



WASHINGTON COUNTY OREGON

August 7, 2009

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 722**

Enclosed for your information is a copy of proposed Ordinance No. 722. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Division.

Ordinance Purpose and Summary

Ordinance No. 722 proposes to amend the Community Development Code to add standards for Type I expansions of existing uses in Transit Oriented Districts.

Who Is Affected

Property owners and developers in the Transit Oriented Districts are affected.

What Land is Affected

Parcels and tax lots in the Transit Oriented Districts are affected.

Key Provisions

- A minor expansion to an existing use or structure is permitted as a Type I review process if the following standards are met:
 1. Is less than ten (10) percent of the gross floor area of the existing structure or use;
 2. Is less than five hundred (500) square feet when the above building percentage is not utilized;
 3. Is not a new dwelling unit;
 4. Does not amend any previous approval or previous condition of approval;
 5. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report; and
 6. Contains no plumbing fixture or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer.

- Modified Table A, by identifying that an accessory use and structure can be processed as a Type I or II.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
September 16, 2009

Board of County Commissioners
10:00 am
October 20, 2009

Department of Land Use & Transportation • Long Range Planning Division

155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072

phone: (503) 846-3519 • fax: (503) 846-4412

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

On October 20, 2009, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 27, 2009.

**Community
Development Code
Standards Amended**

- Section 375, Transit Oriented Districts

**How to Submit
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

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155 North 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3873 Fax: 503-846-4412
e-mail: joy_chang@co.washington.or.us

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

- Washington County Department of Land Use & Transportation
Long Range Planning Division, 155 North 1st Ave.
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

JUL 28 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Washington County
County Clerk

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 722

An Ordinance Amending the Community
Development Code Element of the
Comprehensive Plan relating to Transient
Oriented District

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, and 711.

B. Subsequent ongoing planning efforts of the County indicate a need for minor amendments to the Community Development Code to provide a general update. The Board takes note that such changes are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Department of Land Use and Transportation has carried out its responsibilities, including preparation of

1 notices, and the County Planning Commission has conducted one or more public hearings on the
2 proposed amendments and has submitted its recommendations to the Board. The Board finds
3 that this Ordinance is based on that recommendation and any modifications made by the Board,
4 as a result of the public hearings process.

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

11 SECTION 2

12 Attached hereto and incorporated herein by this reference is Exhibit 1 (2 pages) – amending
13 the Community Development Code Section 375, Transient Oriented District.

14 SECTION 3

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

17 SECTION 4

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

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1 SECTION 5

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

5 SECTION 6

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

11 SECTION 7

12 This Ordinance shall take effect on November 27, 2009.

13 ENACTED this _____ day of _____, 2009, being the _____ reading and
14 _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON

17 _____
CHAIRMAN

18 _____
RECORDING SECRETARY

19 READING

PUBLIC HEARING

20 First _____
21 Second _____
22 Third _____
Fourth _____
VOTE: *Aye*: _____
Recording Secretary: _____

First _____
Second _____
Third _____
Fourth _____
Nay: _____
Date: _____

Community Development Code Section 375, Transit Oriented District, is amended to reflect the following:

1. 375-6 Change or Expansion of Existing Uses or Structures

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.
- B. All other uses and structures that were lawfully in existence at the time of application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full compliance with all applicable standards and provisions of this Code and the applicable community plan.

C. Type I Minor Expansions:

Minor expansions to an existing use or structure are permitted when the proposed expansion:

1. Is less than ten (10) percent of the gross floor area of the existing structure or use;
2. Is less than five hundred (500) square feet when the above building percentage is not utilized;
3. Is not a new dwelling unit;

4. Does not amend any previous approval or previous condition of approval;
5. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report; and
6. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer.

2. **Table A. Permitted and Prohibited Uses in Transit Oriented Districts**

DISTRICT				
USE	TO:RC	TO:BUS	TO:EMP	TO:R9-12
Accessory, Secondary and Temporary Uses and Structures:				
Accessory Uses and Structures (23.a. and 23.b.)	<u>I or II</u>	<u>I or II</u>	<u>I or II</u>	I
Temporary Uses and Structures (24)	I	I	I	I
Home Occupations (25)	N	N	N	I