



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 01, 2015
Jurisdiction: Washington County
Local file no.: A-Engrossed Ord No. 798
DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/29/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-15 {23812}

Received: 9/29/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Washington County

Local file no.: **A-Engrossed Ordinance No. 798**

Date of adoption: 09/22/2015

Date sent: 09/29/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 05/19/2015

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Originally, housekeeping Ordinance No. 798 proposed amendments to the Bethany Community Plan and various Community Development Code sections to make general revisions and corrections, updates, and ministerial changes. All originally proposed changes to the Bethany Community Plan have since been removed from A-Engrossed Ordinance No. 798. All changes to the Community Development Code remain in the engrossed ordinance as originally proposed. See attached notice for more information.

Local contact (name and title): Anne Kelly

Phone: 503-846-3583

E-mail: anne_kelly@co.washington.or.us

Street address: 155 N. First Avenue, Suite 350, MS 14

City: Hillsboro

Zip: 97124

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

➤ Community Development Code (see sections on page 2 of this form)

Applicable statewide planning goals: Goals 1, 2, 3, 4, 11, 12, 14

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

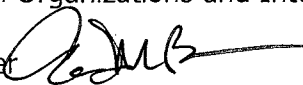
A-Engrossed Ordinance No. 798, relating to housekeeping and general updates, affects the following Community Development Code (CDC) Sections:

- Various - Department Name Updates
- 106 - Definitions
- 201 - Development Permit
- 202 - Procedure Types and Determination of Proper Procedure
- 209 - Appeals
- 313 - Community Business District (CBD)
- 340 - Exclusive Farm Use District (EFU)
- 342 - Exclusive Forest and Conservation District (EFC)
- 344 - Agriculture and Forest District (AF-20)
- 375 - Transit Oriented Districts
- 377 - Special Industrial Overlay District (SID)
- 389 - Residential Airpark Overlay District
- 390 - North Bethany Subarea Overlay District
- 401 - Introduction
- 403 - Applicability
- 414 - Signs
- 424 - Creation of Parcels in the EFU, EFC and AF-20 Districts
- 425 - Designation of Marginal Lands
- 430 - Special Use Standards
- 431 - Transit Oriented Design Principles, Standards and Guidelines
- 435 - Variances and Hardship Relief
- 440 - Nonconforming Uses and Structures
- 502 - Sidewalk Standards
- 601 - Land Divisions and Property Line Adjustments
- 610 - Land Divisions and Property Line Adjustments Outside an Urban Growth Boundary
- 702 - Exempt Projects (Public Transportation Facilities)



August 21, 2015

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 798**

On May 22, 2015, you were notified about initial public hearings for proposed Land Use Ordinance No. 798 before the Planning Commission on July 1, 2015, and the Board of Commissioners (Board) on August 4, 2015. The Board ordered minor amendments to this ordinance on August 4, 2015. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 798** and are summarized below.

Ordinance Purpose and Summary

A-Engrossed Ordinance No. 798 proposes to amend various Community Development Code sections to make general revisions and corrections, updates, and ministerial changes for conformance with state law.

Who is Affected

Residents within Urban and Rural unincorporated Washington County.

What Land is Affected

Urban and rural unincorporated areas in Washington County.

Original Ordinance No. 798 Provisions

As originally filed, Ordinance No. 798 proposed the following amendments to the Bethany Community Plan and various Community Development Code sections to make general revisions and corrections, updates, and ministerial changes for conformance with state law:

- Amends North Bethany Subarea Design Elements within the Bethany Community Plan, Section V.B. regarding Area of Special Concern Road Corridor 4B (NW Springville Road between NW 185th Avenue and the Arbor Oaks Subarea western boundary), to correct specified right-of-way width consistent with street design standards for a five-lane AR-2 street.
- Amends North Bethany Subarea Design Elements within the Bethany Community Plan – Maps, Drawings and Guides – to provide consistent specifications between the table and drawing for bike lane widths on five-lane AR-2 streets.
- Updates county department names within multiple CDC sections.
- Amends CDC Section 106, Definitions, to define the acronym LDN.
- Clarifies existing permit exemptions under CDC Section 201, Development Permit, regarding certain receiving and transmitting antennas and associated structures/equipment, and changes order of certain exemptions to group similar uses.
- Amends CDC Sections 202 and 209, regarding procedure types and appeals, to clarify that decisions made by the Board cannot be appealed to the hearings officer, Planning Commission, or Board.
- Amends CDC Section 313, Community Business District, to correct an incidence where two distinct uses share the same subsection number.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 798 –
AN ORDINANCE AMENDING THE COMMUNITY
DEVELOPMENT CODE RELATING TO A GENERAL UPDATE
AND HOUSEKEEPING CHANGES**

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

SUMMARY:

A-Engrossed Ordinance No. 798 proposes housekeeping amendments and general updates to the Community Development Code. A-Engrossed Ordinance No. 798 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2015-land-use-ordinances.cfm>

The Board conducted hearings for Ordinance No. 798 on August 4 and September 15, 2015. On August 4, 2015, the Board directed engrossment of the ordinance to delete originally filed Exhibit 1, which proposed changes to the Bethany Community Plan. A description of those changes was included in the staff report for the September 15, 2015 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 798 on September 15, 2015 and continued the hearing to September 22, 2015.

The staff report for the September 22, 2015 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 hearing.

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. 798 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 798.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.b.</u>
Date:	09/22/15

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 798

An Ordinance Amending the Community
Development Code Relating to a General
Update and Housekeeping Changes

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, and 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, 766, 769-776, 782-788, 791, and 792.

B. As part of its ongoing planning efforts Washington County staff has identified general update amendments that are needed to maintain the Comprehensive Plan’s consistency with federal, state, regional, and local requirements and to improve the efficiency and effectiveness of the Plan’s requirements. The Board recognizes that such changes are

1 necessary from time to time for the benefit and welfare of the residents of Washington
2 County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the
4 Department of Land Use and Transportation has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to the
7 Board. The Board finds that this Ordinance is based on that recommendation and any
8 modifications made by the Board, as a 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
12 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
13 County Charter, the Washington County Community Development Code, and the Washington
14 County Comprehensive Plan.

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as amendments to the designated documents as follows:

- 18 1. Exhibit 1 is deleted.
- 19 2. Exhibit 2 (18 pages), amending the following Sections of the Community
20 Development Code (CDC):
 - 21 a. Multiple CDC Sections will be amended to update county department
22 names;

- 1 b. Section 106 - Definitions;
- 2 c. Section 201 – Development Permit;
- 3 d. Section 202 – Procedure Types and Determination of Proper Procedure;
- 4 e. Section 209 – Appeals;
- 5 f. Section 313 - Community Business District (CBD);
- 6 g. Section 340 - Exclusive Farm Use District (EFU);
- 7 h. Section 342 – Exclusive Forest and Conservation District (EFC);
- 8 i. Section 344 – Agriculture and Forest District (AF-20)
- 9 j. Section 375 - Transit Oriented Districts;
- 10 k. Section 377 – Special Industrial Overlay District (SID);
- 11 l. Section 389 - Residential Airpark Overlay District;
- 12 m. Section 390 – North Bethany Subarea Overlay District;
- 13 n. Section 401 - Development Standards Introduction;
- 14 o. Section 403 - Applicability;
- 15 p. Section 414- Signs;
- 16 q. Section 424 - Creation of Parcels in the EFU, EFC and AF-20;
- 17 r. Section 425 - Designation of Marginal Lands;
- 18 s. Section 430 – Special Use Standards;
- 19 t. Section 431 – Transit Oriented Design Principles, Standards, and
- 20 Guidelines;
- 21 u. Section 435 – Variances and Hardship Relief;
- 22 v. Section 440 – Nonconforming Uses and Structures;

- w. Section 502 - Sidewalk Standards;
- x. Section 601 - Land Divisions and Property Line Adjustments;
- y. Section 610 - Land Divisions and Property Line Adjustments Outside a UGB; and
- z. Section 702 – Exempt Projects [Article VII: Public Transportation Facilities].

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

1 SECTION 7

2 This Ordinance shall take effect on November 27, 2015.

3 ENACTED this 22nd day of September, 2015, being the 3rd reading
4 and 3rd public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Andy Orr*
CHAIRMAN

10 *Ana D. Noyola*
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First August 4, 2015
13 Second September 15, 2015
14 Third September 22, 2015
15 Fourth _____
16 Fifth _____
17 Sixth _____

12 First August 4, 2015
13 Second September 15, 2015
14 Third September 22, 2015
15 Fourth _____
16 Fifth _____
17 Sixth _____

18 VOTE: Aye: Duyek, Rogers, Schouten,
Terry & Malinowski

Nay: _____

19 Recording Secretary: Ana D. Noyola Date: 09-22-15

*Exhibit 1
deleted per
engrossment*

Sections of the COMMUNITY DEVELOPMENT CODE (CDC) are amended to reflect the following:

1. MULTIPLE CDC SECTIONS THROUGHOUT THE CDC – DEPARTMENT NAME UPDATES

Insert Department of Assessment & Taxation, Recording Division in place of the following department references:

- County Records Department
- Ex Officio County Clerk's Office
- County Deed Records
- Deed or Miscellaneous Records of Washington County
- Deed and Mortgage Records of the County
- Deed Records of the County
- Washington County Deed Records

Insert Department of Health & Human Services in place of the following department references:

- Washington County Department of Health
- Health Department
- Department of Health
- Washington County Department of Public Health

Insert Board of Commissioners in place of references to Board of County Commissioners.

Insert Washington County Sheriff's Office in place of references to Washington County Department of Public Safety.

2. SECTION 106 – DEFINITIONS

106-10.5 Airport Noise Impact Boundary. Areas located within 1500 feet of an airport runway or within established noise contour boundaries exceeding 55 LDN (Day - Night Equivalent Sound Level per Federal Aviation Authority definition).

3. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way, excluding street lights on power poles and traffic signal lights, where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where "pole" is defined as a monopole, double pole or lattice utility structure, subject to the following:

G. Except as exempt under Sections 201-2.30 or 201-2.31. Receiving and Transmitting Antennas, Communication and Broadcast Towers and associated equipment are subject to review under CDC Section 430-109. Additional exemptions are listed under CDC section 430-109.1.

201-2.31 The placement of an antenna and/or antenna support structures (including guy wires) of amateur radio operators up to a maximum height of seventy (70) feet, provided the antenna is mounted to a permanent structure, and provided the antenna and any associated support structures are in compliance with district setback standards.

~~Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district as defined in ORS 540.505.~~

~~Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit.~~

201-2.32 Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district as defined in ORS 540.505.

Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit.

~~The placement of an antenna and/or antenna support structures (including guy wires) of amateur radio operators up to a maximum height of seventy (70) feet, provided the antenna is mounted to a permanent structure, and provided the antenna and any associated support structures are in compliance with district setback standards.~~

4. SECTION 202 – PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

202-3 Type III

202-3.3 Type III actions shall be decided by the Hearings Officer or Planning Commission after a Public Hearing, except that the Board of Commissioners shall decide Type III actions for quasi-judicial plan amendments involving EFC, EFU, or AF-20 land or for which an exception to Oregon Statewide Planning Goals is requested, or which are required by state law to be decided by the governing body. Prior notice shall be given as provided in Section 204. Only decisions on quasi-judicial plan amendments shall be subject to reconsideration pursuant to Section 208.

~~Decisions on Type III actions may be appealed to the Board of Commissioners pursuant to Sections 209, and 210, 211, and 212, except Type III actions where the Hearings Officer or the Planning Commission is the final decision-maker.~~

~~Decisions of the Hearings Officer or Planning Commission for Type III development actions in transit oriented districts shall be subject to appeal to the Board of Commissioners pursuant to Section 209. Decisions of the Hearings Officer or~~

abcdef Proposed additions
*~~abcdef~~ Proposed deletions

~~Planning Commission for all other Type III development actions shall be the County's final decision.~~

5. SECTION 209 – APPEALS

209-2 Appeal Authority

209-2.2 Type III Actions

- A. The Board of ~~County~~ Commissioners shall hear appeals of decisions of the Hearings Officer and Planning Commission for Type III quasi-judicial plan amendments and Type III development actions in transit oriented districts. The Board shall be the final decision-maker for the county on appeals of these actions.
- B. For all-other Type III development actions, the Hearings Officer or the Planning Commission shall be the final decision-maker for the county, except in cases where the decision under appeal was issued by the Board.

209-5 Nature of Hearing

209-5.4 A party, or the Director, may request that the Board conduct a de novo or partial de novo hearing ~~on for an~~ appeal ~~for of a~~ quasi-judicial plan amendment decision issued by the Planning Commission. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:

209-5.5 The request for a de novo hearing for appeal of a quasi-judicial plan amendment decision issued by the Planning Commission shall be decided by the Board as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Board shall grant the request only upon findings that:

209-5.9 Additional information on appeals is included under CDC Sections 211 and 212.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

6. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

313-3.40 Residential Dwelling Units through a Type II Planned Development Procedure, subject to the following:

313-3.4041 Medical Marijuana Dispensary - Section 430-80.

7. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)

340-4 Uses Permitted Through a Type II Procedure

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

J. Property Line Adjustment. ~~See Section 610-1-1 for required standards.~~

340-5 Uses Which May be Permitted Through a Type III Procedure

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

I. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - ORS 215.213(2)(e)~~Section 430-103~~. Public buildings within three (3) miles of an UGB must also comply with Section 340-6.

8. SECTION 342 – EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

342-4.1 Uses which may be allowed:

C. Firearms training facility, ~~as provided in ORS 197.770~~ - Section 430-48.

9. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)

344-1 Intent and Purpose

The intent of the Exclusive Agriculture and Forest AF-20 District is to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal.

The purpose of the District is to allow EFU uses and parcels, and through the provisions of Section 425, to provide a process and criteria for identifying marginal lands within the District. In addition, ~~Section 344-8-9~~ provides for special uses for lands so identified.

This AF-20 District is provided to meet Oregon statutory and administrative rule requirements.

344-5 Uses Which May be Permitted Through a Type III Procedure

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

- I. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - ORS 215.213(2)(e)~~Section 430-403~~. Public buildings within three (3) miles of an UGB must also comply with Section 344-6.

10. SECTION 375 – TRANSIT ORIENTED DISTRICTS

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

Accessory Dwelling Units (Section 430-117-2)	N	N	N	II	II	N	N	N	N
---	---	---	---	----	----	---	---	---	---

abcdef Proposed additions
~~abcdef~~ Proposed deletions

11. SECTION 377 – SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)

377-4.5 Special Conditions

C. Mortgage Lot in a Special Industrial District

- (5) An affidavit, approved as to form by County Counsel, shall be completed, signed, notarized and filed with the ~~Director of Records and Elections for filing under Deed Records~~Assessment & Taxation Recording Division, stating that the applicant agrees:
 - (a) That in the event of a sale or transfer, both lots will be sold simultaneously as a unit to the same buyer,
 - (b) That the mortgage lot and the balance of the parent lot will be consolidated into one (1) tax lot as soon as the applicant secures title to either, and in the event of foreclosure, the balance of the parent lot becomes unbuildable unless subject to the benefits accruing through a valid reiteration of a subsequent Special Industrial Overlay District approval.

377-5 Uses Permitted

377-5.1 Uses Permitted Through a Type I Procedure:

- G. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1, ~~and 201-2.30 and 201-2.31~~ – Section 430-109.3.

12. SECTION 389 – RESIDENTIAL AIRPARK OVERLAY DISTRICT

389-3 Uses Permitted Through a Type I Procedure

- A. Residential Airpark Development (RAD) may be authorized to allow for the addition of an individual aircraft hangar and paved tie-down area(s) on the same lot or parcel as an existing detached single family dwelling unit as the primary use. Each lot or parcel may be provided with a hangar and paved tie down area(s). The hangar can be attached ~~or detached~~ to the dwelling unit or detached. No more than one hangar may be allowed on a lot or parcel with an existing dwelling unit. Hangars shall not be rented out.

B. Accessory uses and structures on a lot or parcel with an existing dwelling unit.

- (1) Aircraft Hangar. An aircraft hangar cannot be used as a residence.
- (2) Aviation fuel storage consistent with all applicable federal, state and local requirements, including the ~~2010~~ or most current Oregon Structural Specialty Code and ~~2010~~ or most current Oregon Fire Code.

C. Aircraft taxi ways.

389-4 Prohibited Uses

Unless authorized by the process outlined for the AF-5 and RR-5 Districts, all commercial aviation activities, including but not limited to flight training, commercial aircraft sales and repairs, and commercial fueling operations, are prohibited.

13. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-16 Special Use Standards

390-16.4 Community Service Uses in Residential Land Use Districts

F. Restrictive Covenant

- (2) The restrictive covenant shall be approved as to form by the Director and County Counsel, completed, signed by the applicant and property owner, notarized, and filed with the Department of Assessment & Taxation, Recording Division. ~~Director of Records for filing under Deed Records.~~

390-16.14 Public Utilities - North Bethany

H. Exemptions from the Requirements of Section 390-16.14:

- (4) Public utility facilities in the form of receiving and transmitting antennas and communication towers. These uses are subject to the applicable provisions of Section 430-109, ~~and~~ except as exempt under CDC Sections 201-2.30 or 430-109.1.

390-17 North Bethany Planned Development Standards

390-17.14 Standards for the Provision of Superior Building and Site Design and Construction

When an applicant proposes to provide superior building and site design and construction in a residential Planned Development as provided for under Section 390-17.5.D (5), the Planned Development application shall meet the following requirement:

The Planned Development must include at least two (2) factors from the "Building Factors" list in 390-17.14.A. at least two (2) factors from the "Site Design" list in 390-17.14.B., and a total of five (5) factors.

B. Site Design

- (14) Heightened intensity of open space design, inclusion of more active and passive amenities than those required by ~~the PD code CDC Section 390-17.10.C (Recreational Facilities Standards for Open Space).~~

14. SECTION 401 – DEVELOPMENT STANDARDS - INTRODUCTION

401-2 Rural/Natural Resource Plan Provisions:

- 401-2.1 Significant Natural Resource Designations;
- 401-2.2 Historic and Cultural Resource Designations;
- 401-2.3 Mineral and Aggregate Resource Designations (District A and B designations);
- 401-2.4 Habitat Protection Plan; and
- 401-2.5 Implementing Strategy E of Policy 10 (Implementing Oregon Department of Fish and Wildlife Habitat Protection Plan recommendations for Big Game Range areas within EFU, EFC and AF 20 land use districts).

15. SECTION 403 – APPLICABILITY**403-2 Master Plan - Minimum Requirements for all Development**

At a minimum, all development, including land divisions and exemptions through Section ~~504~~201-2, shall provide a Master Plan prepared in accordance with Sections 403-2.1 through 403-2.4, including necessary written findings. A Master Plan may be reviewed in conjunction with a specific development review project for all or a portion of the subject site, or it may be reviewed independently and implemented through a future development review application(s). Development review applications shall be consistent with the final approved Master Plan and shall, at a minimum, be processed through the Type I procedure. Final approval of a Master Plan shall be granted prior to the submission of a subsequent application that implements a Master Plan.

16. SECTION 414 – SIGNS**414-2 Commercial and Institutional Districts****414-2.2 Size:**

For each lot or parcel, signing at the listed size may be allowed:

- A. In the Neighborhood Commercial (NC), Office Commercial (OC), and Institutional District (INST), Neighborhood Corner Commercial (NCC NB), Neighborhood Commercial Mixed Use (NCMU NB), and Institutional North Bethany (INST NB) districts, except as otherwise required within standards for the particular district or use, signs shall not exceed thirty-five (35) square feet. For additional standards for the Institutional District see Section 330-9.
- B. In the Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM) districts, signs shall not exceed the following area requirements:

17. SECTION 424 – CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS**424-7 Creation of a Parcel Less Than Eighty (80) Acres in the EFC District**

~~New land divisions less than eighty (80) acres may be approved only for the uses listed in sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers);~~

abcdef Proposed additions

~~abcdef~~ Proposed deletions

~~342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility for the primary processing of forest materials); 342-4.1 I. (solid waste disposal site); 342-4.1 J. (communication facilities and transmission towers); subject to findings demonstrating compliance with the following:~~

424-7.1 A land division creating a parcel of less than eighty (80) acres may be approved only for the following uses:

- A. Aids to navigation and aviation - 342-3.2 A.;
- B. Exploration for geothermal, gas, oil, etc. - 342-3.1 C.;
- C. Firearms training facility - 342-4.1 C.;
- D. Log scaling and weigh stations - 342-3.2 F.;
- E. Parks - 342-3.2 I.;
- F. Permanent logging equipment repair and storage - 342-3.2 J.;
- G. Production of geothermal, gas, oil, etc. - 342-3.1 G.;
- H. Reservoirs and water impoundments - 342-3.2 L.;
- I. DEQ-mandated solid waste disposal site - 342-3.1 I.;
- J. Communication facilities and transmission towers - 342-3.2 M.;
- K. Utility facilities for generating power - 342-3.2 R.;
- L. Water intake facilities and related facilities - 342-3.2 S.;
- M. Campground - 342-4.1 B.;
- N. Cemetery - 342-3.2 B.;
- O. Mining and processing of oil, gas and other subsurface resources - 342-4.1 D.;
- P. Fire station - 342-4.1 H.;
- Q. Permanent facility for the primary processing of forest materials - 342-4.1 E.;
- R. Solid waste disposal site - 342-4.1 I.;
- S. Communication facilities and transmission towers - 342-4.1 J.

424-7.42 For a land division pursuant to Section 424-7.1, findings and evidence shall be provided that demonstrate compliance with the following:

A. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

~~424-7.2~~ B. The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

~~424-7.3~~ C. The parcel is not larger than the minimum size necessary for the use; and

~~424-7.4~~ D. The applicant shall sign and record in agreement form, in the Department of Assessment & Taxation, Recording Division~~Deed and Mortgage records of the County~~, a statement ~~which that~~ recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

18. Section 425 – DESIGNATION OF MARGINAL LANDS

425-3 Detached Dwelling

A detached Dwelling (one) may be permitted on land designated Marginal, on any size lot or parcel, if the lot or parcel was created prior to July 1, 1983 – Section 344-9 (Marginal Lands).

425-34 Parcels Wwithin the Quarter-Mile Test Area

Notwithstanding the fact that only a certain amount of land is proposed to be designated marginal for the purposes of establishing the test area of 425-1, any lot or parcel that is within the test area and meets the income test set out in 425-2 may be designated as marginal land.

425-45 Notification

In addition to the notification required by Article II, Notice shall be sent to:

425-45.1 All property owners of record whose parcels are at least partially located within the one-quarter (1/4) mile of the proposed marginal land parcel, when the parcels have been used to determine eligibility through Section 425-1.1 A., as well as all property owners of record within five hundred (500) feet of the perimeter of the designated quarter mile boundary, or

425-45.2 All property owners within five hundred (500) feet of the perimeter of the designated two hundred forty (240) acres when the parcels have been used to determine eligibility through Section 425-1.1 B.

425-56 Notation of Marginal Land Designation Approval

425-56.1 The Director designate shall make a notation on the Land Use Maps used by the Department of Land Use and Transportation which reads either MGL-A (approved) or MGL-D (denied) as appropriate.

425-56.2 All MGL-A notations shall be made known to the Department of Assessment and Taxation for their use.

425-56.3 The Director shall keep a master list of all MGL-A notations for use of the Department of Land Use & Transportation, the Department of Assessment and Taxation and for purposes of the state reporting requirements.

19. SECTION 430 – SPECIAL USE STANDARDS

430-48 Firearms Training Facility

For purposes of this section, a firearms training facility is an indoor or outdoor facility that provides training courses and issues certifications required:

A. For law enforcement personnel;

B. By the Oregon Department of Fish & Wildlife; or

C. By nationally recognized programs that promote shooting matches, target shooting and safety.

430-73 Kennel

430-73.4 A kennel license is obtained from Washington County ~~Dog Control~~Department of Health & Human Services, Animal Services Division; and

430-145 Winery

430-145.1 A winery, as described by ORS 215.452, may be permitted in the EFU and AF-20 Districts subject to the following standards:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

E. Standards imposed upon a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with farming or forest practices on adjacent lands:

- (1) Establishment of a setback ~~of at least, not to exceed~~ one hundred (100) feet, from all property lines for the winery and all public gathering places, except as allowed through CDC Section 435 (Variances and Hardship Relief); and

20. SECTION 431 – TRANSIT ORIENTED DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

431-4 Circulation System Design

431-4.2 Standards:

E. Circulation/Connections

- (3) The street alignment corridors shown in the Community Plan allow planned street centerlines to be moved to a limited degree through a Type II process. Where those planned street centerlines also form the boundary between land use districts, those districts may move with the street centerline within the Type II alignment corridors.

Through a Type III process, the planned on-site street network for collector, local and commercial streets may be modified to a greater extent than is allowed on the applicable map in the Community Plan, if the proposed modification meets all of the following criteria:

- (c) The new street network provides a similar degree of connectivity to existing abutting streets, including:
 - ~~1(i).~~ Where future street connections identified on an adopted Community Plan to either existing or future abutting streets are shown to be direct, they shall remain direct. Where they are shown to be circuitous, they shall remain circuitous;
 - ~~2(ii).~~ The connections encourage motor vehicle traffic to go slow, consistent with the road standards for Special Area roads;
 - ~~3(iii).~~ The proposed circulation system meets station area block length and perimeter requirements; and

4(iv)- The proposed circulation system includes off-street pedestrian facilities similar to those identified in the community plan.

21. SECTION 435 – VARIANCES AND HARDSHIP RELIEF

435-2 Scope

435-2.2 Prohibited Variances and Hardship Relief

Notwithstanding Section 435-2.1, the following standards of this Code may not be varied by the provisions of this Section:

- A. The minimum and maximum density requirements of a residential land use district;
- B. Definitions;
- C. A standard that implements a ~~Federal~~federal, ~~State~~state, ~~Regional~~regional, or ~~Local~~local requirement, except where the language of such requirements allows;

22. SECTION 440 – NONCONFORMING USES AND STRUCTURES

440-1 Intent and Purpose

A nonconforming use is a structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan. It is the intent of this Section to allow and regulate existing uses and structures that were lawfully established and are not now in conformance with the applicable regulations of this Code.

The purpose of this Section is to generally encourage the discontinuance of nonconforming uses and structures or changing of nonconforming uses and structures to conforming or more conforming uses or structures. However, it is not the purpose of this Section to force all nonconforming uses or structures to be eliminated or brought into conformance with existing standards, or to discourage the continued nonconforming use of land for single family dwellings. Except in ~~commercial, industrial, and institutional, and commercial districts other than~~ Neighborhood Commercial (NC), it is the intent of this Section to allow the owner of a structure used as a single family dwelling to alter or replace the structure consistent with state law, LCDC administrative rules and the applicable provisions of this Code.

abcdef Proposed additions

~~abedef~~ Proposed deletions

440-5 Restoration or Replacement of a Nonconforming Use or Structure Made Necessary by Fire, Other Casualty or Natural Disaster

440-5.1 Restoration or Replacement Permitted Through a Type I Procedure

A nonconforming single family dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts when the following standards are met:

- A. The applicant demonstrates that the dwelling was lawfully established by providing:
1. Documentation from the Department of Assessment and Taxation that the dwelling was established prior to April 6, 1959; or
 2. The applicant demonstrates One of the following forms of evidence that the dwelling was lawfully established on or after April 6, 1959 by submitting the following information:
 - 1a. A development application approval for the dwelling issued on or after April 6, 1959;
 - 2b. A building permit for the dwelling issued on or after April 6, 1959; or
 - 3c. A certificate of zoning compliance for the dwelling issued on or after April 6, 1959; ~~or.~~
- ~~B. The applicant demonstrates the dwelling was lawfully established by providing documentation from the Department of Assessment and Taxation that the dwelling was established prior to April 6, 1959;~~
- CB. The applicant provides a letter from an insurance company stating that the loss is covered by a valid homeowner's insurance policy (at the time of fire, other casualty or natural disaster) for at least eighty (80) percent of the replacement cost;
- DC. In the EFC District, the replacement dwelling meets the standards in Section 428-3 (forest structure siting and fire safety standards for dwellings reviewed through a Type I procedure).

440-5.2 Restoration or Replacement Permitted Through a Type II Procedure

- A. A nonconforming single dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, NC, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5,

TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts.

23. SECTION 502 – SIDEWALK STANDARDS

502-4 Repairs

502-4.2 If the owner does not make the repairs within the time allowed, the Board may order the repairs to be made. The Board shall file the order with the County Clerk which includes a description of the abutting property. The recorded order is notice that the described property is subject to a lien for the cost of the repairs, in an amount to be determined later by order of the Board.

The county may seek payment, reimbursement and enforcement of the lien in accordance with ORS 368.910 ~~to an including~~ through ORS 368.925.

24. SECTION 601 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

601-2 Applicability

601-2.3 In addition to the standards listed above, all property line adjustments and land divisions shall also comply with the applicable standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below. Section 390-3 in the North Bethany Subarea Overlay District identifies additional standards and requirements from the Bethany Community Plan that are also applicable to development in the North Bethany Subarea of the Bethany Community Plan.

B. Rural/Natural Resource Plan Provisions:

- (1) Significant Natural Resource Designations;
- (2) Historic and Cultural Resource Designations;
- (3) Mineral and Aggregate Resource Designations (District A and B designations);
- (4) Habitat Protection Plan;
- (5) Implementing Strategy E of Policy 10 (Implementing Oregon Department of Fish and Wildlife Habitat Protection Plan recommendations for Big Game Range areas within EFU, EFC and AF 20 land use districts); and
- (6) Transportation Functional Classification Map.

**25. SECTION 610 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS
OUTSIDE A UGB**

610-1 Property Line Adjustments (Property Line Relocation)

610-1.1 A. General Limitations

Property line adjustments are limited as follows:

(5) Lots that were created through a Measure 49 authorization shall not be increased by a Property Line Adjustment to exceed the following size limitations established by OAR 660-041-0180(2):

(a) Two (2) acres if the property is located on high-value farm or forest land, or on land within a ground water restricted area; or

(b) Five (5) acres if the property is not located on high-value farm or forest land, and is not on land within a groundwater restricted area.

**26. SECTION 702 – EXEMPT PROJECTS [ARTICLE VII: PUBLIC
TRANSPORTATION FACILITIES]**

The following public transportation projects and decisions are exempt from the provisions of this Article, applicable to all functional classifications both inside and outside an urban growth boundary, unless otherwise specified below.

702-2 Maintenance, ~~and preservation, and repair~~ of existing public roads, transportation facilities and structures within existing right-of-way and ancillary easements. Maintenance may include the in-kind replacement of structures within the flood plain, drainage hazard area or Significant Natural Resource Area, if necessary to maintain its serviceability.

702-3 Operational improvements within existing right-of-way and ancillary easements including, but not limited to striping, installation of guard rails, pedestrian ways, widening shoulders, street lighting, signalization, reflectors, buttons, signs, flashing beacons, channelization and median control.

702-4 Reconstruction, replacement, or repair of a public transportation facility within existing right-of-way and ancillary easements, provided that:

A. No removal or displacement of buildings occur;

B. No new land parcels result,

- C. The facility is not located in a flood plain, drainage hazard area or Significant Natural Resource Area;
- D. No change or alteration to a designated historic or cultural resource occur, pursuant to Section 373;
- E. No additional travel lanes result; and
- F. No reduction in bicycle and pedestrian facilities result.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 798

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

SUMMARY:

A-Engrossed Ordinance No. 798 makes housekeeping amendments and general updates to the Community Development Code. A-Engrossed Ordinance No. 798 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2015-land-use-ordinances.cfm>

Post acknowledgment comprehensive plan amendments are 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. ORS 197.615 requires that such amendments 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 (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 798. Prior to the September 22, 2014 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 798 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 15-104

Agenda Item No. 5.b.

Date: 09/22/15

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 798) No. **15-104**

This matter having come before the Washington County Board of Commissioners at its meeting of September 22, 2015; 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. 798; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 22, 2015, 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. 798 are hereby adopted.

DATED this 22nd day of September, 2015.

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
DUYCK	✓	—	—
SCHOUTEN	✓	—	—
MALINOWSKI	✓	—	—
ROGERS	✓	—	—
TERRY	✓	—	—

APPROVED AND FORWARDED: _____
Abner
County Counsel
For Washington County, Oregon

Andy Ord
Chairman

A. D. Ngata
Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 798

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO A GENERAL UPDATE AND HOUSEKEEPING CHANGES

September 22, 2015

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 798 makes housekeeping amendments and general updates to elements of Washington County's Comprehensive Plan, specifically within the Community Development Code.

Key Ordinance Provisions

Amends the Community Development Code (CDC) as follows:

- Updates county department names within multiple sections.
- Amends Section 106, Definitions, to define the acronym LDN.
- Clarifies existing permit exemptions under Section 201, Development Permit, regarding certain receiving and transmitting antennas and associated structures/equipment, and changes order of certain exemptions to group similar uses.
- Amends Sections 202 and 209, regarding procedure types and appeals, to clarify that decisions made by the Board cannot be appealed to the hearings officer, Planning Commission, or Board.
- Amends Section 313, Community Business District, to correct an incidence where two distinct uses share the same subsection number.
- Corrects cross reference errors in Section 340 regarding Type II and III uses in the EFU district.
- Corrects Section 342, regarding Type III Firearms Training Facilities in the EFC district, to remove an inadvertent conflict with state statute, and to cross reference a proposed special use section that reflects appropriate existing state criteria.
- Corrects cross reference errors in Section 344, Agricultural and Forest District (AF-20).
- Corrects a cross reference error in Table A of Section 375, Transit Oriented Districts.
- Adds appropriate cross references and corrects a department/division name in Section 377, Special Industrial Overlay District.

- Amends Section 389, Residential Airpark Overlay District, for clarification and to update references to the applicable Structural and Fire Codes.
- Amends Section 390, North Bethany Subarea Overlay District, to correct a department/division name and add/correct cross references regarding existing permit exemptions and open space standards.
- Amends Section 401, Introduction, to add the name and description of a requirement currently listed only by policy and strategy number.
- Corrects a cross reference regarding exemptions within Section 403, Applicability.
- Clarifies Section 414, regarding signs in Commercial and Institutional Districts, and adds references to North Bethany districts that are currently subject to Section 414-2 per Section 390.
- Clarifies and reformats Section 424-7, regarding creation of parcels in EFU, EFC, and AF-20 districts, for consistency.
- Clarifies Section 425 to reflect that a dwelling may be allowed on Marginal Lands, as currently indicated under AF-20 standards of Section 344-9.
- Creates a Special Use Section, 430-48 - Firearms Training Facility, to reflect state criteria for this use which is currently allowed under Section 342.
- Updates a department name within Section 430-73, Kennels.
- Corrects a setback requirement within Section 430-145, Wineries, for consistency with state law.
- Reformats circulation requirements under Section 431, regarding Transit Oriented districts, for consistency.
- Amends a prohibition under Section 435, against variances/hardship relief requests pertaining to federal, state, regional, or local requirements, to acknowledge an exception where such requirements allow.
- Identifies within Section 440, Nonconforming Uses and Structures, that the Neighborhood Commercial district is not subject to prohibitions against dwelling replacement that apply to other commercial districts (consistent with Section 440-5.2), and reformats Section 440-5.1 for clarity.
- Simplifies wording in Section 502-4, regarding sidewalk repairs.
- Amends Section 601, Land Divisions and Property Line Adjustments, to add the name and description of a requirement currently listed only by policy and strategy number.
- Amends property line adjustment provisions of Section 610 to reflect Department of Justice and Department of Land Conservation and Development (DLCD) restrictions that apply to lots created via Measure 49.
- Amends Section 702 regarding public transportation improvements that are exempt from Article VII, to remove a duplicated reference and to improve language consistency.

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 county Board of 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 Shorelands), 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.

The county is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 798 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The county's 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 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 Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the county's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 798.

Goal 2 - Land Use 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 Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 798.

Notice was coordinated with all affected governmental entities. Comments received regarding originally filed Ordinance No. 798 were addressed either as part of the proceedings or with subsequent staff coordination. No comments were received following notice of A-Engrossed Ordinance No. 798.

Goal 3 - Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

A-Engrossed Ordinance No. 798 makes housekeeping changes to the county's Property Line Adjustment standards for lands outside the Urban Growth Boundary. The amendments clarify property line adjustment (PLA) provisions of CDC Section 610 (regarding property line adjustments outside the urban growth boundary) to clarify that lots created via Measure 49 remain subject to provisions of the state's M49 authorization, and that PLAs must not create conflict with such. Another amendment provides corrections/clarifications to CDC section 430-145 to ensure that winery setback provisions are consistent with state law. Other amendments made through A-Engrossed Ordinance No. 798 make simple non-substantive Community Development Code language or format changes to standards affecting (but not specific to) exclusive farm uses.

The changes are intended for clarification, consistency, cross-reference accuracy, removal of duplications, or department name updates. Amendments, as made through A-Engrossed Ordinance No. 798, maintain Plan compliance with Goal 3, and consistency with OAR Chapter 660, Division 33, and the county's acknowledged policies for preservation of farmland.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

A-Engrossed Ordinance No. 798 makes housekeeping changes to the county's Property Line Adjustment standards for lands outside the Urban Growth Boundary. The amendments clarify property line adjustment (PLA) provisions of CDC Section 610 (regarding property line adjustments outside the urban growth boundary) to clarify that lots created via Measure 49 remain subject to provisions of the state's M49 authorization, and that PLAs must not create conflict with such. Additionally, the ordinance clarifies under CDC Sections 342 and 430, existing applicable state criteria that apply to Firearms Training Facilities currently allowed on forest land. Further amendments made through A-Engrossed Ordinance No. 798 make simple non-substantive Community Development Code language or format changes to standards affecting (but not specific to) forest land.

The changes are intended for clarification, consistency, cross-reference accuracy, removal of duplications, or department name updates. Amendments, as made through A-Engrossed Ordinance No. 798, maintain Plan compliance with Goal 4, and consistency with OAR Chapter 660, Division 06, and the county's acknowledged policies for preservation of forest lands.

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 CFP, 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 CDC requires that adequate public facilities and services be available for new development.

(See findings below under Goal 12).

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

A-Engrossed Ordinance No. 798 simplifies/clarifies wording within CDC Section 502 pertinent to sidewalk repairs. It also amends CDC Section 702 regarding public transportation improvements that are exempt from Article VII, to remove a duplicated reference and to improve language consistency. These amendments maintain Plan compliance with Goal 11 and Goal 12, and consistency with the county's acknowledged policies and strategies for the provision of transportation facilities and services as required by these Goals and by the Regional Transportation Plan (RTP).

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 CFP address urbanization within the Regional Urban Growth Boundary. The CDC 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.

Many of the amendments made through A-Engrossed Ordinance No. 798 make simple non-substantive Community Development Code language or format changes to standards affecting (but not necessarily specific to) urban development. The changes are intended for clarification, consistency, cross-reference accuracy, removal of duplications, or department name updates. Amendments made through A-Engrossed Ordinance No. 798 do not impact compliance with the county's acknowledged policies and strategies for urbanization as required by Goal 14.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Title 8 sets forth Metro's procedures for determining compliance with the Urban Growth Management Functional Plan (UGMFP). 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 delivered Metro a copy of proposed Ordinance No. 798 on May 15, 2015, 47 days prior to the first evidentiary hearing. Staff received no comments from Metro on Ordinance No. 798 or A-Engrossed Ordinance No. 798.

A-Engrossed Ordinance No. 798 makes only ministerial housekeeping and general update amendments to the CDC that are not substantive in nature and therefore do not affect its compatibility with requirements of the UGMFP.

Original Ordinance No. 798 Provisions, cont'd.

- Corrects cross reference errors in CDC Section 340 regarding Type II and III uses in the EFU district.
- Corrects CDC Section 342, regarding Type III Firearms Training Facilities in the EFC district, to remove an inadvertent conflict with state statute, and to cross reference a proposed special use section that reflects appropriate existing state criteria.
- Corrects cross reference errors in CDC Section 344, Agricultural and Forest District (AF-20).
- Corrects a cross reference error in Table A of CDC Section 375, Transit Oriented Districts.
- Adds appropriate cross references and corrects a department/division name in CDC Section 377, Special Industrial Overlay District.
- Amends CDC Section 389, Residential Airpark Overlay District, for clarification and to update references to the applicable Structural and Fire Codes.
- Amends CDC Section 390, North Bethany Subarea Overlay District, to correct a department/division name and add/correct cross references regarding existing permit exemptions and open space standards.
- Amends CDC Section 401, Introduction, to add the name and description of a requirement currently listed only by policy and strategy number.
- Corrects a cross reference regarding exemptions within CDC Section 403, Applicability.
- Clarifies CDC Section 414, regarding signs in Commercial and Institutional Districts, and adds references to North Bethany districts that are currently subject to Section 414-2 per Section 390.
- Clarifies and reformats CDC Section 424-7, regarding creation of parcels in EFU, EFC, and AF-20 districts, for consistency.
- Clarifies CDC Section 425 to reflect that a dwelling may be allowed on Marginal Lands, as currently indicated under AF-20 standards of Section 344-9.
- Creates a Special Use CDC Section, 430-48 - Firearms Training Facility, to reflect state criteria for this use which is currently allowed under Section 342.
- Updates a department name within CDC Section 430-73, Kennels.
- Corrects a setback requirement within CDC Section 430-145, Wineries, for consistency with state law.
- Reformats circulation requirements under CDC Section 431, regarding Transit Oriented districts, for consistency.
- Amends a prohibition under CDC Section 435, against variances/hardship relief requests pertaining to federal, state, regional, or local requirements, to acknowledge an exception where such requirements allow.
- Identifies within CDC Section 440, Nonconforming Uses and Structures, that the Neighborhood Commercial district is not subject to prohibitions against dwelling replacement that apply to other commercial districts (consistent with Section 440-5.2), and reformats Section 440-5.1 for clarity.
- Simplifies wording in CDC Section 502-4, regarding sidewalk repairs.
- Amends CDC Section 601, Land Divisions and Property Line Adjustments, to add the name and description of a requirement currently listed only by policy and strategy number.
- Amends property line adjustment provisions of CDC Section 610 to reflect Department of Justice and Department of Land Conservation and Development (DLCDD) restrictions that apply to lots created via Measure 49.
- Amends CDC Section 702 regarding public transportation improvements that are exempt from Article VII, to remove a duplicated reference and to improve language consistency.

Proposed A-Engrossed Ordinance No. 798 Provisions

Proposed **A-Engrossed Ordinance No. 798** incorporates all Community Development Code amendments originally proposed but makes the following change:

- Deletion of filed Exhibit 1 of Ordinance No. 798, which proposed changes to the Bethany Community Plan. No changes are made to filed Exhibit 2.

Public Hearings - Time and Place

Board of Commissioners

September 15, 2015
10:00 am

September 22, 2015
6:30 pm

Hearings will be held in the auditorium of the Charles D. Cameron Public Services Building, 155 N First Avenue, Hillsboro, Oregon.

On September 22, 2015, the Board may choose to adopt the ordinance, make additional changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 22, 2015, the ordinance would become effective on November 27, 2015.

Community Development Code Standards Amended

- Various - Department Name Updates
- 106 - Definitions
- 201 - Development Permit
- 202 - Procedure Types and Determination of Proper Procedure
- 209 - Appeals
- 313 - Community Business District (CBD)
- 340 - Exclusive Farm Use District (EFU)
- 342 - Exclusive Forest and Conservation District (EFC)
- 344 - Agriculture and Forest District (AF-20)
- 375 - Transit Oriented Districts
- 377 - Special Industrial Overlay District (SID)
- 389 - Residential Airpark Overlay District
- 390 - North Bethany Subarea Overlay District
- 401 - Introduction
- 403 - Applicability
- 414 - Signs
- 424 - Creation of Parcels in the EFU, EFC and AF-20 Districts
- 425 - Designation of Marginal Lands
- 430 - Special Use Standards
- 431 - Transit Oriented Design Principles, Standards and Guidelines
- 435 - Variances and Hardship Relief
- 440 - Nonconforming Uses and Structures
- 502 - Sidewalk Standards
- 601 - Land Divisions and Property Line Adjustments
- 610 - Land Divisions and Property Line Adjustments Outside an Urban Growth Boundary
- 702 - Exempt Projects (Public Transportation Facilities)

**How to Submit
Comments**

- Submit oral or written testimony to the Board at one of the public hearings.
- Written testimony may be sent to the Board in advance of the public hearings in care of Long Range Planning.
- Include the author's name and address with any public testimony.

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N First Avenue, Suite 350, MS 14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

Anne Kelly, Associate Planner
Telephone: 503-846-3583 Fax: 503-846-4412
email: anne_kelly@co.washington.or.us

**Proposed A-Engrossed
Ordinance No. 798 is
available at the
following locations**

- Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N First Avenue, Suite 350, Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/landuseordinances
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.