



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

11/05/2012

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 010-12

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: Friday, November 16, 2012

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: Steven Kelley, Washington County  
Jon Jinings, DLCD Community Services Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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**DEPT OF**

**OCT 29 2012**

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

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

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 754**

Date of Adoption: **10/23/12**

Date Mailed: **10/26/12**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 7/6/2012

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. 754 amends the Washington County Community Development Code relating to Special Use Standards for Public Buildings.

Does the Adoption differ from proposal?

Yes, the adopted (A-Engrossed) ordinance includes three key changes along with other minor amendments. The key changes include: 1) the addition of minimum screening and buffering standards; 2) exemption of police and fire stations from the requirement to access Arterial or Collector level roads; and 3) the addition of new standards designed to assure compatibility with surrounding residential uses.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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.** 010-12 ( 19412) [17224]

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

All Federal, State and Local Governments and Special Districts proposing to develop buildings within Unincorporated Washington County.

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Local Contact: **Steve Kelley, Senior Planner**

Phone: (503) 846-3593 Extension:

Address: **155 N. First Avenue, Suite 350**

Fax Number: 503-846-4412

City: **Hillsboro** Zip: 97123-

E-mail Address: **steve\_kelley@co.washington.or.us**

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## **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 x11 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 – Third Reading and Third Public Hearing  
Land Use & Transportation; County Counsel (CPO All)

**Agenda Title:** **PROPOSED A-ENGROSSED ORDINANCE NO. 754 – AN  
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT  
CODE RELATING TO PUBLIC BUILDINGS**

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

**SUMMARY:**

A-Engrossed Ordinance No. 754 amends Section 430-103 of the Washington County Community Development Code (CDC) relating to public buildings. This ordinance amends standards for the siting of public buildings and adds new requirements applicable to the siting of police and fire stations on local roads or neighborhood routes. The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm>

The Board conducted the first public hearing for Ordinance No. 754 on September 18, 2012. At that hearing, the Board ordered engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the October 16 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 754 on October 16 and continued the hearing to October 23, 2012.

The staff report for the October 23 hearing will be provided to the Board prior to the hearing, posted on the above land use ordinance web page prior to the hearing, and copies of the report will be available at the Clerk's desk.

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

**DEPARTMENT'S REQUESTED ACTION:**

Read A-Engrossed Ordinance No. 754 by title only and conduct the third public hearing. At the conclusion of the hearing adopt A-Engrossed Ordinance No. 754.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

**ADOPTED**

Agenda Item No.	<u>3.a.</u>
Date:	<u>10/23/12</u>

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 754

An Ordinance Amending the  
Community Development Code Relating  
to Special Use Standards

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, 722, 725, 730, 732, 735, 739, and 742-745.

B. Subsequent planning efforts of Washington County, in particular as a result of a remand from the Land Use Board of Appeals addressing the siting criteria of a fire station, indicate there is a need for further amendments to the existing county CDC standards related to the siting of public buildings in order to provide adequate levels of public services. 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 (2 pages), attached hereto and incorporated herein by reference, is hereby adopted  
15 as amendments to Section 430-103 of the Community Development Code.

16 SECTION 3

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

19 SECTION 4

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

22

1 SECTION 5

2 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or  
3 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and  
4 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 thirty (30) days after adoption.

13 ENACTED this 23 day of October, 2012, being the 3rd reading and  
14 3rd 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 Owa*  
CHAIRMAN  
*Ana Noyola*  
RECORDING SECRETARY

19 READING

20 First September 18, 2012  
21 Second October 16, 2012  
22 Third October 23, 2012  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

PUBLIC HEARING

First September 18, 2012  
Second October 16, 2012  
Third October 23, 2012  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Date: October 23, 2012

VOTE: Aye: Duyck, Schouten, Rogers, Terry  
Recording Secretary: Ana Noyola

*Community Development Code Section 430-103, SPECIAL USE STANDARDS for Public Buildings is amended to reflect the following:*

#### **430-103 Public Building**

Public Building: Any building held, used, or controlled exclusively for public purposes by any department or branch of government (Federal, State, County, municipal or special district) and private, nonprofit agency serving the public, including such uses as Art Gallery, Auditorium, Community Building, Governmental Structures, ~~Federal, State, County and special district~~ Services Structure, Library and, or Museum, is subject to the following:

- 430-103.1 Must submit a total site plan with application which indicates any proposed buildings, parking, landscape concept, and any future phased development proposed for the site, ~~and as well as~~ a schedule of development;
- 430-103.2 ~~All setbacks~~ In Residential Districts (except along property lines abutting a non-residential district) the minimum buffering requirements for public buildings shall be as follows:
- A. Setbacks shall be a minimum of twenty (20) feet; and may be increased according to the scale of the proposed building(s) or use(s) through a Type I procedure; and
- B. Screening and Buffering Type #3 (as described in Section 411-6.3) shall be provided.
- 430-103.3 Inside the UGB, public buildings (except for police and fire stations) shall have access onto a collector or arterial level street except for satellite buildings or stations in residential districts which. In order to reduce potential conflicts and ensure compatibility with surrounding uses, police and fire stations accessing a local road or neighborhood route shall demonstrate compliance with the following additional standards:
- A. The site size and dimensions provide:
- (1) Adequate area for the needs of the proposed use; and
- (2) Adequate area to support an overall site design which includes area for required buffering between the proposed use and the surrounding neighborhood;
- B. Except along property lines abutting a non-residential district, Screening and Buffering Type #3 (Section 411-6.3) shall be provided unless the Review Authority requires additional screening and buffering to comply with Section 430-103.3 C.
- C. Site and building designs focused on neighborhood compatibility and mitigation of potential adverse effects on surrounding properties and uses, including consideration of window and entry orientation, building height, landscaping and screening, setbacks, parking lot location, and lighting.



D. The proposed use can be developed in a manner that is compatible with and would not substantially alter the character of the surrounding area.

~~A. Generate no more trips than a residential use in the same district or, in the Institutional District, no more than the adjacent Residential District;~~

~~B. Require no special outside lighting;~~

~~C. Require no sirens to sound at or near the site.~~

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 754

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

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### SUMMARY:

A-Engrossed Ordinance No. 754 amends Section 430-103 of the Washington County Community Development Code (CDC) relating to public buildings.

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 A-Engrossed Ordinance No. 754. The findings will be provided to the Board prior to the hearing and will be available at the Clerk's desk.

Attachment: Resolution and Order

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 754 and authorize the Chair to sign the Resolution and Order memorializing the action.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 12-85

Agenda Item No. 4.a.

Date: 10/23/12

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support of )  
A-Engrossed Ordinance No. 754 ) No. 12-85

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of October 23, 2012; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts  
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's  
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 754; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
14 on August 15, 2012, made a recommendation to the Board, which is in the record and has been  
15 reviewed by the Board; and

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

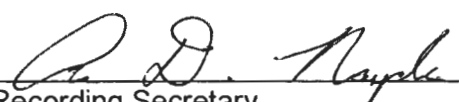
20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of  
21 A-Engrossed Ordinance No. 754 are hereby adopted.

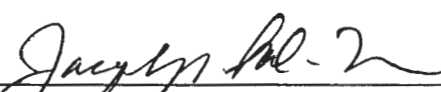
22 DATED this 23<sup>rd</sup> day of October, 2012.

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

23 BOARD OF COUNTY COMMISSIONERS  
24 FOR WASHINGTON COUNTY, OREGON

25   
Chairman

26   
Recording Secretary

27   
28 Assistant County Counsel  
For Washington County, Oregon

## EXHIBIT A

### FINDINGS FOR A-ENGROSSED ORDINANCE NO. 754 AN ORDINANCE AMENDING SECTION 430-103 OF THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE FRAMEWORK PLAN

October 23, 2012

#### GENERAL FINDINGS

A-Engrossed Ordinance No. 754 amends Section 430-103 of the Community Development Code (CDC) relating to Public Buildings. Public buildings include museums, libraries, government buildings, and police and fire stations. Buildings such as schools and churches are regulated through different Community Development Code (CDC) standards. The modified standards provide greater flexibility in siting public buildings, while adding more stringent standards to ensure compatibility with neighboring uses.

Because the ordinance would make changes to the CDC 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 specific change. The Board of County Commissioners (Board) finds that the Goals apply to changes addressed 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 Oregon 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). 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 the UGMFP applies to amendments covered by these findings only to the extent noted in specific responses to individual applicable UGMFP policies, and that the amendment complies with the policies.

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 754 is consistent with applicable Statewide Planning Goals, Oregon Revised Statutes (ORS) and OAR requirements, Metro's UGMFP, and the Washington County Comprehensive Plan.

#### Goal Findings

##### 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 applied these requirements in the review and adoption of A-Engrossed Ordinance No. 754.

### **Goal 2 - Land Use Planning**

Statewide Planning Goal 2 requires an adequate factual base to support local land-use decisions and related actions. As well, coordination with the plans of other affected governmental entities is also required. 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 the Community Development Code. Washington County utilized this process to adopt A-Engrossed Ordinance No. 754. Notice of the proposed CDC changes was provided to all affected governmental entities. Comments were received from Citizen Participation Organizations, the Washington County Committee for Citizen Involvement (CCI) as well as other governmental agencies in Washington County.

### **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 and in accord with the Comprehensive Framework Plan Policies.

The CDC changes resulting from the adoption of A-Engrossed Ordinance No. 754 conform to and appropriately carry out all applicable Framework Plan Policies. Therefore, A-Engrossed Ordinance No. 754 is consistent with Goal 9.

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

Goal 11 requires planning and development of a timely, orderly and efficient arrangement of public facilities and services.

Policies 13, 14, 15 and 17 in the Comprehensive Framework Plan for the Urban Area address the need for public facilities and services to appropriately support urbanization in Washington County. In carrying out the urbanization process, these policies address the need to allow flexibility in developing areas as well as the need to protect existing neighborhoods. The changes to CDC Section 430-103 resulting from the adoption of A-Engrossed Ordinance No. 754 conform to these Plan policies and, in turn, through their focus on public facilities and services, are consistent with the purpose and intent of Goal 11.

## **Findings of Compliance with Metro's UGMFP**

### **Title 8 - Compliance Procedures**

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to Comprehensive Plans.

Title 8 requires jurisdictions to submit notice to Metro prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. A copy of Proposed Ordinance No. 754 was sent to Metro on July 6, 2012, forty days prior to the first evidentiary hearing. Metro did not comment on Proposed Ordinance No. 754.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.

- DLUT  
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MAILED FROM ZIP CODE 9

FIRST CLASS MAIL

DEPT OF

OCT 29 2012

LAND CONSERVATION  
AND DEVELOPMENT

Attention: Plan Amendment Specialist  
Department of Land Conservation &  
Development  
635 Capitol St. NE, Suite 150  
Salem, OR. 97301-2540