



February 1, 2006

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE NO. 654**

Enclosed for your information is a copy of proposed Ordinance No. 654. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance or you would like additional information, please contact the Planning Division.

Ordinance Purpose and Summary

Proposed Ordinance No. 653 amends Section 308, Future Development 20 Acre (FD-20) District of the Community Development Code (CDC) to allow for the creation of parcels less than 20 acres for certain public services, which include water, sewer, fire, schools, and park and recreation.

Who Is Affected

Owners of land designated Future Development 20 Acre (FD-20) District.

What Land is Affected

Land designated Future Development 20 Acre (FD-20) District, particularly land a public service provider is interested in purchasing in order to site new or expanded facilities.

Key Provisions

- The lot area standards for the Future Development 20 Acre (FD-20) District are amended to allow partitions to create parcels less than 20 acres for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services.
- Applicants for such a partition are required to provide a letter of intent to purchase or a signed purchase agreement from the applicable service provider for the proposed parcel(s).
- In addition to the owners of the property subject to the partition request, the service provider intending to purchasing the proposed parcel(s) must be a party to the partition application.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
March 15, 2006

Board of County Commissioners
10:00 am
March 21, 2006

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On March 21, 2006, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on April 20, 2006.

**Community
Development Code
Standard(s) Amended**

- Section 308, Future Development 20 Acre (FD-20) District

**How to Submit
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **At this time, we are unable to accept e-mail as public testimony.**

Washington County, Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Aisha Willits, Associate Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3961 Fax: 503-846-4412
e-mail: aisha_willits@co.washington.or.us

**Proposed Ordinance is
available at the
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2006ord/Ord654/Notices&Affidavits/CPONotice.doc

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

3
4 ORDINANCE No. 654
5
6

An Ordinance Amending the
Washington County Community
Development Code Element of the
Comprehensive Plan Relating to Lot
Area for Partitions Within the Future
Development 20-Acre (FD-20) District

7 The Board of County Commissioners of Washington County, Oregon, ordains:

8 SECTION 1

9 A. The Board of County Commissioners of Washington County, Oregon,
10 recognizes that the Community Development Code element of the Comprehensive Plan
11 (Volume IV) was readopted with amendments on September 9, 1986, by way of
12 Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326,
13 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413,
14 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464,
15 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540,
16 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610,
17 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648 and 649.

18 B. Subsequent ongoing planning efforts of the County indicate a need for
19 changes to the Community Development Code (“CDC”) element of the Comprehensive
20 Plan to accommodate public facilities and services associated with the provision of
21 sewer, water, school, fire, and park and recreation services in parcels less than twenty

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1 (20) acres. The Board takes note that such changes are necessary for the benefit of the
2 health, safety, and general welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the Land
4 Use Ordinance Advisory Commission 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
7 the Board. The Board finds that this Ordinance is based on those recommendations and
8 any 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 that this
11 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
12 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
13 Washington County Charter, and the Washington County Community Development Code.

14 SECTION 2

15 Exhibit 1 (1page), attached and incorporated herein by reference, is hereby adopted
16 as amendments to CDC Section 308-6.1 Lot Area in the Future Development 20-Acre
17 District.

18 SECTION 3

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

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1 SECTION 4

2 All applications received prior to the effective date shall be processed in accordance
3 with ORS 215.427 (2005 Edition).

4 SECTION 5

5 If any portion of this Ordinance, including the exhibit, shall for any reason be held
6 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
7 affected thereby and shall remain in full force and effect, and any provision of a prior land
8 use ordinance amended or repealed by the stricken portion of this Ordinance shall be
9 revived and again be considered in full force and effect.

10 SECTION 6

11 The Office of County Counsel and Department of Land Use and Transportation are
12 authorized to prepare planning documents to reflect the changes adopted under Section 2
13 of this Ordinance, including deleting and adding textual material and maps, renumbering
14 pages or sections, and making any technical changes not affecting the substance of these

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1 amendments as necessary to conform to the Washington County Comprehensive Plan
2 format.

3 SECTION 7

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

5 ENACTED this 21st day of March, 2006, being the 1st reading
6 and 1st public hearing before the Board of County Commissioners of Washington
7 County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

John Reyes
CHAIRMAN

Marian Larkin
RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First March 21, 2006
15 Second _____
16 Third _____
17 Fourth _____
Fifth _____
Sixth _____

14 March 21, 2006

18 VOTE: Aye: Brian, Rogers, Duyck, Nay: _____
Schouten, Leeper

19 Recording Secretary: Marian Larkin Date: 3/21/06
Marian Larkin

CDC Section 308-6 DIMENSIONAL REQUIREMENTS in the Future Development 20 Acre District is amended to reflect the following:

308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)

308-6 Dimensional Requirements

In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

308-6.1 Lot Area:

A. The minimum lot area shall be twenty (20) acres unless specified otherwise by the applicable Community Plan, or Policy 41 of the Comprehensive Framework Plan for the Urban Area, or as provided below.

B. Partitions to create parcels less than twenty (20) acres may be allowed for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services. If the partition is required to accommodate the sale of land for the noted public facilities and services, application submittal materials shall include the following in order to demonstrate proof of a qualified service provider's intent to purchase the parcel(s) created through such a partition:

(1) A letter of intent to purchase or signed purchase agreement from the applicable service provider for the proposed parcel(s), and

(2) Application by all the owners of the subject property and the service provider(s) intending to purchase the proposed parcel(s), or any person authorized in writing to act as agent of the owners or service providers.