



WASHINGTON COUNTY OREGON

August 24, 2007

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 685**

Enclosed for your information is a copy of proposed Ordinance No. 685. 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. 685 amends the *Community Development Code* (CDC), Section 430-1.1, relating to Special Use Standards for Residential Accessory Uses and Structures.

Who Is Affected

Residents in the urban unincorporated areas (outside city limits) of Washington County are potentially affected.

What Land is Affected

Urban unincorporated residential lots greater than 24,000 square feet.

Key Provisions

- Amends CDC Section 430-1.1, Special Use Standards for Residential Accessory Uses and Structures, to increase the total amount of square footage allowed for accessory structures on lots larger than 24,000 square feet.
- Lots between 24,000 and 50,000 square feet would be limited to five (5) percent of total lot area, with no one building larger than 1,200 square feet.
- Lots larger than 50,000 square feet would be limited to 2,500 square feet of accessory structures, with no one building larger than 1,200 square feet.

Initial Public Hearings

Time and Place

Planning Commission
1:30 pm
October 3, 2007

Board of County Commissioners
6:30 pm
October 23, 2007

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

On October 23, 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 November 22, 2007.

**Urban Comprehensive
Plan Policies Amended**

N/A

**Community
Development Code
Standards Amended**

- Section 430-1, Accessory Uses and Structures

**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, Senior 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.
- S:\PLNG\WPSHARE\2007ord\Ord685\Notices_Affidavits\CPONotice_685.doc

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 685

An Ordinance Amending the
Community Development Code
Element of the Comprehensive Plan
Relating to Detached Residential
Accessory Structures

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code ("CDC") 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, 670, 674, 674, 676, 677 and 683.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC relating to an update to the special use standards for residential accessory uses and structures based on lot size. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Land
2 Use Ordinance Advisory Commission has carried out its responsibilities, including
3 preparation of notices, and the County Planning Commission has conducted one or more
4 public hearings on the proposed amendments and has submitted its recommendations to
5 the Board. The Board finds that this Ordinance is based on those recommendations and
6 any modifications made by the Board, as a 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 that this
9 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
10 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
11 Washington County Charter, and the Washington County Community Development Code.

12 SECTION 2

13 Exhibit 1, attached hereto and incorporated herein by reference, amends CDC
14 Section 430-1.1 Special Use Standards for Residential Accessory Uses and Structures.

15 SECTION 3

16 All other Comprehensive Plan provisions that have been adopted by prior
17 ordinance, which are not expressly amended or repealed herein, shall remain in full force
18 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
15 amendments as necessary to conform to the Washington County Comprehensive Plan
16 format.

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1 SECTION 7

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

3 ENACTED this 23 day of October, 2007, being the 1st reading
4 and 1st public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Roy R Rogers
CHAIRMAN

10 Marian Larkin
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First October 23, 2007
13 Second _____
14 Third _____
15 Fourth _____
16 Fifth _____
17 Sixth _____

October 23, 2007

18 VOTE: Aye: Rogers, Duyck, Strader,
Schouten

Nay: _____

19 Recording Secretary: Marian Larkin

Date: 10-23-07

Community Development Code Section 430-1.1 Special Use Standards for Residential Accessory Uses and Structures is amended to reflect the following:

430-1 Accessory Uses and Structures

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

430-1.1 Residential:

A. Residential accessory uses and structures include, but are not limited to, the following:

- (1) Treehouses, playhouses and storage sheds greater than one hundred twenty (120) square feet in area;
- (2) Swimming pools, hot tubs and spas with permanent plumbing or electrical connections;
- (3) Detached garages, carports and workshops;
- (4) Greenhouses;
- (5) Pump houses;
- (6) Gazebos;
- (7) Fenced runs for dogs and other animals;
- (8) Boat houses and docks; and
- (9) Tennis and other game courts.

B. Development Standards:

No accessory use or structure shall be established prior to the primary use. Detached accessory buildings shall comply with the following, except as modified by other Sections of the Code:

- (1) Shall not occupy more than twenty-five (25) percent of a required rear yard;
- (2) Within an urban growth boundary accessory buildings are subject to the following limitations on total square footage:

- (a) For lots up to 12,000 square feet - maximum of 600 square feet.
 - (b) For lots larger than 12,000 square feet but less than 24,000 square feet - five (5) percent of total lot area.
 - (c) For lots larger than 24,000 square feet but less than 50,000 square feet - a maximum of 1,200 square feet five (5) percent of total lot area with no one building larger than 1,200 square feet.
 - (d) For lots larger than 50,000 square feet – maximum of 2,500 square feet with no one building larger than 1,200 square feet.
- (3) Buildings less than one-hundred twenty (120) square feet that are located six (6) feet or more from the primary building may be located within three (3) feet of a side or rear property line (except a street side yard) except as required by (5) below;
 - (4) Buildings greater than or equal to one-hundred twenty (120) square feet shall meet the setback requirements of the underlying land use district except as required by (5) below;
 - (5) Buildings or other structures for livestock, or buildings or other structures for poultry that are fifty-one (51) square feet or larger, shall be located in a side or rear yard at least thirty (30) feet from any property line and at least one-hundred feet from any existing residence, except the owner's dwelling;
 - (6) Fenced runs for livestock shall be at least one-hundred (100) feet from any existing residence, except the owner's residence;
 - (7) Shall not exceed the maximum height allowed by the underlying land use district;
 - (8) An accessory structure is considered "detached" if the distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or, if closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway. A variance or hardship relief change to this dimension is prohibited.

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