



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 004-11

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. 743**

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".

Proposed Ordinance No. 743 amended the Washington County Community Development Code relating to Special Use Standards for Single Family Accessory Dwelling Units.

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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. 001-11 (18909) [16784]

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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

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. 743 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
RELATING TO STANDARDS FOR ACCESSORY DWELLINGS

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

SUMMARY:

Ordinance No. 743 proposes to amend the Community Development Code relating to Special Use Standards for Single Family Accessory Dwelling Units. Ordinance No. 743 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 conducted a public hearing for this ordinance. The Planning Commission unanimously recommended that the Board adopt Ordinance No. 743 as filed.

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. 743 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 743.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

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

FILED

JUL 20 2011

Washington County
County Clerk

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 743

An Ordinance Amending the
Community Development Code Relating
to Standards for Accessory Dwellings

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

SECTION 1

A. 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.

B. Subsequent planning efforts of the County indicate there is a need for further amendments, while not altering the intent and purpose of the existing language, in order to allow not-for-profit organizations to expand their services as part of their charitable mission. The Board takes note that such changes are for the health, welfare and benefit of the residents of Washington County, Oregon.

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

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

13 SECTION 2

14 Exhibit 1, which amends Community Development Code Section 430-117 SPECIAL USE
15 STANDARDS for Single Family Accessory Dwelling Unit, is attached and incorporated herein by
16 reference.

17 SECTION 3

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

20 SECTION 4

21 All applications received prior to the effective date shall be processed in accordance with
22 ORS 215.427.

1 SECTION 5

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

5 SECTION 6

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

11 SECTION 7

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

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

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON

17 **ADOPTED**

18 Andy Ovesh
CHAIRMAN
Barbara Hejtmank
RECORDING SECRETARY

19 READING

PUBLIC HEARING

20 First September 27, 2011
21 Second _____
22 Third _____
Fourth Malinowski, Terry
VOTE: Aye: Duyck, Rogers, Schouten,
Recording Secretary: Barbara Hejtmank

First September 27, 2011
Second _____
Third _____
Fourth _____
Nay: _____
Date: September 27, 2011

Community Development Code Section 430-117 SPECIAL USE STANDARDS for Single Family Accessory Dwelling Unit is amended to reflect the following:

430-117 Single Family Accessory Dwelling Unit

A single family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

- J. A home occupation shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18;
- K. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied except when the property is owned and in use by an organization organized and operated exclusively for religious, charitable, or educational purposes under Section 501(c)(3) of the federal Internal Revenue Code of 1986, as amended, whose primary purpose is serving and assisting persons with developmental disabilities;
- L. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 743

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

SUMMARY:

Ordinance No. 743 proposes to amend the Community Development Code relating to Special Use Standards for Single Family Accessory Dwelling Units.

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. 743. 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. 743 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 11-66

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

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 743) No. 11-660

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. 743; and

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

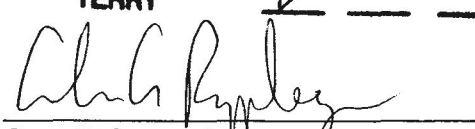
It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 7, 2011, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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. 743 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"/>

APPROVED AS TO FORM:

County Counsel
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

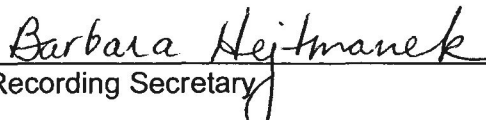

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 743 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO STANDARDS FOR ACCESSORY DWELLINGS

September 27, 2011

GENERAL FINDINGS

Ordinance No. 743 amends the Community Development Code, Section 430-117, Special Use Standards for Single Family Accessory Dwelling Unit, to allow not-for profit organizations to expand their services by permitting non-owner occupancy in both the primary or accessory dwelling unit.

Because the ordinance makes 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 state administrative rules (OAR) are not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP), which is applicable to land inside the Regional UGB. The Board finds that the UGMFP applies to amendments covered by these findings only to the extent noted in specific responses to individual applicable UGMFP policies, and that each amendment complies with the policies.

Goal Findings

The purpose of these findings is to demonstrate that Ordinance No. 743 is consistent with Statewide Planning Goals, state statutes (ORS) and administrative rules and Metro's UGMFP. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning requirements and was acknowledged by the State of Oregon to be in compliance with these requirements. The county follows the post-acknowledgement plan amendment process to update the Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal or UGMFP compliance issues were raised in the proceeding below. In addition, none of the proposed changes to text implicate a Goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

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 utilized these requirements for the review and adoption of No. 743.

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. 732. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

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. 743. 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. 743 makes amendments to the CDC Section 430-117.1K, Single Family Accessory Dwelling Unit. The amendments allow not-for-profit organizations to expand their services by permitting non-owner occupancy in both the primary and accessory dwelling unit which is consistent with Goal 9.

Goal 10 - Housing

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 743. The amendments are consistent with the county's acknowledged policies and standards for regulating

housing in the urban and rural area as required by Goal 10. This conclusion is supported by the following facts:

Ordinance No. 743 did not amend any Plan policies or strategies relating to Goal 10.

Ordinance No. 743 is consistent with this policy because the proposed amendment to CDC Section 430-117.1K, Single Family Accessory Dwelling Unit, allows not-for-profit organizations to expand their services by permitting non-owner occupancy in both the primary and accessory dwelling unit.

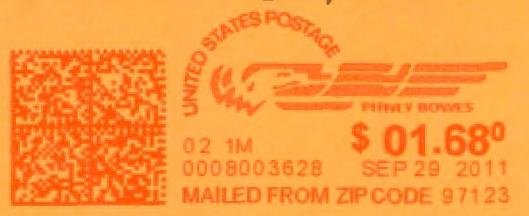
Urban Growth Management Functional Plan Findings

Title 1 – Requirements for Housing and Employment Accommodation

Title 1 facilitates efficient use of land within the UGB by increasing its capacity to accommodate housing and employment. Ordinance No. 743 is consistent with this policy because the proposed amendment to CDC Section 430-117.1K, Single Family Accessory Dwelling Unit, allows not-for-profit organizations to expand their services by permitting non-owner occupancy in both the primary and accessory dwelling unit.

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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