



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED ORDINANCE NO. 859 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS**

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

SUMMARY:

Ordinance No. 859 proposes to amend the Community Development Code relating to Accessory Dwelling Units (ADUs) in urban unincorporated Washington County to comply with state law, simplify standards and encourage housing development. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

At its Aug. 21, 2019 public hearing, the PC voted 6-0 to recommend the Board adopt Ordinance No. 859 as filed. A staff report will be provided to the Board prior to the Sept. 17 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 3 minutes for individuals and twelve minutes for a representative of a group.

(continued)

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

DEPARTMENT'S REQUESTED ACTION:

- 1) Read Ordinance No. 859 by title only and conduct the first public hearing.
- 2) At the conclusion of the hearing, adopt Ordinance No. 859 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.c.</u>
Date:	09/17/19

CONSIDER PROPOSED ORDINANCE NO. 859 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO ACCESSORY DWELLING UNITS
BOC 09/17/19

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

Staff received four letters in response to the proposed ordinance, including two letters of support and two letters expressing concerns about certain elements of the proposed changes. Comments are addressed in the staff report.

Legal History/Prior Board Action:

This is the second recent ordinance addressing ADUs. The Board adopted Ordinance No. 835 in 2018, which made changes bringing the Community Development Code (CDC) into compliance with prior state requirements, including allowing ADUs in all urban land use districts where detached single-family dwellings are allowed. The Board was briefed on Ordinance No. 859 at its Sept. 10 Work Session.

Budget Impacts: No known budget impacts.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 859

An Ordinance Amending the Community
Development Code Relating to Accessory
Dwelling Units

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

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754- 758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-42, and 845-47.

B. As part of its ongoing planning efforts, Washington County staff has identified amendments to the Community Development Code related to accessory dwelling unit development requirements to comply with state law, simplify standards, and encourage

1 housing development. The Board recognizes that such changes are necessary for the health,
2 safety and welfare of the residents of Washington County, Oregon.

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

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

15 SECTION 2

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

18 A. Exhibit 1 (11 pages), amends the following sections of the Community
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 302 – R-5 District (Residential 5 Units per Acre);
- 22 3. Section 303 – R-6 District (Residential 6 Units per Acre);

4. Section 304 – R-9 District (Residential 9 Units per Acre);
5. Section 305 – R-15 District (Residential 15 Units per Acre);
6. Section 306 – R-24 District (Residential 24 Units per Acre);
7. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
8. Section 308 – Future Development 20-Acre District (FD-20);
9. Section 309 – Future Development 10-Acre District (FD-10);
10. Section 390 – North Bethany Subarea Overlay District;
11. Section 413 – Parking and Loading; and
12. Section 430 – Special Use Standards.

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 exhibit, 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.

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1 SECTION 6

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

7 SECTION 7

8 This Ordinance shall take effect November 28, 2019.

9 ENACTED this _____ day of _____, 2019, being the _____ reading
10 and _____ public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 
CHAIR Kathryn Harrington
16 
RECORDING SECRETARY

17 READING

PUBLIC HEARING

18 First 9.17.19
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
Sixth _____

First 9.17.19
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

VOTE: Aye: Harrington, Willey
Treece
Dr Rogers

Nay: _____

Recording Secretary: Catherine Jacoby Date: 9.17.19

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

1: SECTION 106 – DEFINITIONS

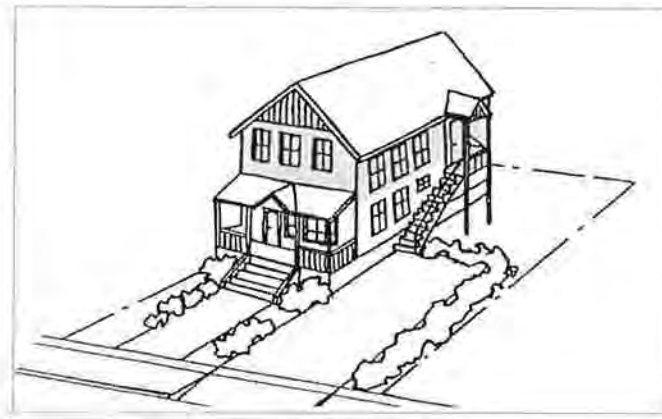
106-6194 Single Family Accessory Dwelling Unit. ~~A complete living unit allowed with a detached single family dwelling. A second dwelling unit which occupies the same lot with a detached single family dwelling unit and that is subordinate to the primary dwelling. The accessory dwelling unit may be located within, attached to, or detached from the primary detached single family dwelling unit. The accessory unit functions as a complete, independent living facility with provisions within the unit for its own a separate kitchen, bathroom and sleeping area. ADUs are classified as either attached or detached based on the following characteristics:~~

- A. Attached. An attached ADU shares a common wall with the primary dwelling and may utilize existing square footage within the primary dwelling, added square footage, or a combination thereof. See Figures 1 and 2 for examples.
- B. Detached. A detached ADU shall not share a common wall, roof or foundation with the primary dwelling. See Figure 3 for example.

Section 106-6 Figure 1 – Attached (addition)



Section 106-6 Figure 2 – Attached (conversion of existing space)



abcdef Proposed additions
~~abcdef~~ Proposed deletions
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

Section 106-6 Figure 3 – Detached (addition/conversion over detached garage)



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

302-2 Uses Permitted Through a Type I Procedure

302-2.13 ~~Single-Family-Accessory Dwelling Unit(s)~~ - Section 430-2.1430-117.1.

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

303-2 Uses Permitted Through a Type I Procedure

303-2.13 ~~Single-Family-Accessory Dwelling Unit(s)~~ - Section 430-2.1430-117.1.

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

304-2 Uses Permitted Through a Type I Procedure

304-2.10 ~~Single-Family-Accessory Dwelling Unit(s)~~ - Section 430-2.1430-117.1.

304-7 Dimensional Requirements

304-7.2 Yard (Setback) Requirements.

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

The minimum yard requirements shall be:

E. ~~Fifteen (15)-foot rear yard~~, except as provided in B. above. A ~~five (5)-foot rear yard~~ may be provided to a detached garage which is accessed from the front

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street, provided the standards of F. below are met. If ~~a Single Family an~~ Accessory Dwelling Unit (Section ~~430-2 430-117~~) is provided ~~on the second story of the above a detached~~ garage, the building shall meet the applicable setback standards of F. below and Section ~~430-2.1 C.430-117.1 E.~~;

- F. A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of the R-9 District that was in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;

5. SECTION 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-2 Uses Permitted Through a Type I Procedure

305-2.8 ~~Single Family Accessory Dwelling Unit(s) - Section 430-2.1430-117.1.~~

305-7 Dimensional Requirements

305-7.2 Yard (Setback) Requirements.

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

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

- (5) ~~Twelve (12-)~~ foot rear yard, *except as provided in (2) above*. A ~~five (5-)~~ foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a ~~Single Family an~~ Accessory Dwelling Unit (Section ~~430-2 430-117~~) is provided ~~on the second story of the above a detached~~ garage, the building shall meet the applicable setbacks standards of (6) below and Section ~~430-2.1 C.430-117.1 E.~~
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 C., plus any screening and buffering setback now required by Section 411.

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

306-2 Uses Permitted Through a Type I Procedure

306-2.8 ~~Single-Family Accessory Dwelling Unit(s) - Section 430-2.1430-117.1.~~

306-7 Dimensional Requirements

306-7.2 Yard (Setback) Requirements.

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

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

- (5) ~~Twelve (12-)foot rear yard, except as provided in (2) above. A five (5-) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family an Accessory Dwelling Unit (Section 430-2 430-117) is provided on the second story of the above a detached garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-2.1 C.430-117.1 E.~~
- (6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 D., plus any screening and buffering setback now required by Section 411.

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

307-2 Uses Permitted Through a Type I Procedure

307-2.7 ~~Single-Family Accessory Dwelling Unit(s) - Section 430-2.1430-117.1.~~

307-7 Dimensional Requirements

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307-7.2 Yard (Setback) Requirements.

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

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

- (5) ~~Twelve (12)-~~foot rear yard, except as provided in (2) above. A ~~five (5)-~~foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a ~~Single Family~~ an Accessory Dwelling Unit (Section 430-2 430-117) is provided ~~on the second story of the above~~ a detached garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-2.1 C. 430-117.1 E.
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 D., plus any screening and buffering setback now required by Section 411.

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

308-2 Uses Permitted Through a Type I Procedure:

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the county land use district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

308-2.12 Accessory Dwelling Unit(s) - only with an existing or approved detached dwelling unit that complies with 308-2.4 – Section 430-2.1.

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

309-2 Uses Permitted Through a Type I Procedure

309-2.4 Detached Dwelling Unit (one) only in areas designated for residential use by the applicable city - Section 430-37.1.

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309.2.12 Accessory Dwelling Unit(s) - only with an existing or approved detached dwelling unit that complies with 309-2.4 – Section 430-2.1.

10. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-8 R-6 North Bethany District (R-6 NB)

390-8.2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

L. Accessory Dwelling Unit(s) - Section 430-2.1.

390-8.3 Uses Permitted Through a Type II Procedure

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

~~M.~~ ~~Single Family Accessory Dwelling Unit – Section 430-117.1.~~

MN. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

NO. Uses Accessory and Incidental to a Residential Development provided for the service and convenience of the residents, including clubhouse, meeting hall, recreation center, gymnasium, and indoor swimming pool.

OP. Zero Lot Line Development - Section 430-147.

PQ. Temporary Use - Section 430-135.2 B.

390-9 R-9 North Bethany District (R-9 NB)

390-9.2 Uses Permitted Through a Type I Procedure

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K. ~~Single-Family Accessory Dwelling Unit(s)~~ - Section ~~430-2.1430-117.4~~.

390-10 R-15 North Bethany District (R-15 NB)

390-10.2 Uses Permitted Through a Type I Procedure

J. ~~Single-Family Accessory Dwelling Unit(s)~~ - Section ~~430-2.1430-117.4~~.

11. SECTION 413 – PARKING AND LOADING

413-6 Minimum and Maximum Off-Street Parking Requirements

The minimum and maximum number of off-street parking spaces by type of use shall be determined in accordance with the following tables. New development shall provide no more than the maximum number of off-street parking spaces listed unless exempted by Sections 413-6.4 or 413-6.7, or adjusted by Sections 413-6.5 or 413-6.6. The minimum and maximum off-street parking requirements for a use not listed shall be the same as the most similar listed use as determined by the Review Authority, or as determined through a parking analysis as described in Section 413-8.6.

413-6.1 Minimum Off-Street Parking Requirements

	USE	MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
A.	Residential:	
(1)	Detached (including manufactured dwelling)	One (1) per each dwelling unit
***	***	***
(5)	<u>Accessory Dwelling Unit (see Section 430-2.1)</u>	<u>None Required</u>

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12. SECTION 430 – SPECIAL USE STANDARDS

430-2447 Single Family Accessory Dwelling Unit

~~A single-family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single-family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single-family dwelling unit. The density requirements of Section 300-2 are not applicable to single-family accessory dwelling units. A single-family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.~~

An Accessory Dwelling Units (ADU), as defined in Section 106, is subject to review and approval through a Type I procedure and shall conform to all standards of Section 430-2.1. The Accessory Uses and Structures standards of Section 430-1 and density requirements of Section 300-2 are not applicable to ADUs. Except as required to meet building code, CDC Sections 430-76, 430-77 and 430-79 are not applicable to prefabricated ADUs when the standards of 430-2.1 are met.

430-2447.1 ~~A single-family accessory dwelling unit ADUs may be provided in conjunction with a detached single-family dwelling as allowed by the underlying district 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;~~

A. Number of ADUs. Up to two ADUs are allowed per legal single family dwelling when the applicable standard below is met:

- (1) One ADU. When one ADU is provided, the unit may be a detached building, in a portion of a detached accessory building, or attached and/or interior to the primary dwelling.
- (2) Two ADUs. When two ADUs are provided, one unit must be detached or in a portion of a detached accessory building and one unit must be attached and/or interior to the primary dwelling.

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- B. ~~Floor Area. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:~~
- (1) ~~Attached. An attached ADU shall not exceed 800 square feet of floor area. However, an ADU may occupy an entire level or floor of the primary dwelling even if the floor area of the ADU would be more than 800 square feet. The floor area of an interior accessory dwelling unit may be as large as fifty (50) percent of the primary dwelling's existing total floor area (excluding the garage and expansions for additional floor area). See Figure 1.2 for example.~~
 - (2) ~~Detached. A detached ADU In all other situations the total floor area of an accessory dwelling shall not exceed eight hundred (800) square feet of floor area.~~
 - (3) ~~Accessible. An accessible ADU See Figures 1.1 and 1.3 for examples. However, when the accessory dwelling unit is designed to comply with the dwelling unit standards of the Uniform Federal Accessibility Standards (UFAS) may be as large as Americans with Disabilities Act (ADA) building code standards, the square footage maximum can be increased by up to 15 percent, to a maximum of nine hundred twenty (920) square feet. Prior to building permit issuance, plans shall show compliance with the accessibility standards of the current Oregon Residential Specialty Code.~~
- C. ~~An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;~~
- D. ~~An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;~~
- C.E. Setbacks. An accessory dwelling unit shall meet the following setback standards:
- (1) ~~A detached accessory dwelling unit ADU shall be located at or behind or a minimum of twenty (20) feet behind the front façade foundation at least one street-facing wall of the primary dwelling, and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district; On corner lots, either the front or street-side lot line may be used for ADU front setback purposes;~~
 - (2) ~~The minimum side yard setback for an ADU accessory dwelling unit shall be five (5) feet; and,~~
 - (3) ~~The minimum rear yard setback for an ADU accessory dwelling unit shall be no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district;~~

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- F. ~~The entrance to the accessory dwelling unit shall not face the front property line;~~
- G. ~~At least one (1) off-street parking space shall be provided for the accessory dwelling unit;~~
- H. ~~The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;~~
- I. ~~A home occupation shall not be conducted from either the primary or the accessory dwelling unit, except as provided for by Section 201-2-18;~~
- J. ~~Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied except when the property is owned and in use by an organization organized and operated exclusively for religious, charitable, or educational purposes under Section 501(c)(3) of the federal Internal Revenue Code of 1986, as amended, whose primary purpose is serving and assisting persons with developmental disabilities;~~
- D. An ADU may be occupied prior to the primary dwelling. However, if not proposed and approved concurrently, the first occupied dwelling shall be considered the primary dwelling for purposes of determining System Development Charges (SDC) and Transportation Development Tax (TDT) rates.
- K. ~~The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and~~
- E. The height of an ADU shall not exceed that of the primary dwelling and when located above an existing accessory building shall not cause the height of the combined structure to exceed that of the primary dwelling.
- L. ~~A minimum contiguous rear or side yard outdoor area of four hundred fifty (450) square feet shall be provided on the lot, of which no dimension shall be less than ten (10) feet.~~



Figure 1.1 Attached Accessory Dwelling Unit - Single Story

abcdef Proposed additions

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Figure 1.2



Figure 1.3

430-63 Home Occupation

A home occupation is a lawful activity carried on within a dwelling by a member or members of the household that occupies~~family who occupy~~ the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1 C does not apply to bed and breakfast facilities). Pursuant to Section 430-145.4 C, a bed and breakfast facility serving five (5) or fewer persons, in association with and on the same tract as a winery described under 430-145.1 or 430-145.2, is permitted as a Type II Home Occupation in the EFU and AF-20 Districts (Section 430-63.2 D.(2) does not apply). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons). ~~A home occupation shall not be conducted on a site that includes an accessory dwelling unit, from either the primary dwelling unit or the accessory dwelling unit, except as allowed under Section 201-2.18 (CDC Section 430-117.1 I);~~

abcdef Proposed additions

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 859

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

SUMMARY:

Ordinance No. 859 amends the Community Development Code relating to Accessory Dwelling Units (ADUs) in urban unincorporated Washington County to comply with state law, simplify standards and encourage housing development. Ordinance No. 859 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. 859. Prior to the Sept. 17 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

(continued)

Attachment: Resolution and Order

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

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 859 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 19.90

Agenda Item No.	<u>5.d.</u>
Date:	<u>09/17/19</u>

ADOPT FINDINGS FOR ORDINANCE NO. 859
BOC 09/17/19

ADDITIONAL INFORMATION:

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

Legal History/Prior Board Action: These Findings are associated with Ordinance No. 859.

Budget Impacts: No direct impacts.

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

3 In the Matter of Adopting) RESOLUTION AND ORDER
 4 Legislative Findings in Support)
 of Ordinance No. 859) No. 19-90

5 This matter having come before the Washington County Board of Commissioners (Board) at
 6 its meeting of September 17, 2019; and

7 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant facts
 8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
 9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
 10 Urban Growth Management Functional Plan relating to Ordinance No. 859; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
 14 on August 21, 2019, made a recommendation to the Board, which is in the record and has been
 15 reviewed by the Board; and

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

20 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of Ordinance
 21 No. 859 are hereby adopted.

22 DATED this 17th day of September, 2019.
 23 HARRINGTON AYE NAY ABSENT
 24 SCHOUTEN
 25 TREECE
 26 ROGERS
 27 WILLEY
 28 APPROVED AS TO FORM: _____

 County Counsel
 For Washington County, Oregon

BOARD OF COMMISSIONERS
 FOR WASHINGTON COUNTY, OREGON

 Chair
 Kathryn Harrington

 Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 859

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO IMPLEMENT LEGISLATIVE CHANGES RELATED TO HOUSING

September 17, 2019

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Functional Plan Findings

Part 1:

GENERAL FINDINGS

Ordinance No. 859 amends the Community Development Code (CDC) to update the requirements for accessory dwelling units (ADUs) within urban unincorporated areas of the County to comply with state law.

Key Ordinance Provisions

Ordinance No. 859 amends the CDC regulations for ADUs, including:

- Removing requirements for off-street parking and on-site owner occupancy;
- Allowing one attached and one detached ADU per single-family dwelling; and
- Modifying certain siting and design requirements such as those addressing maximum height, floor area, front setback and minimum rear yard area.

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 Washington 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.

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. 859 does not amend Plan policies, community plans or CDC standards related to protection of Goal 5 resources. Ordinance No. 859 maintains compliance with the County’s acknowledged policies and standards for the protection of Goal 5 resources, as well as those set forth in OAR Chapter 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. 859 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County’s compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 859. 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. 859 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 859. 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.

Ordinance No. 859 is supportive of Goal 10 and CFP housing policies, in part by aiming to:

- Encourage the housing industry to build a sufficient number of new affordable housing units within the County.
- Help increase options for those who need or prefer smaller housing alternatives based on lifestyle, life stage or other factors.
- Help increase housing affordability overall by increasing the variety and supply of housing units in the County, particularly in single-family neighborhoods.

Plan compliance with Goal 10 is maintained with the amendments made by Ordinance No. 859.

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. 859 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. The amendments allow for a greater number and variety of housing units in existing neighborhoods and therefore encourage more efficient use of existing infrastructure. ADU development is not, however, expected to increase in such a way as to disproportionately impact current service capacity. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 859. The amendments are consistent with the County's acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 – Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal 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. 859 amends the CDC to reflect that ADUs are allowed in all land use districts where detached single-family dwellings are permissible, allows up to two ADUs per single-family dwelling, and amends certain siting and design standards to facilitate their development. Ordinance No. 859 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). Ordinance No. 859 facilitates additional housing in the urban area. The provisions of Ordinance No. 859 apply to all urban districts where detached single-family homes are allowed and the potential impacts to the multimodal transportation system have already been accounted for by the regional land use

Ordinance No. 859 is supportive of Goal 10 and the County’s Comprehensive Framework Plan (CFP) housing policies by encouraging the housing industry to build a sufficient number of new affordable housing units within unincorporated Washington County. Adopted changes will allow two ADUs to be built per detached single-family dwelling and increase locations in which ADUs are an allowed use. The changes also remove certain development standards for ADUs that could have acted as barriers to their development in the past. ADU development may also increase housing options in single-family neighborhoods that might not otherwise be accessible to some households due to cost. The amendments are intended to increase development of this housing type through a consistent process utilizing clear and objective standards, and the proposed changes may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of housing units.

The amendments will not result in a decrease in housing capacity. The amendments may have a positive effect on housing costs and variety by increasing the supply of dwelling units. Ordinance No. 859 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. 859 does not amend any Plan policies related to water quality or flood management. Compliance with Title 3 is maintained.

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

Where Metro-designated Centers, Corridors, Main Streets or Station Communities include land use districts that allow ADUs, the ordinance may help such areas to better function as centers of urban life by facilitating a greater variety of housing types that accommodates a wider range of lifestyles and income levels. Ordinance No. 859 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.

ADUs developed in total. Therefore, the amendments maintain adequate levels of public services. Ordinance No. 859 maintains compliance with Title 12.

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. 859 does not propose changes to Plan policies or CDC standards related to streamside corridors or upland wildlife habitat, and therefore maintains compliance with Title 13.

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

The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to Ordinance No. 859.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No. 859 with the applicable policies of Metro’s Regional Transportation Functional Plan (RTFP).

RESPONSE

Ordinance No. 859 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC. Therefore, the amendments in Ordinance No. 859 maintain compliance with related policies in the Regional Transportation Functional Plan.