

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing
Land Use & Transportation; County Counsel (ALL CPOs)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 832
AN ORDINANCE AMENDING THE COMMUNITY
DEVELOPMENT CODE RELATING TO FAIR HOUSING AND
GROUP CARE UPDATES**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 832 proposes to amend the Community Development Code to better comply with federal Fair Housing law and state law related to group care and housing for persons with disabilities. A-Engrossed Ordinance No. 832 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

After its Aug. 7, 2018, public hearing on Ordinance No. 832, the Board directed engrossment of the ordinance to revise amendments regarding temporary homeless hosting/shelter activity. A summary of those changes was included in the staff report for the Aug. 28 hearing. The Board conducted its first hearing for A-Engrossed Ordinance No. 832 on Aug. 28, and continued the hearing to Sept. 18, 2018.

The staff report for the Sept. 18 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 832 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 832 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.a.</u>
Date:	09/18/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 832

An Ordinance Amending the Community
Development Code, an Element of the
Comprehensive Plan, Relating to Fair Housing
and Group Care Updates

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board 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, and 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, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822, 823-824, 826-828, 831 and 833.

B. As part of its ongoing planning efforts, Washington County staff has identified necessary updates to the Community Development Code to better comply with state and federal laws under the Fair Housing Act. The Board recognizes that such changes are

1 necessary from time to time for the benefit and welfare of the residents of Washington
2 County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the
4 Department of Land Use and Transportation has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to the
7 Board. The Board finds that this Ordinance is based on that recommendation and any
8 modifications made by the Board, as a result of the public hearings process.

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

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as an amendment to the designated document as follows:

18 A. Exhibit 1 (15 pages), amends the following sections of the Community
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 302 – R-5 District (Residential 5 Units per Acre);

- 1 4. Section 303 – R-6 District (Residential 6 Units per Acre);
- 2 5. Section 304 – R-9 District (Residential 9 Units per Acre);
- 3 6. Section 305 – R-15 District (Residential 15 Units per Acre);
- 4 7. Section 306 – R-24 District (Residential 24 Units per Acre);
- 5 8. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 6 9. Section 308 – Future Development 20-Acre District (FD-20);
- 7 10. Section 309 – Future Development 10-Acre District (FD-10);
- 8 11. Section 311 – Neighborhood Commercial District (NC);
- 9 12. Section 312 – Office Commercial District (OC);
- 10 13. Section 313 – Community Business District (CBD);
- 11 14. Section 314 – General Commercial District (GC);
- 12 15. Section 330 – Institutional District (INST);
- 13 16. Section 346 – Agriculture and Forest District (AF-10);
- 14 17. Section 348 – Agriculture and Forest District (AF-5);
- 15 18. Section 350 – Rural Residential Five Acre Minimum District (RR-5);
- 16 19. Section 375 – Transit Oriented Districts;
- 17 20. Section 390 – North Bethany Subarea Overlay District;
- 18 21. Section 403 – Applicability;
- 19 22. Section 413 – Parking and Loading;
- 20 23. Section 429 – Bicycle Parking; and
- 21 24. Section 430 – Special Use Standards.

22 ///

1 SECTION 3

2 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
3 which 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
6 with ORS 215.427.

7 SECTION 5

8 If any portion of this Ordinance, including the exhibit, shall for any reason be held
9 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
10 affected thereby and shall remain in full force and effect.

11 SECTION 6

12 The Office of County Counsel and Department of Land Use and Transportation are
13 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
14 this Ordinance, including deleting and adding textual material and maps, renumbering pages
15 or sections, and making any technical changes not affecting the substance of these
16 amendments as necessary to conform to the Washington County Comprehensive Plan format.

17 ///

18 ///

1 SECTION 7

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

3 ENACTED this 18 day of September, 2018, being the third reading
4 and third 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 *Andy Dard*
CHAIRMAN

10 *Barbara Hejtmanek*
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First August 7, 2018
13 Second August 28, 2018
14 Third September 18, 2018
15 Fourth _____
16 Fifth _____
17 Sixth _____

12 First August 7, 2018
13 Second August 28, 2018
14 Third September 18, 2018
15 Fourth _____
16 Fifth _____
17 Sixth _____

18 VOTE: Aye: Terry, Schouten,
Malinowski

Nay: _____

19 Recording Secretary: Barbara Hejtmanek Date: September 18, 2018

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 - DEFINITIONS

~~106-77~~ **Elderly Household** . One (1) or two (2) person households headed by a person sixty-two (62) years of age or older.

~~106-179~~ **Residential Home** . A residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Services, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

106-191 School, Nursery (Preschool). A school offering instruction or guided activity to preschool children for four hours or less during a day. A facility providing care to preschool children for more than four hours during a day is a day care facility (see Section 430-53.12).

2. SECTION 201 - DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

~~201-2.35~~ Temporary hosting/shelter location for homeless persons and/or households in a habitable institutional building that is not typically used as a residence, subject to the following:

- A. No more than 20 homeless persons hosted at one time;
- B. Hosting is limited to 10 consecutive days, and a cumulative total of 60 days per calendar year;
- C. Must include accessible restroom facilities, including at least one restroom that meets ADA requirements;
- D. Temporary shelter that includes overnight accommodations /sleeping spaces must have an accessible emergency exit.

For the purposes of this section, a habitable institutional building may include, but is not limited to, a building such as a school, a place of worship, or a recreational or community center, owned and/or operated by a nonprofit organization, a religious institution, a school district, or a parks or community services provider.

3. SECTION 302 - R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-3 Uses Permitted Through a Type II Procedure

302-3.7 Temporary Use - Section 430-135.2 A and B.

302-4 Uses Which May Be Permitted Through a Type III Procedure

302-4.6 Group Care - Section 430-53.1 through 430-53.35.

4. SECTION 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-3 Uses Permitted Through a Type II Procedure

303-3.11 Temporary Use - Section 430-135.2 A and B.

303-4 Uses Which May Be Permitted Through a Type III Procedure

303-4.6 Group Care - Section 430-53.1 through 430-53.35.

5. SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-3 Uses Permitted Through a Type II Procedure

304-3.10 Temporary Use - Section 430-135.2 A and B.

304-3.14 ~~Group Care Day-Care Facility~~ - Section 430-53.12 I.

304-4 Uses Which May be Permitted Through a Type III Procedure

304-4.6 Group Care - Section 430-53.1 through 430-53.35 and 430-53.57.

abcdef Proposed additions
abedef Proposed deletions

6. SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-3 Uses Permitted Through a Type II Procedure

305-3.11 Temporary Use - Section 430-135.2 A and B.

305-3.15 ~~Group Care Day Care Facility - Section~~ 430-53.12 | and 430-53.3.

305-4 Uses Which May Be Permitted Through a Type III Procedure

305-4.2 Group Care - Section 430-53.1, 430-53.2 through and 430-53.5 ~~and 430-53.7.~~

7. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-3 Uses Permitted Through a Type II Procedure

306-3.9 Temporary Use - Section 430-135.2 A and B.

306-3.13 ~~Group Care Day Care Facility -~~ 430-53.12 | and 430-53.3.

306-4 Uses Which May Be Permitted Through a Type III Procedure

306-4.1 Group Care - Section 430-53.1, 430-53.2 through and 430-53.5 ~~and 430-53.7.~~

8. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-3 Uses Permitted Through a Type II Procedure

307-3.9 Temporary Use - Section 430-135.2 A and B.

307-3.15 Group Care - Section 430-53.3.

307-4 Uses Which May Be Permitted Through a Type III Procedure

307-4.1 Group Care - Section 430-53.1, 430-53.2 through and 430-53.5 ~~and 430-53.7.~~

abcdef Proposed additions

~~abcdef~~ Proposed deletions

9. SECTION 308 - FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-3 Uses Permitted Through a Type II Procedure

308-3.4 Temporary Use - Section 430-135.2 A and B.

10. SECTION 309 - FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-3 Uses Permitted Through a Type II Procedure

309-3.4 Temporary Use - Section 430-135.2 A and B.

11. SECTION 311 - NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-3 Uses Permitted Through a Type II Procedure

311-3.27 Temporary Use - Section 430-135.2 B.

12. SECTION 312 - OFFICE COMMERCIAL DISTRICT (OC)

312-3 Uses Permitted Through a Type II Procedure

312-3.29 Temporary Use - Section 430-135.2 B.

13. SECTION 313 - COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

313-3.14 Group Care Facilities - Section 430-53.1 through 430-53.3 and 430-53.5 and 430-53.7.

313-3.43 Temporary Use - Section 430-135.2 B.

14. SECTION 314 - GENERAL COMMERCIAL DISTRICT (GC)

314-3 Uses Permitted Through a Type II Procedure

314-3.47 Temporary Use - Section 430-135.2 B.

abcdef Proposed additions
~~abedef~~ Proposed deletions

15. SECTION 330 - INSTITUTIONAL DISTRICT (INST)

330-4 Uses Permitted Through a Type II Procedure

330-4.8 Day Care Facility - 430-53.12 I.

330-4.11 Temporary Use - Section 430-135.2 B.

330-5 Uses Which May be Permitted Through a Type III Procedure

330-5.8 Group Care Facilities (except day care facilities which are permitted as a Type II use pursuant to Section 330-4.76 J and 330-4.8.) - Section 430-53.1 through 430-53.35 and 430-53.57.

16. SECTION 346 - AGRICULTURE AND FOREST DISTRICT (AF-10)

346-3 Uses Permitted Through a Type II Procedure

346-3.1 Family Day Care Provider - Section 430-53.46.

346-3.9 Day Care Facility - Section 430-53.12 I.

346-4 Uses Which May be Permitted Through a Type III Procedure

E. Day Care Facility - Section 430-53.12.

17. SECTION 348 - AGRICULTURE AND FOREST DISTRICT (AF-5)

348-3 Uses Permitted Through a Type II Procedure

348-3.1 Family Day Care Provider - Section 430-53.46.

348-3.8 Day Care Facility - Section 430-53.12 I.

348-4 Uses Which May be Permitted Through a Type III Procedure

E. Day Care Facility - Section 430-53.12.

abcdef Proposed additions
abedef Proposed deletions

18. SECTION 350 - RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)

350-3 Uses Permitted Through a Type II Procedure

350-3.1 Family Day Care Provider - Section 430-53.46. |

350-3.7 Day Care Facility - Section 430-53.12 I. |

350-4 Uses Which May be Permitted Through a Type III Procedure

350-4.1 Uses which may be allowed:

D. Day Care Facility - Section 430-53.12. |

19. SECTION 375 - TRANSIT ORIENTED DISTRICTS

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO: RC	TO: BUS	TO: EMP	TO: R9-12	TO: R12-18	TO: R18-24	TO: R24-40	TO: R40-80	TO: R80-120
Residential Uses:	(14)	(15)							
*** Day Care Facility - Section 430-53.12(27)	II	II	II	II	II	II	II	II	II
<u>Group Care - Section 430-53.2</u>	<u>II</u>	<u>II</u>	<u>N</u>	<u>III</u>	<u>III</u>	<u>III</u>	<u>III</u>	<u>III</u>	<u>III</u>
Group Care - Sections 430-53.31 and 430-53.4(27)	II	II	N	II	II	II	II	II	II
Group Care - Section 430-53.57(32.a.) ***	<u>II</u> N	<u>II</u> N	N	II	II	II	II or III (32.b.-d.)	II	II
Accessory, Secondary and Temporary Uses and Structures:									
*** <u>Temporary Use - Section 430-135.2 B</u> ***	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>	<u>II</u>

abcdef Proposed additions

~~abcdef~~ Proposed deletions

20. SECTION 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-8 R-6 North Bethany District (R-6 NB)

390-8.3 Uses Permitted Through a Type II Procedure

Q. Temporary Use - Section 430-135.2 B.

390-8.4 Uses Which May Be Permitted Through a Type III Procedure

D. Group Care Facilities Section 430-53.2 and 430-53.3.

390-9 R-9 North Bethany District (R-9 NB)

390-9.3 Uses Permitted Through a Type II Procedure

H. Group Care - Section 430-53.1 and through 430-53.5 ~~and 430-53.7.~~

Q. Temporary Use - Section 430-135.2 B.

390-9.4 Uses Which May be Permitted Through a Type III Procedure

D. Group Care - Section 430-53.2 and 430-53.3.

390-10 R-15 North Bethany District (R-15 NB)

390-10.3 Uses Permitted Through a Type II Procedure

F. Group Care - Section 430-53.3 and 430-53.5 ~~and 430-53.7.~~

K. Temporary Use - Section 430-135.2 B.

390-10.4 Uses Which May Be Permitted Through a Type III Procedure

C. Group Care - Section 430-53.2 1 and 430-53.4.

390-11 R-24 North Bethany District (R-24 NB)

390-11.3 Uses Permitted Through a Type II Procedure

E. Group Care - Sections 430-53.3 and 430-53.5 ~~and 430-53.7.~~

K. Temporary Use - Section 430-135.2 B.

390-11.4 Uses Which May Be Permitted Through a Type III Procedure

A. ~~Group Care - Section 430-53.21 and 430-53.4.~~

390-12 R-25+ North Bethany District (R-25+ NB)

390-12.3 Uses Permitted Through a Type II Procedure

E. ~~Group Care - Sections 430-53.3 and 430-53.5 and 430-53.7.~~

K. Temporary Use - Section 430-135.2 B.

390-12.4 Uses Which May Be Permitted Through a Type III Procedure

B. ~~Group Care - Section 430-53.21 and 430-53.4.~~

390-13 Neighborhood Corner Commercial District (NCC NB)

390-13.3 Uses Permitted Through a Type II Procedure

S. Group Care - Section 430.53.3, subject to the requirements of 390-13.3 H.

T. Temporary Use - Section 430-135.2 B.

390-14 Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.3 Uses Permitted Through a Type II Procedure

W. Group Care - Section 430.53.3, subject to the requirements of 390-14.3 G.

X. Temporary Use - Section 430-135.2 B.

390-15 Institutional North Bethany District (INST NB)

390-15.4 Uses Which May be Permitted Through a Type III Procedure

H. Group Care - Section 430-53.2, 430-53.3 and 430-53.5.

I. Temporary Use - Section 430-135.2 B.

21. SECTION 403 - APPLICABILITY

403-3 Additional Standards Inside the UGB

In addition to the requirements of Table I, all Master Plan and Site Analysis applications shall address the requirements of Sections 404-419, 421-423, 427 and 429.

403-3.1 Type III development, except those detailed in Section 403-3.2, may be denied based on the following:

- A. The proposed development will have significant adverse impacts on property values in the area;
- B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or
- C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the county may be evaluated for its impacts on the entire area to be served.

403-3.2 Section 403-3.1 does not apply to residential Planned Developments, ~~or subdivisions, or residential Group Care (Section 430-53.2, 430-53.3 or 430-53.5) in areas designated for R-6 or greater densities.~~ Type III residential planned developments, ~~or subdivisions, and residential Group Care other than in the R-5 District~~ are presumed to be appropriate, provided that the specific standards of this Code are met.

- A. ~~Such d~~Development may be denied or conditioned as provided in Article V;
- B. Conditions of approval may be imposed to mitigate adverse impacts;
- C. The flexibility in standards and open space provisions provided under the Type III process shall be used to permit development of a variety of housing types at the designated density while protecting identified significant natural features and accomplishing the objectives of the community design elements.

22. SECTION 413 - PARKING AND LOADING

413-6 Minimum and Maximum Off-Street Parking Requirements

The minimum and maximum number of off-street parking spaces by type of use shall be determined in accordance with the following tables. New development shall provide no more than the maximum number of off-street parking spaces listed unless exempted by Sections 413-6.4 or 413-6.7, or adjusted by Sections 413-6.5 or 413-6.6. The minimum and maximum off-street parking requirements for a use not listed shall be the same as the most similar listed use as determined by the Review

abcdef Proposed additions
abedef Proposed deletions

Authority, or as determined through a parking analysis as described in Section 413-8.6.

413-6.1 Minimum Off-Street Parking Requirements

		USE	MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
B.		Institutional:	

	(3)	<u>Resident Care Facilities and Secure Housing Facilities</u> Homes for the aged and convalescent homes	One space for each four beds, plus one space for each employee, including nurses, on maximum working shift

23. SECTION 429 - BICYCLE PARKING

429-6 Number of Bicycle Parking Spaces Required

TABLE A

		USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.2		Institutional:	

	C.	<u>Resident Care Facilities and Secure Housing Facilities</u> Homes for the aged and convalescent homes	Two spaces or one space for each 50 employees

TABLE B

MINIMUM REQUIRED SHORT-TERM BICYCLE PARKING SPACES

	USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.7	Institutional:	

	C. <u>Resident Care Facilities and Secure Housing Facilities</u> Homes for the aged and convalescent homes	Two spaces or one space for each 200 beds

24. SECTION 430 - SPECIAL USE STANDARDS

430-3 Adult Book Stores

430-3.2 Locational Standards:

B. No adult bookstore shall be permitted to locate within 250 feet of any:

- (1) Residential district;
- (2) Public or private nursery, preschool, elementary, junior, middle or high school;
- (3) Day care center, nursery school, ~~convalescent home, home for the aged,~~ resident care facility or hospital;
- (4) Public park; or
- (5) Religious institution.

430-53 Group Care

Community based care ~~is divided into~~may include medical and nonmedical care. For the purposes of this section, "care" means services, including but not limited to, assistance with activities of daily living such as bathing, dressing, grooming or eating, management of money, transportation, recreation, and the providing of room and board. ~~Group care homes, residential care facilities, and halfway houses~~may provide care and training to small groups of more than five (5) to people living together in a homelike setting, or people living in separate units. The clients and staff ~~may function as a single housekeeping unit and, act in many ways as a family providing support, care and supervision.~~ The goal of these facilities is the integration of their ~~clients-residents~~residents into society. ~~Other types of group~~Group care includes

abcdef Proposed additions

~~abcdef~~ Proposed deletions

facilities for day care, ~~convalescent (nursing) homes~~resident care facilities, and retirement housing communities.

Housing (aside from Retirement Housing Communities) that provides on-site management and/or care that does not require state or federal licensing is not classified or regulated as group care for the purposes of this code, regardless of the population residing or being served at that location.

430-53.1 ~~Convalescent (Nursing) Homes:~~

~~Convalescent homes are institutions for the care of children, the aged or infirm or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics.~~

- ~~A. The minimum lot area shall be fifteen thousand (15,000) square feet plus one thousand (1000) square feet for each bed over fifteen (15);~~
- ~~B. The minimum front and rear yards shall be thirty (30) feet;~~
- ~~C. The minimum side yard shall be twenty (20) feet;~~
- ~~D. The maximum lot coverage shall be forty (40) percent;~~
- ~~E. All state requirements and Department of Health & Human Services requirements must be met; and~~
- ~~F. The facility must be licensed or certified by the state.~~

430-53.12 Day Care Facility:

430-53.23 ~~Detention~~ Secure Housing Facilities(Halfway House) Mental and Remedial:

An establishment licensed or certified by the state and operated with that provides housing and twenty-four (24)-hour supervision and access to services, including care, training, and/or treatment for individuals under judicial detainment, including court-ordered post-incarceration secure housing, for the purpose of providing planned treatment and/or care to individuals who are criminal offenders, alcoholics, drug abusers, mentally ill or who require planned care while living together as a single housekeeping unit, subject to
The facility shall:
must meet the following requirements:

- A. Maintain all applicable state and county licensingsing and Department of Health & Human Services requirements; and
- B. Meet and maintain all applicable state, county, and federal requirementsFacility requirements including site size, but in no event smaller than twenty thousand (20,000) square feet.

430-53.4 Home for Aged (Retirement Home):

~~A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living, in a protected environment.~~

~~A. The minimum lot area shall be fifteen thousand (15,000) square feet plus one thousand (1000) square feet for each bed over fifteen (15);~~

~~B. The minimum front and rear yards shall be thirty (30) feet;~~

~~C. The minimum side yard shall be twenty (20) feet;~~

~~D. The maximum lot coverage shall be forty (40) percent;~~

~~E. All state requirements and Department of Health & Human Services requirements shall be met; and~~

~~F. The facility shall be licensed or certified by the state.~~

430-53.35 Resident Care Facility:

~~An establishment licensed or certified by the state or applicable federal authority that provides housing and operated with twenty-four (24)-hour access to services, including supervision for the purpose of providing planned treatment and/or care, training, and/or treatment for individuals who are not in need of hospital care, but who may need assistance with activities of daily living. Residents may live in separate units, or as a single housekeeping unit. Facilities may include accessory uses and amenities, such as areas for shared eating, socializing, recreation, laundry, training, or treatment. Residential units and common facilities, including sleeping areas, kitchens, bathrooms, and other amenities, must meet all applicable state and federal requirements for the aged, convalescent, mentally handicapped or retarded, and remedial service clientele and/or victims of domestic violence and their children, as a single housekeeping unit.~~

~~Resident care facilities shall must meet the following minimum requirements:~~

~~A. Not include hospital or treatment facilities otherwise provided in Article IV;~~

~~B. Maintain all applicable licenses required by the state and county; and
The minimum lot size shall be fifteen thousand (15,000) square feet;~~

~~C. Meet and maintain all applicable state and federal requirements. Must maintain all applicable licenses required by the state and county;~~

~~D. Must meet all Department of Health & Human Services requirements; and~~

~~E. No more than three (3) unrelated staff members or persons related to staff shall reside at the facility.~~

430-53.46 Family Day Care Provider in the AF-10, AF-5 and RR-5 Districts:

430-53.57 Retirement Housing Community

430-81 Neighborhood Commercial (In Conjunction with Housing for the Elderly Resident Care Facility or Retirement Housing Community)

This neighborhood commercial may include a small grocery, postal substation, beauty shop and barbershop and may be allowed in conjunction with a project for housing for the elderly resident care facility or retirement housing community when:

- 430-81.1 The floor area of the commercial use is limited to 5000 square feet;
- 430-81.2 The housing project has been approved for no less than 100 dwelling units;
- 430-81.3 The project is at least one-quarter mile from an existing planned Neighborhood Commercial or Community Business District area or use;
- 430-81.4 The commercial use is internal to the project and may be reached only by a local street or pedestrian access;
- 430-81.5 Signing shall be limited to one identification sign of six square feet; and
- 430-81.6 The building permits for a neighborhood commercial use shall not be issued until 50 percent of the dwelling units in the project have been constructed.

430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

K. Temporary Homeless Shelter (limited):

The use of a habitable institutional building that is not typically used as a residence as temporary shelter for a limited number of homeless persons and/or households for a limited period of time. For the purposes of this section, a habitable institutional building may include, but is not limited to, a building such as a school, a place of worship, or a recreational or community center, owned and/or operated by a nonprofit organization, a religious institution, a school district, or a parks or community services provider. For the purposes of Article V, temporary homeless shelters are similar to a change of occupancy, and are therefore exempt from Article V.

Type I temporary homeless shelters are subject to the following standards:

- (1) No more than 40 homeless persons hosted at one time.
- (2) Operations are limited to a cumulative total of 70 days per calendar year.
- (3) May include accommodation for any portion of 24 hours. A temporary shelter may include overnight accommodations / sleeping spaces, day use amenities, and/or other care or services.
- (4) Must include accessible restroom facilities, including at least one restroom that meets ADA requirements.
- (5) Temporary shelter that includes overnight accommodations /sleeping spaces must have an accessible emergency exit.
- (6) The permit period shall not exceed 24 months, unless the permit is renewed.
- (7) Applications for renewal of the temporary permit may be submitted prior to expiration of the current permit.

430-135.2 Type II:

B. Temporary Homeless Shelter:

The use of a habitable institutional building that is not typically used as a residence as temporary shelter for homeless persons and/or households. For the purposes of this section, a habitable institutional building may include, but is not limited to, a building such as a school, a place of worship, or a recreational or community center, owned and/or operated by a nonprofit organization, a religious institution, a school district, or a parks or community services provider. For the purposes of Article V, temporary homeless shelters are similar to a change of occupancy, and are therefore exempt from Article V.

Temporary homeless shelters are subject to the following standards:

- (1) Operations are limited to a cumulative total of 90 days per calendar year.
- (2) May include accommodation for any portion of 24 hours. A temporary shelter may include overnight accommodations /sleeping spaces, day use amenities, and/or other care or services.
- (3) Must include accessible restroom facilities, including at least one restroom that meets ADA requirements.

- (4) Temporary shelter that includes overnight accommodations /sleeping spaces must have an accessible emergency exit.
- (5) Findings shall be made that the granting of the permit will not be incompatible with adjacent properties.
- (6) The permit period shall not exceed 24 months, unless the permit is renewed.
- (7) Renewal: applications for renewal of the temporary permit shall be submitted prior to expiration of the existing permit. The Review Authority may renew permits for the same shelter provider upon reapplication and the payment of the required fee, if it is determined that the use has not had an adverse effect on the neighborhood.
- (8) An application for the renewal of an existing permit which is submitted after the current permit has expired may be subject to review under the criteria for a new application.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (ALL CPOs)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 832

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 832 amends the Community Development Code to better comply with federal Fair Housing law and state law related to group care and housing for persons with disabilities.

A-Engrossed Ordinance No. 832 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires such amendments be accompanied by findings setting forth the facts and analysis that shows the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 832. Prior to the Sept. 18, 2018 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 832 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 18-86

Agenda Item No.	<u>6.a.</u>
Date:	09/18/18

1 IN THE BOARD OF COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of A-Engrossed Ordinance No. 832) No. 18-86

5 This matter having come before the Washington County Board of Commissioners (Board) at
6 its meeting of September 18, 2018; and

7 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 832; and

11 It appearing to the Board that the findings attached and herein incorporated as "Exhibit A"
12 constitute appropriate legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on July 18, 2018, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

16 It appearing to the Board that, in the course of its deliberations, the Board has considered the
17 record which consists of all notices, testimony, staff reports, and correspondence from interested
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted
19 to the Planning Commission and Board regarding this ordinance; it is therefore,

20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of
21 A-Engrossed Ordinance No. 832 are hereby adopted.

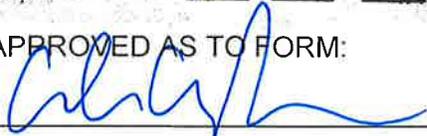
22 DATED this 18th day of September, 2018.

	AYE	NAY	ABSENT
23 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

APPROVED AS TO FORM:


County Counsel
For Washington County, Oregon


Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 832

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE, AN ELEMENT OF THE COMPREHENSIVE PLAN, RELATING TO FAIR HOUSING AND GROUP CARE UPDATES

September 18, 2018

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 832 amends the Community Development Code (CDC) to bring the code into better compliance with federal fair housing law and state law related to housing for persons with disabilities, and to allow a temporary use process for temporary homeless shelters.

Key Ordinance Provisions

A-Engrossed Ordinance No. 832 amends the CDC as follows:

- Amends Section 430-53 (Group Care) to:
 - Make general updates and remove outdated terminology
 - Expand the definition of Resident Care Facility to include all types of group care that require licensing or certification, and include 24-hour care
 - Amend Detention Facilities as Secure Housing Facilities for persons under judicial detainment with 24-hour supervision
 - Add language to articulate that a residential development that is not a licensed Resident Care Facility is not classified or regulated as group care under the CDC
- Allows all types of residential group care in land use districts that allow residential uses
- Allows residential group care through a Type II procedure in most land use districts, and through a Type III procedure in R-5, R-6 and R-9 districts.
- Adds temporary hosting/shelter activity, with specific limits on numbers of people hosted and length of operation, to Section 201-2 (Exclusions from Permit Requirement).
- Adds Temporary Homeless Shelter (limited), with specific limits on numbers of people hosted and length of operation, to Section 430-135.1 (Temporary Use) as a Type I temporary use.
- Adds Temporary Homeless Shelter, with limits on length of operation, to Section 430-135.1 (Temporary Use) as a Type II temporary use.

- Establishes that Type I and II temporary homeless shelters should be considered similar to a change of occupancy, and are exempt from Article V, Public Facilities and Services requirements.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The Board finds that A-Engrossed Ordinance No. 832 does not amend CDC standards related to agricultural or forest land resources that impact the County's compliance with Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) because the area affected by this ordinance is entirely within the urban growth boundary.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 832 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP) and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement

during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 832.

In addition to providing standard notice that invites public comment/participation, staff gathered perspectives from stakeholders involved in housing and services for homeless people, including the County's Department of Housing Services, local Family Promise affiliates and hosts, and representatives from the Family Promise national organization. A-Engrossed Ordinance No. 832 was also described on the County's website, where a comment box was provided to encourage community input.

Goal 2 - Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 832. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 832 adds a new residential use to some land use districts that already allow residential uses. All existing protections for significant natural resources still apply. A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 5 resources.

Goal 6 - Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County's compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 - Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and standards for strengthening the local economy as required by Goal 9.

Goal 10 - Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 832 amends CDC Section 430-53 (Group Care) to compress residential group care into three categories with updated definitions that better comply with fair housing best practices. The ordinance adds language to articulate that a residential development that is not a licensed facility is not classified or regulated as group care under the CDC, and exempts residential group care and residential planned development from subjective denial criteria in Section 403-3.1. A-Engrossed Ordinance No. 832 also updates the CDC to include residential group care as an allowed use through a Type II or Type III procedure in all land use districts that allow residential development.

These proposed changes will increase locations in which residential group care is an allowed use, and remove additional development standards for this type of housing. The amendments are intended to affirmatively further fair housing by allowing residential group care through a consistent process utilizing clear and objective standards, and the proposed changes may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of residential group care housing units.

A-Engrossed Ordinance No. 832 also adds temporary hosting/shelter for homeless persons in existing habitable institutional buildings as an exempt use or a Type I or II temporary use, depending on number of people hosted and length of operation. These proposed changes may increase temporary accommodations and access to services for homeless people in Washington County, which may increase their ability to successfully transition into secure permanent housing.

Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 832.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public

facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Temporary homeless hosting and shelter activities included in A-Engrossed Ordinance No. 832 in existing habitable institutional buildings are similar to a change of occupancy, and are therefore exempt from the standards in Article V. A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

A-Engrossed Ordinance No. 832 includes nonsubstantive amendments to CDC Section 413 (Parking and Loading) to update terminology for residential group care. The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). Brief summaries of the applicable TPR provisions are followed by findings of compliance.

The amendments in A-Engrossed Ordinance No. 832 make no amendments to the Transportation System Plan and would have required additional transportation analysis before any changes would be considered. Therefore, the amendments in A-Engrossed Ordinance No. 832 are consistent with the TPR.

Goal 13 - Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Goal 14 - Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

A-Engrossed Ordinance No. 832 does not amend the applicable Plan policies or CDC standards relating to urbanization. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance No. 832. The amendments are consistent with the County's acknowledged policies and strategies for the transition of land between rural to urban land uses as required by Goal 14.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 832 findings have been prepared to address Title(s) 1, 6, 7 and 8 of the UGMFP.

Title 1 - Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a "fair share" approach to meeting housing needs.

RESPONSE

A-Engrossed Ordinance No. 832 amends CDC Section 430-53 (Group Care) to compress residential group care into three categories with updated definitions that better comply with fair housing best practices. The ordinance adds language to articulate that a residential development that is not a licensed facility is not classified or regulated as group care under the CDC, and exempts residential group care and residential planned development from subjective denial criteria in Section 403-3.1. A-Engrossed Ordinance No. 832 also updates the CDC to include residential group care as an allowed use through a Type II or Type III procedure in all land use districts that allow residential development.

These proposed changes will increase locations in which residential group care is an allowed use, and remove additional development standards for this type of housing. The amendments are intended to affirmatively further fair housing by allowing residential group care through a consistent process utilizing clear and objective standards, and the proposed changes may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of residential group care housing units.

A-Engrossed Ordinance No. 832 also adds temporary hosting/shelter for homeless persons in existing habitable institutional buildings as an exempt use or a Type I or II temporary use, depending on number of people hosted and length of operation. These proposed changes may increase temporary accommodations and access to services for homeless people in Washington County, which may increase their ability to successfully transition into secure permanent housing.

The amendments will not result in a decrease in housing capacity. The amendments may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of residential group care housing units. A-Engrossed Ordinance No. 832 is consistent with Title 1.

Title 6 - Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

Some land designations that will add residential group care as an allowed use are located within Metro-designated Centers, Corridors, Main Streets and Station Communities.

The ordinance amendments will allow a greater variety of residential uses in some Metro-designated Centers, Corridors, Main Streets and Station Communities. A-Engrossed Ordinance No. 832 is consistent with Title 6.

Title 7 - Housing Choice

To increase the supply of affordable housing opportunities, Title 7 implements policies of the Regional Framework Plan regarding establishment of voluntary affordable housing production goals to be adopted by local governments.

RESPONSE

A-Engrossed Ordinance No. 832 amends CDC Section 430-53 (Group Care) to compress residential group care into three categories with updated definitions that better comply with fair housing best practices. The ordinance adds language to articulate that a residential development that is not a licensed facility is not classified or regulated as group care under the CDC, and exempts residential group care and residential planned development from subjective denial criteria in Section 403-3.1. A-Engrossed Ordinance No. 832 also updates the CDC to include residential group care as an allowed use through a Type II or Type III procedure in all land use districts that allow residential development.

These proposed changes will increase locations in which residential group care is an allowed use, and remove additional development standards for this type of housing. The amendments are intended to affirmatively further fair housing by allowing residential group care through a

consistent process utilizing clear and objective standards, and the proposed changes may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of residential group care housing units.

A-Engrossed Ordinance No. 832 also adds temporary hosting/shelter for homeless persons in existing habitable institutional buildings as an exempt use or a Type I or II temporary use, depending on number of people hosted and length of operation. These proposed changes may increase temporary accommodations and access to services for homeless people in Washington County, which may increase their ability to successfully transition into secure permanent housing.

The amendments will not result in a decrease in housing choice. The amendments may have a positive effect on housing choice and costs (i.e., lower housing costs) by increasing the variety and supply of residential group care housing units. A-Engrossed Ordinance No. 832 is consistent with Title 7.

Title 8 - Compliance Procedures

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 832 was sent May 25, 2018 to Metro, 40 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 832 was sent Aug. 17, 2018 to Metro. Metro provided no comments on Ordinance No. 832 or A-Engrossed Ordinance No. 832.

S:\PLNG\WPSHARE\2018 Ord\832_Fair_Housing\Resolution_Findings\832A_Findings_091818.docx