



# AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

**ADOPTED**

**Meeting Date:** November 02, 2021 **CPO:** All CPOs except 1, 2, 3, 4M  
**Agenda Category:** PUBLIC HEARINGS  
**Department(s):** Land Use & Transportation  
**Presented by:** Stephen Roberts, Director of Land Use & Transportation  
Thomas A. Carr, County Counsel

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**Agenda Title:** **Consider Proposed A-Engrossed Ordinance No. 877 – An Ordinance Amending the Community Development Code Affecting Certain Rural Land Use Districts to Align Certain Code Sections with State Statute**

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## **REQUESTED ACTION:**

Read A-Engrossed Ordinance No. 877 by title only and conduct the third public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 877.

## **SUMMARY:**

A-Engrossed Ordinance No. 877 proposes to amend the Community Development Code (CDC) to make changes required for consistency with state law and to improve clarity and organization. Amendments are limited in scope and impact the County's resource land use districts – Exclusive Farm Use (EFU), Agriculture and Forest Use (AF-20) and Exclusive Forest and Conservation (EFC). A-Engrossed Ordinance No. 877 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)

The Board of Commissioners conducted a public hearing Oct. 5, 2021 for Ordinance No. 877. After the Oct. 5 hearing, the Board directed engrossment of the ordinance to make several changes. A summary of the amendments was included in the staff report for the Oct. 5 hearing. This is the second of two required public hearings for A-Engrossed Ordinance No. 877.

A staff report will be provided to the Board prior to the Nov. 2, 2021 hearing and posted on the above land use ordinance webpage and hyperlinked below.

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

## **ADDITIONAL INFORMATION:**

**Community Feedback (Known Support/Opposition):**

Previous comments on this ordinance have been addressed through staff action or incorporated into amendments to the filed ordinance. No comments have been received on filed A-Engrossed Ordinance 877.

**Legal History/Prior Board Action:**

- On Oct. 5, 2021 the Board authorized engrossment of Ordinance No. 877. Subsequently, an evening public hearing on Oct. 26, 2021 was held in accordance with Charter Chapter X.
- Amendments in this ordinance were included in the Board-approved 2021-22 Long Range Planning Work Program (Minute Order 21-176). On July 27, 2021 a Measure 56 notice related to template forest dwellings was authorized by the Board (Minute Order 21-201).
- The Board adopted the County’s acknowledged Comprehensive Plan, which includes the CDC, through multiple land use ordinances in 1983. Various amendments to the CDC to maintain consistency with changes in state law that apply to rural uses have occurred over time, most recently in 2020 via Ordinance No. 866.

**Budget Impacts:**

None

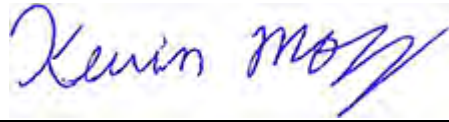
**ATTACHMENTS:**

[A-Engrossed Ordinance No. 877 - Presentation](#)

[Ordinance 877A - Additional staff report](#)

[ADOPTED Ordinance 877A](#)

Approved by the  
Washington County Board of Commissioners  
also serving as the governing body of Clean Water Services and all other County Districts



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Kevin Moss, Board Clerk

November 2, 2021

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Date Signed



# A-Engrossed Ordinance No. 877-A

MINOR DEVELOPMENT CODE  
AMENDMENTS TO ALIGN WITH  
STATE LAW

Board of Commissioners Nov. 2, 2021

Land Use & Transportation

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

# → A-Engrossed Ordinance No. 877 overview

Minor amendments for consistency with updated state law authorized in 2021-22 Long Range Planning Work Program

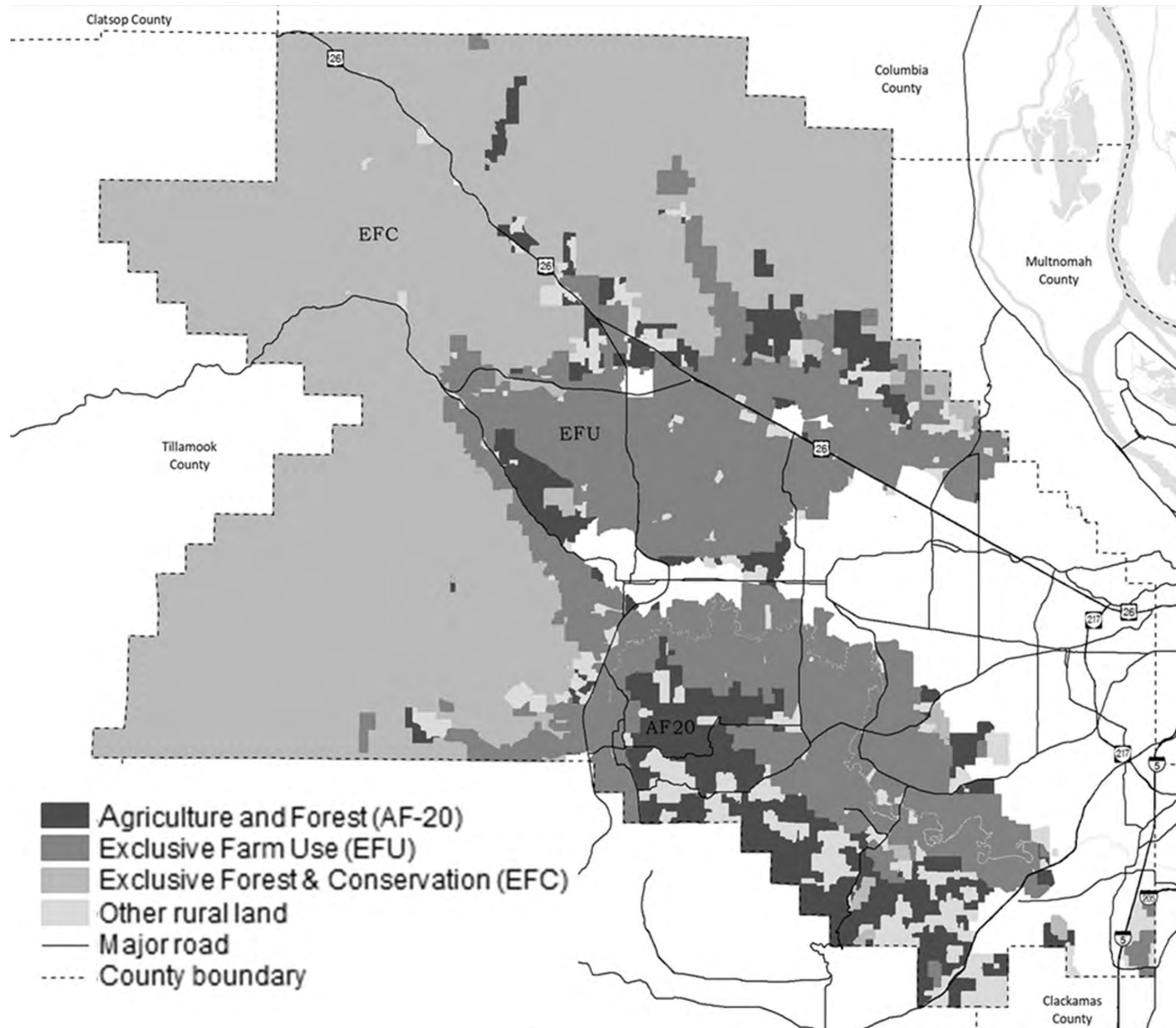
Need for additional changes identified by Department of Land Conservation and Development (DLCD) staff and community member

Planning Commission recommended adoption with staff-proposed changes

Engrossment authorized by the Board Oct. 5

First public hearing on A-Engrossed Ordinance No. 877 on Oct. 26

No comments received on the changes



# Context

- Changes address allowed uses in the Agriculture & Forest (AF-20), Exclusive Farm Use (EFU) and the Exclusive Forest and Conservation (EFC) districts
- Allowed uses are subject to Goals 3 and 4 for Agriculture and Forest Lands in these resource districts

# → Finding of compliance summary

Amendments in A-Engrossed Ordinance No. 877 comply with statewide Planning Goals, Metro Title 13 and Comprehensive Plan policies:

- Notification and public hearings occurred as required by state and local regulations
- Amendments are consistent with state law and statewide Planning Goals, particularly Goals 3 and 4 (Agriculture and Forest Lands)
- Amendments are consistent with existing Plan policies

# → Staff recommendation

Conduct the public hearing

Adopt A-Engrossed Ordinance No. 877

By separate action, adopt associated findings



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## STAFF CONTACT

Carine Arendes, Associate Planner

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Land Use & Transportation  
[www.co.washington.or.us](http://www.co.washington.or.us)



Oct. 25, 2021

To: Washington County Board of Commissioners

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 877 – An Ordinance Addressing Minor Amendments to the Community Development Code Affecting Certain Rural Land Use Districts to Align with State Statute**

**STAFF REPORT**

**For the Nov. 2, 2021 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 10 a.m.)*

**I. STAFF RECOMMENDATION**

Conduct the second of two required public hearings for A-Engrossed Ordinance No. 877. At the conclusion of public testimony, close the hearing and take two actions, one to adopt A-Engrossed Ordinance No. 877 and the other to adopt the associated findings.

**II. BACKGROUND**

The Board is scheduled to hold the second of two required public hearings for A-Engrossed Ordinance No. 877 at the Nov. 2 meeting. Staff will provide updated information to the Board at the Nov. 2 meeting as appropriate.

This ordinance proposes changes consistent with state law to amend allowed uses in the Community Development Code (CDC). The changes address uses in the Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC) and Agriculture and Forest (AF-20) land use districts. These are the County's resource districts subject to Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands).

**Department of Land Use & Transportation**  
**Planning and Development Services • Long Range Planning**

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phone: 503-846-3519 • fax: 503-846-4412  
[www.co.washington.or.us/lut](http://www.co.washington.or.us/lut) • [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

After its Oct. 5 public hearing for proposed Ordinance No. 877, the Board directed engrossment of the ordinance and continued the hearing to Oct. 26 and Nov. 2. The Board further directed staff to provide notice of the ordinance changes and the schedule for engrossment hearings as required by Chapter X of the County Charter. No comments have been received on A-Engrossed Ordinance No. 877.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 877 by resolution and order has been provided in the meeting materials for the Board's Nov. 2 meeting.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 877

**ADOPTED**

An Ordinance Addressing Minor Amendments to the Community Development Code Affecting Certain Rural Land Use Districts to Align Certain Code Sections with State Statute

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, 792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859, 864, 866, 867, and 869.

B. As part of its ongoing planning efforts, Washington County staff has identified amendments to the Community Development Code to incorporate recent legislation affecting

1 rural development and to update code sections including those related to permitted uses,  
2 detached dwelling units, and schools located in resource districts. The Board recognizes that  
3 such changes are necessary for the health, safety, and welfare of the residents of Washington  
4 County, Oregon.

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

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

17 SECTION 2

18 The following exhibit, attached hereto and incorporated herein by reference, is adopted  
19 as an amendment to the designated document as follows:

20 A. Exhibit 1 (15 pages), amends the following provisions of the Community  
21 Development Code:

- 22 1. Section 201 – Development Permit;

2. Section 340 – Exclusive Farm Use District (EFU);
3. Section 342 – Exclusive Forest and Conservation District (EFC);
4. Section 344 – Agriculture and Forest District (AF-20);
5. Section 428 – Forest Structure Siting and Fire Safety Standards; and
6. 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.

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SECTION 7

This Ordinance shall take effect 30 days after adoption.

ENACTED this   2nd   day of            November    , 2021, being the  
   3rd   reading and   3rd   public hearing before the Board of County  
Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
\_\_\_\_\_  
CHAIR KATHRYN HARRINGTON

  
\_\_\_\_\_  
RECORDING SECRETARY

READING

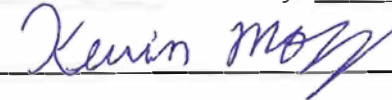
PUBLIC HEARING

First   10/5/21    
Second  10/26/21   
Third   11/2/21   
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

First   10/5/21    
Second  10/26/21   
Third   11/2/21   
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

Harrington, Treece, Fai  
NOTE: Aye: Rogers, Willey

Nay: \_\_\_\_\_

Recording Secretary:  Date: \_\_\_\_\_



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

**1. SECTION 201 – DEVELOPMENT PERMIT**

**201-4 Expiration**

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201-4.2 For dwellings allowed under the following provisions, a development permit shall expire automatically four years from the date of issuance unless one of the actions outlined under Section 201-4.1 occurs first:

- A Replacement Dwellings in the EFC District;
- B. Non-Farm Dwellings in the EFU and AF-20 Districts;
- C. Marginal Lands Dwellings in the AF-20 District;
- D. Lot of Record, Large Ownership and Template Dwellings in the EFC District;  
and
- E. Caretaker residences for public parks and public fish hatcheries.

\*\*\*

**201-5 Extension**

201-5.1 Extension in all Districts Except the EFU, ~~and~~ AF-20 and EFC Districts

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201-5.2 Extension in the EFU, AF-20 and EFC Districts

Applies to all permits in the EFU, AF-20 and EFC Districts except as provided in Section 201-5.3 below. If an extension is desired, the holder of the development permit must file an application for an extension prior to the expiration of the development permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. ~~Except as provided for below in Section 201-5.3, o~~One extension may be granted for a maximum period of one year from the original date of expiration when findings are made demonstrating compliance with A, B, ~~and~~ C below. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.

\*\*\*

201-5.3 Extension of Certain Dwelling Approvals in the EFU, AF-20 and EFC Districts

For the dwelling approvals listed under Section 201-4.2 only, if an extension is desired, the holder of the development permit must file an application for an extension prior to the expiration of the development permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. In accordance with ORS 215.417 (3), an extension approved under this Section is not a land use decision as defined in ORS 197.015.

~~A. One extension may be granted for a maximum of two years from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional extensions are not permitted.~~

~~A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;~~

~~B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the permit; and~~

~~C. There has been no change in circumstances or to the applicable laws likely to necessitate significant modification of the development approval or conditions of approval.~~

B. In addition to an extension allowed by A. above, up to five one-year extensions may be subsequently approved when:

(1) The applicant makes a written request for the additional extension prior to the expiration of the previous extension.

(2) The applicable residential development statute has not been amended following approval of the permit, except for amendments to ORS 215.750 made in 2019 that apply to Template Dwellings (Section 430-37.2 G.).

(3) No changes in state administrative rule or CDC regulations applicable to the permit have occurred since the permit was approved, aside from that noted in (2) above, unless allowed by the County.

**2. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)**

**340-4 Uses Permitted Through a Type II Procedure**

The uses listed in Sections 340-4.1 and 340-4.2 are 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 340-4.3.

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

\*\*\*

D. Processing facility for farm products – Section 430-102.

For the purposes of this Section, processing facility means:

Facility for the processing of farm crops, or the production of biofuel, as defined in ORS 315.141, located on a farm operation that ~~provides~~produces at least one-quarter of the farm crops, or biomass as defined in ORS 315.141, processed at the facility; or

Facility for the slaughtering, processing or selling of poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038 (2).

[Deleted text below reworded for clarity and relocated to **new** Section 430-102 (Processing Facility for Farm Products)]

~~The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to processing activities within another building supporting farm uses.~~

~~Any facility approved under this Section for the commercial processing of marijuana subject to an OLCC license requirement shall demonstrate compliance with Section 430-80.~~

~~A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.~~

~~Any division or property line adjustment proposing to separate a processing facility from the farm operation on which it is located is prohibited.~~

\*\*\*

- P. Land application of reclaimed water, agricultural or industrial process water or biosolids in connection with or for the irrigation of an allowed agricultural, horticultural or silvicultural production use. May include the on-site treatment of septage prior to the land application of biosolids. Use subject to the issuance of a license, permit or other approval by the Department of Environmental Quality or Agriculture. Facilities for on-site septage treatment must be temporary and portable. - See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.

\*\*\*

340-4.2 Permitted Uses which are subject to Section 340-4.3:

\*\*\*

- T. Schools - ~~Public or private for kindergarten through grade 12 (K-12) Elementary and Nursery only~~, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high value farmland. Schools within 3 miles of an UGB must also comply with Section 340-6.

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**340-6 UGB Proximity Standards**

Applies to uses identified in this Code and in OAR 660-033. Alterations or expansions of schools established on the subject tract prior to Jan. 1, 2009 are exempt from these standards.

\*\*\*

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

**342-3 Uses Permitted Through a Type II Procedure**

The uses listed in Section 342-3.1 and 342-3.2 are 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 342-3.3.

342-3.1 Permitted Uses which are exempt from Section 342-3.3:

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P. Parking no more than seven dump trucks and up to seven dump trailers when the proposed use will not:

- (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

\*\*\*

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

**344-4 Uses Permitted Through a Type II Procedure**

The uses listed in Section 344-4.1 and 344-4.2 are 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 344-4.3.

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

\*\*\*

D. Processing facility for farm products – Section 430-102.

For the purposes of this Section, processing facility means:

Facility for the processing of farm crops, or the production of biofuel, as defined in ORS 315.141, located on a farm operation that provides at least one-quarter of the farm crops, or biomass as defined in ORS 315.141, processed at the facility; or

Facility for the slaughtering, processing or selling of poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038 (2).

[Deleted text below reworded for clarity and relocated to **new** Section 430-102 (Processing Facility for Farm Products)]

~~The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to processing activities within another building supporting farm uses.~~

~~Any facility approved under this Section for the commercial processing of marijuana subject to an OLCC license requirement shall demonstrate compliance with Section 430-80.~~

~~A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.~~

~~Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited.~~

\*\*\*

- P. Land application of reclaimed water, agricultural or industrial process water or biosolids in connection with or for the irrigation of an allowed agricultural, horticultural or silvicultural production use. May include the on-site treatment of septage prior to the land application of biosolids. Use subject to the issuance of a license, permit or other approval by the Department of Environmental Quality or Agriculture. Facilities for on-site septage treatment must be temporary and portable. - See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.

\*\*\*

344-4.2 Permitted Uses which are subject to Section 344-4.3:

\*\*\*

- T. Schools - Public or private for kindergarten through grade 12 (K-12) Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high value farmland. Schools within 3 miles of an UGB must also comply with Section 344-6.

\*\*\*

#### **344-6 UGB Proximity Standards**

Applies to uses identified in this Code and in OAR 660-033. Alterations or expansions of schools established on the subject tract prior to Jan. 1, 2009 are exempt from these standards.

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### **5. SECTION 428 – FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS**

#### **428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure**

~~Dwellings and structures, including replacement dwellings and accessory structures,~~ that are reviewed through a Type I procedure, including replacement dwellings and accessory structures, shall comply with the following standards. ~~#When the Type I standards are not cannot be met on a property, the Type II standards of Section 428-4 shall apply. In order to qualify under the Type I standards below, †The property shall be located within the boundaries of a Fire Protection District (does not include Oregon Dept. of Forestry) in order to qualify under the Type I standards below.~~

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428-3.3 Stocking Requirements for Dwellings

On lots or parcels greater than 10 acres, new All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A- Pursuant to ORS 215.730, approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

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#### **428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure**

Dwellings and structures, ~~including replacement dwellings and accessory structures,~~ that do not comply with the standards in Section 428-3, including replacement dwellings and accessory structures, shall be reviewed through a Type II procedure and shall comply with the following standards:

\*\*\*

##### **428-4.3 Stocking Requirements for Dwellings**

~~On lots or parcels greater than 10 acres, new All dwellings, including replacement dwellings,~~ shall comply with the following stocking standards:

- A- Pursuant to ORS 215.730, approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

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## **6. SECTION 430 – SPECIAL USE STANDARDS**

In addition to the requirements of Sections 400 through 425, the following special use standards are provided for specific uses. Additional or amended special use standards that are applicable in the North Bethany Subarea of the Bethany Community Plan are located in Section 390, North Bethany Subarea Overlay District.

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### **430-37 Detached Dwelling Unit**

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#### **430-37.2 Rural**

In the resource districts (EFU, EFC, AF-20) a detached dwelling is allowed in certain circumstances, as identified below. For the purposes of this Section, "tract" means one or more contiguous lots or parcels under the same ownership (ORS 215.010).

\*\*\*

- A. Farm Dwelling. 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:

\*\*\*

- B. Woodlot Farm Dwelling. In the EFU and AF-20 Districts, a primary dwelling in conjunction with the propagation or harvesting of a forest product may be approved when the following standards are met:

\*\*\*

- C. Relative Farm Dwelling. A Dwelling Unit located on real property used for farm use occupied by a relative may be approved when:

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- D. Accessory Farm Dwelling. In the EFU and AF-20 Districts, accessory dwellings customarily provided in conjunction with farm use may be approved when:

\*\*\*

- E. Lot of Record Forest Dwelling. In the EFC District, a ~~single-family primary~~ dwelling unit on a lot or parcel may be approved when the following standards are met:

~~(1) For the purposes of this section, the words listed below have the following meaning:~~

~~(a) **Tract.** One or more contiguous lots or parcels under the same ownership.~~

~~(b) **Commercial tree species.** Trees recognized under rules adopted under ORS 527.715 for commercial production.~~

~~(c) **Date of creation and existence.** When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.~~

~~(2) Lot of Record Dwelling Standards~~

~~(a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:~~



(~~ia~~) Prior to January 1, 1985; or

(~~ib~~) By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

For the purposes of the Lot-of-Record Dwelling Standards, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(~~b2~~) The tract on which the dwelling will be sited does not include a dwelling.

(~~e3~~) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.

(~~e4~~) The tract on which the dwelling will be sited is composed of soils not capable of producing 5,000 cubic feet per year or more of commercial forest tree species as defined in ORS 527.715.

(~~e5~~) The tract on which the dwelling will be sited is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:

(~~ia~~) A United States Bureau of Land Management road; or

(~~ib~~) A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(~~3~~) F. Large Tract Forestland Dwelling Standards In the EFC District, a primary dwelling unit may be approved when the following standards are met:

(~~a1~~) Lot Area Requirements:

(~~ia~~) The dwelling will be sited on a tract ~~in one ownership~~ of at least 160 contiguous acres zoned for forest use. A tract shall not be considered to consist of less than 160 acres because it is crossed by a public road or waterway; or

(~~ib~~) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total 200 acres or more.

(~~ii2~~) Prior to issuance of a building permit:

The owner shall submit proof that the covenants, conditions, and restrictions form adopted by OAR 660-006, effective March 1, 1994, has been recorded in the deed records for all the tracts that are used to meet the acreage requirement.

(a) The covenants, conditions, and restrictions shall preclude all future rights to construct a dwelling on the tract(s) or to use the tract(s) to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forestlands. The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by the Director.

(b) The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the Department of Assessment & Taxation Recording Division pursuant to this subsection and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions, restrictions filed in the Department of Assessment & Taxation Recording Division pursuant to this subsection. The map or other record required by this subsection shall be readily available to the public in the Department of Land Use & Transportation.

(b3) The tract or tracts on which the dwelling will be sited does not include a dwelling.

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~~(4)G. Template Forest Dwelling Standards~~ In the EFC District, a primary dwelling unit may be approved when the lot or parcel must meet one of the Template Options Test and one of the Parcel Options the Additional Standards in (1) and (2) below.

(1) Template Test

Subsections (a) and (b) below detail how to place the template and the minimum parcel and dwelling requirements. If the data that the county has on record shows that any of the dwellings used to qualify for the template test are within 100 feet of the template, the applicant may be required to provide more accurate information, stamped by a professional surveyor, in order for the Review Authority to determine whether or not the standards can be satisfied. Acceptable forms of information include a survey of the subject parcel, referenced to digital orthographic photographs, including information on the accuracy of the photographs for the subject area.

(a) Template Options: Location

The following subsections detail the options available to qualify a lot or parcel for a dwelling based on the 160-acre template is a 160-acre square or rectangular pattern (square or rectangle) centered on the subject tract (Figure 1). As used in this Section, "centered on the subject tract" means the mathematical centroid of the tract. After the template position has been selected, the template shall remain fixed while the parcels and dwellings are counted.

~~Option 1: For tracts less than 60 acres:~~

~~(i) \_\_\_\_\_~~

~~The lot or parcel on which the dwelling is to be established shall be within a 160-acre square centered on the center of the subject tract; or that may be rotated around the centroid to most advantageous position, except that:~~

~~(ii) For tracts less than 60 acres, if the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road. See Figure 1.~~

~~(ii) Option 2: For tracts 60 acres and larger, if a the tract 60 acres or larger abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or perennial stream.~~

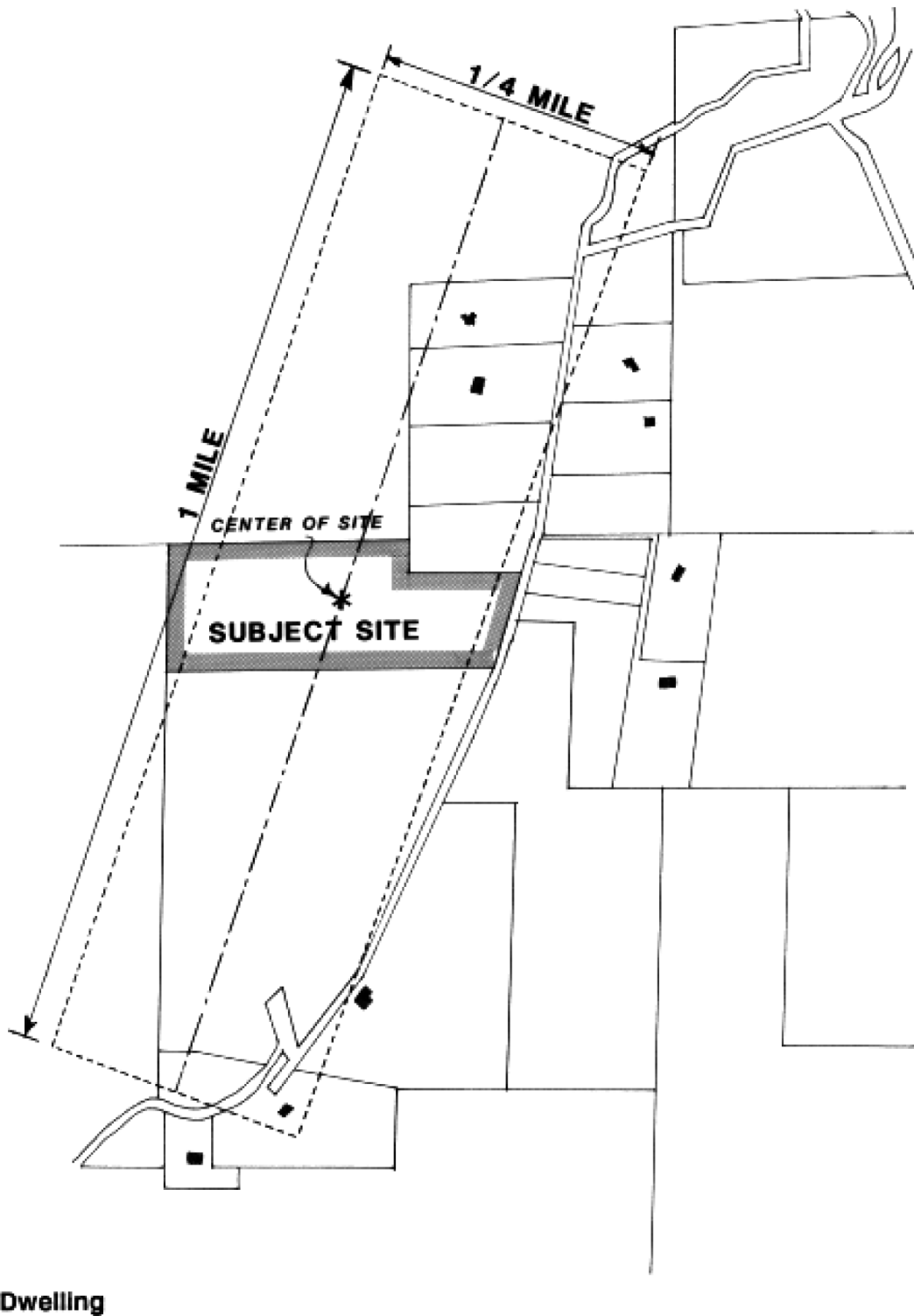
However, one of the three required dwellings under the Parcel Options and Dwelling Requirements shall be on the same side of the road or stream as the tract and:

~~(iA)~~ Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

~~(iiB)~~ Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

~~(iiiC)~~ If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

**FIGURE 1. 160 Acre Rectangle Template**



abcdef Proposed additions  
~~abcdef~~ Proposed deletions

- (b) ~~Parcel Options; and Dwelling Requirements. The following subsections detail the minimum number of Parcels and Dwellings required options available to qualify a lot or parcel for a dwelling is based on the parcel's soil type production capacity as follows.~~

If the lot or parcel is predominantly composed of soils that are capable of:

- (i) Producing 0 to 49 cubic feet per acre per year of wood fiber, there shall be within the 160-acre ~~square template~~ all or part of at least three other lots or parcels, all of which have dwellings. At least one of these three dwellings must be located within the 160-acre ~~square template~~; two may be within 500 feet of the ~~square template~~.
- (ii) Producing 50 to 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre ~~square template~~ all or part of at least seven other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre ~~square template~~; two may be within 500 feet of the ~~square template~~.
- (iii) ~~If the lot parcel is predominantly composed of soils that are capable of p~~Producing more than 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre ~~square template~~ all or part of at least 11 other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre ~~square template~~; two may be within 500 feet of the ~~square template~~.

(2) Additional Standards

- (a) For the purposes of the Pparcel Rrequirements in (1)(b) above, all lots, parcels and dwellings must have existed on Jan. ~~uary~~ 1, 1993, and continue to exist. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements of the Parcel Requirements ~~above~~.
- (b) The subject lot or parcel must have been lawfully established.
- (c) Any property line adjustment to the lot or parcel must have complied with the applicable property line adjustment provisions in ORS 92.192.
- (d) Any property line adjustment after Jan. 1, 2019, did not qualify a lot or parcel for a dwelling under this Section.
- (ee) The tract on which the dwelling will be sited does not include a dwelling.

- (f) If the lot or parcel on which the dwelling will be sited was part of a tract on Jan. 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.
- (g) Prior to issuance of a building permit, the owner shall submit proof that the covenants, conditions and restrictions form adopted by OAR 660-006, effective March 1, 1994, has been recorded in the deed records for all lots and parcels within the tract used to meet the requirements of this Section.
  - (i) The covenants, conditions and restrictions shall preclude all future rights to construct a dwelling on the tract unless the tract is no longer subject to protection under the goals for agricultural lands or forestlands. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the Director.
  - (ii) The Director shall maintain a copy of the covenants, conditions and restrictions filed in the Department of Assessment & Taxation Recording Division pursuant to this subsection.

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#### **430-102 Processing Facility for Farm Products**

A processing facility for farm products in accordance with Section 340-4.1 D. or Section 344-4.1 D. shall:

- A. Limit total processing area to less than 10,000 square feet of floor area, regardless of the number of buildings on-site. Processing area does not include floor area designated for preparation, storage or other farm use.
- B. Demonstrate compliance with Section 430-80 (Marijuana Facilities and Marijuana Production) when seeking approval for commercial processing of marijuana subject to an OLCC license requirement.
- C. Comply with all applicable siting standards, except that:
  - (1) The standards shall not be applied in a manner that prohibits the siting of the processing facility.
  - (2) Facilities less than 2,500 square feet are not subject to siting standards.
- D. Remain on the same parcel or lot as the farm operation. A condition of approval shall be applied to ensure compliance with this requirement.

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**430-121 Schools, Including Nursery (Private and Public)**

A place for systematic instruction in any branch or branches of knowledge including any of the following: nursery, kindergarten, primary, intermediate and high school or combination thereof, which may be a public school or a private school offering instruction substantially similar to public schools. School does not include trade and commercial schools or day care facilities.

\*\*\*

430-121.3 Schools in the EFU and AF-20 Districts shall be small in size, rural in character and not require urban services. Alterations or expansions of existing K-12 schools is allowed for schools established on the subject tract prior to Jan. 1, 2009 when the expansion occurs:

A. On the same tax lot on which the school is located; or

B. On a tax lot that is contiguous to the tax lot on which the school is located and, as of Jan. 1, 2015, was in the same ownership as the tax lot on which the school is located.



# AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

**RO 21-117**

**Meeting Date:** November 02, 2021 **CPO:** All CPOs except 1, 2, 3, 4M  
**Agenda Category:** ACTION  
**Department(s):** Land Use & Transportation  
**Presented by:** Stephen Roberts, Director of Land Use & Transportation

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**Agenda Title:** **Adopt Findings for A-Engrossed Ordinance No. 877**

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## **REQUESTED ACTION:**

Adopt the findings for A-Engrossed Ordinance No. 877 and authorize the Chair to sign the Resolution and Order memorializing the action.

## **SUMMARY:**

A-Engrossed Ordinance No. 877 amends the Community Development Code (CDC) to make changes required for consistency with state law and to improve clarity and organization. Amendments are limited in scope and impact the County's resource land use districts – Exclusive Farm Use (EFU), Agriculture and Forest Use (AF-20) and Exclusive Forest and Conservation (EFC). A-Engrossed Ordinance No. 877 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 WashingtonCounty'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. 877. Prior to the Nov. 2, 2021 meeting, the proposed findings will be provided to the Board and posted on the above land use ordinance webpage.



**ADDITIONAL INFORMATION:**

**Community Feedback (Known Support/Opposition):**

None known at this time regarding the proposed findings. Refer to separate A-Engrossed Ordinance No. 877 Board agenda item for community input on the proposed ordinance.

**Legal History/Prior Board Action:**

Refer to A-Engrossed Ordinance No. 877 Board agenda item.

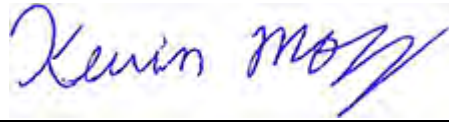
**Budget Impacts:**

None

**ATTACHMENTS:**

[Resolution and Order 21-117 - Ordinance 877A Findings](#)  
[Ordinance 877A Findings](#)

Approved by the  
Washington County Board of Commissioners  
also serving as the governing body of Clean Water Services and all other County Districts



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Kevin Moss, Board Clerk

November 2, 2021

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Date Signed

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support ) No. 21-117  
5 of A-Engrossed Ordinance No. 877 )  
6 )

7 This matter having come before the Washington County Board of Commissioners (Board)  
8 at its meeting of November 2, 2021; and

9 It appearing to the Board that the findings contained in Exhibit A summarize relevant facts  
10 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
11 Statutes and Administrative Rules, Washington County’s Comprehensive Plan, and titles of  
12 Metro’s Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 877;  
13 and

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

16 It appearing to the Board that the Planning Commission, at the conclusion of its public  
17 hearing on September 1, 2021, made a recommendation to the Board, which is in the record and  
18 has been reviewed by the Board; and

19 It appearing to the Board that, in the course of its deliberations, the Board has considered  
20 the record which consists of all notices, testimony, staff reports, and correspondence from  
21 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,

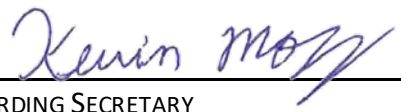
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RESOLVED AND ORDERED that the attached findings in Exhibit A in support of A-Engrossed Ordinance No. 877 are hereby adopted.

DATED this 2nd day of November 2021.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
\_\_\_\_\_  
CHAIR KATHRYN HARRINGTON

  
\_\_\_\_\_  
RECORDING SECRETARY

## EXHIBIT A

### FINDINGS FOR A-ENGROSSED ORDINANCE NO. 877

#### AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE AFFECTING CERTAIN RURAL LAND USE DISTRICTS TO ALIGN CERTAIN CODE SECTIONS WITH STATE STATUTE

Nov. 2, 2021

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. 877 amends the Community Development Code (CDC) to make changes required for consistency with state law and to improve clarity and organization. Changes are limited to the rural land use districts that meet Oregon statutory and Administrative Rule requirements for farm and forest lands: Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC) and Agriculture and Forest (AF-20).

#### Key Ordinance Provisions

- Revises permit extension time frames for certain residential developments in EFU, EFC and AF-20 Land Use Districts.
- Adds state allowance for temporary portable on-site septage treatment facilities in EFU and AF-20 Districts.
- Updates existing allowance and special use standards for schools in EFU and AF-20 Districts.
- Updates processing facility standards in EFU and AF-20 Districts to limit facilities to less than 10,000 square feet. Changes provide for poultry processing and very small facilities (under 2,500 square feet).
- Adds state allowance for dump truck parking in the EFC District.
- Clarifies forest planting “stocking” requirements apply only to lots greater than 10 acres when new dwellings are approved.
- Reorganizes standards for Forest Dwellings and updates existing criteria for “template dwellings” allowed in the EFC District.

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 (OARs) are not addressed because these resources are not located within Washington County. The Board finds that Statewide Planning Goal 14 (Urbanization) is not applicable because the area affected by this ordinance is entirely outside the Urban Growth Boundary (UGB).

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. 877 is consistent with the Goals, Oregon Revised Statutes (ORS), OARs, Metro’s 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 community participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for community members 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 community involvement during review and adoption of land use ordinances, including public hearings. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 877.

**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 (RNRP), Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, CDC and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 877.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 877 were addressed either as part of the proceedings or with subsequent staff coordination.

### **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 RNRP include provisions for the preservation of agricultural lands.

A-Engrossed Ordinance No. 877 updates the CDC to include standards that the County must implement in exclusive farm use districts (EFU and AF-20) pursuant to state legislation. As such, compliance with Goal 3 is maintained.

### **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 RNRP include provisions for the conservation and maintenance of forest lands.

This ordinance updates the CDC to include standards that the County must implement in exclusive forest use districts (EFC) pursuant to state legislation. Amendments to the CDC in A-Engrossed Ordinance No. 877 maintain compliance with Goal 4.

### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments when the PAPA: 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site on an acknowledged resource list.

Policies 7, 9, 10, 11, 12 and 13 of the RNRP, and various sections of the CDC include provisions for the protection of Goal 5 resources in the rural area.

CDC amendments proposed by A-Engrossed Ordinance No. 877 do not amend any RNRP or CDC requirements related to rural Goal 5 resources. Therefore, compliance with Goal 5 is maintained.

#### **Goal 6 – Air, Water and Land Resources Quality**

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the RNRP provide for the maintenance and improvement of the quality of air, water and land resources.

Amendments in A-Engrossed Ordinance No. 877 are consistent with and do not amend the policies and requirements provided for the protection of Goal 6 resources in the rural area.

#### **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 RNRP sets out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 877 does not amend the applicable Plan policies and strategies, or CDC sections related to flood plain areas, or to natural disasters and hazards. Therefore, compliance with Goal 7 is maintained.

#### **Goal 8 – Recreational Needs**

Goal 8 requires local jurisdictions to satisfy the recreational needs of community members and visitors by planning and providing for the siting of necessary recreational facilities. Policy 24 of the RNRP addresses the rural recreational needs of Washington County's residents and visitors.

A-Engrossed Ordinance No. 877 does not amend the applicable Plan policies, or the location and alignment of any future planned trails or recreational facilities. The amendments are consistent with the County's acknowledged policies and strategies for satisfying recreational needs as required by Goal 8.

#### **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. Policies 15, 16, 20 and 21 of the RNRP 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.



A-Engrossed Ordinance No. 877 implements statutory farm and forest uses, including commercial activities to the extent permitted by state law. Commercial activities such as processing facilities for farm products increase the potential for rural economic development, rural employment and the need for nearby goods and services. The ordinance is consistent with the County’s acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

### **Goal 10 – Housing**

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet community members’ needs. Policies 19, 25 and 26 of the RNRP address the provision of housing in the rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

ORS Chapter 215 and OAR Chapter 660, Division 6 provide for forest dwellings. A-Engrossed Ordinance No. 877 amends the CDC special use forest dwelling standards to implement statutory requirements. The amendments in the ordinance implement standards for forest dwellings consistent with state law and the policies of the RNRP related to housing, thereby maintaining Plan consistency with Goal 10.

### **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. Policy 22 of the RNRP addresses the provision of public facilities and services in the rural area of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

The CDC implements policies that assure public facilities and services in the rural area are provided in a coordinated, limited manner that supports rural type development. A-Engrossed Ordinance No. 877 does not amend the policies or CDC standards relating to public facilities and services.

### **Goal 12 – Transportation**

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the RNRP, and in particular the 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.

Proposed amendments apply to uses currently permitted by the state in rural areas. The amendments will not impact County standards for access to rural roadways or regulations that provide for safe operation and management of rural roadways.

The amendments are consistent with the County’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). The provisions of A-Engrossed Ordinance No. 877 do not change the TSP or otherwise significantly affect the transportation system as identified in OAR 660-012-0060.

### **Goal 13 – Energy Conservation**

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 9 and 25 of the RNRP address energy resources and conservation in the rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV (Development Standards).

Amendments in A-Engrossed Ordinance No. 877 continue to provide for production facilities for farm crops, including biofuel (as defined in ORS 315.141) consistent with policies for energy resources. No Plan policies and strategies or CDC sections related to energy conservation are affected by the ordinance. Therefore, consistency with Goal 13 is maintained.

### **Part 3:**

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

Section 3.07.810 of Title 8 of Metro’s UGMFP requires that County Comprehensive Plan changes be consistent with the UGMFP. The following findings for A-Engrossed Ordinance No. 877 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 35 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. 877 was sent to Metro on July 28, 2021, 35 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 877 was sent to Metro on Oct. 15, 2021. Metro provided no comments on the ordinance.