

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. 820 –
AN ORDINANCE AMENDING THE COMPREHENSIVE
FRAMEWORK PLAN FOR THE URBAN AREA AND THE
COMMUNITY DEVELOPMENT CODE RELATING TO INFILL
DEVELOPMENT**

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

SUMMARY:

A-Engrossed Ordinance No. 820 proposes to amend the Comprehensive Framework Plan for the Urban Area, Policy 19 (Infill) and Community Development Code Section 430-72 (Infill), to replace subjective standards with clear and objective standards related to privacy.

A-Engrossed Ordinance No. 820 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted a hearing July 11, 2017, for Ordinance No. 820 and directed engrossment of the ordinance to make a number of changes. A description of those changes was included in the August 1, 2017 staff report for the first engrossment hearing. The hearing was continued to August 22, 2017.

The staff report for the August 22, 2017 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. 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. 820 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 820.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.a.</u>
Date:	08/22/17

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 820

An Ordinance Amending the
Comprehensive Framework Plan for the
Urban Area and the Community
Development Code Relating to Infill
Development

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

SECTION 1

A. 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, 805, 809, and 813-814.

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

1 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704,
2 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765,
3 766, 769-776, 782-788, 791, 792, 797-802, 804, 805, 809-811, and 813-815.

4 C. As part of its ongoing planning efforts, Washington County staff has identified
5 necessary amendments to the Comprehensive Framework Plan for the Urban Area and the
6 Community Development Code to provide clear and objective standards related to infill
7 development in certain land use districts. The Board recognizes that such changes are necessary
8 from time to time for the benefit and welfare of the residents of Washington County, Oregon.

9 D. Under the provisions of Washington County Charter Chapter X, the Department of
10 Land Use and Transportation has carried out its responsibilities, including preparation of notices,
11 and the County Planning Commission has conducted one or more public hearings on the proposed
12 amendments and has submitted its recommendations to the Board. The Board finds that this
13 Ordinance is based on those recommendations and any modifications made by the Board are a
14 result of the public hearings process.

15 E. The Board finds and takes public notice that it is in receipt of all matters and
16 information necessary to consider this Ordinance in an adequate manner, and finds that this
17 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption
18 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
19 Charter, the Washington County Community Development Code, and the Washington County
20 Comprehensive Plan.

21 ///

22 ///

1 SECTION 2

2 The following Exhibits, attached and incorporated herein by reference, are hereby adopted
3 as amendments to the designated documents as follows:

4 A. Exhibit 1 (2 pages) - amends the Comprehensive Framework Plan for the Urban
5 Area, Policy 19, Infill; and

6 B. Exhibit 2 (4 pages) – amends Community Development Code Section 430-72, Infill.

7 SECTION 3

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

10 SECTION 4

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

13 SECTION 5

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

17 SECTION 6

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

1 SECTION 7

2 This Ordinance shall take effect on November 24, 2017.

3 ENACTED this 22nd day of August, 2017, being the third reading and
4 third public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS
6 FOR WASHINGTON COUNTY, OREGON

7
8 **ADOPTED**

9 *Cathy Oye*
CHAIRMAN

10 *A. D. Noyola*
RECORDING SECRETARY

11 READING

12 First July 11, 2017
13 Second August 1, 2017
14 Third August 22, 2017
Fifth _____
Sixth _____

11 PUBLIC HEARING

12 First July 11, 2017 (Engrossment Ordered)
13 Second August 1, 2017
14 Third August 22, 2017
Fifth _____
Sixth _____

15 VOTE: Aye: Rogers, Schouten, Terry
Malinowski, Duyck

Nay: NONE

16 Recording Secretary: Ana D. Noyola

Date: August 22, 2017

Policy 19 (Infill) of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

POLICY 19, INFILL

It is the policy of Washington County to provide regulations for developing vacant bypassed lands of two acres or less in areas designated R-5 and R-6. The intent of such regulations shall be to ensure that new development is consistent with the density requirements of each district, and is compatible with the character of existing developments by establishing a review process and criteria which emphasize ~~building orientation, privacy,~~ lot size, buffering, access, and circulation. Application of the review criteria shall not preclude development to the density allowed by each district.

Implementing Strategies

The County will:

- a. Prepare development regulations with respect to the infill policy, which addresses the following considerations:
 1. Notification of surrounding properties;~~;~~
 2. Full parcelization of the subject property;~~;~~
 3. Access, including private access drives built to standards appropriate to the needs of the infill development;~~;~~
 4. Creation of flag lots;~~;~~
 5. Lot area;~~;~~
 6. Development design, particularly with regard to privacy, and buffering;~~;~~ ~~and building orientation, and~~
 7. Density requirements of each of district.

Summary Findings and Conclusions

Urban unincorporated Washington County is a varied physical landscape ranging from mature suburban neighborhoods on rolling hills in the eastern portion of the county to newer urban and suburban-level development clustered on the flat Tualatin Valley floor. The countywide development concept discussed earlier recognizes this pattern.

Within more urbanized areas developable land still remains. Where such land is found in the midst of existing low density neighborhoods, particularly on small lots, the prospect of future "infill" development raises concerns among surrounding residents and challenges to the community-at-large. Infilling on bypassed land is desirable because existing public facilities such as sewers can be more fully utilized and public services such as police patrol and public transit can be provided more efficiently and economically. Infilling on smaller land parcels is also an important element in helping the County to implement the

housing and density requirements of Metro's Urban Growth Management Functional Plan that are applicable to the county, including the minimum density requirement. Infilling is undesirable when existing residents lose privacy, access to and from infill developments is haphazard, and the concerns of affected residents are not sought before the development takes place. The challenge, then, is to establish a process through which the density requirements are met while addressing design, access, and other concerns of affected neighbors.

Section 430-72 (Infill) of the COMMUNITY DEVELOPMENT CODE is amended to reflect the following:

SECTION 430 - SPECIAL USE STANDARDS

In addition to the requirements of Sections 400 through 425, the following special use standards are provided for specific uses. Additional or amended special use standards that are applicable in the North Bethany Subarea of the Bethany Community Plan are located in Section 390, North Bethany Subarea Overlay District.

430-72 Infill

430-72.1 Intent and Purpose

The intent of this Section is to provide a means of developing vacant or underdeveloped, bypassed lands of two (2) acres or less in areas designated R-5 and R-6 by the applicable Community Plans of the Washington County Comprehensive Plan. This Section is intended to ensure, to the extent practicable, considering the allowed density of each district, that new development is compatible with existing developed areas through Development Review that emphasizes ~~building orientation, privacy, and buffering, access and circulation and provides for notification to adjacent property owners.~~ Application of the requirements of this Section shall not preclude development to the density allowed by each district.

430-72.2 Applicability

The requirements of this Section shall apply to subdivisions, partitions, and development review for attached units on all properties designated by the applicable Community Plan as R-5 or R-6 which contain two (2) acres or less (excluding existing rights-of-way).

430-72.3 Development of land required to be processed through the infill provisions shall meet the following:

- ~~A. When developed through a subdivision, consider the orientation, landscaping and buffering of proposed uses in order to provide maximum privacy to surrounding existing and future residential structures; or~~
- ~~B. For all other development (i.e., partitions, development review for attached units) the following standards shall apply:
 - ~~(1) Complies with the intent and purpose of this Section;~~
 - ~~(2) The applicant shall provide a plan of complete development of the subject property and potential development of adjacent vacant parcels to the density allowed by the district;~~
 - ~~(3) Parcelization or placement of dwellings shall not preclude development of the subject site and surrounding properties to the density allowed by the district. Consideration shall include but not be limited to:
 - ~~(a) Access;~~~~~~

~~(b) Circulation; and~~

~~(c) Building location;~~

~~(4) Buildings shall be oriented to provide maximum privacy to surrounding existing and future residential structures;~~

~~(5) Maintain the setback requirements of the primary district unless the Review Authority determines, as part of the initial approval, that it is necessary to modify the setbacks to provide more privacy to existing and proposed structures; and~~

~~(6) Landscaping and fencing may be required to maintain the privacy of existing dwellings on adjacent properties.~~

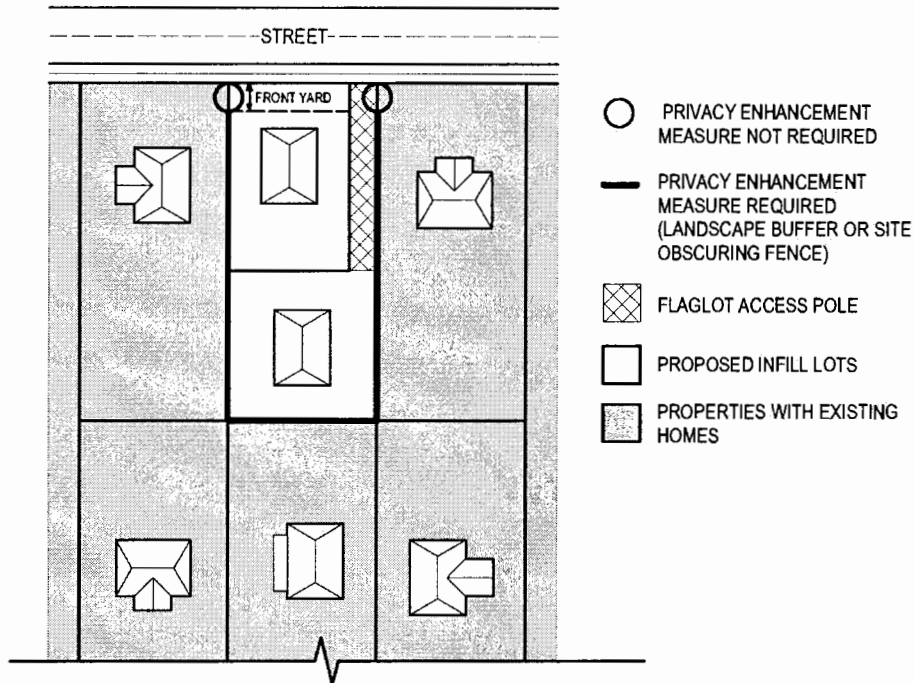
A. Complies with the intent and purpose of this Section;

B. Provides at least one (1) of the following privacy enhancement measures along all side and/or rear lot lines of adjacent properties developed with existing homes (for illustration, see Figure 1). The privacy enhancement measure is not required along the boundary lines of tracts associated with the infill development. The privacy enhancement measure is not required to extend into an infill lot front yard that abuts an existing public or private street. If an infill lot is a flag lot, the privacy enhancement measure is not required to extend into the portion of the flag lot access pole that is within fifteen (15) feet of an existing public or private street:

(1) A landscape buffer consisting of evergreen shrubs having a minimum height of six (6) feet at maturity, planted in a line to form a continuous screen; or

(2) A site-obscuring fence with a minimum height of six (6) feet.

Figure 1



- C. All required landscaping and fencing between the proposed infill dwelling units and adjacent existing dwelling units shall be installed in accordance with the approved development plans prior to building occupancy and/or final building inspection approval. At the time of planting, the size of landscape buffer shrubs shall be such that they will achieve a minimum height of six (6) feet within two (2) growing seasons.
- D. The privacy enhancement measures shall be applied in addition to any screening and buffering required per Section 411. Where a landscape buffer is utilized as a privacy enhancement measure, it can also be used to satisfy requirements for understory trees and shrubs per Section 411-6. Where a site-obscuring fence is utilized as a privacy enhancement measure, it can also be used to satisfy requirements for a S-1 or S-2 fence per Section 411-7.

430-72.4 Submittal Requirements

In addition to all other submittal requirements, applications shall include:

- Site plans showing locations and setbacks of each dwelling unit and, if applicable, detached garage on each new lot or parcel;
- A screening and buffering plan showing all existing landscaping and buffering and any additional landscaping and buffering, including fencing, needed to maintain the privacy of existing dwellings on adjacent parcels. The screening

and buffering plan may be incorporated into the individual site plans described under Section 430-72.4 A. above; and

- C. An Off-Site Analysis as required by Section 404-1 that includes setbacks of the proposed dwelling units on the subject property from existing dwelling units on adjacent parcels.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 820

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

SUMMARY:

A-Engrossed Ordinance No. 820 amends the Comprehensive Framework Plan for the Urban Area Policy 19 (Infill) and Community Development Code Section 430-72 (Infill), to replace subjective standards with clear and objective standards related to privacy.

A-Engrossed Ordinance No. 820 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with Statewide Planning Goals. ORS 197.615 requires such amendments be accompanied by findings which set forth the facts and analysis showing 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. 820. Prior to the August 22, 2017 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage, and available at the Clerk's desk.

Attachment: Resolution and Order

Clerk's Desk Item: Ordinance Findings (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 820 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 17-90

Agenda Item No. 6.a.

Date: 08/22/17

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. 820) No. 17-90

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of August 22, 2017; 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. 820; 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 June 21, 2017, made a recommendation to the Board, which is in the record and has been
15 reviewed 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,

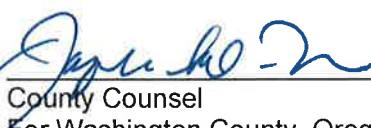
20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of
21 A-Engrossed Ordinance No. 820 are hereby adopted.

22 DATED this 22 day of August, 2017.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

25 APPROVED AS TO FORM:
26
27 
County Counsel
For Washington County, Oregon



Recording Secretary

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 820

AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA AND THE COMMUNITY DEVELOPMENT CODE RELATING TO INFILL DEVELOPMENT

August 22, 2017

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 820 amends the Comprehensive Framework Plan for the Urban Area (CFP) Policy 19 (Infill) and Community Development Code (CDC) Section 430-72 (Infill), to replace subjective standards with clear and objective standards related to privacy.

Key Ordinance Provisions

The amendments proposed by A-Engrossed Ordinance No. 820 address the following:

- a) Amends CFP Policy 19, to remove references to building orientation.
- b) Removes subjective and discretionary standards from CDC Section 430-72.
- c) Adds a requirement to CDC Section 430-72 to provide at least one of the following clear and objective privacy enhancement measures along all side and/or rear lot lines of adjacent properties with existing homes: A minimum 6-foot evergreen landscape buffer or a minimum 6-foot site-obscuring fence.
- d) Amends CDC Section 430-72 to state that the privacy enhancement measure is not required along the boundary lines of tracts associated with the infill development.
- e) Amends CDC Section 430-72 to state that at time of planting, the size of landscape buffer shrubs shall be such that they will achieve a minimum height of 6 feet within two growing seasons.
- f) Clarifies Figure 1 in CDC Section 430-72.

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 Board also finds that Goals 3 (Agricultural Lands), 4 (Forest Lands), and 14 (Urbanization) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 820 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. 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. 820.

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. 820.

Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon’s livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 5 resources.

Goal 6 - Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County’s compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP

and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 - Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County's acknowledged policies and standards for strengthening the local economy as required by Goal 9.

Goal 10 - Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 820 amends CFP Policy 19 (Infill) and CDC Section 430-72 (Infill), both of which apply to the residential infill development of R-5 and R-6 lands that are two acres or less in size. The amendments replace subjective standards with clear and objective privacy enhancement standards for infill development. The amendments are intended to comply with the state’s “needed housing” rule, ORS 197.303 – 197.307, which requires local governments to apply only clear and objective standards to the development of needed housing. The amendments are consistent with the County’s acknowledged policies and standards for the provision of housing as required by Goal 10.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the County’s acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

A-Engrossed Ordinance No. 820 does not include amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

The amendments are consistent with the County’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). Brief summaries of the applicable TPR provisions are followed by findings of compliance.

660-012-0060

Plan and Land Use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10)

of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The amendments in A-Engrossed Ordinance No. 820 do not significantly affect the transportation system as described by the criteria in section 660-012-0060. The amendments in A-Engrossed Ordinance No. 820 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility.

Therefore, the amendments in A-Engrossed Ordinance No. 820 are consistent with the TPR.

Goal 13 - Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 820 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 820. The amendments are consistent with the

County’s acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 820 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 12, 13 and 14 of the UGMFP.

Title 1 - Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a “fair share” approach to meeting housing needs.

RESPONSE

A-Engrossed Ordinance No. 820 amends CFP Policy 19 (Infill) and CDC Section 430-72 (Infill), both of which apply to the residential infill development of R-5 and R-6 lands that are two acres or less in size. The amendments replace subjective standards with clear and objective privacy enhancement standards for infill development. The amendments are intended to comply with the state’s “needed housing” rule, ORS 197.303 – 197.307, which requires local governments to apply only clear and objective standards to the development of needed housing.

The amendments will not result in a decrease in housing capacity. The replacement of subjective standards with clear and objective standards will provide more certainty to infill development applicants, County staff and adjacent property owners. A-Engrossed Ordinance No. 820 is consistent with Title 1.

Title 3 - Water Quality and Flood Management

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

RESPONSE

A-Engrossed Ordinance No. 820 does not amend any Plan policies or CDC standards related to water quality or flood management. Title 3 is not applicable to A-Engrossed Ordinance No. 820.

Title 4 – Industrial and Other Employment Areas

Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

RESPONSE

A-Engrossed Ordinance No. 820 applies to residential infill development of R-5 and R-6 lands that are two acres or less in size. The amendments in A-Engrossed Ordinance No. 820 do not apply to any RSIAs or to the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Title 4 is not applicable to A-Engrossed Ordinance No. 820.

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

A-Engrossed Ordinance No. 820 applies to residential infill development of R-5 and R-6 lands that are two acres or less in size. Some lands with R-5 and R-6 residential designations are located within Metro-designated Centers, Corridors, Main Streets and Station Communities.

The ordinance amendments replace subjective infill standards with clear and objective privacy enhancement standards for infill development. The clear and objective standards will provide more certainty for infill development applicants and adjacent property owners. A-Engrossed Ordinance No. 820 is consistent with Title 6.

Title 7 - Housing Choice

To increase the supply of affordable housing opportunities, Title 7 implements policies of the Regional Framework Plan regarding establishment of voluntary affordable housing production goals to be adopted by local governments.

RESPONSE

A-Engrossed Ordinance No. 820 does not amend County policies regarding affordable housing. The ordinance amends CFP Policy 19 (Infill) and CDC 430-72 (Infill) to replace subjective

standards with clear and objective standards for infill development privacy enhancement measures. Title 7 is not applicable to A-Engrossed Ordinance No. 820.

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. 820 was mailed to Metro on May 16, 2017, 36 days prior to the first evidentiary hearing. Metro provided no comments on the ordinance prior to or subsequent to its engrossment.

Title 11 - Planning For New Urban Areas

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

RESPONSE

A-Engrossed Ordinance No. 820 applies to R-5 and R-6 lands within the urban growth boundary. Title 11 is not applicable to A-Engrossed Ordinance No. 820.

Title 12 – Protection of Residential Neighborhoods

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

RESPONSE

A-Engrossed Ordinance No. 820 does not amend any Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services. Title 12 is not applicable to A-Engrossed Ordinance No. 820.

Title 13 – Nature in Neighborhoods

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

RESPONSE

A-Engrossed Ordinance No. 820 does not amend any Plan policies or CDC standards related to streamside corridors or upland wildlife habitat. Title 13 is not applicable to A-Engrossed Ordinance No. 820.

Title 14 – Urban Growth Boundary

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

RESPONSE

A-Engrossed Ordinance No. 820 applies to R-5 and R-6 lands within the urban growth boundary. The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to A-Engrossed Ordinance No. 820.