strategy a. of Policy 20 (Urban Area Economy) of the county's Comprehensive Framework Plan for the Urban Area states in part that, "The County will clarify and streamline the development review process in the Community Development Code." While there are no specific CDC standards directly related to this goal, amendments to the CDC should follow this policy to achieve the economic development goal.

Ordinance No. 742 makes various general update and housekeeping amendments to the CDC. Ensuring that necessary updates are made and that errors are corrected maintains an effective CDC and is therefore consistent with Goal 9.

ty
ing
4

601005



DEPT OF
SEP 30 2011
LAND CONSERVATION
AND DEVELOPMENT

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