



May 3, 2006

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 660**

Enclosed for your information is a copy of proposed Ordinance No. 660. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance or you would like additional information, please contact the Planning Division.

Ordinance Purpose and Summary

Proposed Ordinance No. 660 amends Section 430-37.2 of the Community Development Code, Special Use Standards for Detached Dwelling Units in the Rural Area. The amendments proposed by Ordinance No. 660 remove the income indexing standard that applies to detached dwelling units in the Exclusive Farm Use (EFU) and Agriculture and Forestry 20 Acre (AF-20) Districts. When the standard was adopted in 1995 by D-Engrossed Ordinance No. 453, applicants were required to demonstrate that land could produce \$80,000 annually to qualify for a farm dwelling on high-value EFU and AF-20 land. On non high-value AF-20 land, the annual income standard was \$20,000. The changes made by the 1995 ordinance included an indexing or "inflation" standard. The adopted ordinance required that the income standards be adjusted annually to reflect changes in inflation. The Portland/Vancouver CPIU (Consumer Price Index for Urban Consumers) was used to adjust the income standards each year. The Oregon Administrative Rules (OARs) relating to agricultural land were subsequently changed, and the indexing standard removed. This ordinance updates the county's Community Development Code to conform to state rules with regard to income standards for farm dwellings.

Who Is Affected

Owners of high-value land designated EFU or AF-20 and non high-value land in the AF-20 District.

What Land is Affected

High-value farm land designated Exclusive Farm Use District (EFU) or Agriculture and Forestry 20 Acre District (AF-20), as well as non high-value farmland in the AF-20 District.

Key Provisions

- The farm dwelling income indexing standards for high-value EFU and AF-20 land were deleted.
- The farm dwelling income indexing standards for non high-value land in the AF-20 District were deleted.
- References to annual adjustments using the Portland/Vancouver CPIU (Consumer Price Index for Urban Consumers) are deleted from the standards for detached dwelling units in the rural area.

Initial Public Hearings

Time and Place

Planning Commission
1:30 pm
June 7, 2006

Board of County Commissioners
10:00 am
June 20, 2006

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

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

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

- Section 430-37.2, Special Use Standards for Detached Dwelling Units in the Rural Area

**How to Submit
Comments**

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

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

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

Staff Contact

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

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

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

/wpshare/2006ord/Ord660/Notices&Affidavits/CPONotice.doc

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

3
4 ORDINANCE No. 660

An Ordinance Amending the
Community Development Code
Element of the Comprehensive Plan
Relating to Removal of the Farm
Dwelling Income Indexing Standard

6
7 The Board of County Commissioners of Washington County, Oregon, ordains:

8 SECTION 1

9 A. The Board of County Commissioners of Washington County, Oregon,
10 recognizes that the Community Development Code (“CDC”) element of the
11 Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986,
12 by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos.
13 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407,
14 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457,
15 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529,
16 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605,
17 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649
18 and 654.

19 B. Subsequent ongoing planning efforts of the County indicate a need for
20 changes to the CDC element of the Comprehensive Plan to update data relating to farm
21 income indexing standard. The Board takes note that such changes are necessary to

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1 assure consistency with state law and are for the benefit of the residents of Washington
2 County, Oregon.

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

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

14 SECTION 2

15 Exhibit 1 (1 page), attached hereto and incorporated herein by reference, is hereby
16 adopted as amendments to CDC Section 430-37.2 SPECIAL USE STANDARDS for
17 Detached Dwelling Units in the Rural Area.

18 SECTION 3

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

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1 SECTION 4

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

4 SECTION 5

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

10 SECTION 6

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

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

3 SECTION 7

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

5 ENACTED this 20th day of JUNE, 2006, being the 1st reading
6 and 1st public hearing before the Board of County Commissioners of Washington
7 County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

[Signature]
11 CHAIRMAN

[Signature]
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First June 20, 2006
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

14 June 20, 2006
15 _____
16 _____
17 _____
18 _____
19 _____

18 VOTE: Aye: Brian, Leeper, Duyck,
Schouten

18 Nay: _____

19 Recording Secretary: Barbara Heitmanek Date: June 20, 2006

CDC Section 430-37.2 SPECIAL USE STANDARDS for Detached Dwelling Units in the Rural area is amended to reflect the following:

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:

- (1) The subject tract is currently employed for farm use, as defined in ORS 215.203, that produced:
 - (a) In the EFU and AF-20 Districts on land identified as high-value farmland at least \$80,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years; or
 - (b) In the AF-20 District on land not identified as high-value farmland at least \$20,000 ~~(1994 dollars)~~ in gross annual income from the sale of farm products in the last two years or three of the last five years.

~~By March 1st of each year, the Director shall publish an annual table specifying the basis for determining the required annual income in 1994 dollars for that year and each of the last five (5) years. The table shall be computed from the Portland/ Vancouver Area CPIU, with the CPIU for the second half of 1994 as the base number for 1994 dollars. The table shall include a factor, stated as a percentage, by which any dollar amount for the year and each of the last five (5) years shall be multiplied to determine equivalent 1994 dollars. The table shall also include the equivalent of \$20,000 and \$80,000 in 1994 dollars* for the year and each of the last five (5) years;~~

~~*-editor's note: The following table provides equivalent annual farm income amounts for 1994 through 2001, based on US Bureau of Labor Statistics data for Average Annual CPIU (Consumer Price Index for Urban Consumers) for the Portland Area:~~

Year	Annual Average CPIU (Portland Area)	Percentage of the CPIU for 1994	\$ Equivalent to \$20,000 in 1994	\$ Equivalent to \$80,000 in 1994
2001	182.4	122.5%	24,500	98,000
2000	178.0	119.5%	23,900	95,600
1999	172.6	115.9%	23,180	92,720
1998	167.1	112.2%	22,440	89,760
1997	164.0	110.1%	22,000	88,000