



October 10, 2008

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 704**

Enclosed for your information is a copy of proposed A-Engrossed Ordinance No. 704. 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 Anne Elvers, Associate Planner.

The Board of County Commissioners (Board) ordered changes to Ordinance No. 704 at their October 7, 2008 public hearing. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 704** and are summarized below.

Ordinance Purpose and Summary

Ordinance No. 704 amends the **Community Development Code** (CDC) relating to housekeeping and general update amendments.

Who Is Affected

Residents in the urban and rural unincorporated areas of Washington County are potentially affected.

What Land is Affected

Urban and rural unincorporated land (outside city limits).

Summary of Changes to Ordinance No. 704

- Exhibit 5 amends CDC Section 215 Enforcement. Recently adopted County Code Chapter 1.14 includes procedures for code compliance for land use standards. Therefore, Section 215 was deleted for consistency purposes. Section 215-4 must be updated so that it references the correct County Code chapter.

Initial Public Hearings Time and Place

Board of County Commissioners
10:00 am
October 21, 2008

Board of County Commissioners
6:30 pm
October 28, 2008

Hearings on A-Engrossed Ordinance No. 704 will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On October 28, 2008 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 27, 2008.

**How to Submit
Comments**

Submit oral or written testimony to the Board at one of the public hearings. Written testimony may be mailed or faxed to the Board or 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. 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

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**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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE NO. 704

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan relating to General
Update and Housekeeping Changes

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 Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692 and 694-698.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC to reflect legislative changes, provide general update and housekeeping amendments, and assure consistency with recently adopted code enforcement provisions. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

13 SECTION 2

14 The following exhibits, attached hereto and incorporated herein by reference, are hereby
15 adopted as amendments to the documents designated below:

- 16 A. Exhibit 1 (2 pages) amending CDC Section 414 SIGNS to clarify that
17 an exempt sign may require a building permit;
- 18 B. Exhibit 2 (1 page) amending CDC Section 340 EXCLUSIVE FARM
19 USE (EFU) and Section 344 AGRICULTURE AND FOREST
20 DISTRICT (AF-20);
- 21 C. Exhibit 3 (2 pages) amending CDC Section 418-4 SETBACKS;
- 22 D. Exhibit 4 (3 pages) amending CDC Section 406 BUILDING, SITING
AND ARCHITECTURAL DESIGN; and
- E. Exhibit 5 (2 pages) amending CDC Section 215 CODE COMPLIANCE.

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SECTION 3

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

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427 (2007 Edition).

SECTION 5

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

SECTION 6

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 sections,

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


3 SECTION 7

4 This Ordinance shall take effect on November 27, 2008.

5 ENACTED this 28 day of October, 2008, being the 3rd reading and 3rd
6 public hearing before the Board of County Commissioners of Washington County, Oregon.

7
8 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

9
10 **ADOPTED**

11 *via* 
12 CHAIRMAN

13 
14 RECORDING SECRETARY

15 READING

15 PUBLIC HEARING

16 First October 7, 2008
17 Second October 21, 2008
18 Third October 28, 2008
19 Fourth _____
20 Fifth _____
21 Sixth _____

16 First October 7, 2008
17 Second October 21, 2008
18 Third October 28, 2008
19 Fourth _____
20 Fifth _____
21 Sixth _____

22 (Engrossment ordered October 7, 2008)

VOTE: Aye: Schouten, Rogers, Duyck Nay: _____

Recording Secretary: Marian Larkin Date: October 28, 2008

Community Development Code Section 414 SIGNS is amended to reflect the following:

414-5 Exemptions and Supplemental Criteria

The following signs are exempted from development permit requirements and from the standards set forth above; however, a permit may be required as determined by the Building Official.

414-5.1 Temporary Signs:

The following temporary signs are permitted subject to the standards of Section 414-5.1 F:

A. Construction Signs;

B. Real Estate Signs;

C. Temporary Land Development Project Signs pertaining to the sale, lease, rent or development of a subdivision, shopping center, industrial park or similar land parcel;

D. Political campaign signs; and

E. Farm or Forest product signs.

F. Temporary signs listed in A through E above shall meet the following standards:

(1) Shall not exceed sixteen (16) square feet in area;

(2) Shall be located on private property, not within any dedicated right-of-way; and

(3) Shall be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event.

414-5.2 Bench Signs:

On-premises and off-premises advertising on street benches provided:

A. The benches shall not be higher than four (4) feet above ground;

B. The advertising is limited to fourteen (14) square feet in area;

C. The benches are not located closer than five (5) feet to any street right-of-way line;

- D. Benches are located in a manner not to obstruct vision;
- E. The advertising shall be included as part of the total permitted sign area of the premise on which it is located.

414-5.3 Directory Signs are permitted when the maximum total area does not exceed one-hundred (100) square feet. Directory signs shall not front on any public street.

414-5.4 Farm Signs:

Names of occupants and other identification, painted or otherwise made a part of a surface or roof of a barn or other accessory building provided said identification sign is not for advertising purposes.

414-5.5 Flag:

A United States flag up to fifty (50) square feet in area.

414-5.6 Household Goods Sales:

- A. Signs may not exceed a total area of four (4) square feet;
- B. Shall be erected only during daylight hours;
- C. Shall be removed within forty-eight (48) hours after erecting; and
- D. Shall not be located in a manner which would cause a public safety hazard.

414-5.7 Integral Signs

414-5.8 Private Traffic Direction:

Signs directing traffic movement onto a premise or within a premise, not to exceed three (3) square feet in area for each sign. Illumination of these signs shall be in accordance with Section 414-6. Horizontal directional signs flush with paved areas are exempt from these standards.

414-5.9 Safety Signs:

Danger signs, trespassing signs, warning signs, traffic signs, memorial plaques, signs of historical interest, holiday signs, public and service information signs such as rest rooms, mailbox identification, newspaper container identification.

414-5.10 Street Banners for Public Events (Temporary)

Community Development Code Section 340 EXCLUSIVE FARM USE and Section 344 AGRICULTURE AND FOREST DISTRICT (AF-20) are amended to reflect the following:

1. 340 EXCLUSIVE FARM USE DISTRICT (EFU)

340-4 Uses Permitted Through a Type II Procedure

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

- E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), ~~to allow a second farm dwelling is subject to the following standards:~~
 - ~~(1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;~~
 - ~~(2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and~~
 - ~~(3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.~~

2. 344 AGRICULTURE AND FOREST DISTRICT (AF-20)

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

- E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), ~~to allow a second farm dwelling is subject to the following standards:~~
 - ~~(1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;~~
 - ~~(2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and~~
 - ~~(3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.~~

Community Development Code Section 418-4 SETBACKS is amended to reflect the following:

418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

- 418-4.1 A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.
- 418-4.2 A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.
- 418-4.3 A combination fence [not more than six (6) feet in height] and retaining wall structure [not more than four (4) feet in height] located in a side or rear yard (for design standards see Section 419-4).
- 418-4.4 Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 418-4.5 All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.
- 418-4.6 A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.
- 418-4.7 Residential lots or parcels with driveways closer than seven-and-a-half (7.5) feet from the property line shall maintain a clear vision area with no sight obscuring fence or wall (does not include a retaining wall) not more than three (3) feet in height, measured from finished grade, within a seven-and-a-half (7.5) feet by fifteen (15) foot rectangle. A clear vision shall be measured from the interior edge of the sidewalk (for design standards see Figure 1 and Figure 2).

Figure 1. Plan View

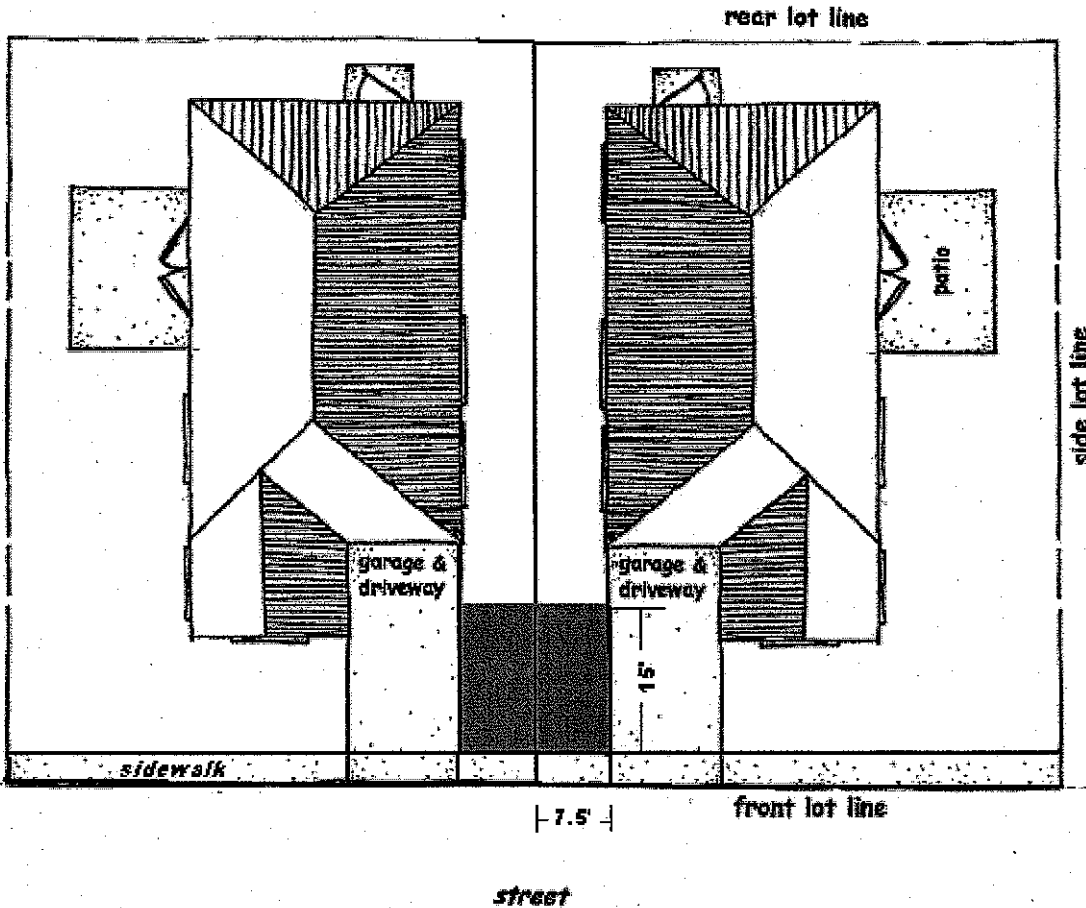
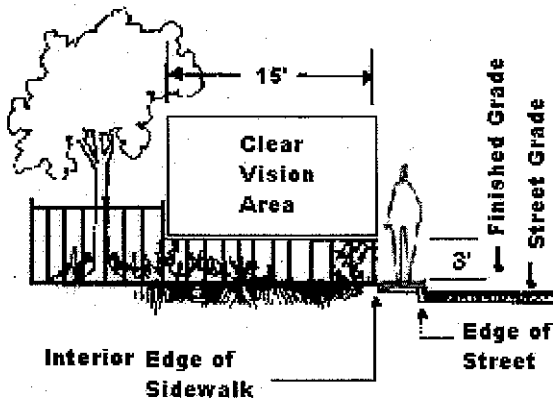


Figure 2. Side View



abcdef Proposed additions
 abedef Proposed deletions

Community Development Code Section 406 BUILDING, SITING AND ARCHITECTURAL DESIGN is amended to reflect the following:

406-6.4 Location, Design and Access Standards for Storage Areas

The following location, design and access standards for storage areas are applicable to all three methods of compliance: 1) minimum standards; 2) waste assessment; and 3) comprehensive recycling plan.

A. Location Standards:

- (1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- (2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.
- (3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.
- (5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.
- (6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site.
- (7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.

B. Design Standards:

- (1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.

- (2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- (3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- (4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position.
- (5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards:

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
- (2) Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building facades, the following information must be submitted:

- 406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;
- 406-7.2 Building Floor Plans;
- 406-7.3 Building Elevations and Sections;
- 406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and

406-7.5 Building Shadow Plan.

406-7.6 For new development required to provide mixed solid waste and recyclables storage facilities, a written statement from the ~~applicable franchised solid waste collection company~~ Washington County Health and Human Services Solid Waste and Recycling Division concerning the adequacy of the proposed design and location of the storage facilities as required by Section 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C (1, 2, and 3).

Community Development Code Section 215 CODE COMPLIANCE is amended to reflect the following:

215 CODE COMPLIANCE

215-1 No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of the Comprehensive Framework Plan including but not limited to this Development Code or the applicable Community Plan.

215-2 No building or development permit shall be issued unless it has first been determined whether there are existing violations on the property. A building or development permit may be denied where there is an existing violation or may include a condition addressing any existing violation. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

~~**215-3**~~ ~~**Voluntary Compliance**~~

~~Washington County's first preference regarding code enforcement is voluntary compliance.~~

~~**215-3.1**~~ ~~**Voluntary Compliance Agreement**~~

~~The County may, in its sole discretion, enter into a written voluntary compliance agreement with a respondent before or after a citation is issued. The agreement shall include the required corrective action, time limits for compliance and shall be binding.~~

~~The fact that a person alleged to have committed a violation enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation for any purpose.~~

~~The County will delay further processing of the alleged violation during the time allowed in the voluntary compliance agreement for completion of the required corrective action. The County shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate the proceedings against respondent.~~

~~**215-3.2**~~ ~~**Failure to Comply with Voluntary Compliance Agreement**~~

~~Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation, and shall be handled in accordance with the procedures established by Chapter 14.16 of the Washington County Code, except no further notice after the voluntary compliance agreement has been signed need be given before further enforcement proceedings are initiated. The County may also proceed on the alleged violation that gave rise to the voluntary compliance agreement.~~

215-4.3 Prosecution of Violations

Violations of the Comprehensive Framework Plan including but not limited to this Development Code and any applicable Community Plan will be prosecuted as provided under Chapter ~~14.16~~ 1.14 of the Washington County Code