

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 809 – AN ORDINANCE ADDRESSING MINOR AMENDMENTS TO THE RURAL / NATURAL RESOURCE PLAN, THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE BETHANY COMMUNITY PLAN, THE CEDAR HILLS – CEDAR MILL COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE**

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

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### SUMMARY:

A-Engrossed Ordinance No. 809 proposes minor amendments to several elements of the Washington County Comprehensive Plan to address recent revisions to state law and make small text and map changes to plan documents. A-Engrossed Ordinance No. 809 is posted on the County's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/landuseordinances.cfm>

The Board conducted a hearing for Ordinance No. 809 on June 7, 2016 and directed engrossment of the ordinance to include changes recommended by the Planning Commission and staff. A description of those changes was included in the staff report for the July 26, 2016 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 809 on July 26, 2016 and continued the hearing to August 16, 2016.

The staff report for the August 16, 2016 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

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

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

### DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 809 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 809.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<u>4.c.</u>
Date:	08/16/16

**ADOPTED**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 809

An Ordinance Addressing Minor Amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, the Cedar Hills-Cedar Mill Community Plan, and the Community Development Code

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

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, and subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671, 686, 733, 740, 753, 764, 772, 776, 785, and 796.

B. The Board recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, 764, 769, 771, 775, 785, 788-790, 796, 799, 802, and 805.

C. The Board recognizes that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 345, 420, 471, 480,

1 551, 588, 610, 615, 620, 649, 702, 712, 730, 739, 744, 745, 758, 771, 783, 789, 790, 799, and  
2 805.

3 D. The Board recognizes that the Cedar Hills-Cedar Mill Community Plan was  
4 adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 346, 369,  
5 396, 418, 420, 450, 471, 480, 484, 526, 551, 553, 588, 609, 610, 620, 631, 732, 783, 799, and  
6 802.

7 E. The Board recognizes that the Community Development Code Element of the  
8 Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by  
9 way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,  
10 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423,  
11 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-  
12 489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,  
13 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,  
14 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692,  
15 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-  
16 758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-800, 802, and 804.

17 F. As part of its ongoing planning efforts, Washington County has determined there  
18 is a need to make minor amendments to elements of its Comprehensive Plan to effectuate and  
19 acknowledge state legislative changes, and make minor clarifications to text and maps to  
20 improve the efficiency and effectiveness of the Plan's requirements. The Board takes note that  
21 such changes are for the health, welfare, and benefit of the residents of Washington County,  
22 Oregon.

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

7 H. 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 finds that this  
9 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan  
10 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
11 County Charter, the Washington County Community Development Code, and the Washington  
12 County Comprehensive Plan.

13 SECTION 2

14 The following Exhibits, attached and incorporated herein by reference, are hereby  
15 adopted as amendments to the following documents:

16 A. Exhibit 1 (4 pages) – Refines the ‘Urban and Rural Reserves’ Map in Policy 29  
17 (Rural and Urban Reserves) of the Rural/Natural Resource Plan.

18 B. Exhibit 2 (2 pages) – Amends Policy 10 (Biological Resources and Natural Areas)  
19 of the Comprehensive Framework Plan for the Urban Area.

20 C. Exhibit 3 (2 pages) – Amends Chapter 2, the North Bethany Subarea Plan of the  
21 Bethany Community Plan.

22 ///

1 D. Exhibit 4 (4 pages) – Amends the Bonny Slope West Subarea of the Cedar Hills-  
2 Cedar Mill Community Plan.

3 E. Exhibit 5 (4 pages) – Amends the following sections of the Community  
4 Development Code:

- 5 1. Section 313 – Community Business District (CBD);
- 6 2. Section 391 – Bonny Slope West Subarea Overlay District;
- 7 3. Section 424 – Creation of Parcels in the EFU, EFC and AF-20 Zones;
- 8 4. Section 501 – Public Facility and Service Requirements; and
- 9 5. Section 610 – Land Divisions and Property Line Adjustments Outside a  
10 UGB.

11 SECTION 3

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

14 SECTION 4

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

17 SECTION 5

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

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1 SECTION 6

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

7 SECTION 7

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

9 ENACTED this 16 day of August, 2016, being the 3rd reading and  
10 3rd public hearing before the Board of County Commissioners of Washington County,  
11 Oregon.

12 BOARD OF COUNTY COMMISSIONERS  
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 Andy Oros  
CHAIRMAN

16 Barbara Hejzmanek  
RECORDING SECRETARY

17 READING

18 First June 7, 2016  
19 Second July 26, 2016  
20 Third August 16, 2016  
21 Fourth \_\_\_\_\_  
22 Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

PUBLIC HEARING

First June 7, 2016  
Second July 26, 2016  
Third August 16, 2016  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

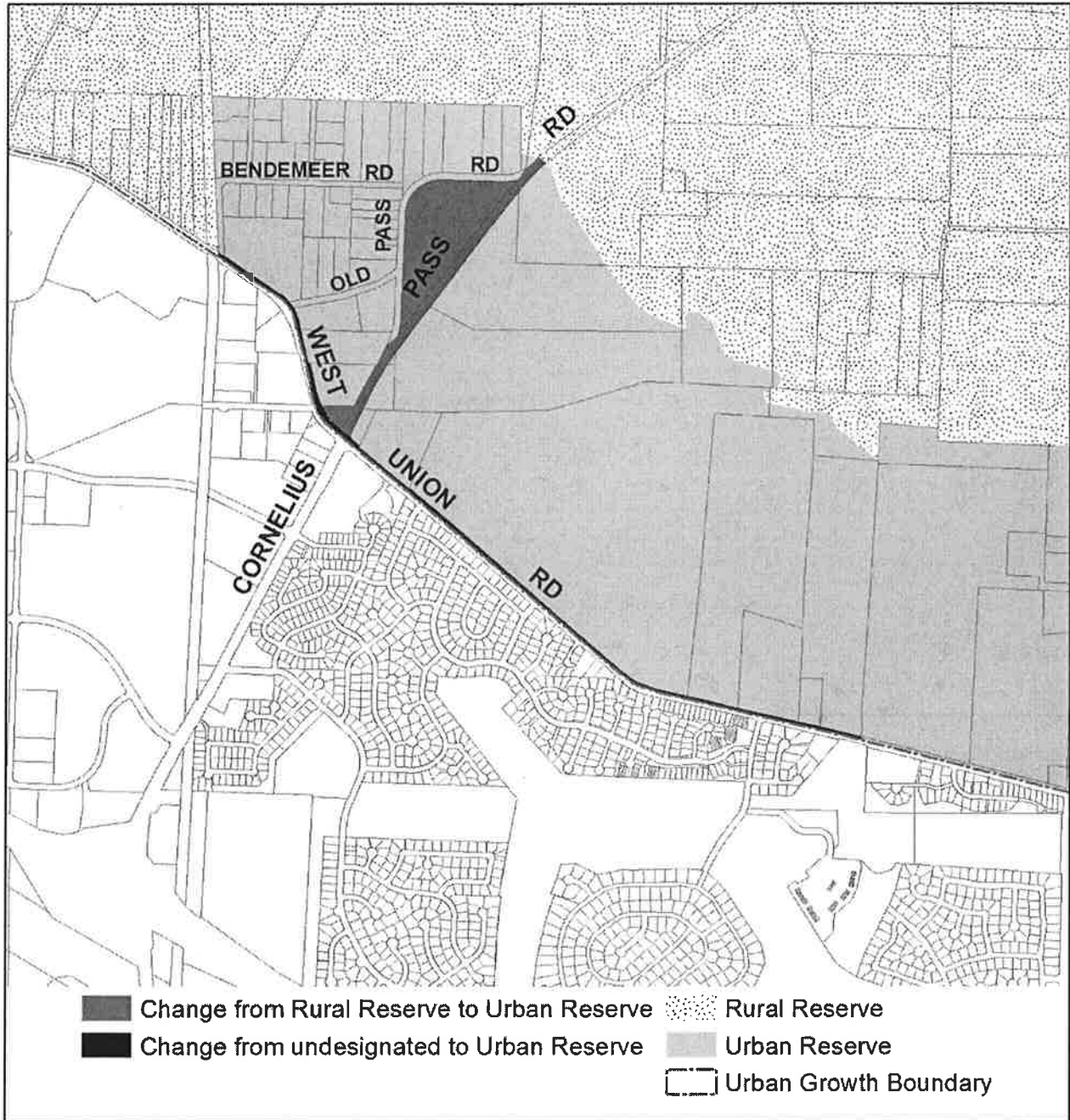
21 VOTE: Aye: Duyck, Malinowski,  
Rogers, Terry

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

22 Recording Secretary: Barbara Hejzmanek

Date: August 16, 2016

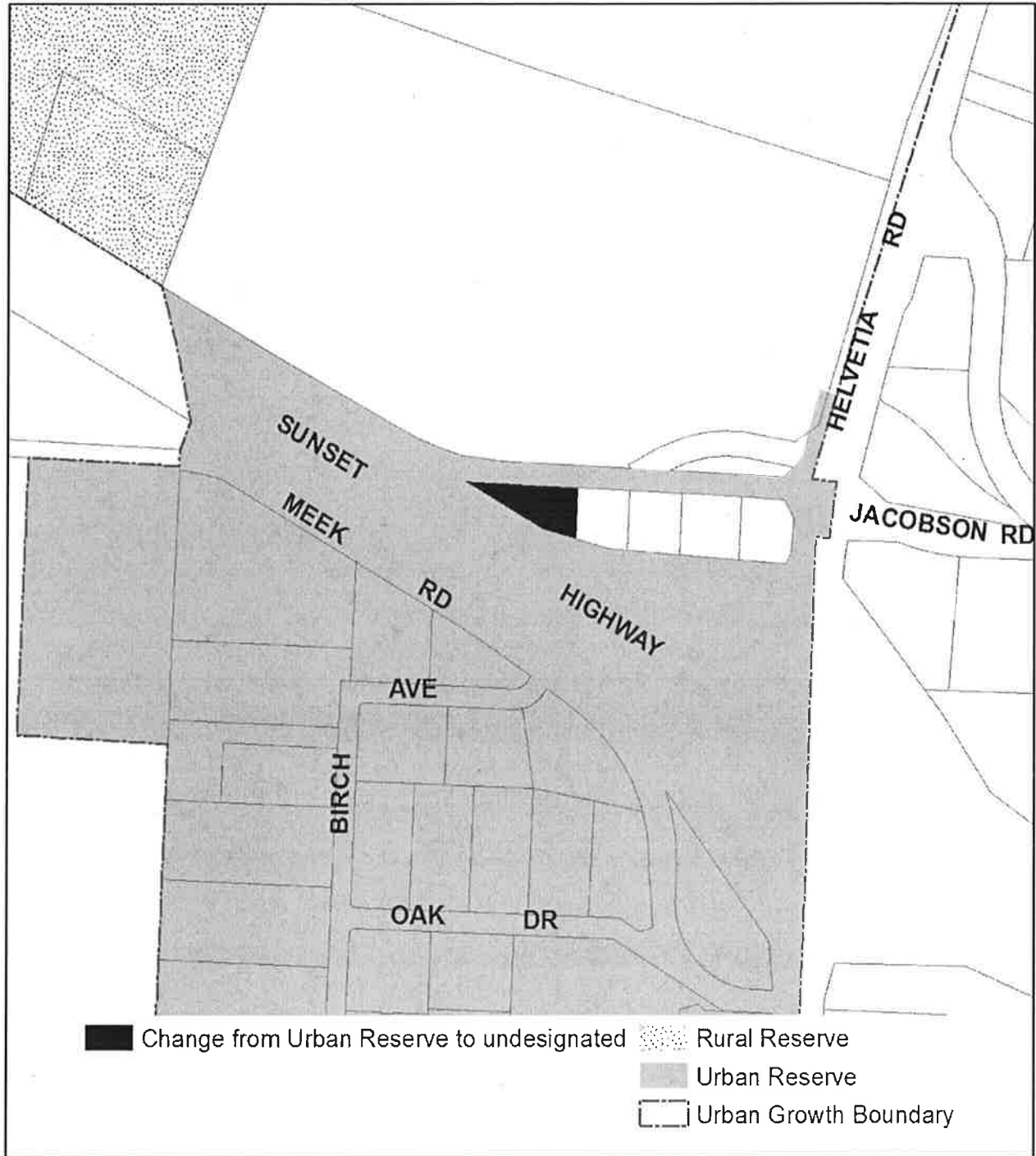
The 'Urban and Rural Reserves' Map in Policy 29 (Rural and Urban Reserves) of the RURAL/NATURAL RESOURCE PLAN is amended as shown:



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abcdef Proposed additions  
abcdef Proposed deletions

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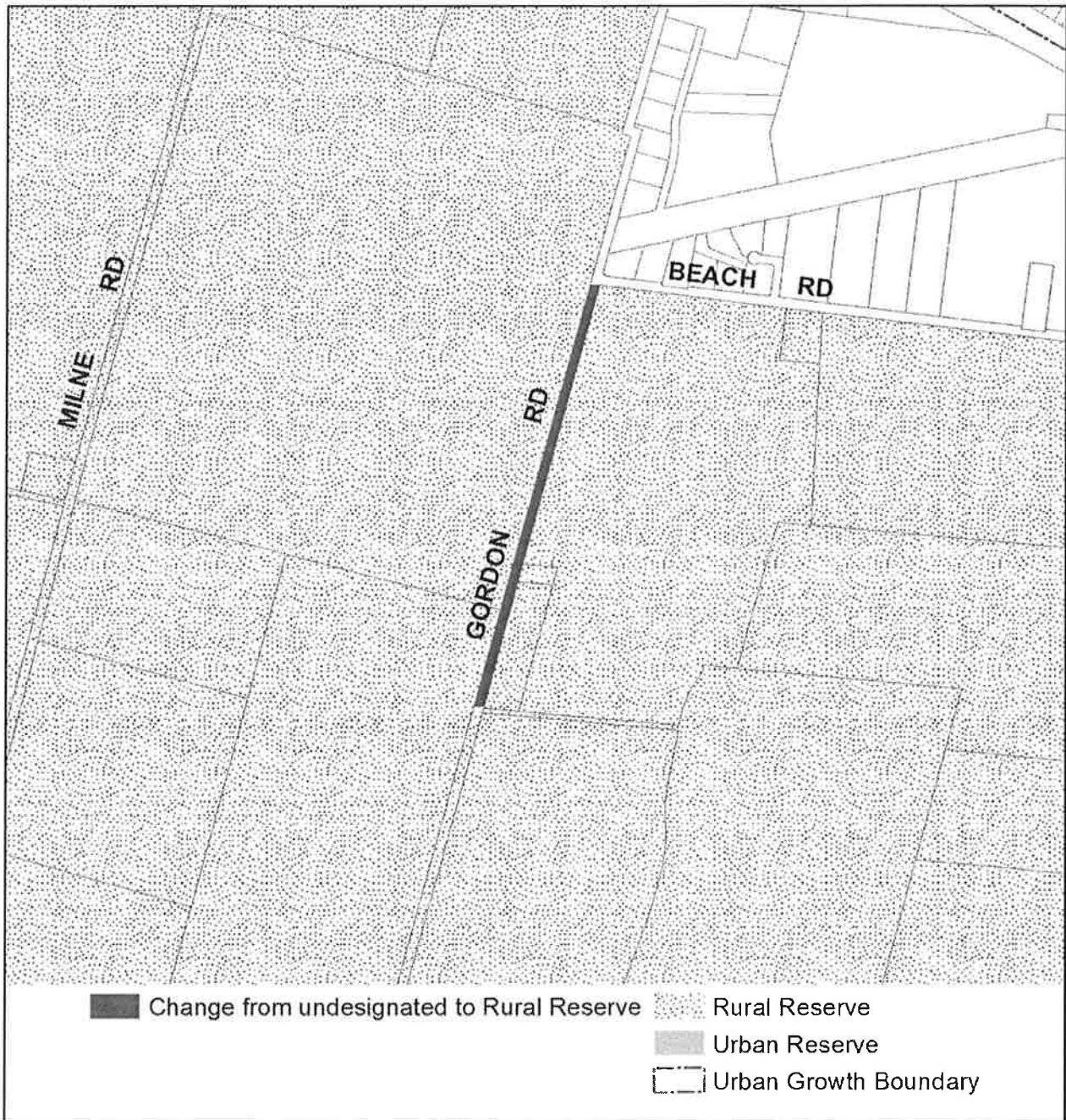
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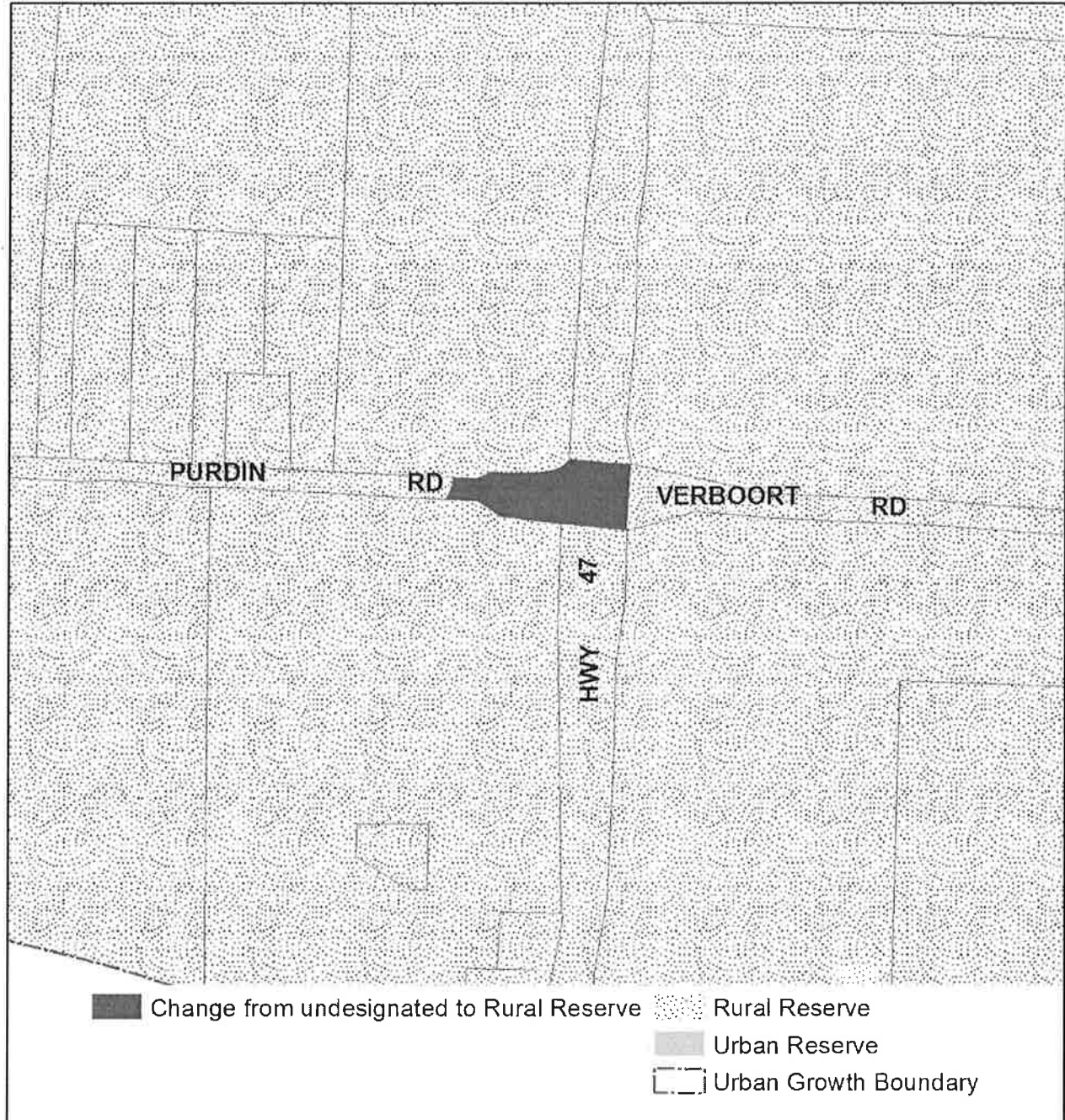
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Policy 10 (Biological Resources and Natural Areas) of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

**POLICY 10, BIOLOGICAL RESOURCES AND NATURAL AREAS:  
It is the policy of Washington County to protect and enhance  
significant natural areas.**

**Implementing Strategies**

The County will:

- a. Identify Significant Natural Resources and directions for their protection or development in the Community Plans. Those directions shall assure that the unique values of Significant Natural Resources can be examined and that all reasonable methods for their preservation can be pursued prior to development, without penalty for the potential loss of development density that may result.
- b. Outside of Significant Natural Resources, provide opportunity for the protection and enhancement of Regionally Significant Fish & Wildlife Habitat, as identified by Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map, without penalty for the potential loss of development density that may result.
- c. Through the Community Development Code, review and regulate proposed activities in identified Significant Natural Resource areas. The review process shall adhere closely to provisions in applicable Community Plans, which direct the manner and extent to which the area shall be protected.
- d. Utilize the LCDC Goal 5 process described in Oregon Administrative Rule 660-016-0025 to review Goal 5 resources during the five-year update of Community Plans.
- e. Support preferential taxation methods to encourage retention of significant natural areas as open space.
- f. Explore preservation of significant natural areas through fee simple purchase and encouragement of purchase by other concerned agencies and groups (i.e., THPRD, Nature Conservancy).
- g. Evaluate the potential for including specific natural areas and habitats within the county's or the Tualatin Hills Park and Recreation District's park and recreation system.
- h. Develop tree conservation standards to regulate the removal of or damage to trees and vegetation in identified Significant Natural Areas within the unincorporated urban area, in order to retain the wooded character and habitat of urban forested lands.
- i. Coordinate with the Clean Water Services to adopt or amend local standards, which ensure that fish and wildlife habitats are adequately protected and enhanced in compliance with local, regional, state and federal requirements.

j. For new urban areas, adopt Local Wetland Inventories (LWIs) as part of the Comprehensive Plan, pursuant to OAR 660-023-0100(3). New urban areas are urban incorporated lands that came into the Urban Growth Boundary in 2002 or later (with the exception of the Arbor Oaks Subarea). LWIs may be adopted by Resolution and Order. LWIs will serve as supporting documents to the Comprehensive Plan, and will be adopted by reference into the Resource Document element of the Comprehensive Plan.

### Summary Findings and Conclusions

Natural areas within the Urban Growth Boundary include stream corridors, adjacent riparian areas, and large wooded tracts. These areas are important as they provide fish and wildlife habitats, scenic value, and remnants of the natural landscape. Such areas as the Tonquin Scabland Geological Area are important for their ecological and scientific value. The relative value of these natural areas increases as surrounding land is converted from rural to urban uses.

The process and procedures used to analyze Biological Resources and Natural Areas (LCDC Goal 5) are specified in Oregon Administrative Rule (OAR) 660-016-0000 to 660-016-0025, and OAR 660-023-0000 to 660-023-0250. The Comprehensive Plan reflects the county's participation in the completion of this process over two distinct periods. The first of these resulted in the program based on the recognition of Significant Natural Resources; the second resulted in the Tualatin Basin Fish & Wildlife Habitat Program that is based upon Metro's Regionally Significant Fish & Wildlife Habitat Inventory. The documentation of these processes are contained in the Resource Document and in the Tualatin Basin Fish & Wildlife Habitat Program document and its attachments, including the ESEE Analysis for the Tualatin Basin. An overlap of statewide planning goals was found to exist between Goal 5 resources and the following Goals: Forest Lands (Goal 4), Air, Water, and Land Resources Quality (Goal 6), Areas Subject to Natural Disasters and Hazards (Goal 7), and Recreational Needs (Goal 8). Ancillary strategies relating to Goal 5 may be found in sections of this Plan pertaining to the above Goals.

Chapter 2, North Bethany Subarea Plan of the BETHANY COMMUNITY PLAN is amended to reflect the following:

## CHAPTER 2

### North Bethany Subarea Plan

#### I. Introduction

The North Bethany Subarea Plan applies to land north of NW Springville Road with the exception of the Arbor Oaks Subarea. This chapter provides background and an overview of the Subarea's community planning principles and goals, describes the relevant maps, and prescribes general and neighborhood design elements. Where applicable, the Subarea Plan identifies the plan amendment procedure and criteria for proposing changes to the Subarea Plan.

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#### VI. Neighborhood Design Elements

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##### A. Northwest Neighborhood

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#### DESIGN ELEMENTS

1. A one and one-half (1½) to two-acre (2) neighborhood park shall be located in the Northwest Neighborhood. The park may be located on either side of NW Joss Avenue. Public street frontage shall be provided along at least one-half (½) of its perimeter. The park shall be situated on axis with the open space provided for the high density area (see the Neighborhood Plan Map for more details).
2. A neighborhood commercial site fronts the intersection of Road A and a north-south Primary Street (P8). The site is approximately two-thirds (⅔) of an acre. The site shall be developed so the building(s) fronts Road A and Primary Street P8. Building entrances and windows shall be included in these building façades. The site shall include a small public plaza to serve as a community gathering space that will allow the neighborhood retail to spill into the public realm, creating opportunity for outdoor seating. The plaza should be designed as a year-round neighborhood meeting place offering shelter, seating, and interest. ~~as described in ASC 8 (Road A-Linear Park).~~

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## C. Northeast Neighborhood

The Northeast Neighborhood is bordered on the south by Road A. The northern and eastern boundaries are the UGB. On the west, the neighborhood boundary is the north-south powerline corridor and comes to a point where the Abbey Creek tributary and powerline corridor meet the northern UGB.

Prominent natural features of the landscape include two tributaries to Abbey Creek and wooded and steep slopes along the northern boundary. An existing cemetery, two proposed school sites and a neighborhood park provide open space in the neighborhood. The neighborhood is designed to emphasize strong visual sightlines between the open space features, public services and a neighborhood commercial site.

Site topography and natural features result in the northernmost and westernmost portions of this neighborhood being more secluded than the rest of the Subarea. The same is true of a portion of land between NW Kaiser Road and the tributary to the east. These site conditions and the adjacent rural areas make these edge areas more suitable for low density development.

### DESIGN ELEMENTS

1. A neighborhood commercial site is adjacent to Primary Streets (P3) and Road A. The site is approximately one-half (1/2) acre. Building entrances and windows shall be included in these building façades. The site shall include a small public plaza to serve as a community gathering space, as described in ASC 8 (Road A Linear Park).

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The Bonny Slope West Subarea of the CEDAR HILLS – CEDAR MILL COMMUNITY PLAN is amended to reflect the following:

## CEDAR HILLS – CEDAR MILL COMMUNITY PLAN

### The Relationship of the Comprehensive Plan Elements

The Cedar Hills-Cedar Mill Community Plan is one of a number of planning elements which in total comprise the Washington County Comprehensive Plan. The intent of this section is to provide the reader of the Cedar Hills-Cedar Mill Community Plan with a basic understanding of its relationship to the various other Comprehensive Plan elements.

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## SUBAREAS

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### BONNY SLOPE WEST

The Bonny Slope West subarea is located in the northeast portion of the Cedar Hills – Cedar Mill Community Plan area, near the base of the West Hills. The subarea is approximately 160 acres in size. Bonny Slope West was added to the Urban Growth Boundary (UGB) in 2002, and at that time it was known as “Area 93” and was located in Multnomah County. In 2008, Multnomah County began work on an Area 93 concept plan. By 2009, Multnomah County had developed a preferred concept plan for Area 93 based on public input from open houses and charrettes, but the concept plan was never finalized.

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### Design Elements

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1. Ward Creek – its tributaries and immediately adjacent riparian zone, are designated as Significant Natural Resources and shall be retained in their natural condition and/or enhanced in keeping with the provisions of the Community Development Code (CDC). The boundaries of the Significant Natural Resources are subject to adjustment based on more accurate information. The actual extent of the Significant Natural Resources shall be identified per the requirements of CDC Section 422.

Through the planning process for the Bonny Slope West subarea, the Significant Natural Resource designations were refined in conjunction with the development of a Local Wetland Inventory (LWI) for Bonny Slope West. The LWI identified Locally Significant Wetlands, which are wetland areas that are important for reasons related to location, size,

quality and/or function. The LWI received approval from the Department of State Lands, and Clean Water Services is responsible for reviewing development proposals for compliance with the LWI.

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6. A potential pedestrian/bicycle crossing over Ward Creek is located on the west side of the subarea. This creek crossing is intended to connect the north and south portions of Bonny Slope West, and provide visual access to Ward Creek. The Bonny Slope West Subarea Design Elements Map illustrates one possible pedestrian/bicycle crossing location, but the location of the crossing is flexible and can be located within a larger area to the west of the southern tributary of Ward Creek, mapped as Area of Special Concern No. 4819. The intent for the pedestrian/bicycle creek crossing is that it be located where it will have the least negative impact to the creek, and that each end of the crossing will connect directly to a street, an off-street trail, or a trailhead within a public park / open space that provides connectivity to the surrounding neighborhoods.

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**Area of Special Concern No. 1817:**

This ASC is intended to address Condition I. D. of Metro Ordinance No. 02-969B, which requires the adoption of measures to ensure compatibility between urban uses within the Bonny Slope West subarea and agricultural practices on adjacent land outside the Urban Growth Boundary (UGB) zoned for farm or forest use. This ASC consists of the properties located on the north side of NW Laidlaw Road, which are adjacent to the UGB and Multnomah County lands zoned for farm and forest use (Commercial Forest Use - CFU2). Urban residential development within this area may increase the likelihood of human and/or domestic animal trespass onto the adjacent rural lands. Trespass is a compatibility issue because it may result in vandalism, increased risk of fire and/or harassment of rural livestock. To discourage trespass onto adjacent rural lands zoned for farm and forest use, the proposed urban development of properties within this ASC shall be required to install fencing along the north and east edges of the ASC in accordance with the standards of Community Development Code (CDC) Section 391. That CDC section also requires proposed urban development of properties within this ASC to record a waiver of the right to remonstrate against customarily accepted farm or forestry practices on nearby rural land.

**Area of Special Concern No. 1918:**

The Design Elements section identifies a potential pedestrian/bicycle crossing over Ward Creek on the west side of the subarea. If that crossing is constructed, this ASC identifies the area within which the crossing shall be located. The properties within this ASC are directly adjacent to, or near, the north and south sides of Ward Creek in the western portion of the Bonny Slope West subarea. The intent and requirements for this pedestrian/bicycle crossing are described in the Design Elements section.

abcdef Proposed additions

~~abcdef~~ Proposed deletions



## Description of Bonny Slope West Subarea Maps:

### A. ~~Future Urban Land Use Designations Map~~

~~This map shows urban plan designations (land use districts) for all land in the Bonny Slope West subarea. These designations will be effective when the FD-20 District is removed. The FD-20 District will be removed through a legislative plan amendment after required transportation infrastructure funding mechanisms have been implemented.~~

### AB. Bonny Slope West Subarea Design Elements Map

This map illustrates general locations of the following five Bonny Slope West subarea design elements:

- Community Trail
- Potential bicycle and pedestrian bridge crossing of Ward Creek
- NW Marcotte Road extension – an auto, bicycle and pedestrian bridge crossing of Ward Creek to NW Laidlaw Road
- Potential Park Areas
- NW Thompson Road Alignment Study Area

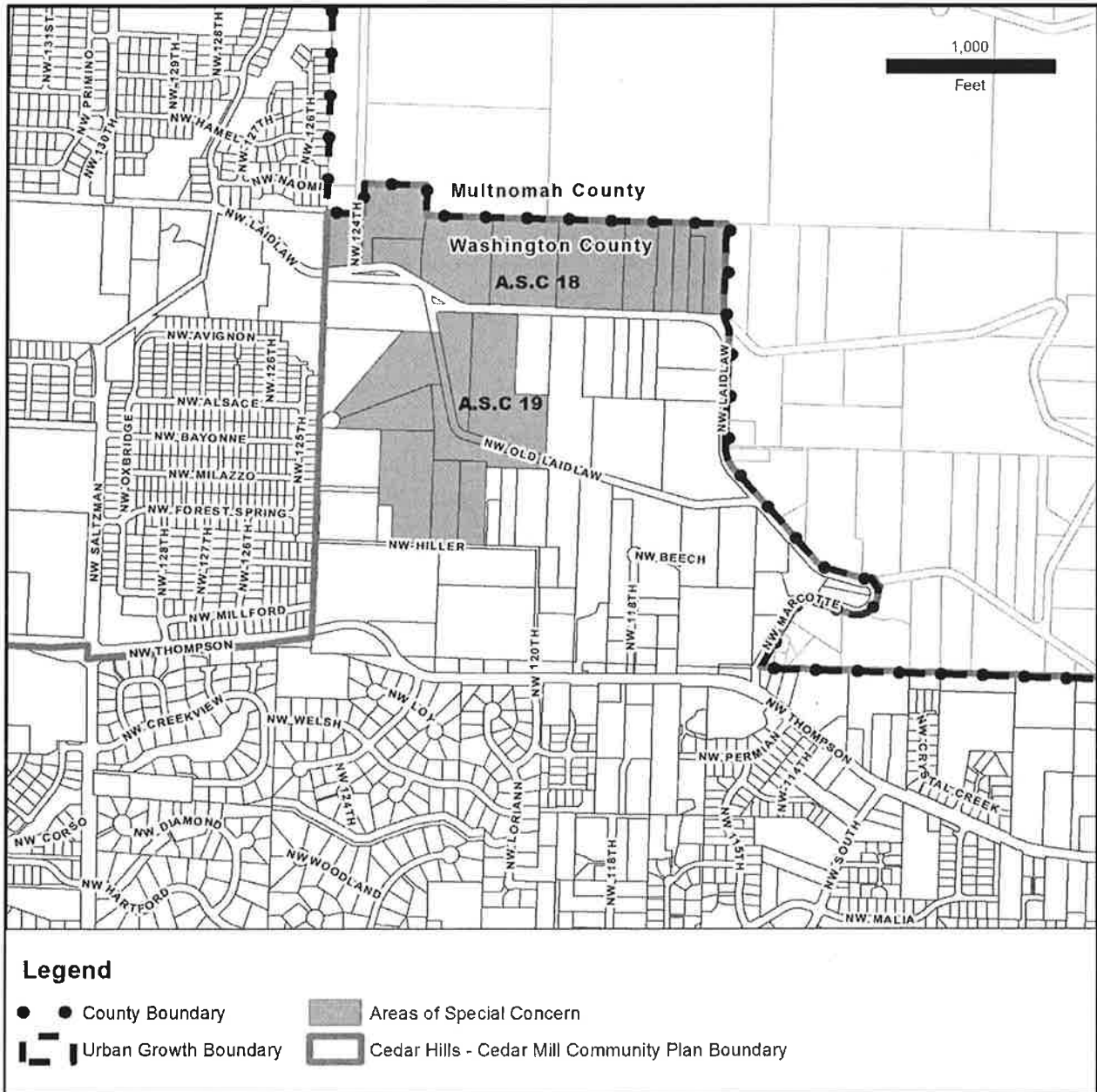
The intent and requirements for each of these design elements is described in the Design Elements section.

### BC. Landslide Inventory and Landslide Study Areas Maps

The county contracted with the Oregon Department of Geology and Mineral Industries (DOGAMI) to apply new technology in the identification of potential landslide hazard areas in the vicinity of the Bonny Slope West subarea. DOGAMI determined that portions of the subarea have moderate to high susceptibility to shallow-seated and deep-seated landslides. The Landslide Study Areas Maps for Bonny Slope West, produced by DOGAMI, identify these areas.

These areas will require an engineering geology report as part of a development application. The report will need to determine if site conditions require special design or construction standards to address conditions and if an additional report is required at the building permit stage. The county will maintain map notations and a record of site-specific reports. Applicable review criteria are found under CDC Section 410 (Grading and Drainage).

The 'Areas of Special Concern' Map of the Bonny Slope West Subarea of the CEDAR HILLS – CEDAR MILL COMMUNITY PLAN, is amended by adding Area of Special Concern 18 and Area of Special Concern 19, as shown:



abcdef Proposed additions  
 abcdef Proposed deletions

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

**1. 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:

1. A density of twenty (20) to forty (40) units per acre is allowed. The standards of the R-25+ District Sections 307-7 through 307-10 shall apply; when not in conjunction with a commercial use; 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 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 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, when attached dwelling units are developed in conjunction with another Community Business District use. The attached dwelling units and the other Community Business District use shall be located within the same building.

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**313-5 Prohibited Uses**

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313-5.3 New dwelling units except pursuant to Section 313-3.40 4.3 D

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**2. SECTION 391 – BONNY SLOPE WEST SUBAREA OVERLAY DISTRICT**

**391-1 Intent and Purpose**

391-1.1 The purpose of the Bonny Slope West Subarea Overlay District is to direct and encourage development that is primarily residential.

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**391-5 Urban/Rural Edge Standards**

**391-5.1 Intent and Purpose**

The urban/rural edge standards are provided to comply with Metro Ordinance No. 02-969B, Condition I. D.

**391-5.2 Applicability**

The following requirements apply to properties that lie north of NW Laidlaw Road, in Area of Special Concern 18 47 of the Bonny Slope West subarea of the Cedar Hills – Cedar Mill Community Plan.

\*\*\*

**3. SECTION 424 – CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS**

In order to create a lot or parcel in the EFU, EFC, or AF-20 Districts, the following applicable standards shall be met. In addition to the following standards, in the EFU and AF-20 Districts, the applicable requirements of ORS 215 shall be met, and in the EFC District, the applicable requirements of OAR 660-006-0026 shall be met. Findings shall be made for each of the applicable standards.

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**424-11 Division of a Lot or Parcel Split by an Urban Growth Boundary in the EFU, AF-20 and EFC Districts**

424-11.1 A division of a lawfully established unit of land may occur along an Urban Growth Boundary (UGB) where the parcel remaining outside the UGB is zoned for either agricultural or forest use and is smaller than the minimum parcel size, provided that:

A. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use. A land division that results in a lot or parcel less than two (2) acres shall provide:

- (1) Documentation from the Department of Health & Human Services or the Department of Environmental Quality that property(ies) less than two (2) acres in size can accommodate a subsurface sewage disposal system and/or replacement system; and

- (2) Documentation from the Water Master that property(ies) less than two (2) acres in size can accommodate public water or an on-site water source.

B. If the parcel does not contain a dwelling, it:

- (1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
- (2) May not be considered in approving or denying an application for any other dwelling;
- (3) May not be considered in approving a redesignation or rezoning of agricultural or forest lands, except to allow a public park, open space or other natural resource use; and
- (4) The owner of the parcel shall record an irrevocable deed restriction in the Department of Assessment & Taxation Recording Division prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

**424-12 Prohibited Uses**

424-12.1 The County governing body or its designate may not approve a land division or property line adjustment of a lot or parcel that separates a temporary hardship dwelling, relative farm help dwelling, home occupation or processing facility from the parcel on which the primary residential or other primary use exists.

424-12.2 The County governing body or its designate may not approve a land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to ORS 215.284(1).

**4. SECTION 501 – PUBLIC FACILITY AND SERVICE REQUIREMENTS**

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**501-8 Standards for Development**

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**501-8.5 Access to Public Roads**

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**F. Sight Distance**

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the county in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

\*\*\*

- (3) The intersectional sight distance shall:
- (a) Be based on an eye height of three and one-half (3.5) feet and an object height of four and one-quarter (4.25) feet above the road; and
  - (b) Be assumed to be ~~ten (10)~~ fifteen (15) feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the eye of the driver of a stopped vehicle.

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**5. SECTION 610 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE A UGB**

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**610-1 Property Line Adjustments (Property Line Relocation)**

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**610-1.1 A. General Limitations**

Property line adjustments are limited as follows:

- (1) In the EFC District, no lot or parcel shall be reconfigured to qualify for a Dwelling under Section 430-37.2 E. (2) with the exception of those Type I adjustments described under Section 610-1.1 B.

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# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 809

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

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### SUMMARY:

A-Engrossed Ordinance No. 809 amends the Rural / Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the Bethany and Cedar Hills – Cedar Mill Community Plans, and the Community Development Code. A-Engrossed Ordinance No. 809 is posted on the County's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/landuseordinances.cfm>

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.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 809. Prior to the August 16, 2016 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance web page, and available at the Clerk's desk.

Attachment: Resolution and Order

RO "Exhibit A" (Ordinance Findings) is linked online.

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 809 and authorize the Chair to sign the Resolution and Order memorializing the action.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 16-100

Agenda Item No.	<u>5.a.</u>
Date:	08/16/16

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

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
4 Legislative Findings in Support )  
of A-Engrossed Ordinance No. 809 ) No. 16-100

5 This matter having come before the Washington County Board of Commissioners at its  
6 meeting of August 16, 2016; and

7 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts  
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's  
10 Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 809; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
14 on May 4, 2016, made a recommendation to the Board, which is in the record and has been reviewed  
15 by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of  
21 A-Engrossed Ordinance No. 809 are hereby adopted.

22 DATED this 16th day of August, 2016.

	AYE	NAY	ABSENT
23 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 SCHOUTEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25 MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APPROVED AS TO FORM:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman

  
Recording Secretary

  
Senior Assistant County Counsel  
For Washington County, Oregon



## EXHIBIT A

### FINDINGS FOR A-ENGROSSED ORDINANCE NO. 809

#### **An Omnibus Ordinance Amending the Rural / Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, the Cedar Hills – Cedar Mill Community Plan, and the Community Development Code.**

August 16, 2016

#### **Part 1: GENERAL FINDINGS**

A-Engrossed Ordinance No. 809 is an omnibus ordinance providing minor amendments to several elements of the Washington County Comprehensive Plan including the Rural / Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the North Bethany Subarea Plan of the Bethany Community Plan, the Bonny Slope West Subarea Plan of the Cedar Hills – Cedar Mill Community Plan, and the Community Development Code.

#### **Key Ordinance Provisions**

The amendments proposed by Ordinance No. 809 address the following:

- *Rural / Natural Resource Plan: Urban and Rural Reserves* – adopt map changes correcting technical errors in HB 4078.
- *Comprehensive Framework Plan for the Urban Area* – adopt State policies regarding Local Wetland Inventories.
- *Bethany Community Plan: North Bethany Subarea Plan* – amend neighborhood design elements to remove incorrect reference.
- *Cedar Hills – Cedar Mill Community Plan: Bonny Slope West Subarea Plan* – correct minor references and reinsert adopted map.
- *Community Development Code* – minor amendments to the following five sections:
  - Clarify reference numbers in Bonny Slope West text.
  - Amend Community Business District density regulations to provide greater developer flexibility while meeting regional housing goals.
  - Allow division of a lot or parcel split by the UGB in Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC), and Agriculture and Forest (AF-20) districts to create a lot smaller than 80 acre minimum required lot size.
  - Correct a sight distance reference at intersections.
  - Correct Property Line Adjustment error in the Exclusive Farm Use district text.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The county Board of Commissioners (Board) finds that the Goals

apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals.

Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The 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.

Of the amendments proposed in A-Engrossed Ordinance No. 809, three of the amendments require findings for consistency with Statewide Planning Goals, the Metro UGMFP, and the County's Comprehensive Plan:

- Comprehensive Framework Plan for the Urban Area: Local Wetland Inventories requires findings for Goal 5 and Metro Titles 3 and 13.
- Allow Division of Parcel or Lot Split by a UGB requires findings for Goals 3, 4, and 14.
- Amendment to the Community Business District requires findings for Goals 9 and 10 and Metro Titles 1 and 6.

**Part 2:**

**STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 809 is consistent with Statewide Planning Goals (Goals), Oregon Revises Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The county's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The county follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

**Goal 1 - Citizen Involvement**

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

review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 809.

### **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. 809.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 809 were addressed either as part of the proceedings or with subsequent staff coordination.

### **Goal 3 - Agricultural Lands**

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies.

*Community Development Code – Allow division of a lot or parcel split by the UGB in Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC), and Agriculture and Forest (AF-20) districts to create a lot smaller than 80 acre minimum required lot size.*

Policy 15 of the Rural / Natural Resource Plan provides guidance on the division of lands in the Exclusive Farm Use district and is supported by ORS 215 statute. ORS 215.780 states that the minimum allowable parcel or lot created by a division of lands can be no less than 80 acres. As noted in Policy 15, exceptions to this policy may be allowed pursuant to the provisions of Goal 2, OAR Chapter 660 Division 04, and the applicable plan amendment criteria in Policy 1.

House Bill 2457, adopted in 2015, provided specific regulations for the division of lots and parcels split by a UGB in the EFU, EFC, and AF-20 land use districts, where the remaining parcel may be smaller than the required 80-acre minimum. Restrictions apply if the remaining rural parcel contains a lawful dwelling. Other restrictions preclude a dwelling on the rural parcel if none existed before the division (with minor exceptions). These regulations were codified in ORS 215 and OAR 660-033-0100(10).

A-Engrossed Ordinance No. 809 amends the CDC to incorporate the new state law provisions.

### **Goal 4 – Forest Lands**

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

*Community Development Code – Allow division of a lot or parcel split by the UGB in Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC), and Agriculture and Forest (AF-20) districts to create a lot smaller than the 80 acre minimum required lot size.*

Policy 16 of the Rural / Natural Resource Plan provides guidance on the division of lands in the Exclusive Forest and Conservation (EFC) district and is supported by ORS 215 statute. ORS 215.780 states that the minimum allowable parcel or lot created by a division of lands can be no less than 80 acres. As noted in Policy 15, exceptions to this policy may be allowed pursuant to the provisions of Goal 2, OAR Chapter 660 Division 06, and the applicable plan amendment criteria in Policy 1.

House Bill 2457, adopted in 2015, provided specific regulations for the division of lots and parcels split by a UGB in the EFU, EFC, and AF-20 land use districts, where the remaining parcel may be smaller than the required 80-acre minimum. Restrictions apply if the remaining rural parcel contains a lawful dwelling. Other restrictions preclude a dwelling on the rural parcel if none existed before the division (with minor exceptions). These regulations were codified in ORS 215 and OAR 660-006-0027(8).

A-Engrossed Ordinance No. 809 amends the CDC to incorporate the new state law provisions.

#### **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.

#### *Comprehensive Framework Plan for the Urban Area – Local Wetland Inventories*

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.

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.

As part of the process of developing concept and community plans for the new urban areas of North Bethany and Bonny Slope West, Goal 5 resource information was obtained for those areas. That information included Local Wetland Inventories (LWIs) for each area. As required by OAR 660-023, those LWIs provided a basis for identification of Goal 5 resources, which were addressed as PAPAs and included as part of the ordinances that adopted the plans for those areas: A-Engrossed Ordinance No. 730 (2010) and A-Engrossed Ordinance No. 802 (2015). The ordinances that adopted the plans for those new urban areas included findings for compliance with Goal 5.

The Department of State Lands (DSL) has reviewed and approved each of those LWIs, and the county's acknowledged 1983 County Goal 5 program designations have been applied to significant wetlands in those new urban areas.

Goal 5 requires local governments to adopt the LWIs for new urban areas into their comprehensive plans, pursuant to Oregon Administrative Rule (OAR) 660-023-0100. A-Engrossed Ordinance No. 809 amends Plan Policy 10 (Biological Resources and Natural Areas) of the Comprehensive Framework Plan for the Urban Area, to acknowledge this OAR requirement and provide an LWI adoption approach through the county's Resolution & Order process.

#### **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 sets 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.

*Community Development Code – Amend Community Business District density regulations to provide greater developer flexibility while meeting regional housing goals.*

Comprehensive Framework Plan for the Urban Area – Policy 20, Urban Area Economy Policy 20 (1), (2), and (4) seek to maintain and enhance economic opportunities and strengthen local economy.

Ordinance No. 786 was adopted in 2014 to reduce development barriers in the Community Business District (CBD) based on property owner, developer, and investor feedback during the Aloha-Reedville Study and Livable Community Plan. Much of the CBD has statistical evidence of being appropriate for redevelopment based on building to land ratios but little investment has been made in recent years.

A-Engrossed Ordinance No. 809 expands developer flexibility beyond that allowed in Ordinance No. 786 by providing additional residential density allowances when constructed with, or without, a commercial element and still retains applicable R25+ regulations related to higher density housing. The amended ordinance still meets the goals to expand regional housing.

### **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, 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.

*Community Development Code – Amend Community Business District density regulations to provide greater developer flexibility while meeting regional housing goals.*

Comprehensive Framework Plan for the Urban Area – Policy 21, Housing Affordability.

Policy 21 (b), (c), and (f) seek to expand the supply of affordable housing in the unincorporated urban areas. Policy 22, Housing Choice and Availability, (b) and (c) seek to allow construction of variety of housing types and densities to meet projected needs.

Ordinance No. 786 was adopted in 2014 to reduce development barriers in the Community Business District (CBD) based on property owner, developer, and investor feedback during the Aloha-Reedville Study and Livable Community Plan. Much of the CBD has statistical evidence of being appropriate for redevelopment based on building to land ratios but little investment has been made in recent years. Ordinance No. 786 reduced residential development applications to a Type II, eliminated a specific 25 units/acre requirement when not constructed with commercial use, and applied an R25+ standard.

A-Engrossed Ordinance No. 809 expands developer flexibility beyond that allowed in Ordinance No. 786 by providing additional residential density allowances when constructed with, or without, a commercial element and still retains applicable R25+ regulations related to higher density housing.. The amended ordinance still meets the goals to expand regional housing.

### **Goal 14 - Urbanization**

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Policy 13 of the CFP addresses urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development.

*Community Development Code – Allow division of a lot or parcel split by the UGB in Exclusive Farm Use (EFU), Exclusive Forest and Conservation (EFC), and Agriculture and Forest (AF-20) districts to create a lot smaller than 80 acre minimum required lot size.*

Policy 13 (3), (4), (5), and (6) provide guidance on expansion of urban development where infrastructure is available to serve a new urban area and where adjacent and existing development is compatible. In the past urban growth areas have used streams and other natural features to define boundaries resulting in parcels that could not be further partitioned.

House Bill 2457, adopted in 2015, provided specific regulations for the division of lots and parcels split by a UGB in the EFU, EFC, and AF-20 land use districts, where the remaining

parcel may be smaller than the previously required 80-acre minimum. Restrictions apply if the remaining rural parcel contains a lawful dwelling. Other restrictions preclude a dwelling on the rural parcel if none existed before the division (with minor exceptions). These regulations were codified in ORS 215 and OAR 660-006-0027(8).

A-Engrossed Ordinance No. 809 amends the CDC to incorporate the new state law provisions. This will allow areas within the UGB to move forward with urban levels of development while preserving the rural character of those areas outside the UGB, in furtherance of this goal.

**Part 4:  
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS**

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 809 findings have been prepared to address Title(s) 1, 3, 6, 8, and 13 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**

*Community Development Code – Amend Community Business District density regulations to provide greater developer flexibility while meeting regional housing goals.*

The Community Business District (CBD) is the County’s most all-encompassing land use zoning district. It provides for mixed use, high density residential, and stand-alone commercial development. CBD is applied along corridors to encourage residential and commercial uses adjacent to multi-modal transportation facilities with an emphasis on transit and active transportation mode shares.

Past efforts to encourage mixed use and high density residential have not yielded the hoped for results due, in part, on development regulations associated with high density residential. In 2014, Ordinance No. 786 was adopted that reduced some of the identified regulatory barriers. However, additional barriers and opportunities to provide flexibility have since been identified to encourage private investment in development and redevelopment in CBD areas.

A-Engrossed Ordinance No. 809 allows a greater range of housing density when constructed with, or without, a commercial use. It also retains regulatory guidance from the previously applied R25+ zoning while eliminating non-applicable elements of that land use district. A-Engrossed Ordinance No. 809 provides more flexibility for development while still addressing long term housing goals for the Metro region.

### **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**

##### *Comprehensive Framework Plan for the Urban Area – Local Wetland Inventories*

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.

As part of the process of developing concept and community plans for the new urban areas of North Bethany and Bonny Slope West, Goal 5 resource information was obtained for those areas. That information included Local Wetland Inventories (LWIs) for each area. As required by OAR 660-023, the LWIs provided a basis for identification of Goal 5 resources, which were addressed as PAPAs and included as part of the ordinances that adopted the plans for those areas: A-Engrossed Ordinance No. 730 (2010) and A-Engrossed Ordinance No. 802 (2015). The ordinances that adopted the plans for those new urban areas included findings for compliance with Title 3.

The Department of State Lands (DSL) reviewed and approved each of those LWIs, and the county's acknowledged 1983 County Goal 5 program designations have been applied to significant wetlands in those new urban areas. All significant wetlands identified by the LWIs will be protected through application of the county's acknowledged Goal 5 program.

Goal 5 requires local governments to adopt the LWIs for new urban areas into their comprehensive plans, pursuant to Oregon Administrative Rule (OAR) 660-023-0100. A-Engrossed Ordinance No. 809 amends Plan Policy 10 (Biological Resources and Natural Areas) of the Comprehensive Framework Plan for the Urban Area, to acknowledge this OAR requirement and provide an LWI adoption approach through the county's Resolution & Order process.

### **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**

##### *Community Development Code – Amend Community Business District density regulations to provide greater developer flexibility while meeting regional housing goals.*

The Community Business District (CBD) is the County's most all-encompassing land use zoning district. It provides for mixed use, high density residential, and stand-alone commercial



development. CBD is applied along Metro 2040 UGMFP identified Corridors and Town Centers to encourage residential and commercial uses adjacent to multi-modal transportation facilities.

Past efforts to encourage mixed use and high density residential have not yielded the hoped for results due, in part, on development regulations associated with high density residential. In 2014, Ordinance No. 786 was adopted that reduced some of the identified regulatory barriers. However, additional barriers and opportunities to provide flexibility have been identified to encourage private investment in development and redevelopment in CBD areas.

A-Engrossed Ordinance No. 809 allows a greater range of housing density when constructed with, or without, a commercial use. It also retains regulatory guidance from the previously applied R25+ zoning while eliminating non-applicable elements of that land use district. A-Engrossed Ordinance No. 809 provides more flexibility for development to encourage investment in Town Centers and Corridors in the urbanized, unincorporated communities in Washington County.

#### **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. 809 was mailed to Metro on March 30, 2016, 35 days prior to the first evidentiary hearing.

#### **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**

##### *Comprehensive Framework Plan for the Urban Area – Local Wetland Inventories*

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

As part of the process of developing concept and community plans for the new urban areas of North Bethany and Bonny Slope West, Goal 5 resource information was obtained for those areas. That information included Local Wetland Inventories (LWIs) for each area. As required by OAR 660-023, the LWIs provided a basis for identification of Goal 5 resources, which were addressed as PAPAs and included as part of the ordinances that adopted the plans for those areas: A-Engrossed Ordinance No. 730 (2010) and A-Engrossed Ordinance No. 802 (2015). The

ordinances that adopted the plans for those new urban areas included findings for compliance with Goal 5 and Title 13.

The Department of State Lands (DSL) reviewed and approved each of those LWIs, and the county's acknowledged 1983 County Goal 5 program designations have been applied to significant wetlands in those new urban areas. All significant wetlands identified by the LWIs will be protected through application of the county's acknowledged Goal 5 program.

Goal 5 requires local governments to adopt the LWIs for new urban areas into their comprehensive plans, pursuant to Oregon Administrative Rule (OAR) 660-023-0100. A-Engrossed Ordinance No. 809 amends Plan Policy 10 (Biological Resources and Natural Areas) of the Comprehensive Framework Plan for the Urban Area, to acknowledge this OAR requirement and provide an LWI adoption approach through the county's Resolution & Order process.