

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** **CONSIDER PROPOSED ORDINANCE NO. 842 – AN  
ORDINANCE MAKING LIMITED AMENDMENTS TO THE  
COMMUNITY DEVELOPMENT CODE TO ADDRESS  
RECOMMENDATIONS FROM THE EQUITABLE HOUSING  
SITE BARRIERS AND SOLUTIONS PROJECT**

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

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### SUMMARY:

Ordinance No. 842 proposes limited amendments to the Community Development Code to facilitate development of housing. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

At its Aug. 15, 2018 public hearing for this ordinance, the PC voted 6 - 0 to recommend the Board adopt Ordinance No. 842 as filed. A staff report will be provided to the Board prior to the Sept. 18 hearing and posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

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

### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 842 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 842 and associated findings.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

**ADOPTED**

Agenda Item No.	<b>5.f.</b>
Date:	09/18/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 842

An Ordinance Making Limited Amendments to the Community Development Code to Address Recommendations from the Equitable Housing Site Barriers and Solutions Project

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

SECTION 1

A. 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, 644-645, 648-649, 654, 659-662, 667, 669, 670, 674, 676-677, 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, and 838.

B. The Board recognizes that amendments to the Community Development Code are necessary to address recommendations of the County’s recent Equitable Housing Site Barriers and Solutions Project to include amendments needed to facilitate development of

1 housing. These amendments are for the benefit of the health, safety, and general welfare of  
2 the residents of Washington County, Oregon.

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

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

## 15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted  
17 as an amendment to the designated document as follows:

- 18 A. Exhibit 1 (9 pages), amends the Community Development Code:
- 19 a. Section 306 – R-24 District (Residential 24 Units Per Acre);
  - 20 b. Section 307 – R-25+ District (Residential 25 Units or More Per Acre);
  - 21 c. Section 313 – Community Business District (CBD);
  - 22 d. Section 375 – Transit Oriented Districts;

- e. Section 407 – Landscape Design;
- f. Section 409 – Private Streets; and
- g. Section 413 – Parking and Loading.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

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1 SECTION 7

2 This Ordinance shall take effect on November 23, 2018.

3 ENACTED this 18 day of September, 2018, being the first reading  
4 and first public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Andy Olson  
CHAIRMAN

10 Barbara Hejtmanek  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First September 18, 2018  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

12 First September 18, 2018  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

16 VOTE: Aye: Terry, Schouten,  
Malinowski

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

17 Recording Secretary: Barbara Hejtmanek Date: September 18, 2018

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

**1. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)**

**306-7 Dimensional Requirements**

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**306-7.2 Yard (Setback) Requirements.**

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

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6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 D.C, plus any screening and buffering setback now required by Section 411.

B. ~~The minimum yard requirements for single-family attached dwelling units, not to exceed a maximum height of thirty-five ( that are 35) feet in height or less, shall be:~~

\*\*\*

(6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 D.C, plus any screening and buffering setback now required by Section 411.

\*\*\*

C. The minimum yard requirements for multifamily attached dwelling units that are 35 feet in height or less shall be:

(1) Front yard: 10-foot front yard to the front building wall and a 6-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (5) below;

(2) Street side yard: 8-foot, except as necessary to comply with (5) and/or (6) below;

(3) Side yards:

(a) Five-foot – one story;

(b) Seven-foot – two stories, or 10-foot when adjacent to lower density district;

(c) Ten-foot – three stories;

(4) Rear yard: 8-foot, except as necessary to comply with (5) and/or (6) below;

- (5) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 D., plus any screening and buffering setback now required by Section 411.
- (6) If the development site is adjacent to a different Primary Land Use District, a 10-foot minimum shall be used for all yard setbacks.
- DC. The minimum yard requirements for all other uses, ~~(e.g. including residential uses that~~ which exceed 35 feet in height, ~~apartments, institutional uses and all nonresidential uses, single family attached units,)~~ shall be:
- (1) ~~Twenty-foot F~~front yard; 20-foot, except 10-foot front yard in North Bethany;
  - (2) Twenty-foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
  - (3) ~~Twenty-foot R~~rear yard; 20-foot;
  - (4) Side yards:
    - (a) Five-foot – one story;
    - (b) Seven-foot – two stories, or 10-foot when adjacent to lower density district;
    - (c) Ten-foot – three stories;
    - (d) Fifteen-foot – four stories;
    - (e) Twenty-foot – five stories;
    - (f) Ten-foot street side yard except as specified in (d) or (e) above;
    - (g) If the development site is adjacent to determine the minimum setback for a different primary Land Use District adjacent to this district, a 10-foot minimum shall be used for all yard setbacks.
- ED. Additional setbacks may be required as specified in Sections 411 and 418.
- EE. Required yards shall be horizontally unobstructed except as provided in Section 418.

## **2. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)**

### **307-7 Dimensional Requirements**

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#### **307-7.2 Yard (Setback) Requirements.**

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

A. The minimum yard requirements for detached dwelling units shall be:

\*\*\*

(6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 D.C, plus any screening and buffering setback now required by Section 411.

B. The minimum yard requirements for single family attached dwelling units, ~~not to exceed a maximum height of thirty-five (that are 35) feet in height or less~~, shall be:

\*\*\*

(6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 D.C, plus any screening and buffering setback now required by Section 411.

\*\*\*

C. The minimum yard requirements for multifamily attached dwelling units that are 35 feet in height or less shall be:

(1) Front yard: 10-foot to the front building wall and 6-foot to a porch or other covered or enclosed entryway, except as necessary to comply with (5) below;

(2) Street side yard: 8-foot, except as necessary to comply with (5) and/or (6) below;

(3) Side yards:

(a) Five-foot – one story;

(b) Seven-foot – two stories, or 10-foot when adjacent to lower density district;

(c) Ten-foot – three stories;

(4) Rear yard: 8-foot, except as necessary to comply with (5) and/or (6) below;

(5) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 D., plus any screening and buffering setback now required by Section 411.

(6) If the development site is adjacent to a different Primary Land Use District, a 10-foot minimum shall be used for all yard setbacks.

D.C The minimum yard requirements for all other uses (including residential uses that e.g., single family attached units which exceed 35 feet in height and all nonresidential, apartments, institutional uses) shall be:



- (1) Front yard: 20-foot
- (2) Twenty-foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
- (3) Rear yard: 20-foot;
- (4) Side yards:
  - (a) Five-foot – one story;
  - (b) Seven-foot – two stories, or 10-foot when adjacent to lower density district;
  - (c) Ten-foot – three stories;
  - (d) Fifteen-foot – four stories;
  - (e) Twenty-foot – five stories;
  - (f) Ten-foot street side yard except as specified in (d) or (e) above;
  - (g) If the development site is adjacent to determine the minimum setback for a different primary Land Use District adjacent to this District, a 10-foot minimum shall be used for all yard setbacks.

E.D Additional setbacks may be required as specified in Sections 411 and 418.

F.E Required yards shall be horizontally unobstructed except as provided in Section 418.

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### 3. SECTION 313 - COMMUNITY BUSINESS DISTRICT (CBD)

#### 313-6 Dimensional Requirements

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##### 313-6.2 Yard Requirements

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Ten-foot front yard to the front building wall for buildings that are 35 feet in height or less that include multifamily attached dwelling units, including mixed use buildings.
- B.A Twenty-foot front yard for all other uses (including buildings that exceed 35 feet in height, and buildings that do not include multifamily attached dwelling units, or);
- C.B Side and rear yards:
  - (1) Where abutting a residential district the side and rear yard shall be no less than that required by the abutting district;
  - (2) Except on corner lots, and as in (1) above, there are no required side or rear yards;

- (3) On a corner lot the side or rear yard abutting the street shall be 20 feet; and

D.G Additional setbacks may be required as specified in Sections 411 and 418.

**4. SECTION 375 – TRANSIT ORIENTED DISTRICTS**

**375-7 Development Limitations for Permitted Uses in Transit Oriented Districts**

The following use or design limitations apply where specified in Table A:

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14. ~~Attached dwelling units (i.e., condominiums, apartments) and group residences are only allowed on the upper floors of non-residential buildings (i.e., retail uses) in the TO:RC District. Residential uses shall not be permitted as stand-alone uses (i.e., structures). Residential uses shall, however, be allowed to be located on the upper floors of a parking structure designed to also serve a mixed-use Transit Oriented Retail Commercial or business development.~~

Residential uses in the TO:RC District are permitted if they are:

- (a) Multifamily attached dwelling units and/or group care residences; and
- (b) Located within mixed-use building(s), above the ground floor.

Acceptable ground floor uses include those allowed in the district that do not constitute dwelling units, and/or parking structures designed to serve mixed-use development. Buildings that are solely residential are prohibited.

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**375-10 Development Standards for Transit Oriented Districts**

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Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO: RC	TO: BUS	TO: EMP	TO: R9-12	TO: R12-18	TO: R18-24	TO: R24-40	TO: R40-80	TO: R80-120
<b>Commercial Uses:***</b>		(1)	(2)				(3)	(3)	(3)
<u>Day Care Facility - Section 430-53.2 (27)***</u>									
<b>Residential Uses:***</b>	(14)	(15)							
<u>Day Care Facility - Section 430-53.2 (27)***</u>									

**5. SECTION 407 - LANDSCAPE DESIGN**

**407-1 Minimum Landscape Standards**

407-1.1 The minimum landscaping area requirements may include landscaping around buildings and in parking and loading areas, outdoor recreational use areas, screening and buffering as required under Section 411, and vegetated stormwater facilities as defined by Section 106-198.1.

407-1.2 Areas determined unbuildable due to slopes, flood plains, water quality sensitive areas, vegetated corridors, or are required as open space under Sections 405 or landscaping within parking areas under Section 407-1.7, shall not be used to calculate or satisfy minimum landscape requirements.

407-1.3 Residential:

A minimum of ~~twenty-five (25) percentage~~ of the buildable land area pursuant to Section 407-1.2 shall be used for landscaping in residential districts. ~~There shall be no minimum landscape requirement for detached dwellings or a duplex on a lot of record located in an urban residential district or rural district. Redevelopment or additions to attached dwelling developments buildings that include attached dwelling units shall meet the following minimum landscape area requirements: of this Section.~~

<u>Dwelling type</u>	<u>Minimum percent of the buildable land area required for landscaping</u>
<u>Detached dwellings or duplexes*</u>	<u>No minimum</u>
<u>Attached multifamily development in R-15, R-24, and R-25+ land use districts</u>	<u>15%</u>
<u>All other residential development</u>	<u>25%</u>

\*On a lot of record located in an urban residential district or rural district

**6. SECTION 409 – PRIVATE STREETS**

**409-3 Urban Private Street Standards**

409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:

A. Local Residential Streets:

			Structural Standards		
	*Function	**Min. Pavement Width	Section	Curbs	Sidewalks
	Two-way				
(8)	5-8 units	22 feet	(2)	One Side	One Side
(9)	9 or more units	24 feet	(3)	****Yes	****Both Sides

\*Adequate turn around facilities shall be provided pursuant to Section 409-3.7.

\*\*Minimum pavement width does not include parking. If parking is permitted for development of a private street, the paved width of the private street shall be constructed to meet the applicable public street width standard.

\*\*\*Curbs shall be required only if they are needed for drainage.

\*\*\*\*Sidewalk and curb may be omitted on one side of the street subject to the following:

- Site width/shape can accommodate new residential lots only along one side of the street, and that side of the street shall be provided with curb and sidewalk for its full length;
- No residential or pedestrian-oriented use (as defined in Section 408-3.6) exists or can reasonably be accommodated on-site or abutting the site along the opposite side of the street, based on considerations such as topography, land use district, or existing development;
- If curb is needed for drainage where sidewalk is omitted, curb shall be required;
- The development will meet Neighborhood Circulation requirements of Section 408.

**7. SECTION 413 – PARKING AND LOADING**

**413-4 Off-Street Parking Standards**

413-4.11 ~~The minimum driveway width for one (1) single family detached dwelling unit shall be twelve (12) feet. The minimum driveway width for each single-family attached or detached dwelling unit with individual vehicular access to a street shall be twelve (12) 10 feet. The minimum driveway depth for single-family detached and single-family attached units shall be consistent with standards of the primary district for setbacks to garage vehicle entrance, twenty (20) feet (measured from the back of sidewalk or the property line as specified by the primary district). A Each twelve (12) 10-foot wide and by twenty (20) foot deep area within a driveway shall may be counted as one (1) off-street parking space. A twenty (20) foot wide and twenty (20) foot deep driveway shall be counted as two (2) off-street parking spaces.~~

413-4.12 ~~Driveways for detached or single family attached two individual lots, each containing a single-family attached or detached dwelling unit, with single car garages may be combined when the following standards are met as illustrated by Figure 1 below:~~

~~A. A minimum six (6) foot wide planting area shall be provided between each driveway for a minimum length of fifteen (15) feet;~~

~~B.—The minimum combined driveway width shall be 20 feet; and~~

~~B. Driveway surface within each lot shall measure a minimum continuous width of 10 feet for each unit shall be twelve (12) feet;~~

~~C.—The width of the driveway curb cut shall be the total width of the combined driveways and the common planting strip;~~

413-4.13D. There shall be at least eighteen (18) feet of curb face along the street between combined and/or single driveways in order where a required to provide one (1) on-street parking space is proposed between driveways.

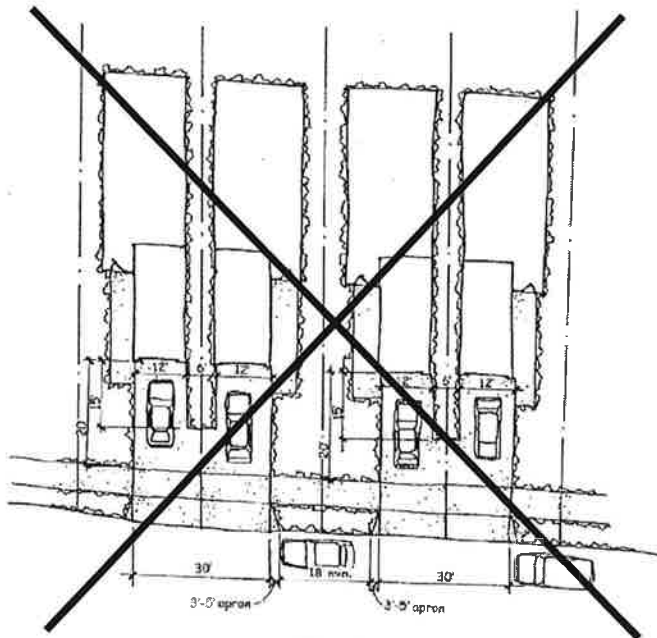


Figure 1

Figures 413-2 – 413-4: Examples of Combined Driveways

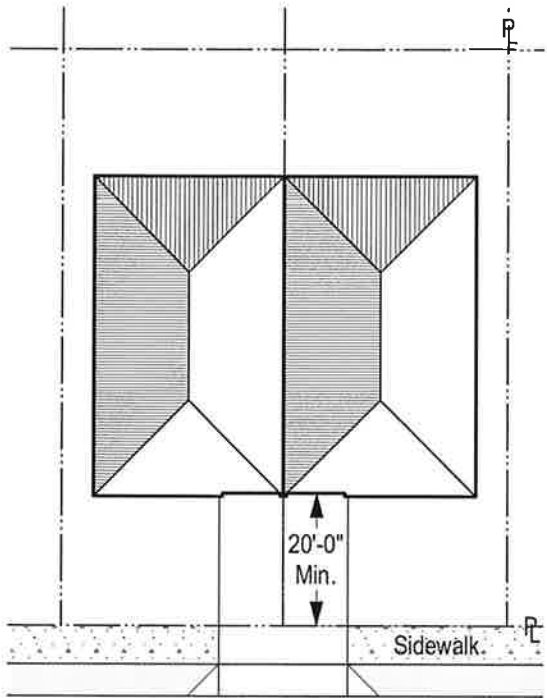


Figure 413-2 20'-0" Min. Street

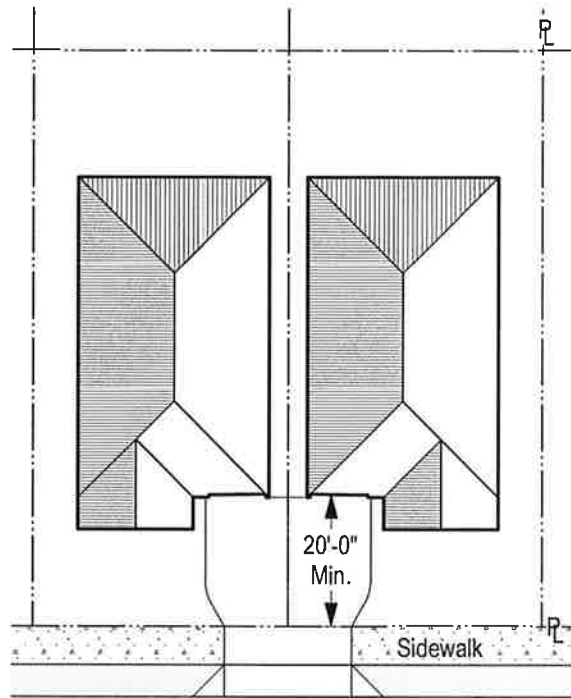


Figure 413-3 20'-0" Min. Street

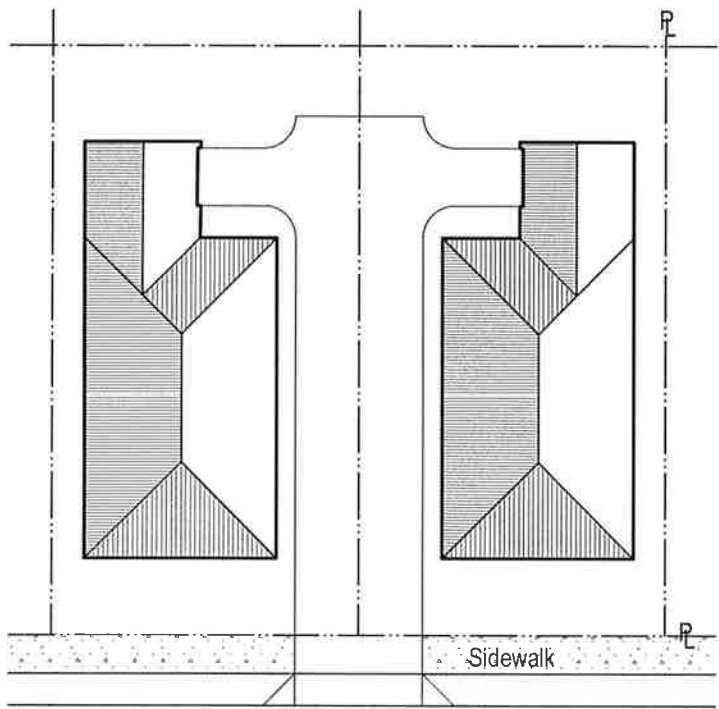


Figure 413-4 20'-0" Min. Street

abcdef Proposed additions  
abcdef Proposed deletions

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 842

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

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### SUMMARY:

Ordinance No. 842 amends the Community Development Code to facilitate development of housing. Ordinance No. 842 is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://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 the Statewide Planning Goals. ORS 197.615 requires such amendments be accompanied by findings setting 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 Ordinance No. 842. Prior to the Sept. 18, 2018 hearing, 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

RO Exhibit A (Ordinance Findings) is linked online.

### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 842 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 18-89

Agenda Item No.	<u>6.d.</u>
Date:	<u>09/18/18</u>

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 Ordinance No. 842 ) No. 18-89

5 This matter having come before the Washington County Board of Commissioners (Board) at  
6 its meeting of September 18, 2018; 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 Ordinance No. 842; 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 August 15, 2018, made a recommendation to the Board, which is in the record and has been  
15 reviewed by the Board; and

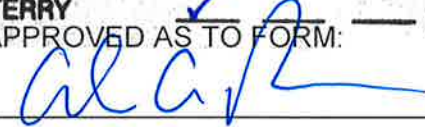
16 It appearing to the Board that, in the course of its deliberations, the Board has considered the  
17 record which consists of all notices, testimony, staff reports, and correspondence from interested  
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted  
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 Ordinance  
21 No. 842 are hereby adopted.

22 DATED this 18th day of September, 2018.

	AYE	NAY	ABSENT
23 DUYCK	___	___	✓
24 SCHOUTEN	✓	___	___
25 MALINOWSKI	✓	___	___
26 ROGERS	___	___	✓
27 TERRY	✓	___	___

APPROVED AS TO FORM:

28   
County Counsel  
For Washington County, Oregon

BOARD OF COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman

  
Recording Secretary



## EXHIBIT A

### FINDINGS FOR ORDINANCE NO. 842

#### AN ORDINANCE MAKING LIMITED AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE TO ADDRESS RECOMMENDATIONS FROM THE EQUITABLE HOUSING SITE BARRIERS AND SOLUTIONS PROJECT

Sept. 18, 2018

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

Ordinance No. 842 amends the Community Development Code (CDC) limited amendments to the Community Development Code (CDC) to facilitate residential development.

#### **Key Ordinance Provisions**

Ordinance No. 842 amends the CDC as follows:

- Reduces minimum yard (setback) standards of Sections 306, 307 and 313 for certain buildings in the R-24, R-25+ and CBD districts that include multifamily housing
- Clarifies existing standards of Section 375-7 regarding criteria for dwelling units in the TO:RC district
- Corrects Section 375-10 to reflect Day Care Facility as a commercial use
- Reduces minimum landscape area requirements of Section 407 for multifamily development in the R-15, R-24 and R-25+ districts
- Amends private street standards of Section 409 to allow omission of sidewalk on one side of a private street serving nine or more units in cases where site/vicinity constraints exist
- Reduces minimum residential driveway widths and updates related parking standards of Section 413

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) and 4 (Forest Lands) 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) and Regional Transportation Plan (RTP). 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 Ordinance No. 842 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. 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 Ordinance No. 842.

In addition to providing standard notice that invites public comment/participation, staff gathered perspectives from stakeholders involved in housing through the Equitable Housing project Technical Advisory Group (TAG), including the County’s Department of Housing Services, the Office of Community Development, and several affordable housing developers. Staff also conducted interviews with several market-rate housing developers and members of the Home Builder’s Association.

**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 Ordinance No. 842.

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.

Ordinance No. 842 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 Ordinance No. 842. 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.

Ordinance No. 842 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 Ordinance No. 842. 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.

Ordinance No. 842 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to floodplain areas. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 842. 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.

Ordinance No. 842 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 Ordinance No. 842. 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.

Ordinance No. 842 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 Ordinance No. 842. 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.

Ordinance No. 842 amends CDC Sections 306, 307, and 313 to reduce setback requirements for certain multifamily residential developments, clarifies standards in Section 375-7 regarding criteria for dwelling units in the TO:RC district, amends Section 407 to reduce landscaping requirements for certain multifamily residential developments, amends private street standards in Section 409 to allow omission of sidewalks on one side for certain residential developments, and updates Section 413 to reduce minimum residential driveway widths and update related parking standards.

These proposed changes will reduce barriers to residential development in unincorporated Washington County. This may encourage additional residential development and reduce development cost, which may help increase the overall housing supply in Washington County.

Plan compliance with Goal 10 is maintained with the amendments made by Ordinance 842.

### **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.

Ordinance No. 842 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 Ordinance No. 842. 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.

Ordinance No. 842 includes amendments to CDC Section 413 (Parking and Loading) to reduce minimum residential driveway widths and update related parking standards. 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.

The amendments in Ordinance No. 842 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 842 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. This ordinance reduces minimum residential driveway widths and updates related parking standards. This change may remove barriers to provision of required on and off street parking for some residential development.

The amendments in Ordinance No. 842 make no amendments to the Transportation System Plan and would have required additional transportation analysis before any changes would be considered. Therefore, the amendments in Ordinance No. 842 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.

Ordinance No. 842 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 Ordinance No. 842. The amendments are consistent with the County’s acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

### **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. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

Ordinance No. 842 does not amend the applicable Plan policies or CDC standards relating to urbanization. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 842. The amendments are consistent with the County’s acknowledged policies and strategies for the transition of land between rural to urban land uses as required by Goal 14.

### **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 Ordinance No. 842 findings have been prepared to address Title(s) 1, 6, 7 and 8 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.

Ordinance No. 842 amends CDC Sections 306, 307, and 313 to reduce setback requirements for certain multifamily residential developments, clarifies standards in Section 375-7 regarding criteria for dwelling units in the TO:RC district, amends Section 407 to reduce landscaping requirements for certain multifamily residential developments, amends private street standards in Section 409 to allow omission of sidewalks on one side for certain residential developments, and

updates Section 413 to reduce minimum residential driveway widths and update related parking standards.

These proposed changes will reduce barriers to residential development in unincorporated Washington County. This may encourage additional residential development and reduce development cost, which may help increase the overall housing supply in Washington County.

The amendments will not result in a decrease in housing capacity. The amendments may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of housing units. Ordinance No. 842 is consistent with Title 1.

### **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.

Some land designations that will reduce setbacks and landscaping requirements for attached multifamily development are located within Metro-designated Centers, Corridors, Main Streets and Station Communities.

The ordinance amendments will allow a greater variety of residential uses in some Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 842 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.

Ordinance No. 842 amends CDC Sections 306, 307, and 313 to reduce setback requirements for certain multifamily residential developments, clarifies standards in Section 375-7 regarding criteria for dwelling units in the TO:RC district, amends Section 407 to reduce landscaping requirements for certain multifamily residential developments, amends private street standards in Section 409 to allow omission of sidewalks on one side for certain residential developments, and updates Section 413 to reduce minimum residential driveway widths and update related parking standards.

These proposed changes will reduce barriers to residential development in unincorporated Washington County. This may encourage additional residential development and increase the variety of housing options available, which may help increase the overall housing supply in Washington County.

The amendments may increase housing choice. The amendments may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of housing units. Ordinance No. 842 is consistent with Title 7.

### **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.

Consistent with Title 8, a copy of proposed Ordinance No. 842 was sent July 11, 2018 to Metro, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 842.

#### **Part 4:**

### **REGIONAL TRANSPORTATION PLAN FINDINGS**

This section addresses the consistency of Ordinance No. 842 with the applicable policies of Metro's Regional Transportation Plan (RTP). The Board finds that the RTP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plans, as provided below, and that the amendments comply with the applicable goals and policies of the RTP.

This section addresses the consistency of Ordinance No 842 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP). The Board finds that the RTFP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plans, as provided below, and that the amendments comply with the applicable goals and policies of the RTFP.

**Title 4** This section pertains to parking management and standards.

Section B – allows for variances from minimum and maximum parking ratios if local regulations include criteria for such variances.

Ordinance No. 842 reduces minimum residential driveway widths and updates related parking standards. This change may remove barriers to provision of required on and off-street parking for some residential development. Ordinance No. 842 does not decrease the total amount of parking required for these developments. Ordinance No. 842 is compliant with this section.

Section I – requires cities and counties to adopt parking policies, management plans and regulations for Centers and Station Communities, consistent with the requirements stated in Sections A – H. Plans must include an inventory of parking supply and usage and an evaluation



of bicycle parking needs. Policies, plans and regulations must consider and may include the following types of strategies:

1. By-right exemptions from minimum parking requirements;
2. Parking districts;
3. Shared parking;
4. Structured parking;
5. Bicycle parking;
6. Timed parking;
7. Differentiation between employee parking and parking for customers, visitors and patients;
8. Real-time parking information;
9. Priced parking; and
10. Parking enforcement.

Ordinance No. 842 reduces minimum residential driveway widths and updates related parking standards. This change may remove barriers to provision of required on and off street parking for some residential development. Ordinance No. 842 does not decrease the total amount of parking required for these developments. Ordinance No. 842 is compliant with this section.