



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



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

Date: August 26, 2015
Jurisdiction: Washington County
Local file no.: Ord 800
DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/21/2015. 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 40 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.: 006-15 {23841}
Received: 8/21/2015

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.: **Ordinance No. 800**

Date of adoption: August 18, 2015

Date sent: 8/21/15

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): June 5, 2015

No

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:

No

Local contact (name and title): Mike Dahlstrom, Senior Planner

Phone: 503 846-8101

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

Street address: 155 N First Avenue

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:

Ordinance No. 800 amends Community Development Code Sections 106, 201, 406, 413, 430, and 610 and implements Statewide Planning Goals 1, 2, 4, and 9

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. | | | |
| 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:

Ordinance No. 800 amends the following sections of Washington County's Community Development Code: 106 - DEFINITIONS; 201 - DEVELOPMENT PERMIT; 406 - BUILDING, SITING AND ARCHITECTURAL DESIGN; 413 - PARKING AND LOADING ; 430 - SPECIAL USE STANDARDS; and 610 - LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE A UGB.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Washington County Department of Health and Human Services, Washington County Sheriff's Office

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance No. 800, as adopted, allows written testimony by email; clarifies model home applications; expands review for mixed solid waste and recycling storage facilities; expands options for required on-street parking in urban residential areas; allows limited conversion of automobile parking to bicycle parking; reduces certain property line adjustment applications to a Type I process in Exclusive Forest and Conservation land use districts.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED ORDINANCE NO. 800 – AN
ORDINANCE ADDRESSING MINOR AMENDMENTS TO THE
COMMUNITY DEVELOPMENT CODE**

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

SUMMARY:

Ordinance No. 800 proposes six minor amendments to sections of the Community Development Code addressing; Definitions, Exclusions from Permit Requirement, Mixed Solid Waste and Recyclables Storage Facilities, Parking Requirements for Urban Residential Districts, standards for Model Homes, and Property Line Adjustments Outside the Urban Growth Boundary. 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/2015-land-use-ordinances.cfm>

On July 15, 2015, the Planning Commission (PC) conducted a public hearing and voted 5:0 to recommend the Board adopt Ordinance No. 800. The staff report 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 be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

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

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 800 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 800.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.a.</u>
Date:	08/18/15

JUN - 5 2015

BEFORE THE BOARD OF COUNTY COMMISSIONERS Washington County
County Clerk
FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 800

An Ordinance Amending the Community Development Code Relating to Minor Changes to Definitions, Exclusions From Permit Requirement, Mixed Solid Waste and Recyclables Storage Facilities, Parking Requirements for Urban Residential Districts, Standards for Model Homes, and Property Line Adjustments Outside the Urban Growth Boundary

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 amendments that are needed to maintain and improve the efficiency and effectiveness of the

1 Comprehensive Plan. The Board recognizes that changes to the Community Development
2 Code text are necessary to (1) amend definitions, (2) clarify exemptions from development
3 permits for replacement bicycle parking, (3) modify provisions for mixed solid waste and
4 recyclables storage facilities, (4) expand options for on-street vehicle parking in urban
5 residential districts, (5) add special use standards for model homes, and (6) clarify procedures
6 for property line adjustments outside an urban growth boundary, and that these amendments
7 are for the benefit of the health, safety, and general welfare of the residents of Washington
8 County, Oregon.

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

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

21 SECTION 2

22 The following exhibit, attached hereto and incorporated herein by reference, is adopted as

1 amendments to the Community Development Code as follows:

- 2 1. Exhibit 1 (6 pages)
- 3 a. Section 106 - Definitions;
- 4 b. Section 201 – Development Permit;
- 5 c. Section 406 – Building, Siting and Architectural Design;
- 6 d. Section 413 - Parking and Loading;
- 7 e. Section 430 – Special Use Standards; and
- 8 f. Section 610 - Land Divisions and Property Line Adjustments Outside a
- 9 UGB.

10 SECTION 3

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

13 SECTION 4

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

16 SECTION 5

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

20 SECTION 6

21 The Office of County Counsel and Department of Land Use and Transportation are
22 authorized to prepare planning documents to reflect the changes adopted under Section 2 of

1 this Ordinance, including deleting and adding textual material and maps, renumbering pages
2 or sections, and making any technical changes not affecting the substance of these
3 amendments as necessary to conform to the Washington County Comprehensive Plan format.

4 SECTION 7

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

6 ENACTED this 18 day of August, 2015, being the first reading
7 and first public hearing before the Board of County Commissioners of Washington
8 County, Oregon.

9 BOARD OF COUNTY COMMISSIONERS
10 FOR WASHINGTON COUNTY, OREGON

11 **ADOPTED**

12 *Andy Dault*
CHAIRMAN

13 *Barbara Hejtmanek*
RECORDING SECRETARY

14 READING

PUBLIC HEARING

15 First August 18, 2015
16 Second _____
17 Third _____
18 Fourth _____
19 Fifth _____
20 Sixth _____

First August 18, 2015
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

19 VOTE: Aye: Schouten, Malinowski
Duyck, Rogers, Terry Nay: _____

20 Recording Secretary: Barbara Hejtmanek Date: 8-18-15

The following sections of the Community Development Code are amended as shown below:

1. Section 106 DEFINITIONS

106-1 The definitions contained in this Code are used as follows:

106-17 **Appearance of Record.** One or more of the following: an oral statement made at ~~the~~ a hearing sufficiently identifying the speaker; a written statement giving the name and address of the maker of the statement and introduced into the record prior to or at ~~the~~ a public hearing (~~A~~ a person's name and address on a petition introduced into the record constitutes an appearance of record); any written signed ~~comments~~ giving the name and address of the author that are submitted to, and received by, the Planning Director for review during the comment period for Type II actions.

106-138 **Model Home.** A dwelling unit constructed prior to subdivision plat recording intended to showcase housing styles and craftsmanship for potential buyers.

2. 201 DEVELOPMENT PERMIT

201-2 **Exclusions from Permit Requirement**

201-2.33 Reduction of off-street required minimum automobile parking spaces in existing development for replacement bicycle parking is subject to Section 413-11. Replacement bicycle parking spaces must meet the standards of Sections 429-7, 429-8 and 429-9.

3. Section 406 BUILDING, SITING AND ARCHITECTURAL DESIGN

406-6 **Mixed Solid Waste and Recyclables Storage Facilities**

~~The m~~Mixed solid waste and source-separated recyclables storage standards of this section shall apply to new or remodeled multi-unit and single family attached residential buildings containing five (5) or more units and to new or remodeled commercial, industrial and institutional construction that is subject to a Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

abcdef proposed additions

~~abcdef~~ proposed deletions

New or remodeled construction shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to ~~pick-up and~~ removal by haulers by complying with the standards of this section.

To provide for flexibility in the designing of functional storage areas, this section provides three (3) different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving the collection efficiency of collection. An applicant shall choose one of the following three (3) methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; or 3) a comprehensive recycling plan.

406-6.1 Minimum Standards Method

~~This method specifies~~ The Minimum Standards Method identifies dimensional a minimum standards for storage area facilities requirement that are based upon the size and general use category of the new or remodeled construction. This method is most appropriate when the specific use of a new or remodeled building is not unknown. It provides specific dimensional standards for the minimum size of storage areas by general use category.

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building façades, the following information must be submitted:

406-7.6 For new or remodeled development (as required by Section 406-6) to provide mixed solid waste and recyclables storage facilities, a written statement from the Washington County Health and Human Services Solid Waste and Recycling Program concerning the adequacy of the proposed method, design, location and accessibility of the storage facilities as required by Sections 406-6.1, 406-6.2, 406-6.3, 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C.

4. Section 413 PARKING AND LOADING

413-6 On-Street Parking Requirements for Urban Residential Districts

413-6.1 For single family detached dwelling units and single family attached dwelling units with individual on-site parking and individual vehicular access to a local or Neighborhood Route public or private street the following on-street parking shall be provided:

abcdef proposed additions

~~abcdef~~ proposed deletions

- A. For a dwelling with one (1) off-street parking space, a minimum of two (2) on-street parking spaces shall be provided along the dwelling's street frontage within one hundred (100) feet of the subject lot, except as provided in Sections 413-6.1 D. or 413-6.3.
- B. For a dwelling with two (2) off-street parking spaces, a minimum of one (1) on-street parking space shall be provided along the dwelling's street frontage within one hundred (100) feet of the subject lot, except as provided in Sections 413-6.1 D. or 413-6.3; ~~and~~
- C. For dwellings with more than two (2) off-street parking spaces, a minimum of one (1) on-street parking space for every two (2) lots with more than two (2) off-street parking spaces shall be provided along the frontage of those lots within one hundred (100) feet of the subject lot, except as provided in Sections 413-6.1 D. or 413-6.3.
- D. The requirements for on-street parking are not applicable to flag lots or lots that are provided access from the terminus of a non-through street (e.g., cul-de-sac bulb or hammerhead).

413-6.2 Required on-street parking shall be provided along the affected lot's street frontage within one hundred (100) feet of the subject lot by parallel or angled parking (~~perpendicular parking is not allowed~~) in accordance with the standards of the Washington County Road Design and Construction Standards (perpendicular parking is not allowed).

Parallel parking spaces shall be at least eighteen (18) feet long for one (1) or two (2) adjoining spaces. When three (3) or more adjoining spaces are provided the minimum length of each space shall be twenty (20) feet. Angled parking ~~shall~~ may be provided on a street corner ~~and but~~ not along the front of dwelling units.

Driveway aprons ~~and~~ crosswalk areas ~~shall not be used for on-street parking~~. ~~Curb~~ curb frontage with a fire hydrant ~~and/or~~ and/or congregate mail boxes shall not be used to satisfy ~~the~~ required on-street parking standards.

413-11 Reduction of Minimum Off-Street Automobile Parking Based on Bicycle Parking

Reduction of the minimum quantity of off-street automobile parking required by Section 413-7 is allowed as described in this section. All bicycle parking spaces must meet the standards of Sections 429-7, 429-8 and 429-9.

413-11.1 Sites having fifty (50) or more parking spaces may reduce total minimum automobile parking space requirements by one (1) standard or compact size space for every ~~one~~ (1) two (2) bicycle spaces provided.

413-11.2 Sites having between eleven (11) and forty-nine (49) parking spaces may reduce total minimum automobile parking space requirements by up to two (2) standard or compact size spaces or ten percent (10%) of required automobile spaces, (up to five

abcdef proposed additions

abcdef proposed deletions

(5) whichever is greater, for replacement with two (2) bicycle spaces per automobile space.

413-11.3 Sites having ten (10) or fewer parking spaces may reduce total minimum automobile parking space requirements by one (1) standard or compact size space for replacement with up to two (2) bicycle spaces.

413-11.4 Replacement bicycle parking spaces in existing development are exempt from permit requirements per Section 201-2.33. Alterations in parking lot requirements beyond this exemption will be subject to development review.

413-12 Total Reductions to Minimum Off-Street Parking Requirements

The minimum number of off-street parking spaces required by Section 413-7 that may be reduced through the application of Sections 413-8, 413-10 and 413-11 shall not exceed forty (40) percent of the required minimum spaces.

5. Section 430 SPECIAL USE STANDARDS

430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

C. The following temporary permits may be issued through a Type I procedure for a period not to exceed one (1) year:

(10) Model home (Section 106-138) constructed prior to subdivision plat recording that meets the following requirements:

- (a) Located inside the Urban Growth Boundary;
- (b) Proposed subdivision includes four (4) lots or more (not a partition);
- (c) Land use approval for the subdivision has not expired;
- (d) The final plat for the approved subdivision has been submitted to Current Planning and the county surveyor for review;
- (e) All streets serving the model home are constructed according to approved engineering plans;

- (f) The total number of model homes:
- (i) Does not exceed five (5) per subdivision plat or phase;
 - (ii) Does not exceed twenty-five percent (25%) of the total number of lots within the subdivision plat (no rounding up is permitted);
and
- (g) The applicant obtains a building permit issued by Building Services.

**6. 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:

- (1) In the EFC District, no lot or parcel shall be reconfigured to qualify for a Lot of Record Dwelling under Section 430-37.2 E. (2), with the exception of those Type I adjustments described under Section 610-1.1 B.

B. Property Line Adjustments Permitted Through a Type I Procedure

Property lines in the EFC District may be adjusted through a Type I procedure only if ~~equal land areas are exchanged~~ consistent with CDC Section 610-1.1.B. (2), (3)(a), (b) and (d) below. All other property line adjustments in the EFC District shall be reviewed under Section 610-1.1 C.

- (1) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or
- (2) Equal land areas are exchanged; or
- (3) No lot or parcel is reduced in size below the minimum lot size for the District except for the following:
 - (a) When a federal, state, or local judiciary issues a court decree for adverse possession, way of necessity or a prescriptive use. The adjustment shall not be larger than the minimum size necessary to implement the court decree; or

abcdef proposed additions

~~abcdef~~ proposed deletions

- (b) Where a parcel has a lawfully established structure which is in violation of a setback requirement. The adjustment shall not be larger than the minimum size necessary to correct the violation; or
- (c) Where a parcel is being reconfigured for the purpose of a Federal project for creation of, restoration of or enhancement of wetlands; or
- (d) When a parcel is reconfigured to provide adequate sight distance as determined by the County Engineer; or
- (e) A lot or parcel is reconfigured to align with a road or railroad right-of-way, a power transmission line on deeded property, an urban growth boundary or a channel of a river or other watercourse or body of water that divides the lot or parcel; or

C. Property Line Adjustments Permitted Through a Type II Procedure

Except as otherwise allowed under CDC Section 610-1.1.B. (2) (3)(a), (b) and (d), in the EFC District, on lots or parcels located entirely outside the boundary of a city, property lines may be adjusted through a Type II procedure when the following standards are met:

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 800

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

SUMMARY:

Ordinance No. 800 amends sections of the Community Development Code. Ordinance No. 800 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 Ordinance No. 800. Prior to the August 18, 2015 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

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

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 800 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 15-76

Agenda Item No.	<u>7.a.</u>
Date:	08/18/15

1 IN THE BOARD OF COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of Ordinance No. 800) No. 15-76

5 This matter having come before the Washington County Board of Commissioners
6 (Board) at its meeting of August 18, 2015; and

7 It appearing to the Board that the findings contained in "Exhibit A", attached and
8 incorporated herein by reference, summarize relevant facts and rationales with regard to
9 compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative
10 Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth
11 Management Functional Plan relating to Ordinance No. 800; and

12 It appearing to the Board that the findings described in "Exhibit A" constitute appropriate
13 legislative findings with respect to the adopted ordinance; and

14 It appearing to the Board that the Planning Commission, at the conclusion of its public
15 hearing on July 15, 2015, made a recommendation to the Board, which is in the record and has
16 been reviewed by the Board; and

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

22 RESOLVED AND ORDERED that the findings in "Exhibit A" in support of Ordinance
23 No. 800 are hereby adopted.

24 ///


25 ///

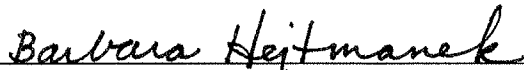
26

1 DATED this 18th day of August, 2015.

2 BOARD OF COMMISSIONERS
3 FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
4 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Chairman


Recording Secretary

9 APPROVED AS TO FORM:

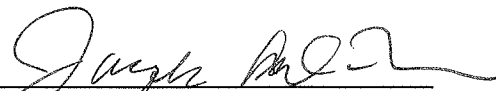
10 
11 Sr. Assistant County Counsel
12 For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 800

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO MINOR CHANGES TO DEFINITIONS, EXCLUSIONS FROM PERMIT REQUIREMENT, MIXED SOLID WASTE AND RECYCLABLES STORAGE FACILITIES, PARKING REQUIREMENTS FOR URBAN RESIDENTIAL DISTRICTS, STANDARDS FOR MODEL HOMES, AND PROPERTY LINE ADJUSTMENTS OUTSIDE THE URBAN GROWTH BOUNDARY

August 18, 2015

GENERAL FINDINGS

Ordinance No. 800 proposes minor amendments to the Community Development Code relating to: Definitions, Exclusions from Permit Requirement, Mixed Solid Waste and Recyclables Storage Facilities, Parking Requirements for Urban Residential Districts, Standards for Model Homes, and Property Line Adjustments Outside the Urban Growth Boundary.

Key Ordinance Provisions

The amendments proposed by Ordinance No. 800 address the following:

- *Written testimony by email* – facilitate acceptance of written testimony by email.
- *Model Home Temporary Use Permit applications* – add definition and process for approval of model homes.
- *Mixed solid waste and recycling storage facilities* – expand applicability of CDC requirements to include certain remodeled multi-unit residential, commercial, industrial, and institutional construction.
- *On-street parking* – expand alternatives to meet on-street parking requirements in urban residential districts while maintaining required minimum parking standards.
- *Conversion of automobile parking spaces to bicycle parking spaces in existing commercial, industrial, institutional, and multi-family development* – allow limited replacement of automobile parking spaces with bicycle parking spaces in multi-family residential, commercial, industrial, and institutional land use districts.
- *Make specific non-discretionary property line adjustments in the Exclusive Forest and Conservation (EFC) land use district a Type I application* – reduce certain objective, non-discretionary, property line adjustment applications from a Type II to a Type I.

The 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 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.

STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 800 is consistent with Statewide Planning Goals (Goals), Oregon Revises 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 map and 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 Ordinance No. 800.

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 Ordinance No. 800.

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

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.

Ordinance No. 800 contains one provision to reduce the cost and increase efficiency in processing property line adjustments in the Exclusive Forest and Conservation (EFC) land use designations when those adjustments are non-discretionary. There are three clear and objective, non-discretionary adjustments allowed as Type I permits in all other rural land use districts:

- When a federal, state, or local judiciary issues a court decree for adverse possession, way of necessity, or a prescriptive use. The adjustment shall not be larger than the minimum size necessary to implement the court decree; or
- Where a parcel has a lawfully established structure, which is in violation of a setback requirement. The adjustment shall not be larger than the minimum size necessary to correct the violation; or
- When a parcel is reconfigured to provide adequate sight distance as determined by the County Engineer;

Ordinance No. 800 intends to allow these same property line adjustments in the EFC land use district to be processed as Type I applications.

Currently all property line adjustments in the EFC land use district are addressed through a Type II application process. When any of the above three criteria are present in EFC, Ordinance No. 800 would reduce property line adjustments to a Type I development review process consistent with all other rural land use districts. This action will reduce the cost and increase the processing efficiency of these types of applications.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20, and 21 of the Rural/Natural Resource Plan set out the county's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Ordinance No. 800 contains several elements that clarify development standards and provides flexibility for developers in achieving those standards.

Ordinance No. 800 provides:

- Clear Temporary Use Permit standards for model homes. It also sets a provision for the number of model homes allowed in a new plot or phase of residential development.

- The Department of Health and Human Services, Solid Waste and Recycling staff the expanded ability to work with developers to size solid waste and recyclables storage facilities appropriate to the redevelopment's intended change of use. This amendment focuses on significant redevelopment changes, such as a retail space to a restaurant use, where storage facility needs are very different.
- An alternative to meet on-street parking requirements in urban residential development while maintaining the required number of parking spaces needed.
- Replace guidelines for a limited number of automobile parking spaces with bicycle parking spaces in existing commercial, retail, and multi-family housing development. It also exempts the permit requirements for replacement of automobile parking spaces with bicycle parking spaces in existing development.

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 800 findings have been prepared to address Title 8 of the UGMFP.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the 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.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 800 was mailed to Metro on June 8, 2015, 35 days prior to the first evidentiary hearing. Metro provided no comments on A-Engrossed Ordinance No. 800.