

# 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. 828 – AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, AND THE COMMUNITY DEVELOPMENT CODE RELATING TO HOUSEKEEPING CHANGES AND GENERAL UPDATES**

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

---

### SUMMARY:

Ordinance No. 828 proposes to amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Community Development Code related to housekeeping and general updates. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

At its September 6, 2017 public hearing, the Planning Commission voted 7 - 0 to recommend that the Board adopt Ordinance No. 828 as filed. The staff report will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. 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. 828 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 828 and associated findings.

---

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No.	<u>3.d.</u>
Date:	09/26/17

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 828

An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Community Development Code Relating to Housekeeping Changes and General Updates

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, and subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, 740, 753, 764, 772, 776, 796, 809, and 813-814.

B. The Board recognizes that the Comprehensive Framework Plan for the Urban Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, 764, 769, 771, 775, 785, 788-790, 796, 799, 802, 805, 809, and 813-814.

C. 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,

1 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417 ,421-  
2 423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-  
3 481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561,  
4 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624,  
5 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677,  
6 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739,  
7 742-745, 754- 758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-  
8 811, and 813-815.

9 D. As part of its ongoing planning efforts Washington County staff has identified  
10 the need for minor limited non-policy changes and general updates to improve the efficiency  
11 and effectiveness of the Comprehensive Plan. The Board recognizes that such changes are  
12 necessary from time to time for the benefit and welfare of the residents of Washington  
13 County, Oregon.

14 E. Under the provisions of Washington County Charter Chapter X, the  
15 Department of Land Use and Transportation has carried out its responsibilities, including  
16 preparation of notices, and the County Planning Commission has conducted one or more  
17 public hearings on the proposed amendments and has submitted its recommendations to the  
18 Board. The Board finds that this Ordinance is based on that recommendation and any  
19 modifications made by the Board, as a result of the public hearings process.

20 F. The Board finds and takes public notice that it is in receipt of all matters and  
21 information necessary to consider this Ordinance in an adequate manner and finds that this  
22 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan

1 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
2 County Charter, the Washington County Community Development Code, and the Washington  
3 County Comprehensive Plan.

4 SECTION 2

5 The following exhibits, attached hereto and incorporated herein by reference, are  
6 adopted as amendments to the designated documents as follows:

7 A. Exhibit 1 (2 pages), amends the Rural/Natural Resource Plan:

- 8 1. Policy 2, Citizen Involvement; and
- 9 2. Appendix A, Glossary.

10 B. Exhibit 2 (2 pages), amends the following Sections of the Comprehensive  
11 Framework Plan for the Urban Area:

- 12 1. Policy 2 Citizen Involvement; and
- 13 2. Appendix A, Glossary.

14 C. Exhibit 3 (7 pages), amends the following Sections of the Community  
15 Development Code:

- 16 1. Section 107 – Planning Participants;
- 17 2. Section 201 – Development Permit;
- 18 3. Section 203 – Processing Type I, II and III Development Actions;
- 19 4. Section 204 – Notice of Type I, II or III Development Actions;
- 20 5. Section 205 – Public Hearings;
- 21 6. Section 217 – Director’s Interpretation
- 22 7. Section 356 – Land Extensive Industrial District (MAE);

- 8. Section 379 – Mineral and Aggregate Overlay District;
- 9. Section 418 – Setbacks;
- 10. Section 421 – Flood Plain and Drainage Hazard Area Development;
- 11. Section 427 – Solar Access Standards; and
- 12. Section 430 – Special Use Standards.

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 24, 2017.

3 ENACTED this 26<sup>th</sup> day of September, 2017, being the 1st reading  
4 and 4<sup>st</sup> 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 O'Neil*  
CHAIRMAN

10 *A. D. Noyola*  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First September 26, 2017  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

12 First September 26, 2017  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

18 VOTE: Aye: Malinowski, Rogers,  
Terry, Duyck

Nay: none

19 Recording Secretary: Ana D. Noyola Date: September 27, 2017

The RURAL/NATURAL RESOURCE PLAN is amended to reflect the following:

- References to 'Citizen Participation Organization (CPO)' will be changed to 'Community Participation Organization (CPO)' where appropriate
- References to 'Committee for Citizen Involvement (CCI)' will be changed to 'Committee for Community Involvement (CCI)' where appropriate
- References to 'Board of County Commissioners' or 'Washington County Board of County Commissioners' will be changed to 'Board of Commissioners'

### **POLICY 2, CITIZEN INVOLVEMENT:**

**It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their County government.**

#### **Implementing Strategies**

The County will:

- a. Provide information on planning issues and policies in a clear and understandable form by:
  1. Continuing the County/~~extension~~ "CPO News" newsletter on a regular basis; and
  2. Providing information to the media on a regular basis.
- b. Seek and encourage continued citizen involvement through the ~~Community~~Citizen Participation Organization (CPO) Program. In order to assist in the efficiency of the CPOs, the County may reorganize the boundaries of the various CPOs to provide that there is a community of interest included within the boundary of each CPO. The County will strengthen that program by:
  1. Offering support and technical assistance;
  2. Maintaining the CCI to assist in the evaluation and implementation of the Community ~~citizen~~-Involvement Program; and
  3. Determine the Community~~citizen~~ Participation Program by Board of Commissioner Resolution and Order.
- c. Provide the opportunity for citizen involvement in all phases of plan revision and amendment processes.

\*\*\*

## Summary Findings and Conclusions

Comprehensive planning requires, and depends upon, an informed citizenry and community members. For the plan to reflect the needs and values of the residents/citizens of Washington County, public/citizen participation is essential. This meaningful involvement is necessary throughout the planning process and is an integral part of the ongoing planning program.

The planning process utilized by Washington County has emphasized citizen involvement and participation. Information has been disseminated through community meetings, individual mailings and notices, the establishment of special telephone "hot line" numbers, media releases and public hearings.

\*\*\*

In June 2016, the County transitioned the CPO program responsibilities from the OSU Extension Office to the County through the creation of the Community Engagement Program. During this transition, the CPO and CCI acronyms were redefined as Community Participation Organization and Committee for Community Involvement.

## Appendix A

<b>GLOSSARY</b>
-----------------

## PREFACE

\*\*\*

**Community/Citizen Participation Organization (CPO).** An ~~citizen~~ organization comprised of community members and acknowledged/established by the Board of County Commissioners to serve as a vehicle for communication between governments and ~~citizens~~ community members on matters affecting the livability of the community. CPO leaders and representatives comprise the County's Committee for Community/Citizen Involvement (CCI).

\*\*\*

The COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

- References to 'Citizen Participation Organization (CPO)' will be changed to 'Community Participation Organization (CPO)'
- References to 'Committee for Citizen Involvement (CCI)' will be changed to 'Committee for Community Involvement (CCI)'
- References to 'Board of County Commissioners' or 'Washington County Board of County Commissioners' will be changed to 'Board of Commissioners'

#### **POLICY 2, CITIZEN INVOLVEMENT:**

**It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their county government.**

#### **Implementing Strategies**

The County will:

- a. Provide information on planning issues and policies in a clear and understandable form.
- b. Seek and encourage continued citizen involvement through the ~~Community~~Citizen Participation Organization (CPO) Program. The County will strengthen that program by:
  1. Offering support and technical assistance;
  2. Maintaining the Committee for ~~Community~~Citizen Involvement (CCI) to assist in the evaluation and implementation of the citizen involvement program;
  3. Working with CCI and CPO members while developing the Community Plans by providing them the opportunity, information and assistance necessary for their involvement; and

\*\*\*

#### **Summary Findings and Conclusions**

Comprehensive planning requires, and depends ~~upon,~~ an informed citizenry and community members. For the plan to reflect the needs and values of the ~~residents~~citizens of Washington County, ~~public~~citizen participation is essential. This meaningful involvement is necessary throughout the planning process and is an integral part of the ongoing planning program.

\*\*\*

In June 2016, the County transitioned the CPO program responsibilities from the OSU Extension Office to the County through the creation of the Community Engagement Program. During this transition, the CPO and CCI acronyms were redefined as Community Participation Organization and Committee for Community Involvement.

**Appendix A**

**GLOSSARY**

**PREFACE**

\*\*\*

**Community~~Citizen~~ Participation Organization (CPO).** ~~An~~ citizen~~organization~~ comprised of community members and acknowledged~~established~~ by the Board of ~~County~~Community Commissioners to serve as a vehicle for communication between governments and ~~citizens~~community members on matters affecting the livability of the community. CPO leaders and representatives comprise the County's Committee for Community~~Citizen~~ Involvement (CCI).

\*\*\*

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

## 1. SECTION 107 - PLANNING PARTICIPANTS

### 107-5 Land Use Ordinance Notices

\*\*\*

#### 107-5.3 General Notification List:

\*\*\*

##### B. The list shall consist of:

\*\*\*

- (2) The designated representative of all officially recognized citizen involvement organizations including Community~~citizen~~ Participation Organizations (CPOs) and neighborhood organizations or neighborhood associations as defined by Section 107-8.

\*\*\*

#### 107-5.5 Annual Land Use Notice:

\*\*\*

##### B. Mailing

- (1) The annual land use notice shall be included with the ad valorem tax statements mailed by the Department of Assessment & Taxation and shall be mailed to each officially recognized Community~~Citizen~~ Participation Organization at approximately the same time. In addition, the Board may direct that an annual land use notice may be mailed at such other times as deemed advisable.
- (2) Failure to receive notice shall not invalidate any ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person who did not receive notice.

\*\*\*

### 107-6 Committee for Community~~Citizen~~ Involvement (CCI)

#### 107-6.1 Purpose: The purpose of the Committee for Community~~Citizen~~ Involvement (CCI) is:

- A. To serve as the officially recognized citizen and community participation resource committee, which is representative of geographic areas and interests;

\*\*\*

### 107-7 Community~~Citizen~~ Participation Organization (CPO)

#### 107-7.1 Purpose:

- A. To facilitate effective citizen and community involvement in the planning and development of Washington County.

- B. To assist in the development of and revisions to the County Comprehensive Plan.
- C. To participate in special projects and studies affecting communities.

\*\*\*

## 2. SECTION 201 - DEVELOPMENT PERMIT

### 201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

\*\*\*

- 201-2.28 Annexation, boundary changes, or extraterritorial extensions pursuant to ORS 198 and 199.

\*\*\*

## 3. SECTION 203 - PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

### 203-3 Neighborhood Meeting

#### 203-3.1 Intent and Purpose:

The purpose of the neighborhood meeting is to provide a forum means for the applicant, and surrounding neighbors, and interested members of the Community Citizen Participation Organization (CPO) representatives to meet and to consider review a development proposed at application, and to discuss identify issues/ regarding concerns regarding the proposal so they may be addressed prior to application submittal, in a manner that is consistent with the requirements of this Code. This preliminary meeting is intended to inform, encourage and maximize citizen involvement early in the development process so that the resultant in an application that is more responsive to neighborhood concerns, and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the neighborhood meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.

\*\*\*

- 203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

\*\*\*

- E. A site plan of the property illustrating the property boundaries, proposed and existing structures and improvements, easements, driveways, water and sewer lines, septic tanks and drainfields, and all drainage courses, and structures within 250 feet of a drainage course...

#### 4. SECTION 204 - NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS

##### 204-3 Type II Actions

204-3.1 A public notice of pending review shall be mailed to:

\*\*\*

- C. The recognized Community~~Citizen~~ Participation Organization in which subject property is located. When a Director's Interpretation application submitted pursuant to Section 217 does not involve a specific property, public notice of pending review shall be provided to all Community~~Citizen~~ Participation Organizations;

\*\*\*

204-3.4 Notice of the decision shall be provided to the applicant, all persons who submitted written comments, all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and the Community~~Citizen~~ Participation Organization in which the subject property is located. The notice shall contain:

\*\*\*

##### 204-4 Type III Actions

\*\*\*

204-4.2 The notice of public hearing shall be mailed to:

\*\*\*

- C. The recognized Community~~Citizen~~ Participation Organization within which the subject property is located;

\*\*\*

#### 5. SECTION 205 - PUBLIC HEARINGS

Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this Section.

##### 205-3 Parties

\*\*\*

205-3.2 Only parties shall be entitled to appeal a decision. Only persons who make an appearance of record shall be parties to a Type I or Type III action. Only the applicant, persons who submitted written comments, persons entitled to notice of pending review, and the Community~~Citizen~~ Participation Organization in which the subject property is located shall be deemed parties to a Type II action.

\*\*\*

**6. SECTION 217 - DIRECTOR'S INTERPRETATION**

\*\*\*

**217-3 Procedure**

\*\*\*

217-3.4 Public notice of pending review of a Director's Interpretation shall be provided to all Community~~Citizen~~ Participation Organizations (CPOs) as set forth in Section 204-3.1 C. of this Code for an interpretation that does not involve a specific property. Notice of decision shall be provided to all CPOs as set forth in Section 204-3.4 of this Code.

\*\*\*

**7. SECTION 356 - LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)**

**356-4 Uses Which May be Permitted Through a Type III Procedure**

\*\*\*

356-4.5 Solid Waste Transfer Station - Section 430403-129.

\*\*\*

**8. SECTION 379 - MINERAL AND AGGREGATE OVERLAY DISTRICT**

**379-15 Review and Enforcement**

\*\*\*

379-15.4 Enforcement  
The Planning Director or his/her authorized designee, or a duly authorized peace officer, may issue a Uniform Citation for violation of Section 379, as provided for in Section 215, Code Compliance~~Enforcement~~.

**9. SECTION 418 - SETBACKS**

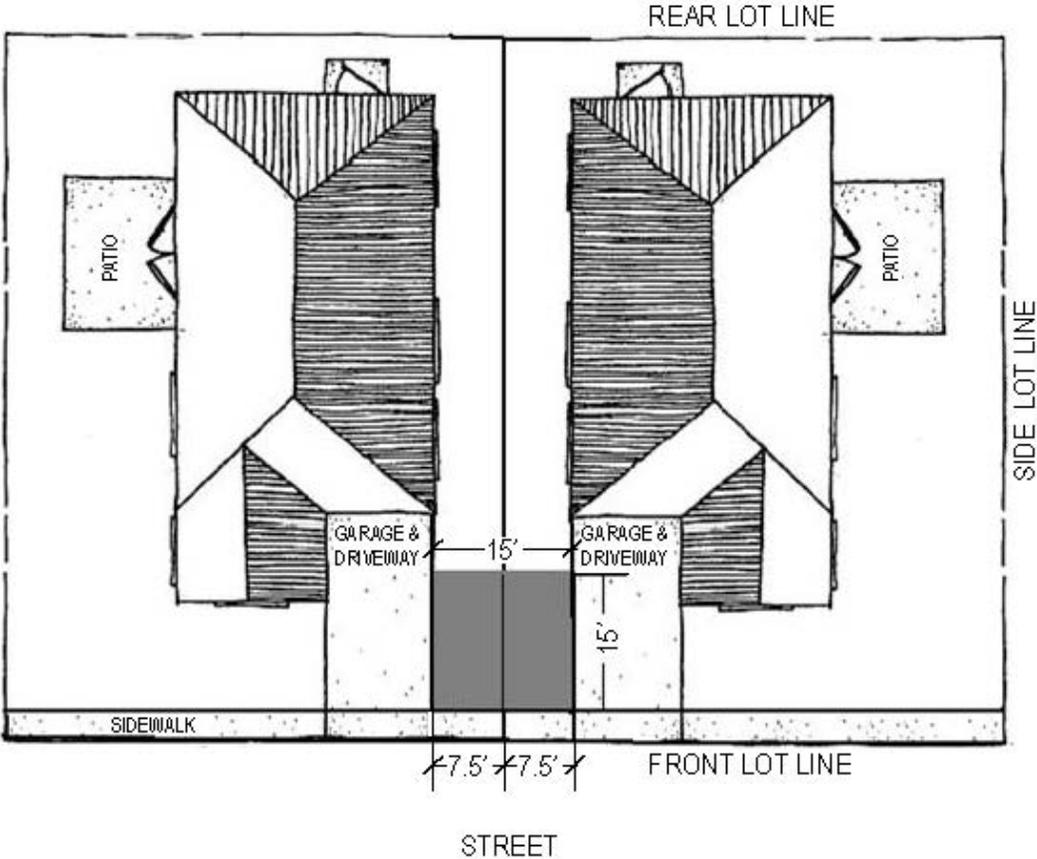
**418-4 Fences and Retaining Walls**

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

\*\*\*

418-4.7 Residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) more than three (3) feet in height, measured from finished grade, within a fifteen (15) by fifteen (15) foot square~~triangle~~ along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line (for design standards see Figure 2 and Figure 3).

Figure 2. Plan View



\*\*\*

**10. SECTION 421 - FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT**

The County administers and enforces the State of Oregon Specialty Codes pursuant to the requirement established in ORS 455. The Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

**421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards**

421-1.1 The following maps are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County: entitled, "Flood Plain Series, Washington County, Oregon, revision 5/01/1974, 1/03/1978, 1/1981, 5/25/1983 and 12/12/1983" based upon data from the U.S. Army Corps of Engineers; "Flood Insurance Rate Map, Washington County, Oregon," effective dates February 18, 2005 and November 4, 2016; together with the "Flood Insurance Study for Washington County, Oregon and Incorporated Areas, dated November 4, 2016" with amendments;

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

Formatte  
Formatte  
Formatte  
Formatte

and the “Flood Boundary and Floodway Maps”, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60), ~~are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County.~~

Where the maps are not available, or where the Director determines more accurate information is available, the Director may use any Base Flood Elevation and floodway data available from a federal or state source, or from a licensed professional engineer, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

\*\*\*

## 11. 427 - SOLAR ACCESS STANDARDS

### 427-5 Solar Access Permit

\*\*\*

#### 427-5.6 Permit Enforcement Process

##### A. Enforcement Request

A solar access permittee may request the County to enforce ~~the a~~ solar access permit by providing the following information to the Director:

- (1) A copy of the solar access permit and the site plans recorded with the permit;
- (2) A completed ~~copy of the department's complaint alleged code violation~~ form;
- (3) The legal description of the property on which the alleged nonexempt tree or hedge is situated, the address of the owner(s) of that property, and a scaled site plan of the property showing the nonexempt tree or hedge; and
- (4) Evidence that the alleged tree or hedge violates the solar access permit.  
Evidence may include a sun chart, photograph, shadow pattern, or photographs.

##### B. Enforcement Process

If the Director determines the request for enforcement is complete, the Director shall initiate an enforcement action pursuant to Section 215, Code Compliance(Enforcement). However, the Director shall not enforce the requirements of the solar access permit against trees or hedges the owner of which shows were in the ground on the date the application for the solar access permit was filed with the County.

\*\*\*

**12. SECTION 430 - SPECIAL USE STANDARDS**

**430-37 Detached Dwelling Unit**

430-37.2 Rural

A. In the EFU and AF-20 Districts, a primary dwelling unit customarily provided in conjunction with farm use may be approved when the following standards are met:

\*\*\*

(2) Except as permitted in Section 340-4.1 AN. and 344-4.1 AN., there is no other dwelling on the subject tract; and

\*\*\*

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 828

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

---

### SUMMARY:

Ordinance No. 828 amends the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Community Development Code related to housekeeping and general updates. Ordinance No. 828 is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

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. 828. Prior to the September 26, 2017 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage, and available at the Clerk's desk.

Attachment: Resolution and Order

Exhibit A (Ordinance Findings) is linked online.

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 828 and authorize the Chair to sign the Resolution and Order memorializing the action.

---

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<u>4.c.</u>
Date:	<u>09/26/17</u>

RO 17-100

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. 828 ) No. 17-100

5 This matter having come before the Washington County Board of Commissioners at its  
 6 meeting of September 26, 2017; and

7 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts  
 8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
 9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's  
 10 Urban Growth Management Functional Plan relating to Ordinance No. 828; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
 14 on September 6, 2017, made a recommendation to the Board, which is in the record and has been  
 15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance  
 21 No. 828 are hereby adopted.

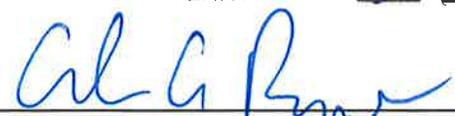
22 DATED this 26 day of September, 2017.

	AYE	NAY	ABSENT
<b>DUYCK</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SCHOUTEN</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>MALINOWSKI</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ROGERS</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TERRY</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23 APPROVED AS TO FORM:

23 BOARD OF COMMISSIONERS  
 24 FOR WASHINGTON COUNTY, OREGON

25   
 Chairman

26   
 27 County Counsel  
 28 For Washington County, Oregon

26   
 27 Recording Secretary

## EXHIBIT A

### FINDINGS FOR ORDINANCE NO. 828

#### AN ORDINANCE AMENDING THE RURAL/NATURAL RESOURCE PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA AND THE COMMUNITY DEVELOPMENT CODE RELATING TO HOUSEKEEPING CHANGES AND GENERAL UPDATES

September 26, 2017

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

#### GENERAL FINDINGS

Ordinance No. 828 is a general housekeeping ordinance that proposes minor updates, corrections and revisions to Washington County’s Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Community Development Code.

#### Key Ordinance Provisions

Rural/Natural Resource Plan and Comprehensive Framework Plan for the Urban Area Policies Amended	
<ul style="list-style-type: none"><li>• <b>Policy 2 – Citizen Involvement &amp; Appendix A - Glossary</b> In both Plan documents, updates references to Committee for Community Involvement (CCI), Community Participation Organization (CPO), and Board of Commissioners, adds clarifying text regarding the County’s Community Engagement Program created in 2016.</li></ul>	
Community Development Code Sections Amended	
<ul style="list-style-type: none"><li>• <b>107 – Planning Participants;</b></li><li>• <b>204 – Notice of Type I, II or III Development Actions;</b></li><li>• <b>205 – Public Hearings; and</b></li><li>• <b>217 – Director’s Interpretation:</b> Updates references to Committee for Community Involvement (CCI), Community Participation Organization (CPO) in the above-listed CDC sections.</li><li>• <b>203 – Processing Type I, II and III Development Actions:</b> Updates references to Committee for Community Involvement (CCI), Community Participation Organization (CPO) and clarifies text related to neighborhood meetings.</li></ul>	<ul style="list-style-type: none"><li>• <b>356 – Land Extensive Industrial District (MAE):</b> Corrects cross-reference.</li><li>• <b>379 – Mineral and Aggregate Overlay District &amp; 427 – Solar Access Standards:</b> Corrects cross-reference.</li><li>• <b>418 – Setbacks:</b> Corrects description of standard and its associated illustration.</li><li>• <b>421 – Flood Plain and Drainage Hazard Area Development:</b> Restores reference to U. S. Army Corps of Engineers map series inadvertently removed by ordinance in 2014.</li><li>• <b>430 – Special Use Standards:</b> Corrects cross-reference.</li></ul>

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 Board also finds that Goals 3 (Agricultural Lands) and 4 (Forest Lands) Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water and Land Resources Quality), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), and Goal 14 (Urbanization) are not affected by the minor amendments made through Ordinance No. 828.

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 at the end of this document.

## **Part 2: STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 828 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 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. 828.

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

### **Goal 7 - Areas Subject to Natural Hazards**

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards. Ordinance No. 828 returns a reference to a U.S. Army Corps of Engineers map series which documents the Drainage Hazard Areas of Washington County. This reference, returned through Ordinance No. 828, maintains Plan compliance with Goal 7, and consistency with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards in 25-year flood plains, or Drainage Hazard Areas.

### **Part 3:**

## **URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS**

### **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 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

Consistent with Title 8, a digital copy of proposed Ordinance No. 828 was sent August 2, 2017 to Metro, 35 days prior to the first evidentiary hearing. Metro confirmed receipt of the submittal the same date. Metro provided no comments on Ordinance No. 828.