



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

10/14/2013

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 010-13

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, October 29, 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: Nadine Smith, 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 09 2013

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **Washington County**

Local file number: **A-Engrossed Ordinance No. 770**

Date of Adoption: **October 1, 2013**

Date Mailed: **October 8, 2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **5/31/13**

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".

Adds a definition to Community Development Code Section 106 - Definitions, for Wind Energy Conversion Systems (WECS) and adds accessory use standards in Section 430 - Special Use Standards for Wind Energy Conversion Systems and Solar Energy Collection Systems (SECS).

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

Standard includes a WECS tower height measurement methodology that excludes extensions and treats roof-mounted wind energy systems consistent with roof-mounted solar energy systems in regards to district height limits.

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:

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

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.** 010-13 (19871) [17636]

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

Metro

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Local Contact: **Carine Arendes, Assoc. Planner**

Phone: **(503) 846-6736** Extension: **n/a**

Address: **155 N. First Avenue, Suite 350-13**

Fax Number: **503-846-4412**

City: **Hillsboro**

Zip: **OR**

E-mail Address: [carine\\_arendes@co.washington.or.us](mailto:carine_arendes@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](mailto: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. 770 - AN  
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT  
CODE RELATING TO SOLAR AND WIND ENERGY**

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

### SUMMARY:

A-Engrossed Ordinance No. 770 amends the Community Development Code to add a definition for Wind Energy Conversion Systems in Section 106 (Definitions) and add accessory use standards in Section 430 (Special Use Standards) for Wind Energy Conversion Systems and Solar Energy Collection Systems. A-Engrossed Ordinance No. 770 adds a tower height measurement methodology that excludes extensions and consistently exempts all roof-top mounted energy systems from land use district height limits. 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/2013-land-use-ordinances.cfm>

The Board conducted its initial hearing for Ordinance No. 770 on August 20, 2013 and directed engrossment of the ordinance to make several changes. A description of those changes was included in the staff report for the August 20 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 770 on September 24, 2013 and continued the hearing to October 1, 2013.

A staff report for the October 1 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the meeting.

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

Clerk's Desk Item: Staff Report (*click to access electronic copy*)

### DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 770 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 770.

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No.	<b>5.c.</b>
Date:	10/01/13

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 770

An Ordinance Amending the  
Community Development Code Relating  
to Solar and Wind Energy

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, 762, 763, 765 and 766.

B. Subsequent planning efforts of Washington County based on the Greening the Code report dated October 2012, prepared by the Department of Land Use and Transportation, and upon further evaluation of its land use and building codes, indicate there is a need for updates relating to wind and solar energy to facilitate energy efficient and sustainable development. The Board takes

1 note that such changes are for the health, welfare, and benefit of the residents of Washington  
2 County, Oregon.

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

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

15 SECTION 2

16 Exhibit 1 (5 pages), which amends the Community Development Code Section 106,  
17 DEFINITIONS, to include a new definition relating to wind energy, and the Community  
18 Development Code Section 430, SPECIAL USE STANDARDS, to include new accessory uses  
19 relating to wind and solar energy, is attached hereto and incorporated herein by reference.

20 SECTION 3

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

1     SECTION 4

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

4     SECTION 5

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

8     SECTION 6

9             The Office of County Counsel and Department of Land Use and Transportation are  
10     authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
11     Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,

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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 21, 2013.

5 ENACTED this 1st day of October, 2013, being the 3rd reading and  
6 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

7 BOARD OF COUNTY COMMISSIONERS  
8 FOR WASHINGTON COUNTY, OREGON

9 **ADOPTED**

10 *Andy Ornd*  
CHAIRMAN

11 *Ana D. Neypala*  
RECORDING SECRETARY

12 READING

12 PUBLIC HEARING

13 First August 20, 2013 (Engrossment Ordered)  
14 Second September 24, 2013  
15 Third October 1, 2013  
16 Fourth \_\_\_\_\_  
17 Fifth \_\_\_\_\_

13 First August 20, 2013  
14 Second September 24, 2013  
15 Third October 1, 2013  
16 Fourth \_\_\_\_\_  
17 Fifth \_\_\_\_\_

18 Duyck, Schauten,  
19 VOTE: Aye: Malinowski, Rogers, Terry  
20 Recording Secretary: Ana D. Neypala

18 Nay: None  
19 Date: October 1, 2013



1. Amend Community Development Code Section 106, DEFINITIONS, to include the following new definition relating to wind energy:

**106        DEFINITIONS**

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**106-218** Wetlands Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**106-219** Wind Energy Conversion Systems Any device, such as a wind charger, windmill or wind turbine and associated facilities that converts wind energy into electrical energy. These systems may include generators, turbines and support structures, such as monopoles or towers.

**106-220**~~19~~ Working Day Days that the Department of Land Use and Transportation is open for business.

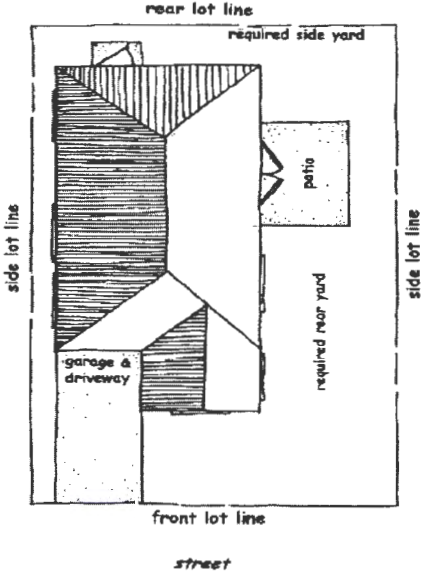
**106-221**~~0~~ Yard (Setback) An open space on a lot or parcel which is unoccupied or unobstructed by buildings or other structures from the ground upward, except by landscaping or vegetation or as provided in Section 418 or other sections of this Code. Required yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line of the lot or parcel a building will be constructed on, except as provided otherwise by the primary district.

**106-220**~~1~~.1 Yard, Front A yard extending the full width of the lot, the depth of which is the minimum distance between the front lot line and a line parallel thereto at the nearest point of a building or structure.

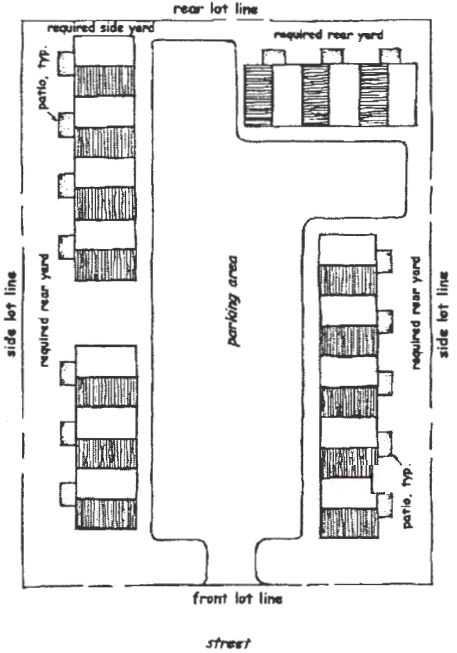
**106-220**~~1~~.2 Yard, Rear A yard extending across the full width of the lot between the rear of a building or structure and the nearest point of the rear lot line. In those instances where a dwelling's primary access (from a deck, patio, porch, or other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed (see Figures 1 and 2). Any additional screening and buffering setback required by Section 411 shall also be provided the length of the rear lot line.

Figure 1.  
Figure 2.

Example of a Detached Single Family Dwelling



Example of a Multi-Family Development



106-2201.3  
abcdef Proposed additions  
~~abc~~def Proposed deletions

Yard, Side A yard |

between a building or structure and the side lot line extending from the front yard to the rear yard. The width of the side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. In those instances where a dwelling's primary access (from a deck, patio, porch, other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed. (See Figures 1 and 2 of Section 106-219.2 for an illustration.) Any additional screening and buffering setback required by Section 411 shall also be provided the length of the side lot line.

**106-2224** Zero-Lot-Line Attached or detached dwelling units which are constructed with zero side or rear setbacks.

2. Amend Community Development Code Section 430, SPECIAL USE STANDARDS, to include the following new accessory uses relating to wind and solar energy:

**430-1 Accessory Uses and Structures**

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

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430-1.7 Wind Energy Conversion Systems

A. Commercial

- (1) A Commercial Wind Energy Conversion System is a system that produces a net supply of energy for public consumption or use.
- (2) A Commercial Wind Energy Conversion System utilizing a tower shall not exceed one hundred fifty (150) feet in height outside of an urban growth boundary and shall not exceed one hundred (100) feet in height inside of an urban growth boundary. Height shall be measured as the distance from ground level (finished grade) to the highest point on the tower, not including the vertical length of any extensions such as the rotor blade.
- (3) The setbacks for a Wind Energy Conversion System shall be the same setbacks required for all other structures in the district; however, a Wind Energy Conversion System tower shall be set back a distance from all property lines equal to at least the height of the Wind Energy Conversion System tower.

B. Non-Commercial

(1) A Non-Commercial Wind Energy Conversion System is a system that produces energy primarily for on-site use. These systems may participate in a net-metered program.

(2) A roof-mounted Wind Energy Conversion System is integrated into the building or is an architectural feature on the building. The system may extend five (5) feet above the highest ridge of the building's roof or fifteen (15) feet above the highest eave, whichever is higher, and may exceed the height limitation of the district.

(3) Non-Commercial Wind Energy Conversion Systems utilizing a tower shall not exceed one hundred fifty (150) feet in height outside of an urban growth boundary and shall not exceed seventy (70) feet in height inside of an urban growth boundary. Height shall be measured as the distance from ground level (finished grade) to the highest point on the tower, not including the vertical length of any extensions such as the rotor blade.

(4) The setbacks for a Wind Energy Conversion System shall be the same setbacks required for all other structures in the district; however, a wind tower base shall be set back a distance from all property lines equal to at least the height of the Wind Energy Conversion System tower.

C. Wind Energy Conversion Systems shall comply with all applicable state construction and electrical codes and the National Electrical Code. All necessary building and electrical permits shall be obtained prior to installation or alteration of the wind energy conversion system.

430-1.8 A Solar Energy Collection System shall mean an accessory structure that is a roof-mounted, wall-mounted or ground-mounted panel, or ground-mounted solar array, the primary purpose of which is to provide for the collection, inversion, storage, and private distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

A. Roof-mounted solar panels are not included in height calculations and may exceed the maximum height limit in the applicable District if the following standards are met:

(1) For flat roofs or the horizontal portion of mansard roofs, roof-mounted solar panels may extend up to five (5) feet above the highest point of the roof, measured from the upper side of the solar panel.

(2) For pitched, hipped or gambrel roofs, roof-mounted solar panels must be mounted no more than twelve (12) inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The twelve (12) inches shall be measured from the upper side of the solar panel.

B. Solar energy collection systems shall comply with the applicable Special Use Standards set forth in Sections 430-1.1 through 430-1.5 and shall comply with all applicable state construction and electrical codes and the National Electrical

Code. All necessary building and electrical and plumbing permits shall be obtained prior to installation or alteration of the solar energy collection system.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 770

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

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### SUMMARY:

A-Engrossed Ordinance No. 770 amends the Community Development Code to add a definition for Wind Energy Conversion Systems in Section 106 (Definitions) and adds accessory use standards in Section 430 (Special Use Standards) for Wind Energy Conversion Systems and Solar Energy Collection Systems. A-Engrossed Ordinance No. 770 adds a tower height measurement methodology that excludes extensions and consistently exempts all roof-top mounted energy systems from land use district height limits. A-Engrossed Ordinance No. 770 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. 770. Prior to October 1, 2013 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.

Clerk Desk Item: Findings (*click to access electronic copy*)

Attachment: Resolution and Order

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 770 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 13-98

Agenda Item No.

**6.c.**

Date:

10/01/13

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. 770 ) No. RO 13-98

5 This matter having come before the Washington County Board of Commissioners at its  
 6 meeting of October 1, 2013; 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. 770; 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 7, 2013, 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,

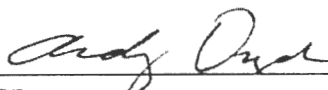
20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of  
 21 A-Engrossed Ordinance No. 770 are hereby adopted.

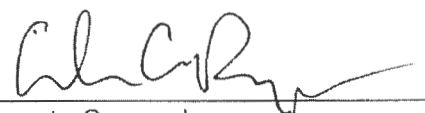
22 DATED this ~~1st~~ ~~day~~ ~~of~~ ~~October~~, 2013.


	<del>AYE</del>	<del>NAY</del>	<del>ABSENT</del>
23 <b>DUYCK</b>	✓	—	—
<b>SCHOUTEN</b>	✓	—	—
<b>MALINOWSKI</b>	✓	—	—
<b>ROGERS</b>	✓	—	—
<b>TERRY</b>	✓	—	—

24 APPROVED AS TO FORM: —

BOARD OF COUNTY COMMISSIONERS  
 FOR WASHINGTON COUNTY, OREGON

25   
 Chairman

26   
 27 County Counsel  
 28 For Washington County, Oregon

  
 Recording Secretary

## **EXHIBIT A**

### **FINDINGS FOR A-ENGROSSED ORDINANCE NO. 770 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO SOLAR AND WIND ENERGY**

**October 1, 2013**

#### **GENERAL FINDINGS**

A-Engrossed Ordinance No. 770 amends the Community Development Code (CDC) to include a new definition for Wind Energy Conversion Systems. The ordinance also proposes changes to the CDC's Special Use Standards to allow Wind Energy Conversion Systems and Solar Energy Collection Systems as accessory uses.

#### **Key Ordinance Provisions**

- Adds a definition to CDC Section 106, Definitions, for Wind Energy Conversion Systems.
- Adds standards to CDC Section 430, Special Use Standards, for Wind Energy Conversion Systems and Solar Energy Collection Systems as accessory uses.

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. 770 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 Community Development Code 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. 770.

### **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 Community Development Code. Washington County utilized this process to adopt A-Engrossed Ordinance No. 770. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

### **Goal 3 – Agricultural Lands**

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 to the county's accessory use standards by A-Engrossed Ordinance No. 770. The amendments are consistent with Goal 3; OAR Chapter 660, Division 33; and the county's acknowledged policies for preservation of farmland.

### **Goal 4 – Forestlands**

Policy 16 of the Rural/Natural Resource Plan includes provisions for the preservation of forest lands. Plan compliance with Goal 4 is maintained with the amendments made to the county's accessory use standards by A-Engrossed Ordinance No. 770. The amendments are consistent with Goal 4; OAR Chapter 660, Division 06; and the county's acknowledged policies for preservation of forest lands.

### **Goal 9 – Economic Development**

Policies 15, 16, 20 and 21 in the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. Policy 20 in the Comprehensive Framework Plan for the Urban Area sets 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. A-Engrossed Ordinance No. 770 amends the accessory use standards. The amendments provide greater flexibility for property owners to generate energy for use on site for residential, commercial or industrial primary use. Plan

compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 770. The amendments are consistent with the county's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

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

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County.

The Community Development Code requires that adequate public facilities and services be available for new development. A-Engrossed Ordinance No. 770 distinguishes between Commercial and Non-commercial Wind Energy Conversion Systems. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 770. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11.

### **Goal 13 - Energy Conservation**

Policies 36, 37, 38, 39 and 40 of the Comprehensive Framework Plan for the Urban Area and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The Community Development Code implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 770. A-Engrossed Ordinance No. 770 clarifies permitting paths for Non-Commercial Wind and Solar Energy Generation Systems. The amendments are consistent with the county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

### **Goal 14 - Urbanization**

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the Comprehensive Framework Plan for the Urban Area address urbanization within the Regional Urban Growth Boundary. The Community Development Code implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

A-Engrossed Ordinance No. 770 amends the accessory use standards to exempt accessory energy generation systems from district height limits and limits the height of Wind Energy Conversion

Systems utilizing towers differently in the urban and rural areas in consideration of compatibility with surrounding land uses. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance No.770. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14.

## **Findings of Compliance with Metro's Urban Growth Management Functional Plan for A-Engrossed Ordinance No. 770**

### **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. 770 on May 31, 2013, 48 days prior to the first evidentiary hearing. Staff received no comments from Metro on proposed Ordinance No. 770. Metro was mailed a copy of A-Engrossed Ordinance No. 770 on September 13, 2013. Metro provided no comments on A-Engrossed Ordinance No. 770. The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the Urban Growth Management Functional Plan.

**WASHINGTON COUNTY, OREGON**  
**Department of Land Use & Transportation**  
**Long Range Planning Division**  
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Hillsboro, OR 97124-3072



DEPT OF  
OCT 09 2013  
LAND CONSERVATION  
AND DEVELOPMENT

FIRST CLASS MAIL

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