



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 853 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO PLANNED DEVELOPMENTS**

Presented by: Stephen Roberts, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 853 proposes to amend the Community Development Code to update the open space requirements for Planned Developments in urban unincorporated Washington County to provide additional flexibility for residential development. A-Engrossed Ordinance No. 853 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted public hearings July 23, Aug. 20 and Sept. 17, 2019 for Ordinance No. 853. After its Aug. 20 hearing, the Board directed engrossment of the ordinance to make a number of changes. A summary of the amendments were included in the staff report for the Aug. 20 hearing. The Board conducted its first hearing Sept. 17 for A-Engrossed Ordinance No. 853 and continued the hearing to Oct. 15, 2019.

A staff report will be provided to the Board prior to the Oct. 15 hearing and posted on the above land use ordinance webpage. Copies of the report will 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.

(continued)

The Staff Report is hyperlinked here and is also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 853 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 853 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	6.b.
Date:	10/15/19

**CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 853 – AN ORDINANCE AMENDING THE
COMMUNITY DEVELOPMENT CODE RELATING TO PLANNED DEVELOPMENTS
BOC 10/15/19**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

The Washington County Committee for Community Involvement (CCI), several community members, and THPRD have submitted comments on the proposed ordinance during the hearing process. Testimony is summarized in the staff reports.

At the Sept. 17 Board hearing, the CCI and a community member requested the ordinance be continued to after the Significant Natural Resource Assessment Report is released. One community member expressed opposition to the ordinance, and another expressed interest in increasing the ability to count natural areas toward PD open space.

Legal History/Prior Board Action:

The updates proposed in Ordinance No. 853 were originally recommended in the final report for the Equitable Housing Site Barriers and Solutions project, funded by a Metro grant and initiated in the fall of 2017. The Board acknowledged the final report June 5, 2018.

Briefing on Ordinance No. 853: July 16 Work Session

Public hearing on Ordinance No. 853: July 23, Aug. 20.

Public hearing on A-Engrossed Ordinance No. 853: Sept. 17

Budget Impacts:

There are no expected budget impacts as a result of A-Engrossed Ordinance No. 853.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 853

An Ordinance Updating the Community
Development Code Relating to Planned
Developments

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, 822-824, 826-828, 831-835, 838, 840-42, 845, and 847.

B. As part of its ongoing planning efforts, Washington County staff has identified amendments to the Community Development Code related to planned development

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1 review requirements to simplify standards and encourage housing development. The Board
2 recognizes that such changes are necessary for the health, safety and welfare of the residents
3 of Washington County, Oregon.

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

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

16 SECTION 2

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

19 A. Exhibit 1 (10 pages), amends the following provisions of the Community
20 Development Code:

- 21 1. Section 307 – R-25+ District (Residential 25 Units or More Per Acre);
- 22 2. Section 313 – Community Business District (CBD); and

1 3. Section 404 – Master Planning.

2 SECTION 3

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

5 SECTION 4

6 All applications received prior to the effective date shall be processed in accordance
7 with ORS 215.427.

8 SECTION 5

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

12 SECTION 6

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

18 ///

19 ///

1 SECTION 7

2 This Ordinance shall take effect November 28, 2019.

3 ENACTED this 15 day of October, 2019, being the 4th reading
4 and 4th 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 *[Signature]* 10/15/19
10 CHAIR

11 *Barbara Hejtmanek*
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First July 23, 2019
15 Second August 20, 2019
16 Third September 17, 2019
17 Fourth October 15, 2019
18 Fifth _____
19 Sixth _____

14 First July 23, 2019
15 Second August 20, 2019
16 Third September 17, 2019
17 Fourth October 15, 2019
18 Fifth _____
19 Sixth _____

20 VOTE: Aye: Harrington, Rogers,
21 Treece, Willey

20 Nay: Schouten

21 Recording Secretary: Barbara Hejtmanek Date: Oct. 15, 2019

Sections of the COMMUNITY DEVELOPMENT CODE are amended as follows:

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

307-6 Density

307-6.1 The permitted density in the R-25+ District is as follows:

- A. R-25+ property which meets the general standards of the R-25+ District shall develop at no more than ~~twenty-five (25)~~ twenty (20) units per acre and no less than ~~twenty~~ (20) units per acre, except as otherwise specified by Section 300-2, 307-6.1 B., or 307-6.1 C.
- B. R-25+ property which meets the following criteria shall develop at no more than ~~forty (40)~~ 25 ~~thirty-two (32)~~ units per acre, except as otherwise specified by Section 300-2 or 307-6.1 C.
 - (1) The subject property is within ~~one-quarter (1/4)~~ mile of a Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station and/or within a Pedestrian/Bicycle District as designated on the Transportation System Plan;
 - (2) The subject property is within ~~one-quarter (1/4)~~ mile of a developed Community Business District or Transit Oriented Retail Commercial District, or equivalent level in a city; and
 - (3) The subject property is within ~~one-half (1/2)~~ mile of an existing, approved, or planned facility with a current or projected minimum of ~~two hundred fifty (250)~~ employees.
- C. To develop over ~~forty (40)~~ units per acre, to a maximum of ~~one hundred (100)~~ units per acre, in addition to the criteria of Section 307-6.1 B., the following criteria must be met:
 - (1) An additional ~~5 ten (10)~~ percent of the site shall be devoted to ~~Open~~ Open space;
 - (2) ~~At a minimum, the average unit size shall be eight hundred (800) square feet;~~
 - (23) The maximum height shall be ~~one hundred (100)~~ feet except as provided in Section 419; and
 - (34) The maximum lot coverage for residential structures shall be ~~forty (40)~~ percent, not including accessory structures or parking.

2. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)**313-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-3.40 Residential Dwelling Units through a Type II Planned Development Procedure, subject to the following:

A. When not in conjunction with a commercial use included within the same structure:

- (1) A density of ~~twenty (20)~~ to ~~forty (40)~~ units per acre is allowed. The standards of Sections 307-7 through 307-10 shall apply; or
- (2) A density of ~~forty (40)~~ units per acre to a maximum of ~~one hundred (100)~~ units per acre may be allowed subject to the following criteria:
 - (a) An additional ~~5 ten (10)~~ percent of the site shall be devoted to ~~Open Space~~;
 - (b) The maximum height shall be ~~one hundred (100)~~ feet except as provided in Section 419; and
 - (c) The standards of Sections 307-7 through 307-10 (with the exception of maximum building height) shall apply.

B. When in conjunction with a commercial use and included within the same structure there shall be no minimum density required and the standards of the Community Business District shall apply.

3. SECTION 404 – MASTER PLANNING**404-4 Planned Development**

The Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the ~~dedication provision~~ of public common or private open space. The Planned Development review process shall not be utilized in transit oriented districts ~~and or~~ in the North Bethany Subarea ~~in of~~ the Bethany Community Plan. The Planned Development standards applicable to the North Bethany Subarea are in Section 390-17.

404-4.1 Planned Development Review

Modifications to development standards as detailed in this Section may be approved through a Planned Development review process if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that the following can be achieved by the proposal:

- A. Only those uses allowed within the Primary District are permitted;
- B. Site design utilizes concepts that reduce major alterations of the site. Examples of major alterations include excavations, retaining walls, steep road cuts and fill, and extensive grading;
- C. Site design retains to the greatest extent feasible existing natural features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations, and trees; and
- D. Open space and recreational facilities are provided as required in this Section, and are improved and landscaped to reflect the intended character of the development.

404-4.2 The Planned Development is processed through a Type II procedure, except where Type III process is required ~~for a Planned Development.~~

404-4.3 ~~A Planned Development in the R-5 District requires a Type III process.~~

- A. Planned Developments require a Type III process;
- B. Attached dwellings require a Planned Development. On parcels less than 2 acres attached dwellings are limited to duplexes.

404-4.4 Modification of Standards through the Planned Development

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, and when the request conforms to the standards of this Code, the Review Authority may modify the standards below within the prescribed limits, the following modifications may be allowed:

- A. Interior private street standards
 - Private roadway pavement width may be reduced, provided that all on-street parking spaces eliminated by reducing roadway pavement width are replaced with off-street parking spaces. In no event can the street pavement reduction exceed that approved by the appropriate fire district.
- B. Parking requirements may be reduced up to 100 percent as provided in Section 413-8.

- C. Lot dimension requirements may be reduced.
- D. Lot size requirements may be reduced. However, this modification shall not allow increased density.
- E. Lot coverage requirements may be modified.
- F. Yard (setback) requirements
Front, side and rear yards may be reduced to zero provided:
 - (1) Building code standards are met;
 - (2) The Primary District's driveway setback standard is not reduced and other applicable standards of the Primary District are met; and
 - (3) Standards of Sections 411 and 430-147 are met.
- G. Building height maximum may be increased (except the building height standards of Section 427-3) as shown below; however, no height increase shall be permitted that would result in any building over 100 feet tall.

<u>Land Use District</u>	<u>Maximum building height</u>
<u>R-5 and R-6 districts</u>	<u>45'</u>
<u>All other districts that allow Planned Developments</u>	<u>100'</u>

- H. Minimum landscaping standards of Section 407-1 may be reduced.
- I. Land use districts, as designated by the applicable Community Plan, may float within the boundaries of the proposed planned development. The share of land within each land use district must remain the same.
- J. Planned Developments on sites of 2 acres or less in R-5 and R-6 districts are subject to the privacy enhancement standards established in Section 430-72.3 B.

404-4.5 Standards for Required Open Space

Site design shall comply with the following standards for open space:

- A. The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum total required open space based on the following area requirements:
 - (1) Fifteen percent on sites between zero and 50 acres; and
 - (2) Ten percent on sites greater than 50 acres.

- B. When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of 404-4.5 A. (1) and (2) above.
- C. Open space required by the standards of this section shall not be located within public or private rights-of-way, except as specifically allowed by this Section.
- D. Except as provided under 404-4.5 G. and H., areas used as required common open space shall:
 - (1) Maintain a minimum dimension of 10 feet and a minimum area of 1,000 square feet.
 - (2) Be located within 1/4 mile of 90 percent of the dwelling units affected by any reduction in standards, and be accessible to all residents and/or tenants of the development.
 - (3) Be illuminated for safety during hours of darkness. Natural areas described in Section 404-4.5 E. (1) and (2) below may be exempt from this requirement.
 - (4) Be free from major structural encroachments (such as roof overhangs and other architectural features) of structures on abutting properties.
- E. Areas used as Planned Development required open space shall be approved by the Review Authority. Open space shall be in addition to that required by Section 405-1 and other Code standards, except as listed below.
 - (1) Commercial or Institutional Planned Development proposals shall be allowed to count areas on the subject property mapped or delineated as floodplain, drainage hazard, wetland, wetland buffer, wildlife habitat, riparian open space area, or otherwise designated as a Significant Natural Resource in a Community Plan, toward up to 50 percent of Planned Development open space, provided that the area is not used for parking (see Section 421-13).
 - (2) Planned Developments that include residential dwelling units shall be allowed to count areas on the subject property mapped or delineated as floodplain, drainage hazard, wetland, wetland buffer, wildlife habitat, riparian open space area, or otherwise designated as a Significant Natural Resource in a Community Plan, toward up to 20 percent of Planned Development open space, provided that the area is not used for parking (see Section 421-13). Amenities such as boardwalks, paths, trails, and/or viewing areas that are accessible to all residents and/or tenants of the development must be provided in, or adjacent to, these areas.

- (3) Areas of the site that are used to meet requirements of Section 411 (Screening and Buffering) may count toward Planned Development open space requirements, provided they meet the standards listed in 404-4.5 D. (1) and (2).

F. Recreational Facilities Standards for Open Space

Open space required by Section 404-4.5 A. shall meet the following standards for recreational facilities:

- (1) Development sites that are less than 10 acres in size must include at least two recreation facilities.
- (2) Development sites that are 10 or more acres in size must include at least three recreation facilities, at least one of which must be an active recreation facility.

Examples of passive and active recreation facilities include, but are not limited to:

<u>Passive Recreation examples</u>	<u>Active Recreation examples</u>
<u>Courtyard or gazebo</u>	<u>Playground or play structure</u>
<u>Picnic area with tables</u>	<u>Bike and pedestrian trail</u>
<u>Public art or sculpture</u>	<u>Sport court, field, or track</u>
<u>Water feature or drinking fountain</u>	<u>Community garden, including garden for edible food</u>
<u>Weather canopy or sunshade with seating</u>	<u>Swimming or wading pool</u>
<u>Viewing platform or wildlife observation area</u>	<u>Fitness center, clubhouse, or gym</u>

- (3) Pedestrian and bicycle facilities required by Section 408 may not be counted as Planned Development recreational facilities. However, pedestrian and bicycle facilities on the development site required by Section 408 may count towards the open space requirement in 404-4.5 A. (1) and (2), provided they meet the standards listed in 404-4.5 D. (1) and (2).
- (4) Recreational facilities used to meet requirements of Section 404-4.5 F. may be placed within the Planned Development open space or within a building (such as a fitness center), but shall not be located within an area utilized for another Code-required use or activity (including parking and loading, private and public street rights-of-way, solid waste and recycling facilities), except as specifically allowed by this Section.

(5) Recreation facilities used to meet requirements of Section 404-4.5 F. may not include for-profit or fee-for-use facilities.

G. Private open space provided in spaces such as individual yards, patios, balconies, rooftops, porches, or terraces may be counted toward up to 20 percent of the open space requirement in 404-4.5 A. (1) and (2), if the following criteria are met:

- (1) Dwelling unit patios and terraces are differentiated from common open space areas through use of landscaping, decorative pavers, pervious pavement, and/or changes in paving color, pattern and texture, or similar method.
- (2) The private open spaces meet the following minimum area requirements:

<u>Private Open Space</u>	
<u>Open Space Location</u>	<u>Minimum Specifications</u>
<u>Private Yards</u>	<u>Area: 200 square feet in side and/or rear yards</u> <u>Minimum dimension: at least 10 feet</u>
<u>Patios</u>	<u>Area: 100 square feet</u> <u>Minimum dimension: at least 8 feet</u>
<u>Decks, Balconies or Porches</u>	<u>Area: 50 square feet</u> <u>Minimum dimension: at least 5 feet</u>
<u>Rooftop Space</u>	<u>Area: 120 square feet</u> <u>Minimum dimension: at least 8 feet</u>

H. In the Community Business District and Office Commercial District, private open space provided in spaces such as individual yards, patios, balconies, rooftops, porches, or terraces may be counted toward up to 80 percent of the open space requirement in 404-4.5 A. (1) and (2), if they meet the criteria in 404-4.5 G. (1) and (2) above.

A. ~~Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height (except the building height standards of Section 427-3, and landscaping may be modified if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:~~

- (1) ~~The site design utilizes progressive concepts which reduce such major alternations of the site, such as excavations, retaining walls, steep road cuts and fill, and extensive grading;~~

- (2) ~~The site design retains to the greatest extent feasible natural features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees;~~
- (3) ~~The site design complies with the following standards for recreational facilities:~~
- (a) ~~Provision of one (1) or more of the following active recreational facilities: playgrounds, bike and pedestrian trails, swimming pools, tennis courts, exercise rooms, and similar facilities.~~
 - (b) ~~For development sites that are less than one (1) acre in size, provision of at least two (2) of the following passive recreation improvements may be substituted for the active recreational facilities: a bench or benches for seating; public art, such as a statue; feature such as a fountain; usable rooftop open space for residents; a gazebo; or picnic table(s) with a barbecue.~~
 - (c) ~~A facility or amenity that is required by another Code standard (including accessways, internal sidewalks and walkways) shall not count as a Planned Development recreational facility.~~
 - (d) ~~A recreational facility may be placed within the Planned Development open space or within a building (e.g. fitness center), but shall not be located within an area utilized for another Code-required use or activity (including accessways required by Section 408, private and public street rights-of-way) except for required yard areas.~~
- (4) ~~The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum required ground-level open space based on the following area requirements:~~
- (a) ~~Twenty (20) percent on sites between zero (0) and ten (10) acres;~~
 - (b) ~~Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and~~
 - (c) ~~Ten (10) percent on sites greater than fifty (50) acres.~~
 - (d) ~~When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of (4)(a) through (c) above.~~
 - (e) ~~Each required open space area shall maintain a minimum dimension of ten (10) feet and a minimum area of one thousand (1000) square feet.~~
 - (f) ~~Open space required by the provisions of the standards of Section 404-4 shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.~~

- ~~(g) For security purposes, the open space shall be adequately illuminated during hours of darkness.~~
 - ~~(h) Open space required by the standards of Section 404-4 shall not be located within public or private rights-of-way.~~
 - ~~(i) Open space tracts shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.~~
- ~~(5) In the Community Business District and Office Commercial District, dwelling unit balconies, decks or patios and rooftop open space accessible to residents may be used to meet the minimum open space requirement in Section 404-4.4 A. (4)(a-c).~~
- ~~(6) The open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space) and other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411. However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-13).~~

404-4.5 — Allowed Modifications

Upon a finding that the applicant's plan achieves all of the preceding criteria, the Review Authority may modify the identified standards within the following prescribed limits:

A. — Front, side and rear yards may be reduced to zero provided the:

- ~~(1) Building code standards are met;~~
- ~~(2) Primary District's driveway setback standard is not reduced and other applicable standards of the Primary District are met; and~~
- ~~(3) Standards of Sections 411 and 430-147 are met;~~

B. — The reduction of private roadway pavement width may be made if provisions are made to provide off-street parking in addition to that required in the Off-Street Parking Section of this Code. In no event can the reduction exceed that approved by the appropriate fire district;

C. — Height limitations may be increased up to one hundred (100) feet;

D. — Parking requirements may be reduced up to one hundred (100) percent as provided in Section 413-8;

~~E. Lot size requirements may be reduced or eliminated. However, this modification shall not allow increased density;~~

~~F. Lot dimension requirements may be reduced or eliminated; and~~

~~G. The land use districts, as designated by the Community Plan for the subject site, may float within the boundaries of the proposed planned development.~~

~~404-4.6 The Planned Development process shall allow for the creation of attached dwelling units without limitation in all residential districts, except for Planned Developments less than two (2) acres located within the R-5 District, in which case the structure type shall be limited to duplexes. Attached dwellings in the R-5 District must meet the Planned Development Standards.~~



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 853

Presented by: Stephen Roberts, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 853 amends the Community Development Code to update the open space requirements for Planned Developments in urban unincorporated Washington County to provide additional flexibility for residential development. A-Engrossed Ordinance No. 853 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 that such amendments be accompanied by findings setting forth the facts and analysis showing that 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. 853. Prior to the Oct. 15, 2019 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.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): None known at this time.

Legal History/Prior Board Action:

These Findings are associated with A-Engrossed Ordinance No. 853.

Budget Impacts: No direct impacts.

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk's Desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 853 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 19-93

Agenda Item No.	<u>6.c.</u>
Date:	10/15/19

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)
5 of A-Engrossed Ordinance No. 853) No. 19-93

6 This matter having come before the Washington County Board of Commissioners (Board) at
7 its meeting of October 15, 2019; and

8 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts
9 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
10 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
11 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 853; and

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

14 It appearing to the Board that the Planning Commission, at the conclusion of its public
15 hearing on June 19, 2019, made a recommendation to the Board, which is in the record and has been
16 reviewed by the Board; and

17 It appearing to the Board that, in the course of its deliberations, the Board has considered the
18 record which consists of all notices, testimony, staff reports, and correspondence from interested
19 parties, together with a record of the Planning Commission's proceedings, and other items submitted
20 to the Planning Commission and Board regarding this ordinance; it is therefore,
21

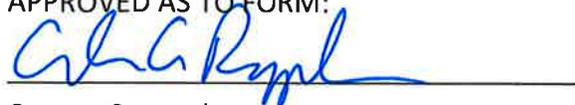
22 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of A-Engrossed
23 Ordinance No. 853 are hereby adopted.
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1 DATED this 15th day of October, 2019.

2 BOARD OF COMMISSIONERS
3 FOR WASHINGTON COUNTY, OREGON

4 
5 Chair Kathryn Harrington

6 APPROVED AS TO FORM:

7 
8 County Counsel
9 For Washington County, Oregon

10 
11 Recording Secretary

	AYE	NAY	ABSENT
12 HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 SCHOUTEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14 TREECE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16 WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 853

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO PLANNED DEVELOPMENTS

October 15, 2019

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 853 proposes amendments to the Community Development Code (CDC) to revise certain open space standards for Planned Developments (PDs) and reduce additional open space requirements for higher density residential developments in the Residential 25 Units or More Per Acre (R-25+) District and the Community Business District (CBD).

Key Ordinance Provisions

A-Engrossed Ordinance No. 853 proposes to amend the Community Development Code (CDC) to modify development standards for Planned Developments. Specifically, the ordinance:

- Reduces additional open space requirements for higher density residential developments in the Residential 25 Units or More Per Acre (R-25+) District and the Community Business District (CBD) from 10 to 5% of the site.
- Reduces minimum Planned Development Open Space requirements for PDs on sites 10 acres or smaller from 20 to 15% of the site.
- Allows a range of areas to count toward a portion of the required open space, including:
 - Floodplain, drainage hazard, wetland, wetland buffers, wildlife habitat, and riparian open space areas.
 - Large screening and buffering areas.
 - Required bicycle and pedestrian accessways.
 - Areas mapped or delineated as a Significant Natural Resource in a Community Plan.
- Updates requirements for recreational facilities in PDs.
- Clarifies that for-profit, fee-for-use facilities may not count toward PD open space.
- Adds a stepped maximum building height based on land use district.
- Clarifies that PDs in R-5 and R-6 may be subject to privacy enhancement standards in CDC 430-72.3 B. (Infill).
- Updates language to clarify requirements for interior private streets.

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 Washington 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 also finds that Goals 3 (Agricultural Lands), 4 (Forest Lands), and 14 (Urbanization) are not applicable 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. 853 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. A-Engrossed Ordinance No. 853 makes no changes to maps within the Plan, and changes to Plan text do not affect goal compliance. 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. 853.

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. 853.

Notice was coordinated with all affected governmental entities. Comments relevant to A-Engrossed Ordinance No. 853 were considered/addressed either as part of the proceedings or with subsequent staff coordination.

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. 853 does not amend Plan policies, community plans or CDC standards related to protection of Goal 5 resources. A-Engrossed Ordinance No. 853 maintains compliance with the County's acknowledged policies and standards for the protection of Goal 5 resources, as well as those set forth in OAR Chapter 660, Division 23.

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. 853 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. 853. 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. 853 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. 853. 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. 853 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. 853. 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. 853 does not amend the applicable Plan policies relating to economic development or the local economy. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 853. The amendments are consistent with the County's acknowledged policies 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 address the provision of housing in the urban 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. 853 makes modest changes to the open space standards for Planned Developments and high-density residential developments in R-25+ and CBD land use districts that may allow more housing units to be developed, while still ensuring that developments include recreational open space and retain natural resource areas. The proposed changes include a modest reduction in the amount of open space required on smaller sites, and additions to the types of space that can count toward Planned Development open space. These changes may reduce barriers to residential development, which may indirectly improve housing affordability and increase housing choice for Washington County residents.

The updates proposed in A-Engrossed Ordinance No. 853 are not expected to result in a significant increase in regulated affordable housing, but may help marginally increase the overall housing supply by reducing barriers to residential development. These updates do not propose any increase in allowable density, though they may make it more feasible for some residential developments to build to currently allowed densities using the Planned Development process.

Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 853.

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.

A-Engrossed Ordinance No. 853 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. The amendments may allow for a greater number and variety of housing units in existing neighborhoods and therefore encourage more efficient use of existing infrastructure. These updates do not propose any increase in allowable density, though they may make it more feasible for some residential developments to build to currently allowed densities using the Planned Development process. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 853. 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.

The updates in A-Engrossed Ordinance No. 853 do not propose any increase in allowable density, though they may make it more feasible for some residential developments to build to

currently allowed densities using the Planned Development process. A-Engrossed Ordinance No. 853 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

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). A-Engrossed Ordinance No. 853 facilitates housing development at currently allowed densities in the urban area. A-Engrossed Ordinance No. 853 does not change the functional classification of any roadways in the TSP or the standards for assessing the performance of any roadways. Furthermore, A-Engrossed Ordinance No. 853 does not change the types or levels of multimodal travel or access, degrade the performance of an existing or planned facility or otherwise result in a significant effect to the transportation system as identified in OAR 660-012-0060. Therefore, plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 853.

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. 853 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. 853. The amendments are consistent with the County’s acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

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 Ordinance No. 859 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 12, 13 and 14 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

Consistent with Title 1, A-Engrossed Ordinance No. 853 may help marginally increase the overall housing supply by reducing barriers to residential development. These updates do not propose any increase in allowable density, though they may make it more feasible for some residential developments to build to currently allowed densities using the Planned Development process. As such, consistent with the Regional Framework Plan, it maximizes potential for developments utilizing compact urban form within existing residential properties. It supports a fair share approach to addressing housing need by helping to expand the supply and variety of housing available in Washington County.

The amendments will not result in a decrease in housing capacity. The amendments may have a positive effect on housing costs and variety by increasing the supply of dwelling units. A-Engrossed Ordinance No. 853 is consistent with Title 1.

Title 3 – Water Quality and Flood Management

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

RESPONSE

A-Engrossed Ordinance No. 853 does not amend any Plan policies related to water quality or flood management. Compliance with Title 3 is maintained.

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

Where Metro-designated Centers, Corridors, Main Streets or Station Communities include land use districts that allow Planned Developments, the ordinance may help such areas to better function as centers of urban life by facilitating residential development at currently allowed densities, and supporting a greater variety of housing types to accommodate a wider range of lifestyles and income levels. A-Engrossed Ordinance No. 853 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

Consistent with Title 7, A-Engrossed Ordinance No. 853 makes modest changes to the open space standards for Planned Developments and high-density residential developments in R-25+ and CBD land use districts that may allow more housing units to be developed, while still ensuring that developments include recreational open space and retain natural resource areas. The proposed changes include a modest reduction in the amount of open space required on smaller sites, and additions to the types of space that can count toward Planned Development open space. These changes may reduce barriers to residential development, which may indirectly improve housing affordability and increase housing choice for Washington County residents.

The updates proposed in A-Engrossed Ordinance No. 853 are not expected to result in a significant increase in regulated affordable housing, but may help marginally increase the overall housing supply by reducing barriers to residential development. These updates do not propose any increase in allowable density, though they may make it more feasible for some residential developments to build to currently allowed densities and provide a greater variety of housing types. A-Engrossed Ordinance No. 853 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. 853 was sent May 14, 2019, 36 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 853 was sent to Metro September 6, 2019. Metro provided no comments on Ordinance No. 853.

Title 11 – Planning For New Urban Areas

Title 11 guides planning of urban reserves and areas being added to the urban growth boundary for conversion from rural to urban use. Title 11 includes requirements that the development of areas added to the urban growth boundary implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

A-Engrossed Ordinance No. 853 applies to lands within the urban growth boundary that are already designated for urban use. Title 11 is not applicable to A-Engrossed Ordinance No. 853.

Title 12 – Protection of Residential Neighborhoods

Title 12 protects existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services.

RESPONSE

A-Engrossed Ordinance No. 853 does not propose changes to Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services. These updates do not propose any increase in allowable density, though they may make it more feasible for some residential developments to build to currently allowed densities using the Planned Development process. Therefore, the amendments maintain adequate levels of public services. A-Engrossed Ordinance No. 853 maintains compliance with Title 12.

Title 13 – Nature in Neighborhoods

Title 13 conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.

RESPONSE

A-Engrossed Ordinance No. 853 does not propose changes to Plan policies or CDC standards related to streamside corridors or upland wildlife habitat, and therefore maintains compliance with Title 13.

Title 14 – Urban Growth Boundary

Title 14 prescribes criteria and procedures for amendments to the urban growth boundary to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.

RESPONSE

The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to A-Engrossed Ordinance No. 853.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of A-Engrossed Ordinance No. 853 with the applicable policies of Metro’s Regional Transportation Functional Plan (RTFP).

RESPONSE

A-Engrossed Ordinance No. 853 does not amend the TSP, nor does it include any transportation-related amendments to the community plans or the CDC. Therefore, the amendments in A-Engrossed Ordinance No. 853 maintain compliance with related policies in the Regional Transportation Functional Plan.