



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing
Land Use & Transportation; County Counsel (CPO 6)

Agenda Title: **CONSIDER PROPOSED ORDINANCE NO. 857 – AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE TO ADOPT PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS AND APPLY THEM IN THE ALOHA TOWN CENTER AREA**

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

SUMMARY:

Ordinance No. 857 proposes to amend the Comprehensive Framework Plan for the Urban Area (CFP), the Aloha-Reedville-Cooper Mountain Community Plan and the Community Development Code (CDC) to create new Pedestrian-Oriented Mixed-Use Districts, and apply them to the portion of the Aloha Town Center within approximately 1/4 mile of Tualatin Valley (TV) Highway and 185th Avenue. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

After its July 24, 2019 public hearing for this ordinance, the Planning Commission (PC) voted 6-0 to recommend the Board adopt Ordinance No. 857 as filed. A staff report will be provided to the Board prior to the Aug. 27 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 available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 857 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 857 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.c.</u>
Date:	08/27/19

**CONSIDER PROPOSED ORDINANCE NO. 857 - AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE TO ADOPT PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS AND APPLY THEM IN THE ALOHA TOWN CENTER AREA
BOC 08/27/19**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

A community open house attended by approximately 126 people was held for this proposal in April 2019. Feedback on the proposal was generally positive and supportive, although some attendees expressed concerns about potential displacement or property tax impacts of the proposal.

At the July 24 Planning Commission hearing for the ordinance, two County residents expressed concerns about the need for pedestrian improvements in Aloha and a desire for increased code enforcement in the area. In addition, two comment letters were submitted. One letter, from a County resident, expressed support for the ordinance. The other, from Fair Housing Council of Oregon and Housing Land Advocates, requested deferral of ordinance adoption until Statewide Housing Goal 10 findings are submitted. Oral and written testimony is addressed in the staff report.

Legal History/Prior Board Action:

This ordinance proposes to implement land use recommendations from the Aloha Tomorrow Study's Final Report. The Board acknowledged the Aloha Tomorrow Study's Final Report in December 2017 via Resolution and Order 17-137.

The Board was briefed on this ordinance at the Aug. 20 Work Session

Budget Impacts: No budget impacts are anticipated from adoption of Ordinance No. 857.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 857

An Ordinance Amending the Comprehensive Framework Plan for the Urban Area, the Aloha-Reedville-Cooper Mountain Community Plan, and the Community Development Code to Adopt Pedestrian-Oriented Mixed-Use Districts and Apply Them in the Aloha Town Center Area

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

SECTION 1

A. The Board recognizes that the Comprehensive Framework Plan for the Urban Area (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, 764, 769, 771, 775, 785, 788-790, 796, 799, 802, 805, 809, 813-814, 820, 822, 828, 838, and 843.

B. The Board recognizes that the Aloha-Reedville-Cooper Mountain Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 292, 294, 344, 367, 418, 420, 471, 480, 551, 588, 610, 615, 620, 649, 653, 674, 683, 776, 783, 785, and 799.

C. 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,

1 356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-
2 423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-
3 481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561,
4 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624,
5 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669, 670, 674, 676-677,
6 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739,
7 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-
8 811, 813-815, 820, 822-824, 826-828, 831-837, 840-842, and 845-847.

9 D. The Board recognizes that amendments to several elements of the
10 Comprehensive Plan are necessary to implement the recommendations arising from the Aloha
11 Tomorrow Study, which was acknowledged by the Board via Resolution and Order No.
12 17-137 on December 19, 2017. The proposed amendments to the Comprehensive Plan
13 encourage pedestrian-oriented and public transit-supportive development within and near
14 clusters of commercial or higher density residential uses. These amendments are for the
15 benefit of the health, safety, and general welfare of the residents of Washington County,
16 Oregon.

17 E. Under the provisions of Washington County Charter Chapter X, the
18 Department of Land Use and Transportation has carried out its responsibilities, including
19 preparation of notices, and the County Planning Commission has conducted one or more
20 public hearings on the proposed amendments and has submitted its recommendations to the
21 Board. The Board finds that this Ordinance is based on those recommendations and any
22 modifications made by the Board, as a result of the public hearings process.

1 F. The Board finds and takes public notice that it is in receipt of all matters and
2 information necessary to consider this Ordinance in an adequate manner and finds that this
3 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
4 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
5 County Charter, the Washington County Community Development Code, and the Washington
6 County Comprehensive Plan.

7 SECTION 2

8 The following exhibits, attached hereto and incorporated herein by reference, are
9 adopted as amendments to the designated documents as follows:

10 A. Exhibit 1 (3 pages), amends the Comprehensive Framework Plan for the
11 Urban Area, Policy 18, Plan Designations and Locational Criteria for Development.

12 B. Exhibit 2 (8 pages), amends the Tualatin Valley Highway Corridor Subarea
13 and the Transportation section of the Aloha-Reedville-Cooper Mountain Community Plan,
14 and amends or adopts the following maps:

- 15 1. Community Plan Map – Land Use Districts;
- 16 2. Community Plan Map – Areas of Special Concern; and
- 17 3. Community Plan Map – Pedestrian Connectivity.

18 C. Exhibit 3 (24 pages), amends the Community Development Code:

- 19 1. Section 392 – Pedestrian-Oriented Mixed-Use Districts.

20 D. Exhibit 4 (17 pages), amends the Community Development Code:

- 21 1. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 22 2. Section 404 – Master Planning;

3. Section 407 – Landscape Design;
4. Section 411 – Screening and Buffering;
5. Section 413 – Parking and Loading;
6. Section 414 – Signs;
7. Section 430 – Special Use Standards;
8. Section 435 – Variances and Hardship Relief; and
9. Section 440 – Nonconforming Uses and Structures.

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

1 or sections, and making any technical changes not affecting the substance of these
2 amendments as necessary to conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect on November 28, 2019.

5 ENACTED this 27 day of August, 2019, being the 1st reading
6 and 1st public hearing before the Board of County Commissioners of Washington
7 County, Oregon.

8 **ADOPTED**

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

9
10 *Kathryn Harrington* 08/28/19
11 CHAIR KATHRYN HARRINGTON

12 *Quincy*
RECORDING SECRETARY

13 READING

PUBLIC HEARING

14 First August 27, 2019
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

First August 27, 2019
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

18 VOTE: Aye: 5

Nay: 0

19 Recording Secretary: *Quincy*

Date: 8.27.19

Policy 18 (Plan Designations and Locational Criteria for Development) of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

POLICY 18, PLAN DESIGNATIONS AND LOCATIONAL CRITERIA FOR DEVELOPMENT

It is the policy of Washington County to prepare community plans and development regulations in accordance with land use categories and locational criteria contained in the Comprehensive Framework Plan.

Implementing Strategies

The County will:

- a. Utilize the land use classifications for the community planning program characterized in this section as plan designations. In determining the appropriate land use designations for community land, the location criteria should be utilized. Through the preparation of community plans the application of the plan designations may deviate from the general characterizations of those designations. Such deviations shall be characterized in the community plans.
- b. Incorporate the plan designations characterized in this section into the Development Code as land use districts. A precise definition of the use types permitted within each district and their development standards shall be contained within the regulations. These regulations will be developed, with citizen input, concurrently with the development of the community plans.

Neighborhood Commercial (NC)

Characterization: This district provides for small to medium-sized shopping facilities, including food markets, up to 35,000 square feet in gross floor area, and limited office use. Food markets with between 35,000 and 50,000 square feet in gross floor area may be allowed in the district consistent with quasi-judicial public review procedures and criteria established in the Community Development Code.

The intent is to provide for the shopping and service needs of the immediate urban neighborhood and as such should be readily accessible by car and foot from the surrounding neighborhoods. The scale, operation and types of uses permitted in this district are in keeping with the neighborhood character and the capacity of public facilities and services. The principal tenant is likely to be a food market.

Location Criteria: The precise location of these uses should be jointly determined by market factors and the community planning process. Generally, they should be located at Collector and or Arterial intersections and at intervals a mile apart. These uses may be grouped on sites of up to 10 acres.

Community Business (CBD)

Characterization: Commercial centers in this district are intended to provide the community with a mix of retail, service and business needs on a medium to large scale within a mixed use planned development. Medium and high density residential uses, as well as various office and institutional uses, may be permitted. As the need for regional shopping centers is adequately provided for in existing or planned facilities, the location of any new regional scale shopping centers or major department stores larger than

50,000 square feet, must undergo public review and demonstrate need. Commercial activities within this district occur almost entirely within enclosed buildings.

Location Criteria: The exact location of CBD sites should be jointly determined by market factors and the community planning process with consideration of existing land use patterns. Generally, a Community Business District location should be at an Arterial intersection and on a transit route. The distance between a Community Business District and any other commercial center should be between 2 and 5 miles depending on market area and population density.

Transit-Oriented Districts

The land use districts described below are intended for application in station communities and town centers, and along main streets and corridors, as defined by the Metro 2040 Growth Concept. The land use and design provisions of these districts shall direct and encourage development that is transit oriented. Transit-oriented development generally has the following characteristics:

- designed to encourage people to walk;
- contains a mix of land uses;
- density consistent with the type of transit service provided to the area;
- interconnected to the street system;
- includes narrowed neighborhood streets; and
- designed to accommodate transit stops and access.

Each of the following transit-oriented districts addresses these characteristics through its land use and design provisions:

Pedestrian-Oriented Mixed-Use Districts

The land use districts described below are intended for application in areas that are generally within a half-mile of clusters of businesses and/or higher-density residential areas, and/or proximate to Arterial or Collector streets, and/or within Metro 2040 designated Town Centers or Transit Corridors. The land use provisions and development standards of these districts shall encourage development that is pedestrian-oriented and transit-supportive.

Each of the following districts addresses pedestrian-oriented and transit-supportive characteristics through its land use provisions and development standards:

Community Core Mixed-Use District (CCMU)

Characterization: The CCMU District is intended to provide the community with a mix of commercial and high density residential uses on a medium-to-large scale. Various office and institutional uses may also be permitted. The district has pedestrian-oriented development standards that include locating buildings and building entrances close to streets, and locating off-street parking to the side or rear of buildings.

Location Criteria: The specific location of CCMU District sites should be jointly determined by market factors and the community planning process, with consideration of existing land use patterns. Generally, a CCMU District location should be within an existing or planned cluster of commercial and/or higher-density residential uses located near an Arterial or Collector street, near a Transit Corridor, or within a Town Center.

Neighborhood Mixed-Use District (NMU)

Characterization: The NMU District is intended to serve as a transitional district between larger-scale, more intensive commercial or mixed-use districts, including the CCMU District, and less intensive, smaller-scale residential districts. The NMU District provides a mix of residential and commercial uses at a density and intensity that is lower than that of the CCMU District. Various office and institutional uses

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may also be permitted. The district has pedestrian-oriented development standards that include locating buildings and building entrances close to streets, and locating off-street parking to the side or rear of buildings.

Location Criteria: The specific location of NMU District sites should be jointly determined by market factors and the community planning process, with consideration of existing land use patterns. Generally, an NMU District location should be between a more intensive commercial or mixed-use district and a residential district, to serve as a transition area, though it might be appropriate in other locations on a case-by-case basis.

Plan Designations in the North Bethany Subarea

The following plan designations shall only be used in the North Bethany Subarea. Plan designations shall be located consistent with the North Bethany Subarea Plan of the Bethany Community Plan.

The Tualatin Valley Highway Corridor Subarea and the Transportation section of the ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN are amended to reflect the following:

Tualatin Valley Highway Corridor

This area extends along the length of the Tualatin Valley Highway as it passes through the planning area. The area's boundaries are generally Johnson Street on the north and Blanton Street on the south, although the area extends further south near the intersection of the Tualatin Valley Highway and 185th Avenue. The area's boundaries overlap significantly with the Aloha Town Center designation, which was adopted into the County's Comprehensive Framework Plan for the Urban Area (CFP) to comply with Metro's 2040 Growth Concept. The location and extent of the Aloha Town Center designation is shown on the Town Center Boundaries Map of CFP Policy 40, Regional Planning Implementation. The east and west boundaries of the Aloha Town Center designation correspond with the east and west boundaries of this area, but its north and south boundaries extend slightly outside of this area.

Most of this area is planned for more intensive development such as stores, offices, industries and higher density residences. The most intensive development is concentrated in the Community Business District (CBD) along Tualatin Valley Highway, ~~which. The district~~ extends in an east-west direction on the north side of the highway between SW 170th and 209th, and the Community Core Mixed-Use (CCMU) District at the intersection of SW 185th Avenue and Tualatin Valley Highway.

In 2011, approximately 1,063 acres west of SW 209th Avenue were added to the Regional Urban Growth Boundary (UGB) through Metro Ordinance 11-1264B and confirmed by legislation in 2014 through House Bill 4078. Of this total acreage, 154 acres ~~were~~ included in the Tualatin Valley Highway Corridor Subarea ~~and with the remainder were in the Central Residential Area Subarea. The existing land use of the added lands is agricultural. The City of Hillsboro completed the planning for these added lands in compliance with Title 11 of Metro's Urban Growth Management Functional Plan. These newly-added areas are designated FD-20 until annexation occurs by the City of Hillsboro; the city is annexing these lands incrementally. Planning for this area shall be consistent with the requirements of the Comprehensive Framework Plan for the Urban Area and Title 11 of Metro's Urban Growth Management Functional Plan.~~

In 2014, the County completed the Aloha-Reedville Study and Livable Community Plan, which provided broad land use and transportation recommendations for the entire Aloha-Reedville area. In 2017, the County completed the Aloha Tomorrow Study, which examined a smaller focus area within the Aloha Town Center and provided more specific land use recommendations for that area. That smaller focus area is wholly within the Tualatin Valley Highway Corridor Subarea, and is addressed in Area of Special Concern No. 3A.

To the immediate south of the CBD ~~and CCMU~~ districts, properties fronting on SW 185th Avenue are designated Office Commercial to buffer nearby residential areas from traffic impacts. Properties along the south side of Tualatin Valley Highway, south of the Southern Pacific right-of-way, are generally designated either mixed-use, high density (25 or more units per acre) residential, or industrial, depending on existing development commitments.

Neighborhood Commercial sites are located at the SW 198th and Shaw intersection and the SW 219th and Tualatin Valley Highway intersection. Commercial development on these sites, which are over a mile from other neighborhood commercial areas, is designed to serve residences planned on surrounding properties.

With the exception of existing subdivisions, much of the area between SW Alexander and Johnson Streets is planned for higher-density residences due to the proximity to the CBD and CCMU districts ~~Community Business District~~ and good traffic and transit access. The eastern portion of this corridor between SW 160th and the Beaverton city limits contains large, undeveloped parcels that have been developed which are designated for with higher-density residential uses, consistent with their higher-density residential designation. These parcels have good access to Tualatin Valley Highway and are close to a large TriMet park and ride facility which is currently scheduled for construction.

This should offer excellent access to public transit. ~~Additionally, this portion of the corridor is very close to the St. Mary's property, where future development will generate considerable employment.~~ Existing employment-intensive industries such as Tektronix, Intel, Floating Point Systems, and Nike, and the St. Mary's Regional Park site are also nearby.

Area of Special Concern No. 3. This area is contiguous with Area of Special Concern No. 2, and shares similar design and development issues. These issues are magnified here because the planned densities are higher (R-15 and R-24 designations) and the points of interface with existing low density residential developments are more numerous. Given these same concerns, the design elements applied to Area No. 2 shall also be applicable here.

Area of Special Concern No. 3A. This area, which represents a smaller focus area of the larger Aloha Town Center designation in the CFP, was the subject of the County's Aloha Tomorrow Study (2017). Properties within this area have Pedestrian-Oriented Mixed-Use District designations of Community Core Mixed-Use (CCMU) District and Neighborhood Mixed-Use (NMU) District. These designations are intended to encourage pedestrian-oriented and transit-supportive development, and a vibrant mix of residential, commercial and institutional land uses.

The Aloha Tomorrow Study recommended that the segment of SW Alexander Street between SW 178th Avenue and SW 192nd Avenue be improved to function as a "main street" for the area. The study's recommended conceptual design for this Alexander Street segment included on-street parking. The presumption is that when this Alexander Street segment is improved in the future, there will be on-street parking on both sides of the street. Details on the design of this Alexander Street segment will be determined as part of future improvements to the street.

The ASC 3A requirements described below (Primary Frontages and Prominent Corners) both relate to the goal of promoting this segment of Alexander Street as a "main street" for the area, with a mix of residential and commercial uses along both sides of the street and buildings located close to the street.

Primary Frontages:

The segment of SW Alexander Street between SW 178th and SW 192nd Avenues is designated as a Primary Frontage.

For through lots with frontage on SW Alexander Street, proposed development shall, at a minimum, comply with the CDC Pedestrian-Oriented Mixed-Use Districts development standards and street frontage occupancy requirements on the Primary Frontage (Alexander Street).

Prominent Corners:

The SW Alexander Street corner sites listed below are highly visible within this "main street" area, and are well-positioned to activate and add interest to the street's pedestrian realm. These corner sites are designated as Prominent Corners, and are subject to the CDC Pedestrian-Oriented Mixed-Use Districts development standards for Prominent Corners.

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- a. Alexander Street at SW 178th Avenue (northwest and southwest corners only)
- b. Alexander Street at SW 182nd Avenue (all four intersection corners)
- c. Alexander Street at SW 185th Avenue (all four intersection corners)
- d. Alexander Street at SW 187th Avenue (all four intersection corners)
- e. Alexander Street at SW 192nd Avenue (northeast and southeast corners only)

Area of Special Concern No. 4. Properties within this area are planned for redevelopment to a residential density of up to 24 units per acre. Since much of the area consists of relatively small lots, general design element No. 17 shall be strictly applied here.

Area of Special Concern No. 5. Properties within this area are primarily designated for higher density residential development at up to 24 units per acre. Due to the large number of small parcels in the area, general design element No. 17 shall be strictly applied here.

Area of Special Concern No. 6. This area is planned for redevelopment to Office Commercial uses. Due to problems with lot depth and access management, the following design elements shall apply in this area.

- a. A maximum building height limited to 35 feet.
- b. Access shall be from adjacent local streets or combined driveways, to reduce traffic conflicts on 185th.

Transportation

Primary descriptions of Washington County's transportation system policies, strategies, facilities and services, including those serving the Aloha/Reedville/Cooper Mountain area, are contained in the adopted Washington County Transportation System Plan.

Pedestrian Connectivity Areas

Pedestrian connectivity areas are areas where pedestrian facilities are needed to improve local pedestrian connectivity. These are areas where the pedestrian facilities will connect neighborhoods and/or provide a more direct route for pedestrians to use. Each pedestrian connectivity area identifies the locations that are to be connected. The appropriate types of pedestrian facilities within these areas are sidewalks along streets, accessways, off-street trails, off-street pathways, or a combination of these facilities.

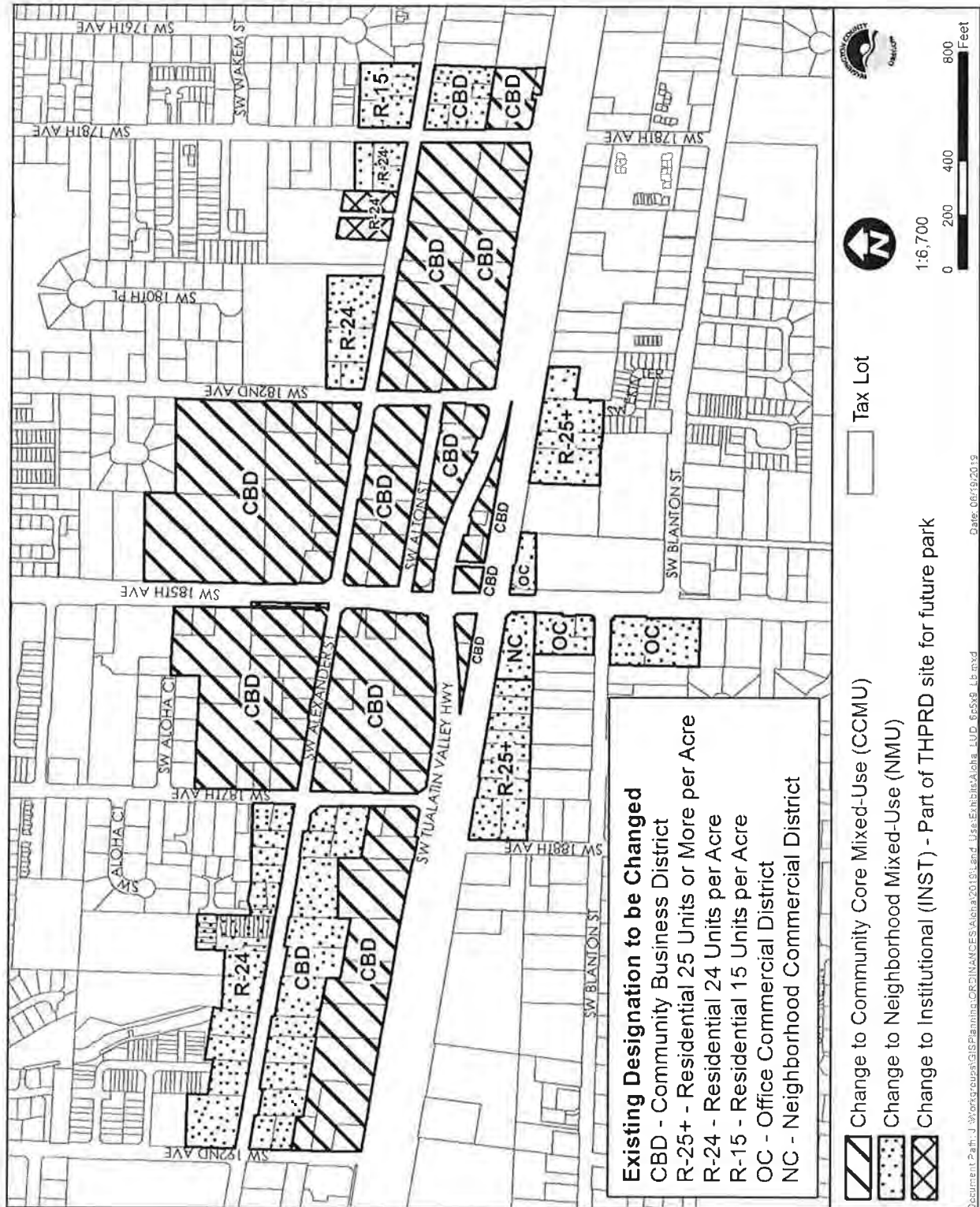
The pedestrian connectivity areas in this plan and their purpose are described below.

1. 106th Ave. Neighborhood (North): Connect this section of the neighborhood to the BPA Powerline Easement (future trail location) by constructing an off-street pathway from 160th Ave. to the BPA Easement

2. 106th Ave. Neighborhood (South): Connect this section of the neighborhood to the BPA Powerline Easement (future trail location) by constructing an off-street pathway from 160th Ave. to the BPA Easement.
3. Arnold Park/185th Ave. Neighborhood: Connect Aloha Park Elementary School and Arnold Park to 185th by constructing an off-street pathway from 185th Ave. through Arnold Park to Aloha Park Elementary School.
4. 163rd Ave/Shelton Street Neighborhood: Connect 163rd Ave. to Shelton Street by constructing an off-street pathway.
5. Block bounded by SW Alexander Street, Tualatin Valley Highway, SW 187th Avenue and SW 192nd Avenue: Connect SW Alexander Street to Tualatin Valley Highway by constructing a north-south accessway through this block.

For pedestrian connectivity areas with shaded parcels, the entirety of each parcel where the pedestrian facility may be provided across is shown. For other pedestrian connectivity areas, a particular type of facility and its location is identified. Through the development review process, the appropriate type of facilities to be provided in these areas and their location will be identified, except in those areas where a specific facility is shown. The required pedestrian facilities shall be constructed as part of the development of the affected properties.

The 'Land Use Districts' Map is amended to reflect the following:



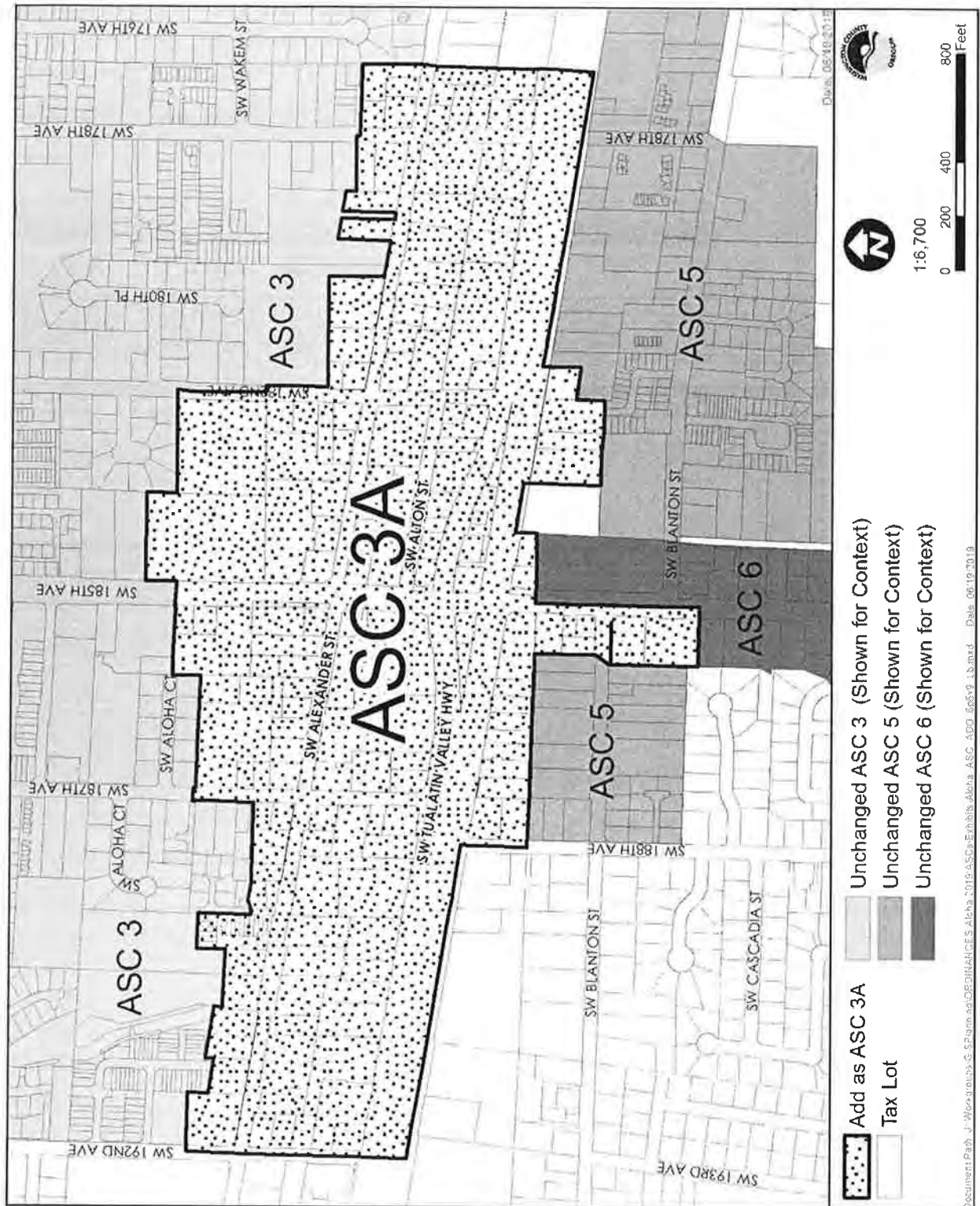
abcdef Proposed additions
 abcdef Proposed deletions

The 'Areas of Special Concern' Map is amended to reflect the following:



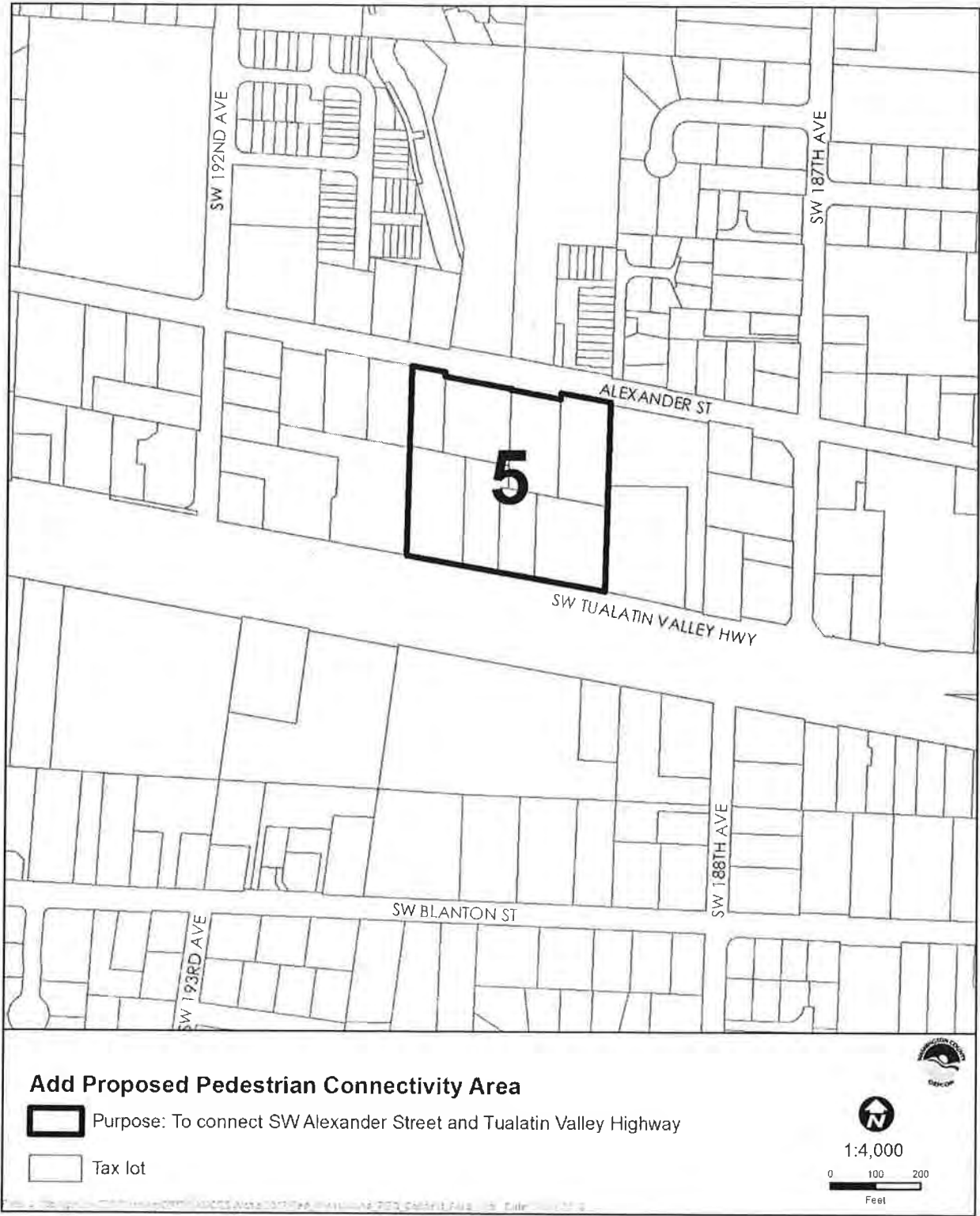
abcdef Proposed additions
 abcdef Proposed deletions

The 'Areas of Special Concern' Map is amended to reflect the following:



abcdef Proposed additions
 abedef Proposed deletions

The 'Pedestrian Connectivity' Map is amended to reflect the following:



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Section 392, Pedestrian-Oriented Mixed-Use Districts, is added to the COMMUNITY DEVELOPMENT CODE as shown below:

392 PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS

392-1 Intent and Purpose

The intent of the Pedestrian-Oriented Mixed-Use Districts is to encourage development that is pedestrian-oriented and transit-supportive in areas that are generally within a half-mile of clusters of businesses and/or higher-density residential areas, and/or proximate to arterial or collector streets, and/or within Metro 2040 designated Town Centers or Transit Corridors.

The purpose of Pedestrian-Oriented Mixed-Use Districts is to promote vibrant community hubs through a complementary mix of residential, commercial and institutional land uses, along with development standards that encourage people to walk, ride a bicycle, or use transit for a significant percentage of their trips.

392-2 Conflicts

Community Plan Subarea and Area of Special Concern requirements, and CDC Sections 404-5 (Flexible Design Option for Regulated Affordable Housing), 418-3 (Corner Vision), 421 (Flood Plain and Drainage Hazard Area Development), 422 (Significant Natural Resources), and 501-8.5 F (Sight Distance) shall prevail when there are conflicts with provisions of this Section.

In the event of a conflict between the requirements of this Section and requirements of any other provision of a community plan or the CDC, the requirements of this Section shall control.

392-3 Pedestrian-Oriented Mixed-Use District Names and Acronyms

The following are the Pedestrian-Oriented Mixed-Use Districts, by name and acronym, addressed by this section:

Community Core Mixed-Use District (CCMU)

Neighborhood Mixed-Use District (NMU)

392-4 Permitted Uses and Review Procedures

The table below identifies uses permitted in each of the Pedestrian-Oriented Mixed-Use Districts, and the land use procedure through which each use may be permitted. Land uses are classified into four categories: Permitted through a Type I procedure (I), Permitted through a Type II procedure (II), Permitted through a Type III procedure (III), or Prohibited (N).

abcdef Proposed additions

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italic Changes proposed through concurrent ordinance, shown for context only. Any change to the italicized language will not affect the proposed language of this ordinance, identified by regular text with underlining or strikethrough.

Type I, II, and III uses are permitted subject to the specific standards for the use set forth in the table and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the development standards of Article IV, and all other applicable standards of the Code.

Approval of Type II and III uses may be further conditioned by the Review Authority pursuant to Section 207-5.

Numerals enclosed in parentheses, such as (1), refer to applicable criteria or use restrictions listed in the table's Reference Key.

USE	DISTRICT	
	<u>NMU</u>	<u>CCMU</u>
<u>General:</u>		
<u>Expansion of any Type II or III use, or change of use, which meets all of the criteria listed in (1).</u>	<u>I (1)</u>	<u>I (1)</u>
<u>Tree Removal in areas identified in the applicable community plan as Significant Natural Resources, subject to Section 407-3</u>	<u>II</u>	<u>II</u>
<u>Residential Uses:</u>	<u>NMU</u>	<u>CCMU</u>
<u>Attached Dwelling Unit (see Section 392-7 for density requirements)</u>	<u>II</u>	<u>II</u>
<u>Detached Dwelling Unit - Section 430-37.1</u>	<u>I (2), II (3)</u>	<u>N</u>
<u>Group Care (includes Day Care Facility) - Section 430-53.1 through 430-53.3 and 430-53.5</u>	<u>II</u>	<u>II</u>
<u>Manufactured Home - Section 430-76</u>	<u>I (4)</u>	<u>N</u>
<u>Single-Family Accessory Dwelling Unit - Section 430-117.1</u>	<u>I</u>	<u>N</u>
<u>Commercial Uses:</u>	<u>NMU</u>	<u>CCMU</u>
<u>Commercial School - such as vocational, music, dance, martial arts</u>	<u>II</u>	<u>II</u>
<u>Convenience Grocery - Section 430-35</u>	<u>II</u>	<u>II</u>
<u>Food Market</u>	<u>II (5)</u>	<u>II</u>
<u>Hotel</u>	<u>N</u>	<u>II</u>

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<u>Mobile Food Site (Large) - Section 430-81</u>	<u>N</u>	<u>II</u>
<u>Personal Service Establishments (6)</u>	<u>II</u>	<u>II</u>
<u>Professional and Administrative Offices, and Service Businesses (7)</u>	<u>II</u>	<u>II</u>
<u>Retail Business (8)</u>	<u>II (9)</u>	<u>II (10), III (11)</u>
<u>Retail Marijuana Facility - Section 430-80</u>	<u>N</u>	<u>II</u>
<u>Special Recreation Use - Section 430-131</u>	<u>II</u>	<u>II</u>
<u>Theater, not including a drive-in theater</u>	<u>N</u>	<u>II</u>
<u>Institutional, Public Facility and Service, and Utility Uses:</u>	<u>NMU</u>	<u>CCMU</u>
<u>Bus Shelter - Section 430-23</u>	<u>I</u>	<u>I</u>
<u>Colocation of antennas, excluding those antennas exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109</u>	<u>I</u>	<u>I</u>
<u>Construction of a local street not in conjunction with a development application, or within existing right-of-way</u>	<u>II</u>	<u>II</u>
<u>Expansion of existing Telecommunication Facilities, including colocated antennas, not otherwise allowed through a Type I procedure pursuant to Section 430-109.5, or exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109</u>	<u>II</u>	<u>II</u>
<u>Membership Organization - Section 430-99</u>	<u>II</u>	<u>II</u>
<u>New Telecommunication Facilities with towers using Stealth Design to a maximum height of 100 feet and New Small Cell Facilities, excluding those facilities exempt pursuant to Sections 430-109.3 and 201-2 - Section 430-109</u>	<u>I</u>	<u>I</u>
<u>Nursery School - Section 430-121</u>	<u>II</u>	<u>II</u>
<u>Parks - Section 430-97</u>	<u>II</u>	<u>II</u>
<u>Public Building - Section 430-103</u>	<u>II</u>	<u>II</u>
<u>Public Utility - Section 430-105</u>	<u>III</u>	<u>II</u>

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<u>Recycle Drop Box - Section 430-113</u>	I	I
<u>Religious Institution - Section 430-116</u>	II	II
<u>Transit Center - Section 430-137</u>	II	II
<u>Accessory, Secondary and Temporary Uses and Structures:</u>	<u>NMU</u>	<u>CCMU</u>
<u>Accessory Uses and Structures - Section 430-1</u>	I	I
<u>Home Occupation, Type I - Section 430-63.1</u>	I	I
<u>Home Occupation, Type II - Section 430-63.2</u>	II	II
<u>Temporary Use, including Farmer's Market and Mobile Food Site (Small) - Section 430-135</u>	I	I
<u>Uses accessory and incidental to residential development, provided for the service and convenience of residents: clubhouse, meeting hall, day care facility, recreation center, gymnasium, and/or indoor swimming pool</u>	II	II

Reference Key:

- (1) To be eligible for approval through a Type I procedure, an expansion or change of use must meet all of the following: a) Is exempt from the application of the Public Facility Standards under Section 501-2; b) Is on an existing lot; c) Does not amend any previous approval or previous condition of approval; d) Is in compliance with all applicable standards of this Code; and e) Is not a Telecommunications Facility allowed through a Type II or III procedure.
- (2) Detached dwelling unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed 10,000 square feet in area.
- (3) Detached dwelling unit, not otherwise permitted per (2) above. See Section 392-7 for density requirements.
- (4) Manufactured home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed 10,000 square feet in area.
- (5) In the NMU District, a Food Market is limited to a maximum gross floor area of 35,000 square feet.

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- (6) Personal Service Establishments include, but are not limited to, laundry, dry cleaning, garment repair, barber and beauty shops, shoe repair, photographic studios, clothing rental establishments, and similar uses/establishments.
- (7) Professional and Administrative Offices and Service Businesses include, but are not limited to: offices for financial, insurance, and real estate businesses; medical or dental offices; veterinary offices without outdoor kennels; and service businesses (e.g., collection agencies, business management services, photocopying, building services such as cleaning, and notary public and similar services).
- (8) Retail Business includes businesses such as variety, hardware, drug, dry goods, clothing, book, office supply, and automotive parts stores and similar uses, as well as eating and drinking establishments.
- (9) In the NMU District, a Retail Business is limited to a maximum gross floor area of 10,000 square feet per use.
- (10) In the CCMU District, a Retail Business with a maximum gross floor area of 50,000 square feet or less is subject to review through a Type II procedure.
- (11) In the CCMU District, a Retail Business with a maximum gross floor area that exceeds 50,000 square feet is subject to review through a Type III procedure.

392-5 Prohibited Uses

- 392-5.1 Uses in each of the Pedestrian-Oriented Mixed-Use Districts that are identified as prohibited uses in Section 392-4.
- 392-5.2 Structures or uses not specifically authorized by the applicable Pedestrian-Oriented Mixed-Use District, unless the structure or use has substantially similar use and impact characteristics to a listed use as determined through the provisions of Section 202-2.2.
- 392-5.3 Drive-in or Drive-up Establishments, including eating and drinking establishments and banks with drive-thru lanes - Section 430-41.
- 392-5.4 Indoor and/or Outdoor Marijuana Production - Section 430-80.
- 392-5.5 Motels.
- 392-5.6 Service Station and/or Car Wash - Section 430-123.

392-6 Change or Expansion of Existing Uses or Structures

- 392-6.1 Uses and structures prohibited in a Pedestrian-Oriented Mixed-Use District that were lawfully in existence at the time of application of the district are considered to be nonconforming uses and structures. Future expansions of nonconforming uses and

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structures shall comply with the provisions of CDC Section 440 (Nonconforming Uses and Structures).

392-6.2 The conversion of a single-family residential structure to an allowed nonresidential use shall be exempt from the requirements listed below, when the floor area expansion associated with the change in use does not exceed a maximum of 20%:

A. The following standards of Section 392-8, Dimensional Requirements:

- (1) Maximum Setbacks
- (2) Street Frontage Occupancy

B. The following standards of Section 392-9, Development Standards:

- (1) Building Entrances
- (2) Transparency
- (3) Weather Protection
- (4) Building Articulation
- (5) Prominent Corners

392-6.3 A building addition to an existing structure (other than conversion of a single-family residential structure in Section 392-6.2), or the addition of a new building on a site with an existing building, shall be exempt from the requirements listed below when the floor area expansion associated with the addition or the new building is limited to a one-time maximum of 20% or 3,000 square feet, whichever is less:

A. The following standards of Section 392-8, Dimensional Requirements:

- (1) Maximum Setbacks
- (2) Street Frontage Occupancy

392-6.4 When a building addition or the addition of a new building on a site with an existing building will result in a floor area expansion that exceeds the size threshold in Section 392-6.3 above, the building addition or the new building is subject to all of the dimensional requirements and development standards of Section 392.

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392-7 Density Requirements for Pedestrian-Oriented Mixed-Use Districts

Density requirements for development in each of the Pedestrian-Oriented Mixed-Use Districts are specified in the table below. Numerals enclosed in parentheses, such as (1), refer to applicable criteria as indicated in the Reference Key.

<u>DENSITY REQUIREMENT</u>	<u>DISTRICT</u>	
	<u>NMU</u>	<u>CCMU</u>
<u>When not in conjunction with a commercial use that is included in the same structure</u>	<u>Min. = 20 u/acre, Max. = 25 u/acre (1)</u>	<u>Min. = 20 u/acre, Max. = 40 u/acre (1)</u>
<u>When not in conjunction with a commercial use that is included in the same structure, and additional criteria are met</u>	<u>Min. = 26 u/acre, Max. = 40 u/acre (2)</u>	<u>Min. = 40 u/acre, Max. = 100 u/acre (3)</u>
<u>When in conjunction with a commercial use that is included within the same structure</u>	<u>No minimum density, Max. = 60 u/acre (3)</u>	<u>No minimum or maximum density requirement (4)</u>

Reference Key:

- (1) This density range is allowed when the development provides Required Outdoor Area that complies with the requirements of Section 307-7.5.
- (2) This density range is allowed when the development provides:
 - a) Required Outdoor Area that complies with the requirements of Section 307-7.5; and
 - b) A public pedestrian area (a plaza, patio, courtyard, or other space used for pedestrian activity and not for parking or vehicle circulation) between the street-facing building façade and the front lot line. The public pedestrian area shall have minimum 20-foot depth and width dimensions, and shall include at least three of the following five pedestrian amenities: bench(es), table(s) and chair(s), seat wall(s), fountain(s), or public art.
- (3) This density range is allowed when the development provides:
 - a) Required Outdoor Area that complies with the standards of Section 307-7.5; and

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b) 10% additional open space that complies with the standards of Section 404-4.5 B through G; and

c) A public pedestrian area that complies with the requirements of (b) above.

(4) This density range is allowed when the development provides:

a) Required Outdoor Area that complies with the standards of Section 307-7.5; and

b) 15% additional open space that complies with the standards of Section 404-4.5 B through G; and

c) A public pedestrian area that complies with the requirements of (2) above.

392-8 Dimensional Requirements for Pedestrian-Oriented Mixed-Use Districts

Dimensional requirements for development in the Pedestrian-Oriented Mixed-Use Districts are specified in the table below. Figure 392-1 provides an illustrative example of setbacks from street-facing lot lines and frontage occupancy.

In the event of a conflict between the dimensional requirements of this section and the dimensional requirements of Section 430 (Special Use Standards), the requirements of this section shall control.

Numerals enclosed in parentheses, such as (1), refer to applicable regulations or clarifications as indicated in the Reference Key.

<u>DIMENSIONAL REQUIREMENT</u>	<u>DISTRICT</u>	
	<u>NMU</u>	<u>CCMU</u>
<u>Lot Area, Minimum</u>	<u>6,000 square feet</u>	<u>6,000 square feet</u>
<u>Lot Width, Minimum Average</u>	<u>85 feet</u>	<u>85 feet</u>
<u>Lot Width at the Access Point, Minimum</u>	<u>40 feet</u>	<u>40 feet</u>
<u>Lot Depth, Minimum Average</u>	<u>50 feet</u>	<u>50 feet</u>
<u>Building Height, Minimum</u>	<u>N/A</u>	<u>N/A</u>
<u>Building Height, Maximum</u>	<u>65 feet (1)</u>	<u>100 feet</u>

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<u>Setbacks from street-facing front and side lot lines</u>	Minimum: <ul style="list-style-type: none"> • <u>Ground floor commercial or nonresidential use = zero feet</u> • <u>Ground floor residential use = 10 feet</u> Maximum: 20 feet (2)	
<u>Setbacks from interior side and rear lot lines</u>	<u>Zero feet (3)</u>	<u>Zero feet (3)</u>
<u>Street Frontage Occupancy</u>	<u>At least 50% of a site's street frontage(s) must be occupied by a building located no further than the maximum 20-foot setback. (2), (4)</u>	

Reference Key:

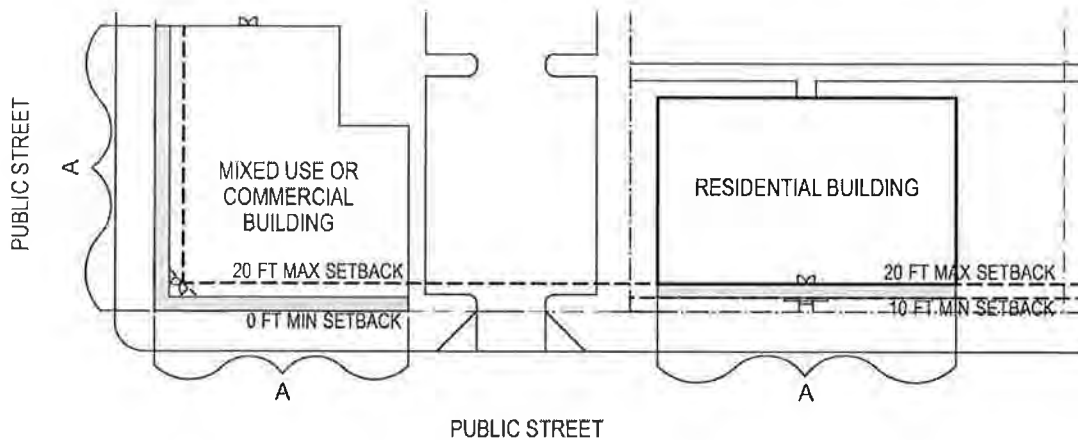
- (1) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may exceed the 65-foot building height limit to a maximum height of 80 feet.
- (2) For lots with existing buildings, the maximum setback and street frontage occupancy requirements do not apply to new buildings and building additions when the site has less than 25 linear feet of street frontage that does not contain a building within the maximum setback area.
- (3) No minimum interior yard setbacks are required except where abutting a residential district. Where abutting a residential district, the side and/or rear yard shall be no less than that required by the abutting district. Additional setbacks may be required as specified in Section 411.
- (4) Street frontage occupancy requirements for new development on sites with multiple frontages are addressed in Section 392-9.5, Sites with Multiple Street Frontages.

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Figure 392-1 Illustrative Example of Setbacks from Street-facing Lot Lines and Frontage Occupancy



A = MINIMUM 50% SITE FRONTAGE OCCUPIED BY A BUILDING
 SITE FRONTAGE OCCUPIED BY A BUILDING

392-9 Development Standards for Pedestrian-Oriented Mixed-Use Districts

The development standards listed below apply within the Pedestrian-Oriented Mixed-Use Districts. In addition, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Section 403-3.

392-9.1 Building Entrances

Buildings must have at least one primary entrance door facing a public sidewalk. The allowed entrance location includes a building corner.

392-9.2 Transparency

Transparency refers to the amount of glazing (such as windows and glass doors) on a building façade. High levels of transparency at the ground floor allow pedestrians to see into interior spaces, thereby creating a direct connection between public and private realms and engaging the interest of passersby. High transparency on building street-facing façades is appropriate for mixed-use areas with active commercial or nonresidential uses at the ground floor, but less so for multifamily buildings where privacy is more of a concern for residents.

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- A. Transparency is measured as a percentage of wall area. Ground floor transparency is measured as the wall area up to the finished ceiling height of the fronting space or 14 feet above finished grade, whichever is less. Upper floor transparency is measured as the wall area higher than 14 feet above finished grade.
- B. Visible transmittance (VT) is a measure of the amount of visible light transmitted through a material (typically glass).
- C. The transparency standards described in the table and E., below, are applicable to all street-facing building façades that are visible from the street and are not located behind other buildings.

<u>BUILDING USE AT GROUND FLOOR</u>	<u>DISTRICT</u>	
	<u>NMU</u>	<u>CCMU</u>
<u>Commercial or nonresidential</u>	<u>Ground floor: min. 40%</u> <u>Upper floors: min. 20%</u>	
<u>Residential</u>	<u>Ground floor: min. 25%</u> <u>Upper floors: min. 20%</u>	

- D. Figures 392-2 and 392-3 are illustrative examples of building façades meeting the transparency standards. The figures are not intended to depict specific required window configurations.
- E. Additional Transparency Standards:
- (1) All buildings with nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices, which may have tinted windows. A development application must include VT information from the manufacturer for all windows and glass doors on street-facing building façades.
 - (2) Minimum transparency is not required on building façades that do not face a street.

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Figure 392-2 Transparency Example for Commercial or Nonresidential Building

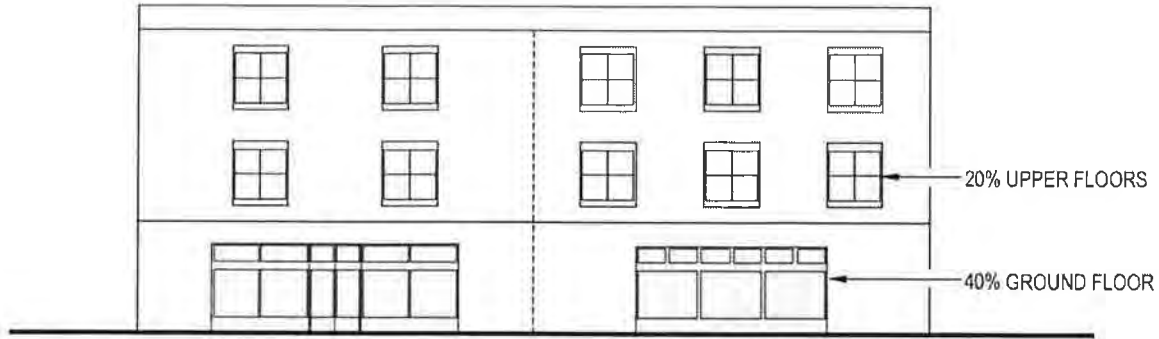
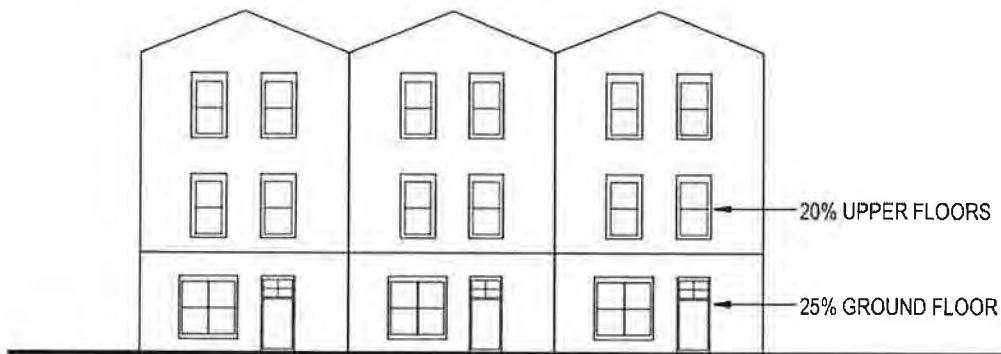


Figure 392-3 Transparency Example for Residential Building



392-9.3 Weather Protection

Weather protection such as awnings, canopies, and recessed entries enhance pedestrian comfort by providing protection against sun and rain. They can also provide visual interest and help define the ground level of buildings, while establishing a human scale for development.

- A. The weather protection standards described in the table and B., below, are applicable to all street-facing building façades that are visible from the street and are not located behind other buildings. Figures 392-4 and 392-5 provide illustrative examples of the standards.

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<u>BUILDING USE AT GROUND FLOOR</u>	<u>DISTRICT</u>	
	<u>NMU</u>	<u>CCMU</u>
<u>Commercial or nonresidential</u>	<u>Minimum 40% of building frontage</u>	
<u>Residential</u>	<u>Protection over all building entries</u>	

B. Additional Weather Protection Standards:

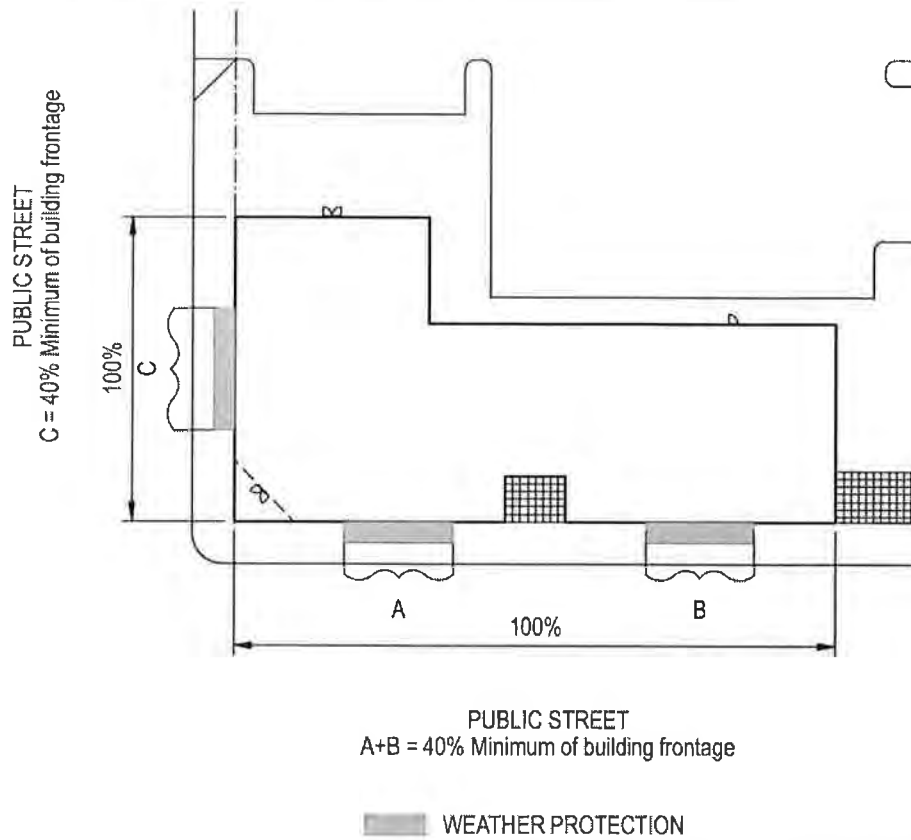
- (1) Weather protection may be provided by awnings, canopies, arcades, colonnades, recessed entries, or a combination of these elements.
- (2) Vertical clearance from the weather protection element to the sidewalk must be between 8 and 12 feet.
- (3) Awnings and canopies must project at least 5 feet from the building façade.
- (4) Awnings and canopies that extend over the right-of-way must meet the following additional standards:
 - (a) Must be removable, and are limited to those that are cantilevered or supported by wall-mounted brackets;
 - (b) Must not reduce the minimum sight distance below the thresholds in Section 501-8.5(F); and
 - (c) Require the approval and recordation of an Encroachment Agreement (Revocable Permit to Encroach Right-of-Way).
- (5) Balconies, arcades, colonnades, structural awnings or canopies, and awnings or canopies supported by ground-mounted poles shall not extend over or into the right-of-way.

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Figure 392-4 Weather Protection Example for Commercial or Nonresidential Building

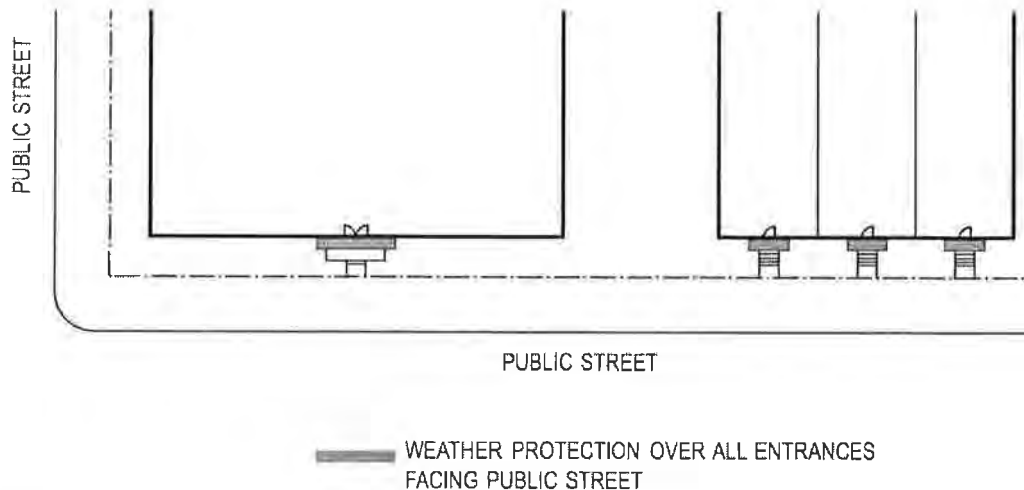


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Figure 392-5 Weather Protection Example for Residential Building



392-9.4 Building Articulation

Articulation is variation in architectural features that breaks up larger building fronts into smaller planes and masses. Articulation is key to creating visual interest, establishing a rhythm for pedestrians, and maintaining a human scale. Features that create articulation include windows, balconies, recesses, projections, roofline offsets, canopies, or changes in building material.

A. The building articulation standards listed below apply to all street-facing façades that are visible from the street and are not located behind other buildings. Figures 392-6 and 392-7 provide illustrative examples of the standards.

B. Façade Variation Standards:

- (1) Street-facing building façades shall be articulated with a minimum 2-foot horizontal change in building plane at least every 30 feet of the façade's length. This façade variation standard must be met for each building story.
 - (a) Façade variation features may, but are not required to, extend the full height of the building.
 - (b) The façade variation through change in building plane shall be provided through at least two of the following:

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- (i) Building projections at least 6 feet wide;
- (ii) Building recesses at least 6 feet wide;
- (iii) Upper level balconies (projecting or recessed) at least 6 feet wide;
- (iv) Front porch or stoop projections, at least 4 feet wide;
- (v) Recessed building entries at least 6 feet wide;
- (vi) Green walls (vertical surfaces designed and planted to be covered at maturity by plants to a minimum height of 10 feet; sometimes called "vegetated walls," "living walls," or "vertical gardens") at least 6 feet wide.

C. Roofline Articulation Standards:

- (1) Roofline articulation shall be accomplished by providing one of the following roofline or roof form elements at least every 30 feet: gables, dormers, offsets in ridgeline, stepped parapets, cornice lines, or changes in roofline elevation.
- (2) The distance between roofline articulation elements shall be measured from the center point of the element (for example, gable, dormer, offset) to the center point of the next roofline articulation element, or to the edge of the roof if that is the next closest break in the roofline.

D. Significant Recess Standards:

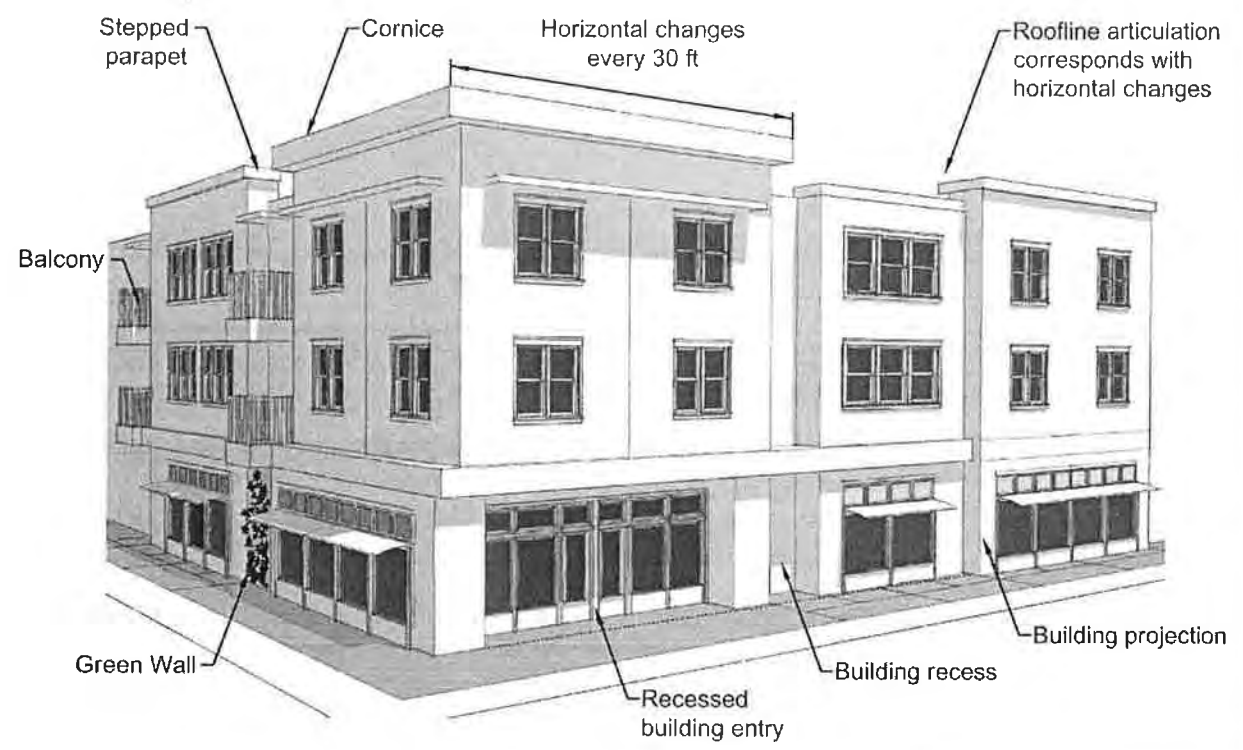
- (1) When the length of a building exceeds 200 feet, every 100 feet of building length requires a full building height recess that is at least 20 feet wide by 15 feet deep.

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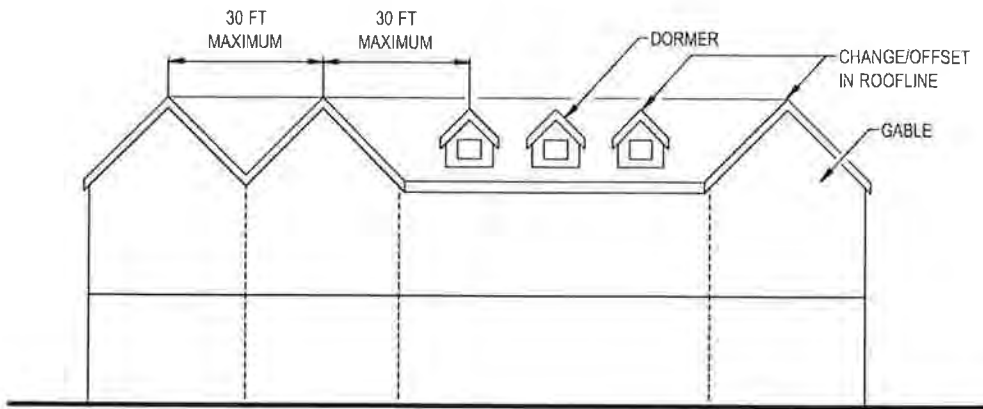
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Figure 392-6 Example Perspective of Facade Variation and Roofline Articulation



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Figure 392-7 Roofline Articulation Examples (Elevation)



392-9.5 Sites with Multiple Street Frontages

The following standards apply to new development on sites with multiple street frontages:

- A. Lot at the corner of two intersecting streets, or site having three or more street frontages:
- (1) The maximum setback and street frontage occupancy requirements in Section 392-8 must be met on all street frontages.
 - (2) The transparency, weather protection, and building articulation standards of Section 392-9 (Development Standards for Pedestrian-Oriented Mixed-Use Districts) must be met on all street frontages.
 - (3) One of the following must be located at each corner:
 - (a) A building; or
 - (b) A plaza space with pedestrian amenities and a landscape or hardscape design that incorporates at least two of the following features:

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- (i) Bench(es);
- (ii) Seat wall(s);
- (iii) Pavers or scored, patterned, textured, or colored concrete;
- (iv) Landscaping contained in planters or raised planter boxes;
- (v) Green wall on an adjacent building. A green wall, sometimes called a "vegetated wall," "living wall," or "vertical garden" is a vertical surface designed and planted to be covered at maturity by plants to a minimum height of 10 feet;
- (vi) Fountain;
- (vii) Public art.

B. Through lot with frontage on two streets:

- (1) At least one frontage must meet the maximum setback and street frontage occupancy requirements of Section 392-8, and the transparency, weather protection, and building articulation standards of Section 392-9 (Development Standards for Pedestrian-Oriented Mixed-Use Districts).
- (2) If the requirements and standards in (1) above are proposed to be met on only one frontage:
 - (a) The street frontage to which the requirements and standards must apply shall be determined by using the following priority hierarchy:
 - (i) A Primary Frontage as identified in the relevant community plan
 - (ii) If the community plan does not identify a Primary Frontage that applies to the site, the frontage to which the standards and requirements must apply shall be the frontage adjacent to the street with the higher functional classification. If both frontages are adjacent to streets with the same functional classification, the applicant may choose the frontage on which the requirements must be met.
 - (b) Along the other street frontage, a street edge treatment is required that includes the following:
 - (i) A wall or fence between 3 and 4 feet in height (excluding chain link fencing). The wall or fence may incorporate taller or overhead elements (e.g., trellises or pergolas) at locations

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along its length for interest and/or screening of particular uses (e.g., loading areas); and

- (ii) A minimum 8-foot wide landscape strip containing trees spaced not more than 30 feet on center, and a mix of shrubs and groundcover to provide a landscaped buffer.
- (iii) The wall or fence and the landscape strip are not required where they would obstruct vehicle or pedestrian access.

392-9.6 Prominent Corners

Highly visible corner sites that are designated as Prominent Corners in the relevant community plan are subject to the standards below. The standards are intended to distinguish the building corners on these sites from the rest of the block, with features that create focal points and establish a strong building edge for the street. Figures 392-8 and 392-9 provide illustrative examples of the standards.

A. Standards for Prominent Corners:

Buildings at Prominent Corners shall feature at least two of the treatments listed in options (1) - (5) below. The treatments shall have a minimum width of 10 feet along both of the intersecting building façades, measured from the building corner to the edge of the treatment option along each façade. (See Figure 392-9 for an illustration of the 10-foot minimum width measurement.)

- (1) Increase in building height at least 10% above the height of the remainder of the building.
- (2) Break in horizontal massing of at least 2 feet; this can be a projection or a recess. If the building has more than one story, the massing break must extend for at least two stories.
- (3) Distinct cornice treatment that is differentiated from the rest of the building roofline.
- (4) Chamfered or curved corner. A chamfered corner shall have a 45 degree corner cut and a 3-foot minimum depth. A curved corner shall have a 2-foot minimum rounded corner depth. (See Figure 392-9 for an illustration of the chamfered corner and curved corner minimum depths.)
- (5) Plaza space with a minimum area of 100 square feet, of which no dimension shall be less than 10 feet, with pedestrian amenities and a distinct landscape or hardscape design that incorporates at least two of the following features:
 - (a) Bench(es)

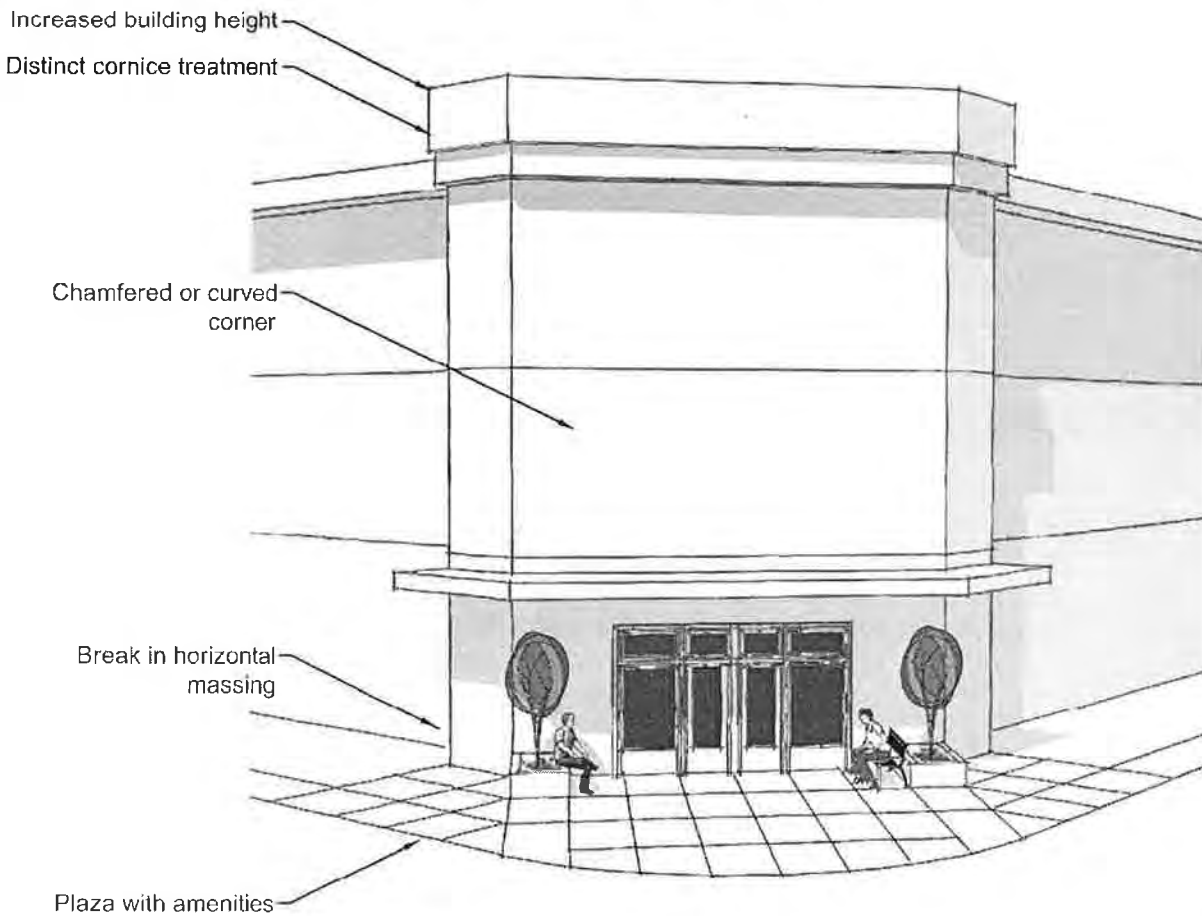
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- (b) Seat wall(s)
- (c) Pavers or scored, patterned, textured, or colored concrete
- (d) Landscaping contained in planters or raised planter boxes
- (e) Green wall on an adjacent building. A green wall, sometimes called a "vegetated wall," "living wall," or "vertical garden," is a vertical surface designed and planted to be covered at maturity by plants to a minimum height of 10 feet
- (f) Fountain
- (g) Public art

Figure 392-8 Examples of Prominent Corner Treatment Options (Elevation)

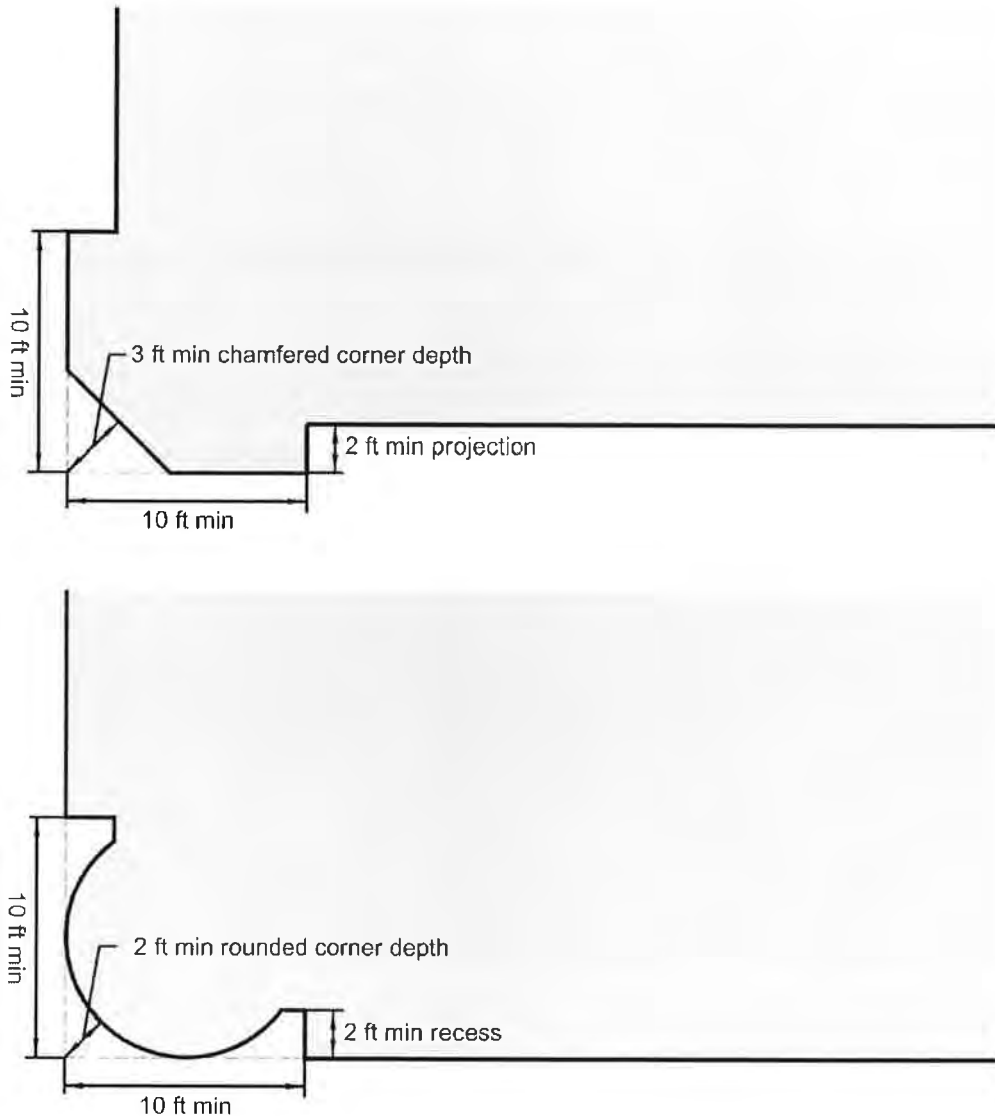


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Figure 392-9 Examples of Chamfered and Curved Corner Treatment Options (Plan View)



392-9.7 Off-Street Parking Location, Screening and Minimum Quantity

- A. Off-street parking in the Pedestrian-Oriented Mixed-Use Districts is subject to the requirements of Section 413 (Parking and Loading) as well as the specific location, screening and minimum quantity standards below. Figure 392-10 provides an illustrative example of the parking location standards.

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B. Parking Location:

- (1) All surface parking areas and vehicular circulation facilities shall be located to the side or rear of buildings.

C. Screening from Right-of-Way:

- (1) Screening requirements for through lots with frontage on two streets:

(a) Frontage(s) that are required to meet the maximum setback and street frontage occupancy requirements of Section 392-8 and the transparency, weather protection and building articulation standards of Section 392-9 (Development Standards for Pedestrian-Oriented Mixed-Use Districts), must comply with the screening requirements of C(2) below.

(b) A frontage that does not meet the requirements and standards in C(1)(a) above must provide screening that complies with the street edge treatment requirements for through lots in Section 392-9.5 B(2)(b).

- (2) Screening requirements for all other lots:

(a) A minimum 5-foot setback shall be provided between a surface parking area and an adjacent right-of-way.

(b) The screening treatment within the setback area shall be:

(i) A solid, low wall with a maximum 3-foot height, or

(ii) A landscape buffer consisting of shrubs and groundcover with a maximum 3-foot height at maturity.

D. Reduction of Minimum Off-Street Parking for Conversion of Single-Family Residential Structure Based on Limited Floor Area:

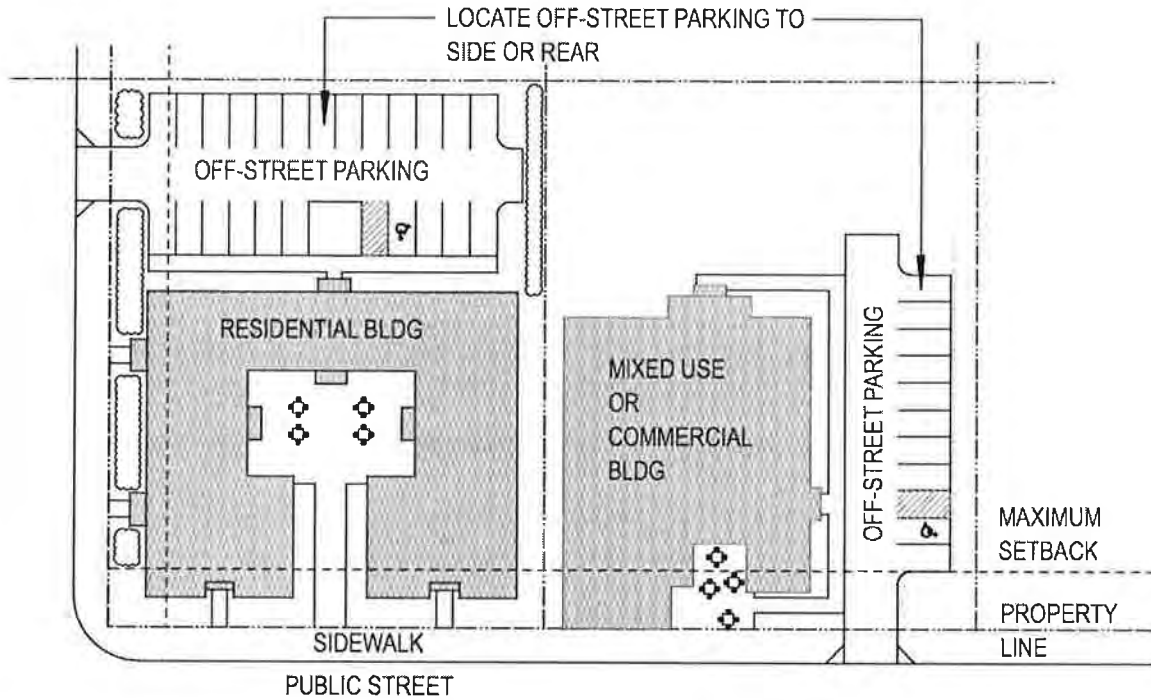
- (1) The minimum number of off-street parking spaces required by Section 413-6 for conversion of a single-family residential structure to an allowed nonresidential use may be reduced by up to 30% if the use has a total floor area of 2,000 square feet or less.

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Figure 392-10 Example of Parking Location



392-9.8 Signs

The standards of Section 414-3 (Signs - Mixed-Use Districts) shall apply to all permitted signage within the Pedestrian-Oriented Mixed-Use Districts.

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

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

307-1 Intent and Purpose

307-6 Density

307-6.1 The permitted density in the R-25+ District is as follows:

- A. R-25+ property which meets the general standards of the R-25+ District shall develop at no more than ~~twenty-five (25)~~ units per acre and no less than ~~twenty (20)~~ units per acre, except as otherwise specified by Section 300-2, 307-6.1 B., or 307-6.1 C.
- B. R-25+ property which meets the following criteria shall develop at no more than ~~forty (40)~~ units per acre and no less than 25 ~~thirty-two (32)~~ units per acre, except as otherwise specified by Section 300-2 or 307-6.1 C.
 - (1) The subject property is within ~~one-quarter (1/4)~~ mile of a Regular Bus Service route, Frequent Bus Service route or an Existing High Capacity Transit station and/or within a Pedestrian/Bicycle District as designated on the Transportation System Plan;
 - (2) The subject property is within ~~one-quarter (1/4)~~ mile of a developed Community Business District, Community Core Mixed-Use District, Neighborhood Mixed-Use District or Transit Oriented Retail Commercial District, or equivalent level in a city; and
 - (3) The subject property is within ~~one-half (1/2)~~ mile of an existing, approved, or planned facility with a current or projected minimum of ~~two hundred fifty (250)~~ employees.

2. SECTION 404 – MASTER PLANNING

404-4 Planned Development

The Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the ~~dedication provision of public common~~ or private open space. The Planned Development review process shall not be utilized in transit oriented districts ~~and/or~~ in the North Bethany Subarea ~~in~~ of the Bethany Community Plan. The Planned

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Development standards applicable to the North Bethany Subarea are in Section 390-17.

404-4.5 Standards for Required Open Space

Site design shall comply with the following standards for open space:

H. In the Community Business District, ~~and Office Commercial District~~, Community Core Mixed-Use District and Neighborhood Mixed-Use District, private open space provided in spaces such as individual yards, patios, balconies, rooftops, porches, or terraces may be counted toward up to 80 percent of the open space requirement in 404-4.5 A. (1) and (2), if they meet the criteria in 404-4.5 G. (1) and (2) above.

404-5 Flexible Design Option for Regulated Affordable Housing

This Flexible Design Option (Option) is intended to facilitate and encourage regulated affordable housing by allowing design flexibility and density bonuses.

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

- A. Residential density may be increased by up to 30 percent of the district maximum;
- B. For attached multifamily housing in districts where allowed, building height may be increased above the district maximum to the minimum extent needed to achieve allowed residential density, including any allowed density bonus.

In such districts where the CDC does not reflect a maximum density in units per acre (mixed-use projects that include attached units in CBD, CCMU, TO:RC or TO:BUS), however, no height increase shall be permitted that would result in any building over 100 feet tall.

404-5.5 In addition to those listed under 404-5.4, the following alternatives are available through the Flexible Design Option for Regulated Affordable Housing, subject to a Type III review:

B. Alternatives to strict compliance with certain standard(s) as follows:

- (1) In the R-9, R-15, R-24 and R-25+ districts, the applicant may propose alternatives to Building Façade standards of the district, which may be

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approved when the applicant provides written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented façade design.

- (2) In Transit Oriented districts, the applicant may propose alternatives to principles and standards of:
 - (a) Sections 431-5.3 A and B, regarding Building Façades, which may be approved when the applicant provides written findings and evidence demonstrating that the alternatives otherwise provide for pedestrian-oriented façade design in areas planned and developed to function as transit-oriented/station communities in nature.
 - (b) Sections 431-6.1 and 431-6.2, regarding Parking Areas, Garages and Parking Structures, which may be approved when the applicant provides written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented design in areas planned and developed to function as transit-oriented/station communities in nature.
- (3) In the CCMU and NMU districts, the applicant may propose alternatives to Section 392-9 (Development Standards for Pedestrian-Oriented Mixed-Use Districts), which may be approved when the applicant provides written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented façade design.
- (43) Findings/evidence to address requirements of (1), ~~or~~ (2), or (3), above, may include proof that another jurisdiction allows practices similar to the proposed alternative to address the intent. Any documentation and narrative, however, that clearly supports the adequacy of the alternative to address the intent of the original standard will be considered.

3. SECTION 407 – LANDSCAPE DESIGN

407-6 Parking Area Landscaping

- 407-6.1 The landscaping located within and adjacent to access roads and parking areas shall consist of a mixture of ground covers, shrubs and trees.
- 407-6.2 Landscaped areas shall be located to provide shade for parking lots and to create small clusters of parking.
- 407-6.3 In addition to pedestrian ways, parking areas and access roads shall be separated from the exterior wall of a structure with landscaping except where loading and access ways exist.

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- 407-6.4 A minimum five (5) foot landscape strip shall be created along any parking lot boundary, including access roads, except where the use of joint parking or a zero (0) setback is approved.
- 407-6.5 Landscape "islands" located within parking areas shall maintain a minimum width and length dimension of five (5) feet (see Section 407-1.6).
- 407-6.6 Entryways into parking lots shall be bordered by a minimum five (5) foot wide landscape strip.
- 407-6.7 Landscape plans that do not meet the minimum area standard through requirements intended to provide landscaping around buildings and in parking and loading areas, and screening and buffering as required under Section 411, are required to focus landscaping along pedestrian walkways linking on-site building(s) to the street in order to meet the minimum area standard.
- 407-6.8 In the Pedestrian-Oriented Mixed-Use Districts, the applicable screening requirements between a surface parking area and an adjacent right-of-way are those listed in Section 392.

4. SECTION 411 – SCREENING AND BUFFERING

411-1 Applicability

- 411-1.1 Screening and Buffering requirements are in addition to the setback requirements in residential and institutional districts and inclusive of the setback requirements in the commercial, mixed-use and industrial districts, as well as the setback requirements and design standards of the transit oriented districts, and shall be provided on the subject site at the time of development.

411-3 Determination of Screening and Buffering Requirements

- 411-3.1 To determine the type of Screening and Buffering required, the following procedure shall be used:
- A. Identify the primary district of the subject site by referring to the applicable Community Plan;
 - B. Identify the primary district(s) of the surrounding properties by referring to the applicable plan(s);
 - C. Determine the Screening and Buffering type by referring to the Screening and Buffering Matrix (Section 411-5); and
 - D. Determine the Screening and Buffering Standards by referring to the Screening and Buffering Standards (Section 411-6).

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411-3.2 Responsibility for Screening and Buffering:

- A. When a property is the first to develop adjacent to a vacant parcel, the first property shall provide the buffer identified in the vacant land use category as shown on the Screening and Buffering Matrix, Section 411-5.
- B. The second use to develop shall, at the time it develops, provide all additional plant materials, landscaping, and land necessary to provide total screening and buffering required by the Screening and Buffering Matrix for developed uses.
- C. Screening and buffering is not required when lots or parcels are separated by a public street or road.
- D. Where two adjacent developments in different districts are developed with the same housing type and maintain the same standards as the lower density district, the screening and buffering requirements may be reduced to the level of the lower density use through a Type II procedure when a recorded legal instrument (such as a deed restriction) insures that the lot and house type will remain the same as the lower density requirements for the life of development.

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411-5 Screening and Buffering Matrix
ADJACENT LAND USE DISTRICT

	DEVELOPED						
	R-5 R-6	R-9/R-15 TO:R9-12	R-24/R-25+ TO:R18-24	NC/OC TO:R18-24 <u>NMU</u>	CBD/GC TO:BUS TO:RC TO:R24-40 <u>CCMU</u>	IND TO:EMP TO:R40-80 TO:R80-120	Other ¹
R-5 R-6	0	1	2	2	3	3	
R-9/R-15 TO:R9-12	2	0	0	1	3	4	
R-24/R-25+ TO:R12-18	3	2	0	1	3	4	
NC/OC TO:R18-24 <u>NMU</u>	4	4	3	0	0	3	
CBD/GC TO:BUS TO:RC TO:R24-40 <u>CCMU</u>	5	4	4	0	0	1	
IND TO:EMP TO:R40-80 TO:R80-120	6	6	6	5	4	0	
Other ¹	to be determined by review authority						
	VACANT						
	R-5 R-6	R-9/R-15 TO:R9-12	R-24/R-25+ TO:R18-24	NC/OC TO:R18-24 <u>NMU</u>	CBD/GC TO:BUS TO:RC TO:R24-40 <u>CCMU</u>	IND TO:EMP TO:R40-80 TO:R80-120	Other ¹
R-5 R-6	0	1	2	2	3	3	
R-9/R-15 TO:R9-12	1	0	0	1	1	3	
R-24/R-25+ TO:R12-18	2	1	0	1	1	1	
NC/OC TO:R18-24 <u>NMU</u>	3	3	2	0	0	1	
CBD/GC TO:BUS TO:RC TO:R24-40 <u>CCMU</u>	4	3	3	0	0	0	
IND TO:EMP TO:R40-80 TO:R80-120	5	5	4	3	1	1	
Other ¹	to be determined by review authority						

¹When adjacent to the Urban Growth Boundary, City Limits or the Institutional District, the Screening and Buffering shall be determined by the Review Authority.

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411-5.1 The numbers in the Screening and Buffering Matrix refer to the Screening and Buffering Standards in Section 411-6.

411-6 Screening & Buffering Standards

	SCREENING & BUFFERING TYPE	REQUIRED PLANT UNITS PER 100 LINEAL FEET	ADDITIONAL SETBACK OPTIONS (IN FEET)	PLANT UNIT MULTIPLIER	STRUCTURE REQUIRED (SEE SECTION 411-7)
411-6.1	#1	2 Canopy trees 2 Understory trees	5.0	1.0	S-1
			7.5	0.8	None
			10.0	0.6	None
			12.5	0.4	None
411-6.2	#2	2 Canopy trees 4 Understory trees	5.0	1.0	S-1
			7.5	0.8	S-1
			10.0	0.6	S-1
			12.5	0.4	S-1
411-6.3	#3	4 Canopy trees 4 Understory trees 10 Shrubs	10.0	1.0	S-2
			15.0	0.8	S-2
			20.0	0.6	S-1
411-6.4	#4	5 Canopy trees 10 Understory trees 15 Shrubs	15.0	0.9	S-3
			20.0	1.0	S-2
			25.0	0.8	None
			30.0	0.6	None
411-6.5	#5	6 Canopy trees 9 Understory trees 36 Shrubs 18 Evergreen /conifer trees	25.0	0.6	S-4
			30.0	0.75	S-3
			40.0	1.0	B-2 or S-2
			50.0	0.8	B-1 or S-2
			75.0	0.6	None
411-6.6	#6	10 Canopy trees 15 Understory trees 60 Shrubs 30 Evergreen /conifer trees 30 Evergreen /conifer trees	40.0	0.6	BW3
			75.0	0.8	BW2
			100.0	1.0	BW1 or S-4
			115.0	1.0	None
			125.0	0.8	None

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5. SECTION 413 – PARKING AND LOADING

413-3 Off-Street Parking Lot Design

413-3.7 Motorcycle Parking:

A maximum of five (5) percent, not to exceed five (5) motorcycle parking spaces total, shall be allowed to count toward the minimum off-street parking requirements of Section 413-6.1.

413-3.8 Pedestrian-Oriented Mixed-Use Districts, parking location:

In the Pedestrian-Oriented Mixed-Use Districts (Section 392), all off-street parking areas and vehicular circulation facilities shall be located to the side or rear of buildings.

413-8 Reduction of Minimum Off-Street Parking

The minimum number of off-street parking spaces required by Section 413-6.1 may be reduced through the application of Sections 413-8.1 through 413-8.7. The total cumulative reduction to minimum off-street parking for non-residential developments shall not exceed fifty (50) percent of the required minimum spaces, except as allowed by Section 413-8.6. The total cumulative reduction to minimum off-street parking for residential developments shall not result in a ratio below one-half (0.5) spaces per unit, except as allowed by Section 413-8.6.

413-8.6 Reduction of Minimum Off-Street Automobile Parking Based on a Parking Analysis

- A. The Review Authority may approve through a Type II procedure a reduction of up to one hundred (100) percent of the off-street parking minimums based on a parking analysis which substantiates the basis for the parking reduction. The parking analysis shall ensure that the parking requirements are adequate for each phase of development including the ultimate development scenario.

413-8.7 Reduction of Minimum Off-Street Automobile Parking in the Pedestrian-Oriented Mixed-Use Districts

In the Pedestrian-Oriented Mixed-Use Districts (Section 392), a development proposal that complies with the standards of Section 392-9.7.D may qualify for a reduction in the minimum number of off-street parking spaces as described in that section.

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6. SECTION 414 – SIGNS

The following sign regulations shall apply to all uses as indicated.

414-1 Residential Districts

414-2 Commercial and Institutional Districts

414-2.1 Scope:

This Section shall apply to all Commercial Districts and the Institutional District.

414-2.2 Number and Size:

For each lot or parcel, signing at the listed size may be allowed:

- A. In the Neighborhood Commercial (NC), Office Commercial (OC), Institutional (INST), Neighborhood Corner Commercial (NCC NB), Neighborhood Commercial Mixed Use (NCMU NB), and Institutional North Bethany (INST NB) districts, except as otherwise required within standards for the particular district or use, signs shall not exceed thirty-five (35) square feet.
- B. In the Community Business District (CBD), General Commercial (GC) and Rural Commercial (R-COM) districts, signs shall not exceed the following area requirements:

Traffic Speed Allowed (mph)	Number of Traffic Lanes	Maximum Area Per Face (sq.ft.)
30 or less	3 or less	32
35 and over	3 or less	50
30 or less	4 or more	40
35 and over	4 or more	72

414-2.6 Illumination:

Shall be as provided in Section 414-76.

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414-3 Pedestrian-Oriented Mixed-Use Districts

414-3.1 Scope:

This section shall apply to the Pedestrian-Oriented Mixed-Use Districts (Section 392).

A. The standards of Section 414-2 (Signs - Commercial and Institutional Districts) shall apply, with the additional specifications and prohibitions stated below.

- 1) In the CCMU District, sign size shall comply with the requirements of Section 414-2.2.B.
- 2) In the NMU District, sign size shall comply with the requirements of Section 414-2.2.A.
- 3) Ground-mounted monuments or site entry markers up to 15 feet in height may be approved subject to the following:
 - a) Total area and volume of the portion of the monument or marker incorporating sign letters shall not exceed 45 square feet or 90 cubic feet; and
 - b) Position of the monument or marker shall not obscure roadway visibility or result in potential traffic hazard(s) as may be determined by the County Engineer.
- 4) Prohibited signs:
 - a) Free-standing signs (e.g., pole-mounted signs) as defined in Section 106-193.4;
 - b) Other signs prohibited under Section 414.

414-43 Industrial

414-43.1 Scope:

This Section shall apply to the Industrial District.

414-43.2 Number and Size:

414-43.3 Location:

Shall be as provided in Section 414-2.3.

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414-~~43~~.5 Illumination:

Shall be as provided in Section 414-~~76~~.

414-~~54~~ Agriculture and Forestry Signs

414-~~54~~.1 Scope:

414-~~54~~.2 Size:

414-~~54~~.3 Location:

414-~~54~~.4 Illumination:

As provided in Section 414-~~76~~.

414-~~54~~.5 Maximum number of signs:

414-~~65~~ Exemptions and Supplemental Criteria

414-~~65~~.1 Temporary Signs:

414-~~65~~.2 Bench Signs:

414-~~65~~.3 Directory Signs are permitted when the maximum total area does not exceed one hundred (100) square feet. Directory signs shall not front on any public street.

414-~~6.45~~-7 Integral Signs

414-~~6.55~~-8 Private Traffic Direction:

Signs directing vehicular, bicycle, and/or pedestrian traffic movement onto a premise or within a premise, not to exceed five (5) square feet in area for each sign. Illumination of these signs shall be in accordance with Section 414-~~76~~. Horizontal directional signs flush with paved areas are exempt from these standards.

414-~~6.65~~-10 Street Banners for Public Events (Temporary)

414-~~6.75~~-11 Original Art Display

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414-76 Illumination

No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

414-76.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

414-76.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.

414-76.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:

414-76.4 Digital billboards allowed pursuant to Section 414-2.2 G shall:

414-87 Prohibited Signs

Signs or lights which:

414-87.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

414-87.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

414-87.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;

414-87.4 Are roof signs ~~except as allowed in Section 414-5.4;~~

414-87.5 Are freeway-oriented signs; and

414-87.6 Are portable signs.

414-98 Procedures

Applications for a sign permit shall be processed through a Type I procedure.

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414-109 Nonconformity and Modification

Except as provided in Section 414-109.2 of this Chapter, signs in existence on the date of adoption of this Code, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained shall be regarded as nonconforming.

414-109.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years.

414-109.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code shall be removed on or before November 6, 1983, as was provided for purposes of amortization in Article II of the former Community Development Ordinance.

414-109.3 Nonconforming outdoor signs under the provisions of Section 414-109 in conformance with ORS Chapter 377 shall not be considered to be nonconforming signs requiring removal. This provision applies to signs on all highways. Removal of such outdoor signs shall be only as provided by Oregon Revised Statutes.

414-1140 Compliance

Any sign which is altered, relocated, replaced or shall be brought immediately into compliance with all provisions of this Code.

7. SECTION 430 – SPECIAL USE STANDARDS

430-109 Telecommunication Facilities

The standards of this Section apply to all telecommunication facilities except as otherwise provided in Sections 201-2 and 430-109.3.

430-109.2 Telecommunication Facility Definitions

Terms and definitions that apply throughout the Community Development Code are found in Section 106. Following are definitions for the terms found in Section 201-2.30 and Section 430-109:

Non-Residential Land Use Districts. FD-20, FD-10, NC, OC, CBD, GC, IND, INST, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND, NCC NB, NCMU NB, INST NB and MAE.

Residential Land Use District. R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, CCMU, NMU, AF-5, AF-10 and RR-5.

abcdef Proposed additions

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italic Changes proposed through concurrent ordinance, shown for context only. Any change to the italicized language will not affect the proposed language of this ordinance, identified by regular text with underlining or strikethrough.

430-117 Single Family Accessory Dwelling Unit

430-117.1 A single-family accessory dwelling unit may be provided in conjunction with a detached single-family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, R-9 NB, R-15 NB, TO:R9-12, TO:R12-18, and TO:R18-24 and NMU Districts, when the following standards are met:

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. See Figures 1.1 through 1.3 for examples of Accessory Dwelling Units;
- B. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:

8. SECTION 435 – VARIANCES AND HARDSHIP RELIEF

435-1 Purpose

The purpose of this Section is to provide a remedy from the strict interpretation of this Code where it can be shown that literal interpretation would cause unnecessary hardship.

435-2 Scope

435-2.1 Permitted Variances and Hardship Relief

Under the provisions of this Section, an applicant may propose a variance or hardship relief from a dimensional standard (as defined by Section 106-61) of this Code, from a development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts), and from the minimum required amount of parking of Section 413, except when:

- A. The proposed variance or hardship relief would allow a use which is not permitted in the applicable land use district;
- B. Another procedure is available in this Code for modifying or waiving the particular standard; or
- C. This Code specifically prohibits a variance or hardship relief from a standard (e.g., Section 430-1.1 B.(8) prohibits a variance or hardship relief change to the distance between an accessory structure and a primary structure).

abcdef Proposed additions

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435-5 Hardship Relief

- 435-5.1 Notwithstanding Section 435-4, the Director may grant hardship relief of up to twenty (20) percent from any dimensional standard (as defined by Section 106-61) or any development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts) consistent with Section 435-2, or for lot area, which shall be limited to five (5) percent hardship relief. There is no limit to the amount the well spacing standard in the EFU, AF-20, EFC, AF-10, AF-5, and RR-5 Districts may be reduced through hardship relief.
- 435-5.2 Hardship relief application shall be a Type II action;
- 435-5.3 The Director shall grant such relief only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:
- A. The standard imposes a significant economic burden on the applicant;
 - B. The use is a permitted use in the District; and
 - C. Relief will not be materially detrimental to other property in the vicinity.
- 435-5.4 The Director may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

9. SECTION 440 – NONCONFORMING USES AND STRUCTURES

440-1 Intent and Purpose

A nonconforming use is a structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan. It is the intent of this Section to allow and regulate existing uses and structures that were lawfully established and are not now in conformance with the applicable regulations of this Code.

440-5 Restoration or Replacement of a Nonconforming Use or Structure Made Necessary by Fire, Other Casualty or Natural Disaster

440-5.1 Restoration or Replacement Permitted Through a Type I Procedure

A nonconforming single family dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80₁ and TO:R80-120 and NMU Districts when the following standards are met:

abcdef Proposed additions

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440-5.2 Restoration or Replacement Permitted Through a Type II Procedure

- A. A nonconforming single dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, NC, FD-10, FD-20, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80, and TO:R80-120 and NMU Districts.

440-6 Alterations to a Nonconforming Use or Structure

440-6.2 Alterations Permitted Through a Type II Procedure

- A. Alterations of Structures used as a Single Dwelling Unit

The following alterations to structures used as a single dwelling unit may be approved upon findings by the Review Authority that the proposed alteration is consistent with the following standards.

- (1) Except in the Community Core Mixed-Use (CCMU) District or a commercial, industrial or institutional district, an alteration to replace or relocate, on the same parcel, a structure used as a single dwelling unit may be permitted for a dwelling provided:
- (a) The alteration will have no greater adverse impact on the neighborhood;
 - (b) If the location of the new dwelling is more than one hundred (100) feet from the existing dwelling in the EFU, EFC, and AF-20 Districts the replacement shall not:

 - (c) The alteration will meet all applicable dimensional and access standards of the primary district;
 - (d) The alteration will meet all applicable standards of Article IV; and
 - (e) A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings, may be replaced provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- (2) Except in the Community Core Mixed-Use (CCMU) District or a commercial, industrial or institutional district, an alteration to repair, remodel or expand a structure used as a single dwelling unit may be permitted for a dwelling provided:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

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- (a) The alteration will have no greater adverse impact to the neighborhood;
 - (b) District setback and height standards are maintained;
 - (c) District access requirements have been met;
 - (d) The alteration will meet all applicable standards of Article IV; and
 - (e) A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings, may be expanded, repaired or remodeled provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- B. An alteration to change or expand a lawful nonconforming use, or to change, repair or remodel a structure associated with a lawful nonconforming use other than a single dwelling unit, or a structure used as a single dwelling unit in a commercial, mixed-use, industrial or institutional district, may be permitted provided:

abcdef Proposed additions

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO 6)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 857

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

SUMMARY:

Ordinance No. 857 proposes to amend the Comprehensive Framework Plan for the Urban Area (CFP), the Aloha-Reedville-Cooper Mountain Community Plan, and the Community Development Code (CDC) to create new Pedestrian-Oriented Mixed-Use Districts, and apply them to the portion of the Aloha Town Center within approximately 1/4 mile of Tualatin Valley (TV) Highway and 185th Avenue. Ordinance No. 857 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with 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. 857. Prior to the Aug. 27, 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

Exhibit A (Findings) is hyperlinked here and available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 857 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 19-87

Agenda Item No.	<u>5.c.</u>
Date:	<u>08/27/19</u>

**ADOPT FINDINGS FOR ORDINANCE NO. 857
BOC 08/27/19**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): None known at this time

Legal History/Prior Board Action:

These Findings are associated with Ordinance No. 857, which has had one public hearing before the board.

Budget Impacts: No budget impacts are anticipated from adoption of Ordinance No. 857.

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 857) No. 19-87

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of August 27, 2019; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 857; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on July 24, 2019, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance No. 857 are hereby adopted.

DATED this 27th day of August, 2019.

	AYE	NAY	ABSENT
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WILEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Kathryn Harrington 8/27/19
Chair KATHRYN HARRINGTON

APPROVED AS TO FORM:

Jaqueline Hill

Sr. Assistant County Counsel
For Washington County, Oregon

Quincy

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 857

AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE TO ADOPT PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS AND APPLY THEM IN THE ALOHA TOWN CENTER AREA

August 27, 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. 857 amends the Comprehensive Framework Plan for the Urban Area (CFP), the Aloha-Reedville-Cooper Mountain Community Plan (Community Plan), and the Community Development Code (CDC) to create new Pedestrian-Oriented Mixed-Use Districts and apply them to the portion of the Aloha Town Center within approximately 1/4-mile of Tualatin Valley (TV) Highway and SW 185th Avenue. The intent of these changes is to encourage future development of the area that is pedestrian-friendly and transit-supportive, and to provide new land use districts that could potentially be applied elsewhere in the urban unincorporated area, where pedestrian-friendly development is desired.

Key Ordinance Provisions

- Creates two new land use districts: Community Core Mixed-Use District and Neighborhood Mixed-Use District. These new land use districts allow a variety of residential and/or commercial uses, and include development standards for pedestrian-friendly and transit-supportive building and site features that would apply to future development in areas so designated.
- Applies the new Community Core Mixed-Use and Neighborhood Mixed-Use Districts to a portion of the Aloha Town Center within approximately 1/4-mile of the Tualatin Valley Highway / SW 185th Avenue intersection; those properties are currently designated Community Business District (CBD), Office Commercial (OC), Neighborhood Commercial (NC), Residential 25 Units or More per Acre (R-25+), Residential 24 Units per Acre (R-24), and Residential 15 Units per Acre (R-15).
- Creates new Area of Special Concern (ASC) 3A and applies it to the Aloha Town Center area in which the new Community Core Mixed-Use and Neighborhood Mixed-Use Districts are being applied. The ASC provides more detail on required locations for specific development standards.

- Creates new Pedestrian Connectivity Area 5, whose purpose is to connect SW Alexander Street to Tualatin Valley Highway within the block bounded by SW Alexander Street, Tualatin Valley Highway, SW 187th Avenue and SW 192nd Avenue.
- Provides cross-references between several existing CDC sections and the new Section 392 requirements for the Pedestrian-Oriented Mixed-Use Districts.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

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

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP) 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. 857 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. 857.

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. 857.

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. 857 does not amend any of the Goal 5 significant natural resource designations previously adopted as part of the Aloha-Reedville-Cooper Mountain Community Plan. The amendments made by Ordinance No. 857 are consistent with the County’s acknowledged policies and standards for the protection of Goal 5 resources, as well as those set forth in OAR 660, Division 23.

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. 857 does not amend the Plan policies or CDC standards related to air, water or land resources that impact the County's compliance with Goal 6. Ordinance No. 857 does not amend any provisions regarding Community Plan and CDC protections to significant wetlands, air quality or land resource quality. Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 857. 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. 857 does not amend the applicable Plan policies and strategies or CDC sections related to flood plain areas, or to natural disasters and hazards. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 857. 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. 857 does not amend any park locations or configurations, or the location and alignment of future planned trails or on-street connections.

Ordinance No. 857 applies the Institutional (INST) designation to portions of a parcel owned by Tualatin Hills Park & Recreation District (THPRD) and planned for a park. The approximately 3-acre parcel has an INST designation over the majority of its area, but approximately 0.71 acres of the parcel are designated R-24. At THPRD's request, the ordinance proposes to apply an INST designation to the R-24 areas of the parcel so the entire parcel will have one designation.

Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 857. The amendments are consistent with the County's acknowledged policies and strategies 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. 857 does not amend any County policies or CDC requirements regarding the local economy. However, the adoption of the new land use designations and their application to a portion of the Aloha Town Center will provide more flexibility in the allowed land uses for some properties. The new land use designations allow both residential and commercial uses, and are being applied to some properties that currently allow only residential uses. Therefore, Ordinance No. 857 may spur some economic development within the Aloha Town Center area. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 857.

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. 857 does not amend any County policies regarding the provision of housing. The ordinance proposes to apply two new mixed-use designations, Community Core Mixed-Use (CCMU) District and Neighborhood Mixed-Use (NMU) District, to a portion of the Aloha Town Center.

The CCMU District allows both commercial and high-density residential uses, and is being applied to properties that currently have a designation of Community Business District (CBD). The CBD District is a commercial land use designation, and properties having this designation are not classified as residential “buildable lands” by Metro. The CBD allows high-density residential uses only through a Planned Development process, which requires the provision of open space constituting from 10 to 20% of the site area. The CCMU designation allows high-density residential uses at the same density currently allowed in the CBD District, and will not require a Planned Development process or provision of additional open space for residential development. Therefore, the application of the CCMU District designation will not decrease the housing unit potential in the area, and may in fact make housing development in the area more feasible.

The NMU District also allows both commercial and high-density residential uses. This district is being applied to properties with a range of existing land use designations: CBD, Neighborhood Commercial (NC), Office Commercial (OC), R-25+, R-24 and R-15. The CBD, NC, and OC Districts are commercial land use designations, and properties with these designations are not classified as residential “buildable lands” by Metro.

The application of the NMU designation to the NC and OC properties will increase both the base residential density allowance and the options for residential development on those properties. The NC and OC Districts allow residential units only as part of a mixed-use building, while the NMU designation allows residential units in either residential-only or mixed-use buildings. Furthermore, the NC and OC Districts only have a single density range, but the NMU

designation has two additional density tiers that will provide options for further increases in residential density, in exchange for providing open space and public pedestrian areas.

The application of the NMU designation to the CBD properties will remove the requirements for residential development to be subject to the Planned Development process and provision of open space equal to 10 to 20% of the site area, thereby making residential development in the area more feasible in that district.

The application of the NMU designation to the R-25+ properties will maintain their housing unit potential, as the density allowance of the two districts is very similar. The application of the NMU designation to the R-15 and R-24 properties will increase the base residential density allowance on those properties. The NMU designation will also increase the options for residential development on those properties. The R-15 and R-24 Districts have a single density range, but the NMU designation has two additional density tiers that will provide options for further increases in residential density, in exchange for providing open space and public pedestrian areas. Therefore, the application of the NMU District designation will not decrease the housing unit potential in the area.

Ordinance No. 857 also applies the Institutional (INST) designation to two discrete portions of a parcel that currently have an R-24 designation, for consistency with the INST designation that applies to the majority of the parcel. The parcel is approximately 3 acres in size, and the portions of the parcel with an R-24 designation total approximately 0.71 acres. The parcel was purchased several years ago by Tualatin Hills Park & Recreation District (THPRD) for development of a park, which is an allowed use in both the INST and R-24 Districts. THPRD is planning to develop the entirety of the parcel into ball fields, and has requested re-designating the R-24 portions of the property as INST so the entire parcel will have one designation.

The total area of the R-24 portions of the parcel would allow up to 17 residential units. The decrease in residential unit potential resulting from applying an INST designation to these portions of the parcel is offset by the fact that remaining R-24 parcels within the project area, with a total area of approximately 7 acres, will be given the NMU designation. As described above, the NMU designation will increase the base residential density allowances of R-24 properties to which it is applied, and will provide two additional density tiers that will add options for further increases in residential density on those properties.

Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 857.

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. 857 is consistent with the County's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 857.

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. 857 amends the CFP, Aloha-Reedville-Cooper Mountain Community Plan, and CDC to create new Pedestrian-Oriented Mixed-Use Districts that include pedestrian-friendly and transit-supportive development standards, and apply them to a portion of the Aloha Town Center.

Staff has prepared an analysis that compares reasonable worst-case trip generation estimates for the existing land use designations with reasonable worst-case trip generation estimates for the new land use designations proposed by Ordinance No. 857. The analysis, which is Attachment C to the staff report for the August 27, 2019 hearing, demonstrates that the change in land use designations does not cause a significant effect on the transportation system.

The only amendment that relates directly to transportation is a reduction of minimum off-street parking for conversion of a single-family residential structure to an allowed nonresidential use, if the use has a total floor area of 2,000 square feet or less. This change in parking allowances is within a reasonable worst-case of the allowed development intensity of the existing zoning and therefore does not cause a significant effect on the transportation system.

Ordinance No. 857 does not amend the TSP, nor does it include any transportation-related amendments to the CDC. Since Ordinance No. 857 does not amend the TSP or other policies related to transportation planning, only section 660-012-0060 of the Transportation Planning Rule (TPR) is applicable.

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 TPR, implemented via OAR Chapter 660, Division 12). Ordinance No. 857 does not cause a significant effect as defined by OAR 660-012-0060 on the transportation system. Ordinance No. 857 does not result in changes to the functional classification system or the standards used to assess the transportation system. Ordinance No. 857 does not increase the reasonable worst-case of trip generation allowed, or result in types or levels of travel or access that would be inconsistent with the adopted Transportation System Plan. Ordinance No. 857 would not result in land use designations that would degrade the performance of an existing or planned transportation facility. Therefore, consistency with the TPR is maintained by Ordinance No. 857.

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. 857 does not amend the applicable Plan policies and strategies or CDC sections related to energy conservation, therefore compliance with Goal 13 is maintained with the amendments made by Ordinance No. 857. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 857 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 12, 13 and 14 of the UGMFP.

Title 1 – Housing Capacity

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

RESPONSE

Ordinance No. 857 does not amend County policies related to housing capacity. As described in the findings for Goal 10 (Housing), Ordinance No. 857 proposes to apply two new mixed-use designations to a portion of the Aloha Town Center. These new land use designations will be applied to properties with a variety of current designations (CBD, OC, NC, R-25+, R-24, and R-15). The new mixed-use designations do not include the Planned Development process requirement for residential development that applies in the CBD district, thus making residential development more feasible on the CBD properties. The new mixed-use designations allow residential densities equal to, or greater than, those currently allowed in the OC, NC, R-25+, R-24 and R-15 districts. Ordinance No. 857 is consistent with Title 1.

Title 3 – Water Quality and Flood Management

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

RESPONSE

Ordinance No. 857 does not amend any Plan policies or CDC standards related to water quality or flood management. Ordinance No. 857 is consistent with Title 3.

Title 4 – Industrial and Other Employment Areas

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

RESPONSE

The amendments in Ordinance No. 857 do not affect protection of RSIAs, Industrial and Employment Areas, or the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 857 does not affect compliance with Title 4.

Title 6 – Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

Ordinance No. 857 creates two new mixed-use districts with pedestrian-friendly, transit-supportive development standards and applies them to a portion of the Aloha Town Center, thereby helping to implement Metro 2040 Town Center goals. Ordinance No. 857 is consistent with Title 6.

Title 7 - Housing Choice

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

RESPONSE

Ordinance No. 857 does not amend County policies regarding affordable housing production goals. Ordinance No. 857 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.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 857 was sent June 19, 2019 to Metro, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 857.

Title 11 - Planning For New Urban Areas

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

RESPONSE

Ordinance No. 857 applies to lands within the urban growth boundary that are already designated for urban use. Ordinance No. 857 does not affect compliance with Title 11.

Title 12 – Protection of Residential Neighborhoods

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

RESPONSE

Ordinance No. 857 does not impact compliance with Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services.

Title 13 – Nature in Neighborhoods

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

RESPONSE

Ordinance No. 857 does not impact Plan policies or CDC standards related to streamside corridors or upland wildlife habitat.

Title 14 – Urban Growth Boundary

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

RESPONSE

Ordinance No. 857 does not propose to amend the urban growth boundary. Compliance with Title 14 is not affected by Ordinance No. 857.