



September 9, 2005

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 644**

Enclosed for your information is a copy of proposed Ordinance No. 644. 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 Planning Division.

Ordinance Purpose and Summary

Ordinance No. 644 proposes to amend the Community Development Code relating to residential density calculations and approved Master Plans. The purpose of these amendments is to clarify: 1) what land types can be excluded for purposes of calculating residential densities, and 2) the process for revising approved Master Plans.

Who Is Affected

Owners of residential land in unincorporated Washington County subject to the density calculations of Section 300-2.8 and those interested in revising an approved Master Plan.

What Land is Affected

Residential land in unincorporated Washington County subject to the density calculations of Section 300-2.8 and land on which a Master Plan has been approved.

Key Provisions

- Clarifies what land types can be excluded for purposes of calculating residential densities.
- Clarifies the process for revising approved Master Plans.

Initial Public Hearings

Time and Place

Planning Commission
7:30 pm
October 19, 2005

Board of County Commissioners
6:30 pm
October 25, 2005

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

On October 25, 2005, 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 24, 2005.

**Urban Comprehensive
Plan Policies Amended**

➤ None

**Rural/Natural
Resource Plan Policies
Amended**

➤ None

**Community
Development Code
Standards Amended**

➤ 300-2, 401-5, and 403-2

**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 Planning Division. At this time, we are unable to accept e-mail as public testimony.

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

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

Staff Contact

Paul Schaefer
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-8817 Fax: 503-846-4412
e-mail: paul_schaefer@co.washington.or.us

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

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard City Library
- Citizen Participation Organizations (CPOs); Call 503-725-2115 for a directory of CPOs.

/wpshare/2005ord/Ordinance 644/Ord 644 CPO Notice

WASHINGTON COUNTY ENACTED ORDINANCE

12

Pages



ORDINANCE

644

FOR WASHINGTON COUNTY CLERK'S USE ONLY



FILED

OCT 27 2005

Washington County
County Clerk

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing -
Department of Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **PROPOSED ORDINANCE NO. 644 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO A
GENERAL UPDATE TO RESIDENTIAL DENSITIES AND
MASTER PLANS**

Presented by: Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

SUMMARY:

As part of the 2005 Work Program, staff prepared five issue papers concerning open space, including Issue Paper 1B, which contains staff-initiated analysis of issues relating to residential density calculations and Master Plan revisions. On May 17, 2005 the Board authorized the filing of ordinances to make the necessary changes to the Comprehensive Plan as recommended by the issue papers.

Proposed amendments to the Community Development Code (CDC) consistent with the recommendation set forth in Issue Paper 1B are contained in Ordinance No 644. Ordinance No. 644 was filed on September 1, 2005. Ordinance No. 644 proposes to amend CDC Section 300-2.8 to clarify what land types can be excluded for purposes of calculating residential densities. Ordinance No. 644 also proposes to amend CDC Sections 401-5 and 403-2 to clarify the processes for revising approved Master Plans.

The staff report and information on the Planning Commission's recommendation will be provided to the Board prior to the hearing and copies will also be available at the Clerk's desk.

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read by title only and conduct a public hearing for Ordinance No. 644. At the conclusion of the hearing, adopt Ordinance No. 644.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.b.</u>
Date:	10-25-05

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 644

An Ordinance Amending the Community Development Code Element of the Comprehensive Plan Relating to a General Update to Residential Densities and Master Plans

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

SECTION 1

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

B. Subsequent ongoing planning efforts of the County suggest a need for changes to the Community Development Code element of the Comprehensive Plan relating to a general update regarding calculation of residential densities and master plans. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

12 SECTION 2

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

- 15 A. Exhibit 1 (1 page) – amending Section 300-2 of the Community
16 Development Code;
- 17 B. Exhibit 2 (3 pages) – amending Section 401-5, General Provisions –
18 Development Review, of the Community Development Code; and
- 19 C. Exhibit 3 (2 pages) – amending Section 403-1 of the Community
20 Development Code.

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22 ///

1 SECTION 3

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

5 SECTION 4

6 All applications received prior to the effective date shall be processed in accordance
7 with ORS 215.427 (2003 Edition).

8 SECTION 5

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

14 SECTION 6

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

21 ////

22 ////

1 SECTION 7

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

3 ENACTED this 25 day of October, 2005, being the first
4 reading and first public hearing before the Board of County Commissioners of
5 Washington County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 Tom Buan
9 CHAIRMAN

10 **ADOPTED**

11 Barbara Heitmanek
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First October 25, 2005

14 October 25, 2005

15 Second _____

15 _____

16 Third _____

16 _____

17 Fourth _____

17 _____

18 Fifth _____

18 _____

19 Sixth _____

19 _____

20 VOTE: Aye: Brian, Rogers, Duyck,
Schouten, Leeper

20 Nay: _____

21 Recording Secretary: Barbara Heitmanek

21 Date: October 25, 2005

Amend Section 300-2 of the Community Development Code as shown below.

300-2 Residential Density Calculation

300-2.8 Only Categories of land listed in Section 300-3.1 may either be excluded from the acreage used to calculate the minimum required densities or maximum density or be used to calculate the minimum or maximum density. Categories of land listed in Section 300-3.1 may be included when calculating maximum allowed densities provided the densities transferred comply with Section 300-3.3.

401-5 General Provisions – Development Review

401-5.1 Procedures

The Development review of applications through the provisions of Sections 403 and 404 may be processed through a two step process consisting of a preliminary review and a final review. Preliminary review shall be through the procedure type listed in the applicable land use district. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.

401-5.2 Expiration

Preliminary approval shall expire automatically two (2) years from the date of approval unless final approval has been granted or development has commenced pursuant to Section 201-6 or an extension, according to the provisions of Section 201-5, has been requested and approved.

401-5.3 Review Standards

A. Preliminary Review:

The proposed project shall be reviewed for compliance with the applicable provisions of this Code, including Section 401-1, 401-2, ~~and 401-3,~~ and 401-4.

B. Final Review:

The request for final approval of a project shall be reviewed for consistency with the preliminary approval and shall comply with the standards and conditions of the preliminary approval.

401-5.4 Minor Revisions to Master Plans and Development Review Projects that have received Preliminary Approval

The purpose of minor revisions are to allow flexibility in master planning or site design in order to accommodate changes that inevitably occur between preliminary and final plans. When revisions are proposed, the original proposal must remain fundamentally intact. For example, site plans, street layouts, and lotting patterns may not be reversed (flip flopped). The Type I minor revision process only allows changes that have no off-site impacts. Therefore, only limited changes are allowed through this process.

A. Minor revisions to a preliminary approval for a Master Plan or development review project may be made through a Type I procedure for the following:

- (1) Lot dimensions;
- (2) Street locations;
- (3) Lot patterns;

- (4) Decreases in density;
- (5) Parking locations;
- (6) Changes in parking spaces;
- (7) Building locations; and
- (8) Decreases in building square footage.

B. Minor revisions shall meet the following standards:

- (1) Lot dimensions and patterns: Minor changes to lot dimensions and lot patterns may occur, but the overall-lotting pattern shall remain the same as the original;
- (2) Streets within a development that abut an adjacent property or an exterior adjacent street shall not be relocated more than one-half (1/2) the width of the right-of-way, easement or tract; or relocated so that they abut a different property from that approved in the preliminary plat approval, or as required in the primary district;
- (3) Stub streets within a development that abut an adjacent property or an exterior adjacent street shall not be changed to permanent "dead-end" streets (e.g., cul-de-sac or hammerhead) within the development;
- (4) Permanent "dead-end" streets within a development shall not be changed to a stub street which abuts an adjacent property or connected to an exterior adjacent street;
- (5) The revisions shall continue to comply with the circulation standards of this Code. However, where connections were approved as direct, they must remain direct. Where connections were approved as circuitous, they must remain circuitous. The street network must maintain the planned functional classification of new and existing roads in the area. No modification to the review standards of Section 408 is allowed;
- (6) Density decreases shall not exceed five (5) percent and must meet the minimum density standards required in the applicable land use district;
- (7) Changes in parking spaces shall meet the requirements of Section 413;
- (8) Building locations, parking areas and water quality facilities shall not be relocated in areas designated as Significant Natural Resources or relocated closer to any adjacent residential property;
- (9) No reduction to the screening and buffering standards (Section 411) are allowed;

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Proposed additions
Proposed additions

(10) For commercial and industrial development, no changes to the number of stories are allowed; and

(11) Outside the UGB, the commercial and industrial uses approved through the preliminary review must remain the same. Inside the UGB, the ADT at the access point(s) must not exceed the ADT reviewed by the County as part of the preliminary approval.

C. All other revisions shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

401-5.5 Revisions to Master Plans and Development Review Projects that have received Final Approval

Revisions to a Master Plan or a development review project that has been reviewed through Section 401-45 and has received final approval shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

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Amend Section 403-1 of the Community Development Code as shown below.

403 APPLICABILITY

403-1 Compliance Permit

Prior to occupying a site approved through Development Review, a compliance permit is required. Before the compliance permit is issued, the developer shall construct or install the required improvements or shall provide the County with an approved assurance that all improvements will be carried out in accordance with the terms of the Development Review approval or the standards of this Code. The Board may, by Resolution and Order, specify acceptable assurance mechanisms and terms.

403-2 Master Plan - Minimum Requirements for all Development

At a minimum, through a Type I Procedure, all development, including land divisions and exemptions through Section 501-2, shall provide: a Master Plan prepared in accordance with Sections 403-2.1 through 403-2.4, including necessary written findings. A Master Plan may be reviewed in conjunction with a specific development review project for all or a portion of the subject site, or it may be reviewed independently and implemented through a future development review application(s). Development review applications shall be consistent with the final approved Master Plan and shall, at a minimum, be processed through the Type I procedure. Final approval of a Master Plan shall be granted prior to the submission of a subsequent application that implements a Master Plan.

Minor revisions to a Master Plan that has received preliminary approval shall comply with the provisions of Section 401-5.4. All other revisions to a Master Plan with preliminary approval or a Master Plan with final approval shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

- 403-2.1 A Master Plan in a schematic form which contains the following when determined to be applicable by the Review Authority:
- A. Proposed Uses and Densities where applicable;
 - B. Structure and Building Locations and Type;
 - C. Landscape and Open Space, except for one detached dwelling on a lot of record inside the UGB and all single dwellings and agriculture or forest buildings outside the UGB;
 - D. Roads, Parking and Circulation; and
 - E. Phasing-Development Schedule if applicable.

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A development application (Master Plan or Site Analysis application) for a development shall be for the entirety of the site, including all phases of a phased development. The development application shall demonstrate compliance, or demonstrate that it is feasible, for all portions of the site to comply with the standards of the Articles III (e.g., density, setbacks, height), IV (e.g., parking landscaping, grading and drainage), V (e.g., access spacing), and VI. When a residential development will occur in phases, or the development site is divided into multiple residential lots or parcels, each phase or lot or parcel shall develop to the density stated in the development application unless the original development application is modified consistent with the applicable density requirements and other applicable standards of this Code.

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