



# WASHINGTON COUNTY OREGON

January 26, 2007

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE No. 671**

Enclosed for your information is a copy of proposed Ordinance No. 671. 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 Planning Division.

### **Ordinance Purpose and Summary**

Ordinance No. 671 proposes to amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), and the West Union Community Plan to incorporate changes made to the Regional Urban Growth Boundary (UGB) by Metro in 2004. Properties added to the Regional UGB by Metro are to be preserved in blocks of 20 acres or more. Ordinance No. 671, if adopted; would apply the Future Development 20 Acre District (FD-20) to these properties.

### **Who Is Affected**

Owners of property located in areas added to the UGB in Washington County in 2004.

### **What Land is Affected**

Approximately 1,538 acres of land located in areas added to the UGB in Washington County in 2004.

### **Key Provisions**

- The Rural/Natural Resource Plan would be amended to remove properties (approximately 1,538 acres total) added to the UGB by Metro in 2004.
- The "Future Development Areas" map contained in CFP Policy 41 would be amended to include properties that were added to the UGB in 2004. These properties would also be designated FD-20.
- The West Union Community Plan would be amended to include those properties located at the southeast corner Helvetia and West Union Roads that were added to the UGB in 2004. These properties would also be designated FD-20.
- CFP Policy 41 would be amended to include text relating to new Areas of Special Concern 4, 5, and 6 and the West Union Community Plan would be amended to include text relating to new Area of Special Concern 1.

### **Initial Public Hearings**

#### **Time and Place**

**Planning Commission**  
**1:30 pm**  
**March 7, 2007**

**Board of County Commissioners**  
**10:00 am**  
**April 3, 2007**

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

On April 3, 2007, 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 May 3, 2007.

**Urban Comprehensive  
Plan Policies Amended**

- Policy 41, Urban Growth Boundary Expansion

**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. **Testimony may not be submitted by e-mail.**

Washington County, Planning Division  
155 N. 1<sup>st</sup> 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**

Paul Schaefer  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-8817 Fax: 503-846-4412  
e-mail: paul\_schaefer@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. 1<sup>st</sup> Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://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.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

**Washington County  
County Clerk**

ORDINANCE NO. 671

An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the West Union Community Plan to Implement the 2004 Metro Urban Growth Boundary Expansion

The Board of County Commissioners of Washington County, Oregon, ("Board") ordains:

SECTION I

A. The Board recognizes that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions 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, and 662.

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, with portions subsequently amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 483, 503, 516, 517, 526, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, and 662.

C. The Board recognizes that the West Union Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by Ordinance Nos. 420, 480, 551, 588, and 610.

1 D. Subsequent ongoing planning efforts of the County indicate a need for  
2 changes to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the  
3 Urban Area, and the West Union Community Plan in order to implement Metro's Urban  
4 Growth Boundary Expansion in 2004 to bring in industrial lands adopted pursuant to  
5 Metro Ordinance No. 04-1040B. The Board takes note that such changes are necessary  
6 for the benefit of the health, safety, and general welfare of the residents of Washington  
7 County, Oregon.

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

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

19 SECTION 2

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

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- A. Exhibit 1 (2 pages) amends the Rural/Natural Resource Plan by removing certain areas from the Plan;
- B. Exhibit 2 (9 pages) amends the Comprehensive Framework Plan for the Urban Area by amending: (1) MAP A – Future Development Areas to apply the FD-20 designation, (2) MAP B – Goal 5 Resource for Future Development Areas to apply Goal 5 Resources designations, (3) MAP C – Future Development Areas to apply Areas of Special Concerns (ASC), and (4) implementing Strategy d. of Policy 41 to update the text for Areas of Special Concern 1, 2 and 3 and add new text for Areas of Special Concern 4, 5 and 6; and
- C. Exhibit 3 (5 pages) amends the West Union Community Plan to: (1) include a new area and designate it as the “Helvetia” Subarea on the Washington County Subareas Map, (2) add a new map, Washington County Areas of Special Concern, (3) include a new area on the Washington County Land Use Districts Map, add an FD-20 designation to the map, and apply the FD-20 designation to that new area, (4) include a new area on the Significant Natural and Cultural Resources Map and apply the Goal 5 Resource designations, and (5) add text to describe the Helvetia Subarea and the new Area of Special Concern 1.

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1     SECTION 3

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

5     SECTION 4

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

8     SECTION 5

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

14    SECTION 6

15            The Office of County Counsel and Department of Land Use and Transportation are  
16 authorized to prepare planning documents to reflect the changes adopted under Section 2  
17 of this Ordinance, including deleting and adding textual material and maps, renumbering  
18 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 3 day of April, 2007, 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**

11 Tom Buon  
12 CHAIRMAN

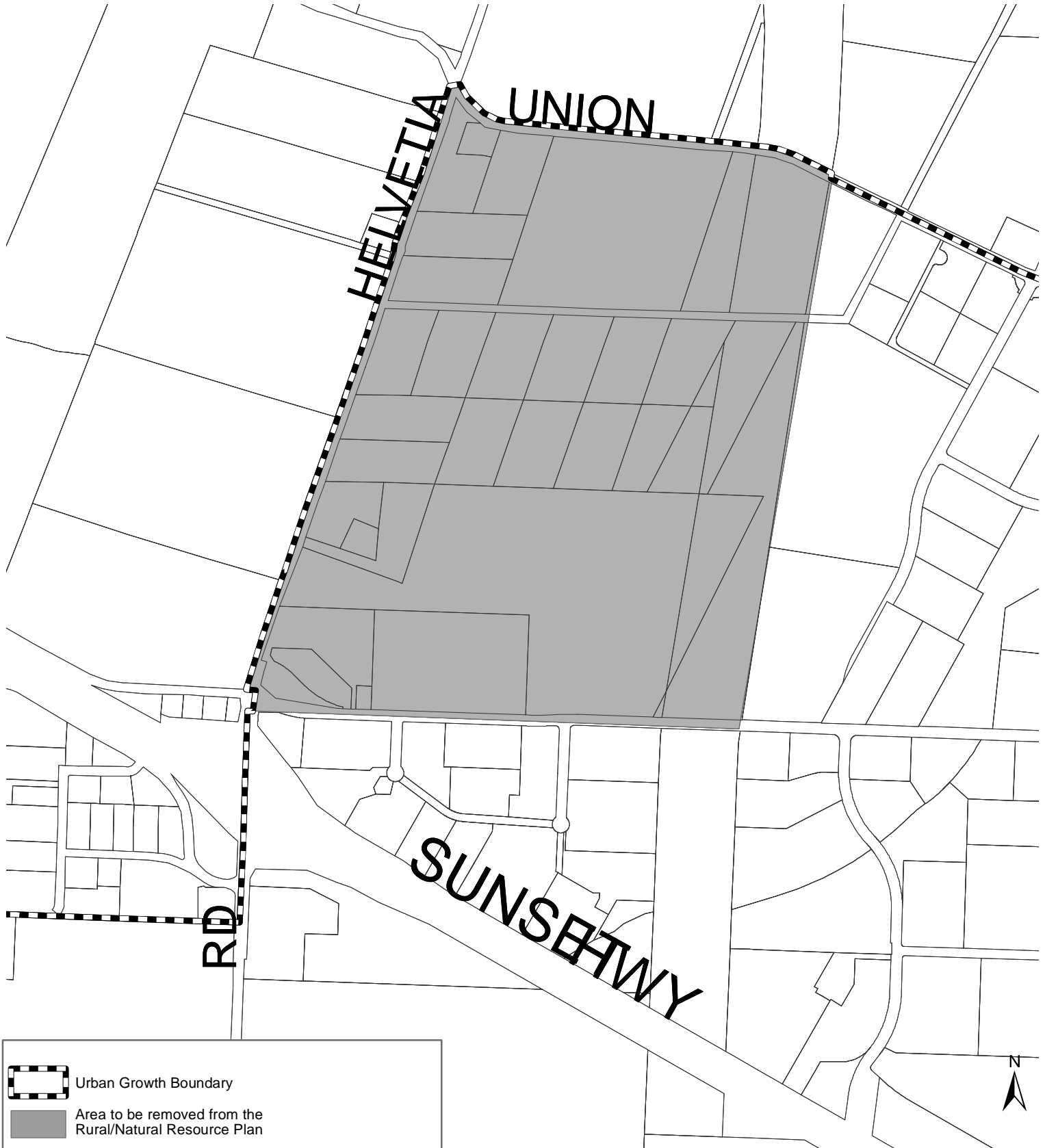
13 Barbara Heitmanek  
14 RECORDING SECRETARY

	<u>READING</u>	<u>PUBLIC HEARING</u>
15 First	<u>April 3, 2007</u>	<u>April 3, 2007</u>
16 Second	_____	_____
17 Third	_____	_____
18 Fourth	_____	_____
19 Fifth	_____	_____
20 Sixth	_____	_____

21 VOTE: Aye: Brian Rogers, Schouten,  
Duyck, Strader Nay: \_\_\_\_\_

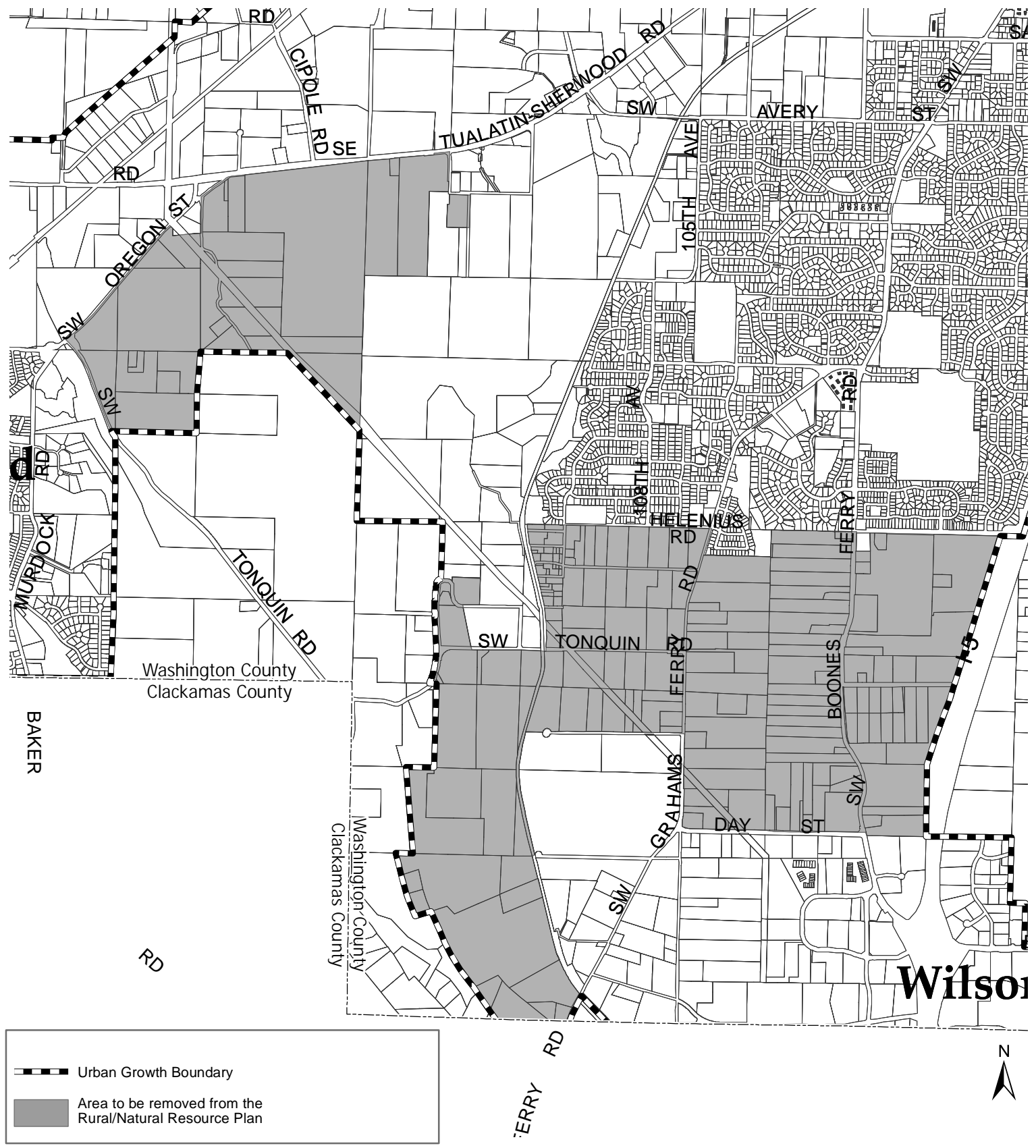
22 Recording Secretary: Barbara Heitmanek Date: April 3, 2007

The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.

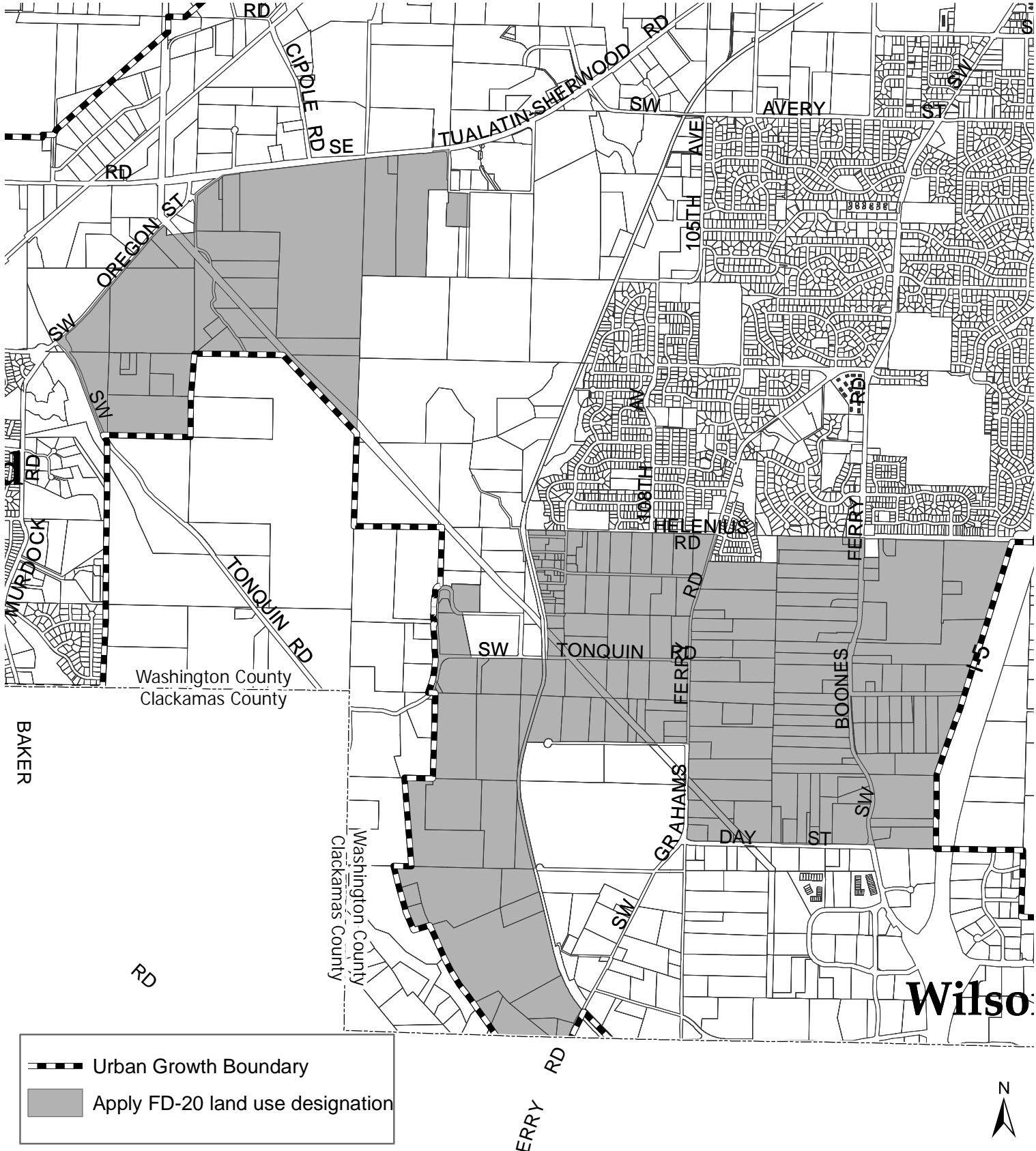




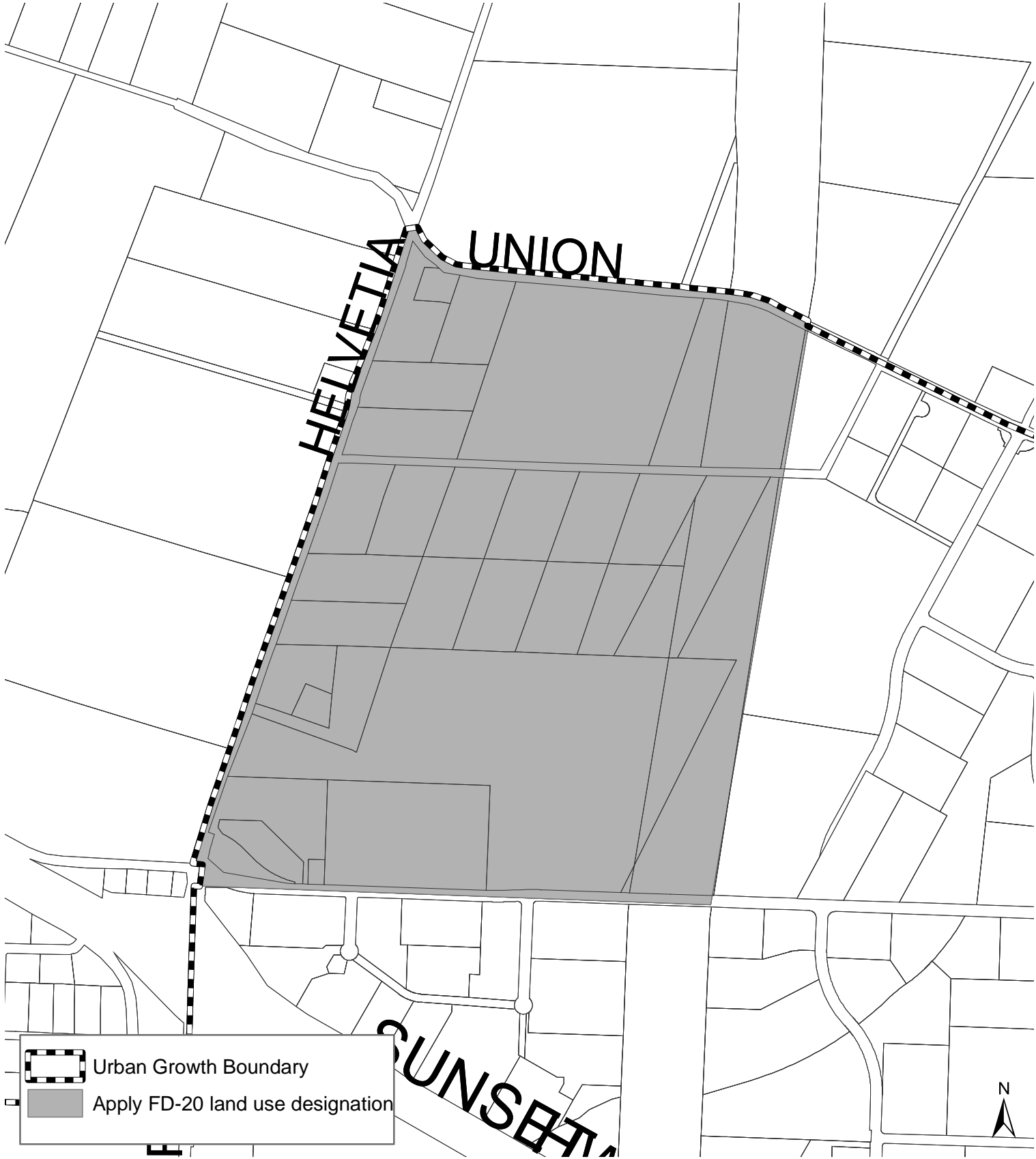
The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



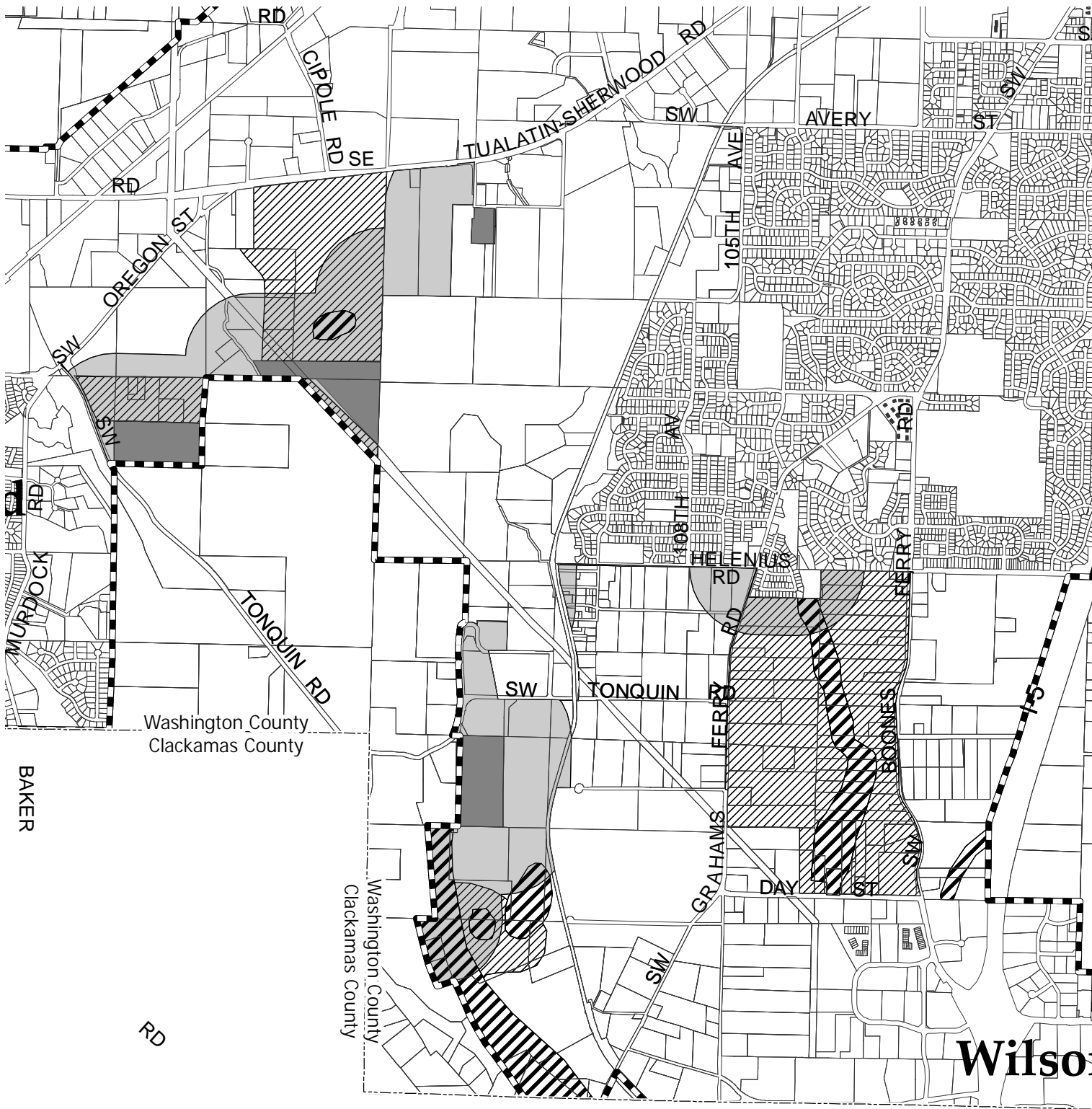
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



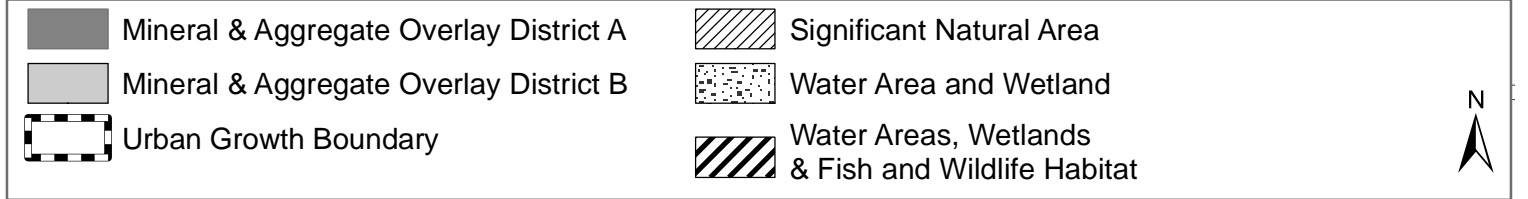
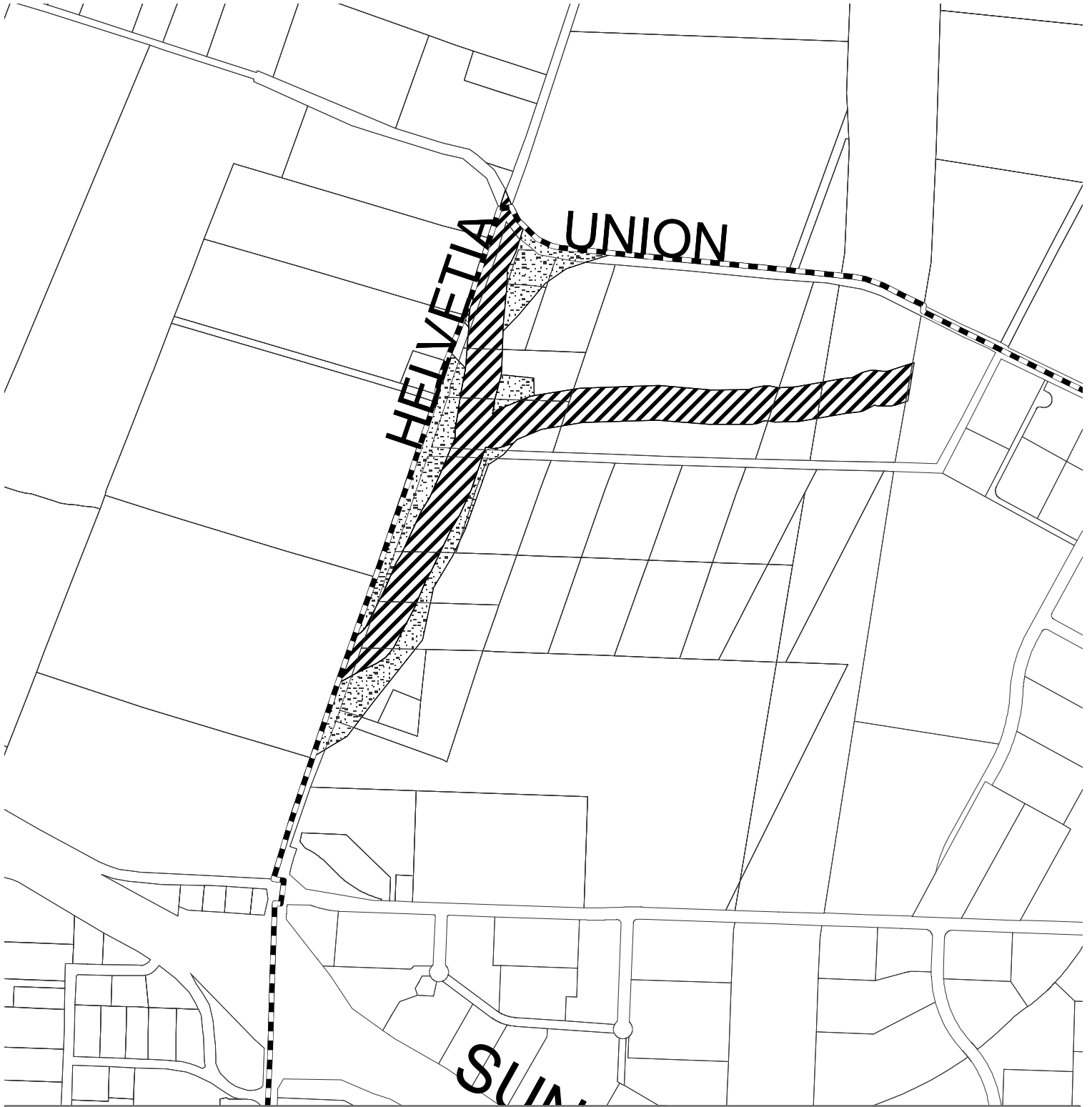
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



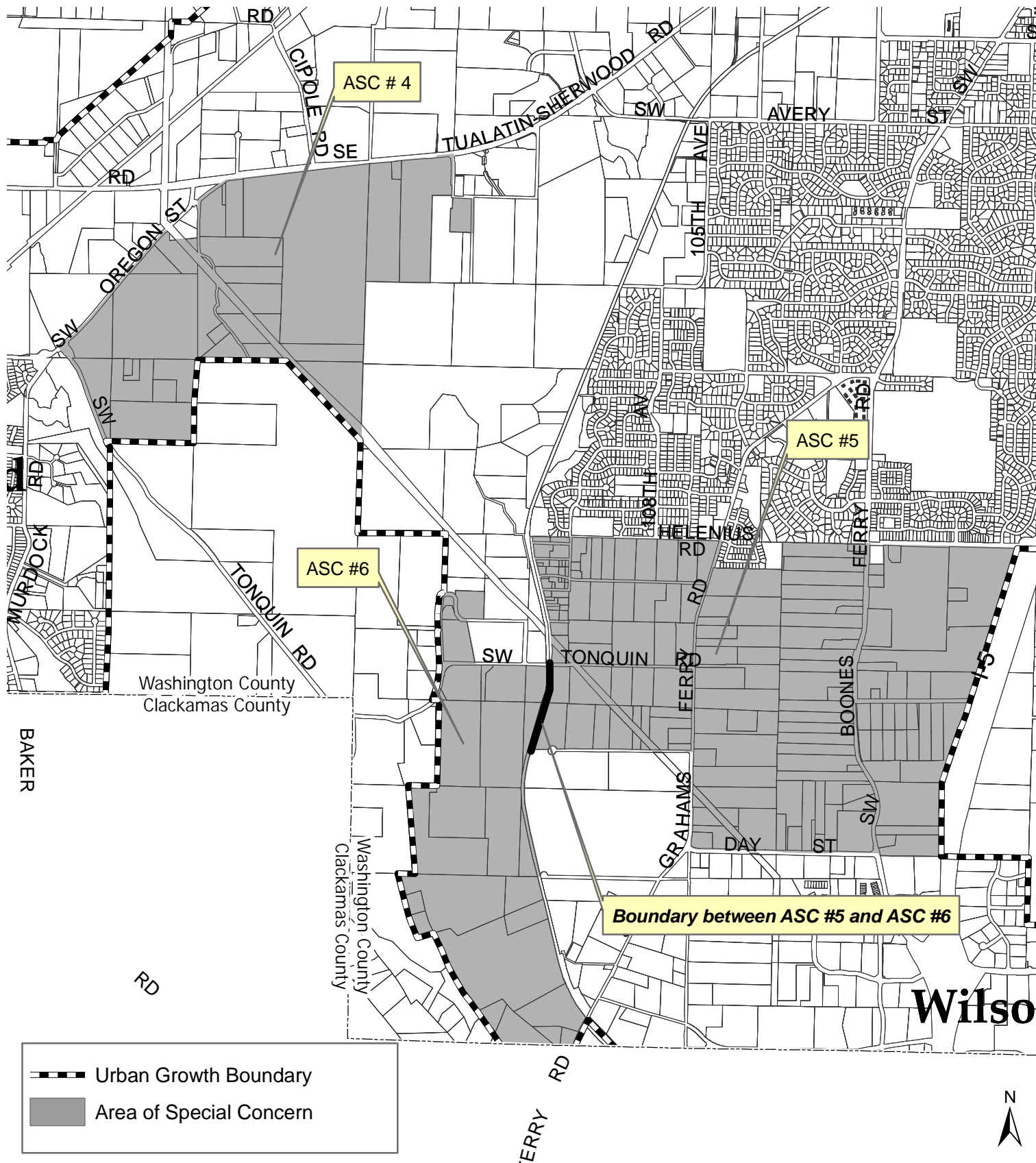
Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



Amend the Goal 5 Resource for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



Amend the Future Development Areas map (Map C) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply Areas of Special Concern (ASC) to the following areas:



Amend Implementing Strategy d. of Policy 41 (Urban Growth Boundary Expansions) of the *Comprehensive Framework Plan for the Urban Area* to update the text for Areas of Special Concern 1, 2, and 3 and add new text for Areas of Special Concern 4, 5, and 6:

d. Apply the following Areas of Special Concern to the Future Development Areas Map:

1. Area of Special Concern 1 is comprised of approximately 60 acres of land located west of Highway 47 and north of Hartford Drive. The property included in this Area of Special Concern is illustrated on the Future Development Areas Map (Map A). This property was added to the UGB by Metro Ordinance 02-985A in December 2002.

~~The master~~Title 11 planning ~~process~~ and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

- a) No urbanization may occur in this area until the alignment of the David Hill Extension with the Highway 47 bypass is determined and adopted as part of the City of Forest Grove's Transportation Plan.
  - b) New commercial retail uses are prohibited.
2. Area of Special Concern 2 is comprised of approximately 252 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties included in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-990A in December 2002.

~~The master~~Title 11 planning ~~process~~ and FD-20 development applications within this Area of Special Concern are subject to the following development criteria:

- a) This site is designated as a Regionally Significant Industrial Area by Metro.
- b) Future lot/parcel reconfigurations must result in ~~in:~~
  - 1) at least one parcel that is 100 acres or larger,
  - and 2) at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with the following provisions:
    - 1) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.
    - 2) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.
    - 3) Lots or parcels larger than 50 acres, including those established pursuant to 2) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.

Notwithstanding 2) and 3), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:

- a) Provide public facilities and services;
- b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

- c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
    - d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.
  - c) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
- 3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B in December 2002.  
  
~~The master Title 11 planning process and FD-20 development~~ applications within this Area of Special Concern are subject to the following development criteria:
  - a) This site is designated as a Regionally Significant Industrial Area by Metro.
  - b) Future lot/parcel reconfigurations shall result in the largest practicable parcel.
  - c) New commercial retail uses are prohibited.
- 4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land on Metro's 2040 Growth Concept Plan.
  - a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following:
    - 1) The general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan, shall be incorporated into any Title 11 planning. In addition, Title 11 planning shall, if possible, be coordinated with the Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.
    - 2) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.
- 5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004, and designated as Industrial land on Metro's 2040 Growth Concept Plan.
  - a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following:
    - 1) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.



- 2) Title 11 planning shall incorporate the general location of the projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment", as shown on the Region 2040 Growth Concept Map, as amended by Metro Ordinance No. 03-1014, adopted October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Outer Neighborhood" on the Growth Concept Map and the portion that lies south shall be designated "Industrial."
- 3) The I-5/99W Connector shall be considered in this area as a possible boundary between the city limits of Tualatin and Wilsonville.
- 4) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.
- 5) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.
- 6) Lots or parcels larger than 50 acres, including those established pursuant to 5) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.

Notwithstanding 5) and 6), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:

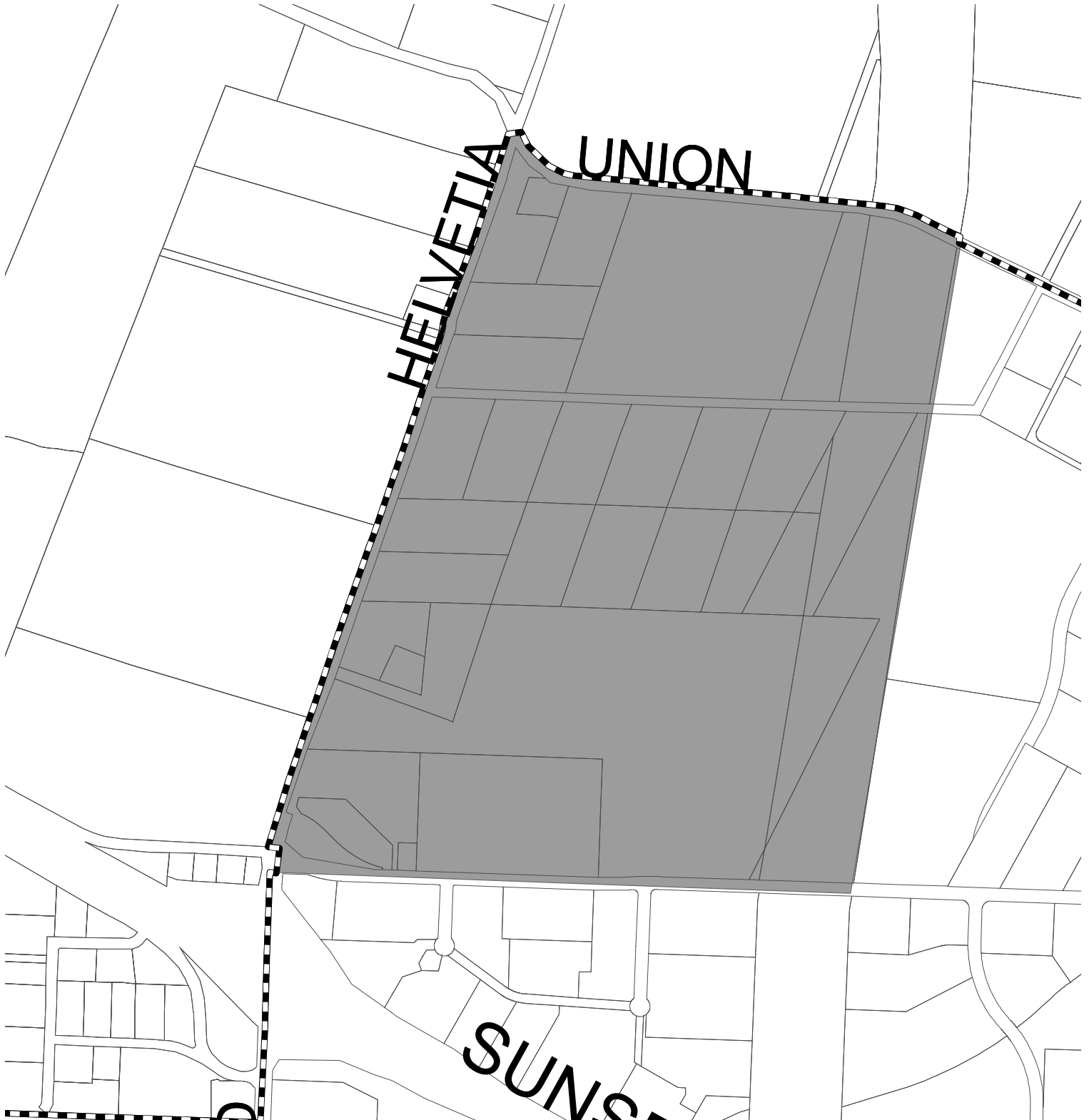
- a) Provide public facilities and services;
  - b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
  - c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
  - d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.
6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004, and were designated as Industrial land on Metro's 2040 Growth Concept Plan.
- a) Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following:
    - 1) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
    - 2) The general location of the projected right-of-way location for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan shall be incorporated into any Title 11 planning.

- 3) Lots or parcels smaller than 50 acres may be subdivided or partitioned into any number of smaller lots or parcels.
- 4) Lots or parcels larger than 50 acres may be subdivided or partitioned pursuant to an approved master plan that results in at least one lot or parcel of at least 50 acres in size.
- 5) Lots or parcels larger than 50 acres, including those established pursuant to 4) above, may be subdivided or partitioned into any number of smaller lots or parcels pursuant to an approved master plan that results in at least 40 percent of the area of the lot or parcel having been developed with industrial uses or uses accessory to an industrial use, and no portion is developed with or is proposed to be developed with non-industrial uses.

Notwithstanding 4) and 5), any lot or parcel may be subdivided or partitioned into smaller lots or parcels or made smaller due to dedication of rights-of-way in order to:

- a) Provide public facilities and services;
- b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
- c) Separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
- d) Allow the creation of a lot or parcel for financing purposes when the created lot or parcel is part of a master planned development.

Amend the West Union Community Plan boundary and the 'Subareas' map to include the new area and designate it as the 'Helvetia' subarea as indicated below:

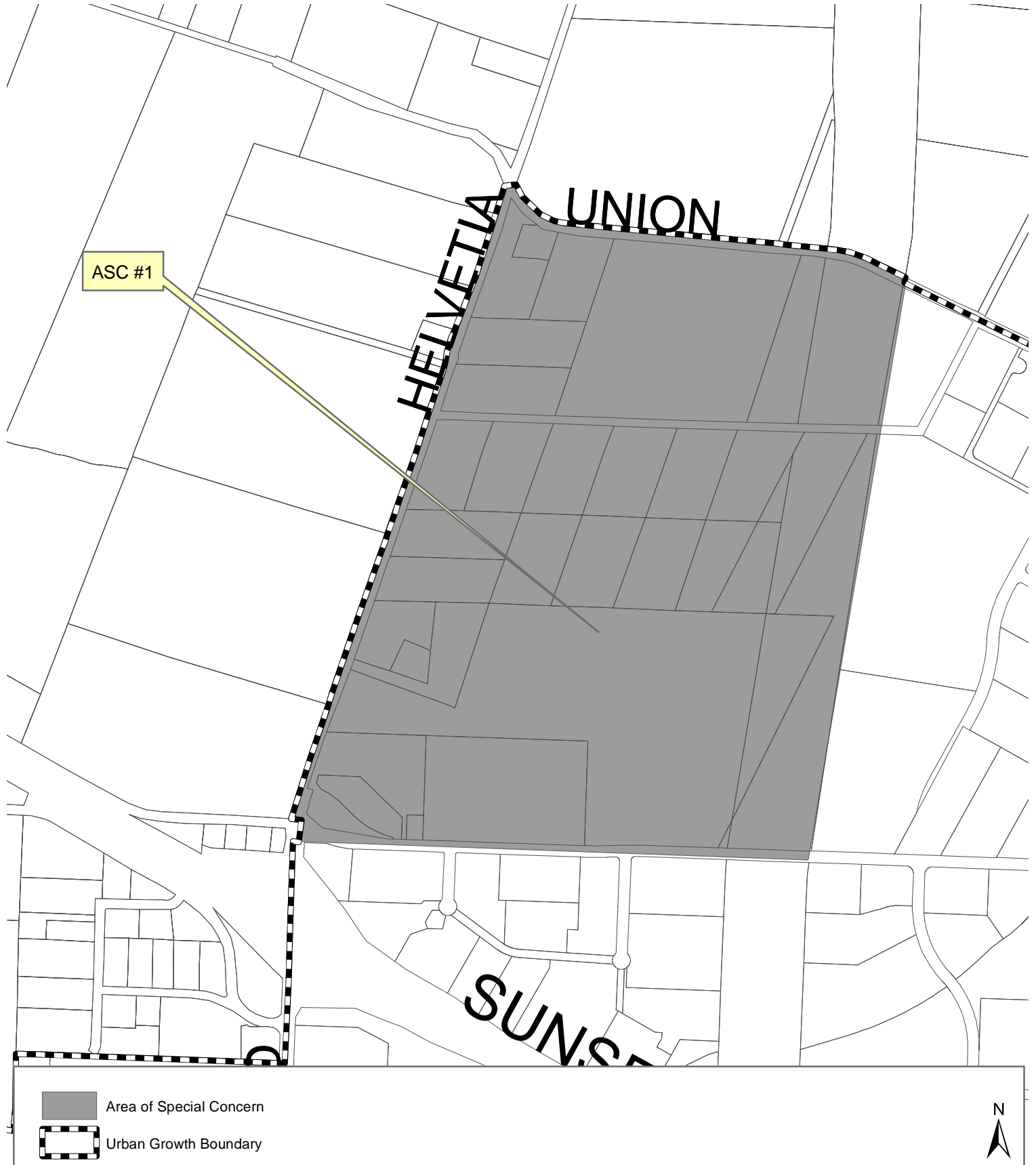


■ Area to be added to the West Union Community Plan as the 'Helvetia' subarea

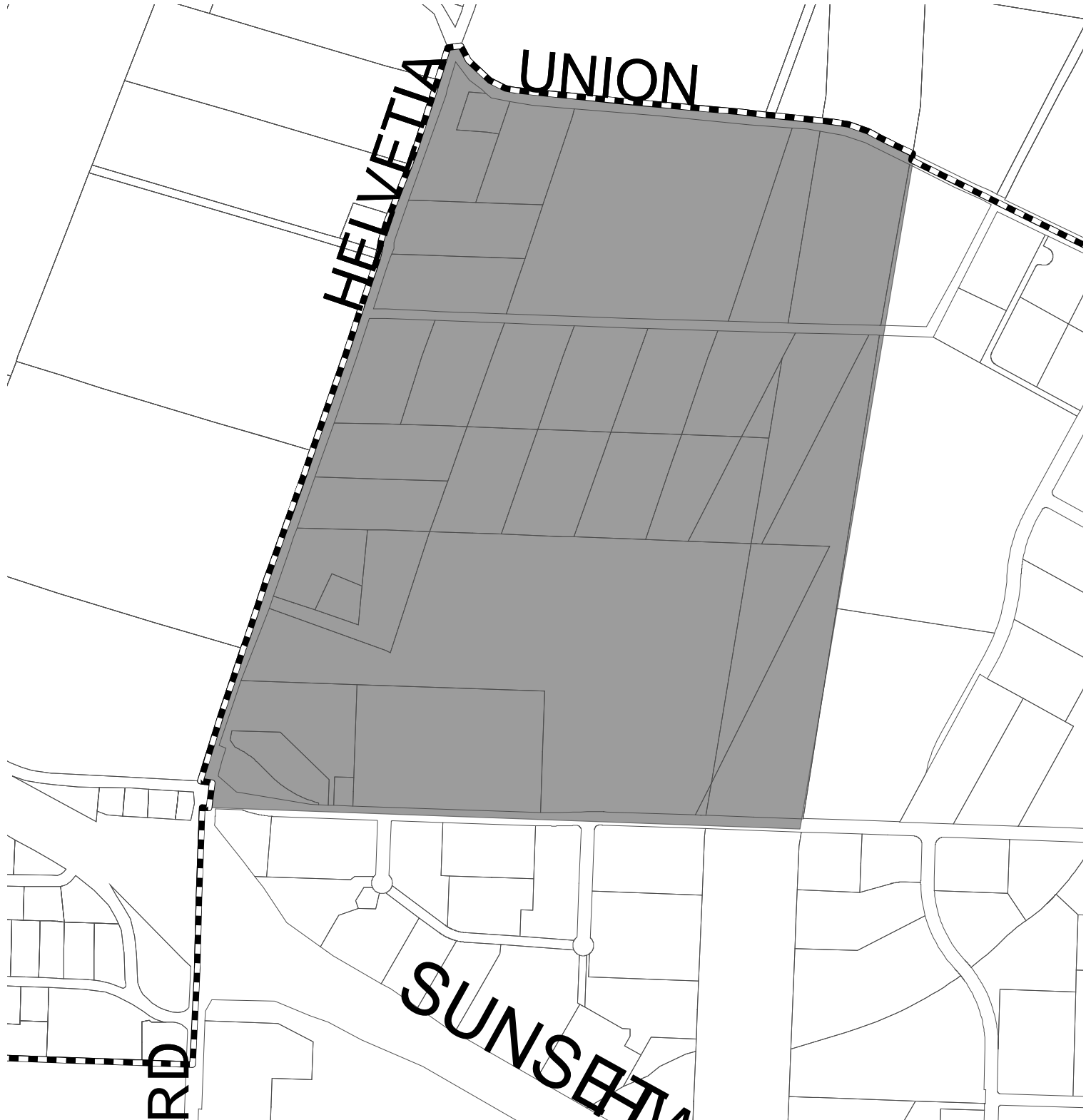
▬ Urban Growth Boundary

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Amend the West Union Community Plan, 'Washington County Areas of Special Concern' to add a new map to apply the Area of Special Concern designation to the following area:



Amend the West Union Community Plan 'Land Use Districts' map to apply the FD-20 designation as indicated below:

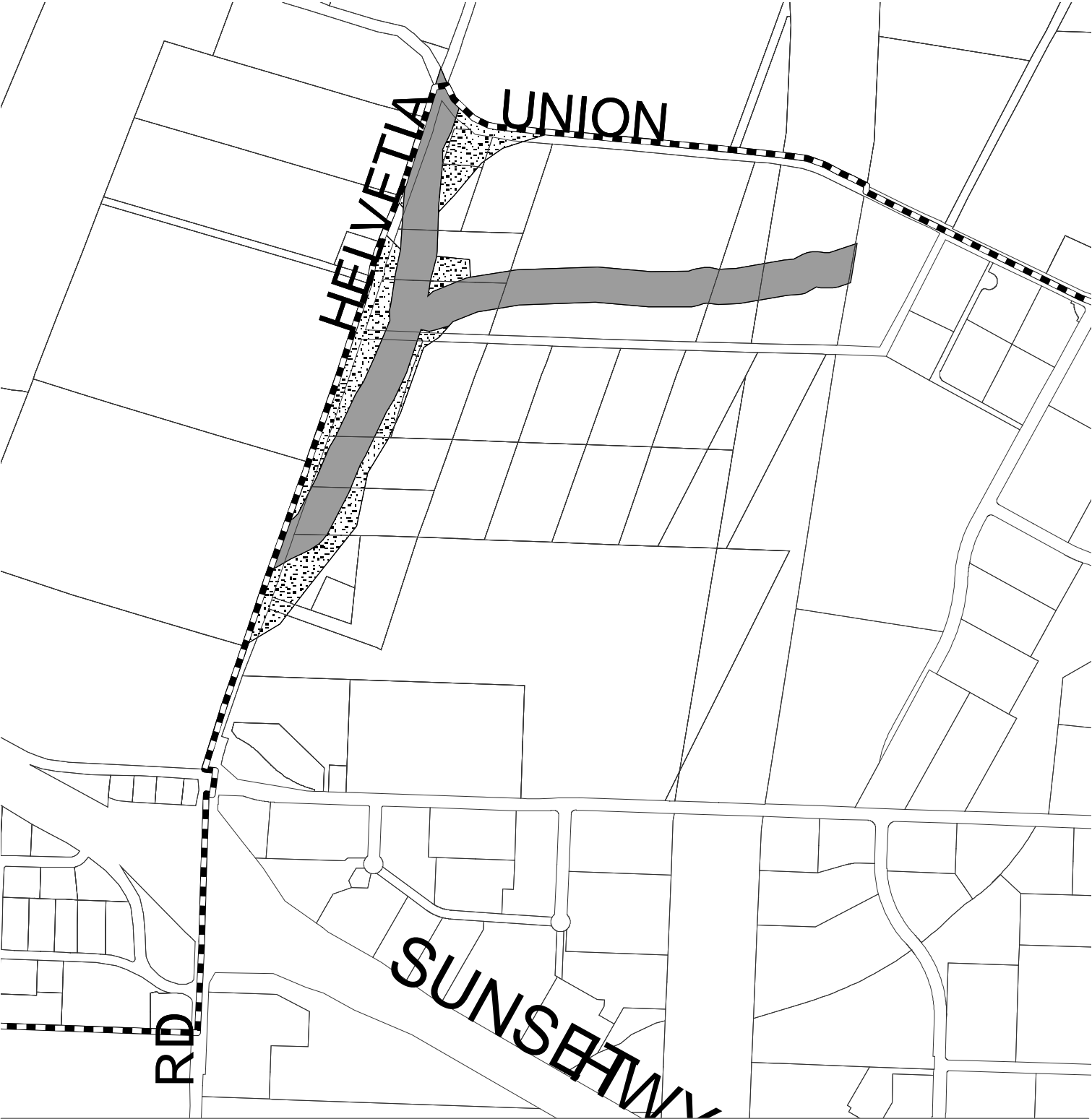


Legend:

- FD-20
- Urban Growth Boundary

N

Amend the West Union Community Plan, 'Significant Natural and Cultural Resources' map to apply the Goal 5 Resource designations to the following areas:



	Water Areas, Wetlands & Fish and Wildlife Habitat
	Water Area and Wetland
	Urban Growth Boundary

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Amend the West Union Community Plan to add the following description for the new "Helvetia Subarea":

**HELVETIA SUBAREA**

This area consists of several parcels located at the southeast corner of Helvetia and West Union Roads and encompasses approximately 250 acres. These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004. Metro designated the area as a Regionally Significant Industrial Area on the 2040 Growth Concept Plan.

The area is designated Future Development - 20 Acre (FD-20) District on the West Union Community Plan and the FD-20 designation shall be maintained until the property is annexed to the City of Hillsboro and rezoned. Area of Special Concern 1 provisions apply to the entire Helvetia Subarea.

**Area of Special Concern 1:** Until the effective date of new regulations adopted pursuant to Title 11, FD-20 development applications within this Area of Special Concern shall be subject to Section 308 and any other applicable provisions of the Community Development Code, except no lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.