



September 8, 2006

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 677**

Enclosed for your information is a copy of proposed Ordinance No. 677. 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. 677 makes amendments to the Community Development Code Element of the Comprehensive Plan to make housekeeping amendments related to half-street improvements. The amended text clarifies that half-street improvements may also be required outside of transit oriented districts at the discretion of the review authority.

**Who Is Affected**

Residents in the urban unincorporated areas of Washington County are potentially affected.

**What Land is Affected**

Urban unincorporated lands (outside city limits) are potentially affected.

**Key Provisions**

- Amends Section 501-8 (Standards for Development) of the *Community Development Code* to make housekeeping changes related to half-street improvements. The amended text clarifies that half-street improvements may also be required outside of transit oriented districts at the discretion of the review authority.

**Initial Public Hearings**

**Time and Place**

**Planning Commission**  
**7:30 pm**  
**October 18, 2006**

**Board of County Commissioners**  
**6:30 pm**  
**October 24, 2006**

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

On October 24, 2006, 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 23, 2006.

**Community  
Development Code  
Standards Amended**

➤ Section 501-8, Standards for Development

**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. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

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

**Staff Contact**

Aisha Willits, Senior Planner  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3961 Fax: 503-846-4412  
e-mail: aisha\_willits@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. 1<sup>st</sup> Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

/wpshare/2006ord/Ord677/Notices & Affidavits/CPO Notice.doc

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

3  
4   ORDINANCE NO. 677  
5

An Ordinance Amending the Community  
Development Code Element of the  
Comprehensive Plan Relating to the  
Housekeeping Changes to Half-Street  
Improvement Standards

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

7   SECTION 1

8                   A.     The Board of County Commissioners of Washington County, Oregon,  
9   recognizes that the Community Development Code (“CDC”) element of the  
10   Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986,  
11   by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos.  
12   321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407,  
13   412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457,  
14   462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529,  
15   538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605,  
16   607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649,  
17   654, 660, and 661.

18                  B.     Subsequent ongoing planning efforts of the County indicate a need for  
19   changes to the CDC element of the Comprehensive Plan in order to implement the 2005  
20   legislative changes. The Board takes note that such changes are necessary to assure  
21   consistency with state law and are for the benefit of the residents of Washington County,  
22   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 those recommendations and  
6 any 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 and  
8 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 Attached hereto and incorporated herein by reference is Exhibit 1 (6 pages)  
14 amending CDC Section 501-8, STANDARDS FOR DEVELOPMENT.

15 SECTION 3

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

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1     SECTION 4

2             All applications received prior to the effective date shall be processed in accordance  
3 with ORS 215.427 (2005 Edition).

4     SECTION 5

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

10    SECTION 6

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

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1 SECTION 7

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

3 ENACTED this 24<sup>th</sup> day of October, 2006, being the 1<sup>st</sup> reading  
4 and 1<sup>st</sup> 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 John Luyes  
CHAIRMAN

10 Barbara Hejtmanek  
RECORDING SECRETARY

11 READING

11 PUBLIC HEARING

12 First October 24, 2006

12 October 24, 2006

13 Second \_\_\_\_\_

13 \_\_\_\_\_

14 Third \_\_\_\_\_

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15 Fourth \_\_\_\_\_

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16 Fifth \_\_\_\_\_

16 \_\_\_\_\_

17 Sixth \_\_\_\_\_

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18 VOTE: Aye: Brian, Leeper, Schouten

18 Nay: \_\_\_\_\_

19 Recording Secretary: Barbara Hejtmanek Date: October 24, 2006  
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CDC Section 501-8 Standards for Development is amended to reflect the following:

501-8 Standards for Development

501-8.1 Critical Services

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
  - (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and
  - (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation Plan, the road(s) must meet the following minimum standards:
    - (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
    - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
    - (c) On-site means all lands in the land use application and one half (½) the right-of-way of existing roads lying adjacent to such lands;
    - (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990; and
    - (e) Right-of-way on or adjacent to the frontage property meets Washington County functional classification standards.

- (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.
  - (4) For those existing Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Improvement Design Standards and abut a development in a transit oriented district, or abut a development outside a transit oriented district which is adjacent to a designated special area street, a half street improvement along the site's frontage shall be constructed.
  - (5) Outside of transit oriented districts, a half-street improvement may be required on Local or Neighborhood Route roads at the discretion of the Review Authority.
- C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for storm water, surface water and water quality management as required by the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.
- E. For development in a transit oriented district, or development outside a transit oriented district but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

## 501-8.2 Essential Services

### A. Service Provider Documentation

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.

- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:
- (a) Schools:
    - (i) Amount of bonded indebtedness;
    - (ii) Use of double shifting;
    - (iii) Extended school periods;
    - (iv) Bussing to underutilized facilities;
    - (v) Year-round school;
    - (vi) Construction of new facilities;
    - (vii) Portable classrooms;
    - (viii) Impact fees;
    - (ix) Any combination of these or other alternatives.
  - (b) Police or Sheriff Services:
    - (i) Contracting with private agency;
    - (ii) Contracting with other public agency;
    - (iii) Impact fees;
    - (iv) Any combination of these or other alternatives.
  - (c) Provision of Transit Improvements:
    - (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.

- (ii) Property located along an Arterial or Collector which currently has hourly headways during the mid-day on a weekday. If an existing transit stop is located in front of the subject property, the transit district may request via the service availability letter that the County require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements. Additionally, the transit district may relocate an existing stop or request via the service availability letter that the County require a new stop in front of the property along with an easement at the stop. The transit district shall make the determination as to whether or not additional right of way or an easement is necessary.
- (iii) Properties subject to this section may also be subject to more expansive transit related requirements. As set forth in Section 380, Convenient Access to Transit Overlay District.

B. Adequate Level of Arterial and Collector Roads

An applicant shall ensure that an adequate level of Arterial and Collector roads will be available to the proposed development. This requirement is satisfied by payment of the Traffic Impact Fee unless the provisions of Section 501-10 and 501-11 are applicable. Payment of the Traffic Impact Fee is not an assurance for improvements required by Sections 501-8.2.D [Gravel Roads], 501-8.2 F. [Future Alignments], 501-8.2 G. [Half-Street Improvements] or 501-8.2 H. [Pedestrian/Utility Easement]. In addition to payment of the Traffic Impact Fee an applicant shall assure that all identified safety improvements within the impact and analysis area pursuant to Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation) shall be constructed prior to occupancy of a development with the assurance provided prior to issuance of a building permit and the following:

- (1) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (½) the right-of-way of existing roads lying adjacent to such lands;
- (2) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990;
- (3) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards;
- (4) Access to Arterials and Collectors will be allowed in accordance with Section 501-8.5; and
- (5) Collectors or Arterials inside the UGB that front a site and have an existing gravel surface must be brought up to urban standards.

C. Street Lighting

For all new Local, Neighborhood Route, Collector and Arterial streets, an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.

- D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.
- E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with Washington County's Urban Road Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.
- F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with Washington County's Urban Road Standards.
- G. For development in a transit oriented district, a half-street improvement shall be constructed along the site's frontage of those existing Collector and Arterial roads which abut the site and are not improved in accordance with Washington County's Uniform Road Improvement Design Standards.
- H. Outside of transit oriented districts, a half-street improvement may be required on Collector or Arterial roads at the discretion of the Review Authority.
- ~~H~~I. For development in a transit oriented district, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.
- ~~I~~J. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.

~~JK~~. When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, set backs, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.

~~KL~~. Law Enforcement Services

No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.