



# WASHINGTON COUNTY OREGON

March 27, 2009

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation *6/8/09*

Subject: **PROPOSED ORDINANCE NO. 711**

Enclosed for your information is a copy of proposed Ordinance No. 711. 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 Long Range Planning Division staff contact noted below.

### **Ordinance Purpose and Summary**

Ordinance No. 711 updates the Community Development Code (CDC) to reflect recent definition changes made to Oregon Administrative Rule 660-006 relating to forest production definitions. It also adds the following uses to the Exclusive Farm Use (EFU) and Agriculture and Forest (AF-20) Districts: biofuel production, as allowed pursuant to Oregon Revised Statute 315.141, and landscaping contractor's establishments.

### **Who Is Affected**

Residents of land in rural unincorporated areas of Washington County designated as EFU, AF-20 or Exclusive Forest Conservation (EFC) will be affected.

### **What Land is Affected**

Land designated as EFU, AF-20 or EFC will be affected.

### **Key Provisions**

Ordinance No. 711 proposes to amend Section 106 of the CDC to reflect recent changes to the definitions of "cubic foot per acre per year" and "cubic foot per tract per year" in Oregon Administrative Rule (OAR) 660-006-0005. These definitions are applicable to forest related uses in the EFC District. The proposed changes to CDC Sections 340 and 344 include the addition of the production of biofuel, as defined in Oregon Revised Statute (ORS) 315.141, to the allowed uses permitted through a Type II procedure. Also, allowed uses through a Type II procedure in Sections 340 and 344 would be amended to include landscaping contracting businesses and landscape architecture services as defined ORS 671.520 and ORS 671.318, respectively.

### **Initial Public Hearings Time and Place**

**Planning Commission**  
**1:30 PM**  
**May 6, 2009**

**Board of County Commissioners**  
**10:00 AM**  
**June 2, 2009**

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

On June 2, 2009, 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 thirty (30) days after the date of adoption.

**Community  
Development Code  
Standards Amended  
How to Submit  
Comments**

- 106, Definitions
- 340, Exclusive Farm Use District
- 344, Agriculture and Forest District

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**

Anne Elvers, Associate Planner  
155 North 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3583 Fax: 503-846-4412  
e-mail: anne\_elvers@co.washington.or.us

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

- The Washington County Department of Land Use and Transportation, Planning Division, 155 North 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**

**ORDINANCE 711**

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

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, 694-698, 703 and 704.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC to reflect legislative changes and provide general update and housekeeping amendments. 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.

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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 (1 page) amending the CDC Section 106 DEFINITIONS; and  
17 B. Exhibit 2 (3 pages) amending the CDC Section 340 EXCLUSIVE  
18 FARM USE (EFU) DISTRICT and Section 344 AGRICULTURE  
19 AND FORESTRY 20 ACRE (AF-20) DISTRICT regarding the  
20 production of biofuel as defined by ORS 315.141, a landscaping  
contracting business as defined by ORS 671.520, and a business  
providing landscape architecture services as defined by ORS 671.318.

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1     SECTION 3

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

4     SECTION 4

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

7     SECTION 5

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

13    SECTION 6

14            The Office of County Counsel and Department of Land Use and Transportation are  
15    authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
16    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  
2 to conform to the Washington County Comprehensive Plan format.

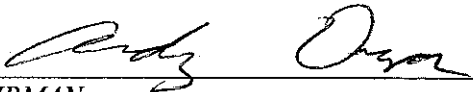
3 SECTION 7

4 This Ordinance shall take effect 30 days after adoption.

5 ENACTED this 2nd day of June, 2009, being the  
6 1st reading and 1st public hearing before the Board of County Commissioners of  
7 Washington County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS  
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

11   
12 CHAIRMAN

13   
14 RECORDING SECRETARY

15 READING

15 PUBLIC HEARING

16 First June 2, 2009

16 First June 2, 2009

17 Second \_\_\_\_\_

17 Second \_\_\_\_\_

18 Third \_\_\_\_\_

18 Third \_\_\_\_\_

19 Fourth \_\_\_\_\_

19 Fourth \_\_\_\_\_

20 Fifth \_\_\_\_\_

20 Fifth \_\_\_\_\_

21 Sixth \_\_\_\_\_

21 Sixth \_\_\_\_\_

22 VOTE: Aye: Duyck, Rogers, Strader, Schouten Nay: \_\_\_\_\_

Recording Secretary: Barbara Hejtmanek Date: June 2, 2009

Community Development Code Section 106 DEFINITIONS is amended to reflect the following:

**106-45** Cubic Foot Per Acre Per Year The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the ~~USDA Soil Conservation Service~~Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality. Where ~~such~~SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and be approved by the Oregon Department of Forestry.

**106-46** Cubic Foot Per Tract Per Year The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the ~~USDA Soil Conservation Service~~Natural Resource Conservation Service (NRCS) soil survey information, USDA Forest Service plant association guides, Oregon Department of Revenue western Oregon site class maps, or other information determined by the State Forester to be of comparable quality. Where ~~SCS~~such data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data as explained in the Oregon Department of Forestry's Technical Bulletin entitled "Land Use Planning Notes Number 3 dated April 1998" and be approved by the Oregon Department of Forestry.

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

1. Amend CDC Section 340-4, Uses Permitted Through a Type II Procedure, as shown below:

**340-4 Uses Permitted Through a Type II Procedure**

The uses listed in Sections 340-4.1 and 340-4.2 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. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

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

- A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- B. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.2, 8.3, and 8.4.
- C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
- D. Facility for the processing of farm crops or the production of biofuel, as defined in ORS 315.141, located on a farm operation that provides at least one-quarter of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposing to separate a processing facility from the farm operation on which it is located is prohibited.

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2. Amend CDC Section 340-4.2, Permitted Uses which are subject to Section 340-4.3, as shown below:

340-4.2 Permitted Uses which are subject to Section 340-4.3:

- A. Commercial Activities in Conjunction with Farm Use, ~~not~~ including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or as described in Section 340-4.1 DC. - Section 430-33.

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NEW A landscaping contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes the primary farm use.

3. Amend CDC Section 344-4, Uses Permitted Through a Type II Procedure as shown below:

**344-4 Uses Permitted Through a Type II Procedure**

The uses listed in Section 344-4.1 and 344-4.2 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. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

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

- A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- B. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-8.2, 8.3, and 8.4.
- C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
- D. Facility for the processing of farm crops or the processing of biofuel, as defined in ORS 315.141, located on a farm operation that provides at least one-quarter (1/4) of the crops processed at the facility. The building established for the processing

facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited:

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4. Amend CDC Section 344-4.2, Permitted Uses which are subject to Section 344-4.3, as shown below:

344-4.2 Permitted Uses which are subject to Section 344-4.3:

- A. Commercial Activities in Conjunction with Farm Use, ~~not~~ including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or as described in Section 344-4.1 CD. - Section 430-33.

\*\*\*

NEW A landscaping contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes the primary farm use.