



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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

08/05/2013

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 005-13

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: Tuesday, August 20, 2013

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: Paul Schaefer, 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 **20-Working Days** after the **Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUL 31 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Washington County**Local file number: **A-Eng.Ordinance No. 765**Date of Adoption: **7/23/2013**Date Mailed: **7/30/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **4/28/2013**☒ 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. 765 amends the county's Community Development Code to reflect changes relating to Required Outdoor Yard Areas. The changes allow front and street side yard areas to count as Required Outdoor Area in the R-9, R-15, R-24, R-25+, R-9 NB, R-15 NB, R-24 NB, and R-25+ NB Districts. Changes also allow porches, decks, roof-top decks, and/or patios to count as required outdoor area when certain criteria are met. Text was added to clarify that a driveway cannot be counted as required outdoor area and that front decks are required; other decks are optional.

Does the Adoption differ from proposal? Yes, Please explain below:

Changes allow porches, decks, roof-top decks, and/or patios to count as required outdoor area when certain criteria are met. Text was added to clarify that a driveway cannot be counted as required outdoor area and that front decks are required; other decks are optional.

Plan Map Changed from: **N/A** to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **N/A**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
<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...

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 ☐ NoDLCD file No. 005-13 (19808) [17568]



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

Washington County

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Local Contact: Paul Schaefer, Senior Planner

Phone: (503) 846-8817

Extension: N/A

Address: 155 N 1<sup>st</sup> Ave, Suite 350-14

Fax Number: 503-846-4412

City: Hillsboro, OR Zip: 97124

E-mail Address: paul\_schaefer@co.washington.or.us

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 20 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 – Third Reading and Third Public Hearing  
Land Use & Transportation; County Counsel (CPO All)

**Agenda Title:** **PROPOSED A-ENGROSSED ORDINANCE NO. 765 – AN  
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT  
CODE RELATING TO OUTDOOR YARD AREA STANDARDS**

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

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#### SUMMARY:

A-Engrossed Ordinance No. 765 proposes to amend the Community Development Code (CDC) Element of the Comprehensive Plan relating to the provision of required outdoor yard area. Ordinance No. 765 would allow front and street side yards to count as required outdoor yard area. Currently, only interior side and rear yards qualify as outdoor yard area. Ordinance No. 765 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted the initial hearing for Ordinance No. 765 on July 2, 2013 and ordered engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the July 2, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 765 on July 16, 2013 and continued the hearing to July 23, 2013.

The staff report for the July 23, 2013 hearing will be provided to the Board prior to the hearing, posted on the above land use ordinance web page, and will also 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. 765 by title only and conduct the second public hearing on the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 765.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No.	<b>3.a.</b>
Date:	07/23/13

FILED  
JUL 03 2013  
Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 765

An Ordinance Amending the  
Community Development Code Element  
of the Comprehensive Plan Relating to  
Outdoor Area 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, 742-745, 754-758, 760, and 762-763.

B. Subsequent planning efforts of Washington County indicate there is a need for standards that would provide greater flexibility as to the location and what constitutes required outdoor areas. 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 (4 pages), which amends the following sections of the Community Development  
15 Code (CDC):

- 16 a. Section 304, R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE);  
17 b. Section 305, R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE);  
18 c. Section 306, R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE); and  
19 d. Section 307, R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

20 is attached hereto and incorporated herein by reference.

21 ///

22 ///


1 SECTION 7

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

3 ENACTED this 23rd day of July, 2013, being the 3rd reading and  
4 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS  
6 FOR WASHINGTON COUNTY, OREGON

7 **ADOPTED**

8   
CHAIRMAN

9   
RECORDING SECRETARY

10 READING

11 First July 2, 2013  
Second July 16, 2013  
12 Third July 23, 2013  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

13 Terry, Schauten,

14 VOTE: Aye: Rogers, Malinowski, Duyck  
Recording Secretary: Ana D. Noyola

10 PUBLIC HEARING

11 First July 2, 2013 (Engrossment  
Second July 16, 2013 Ordered)  
12 Third July 23, 2013  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

14 Nay: None  
Date: 07-23-13

The Community Development Code (CDC) is amended to reflect changes relating to Required Outdoor Yard Areas as described below:

1. CDC Section 304, R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE), is amended to reflect the following changes:

\*\*\*

#### 304-7.5 Required Outdoor ~~Yard~~ Area

- A. For detached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of four hundred and fifty (450) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor area ~~yard~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- B. For single family attached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of four hundred (400) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall ~~not~~ be less than ten (10) feet. A recorded outdoor area ~~yard~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- C. The required outdoor area required by A. and B. above may be re-allocated to porches, decks or patios when the following requirement(s) are met:
  - (1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.
  - (2) Other porches, decks or patios when provided in addition to decks required under Section 304-7.5 C. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.
  - (3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

\*\*\*

2. CDC Section 305, R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE), is amended to reflect the following changes:

\*\*\*

#### 305-7.5 Required Outdoor ~~Yard~~ Area

abcdef Proposed additions

~~abcdef~~ Proposed deletions



- A. For detached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of four hundred (400) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor area ~~yard~~-use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- B. For single family attached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of three hundred (300) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall ~~not~~ be less than ten (10) feet. A recorded outdoor area ~~yard~~-use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- C. The required outdoor area required by A. and B. above may be re-allocated to porches, decks or patios when the following requirement(s) are met:
- (1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.
  - (2) Other porches, decks or patios when provided in addition to decks required under Section 305-7.5 C. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.
  - (3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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3. CDC Section 306, R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE), is amended to reflect the following changes:

\*\*\*

#### 306-7.5 Required Outdoor ~~Yard~~-Area

A minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of two hundred and fifty (250) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor area ~~yard~~-use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor area may be reduced or reallocated to porches, decks or patios when the standards under Section 306-7.5 A. or B. are met:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

A. The required outdoor area may be reduced to one hundred and forty (140) square feet when the following standards are met:

A-(1) The outdoor area shall consist of one hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. ~~The outdoor area shall be located within a side or rear yard;~~

B-(2) The development site shall be located within one thousand (1000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and

C-(3) Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

B. The required outdoor area may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(2) Other porches, decks or patios when provided in addition to decks required under Section 306-7.5 B. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.

(3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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4. CDC Section 307, R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE), is amended to reflect the following changes:

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#### 307-7.5 Required Outdoor ~~Yard~~ Area

A minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of two hundred and fifty (250) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor ~~yard area~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor area may be reduced or reallocated to porches, decks or patios when the standards under Section 307-7.5 A. or B. are met:

A. The required outdoor area may be reduced to one hundred and forty (140) square feet when the following standards are met:

~~A.~~(1) The outdoor area shall consist of one hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. ~~The outdoor area shall be located within a side or rear yard;~~

~~B.~~(2) The development site shall be located within one thousand (1000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and

~~C.~~(3) Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

B. The required outdoor area may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(2) Other porches, decks or patios when provided in addition to decks required under Section 307-7.5 B. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.

(3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 765

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

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### SUMMARY:

A-Engrossed Ordinance No. 765 proposes to amend the Community Development Code (CDC) Element of the Comprehensive Plan relating to the provision of required outdoor yard area. Ordinance No. 765 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

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. 765. Prior to the July 23 hearing, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and will also be available at the Clerk's desk.

Attachment: Resolution and Order

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 765 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 13-66

Agenda Item No. 5.a.

Date: 07/23/13

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting ) RESOLUTION AND ORDER  
Legislative Findings in Support )  
of A-Engrossed Ordinance No. 765 ) No. 13-66

This matter having come before the Washington County Board of Commissioners at its meeting of July 23, 2013; 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 A-Engrossed Ordinance No. 765; 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 June 5, 2013, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

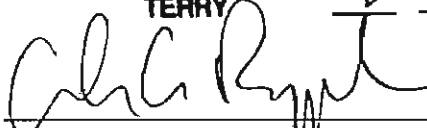
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the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

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of A-Engrossed Ordinance No. 765 are hereby adopted.

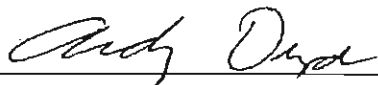
DATED this 23<sup>rd</sup> day of July, 2013.

	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"/>
BOGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED \_\_\_\_\_  
FORM

  
County Counsel  
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman

  
Recording Secretary



## EXHIBIT A

### FINDINGS FOR A-ENGROSSED ORDINANCE NO. 765 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO OUTDOOR YARD AREA STANDARDS

July 23, 2013

#### GENERAL FINDINGS

Ordinance No. 765 amends the Washington County Community Development Code (Code) to reflect changes relating to Required Outdoor Yard Areas. The changes would allow front and street side yard areas to count as Required Outdoor Area in the following land use districts:

R-9 District (Residential 9 units per acre)	R-9 North Bethany District (R-9 NB)
R-15 District (Residential 15 units per acre)	R-15 North Bethany District (R-15 NB)
R-24 District (Residential 24 units per acre)	R-24 North Bethany District (R-24 NB)
R-25+ District (Residential 25+ units per acre)	R-25+ North Bethany District (R-25+ NB)

Since the changes to Required Outdoor Yard Area standards in the R-9, R-15, R-24, R-25+ Districts also apply in the R-9 NB, R-15 NB, R-24 NB, and R-25+ NB Districts, this ordinance amends only four sections of the Code.

Ordinance No. 765 also allows porches, decks and patios to be counted toward outdoor area requirements if certain criteria are met, and does not allow driveways to count toward outdoor area requirements.

#### Key Ordinance Provisions

- Allow front and street side yards to count as required outdoor area.
- Allow porches, decks or patios to count as required outdoor area when certain criteria are met.
- Prohibit driveways from being counted toward outdoor area requirements.

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 Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

## **GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 765 is consistent with Statewide Planning Goals (Goals), ORS and OAR requirements, Metro's Urban Growth Management Functional Plan and the Washington County Comprehensive Plan. The Washington County Comprehensive Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) 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 compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the text of the Comprehensive Plan implicate a Goal compliance issue. The following 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 has utilized these requirements for the adoption of A-Engrossed Ordinance No. 765.

### **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, Comprehensive Framework Plan for the Urban Area, Community Development Code, Transportation Plan, Community Plans, and Urban Planning Area Agreements. Washington County utilized this process to adopt A-Engrossed Ordinance No. 765. Notice was coordinated with all affected governmental entities and no comments were received from these parties regarding the ordinance.

### **Goal 9 – Economic Development**

Policy 20 in the Comprehensive Framework Plan for the Urban Area set out the county's policies to strengthen the local urban economy. The Community Development Code 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 A-Engrossed Ordinance No. 765. 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:

A-Engrossed Ordinance No. 765 amends the standards relating to the provision of required outdoor yard area. The amendments provide greater flexibility for providing required outdoor

yard area. The amendments now allow front and street side yards as well as porches, decks and patios (when certain criteria are met) to count as required outdoor area.

### **Goal 10 - Housing**

Policies 21, 22, 23 and 24 of the Comprehensive Framework Plan for the Urban Area address the provision of housing in urban Washington County. The Community Development Code contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 765 allows more outdoor areas to count as required outdoor area. Therefore providing developers with more flexibility to design residential development types allowed in urban Washington County; therefore Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 765.

### **Findings of Compliance with Metro's Urban Growth Management Functional Plan for A-Engrossed Ordinance No. 765**

#### **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 at least 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Staff sent Metro a copy of Proposed Ordinance No. 765 on April 19, 2013, 46 days prior to the first evidentiary hearing. Staff received no comments from Metro on the Proposed Ordinance No. 765. Metro was mailed a copy of A-Engrossed Ordinance No. 765 on July 5, 2013. Metro provided no comments on A-Engrossed Ordinance No. 765.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the Urban Growth Management Functional Plan.



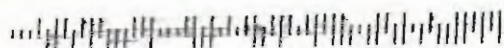
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Department of Land Conservation &  
Development  
635 Capitol St. NE, Suite 150  
Salem, OR97301-2540