



August 10, 2007

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 686**

Enclosed for your information is a copy of proposed Ordinance No. 686. 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. 686 proposes to amend the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area (CFP), the East Hillsboro Community Plan and the Community Development Code (CDC) to incorporate changes to the regional urban growth boundary (UGB) by Metro in 2005. Properties added to the urban area are to be preserved in blocks of 20 acres or more. Ordinance No. 686, if adopted, would apply the Future Development 20 Acre District (FD-20) to areas added to the UGB.

### **Who Is Affected**

Owners of property located in areas added to the urban growth boundary in Washington County.

### **What Land is Affected**

Approximately 604 acres of land located in areas added to the urban growth boundary in Washington County.

### **Key Provisions**

- The Rural/Natural Resource Plan would be amended to remove properties added to the UGB by Metro in 2005.
- Policy 41 (Urban Growth Boundary Expansions) of the CFP is amended to include the new urban lands and the new Cornelius Area of Special Concern on the "Future Development Areas", "Goal 5 Resources for Future Development Areas" and "Future Development Areas Detailed Areas" maps. Text within Policy 41 relating to existing and new Areas of Special Concern is modified or added to clarify specific conditions of approval for certain areas and to reference Metro Urban Growth Management Functional Plan standards that will apply to the lands during the concept planning process.
- The East Hillsboro Community Plan would be amended to include land added to the UGB near Evergreen Road north of the city of Hillsboro. The ordinance would create two new Areas of Special Concern and add the properties to applicable community plan maps. New text regarding the two Areas of Special Concern is included to apply specific conditions required by Metro when the land was added to the UGB.
- Section 308 (Future Development 20 Acre District) of the Community Development Code is amended to prohibit certain uses such as churches, schools, day care facilities and cemeteries **only** within the new urban areas addressed by this ordinance.

## Initial Public Hearings Time and Place

**Planning Commission**  
**7:30 pm**  
**September 19, 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**

- Policy 41, Urban Growth Boundary Expansions

### **Community Plan Amended**

- East Hillsboro Community Plan

### **Community Development Code Standards Amended**

- Section 308, Future Development 20 Acre District

### **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. **We are unable to accept e-mail as public testimony.**

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**

Aisha Willits, Senior Planner  
155 N. 1<sup>st</sup> 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 & 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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 686

An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the East Hillsboro Community Plan, and the Community Development Code to Implement the 2005 Metro Urban Growth Boundary Expansion

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

SECTION 1

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, 662, and 671.

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, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, and 671.

C. The Board recognizes that the East Hillsboro Community Plan was adopted by Ordinance Nos. 278 and 280 and subsequently amended by Ordinance Nos. 349, 420, 480, 532, 551, 588, 610, and 615.

D. The Board recognizes that the Community Development Code ("CDC") Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by

1 way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-  
2 341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-  
3 423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481,  
4 486-489, 504, 506-512, 517-523, 525-526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-  
5 577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,  
6 635, 638, 642, 644, 645, 648, 649, 654, 660-662, 667, 670, 674, 676, 677, and 682.

7 E. Subsequent ongoing planning efforts of the County indicate a need for a general  
8 update and housekeeping changes to the Rural/Natural Resource Plan, the Comprehensive  
9 Framework Plan for the Urban Area element of the Comprehensive Plan, the East Hillsboro  
10 Community Plan, and the Community Development Code in order to implement Metro's Urban  
11 Growth Boundary Expansion in 2005 to bring in industrial lands pursuant to Metro Ordinance  
12 No.05-1070A. The Board takes note that such changes are necessary to assure consistency with  
13 state law and are for the benefit of the residents of Washington County, Oregon.

14 F. Under the provisions of Washington County Charter Chapter X, the Land Use  
15 Ordinance Advisory Commission has carried out its responsibilities, including preparation of  
16 notices, and the County Planning Commission has conducted one or more public hearings on the  
17 proposed amendments and has submitted its recommendations to the Board. The Board finds that  
18 this Ordinance is based on those recommendations and any modifications made by the Board, as a  
19 result of the public hearings process.

20 G. The Board finds and takes public notice that it is in receipt of all matters and  
21 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance  
22 complies with the Statewide Planning Goals, and the standards for legislative plan adoption, as set

1       forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter,  
2       and the Washington County Community Development Code.

3               SECTION 2

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

- 6               A.     Exhibit 1 (2 pages) amends the Rural/Natural Resource Plan by  
7               removing certain areas;
- 8               B.     Exhibit 2 (2 pages) amends the Future Development Areas map  
9               (Map A) in Policy 41 (Urban Growth Boundary Expansions) of  
10              the Comprehensive Framework Plan for the Urban Area to  
11              apply the FD-20 designation to certain areas;
- 12             C.     Exhibit 3 (2 pages) amends the Goal 5 Resources for Future  
13              Development Areas map (Map B) in Policy 41 (Urban Growth  
14              Boundary Expansions) of the Comprehensive Framework Plan  
15              for the Urban Area to apply the Goal 5 Resource designations  
16              identified in the Rural/Natural Resources Plan to certain areas;
- 17             D.     Exhibit 4 (1 page) amends the Future Development Areas  
18              Detailed Areas map (Map C) in Policy 41 (Urban Growth  
19              Boundary Expansions) of the Comprehensive Framework Plan  
20              for the Urban Area to apply Areas of Special Concern (ASC) to  
21              certain areas;
- 22             E.     Exhibit 5 (5 pages) amends Implementing Strategy d. of Policy  
              41 of the Comprehensive Framework Plan for the Urban Area  
              to add an Area of Special Concern;
- F.     Exhibit 6 (5 pages) amends the East Hillsboro Community Plan  
              to: (1) include a new area and designate it as the ““Evergreen”  
              subarea on the Washington County Subareas Map, (2) amend  
              the Washington County Areas of Special Concern Map to add  
              two new 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

1 designations, and (5) amend the Washington County Parking  
2 Maximum Designations Map to include the new area; and

3 G. Exhibit 7 (2 pages) amends the East Hillsboro Community Plan  
4 to add descriptions for the new "Evergreen Road Subarea" and  
5 Areas of Special Concern 6 and 7.

6 H. Exhibit 8 (6 pages) amends the Community Development Code  
7 to modify the uses allowed within the Future Development 20  
8 Acre (FD-20).

9 SECTION 3

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

12 SECTION 4

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

15 SECTION 5

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

21 SECTION 6

22 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

1 sections, and making any technical changes not affecting the substance of these amendments as  
2 necessary to conform to the Washington County Comprehensive Plan format.

3 SECTION 7

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

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

8 BOARD OF COUNTY COMMISSIONERS  
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

11 Roy R. Rogers  
CHAIRMAN

12 Marian Larkin  
RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First October 23, 2007

14 October 23, 2007

15 Second \_\_\_\_\_

15 \_\_\_\_\_

16 Third \_\_\_\_\_

16 \_\_\_\_\_

17 Fourth \_\_\_\_\_

17 \_\_\_\_\_

18 Fifth \_\_\_\_\_

18 \_\_\_\_\_

19 Sixth \_\_\_\_\_

19 \_\_\_\_\_

20 VOTE: Aye: Rogers, Duyck, Strader,  
21 Schouten

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


22 Recording Secretary: Marian Larkin

22 Date: 10-23-07

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

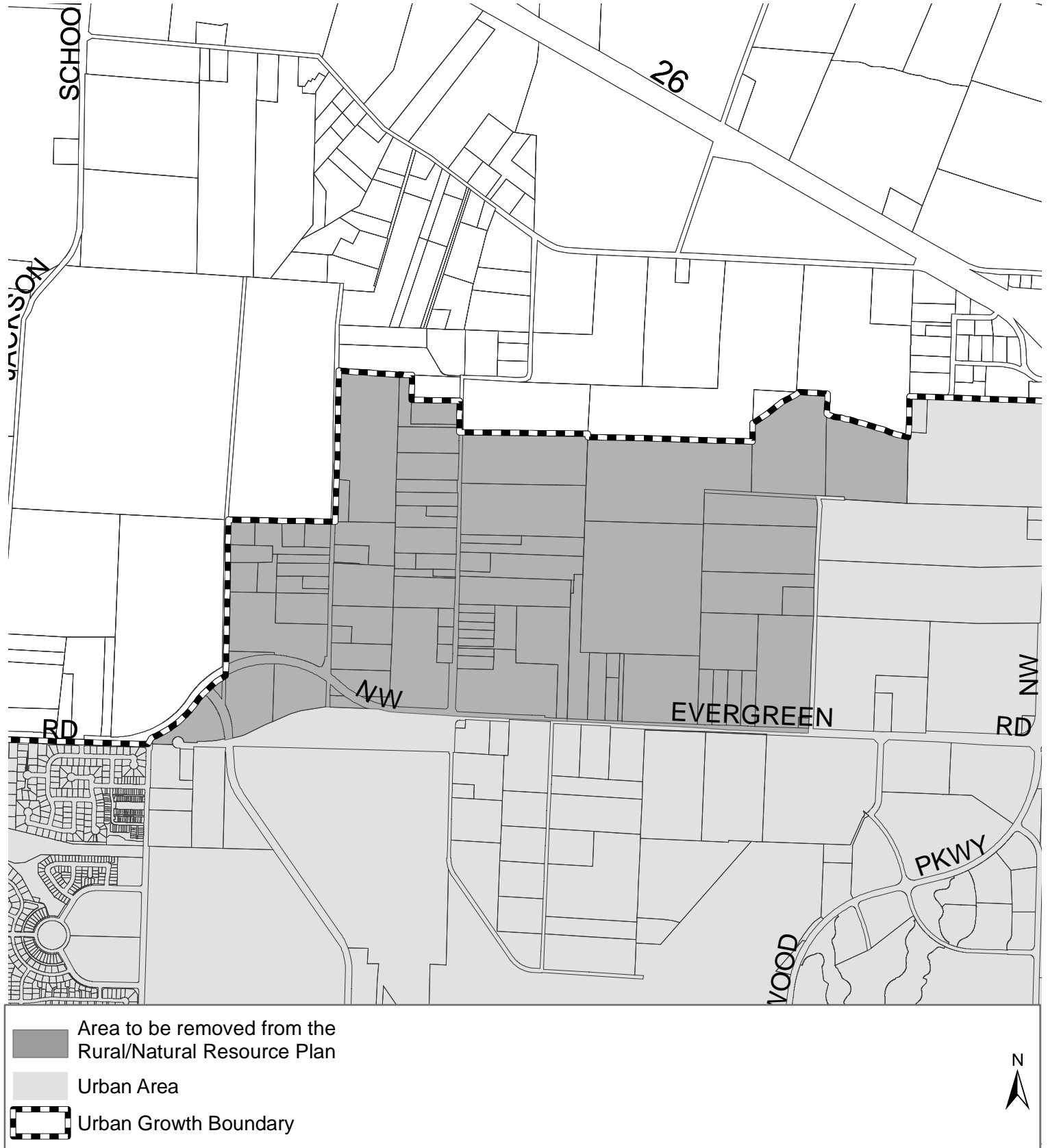


■ Area to be removed from the Rural/Natural Resource Plan  
■ Urban Area  
▤ Urban Growth Boundary

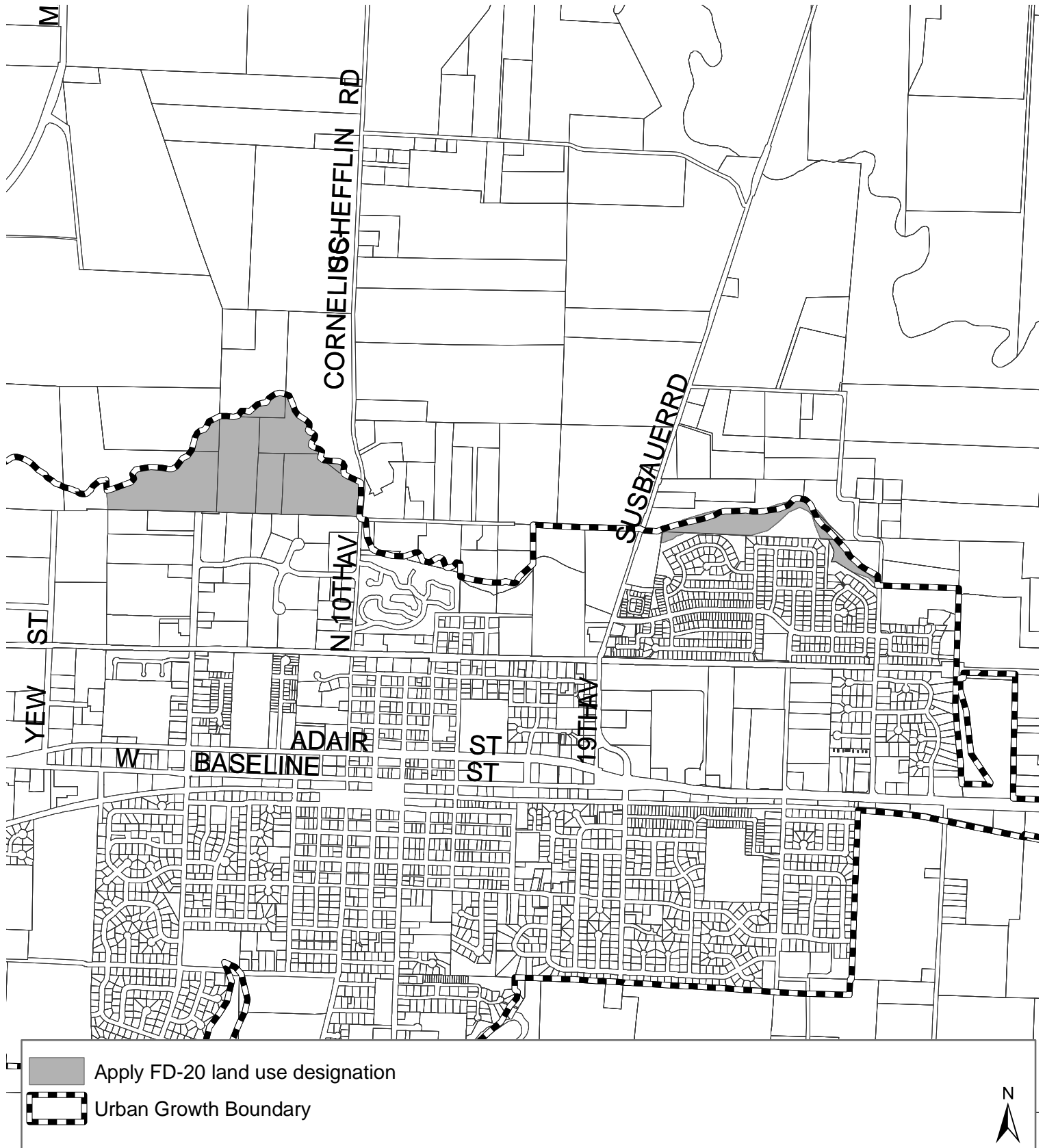




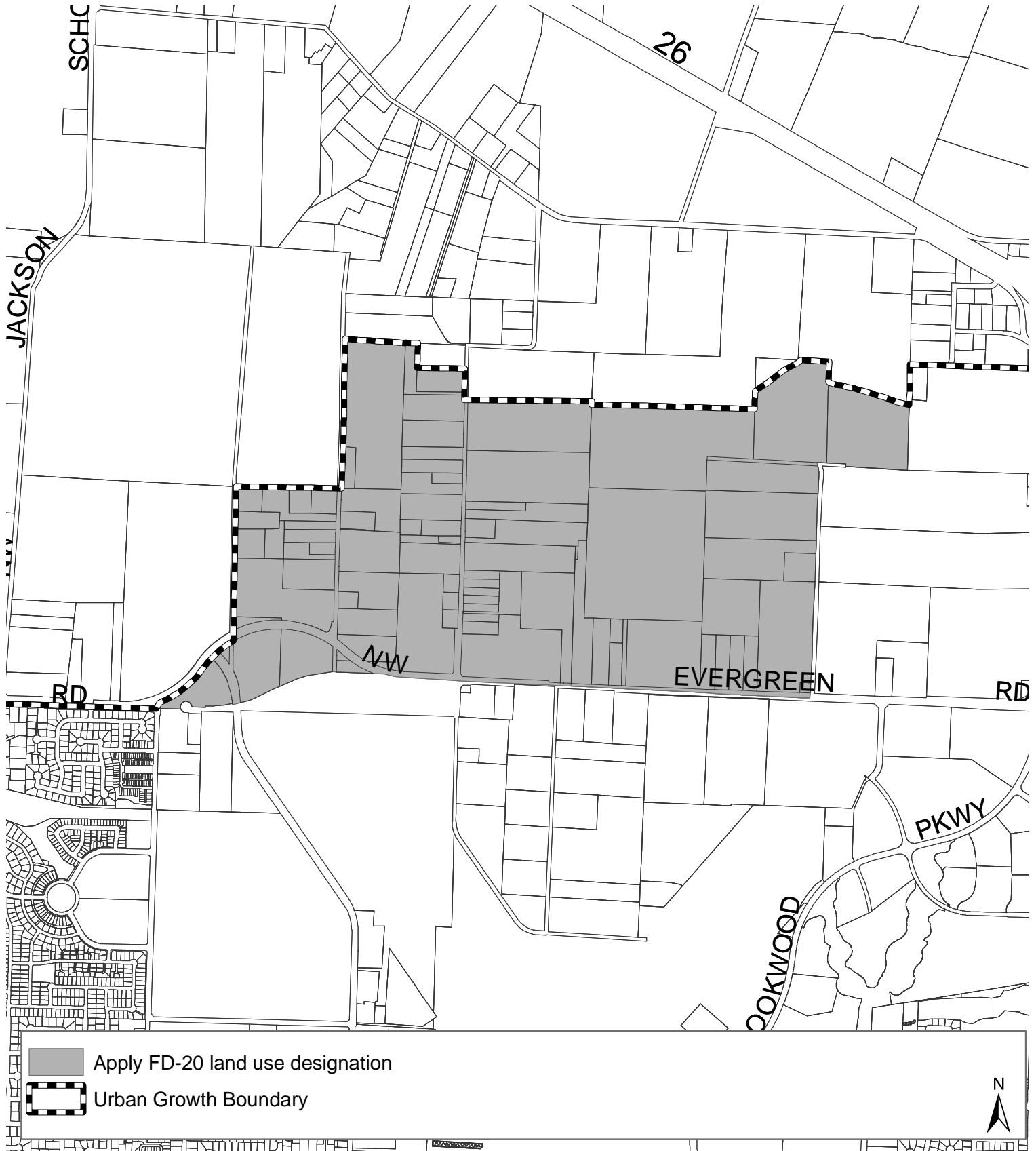
The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



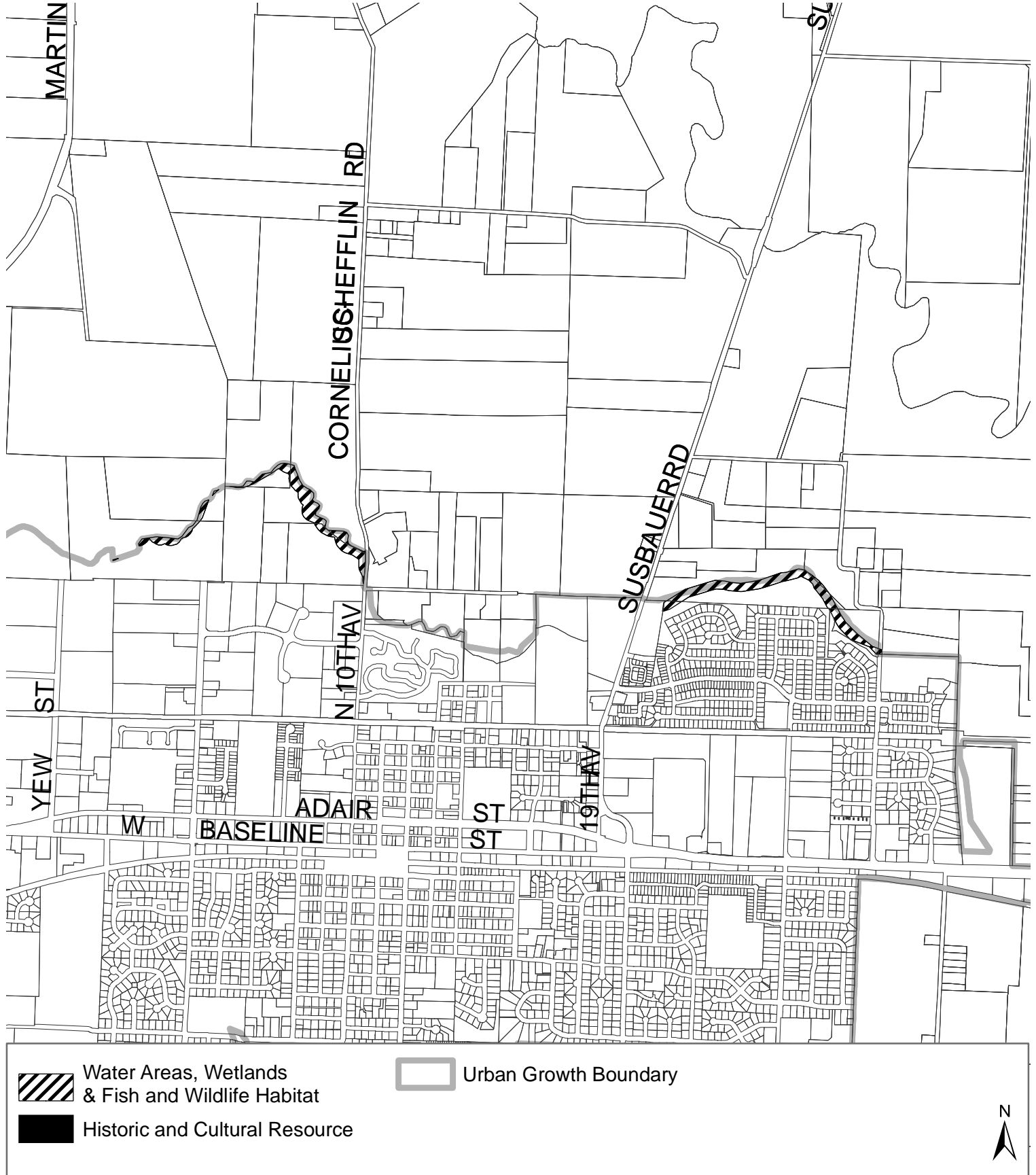
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



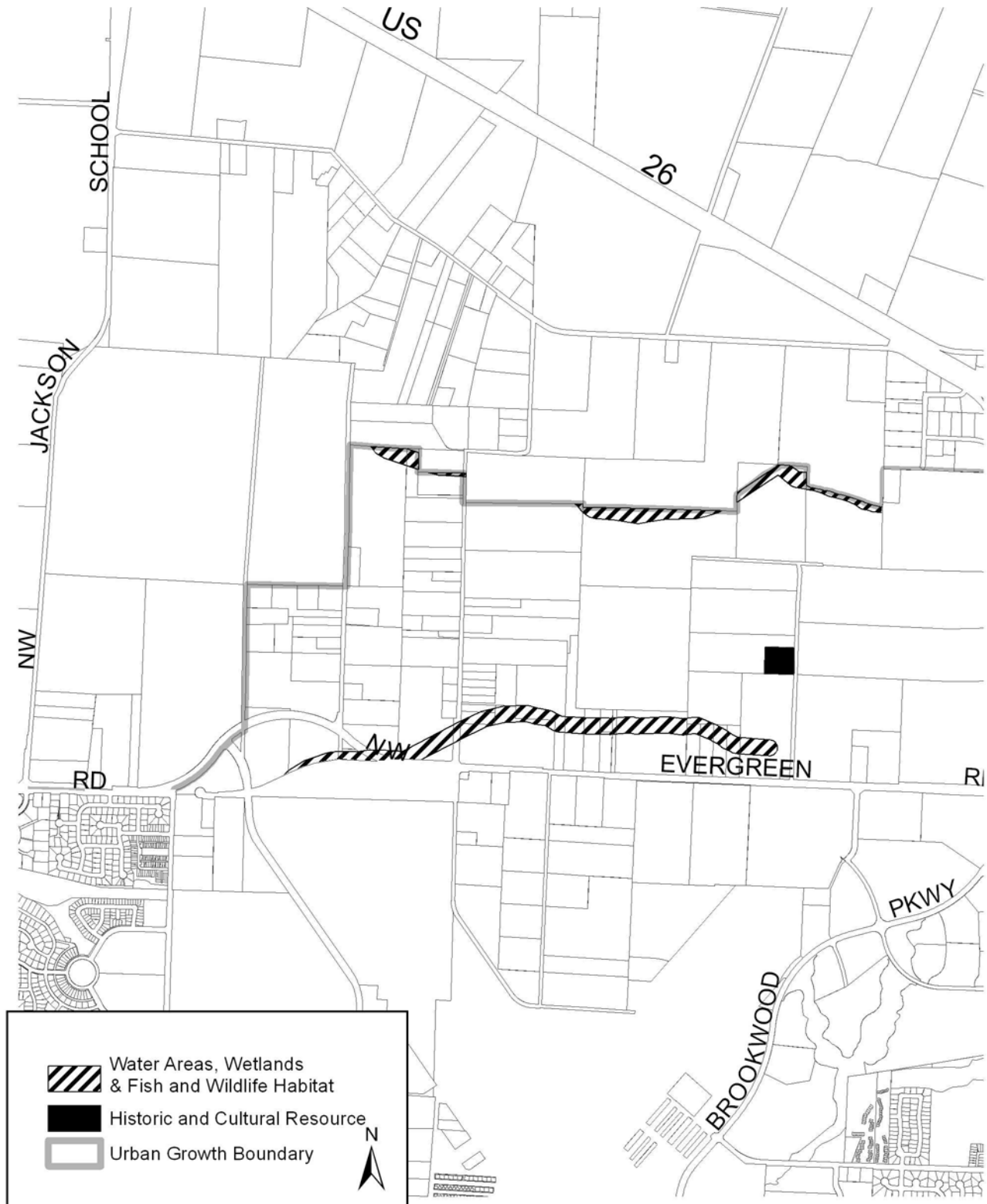
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



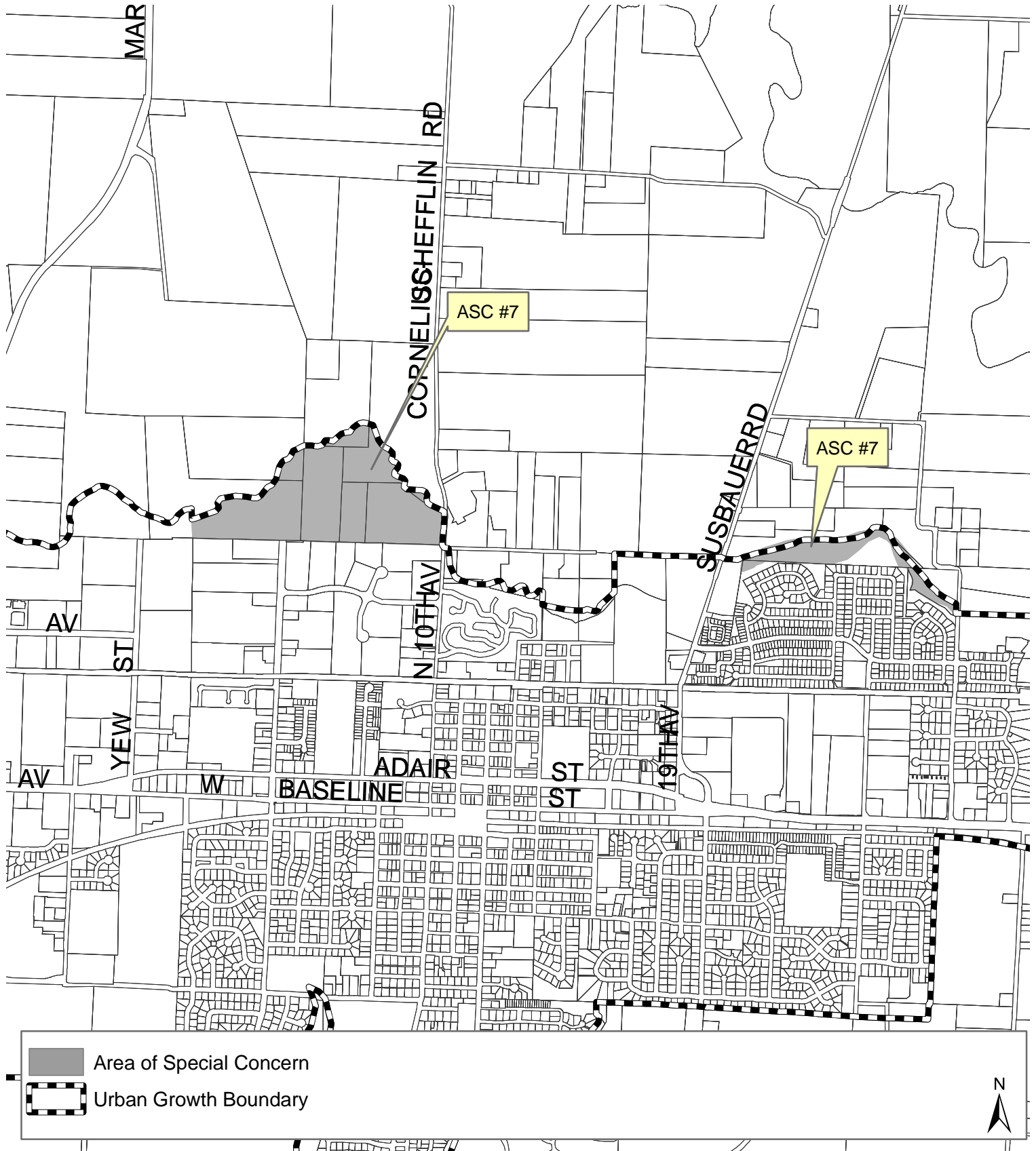
Amend the Goal 5 Resources for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



Amend the Goal 5 Resources 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 Detailed 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:



Implementing Strategy d. of Policy 41 of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

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.

Title 11 planning 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. This area is designated as a Regionally Significant Industrial Area by Metro.

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

- a) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.

~~This site is designated as a Regionally Significant Industrial Area by Metro.~~

- b) Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and 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 Section 3.07.420 of Metro's Urban Growth Management Functional Plan.~~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.~~

~~e) 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. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning 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.~~

Ba) Future lot/parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

eb) 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 ~~by~~ 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 criteria:~~

a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

b) The Title 11 planning required by Metro shall:



- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - 2) Incorporate the general location of the projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.
  - 3) Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B.
- ~~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 criteria:~~
- ~~a)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.~~
- b) The Title 11 planning required by Metro shall:
- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
  - 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) Consider using the I-5/99W connector as a boundary between the cities of Tualatin and Wilsonville.
- ~~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 criteria:~~
  - ~~a) 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.~~
  - ~~b) The Title 11 planning required by Metro shall:~~
    - ~~1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.~~
    - ~~2) Incorporate tThe 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:~~

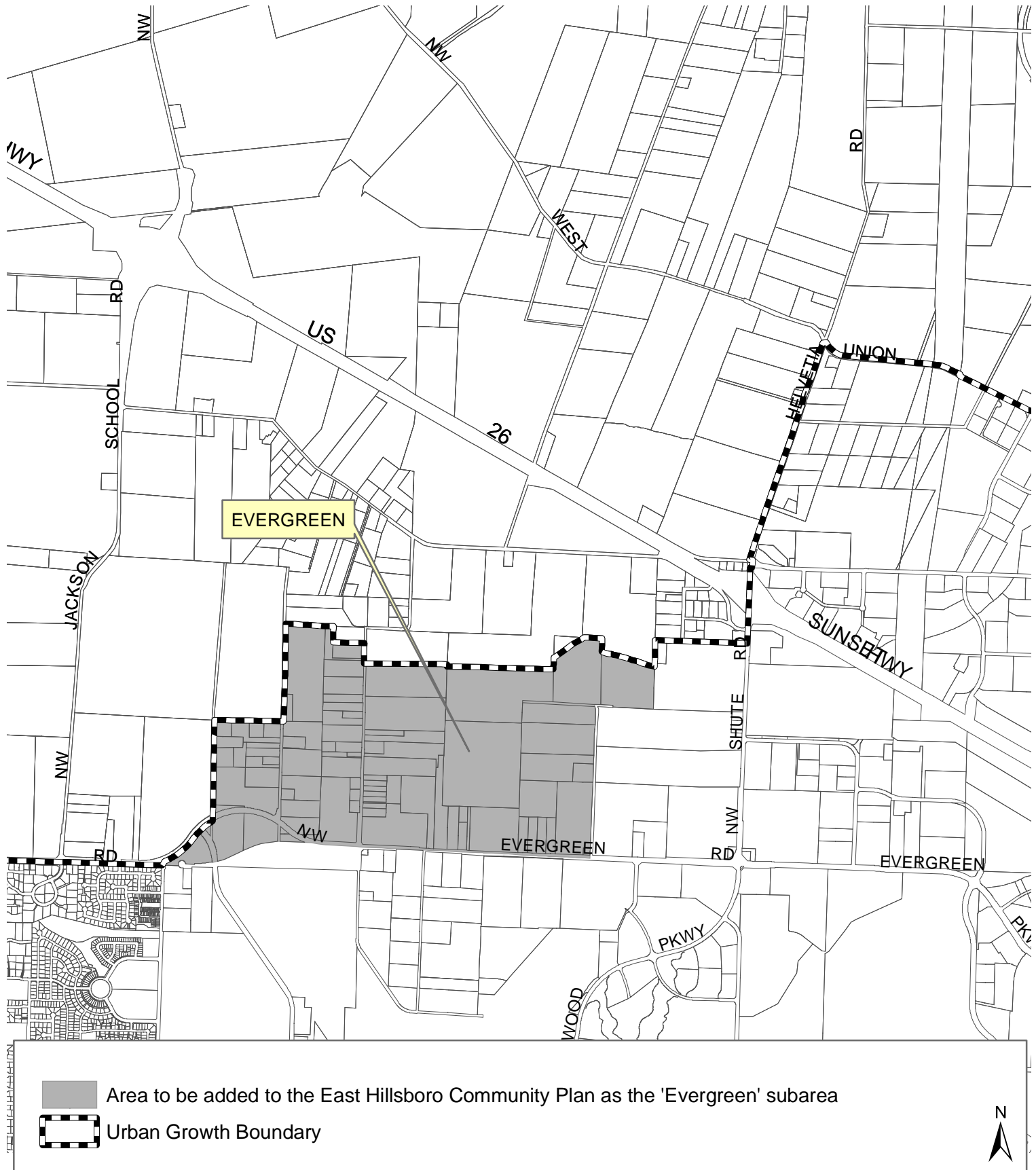
- ~~a) Provide public facilities and services;~~
- ~~b) Separate a portion of a lot or parcel in order to protect a natural resource, provide a public amenity, or implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;~~
- ~~c) Separate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

7. Area of Special Concern 7 consists of two individual UGB expansion areas that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

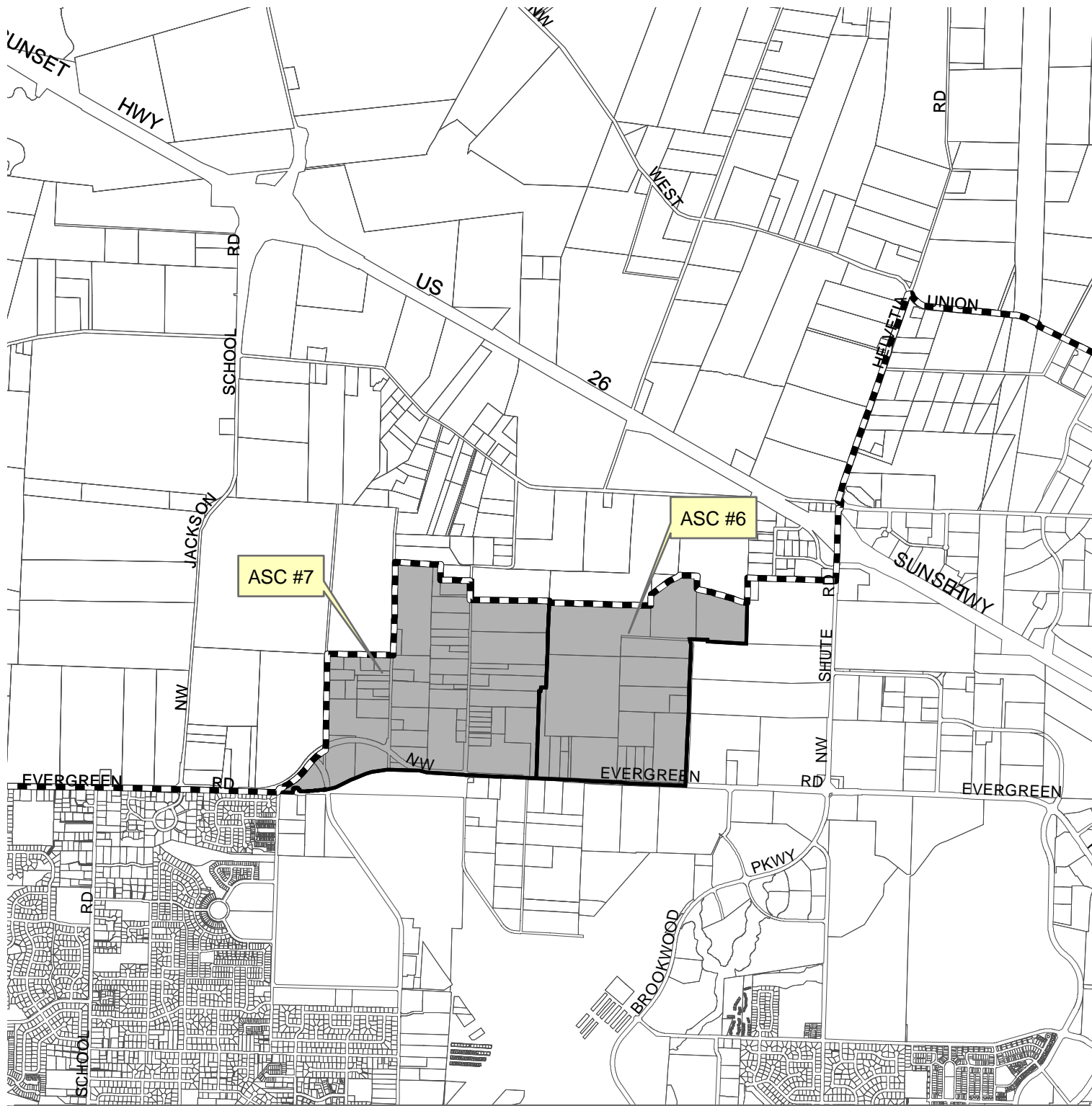
Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:



- a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
  - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.
- b) The Title 11 planning required by Metro shall:
  - 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

Amend the East Hillsboro Community Plan boundary and the Subareas map to include the new area and designate it as the 'Evergreen' subarea as indicated below:



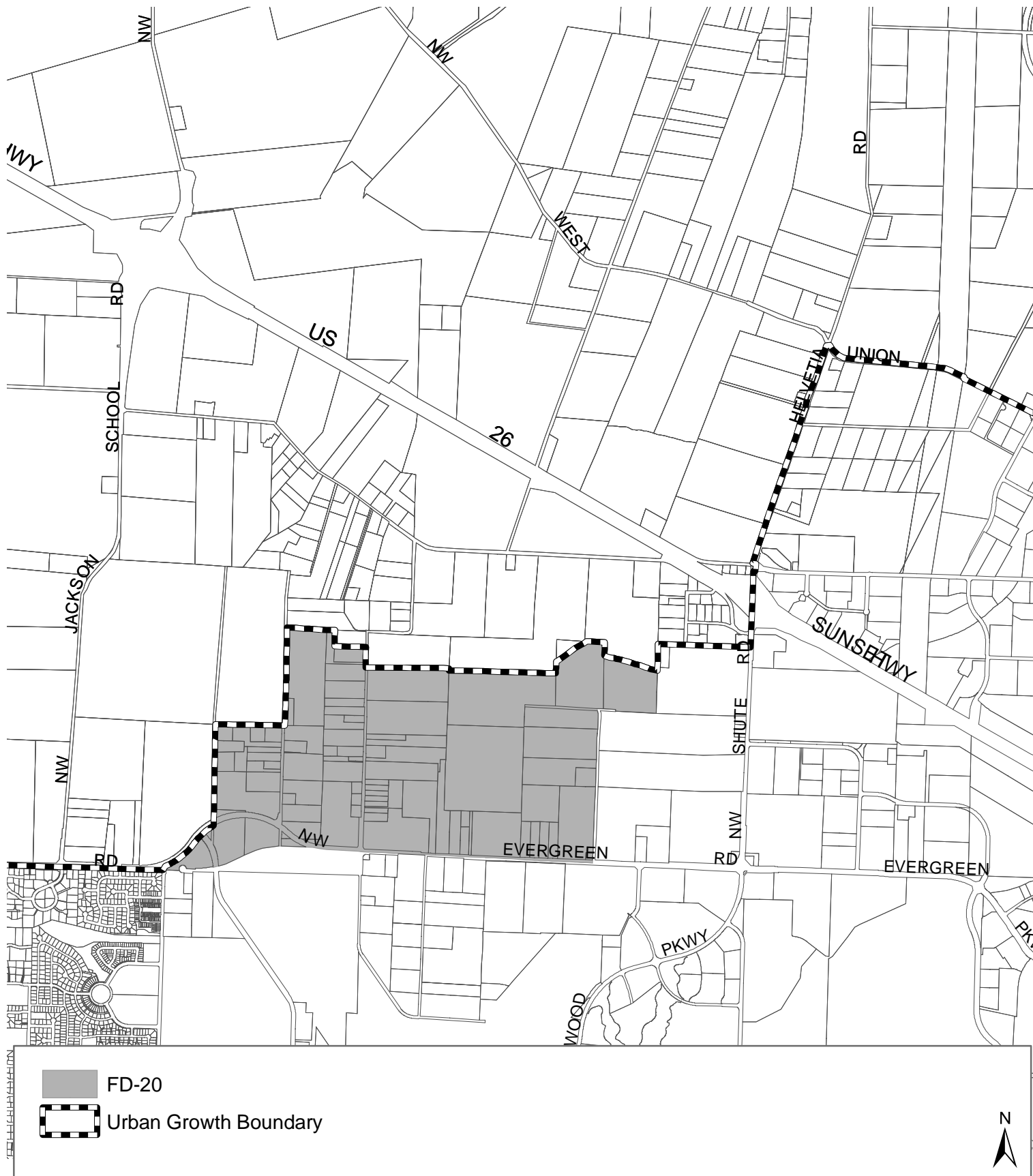
Amend the East Hillsboro Community Plan, 'Washington County Areas of Special Concern' map to apply the Area of Special Concern designation to the following areas:



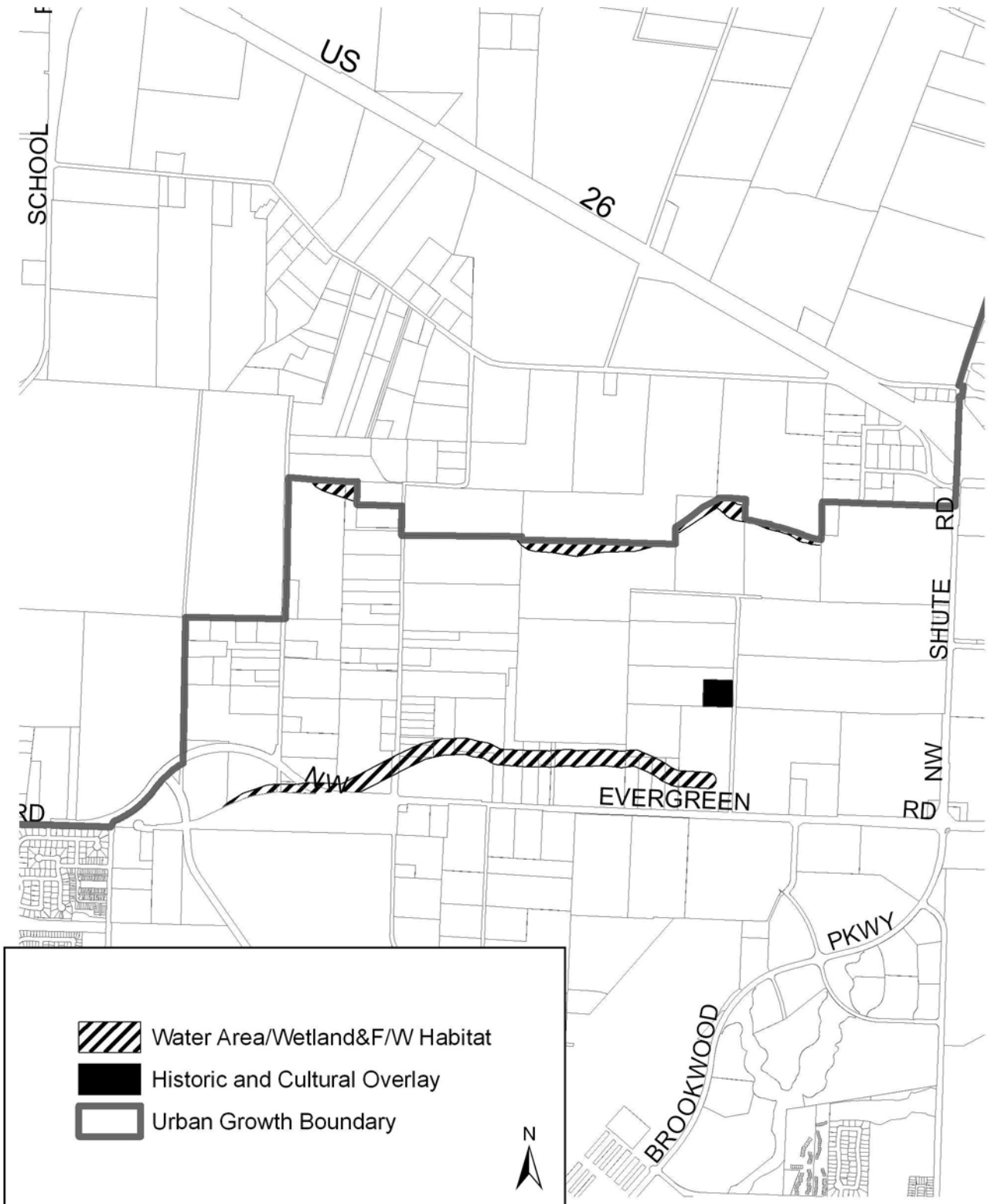
-  New Areas of Special Concern
-  Urban Growth Boundary



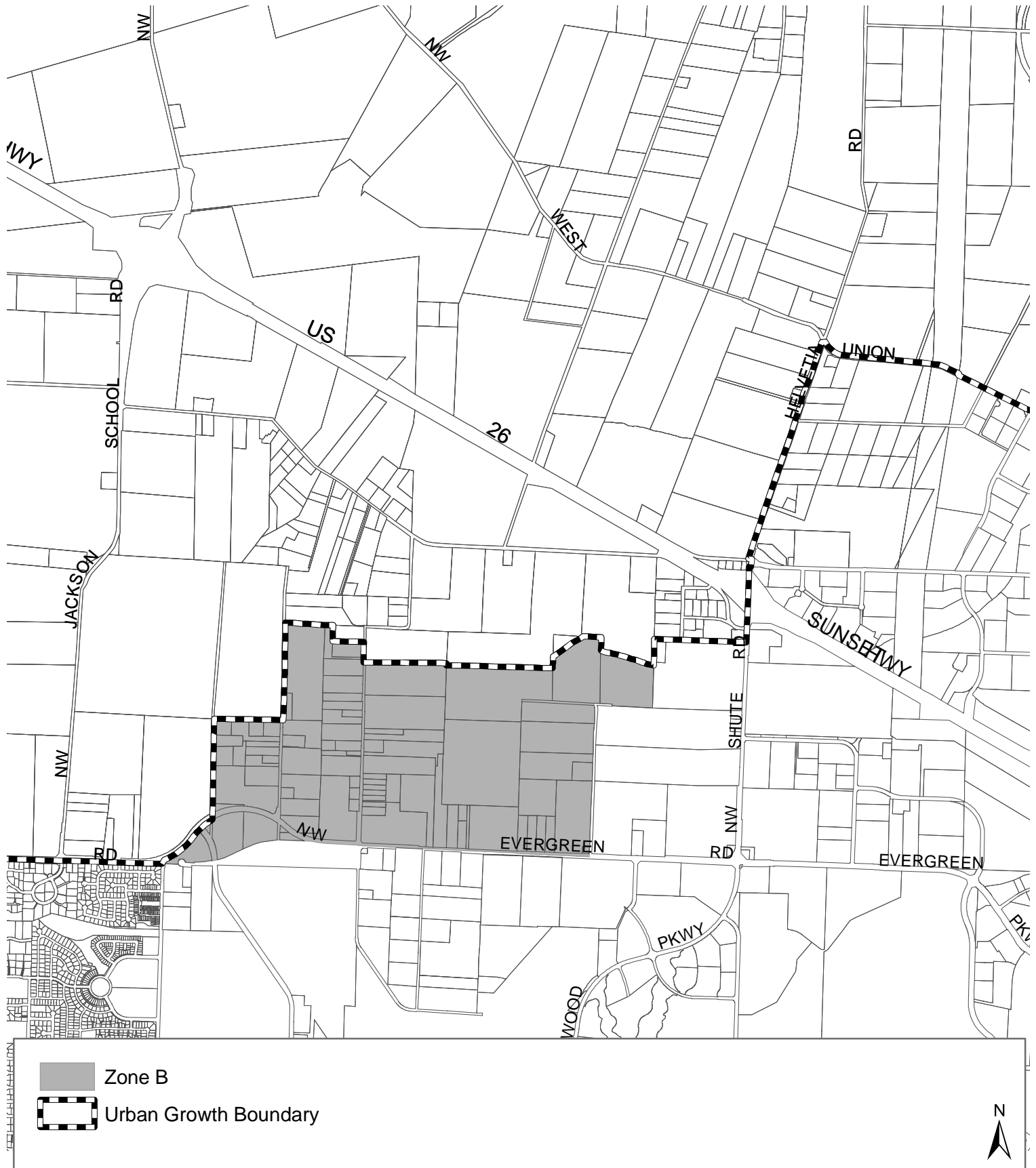
Amend the East Hillsboro Community Plan 'Land Use Districts' map to apply the FD-20 designation as indicated below:



Amend the East Hillsboro Community Plan 'Significant Natural & Cultural Resources' map to apply the resource designations as indicated below:



Amend the East Hillsboro Community Plan 'Washington County Parking Maximum Designations' map to apply the Zone B designation as indicated below:





Amend the East Hillsboro Community Plan to add the following description for the new "Evergreen Road Subarea":

**EVERGREEN ROAD SUBAREA**

This area encompasses approximately 539 acres located on the north side of Evergreen Road and generally west of Shute Road and east of Jackson School Road. This property was added to the UGB by Metro Ordinance 05-1070A adopted November 17, 2005. On the 2040 Growth Concept Plan, Metro designated the eastern half of the area (Area of Special Concern 6) as a Regionally Significant Industrial Area (RSIA) and the remaining area (Area of Special Concern 7) as Industrial land.

The area is designated Future Development - 20 Acres (FD-20) on the East Hillsboro Community Plan. The FD-20 designation shall be maintained until the planning requirements of Title 11 have been adopted by ordinance or quasi-judicial plan amendment. In the course of Title 11 planning, a lot/parcel reconfiguration plan shall be developed to result in at least one parcel that is 100 acres or larger in size. Subsequent creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.420 or 3.07.430 of Metro's Urban Growth Management Functional Plan, whichever is applicable.

**Area of Special Concern 6:** This area consists of approximately 238 acres located north of Evergreen Road and west of 253<sup>rd</sup> Avenue. The planning of this area shall be coordinated with the planning of Area of Special Concern 1 on the West Union Community Plan ("Helvetia Area").

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

a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

- 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.
- 2) The creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

b) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Evergreen area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

**Area of Special Concern 7:** This area consists of approximately 300 acres located north of Evergreen Road, west of Area of Special Concern 7 and generally east of NW 273<sup>rd</sup> Avenue. The planning of this area shall be coordinated with the planning for Area of Special Concern 1 on the West Union Community Plan ("Helvetia Area").

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

a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

- 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.
- 2) The creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.430 of Metro's Urban Growth Management Functional Plan.

b) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Evergreen area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

CDC Section 308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20) is amended to reflect the following:

**308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)**

**308-1 Intent and Purpose**

The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

**308-2 Uses Permitted Through a Type I Procedure:**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses 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 this Code.

308-2.1 Accessory Uses and Structures - Section 430-1.

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

308-2.3 Bus Shelter - Section 430-23.

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use

district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

- 308-2.5 Home Occupation - Section 430-63.1.
- 308-2.6 Parks - Section 430-95.
- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

### **308-3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses 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.

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

#### **308-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses may be 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.

- 308-4.1 Cemetery - Section 430-27, except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.2 Church - Section 430-29., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.3 Commercial Chicken or Rabbit Raising.
- 308-4.4 Commercial Greenhouse.
- 308-4.5 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).
- 308-4.6 Contractor's Establishment.
- 308-4.7 Day Care Center - Section 430-53.2., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.8 Public Building - Section 430-103.
- 308-4.9 Public Utility - Section 430-105.
- 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 308-4.12 School - Section 430-121., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

#### **308-5 Prohibited Uses**

- 308-5.1 Structures or uses not specifically authorized in Section 308.
- 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
- 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
- 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 308-5.8 Auto wrecking yards.
- 308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**308-6 Dimensional Requirements**

In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

- 308-6.1 Lot Area:
  - A. The minimum lot area shall be twenty (20) acres unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area, or as provided below.
  - B. Partitions to create parcels less than twenty (20) acres may be allowed for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services. If the partition is required to accommodate the sale of land for the noted public facilities and services, application submittal materials shall include the following in order to demonstrate proof of a qualified service provider's intent to purchase the parcel(s) created through such a partition:

- (1) A letter of intent to purchase or signed purchase agreement from the applicable service provider for the proposed parcel(s), and
- (2) Application by all the owners of the subject property and the service provider(s) intending to purchase the proposed parcel(s), or any person authorized in writing to act as agent of the owners or service providers.

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

308-6.4 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

**308-7 Additional Standards**

- 308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.
- 308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.
- 308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

**308-8 Access**

All lots in this District shall either:

- 308-8.1 Abut a public street; or
- 308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

**308-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.