



August 1, 2011

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 743**

Enclosed for your information is a copy of proposed Ordinance No. 743. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Division.

**Ordinance Purpose and Summary**

Ordinance 743 amends the Community Development Code (CDC) relating to Special Use Standards for Single Family Accessory Dwelling Units.

**Who Is Affected**

Residents in the urban unincorporated areas of Washington County will be affected.

**What Land is Affected**

Urban unincorporated areas of Washington County will be affected.

**Key Provisions**

- Amend CDC Section 430-117, Special Use Standards for Single Family Accessory Dwelling Unit, to allow not-for-profit organizations to expand their services by permitting non-owner occupancy in either the primary or accessory dwelling unit.

**Initial Public Hearings**

**Time and Place**

**Planning Commission**  
**1:30 pm**  
**September 7, 2011**

**Board of County Commissioners**  
**6:30 pm**  
**September 27, 2011**

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

On September 27, 2011, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 25, 2011.

**Community  
Development Code  
Standards Amended**

- Section 430-117, Special Use Standards for Single Family Accessory Dwelling Unit

**How to Submit  
Comments**

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

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

**Staff Contact**

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

- Washington County Department of Land Use & Transportation  
Long Range Planning Division, 155 North 1<sup>st</sup> Ave.  
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- **[www.co.washington.or.us/LUT/Divisions/LongRangePlanning/  
2011-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2011-land-use-ordinances.cfm)**
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 743

An Ordinance Amending the  
Community Development Code Relating  
to Standards for Accessory Dwellings

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, with portions 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, 725, 730, 732, and 735.

B. Subsequent planning efforts of the County indicate there is a need for further amendments, while not altering the intent and purpose of the existing language, in order to allow not-for-profit organizations to expand their services as part of their charitable mission. The Board takes note that such changes are for the health, welfare and benefit of the residents of Washington County, Oregon.

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

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

13 SECTION 2

14 Exhibit 1, which amends Community Development Code Section 430-117 SPECIAL USE  
15 STANDARDS for Single Family Accessory Dwelling Unit, is attached and incorporated herein by  
16 reference.

17 SECTION 3

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

20 SECTION 4

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

1 SECTION 5

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

5 SECTION 6

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

11 SECTION 7

12 This Ordinance shall take effect on November 25, 2011.

13 ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2011, being the \_\_\_\_\_ reading and  
14 \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington County, Oregon.

15 BOARD OF COUNTY COMMISSIONERS  
16 FOR WASHINGTON COUNTY, OREGON

17 \_\_\_\_\_  
CHAIRMAN

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

19 READING

19 PUBLIC HEARING

20 First \_\_\_\_\_  
21 Second \_\_\_\_\_  
21 Third \_\_\_\_\_  
21 Fourth \_\_\_\_\_  
22 VOTE: Aye: \_\_\_\_\_  
Recording Secretary: \_\_\_\_\_

20 First \_\_\_\_\_  
21 Second \_\_\_\_\_  
21 Third \_\_\_\_\_  
21 Fourth \_\_\_\_\_  
22 Nay: \_\_\_\_\_  
Date: \_\_\_\_\_

Community Development Code Section 430-117 SPECIAL USE STANDARDS for Single Family Accessory Dwelling Unit is amended to reflect the following:

**430-117 Single Family Accessory Dwelling Unit**

A single family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

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- J. A home occupation shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18;
- K. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied except when the property is owned and in use by an organization organized and operated exclusively for religious, charitable, or educational purposes under Section 501(c)(3) of the federal Internal Revenue Code of 1986, as amended, whose primary purpose is serving and assisting persons with developmental disabilities;
- L. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and

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