



## 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. 855 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TECHNICAL CODE CHANGES**

**Presented by:** Stephen Roberts, Interim Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

#### SUMMARY:

Ordinance No. 855 proposes technical code changes, minor updates, corrections and revisions to Washington County's Community Development Code. 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 July 10, 2019 public hearing for this ordinance, the Planning Commission (PC) voted 7-0 to recommend the Board adopt Ordinance No. 855 with one amendment to the ordinance as filed. The PC-recommended amendment would modify the garage dimension standards for double-vehicle garages. A staff report will be provided to the Board prior to the Aug. 6 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.

(continued)

The Staff Report is hyperlinked here and is also available at the Clerk's desk.

#### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 855 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 855 as filed and associated findings.

#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No. 5.a.

Date: 08/06/19

**CONSIDER PROPOSED ORDINANCE NO. 855 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TECHNICAL CODE CHANGES**  
**BOC 08/06/19**

**ADDITIONAL INFORMATION:**

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**Community Feedback** (Known Support/Opposition): Staff received no communication from the public on proposed Ordinance No. 855. There was no public testimony during the July 10, 2019 Planning Commission hearing specific to this ordinance.

**Legal History/Prior Board Action:** The proposed Technical Code Amendments comprise minor modifications to multiple sections of the Community Development Code. As in other housekeeping ordinances intended to clarify intent and provide minor code updates, some of the proposed changes within Ordinance No. 855 may have directly or indirectly been affected by prior ordinances. This ordinance is an initial grouping of the amendments proposed herein.

**Budget Impacts:** There are no expected budget impacts as a result of the changes proposed in Ordinance No. 855.

FILED

JUN 03 2019

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 855

An Ordinance Amending the Community  
Development Code Relating to Technical Code  
Changes

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, 838, 840-42, 845, and 847.

B. As part of its ongoing planning efforts, Washington County staff has identified the need for limited technical changes and general updates to enhance the efficiency and effectiveness of the Community Development Code. The Board recognizes that such changes

1 are necessary from time to time for the benefit and welfare of the residents of Washington  
2 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 that recommendation and any  
8 modifications made by the Board are 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, the Washington  
14 County Transportation System Plan, and the Washington 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 (22 pages), amends the following provisions of the Community  
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 302 – R-5 District (Residential 5 Units per Acre);

- 1 4. Section 303 – R-6 District (Residential 6 Units per Acre);
- 2 5. Section 304 – R-9 District (Residential 9 Units per Acre);
- 3 6. Section 305 – R-15 District (Residential 15 Units per Acre);
- 4 7. Section 306 – R-24 District (Residential 24 Units per Acre);
- 5 8. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 6 9. Section 308 – Future Development 20-Acre District (FD-20);
- 7 10. Section 309 – Future Development 10-Acre District (FD-10);
- 8 11. Section 311 – Neighborhood Commercial District (NC);
- 9 12. Section 312 – Office Commercial District (OC);
- 10 13. Section 313 – Community Business District (CBD);
- 11 14. Section 314 – General Commercial District (GC);
- 12 15. Section 320 – Industrial District (IND);
- 13 16. Section 330 – Institutional District (INST);
- 14 17. Section 340 – Exclusive Farm Use District (EFU);
- 15 18. Section 344 – Agriculture and Forest District (AF-20);
- 16 19. Section 401 – Introduction (Development Review);
- 17 20. Section 404 – Master Planning;
- 18 21. Section 409 – Private Streets;
- 19 22. Section 413 – Parking and Loading;
- 20 23. Section 423 – Environmental Performance Standards;
- 21 24. Section 424 – Creation of Parcels in the EFU, EFC and AF-20 Districts;
- 22 25. Section 430 – Special Use Standards;

1                   26. Section 602 – General Provisions; and

2                   27. Section 605 – Land Divisions and Property Line Adjustments Inside a  
3                   UGB.

4                   SECTION 3

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

7                   SECTION 4

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

10                  SECTION 5

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

14                  SECTION 6

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

20                  ///

21                  ///

1 SECTION 7

2 This Ordinance shall take effect November 28, 2019.

3 ENACTED this 6 day of August, 2019, 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 *Kathryn Harrington* 08/06/19  
CHAIR Kathryn Harrington

10 *Barbara Hejtmanek*  
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First August 6, 2019  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

12 First August 6, 2019  
13 Second \_\_\_\_\_  
14 Third \_\_\_\_\_  
15 Fourth \_\_\_\_\_  
16 Fifth \_\_\_\_\_  
17 Sixth \_\_\_\_\_

18 VOTE: Aye: Harrington, Treece,  
Schouten, Willey

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

19 Recording Secretary: Barbara Hejtmanek Date: August 6, 2019





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

## 1. SECTION 106 – DEFINITIONS

**106-48 Day Care Facility-** A facility operated by an agency, organization or individual providing care for six or more children or adults during a part of the 24 hours of a day. A day care facility does not include:

- A. A nursery school (see Section 430-121);
- B. A facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion;
- C. A facility operated by a school district, political subdivision of the State of Oregon or a governmental agency;
- D. A residential facility licensed under ORS 443.400 to 443.445;
- E. Baby-sitters; or
- F. A family day care provider, as defined in Section 106-78. (~~see Section 430-53.2 and 53.6.~~)

\*\*\*

**106-78 Family Day Care Provider-** A day care (child care) provider who resides in the home and regularly provides day care in the provider's home ~~in the family living quarters to fewer than sixteen (16) children (or as specified otherwise by ORS 657A.280), including children of the provider, regardless of full-time or part-time status.~~

\*\*\*

## 2. SECTION 201 – DEVELOPMENT PERMIT

### 201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

\*\*\*

201-2.26 Residential Home, as defined in ~~Section 106-179~~ ORS 197.660, in any district that allows a single family dwelling unit as a Type I action or in any district in an existing dwelling, except in the EFU and AF-20 Districts.

\*\*\*

**3. SECTION 302 – R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)**

**302-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

**302-2.5 Expansion of any Type II or III use which meets the following:**

- A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**302-7 Dimensional Requirements**

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**302-7.2 Yard (Setback) Requirements.** Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. ~~Fifteen (15)-~~foot front yard to the front building wall and ~~twelve (12)~~ feet to a porch or other covered or enclosed entryway;
- B. ~~Twenty (20)-~~foot front or street side yard to garage vehicle entrance, or ~~four (4)-~~foot rear yard to vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- C. ~~Ten (10)-~~foot street side yard;
- D. ~~Five (5)-~~foot side yard;
- E. ~~Fifteen (15)-~~foot rear yard, except as provided in B. above;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

\*\*\*

**4. SECTION 303 – R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)**

**303-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

**303-2.5 Expansion of any Type II or III use which meets the following:**

- A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**303-7 Dimensional Requirements**

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**303-7.2 Yard (Setback) Requirements.** Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. ~~Fifteen (15)-foot~~ front yard to the front building wall and ~~twelve (12) feet~~ to a porch or other covered or enclosed entryway;
- B. ~~Twenty (20)-foot~~ front or street side yard to garage vehicle entrance, or ~~four (4)-foot~~ rear yard to vehicle entrance from an alley. Portions of a structure located directly above a rear alley-loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- C. ~~Ten (10)-foot~~ street side yard;
- D. ~~Five (5)-foot~~ side yard;
- E. ~~Fifteen (15)-foot~~ rear yard, except as provided in B. above;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

\*\*\*

**5. SECTION 304 – R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)**

**304-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

**304-2.5 Expansion of any Type II or III use which meets the following:**

- A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**304-7 Dimensional Requirements**

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**304-7.2 Yard (Setback) Requirements.** Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. ~~Twelve (12-)~~foot front yard to the front building wall and a ~~nine (9-)~~foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with F. below;
- B. ~~Twenty (20-)~~foot front or street side yard to garage vehicle entrance, or ~~four (4-)~~foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- C. ~~Ten (10-)~~foot street side yard;
- D. ~~Five (5-)~~foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than ~~five (5)~~ feet (as little as zero (0)-feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6-)~~foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

- E. ~~Fifteen (15-)~~foot rear yard, except as provided in B. above. A ~~five (5-)~~foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of F. below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setback standards of F. below and Section 430-117.1 E.;
- F. A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed 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 the R-9 District that was in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;
- G. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- H. Additional setbacks may be required as specified in Sections 411 and 418.

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## **6. SECTION 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)**

### **305-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

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#### **305-2.4 Expansion of any Type II or III use which meets the following:**

- A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

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### **305-7 Dimensional Requirements**

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#### **305-7.2 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:
  - (1) ~~Ten (10-)~~foot front yard to the front building wall and ~~six (6-)~~foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;

- (2) ~~Twenty (20-)~~ foot front or street side yard to garage vehicle entrance, or ~~four (4-)~~ foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- (3) ~~Eight (8-)~~ foot street side yard;
- (4) ~~Five (5-)~~ foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than ~~five (5)~~ feet (as little as zero {0} feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6-)~~ foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

- (5) ~~Twelve (12-)~~ foot rear yard, except as provided in (2) above. A ~~five (5-)~~ foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.1 E.
- (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 305-7.2 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 (35)~~ feet, shall be:

- (1) ~~Ten (10-)~~ foot front yard to the front building wall and ~~six (6-)~~ foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) ~~Twenty (20-)~~ foot front or street side yard to garage vehicle entrance, or ~~four (4-)~~ foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;

(3) ~~Eight (8-)~~foot street side yard, except as necessary to comply with (6) below;

(4) ~~Five (5-)~~foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than ~~five (5)~~ feet (as little as zero [0]-feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6-)~~foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

(5) ~~Twelve (12-)~~foot rear yard, except as provided in (2) above or as necessary to comply with (7) below;

(6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwelling units 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 305-7.2 C., plus any screening and buffering setback now required by Section 411.

(7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ~~ten (10-)~~foot minimum shall be used.

\*\*\*

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

**306-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

306-2.4 Expansion of any Type II or III use which meets the following:

A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

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### 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:

- (1) ~~Ten (10-)~~ foot front yard to the front building wall and a ~~six (6-)~~ foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) ~~Twenty (20-)~~ foot front or street side yard to garage vehicle entrance, or ~~four (4-)~~ foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- (3) ~~Eight (8-)~~ foot street side yard;
- (4) ~~Five (5-)~~ foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than ~~five (5)~~ feet (as little as zero (0)-feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6-)~~ foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6;

- (5) ~~Twelve (12-)~~ foot rear yard, except as provided in (2) above. A ~~five (5-)~~ foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.1 E.; and
- (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., plus any screening and buffering setback now required by Section 411.

B. The minimum yard requirements for single-family attached dwelling units that are 35 feet in height or less shall be:

- (1) ~~Ten (10)~~-foot front yard to the front building wall and a ~~six (6)~~-foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) 20-foot front or street side yard to garage vehicle entrance, or ~~four (4)~~-foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- (3) ~~Eight (8)~~-foot street side yard, except as necessary to comply with (6) below;
- (4) ~~Five (5)~~-foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than ~~five (5)~~ feet (as little as zero [0]-feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6)~~-foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) ~~Twelve (12)~~-foot rear yard, except as provided in (2) above or as necessary to comply with (7) below;
- (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., plus any screening and buffering setback now required by Section 411.
- (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ~~ten (10)~~-foot minimum shall be used.

\*\*\*

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

**307-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

**307-2.3 Expansion of any Type II or III use which meets the following:**

- A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**307-7 Dimensional Requirements**

\*\*\*

**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.

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

- (1) ~~Ten (10-)~~ foot front yard to the front building wall and a ~~six (6-)~~ foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) ~~Twenty (20-)~~ foot front or street side yard to garage vehicle entrance, or ~~four (4-)~~ foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- (3) ~~Eight (8-)~~ foot street side yard;
- (4) ~~Five (5-)~~ foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than ~~five (5)~~ feet (as little as zero (0)-feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6-)~~ foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which

could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6;

- (5) ~~Twelve (12)-~~foot rear yard, except as provided in (2) above. A ~~five (5)-~~foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.1 E.; and
- (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., plus any screening and buffering setback now required by Section 411.

B. The minimum yard requirements for single family attached dwelling units that are 35 feet in height or less, shall be:

- (1) ~~Ten (10)-~~foot front yard to the front building wall and a ~~six (6)-~~foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) ~~Twenty (20)-~~foot front or street side yard to garage vehicle entrance, or ~~four (4)-~~foot rear yard to garage vehicle entrance from an alley. Portions of a structure located directly above a rear alley loaded garage are also subject to a minimum 4-foot rear yard, and shall not be closer to the rear lot line than the garage vehicle entrance;
- (3) ~~Eight (8)-~~foot street side yard, except as necessary to comply with (6) below;
- (4) ~~Five (5)-~~foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero [0] feet). Lots or parcels with an adjoining interior side yard less than ~~five (5)~~ feet shall provide a perpetual minimum ~~six (6)-~~foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ~~ten (10)~~ feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) ~~Twelve (12)-~~foot rear yard, except as provided in (2) above or as necessary to comply with (7) below;

- (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., plus any screening and buffering setback now required by Section 411.
- (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ~~ten (10)-~~foot minimum shall be used.

\*\*\*

**9. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)**

**308-2 Uses Permitted Through a Type I Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

\*\*\*

- 308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:
  - A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**10. SECTION 309 – FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)**

**309-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

- 309-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:
  - A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**11. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)**

**311-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

311-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**12. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)**

**312-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

312-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

**13. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)**

**313-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

313-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

#### **14. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)**

##### **314-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

314-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

#### **15. SECTION 320 – INDUSTRIAL DISTRICT (IND)**

##### **320-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

320-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

#### **16. SECTION 330 – INSTITUTIONAL DISTRICT (INST)**

##### **330-3 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*

330-3.2 Any Type II or III use, expansion of an existing use or change of occupancy which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;

\*\*\*

## **17. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)**

### **340-4 Uses Permitted Through a Type II Procedure**

\*\*\*

- 340-4.2 Permitted Uses which are subject to Section 340-4.3:

\*\*\*

- M. Residential home as defined in ~~Section 106-179~~ ORS 197.660, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

\*\*\*

### **340-8 Creation of Lots or Parcels by a Land Division**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside atthe UGB).

\*\*\*

- 340-8.5 Creation of a parcel with an existing dwelling to be used as a residential home as defined in ~~Subsection 106-179~~ ORS 197.660, through a Type III procedure - Section 424-6.

\*\*\*

## **18. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)**

### **344-4 Uses Permitted Through a Type II Procedure**

\*\*\*

- 344-4.2 Permitted Uses which are subject to Section 344-4.3:

\*\*\*

- M. Residential home as defined in ~~Section 106-179~~ ORS 197.660, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

\*\*\*

### **344-8 Creation of Lots or Parcels by a Land Division**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside atthe UGB).

\*\*\*

344-8.5 Creation of a parcel with an existing dwelling to be used as a residential home, as defined in ~~Section 106-179~~ ORS 197.660, through a Type III procedure - Section 424-6.

\*\*\*

## 19. SECTION 401 – INTRODUCTION

### 401-5 General Provisions – Development Review

\*\*\*

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

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

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

- (1) Lot dimensions;
- (2) Street locations;
- (3) Lot patterns;
- (4) Decreases in density;
- (5) Parking locations;
- (6) Changes in parking spaces;
- (7) Building locations; and
- (8) Decreases in building square footage;
- (9) Phasing of the development, including adjusting approved phasing; and
- (10) Inclusion of a gated private street, subject to Section 409-4.6.

\*\*\*



## 20. SECTION 404 – MASTER PLANNING

### 404-5 Flexible Design Option for Regulated Affordable Housing

\*\*\*

404-5.4 The following alternatives are available through the Flexible Design Option for Regulated Affordable Housing, subject to a Type II review:

\*\*\*

- J. Setbacks of the district for front, side, street side, and rear yards may be reduced or eliminated, provided that:
- (1) No setback to garage vehicle entrance is reduced;
  - (2) Screening and Buffering (Section 411) "Additional Setback" reductions allowable under 404-5.4 ~~L~~K., below, are not taken for the affected yard. (Reductions allowed under either 404-5.4 J. or K. may be applied to the yard, but not both); and
  - (3) Building Code standards are met.
- K. Where Screening and Buffering standards of CDC Section 411 would normally apply "Additional Setbacks" to a particular yard, the Additional Setback may be reduced or eliminated within that yard, subject to the following:

\*\*\*

## 21. 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:

\*\*\*

C. Private Street Length:

For the purpose of this Section, private street length shall be measured as the distance between the near side curb line of the intersecting street and the far edge of pavement of the private road, including any turnaround.

D. Private Street Width:

The entire length of the individual private street tract shall maintain the required paved width based on the total units or ADT as specified in Section 409-3.3.A or B. Tapering of the private street width is not allowed. Emergency turnarounds designed in accordance with approved Fire Marshal standards are exempt from this restriction.

\*\*\*

#### 409-4 General Provisions For Urban Private Streets

\*\*\*

- 409-4.6 Urban private streets providing access to residential developments in a Regional or Town Center, Light Rail Station Community, Main Street or Transit Corridor shall not be gated except when required by the Director to address an operational or safety issue or as permitted by Section 431-4.2E(2). Urban private streets outside of these areas that provide access to residential land divisions or attached unit residential developments from a county or public street may be gated when approved by the applicable Fire Marshal and the Washington County Traffic Engineering Division. Documentation shall also be obtained from affected service providers confirming that the gate will not interfere with their provision of services and/or ability to access and maintain their infrastructure.

## 22. SECTION 413 – PARKING AND LOADING

### 413-4 Off-Street Parking Standards

\*\*\*

- 413-4.13 There shall be at least 18 feet of curb face along the street between combined and/or single driveways where a required on-street parking space is proposed.
- 413-4.14 The following minimum dimensional standards apply to garages for detached and attached dwelling units where the space inside the garage is provided for compliance with required off-street parking per Section 413-6 and/or is necessary based on the amount of on-street parking provided by a development for compliance with Section 413-5. Garages that are not provided to fulfill the requirements of either of those sections are exempt from the following dimensional standards.
- A. Interior garage space:
- (1) 10 feet wide and 20 feet deep for single vehicle garages.
  - (2) 20 feet wide and 20 feet deep for double vehicle garages.
  - (3) 10 feet wide and 40 feet deep for tandem vehicle garages.
  - (4) Minimum interior dimensions shall not be obstructed by utilities, water heaters, or other permanent fixtures.
- B. Garage door entrances:
- (1) 8 feet wide for single vehicle garages.
  - (2) 16 feet wide for double vehicle garages.

**23. SECTION 423 – ENVIRONMENTAL PERFORMANCE STANDARDS**

**423-6 Noise**

All development shall comply with ~~the State Department of Environmental Quality Standards relating to noise Chapter 8.24 of the Washington County Code of Ordinances relating to noise control.~~ Demonstration of compliance may be required by the Review Authority. Documentation required to demonstrate compliance may include analysis from a registered professional acoustical engineer.

\*\*\*

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

**424-6 Creation of a Parcel with an Existing Dwelling Used as a Residential Home in the EFU and AF-20 Districts**

To create a parcel with an existing dwelling to be used as a residential home:

424-6.1 The dwelling shall be used as a residential home as defined in ~~Subsection 106-179~~ ORS 197.660; and

\*\*\*

**25. 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.

\*\*\*

**430-37 Detached Dwelling Unit**

430-37.1 Urban:

\*\*\*

B. Type II

- (1) Placement of the dwelling in a manner ~~which~~ that will comply with the underlying district's setback standards as they relate to property lines shown on a future development plan and will not preclude development of the site to the density ~~allowed~~ required by the district;

\*\*\*

**430-53 Group Care**

\*\*\*

430-53.4 Family Day-Care Provider in the AF-10, AF-5 and RR-5 Districts

A day-care (child care) provider who resides in the home and regularly provides day-care (child care) in the provider's home in the family living quarters to fewer than ~~sixteen (16)~~ children, including children of the provider, regardless of full-time or part-time status. Family day-care providers shall meet the following:

\*\*\*

**430-135 Temporary Use**

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

\*\*\*

C. The following temporary permits may be issued through a Type I procedure for a period not to exceed one ~~(1)~~-year:

\*\*\*

(10) Model home (Section 106-138) constructed prior to subdivision plat recording, or after subdivision plat recording but prior to completion of conditions of approval required prior to final inspection/certificate of occupancy, that meets the following requirements:

- (a) Located inside the Urban Growth Boundary;
- (b) Proposed subdivision includes four ~~(4)~~-lots or more (not a partition);
- (c) Land use approval for the subdivision has not expired;
- (d) The final plat for the approved subdivision has been submitted to Current Planning and the County Surveyor for review;
- (e) Prior to final inspection of the model home(s) by Washington County Building Services, aAll public and private streets serving the model home ~~are~~shall be constructed according to approved engineering plans, with private streets constructed to at least the first lift of asphalt;
- (f) The applicant signs an agreement to hold Washington County harmless from any claims related to the allowance for construction of the model home(s);
- (gf) The total number of model homes:
  - (i) Does not exceed five ~~(5)~~-per subdivision plat or phase;

(ii) Does not exceed ~~twenty-five (25%)~~ percent of the total number of lots within the subdivision plat (no rounding up is permitted); and

(hg) The applicant obtains a building permit issued by Building Services.

\*\*\*

**26. SECTION 602 – GENERAL PROVISIONS**

**602-5 Minor Revisions to Preliminary Approved Land Divisions**

602-5.1 Minor revisions to a preliminary approval for a land division may be made through a Type I procedure for the following:

- A. Lot dimensions;
- B. Street locations;
- C. Lot patterns; ~~and~~
- D. Density decreases-;
- E. Phasing of the development, including adjusting approved phasing; and
- F. Inclusion of a gated private street, subject to Section 409-4.6.

**27. SECTION 605 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB**

**605-2 Urban Land Divisions (Partitions and Subdivisions)**

Land within the urban unincorporated portions of Washington County may be divided through a partition or subdivision plat. To partition land means to divide a unit of land into two ~~(2)~~ or three ~~(3)~~ parcels within a calendar year. To subdivide land means to divide a unit of land into four ~~(4)~~ or more lots within a calendar year. A partition or subdivision may or may not involve the creation of a street or road.

Subdivisions and partitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Article V (Public Facility and Service Requirements) and the provisions of this Article, including standards in Section 605-3 (Development Standards for Urban Land Divisions).

605-2.1 Procedures

Partitions and subdivisions shall be processed through a two-step process consisting of a preliminary review and a final review.

A. Preliminary Review:

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type I procedure when in an approved Special Industrial Overlay District (SID) and in conformance with the approved SID - Section 377;
- (2) Be through a Type II procedure when no variance from the standards of this Code is required; or
- (3) Be through a Type III procedure when a variance from the applicable standards of this Code is required or when required by the applicable Community Plan or when in conjunction with a Type III development.
- (4) Expire automatically four (4)-years from the date of approval unless prior to expiration:
  - (a) A request for final review, which includes all required information, is filed with the County; or
  - (b) A request for an extension is filed with the County pursuant to Article II; or
  - (c) Development is commenced pursuant to Section 201-6. If the Director determines that development has commenced prior to final approval, the preliminary review shall expire five (5)-years from the date of approval unless final approval is granted.

For approved phased developments, preliminary approval for the first and each subsequent phase shall expire two years from the date final approval was issued for the previous development phase(s) unless development has commenced or an application for an extension is filed for a particular phase.

B. Final Review:

Final review of a partition or subdivision shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval. Final approval shall be granted prior to approval of the partition or subdivision plat by the County Surveyor.

\*\*\*



**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

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

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 855

**Presented by:** Stephen Roberts, Interim Director of Land Use & Transportation

**SUMMARY:**

Ordinance No. 855 makes technical code changes, minor updates, corrections and revisions to Washington County’s Community Development Code. Ordinance No. 855 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 that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County’s Comprehensive Plan.

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

Attached is the Resolution and Order to adopt the findings for Ordinance No. 855. Prior to the Aug. 6, 2019 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.

(continued)

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk’s Desk.

**DEPARTMENT’S REQUESTED ACTION:**

Adopt the findings for Ordinance No. 855 and authorize the Chair to sign the Resolution and Order memorializing the action.

**COUNTY ADMINISTRATOR’S RECOMMENDATION:**

I concur with the requested action.

RO 19-80

Agenda Item No.	<u>6.a.</u>
Date:	<u>08/06/19</u>

**ADOPT FINDINGS FOR ORDINANCE NO. 855  
BOC 08/06/19**

**ADDITIONAL INFORMATION:**

---

**Community Feedback (Known Support/Opposition):** Refer to Ordinance No. 855 Public Hearing item.

**Legal History/Prior Board Action:** Refer to Ordinance No. 855 Public Hearing item.

**Budget Impacts:** Refer to Ordinance No. 855 Public Hearing item.



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. 855 ) No. 19-80

5 This matter having come before the Washington County Board of Commissioners (Board) at  
 6 its meeting of August 6, 2019; 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. 855; 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

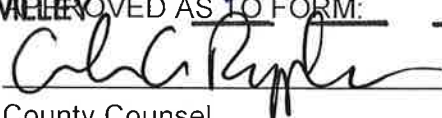
13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
 14 on July 10, 2019, made a recommendation to the Board, which is in the record and has been  
 15 reviewed by the Board; and

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. 855 are hereby adopted.

22 DATED ~~THE~~ 6th day of ~~AUGUST~~ ~~AUGUST~~ 2019.

23 HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TREECE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

26 ~~WITNESSED~~ AS TO FORM:  
 27   
 County Counsel  
 For Washington County, Oregon

BOARD OF COMMISSIONERS  
 FOR WASHINGTON COUNTY, OREGON

 08/06/19  
 Chair Kathryn Harrington

  
 Recording Secretary



## EXHIBIT A

### FINDINGS FOR ORDINANCE NO. 855

#### AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO TECHNICAL CODE CHANGES

Aug. 6, 2019

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

Ordinance No. 855 proposes technical code changes, minor updates, corrections and revisions to Washington County's Community Development Code (CDC).

#### **Key Ordinance Provisions**

- Update cross-references and definition of Residential Home.
- Amend Section 423-6, Noise, to reference Chapter 8.24 of the Washington County Code for noise control purposes.
- Require that an operator of a 'Family Day Care Provider' reside within the home in which the care is provided.
- Update cross-reference in the permitted uses sections in urban land use districts and allow for review of public facilities and service requirements through a Type I process.
- Revise and clarify the rear setback standard for development above rear alley-loaded garages.
- Add new Type I provisions to allow for the review of new or amended project phasing plans and gated private streets for approved land divisions.
- Clarify that private streets are required to maintain the same paved width for the entire length of the street.
- Establish new minimum interior garage area and garage door dimension requirements.
- Add a provision that requires new detached dwellings to comply with lot lines depicted on a future development plan.
- Provide for the permitting of model homes after subdivision plat recordation and prior to the completion of a development.
- Establish a two-year expiration period for each phase of a preliminarily approved land division.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to

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

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

**Part 2:**  
**STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 855 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 Ordinance No. 855.

**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. 855.

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

### **Goal 3 – Agricultural Lands**

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

Ordinance No. 855 proposes minor code revisions applicable predominantly to urban development. Some proposed changes are applicable countywide, including clarifications to day care provision, noise enforcement and allowances for Type I review in project phasing. None of these proposed amendments affect the supply or maintenance of agricultural lands in Washington County.

The proposed amendments of Ordinance No. 855 are consistent with Goal 3.

### **Goal 4 – Forest Lands**

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

The proposed minor code revisions of Ordinance No. 855 are predominantly applicable to urban development. Some proposed changes are applicable countywide, including clarifications to day care provision, noise enforcement and allowances for Type I review in project phasing. None of these proposed amendments affect the conservation and maintenance of commercial forest lands in Washington County.

The proposed amendments of Ordinance No. 855 are consistent with Goal 4.

### **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. 855 does not directly impact housing units, types or densities nor affect policies found in the CFP and RNRP specific to housing. The amendments to the CDC clarify several existing residential development requirements, but do not make any substantive changes to these requirements.

One proposed amendment is intended to ensure that future minimum density standards are maintained with residential development. In the R-5 and R-6 land use districts, land divisions that create fewer lots than required by minimum density standards are allowed with submittal of

a future development plan (shadow plat) showing how minimum density can be met in future development. This proposed amendment would require that all lot lines be shown on the shadow plat to ensure that siting of dwellings will comply with future property line and setback requirements in a new land division, thereby ensuring future development meets the minimum density requirement of the district.

The proposed amendments of Ordinance No. 855 are consistent with 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.

Ordinance No. 855 proposes to add a cross-reference in Article V to the urban residential standards of the code found in Article III and allow for a Type I procedural review in certain circumstances. The applicable sections of Article III do not currently account for this Type I allowance. This proposed change improves the functionality of the code through better cross-referencing and does not impact the orderly and efficient arrangement of public facilities and services.

The proposed amendments of Ordinance No. 855 are consistent with Goal 11.

## **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. 855 findings have been prepared to address Title 8 of the UGMFP.

### **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. 855 was sent June 4, 2019 to Metro, 36 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 855.