



# AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

**ADOPTED**

**Meeting Date:** June 07, 2022  
**Agenda Category:** PUBLIC HEARINGS  
**Department(s):** Land Use & Transportation  
**Presented by:** Stephen Roberts, Director of Land Use & Transportation  
 Thomas Carr, County Counsel

**CPO:** All Urban

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**Agenda Title:** **Consider Proposed A-Engrossed Ordinance No. 886 – An Ordinance Amending the Comprehensive Framework Plan For the Urban Area To Implement HB 2001 Middle Housing Provisions (continued from May 24, 2022)**

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**REQUESTED ACTION:**

Read A-Engrossed Ordinance No. 886 by title only and conduct the second required public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 886 and, by separate action, adopt the associated findings.

**SUMMARY:**

A-Engrossed Ordinance No. 886 proposes to amend the Comprehensive Framework Plan for the Urban Area (CFP) to implement state law changes adopted in HB 2001, the Middle Housing bill. Changes are proposed to CFP Policies, Implementing Strategies, and Summary Findings and Conclusions to reflect current conditions and add references to Middle Housing. A-Engrossed Ordinance No. 886 is posted on the County's land use ordinance webpage at the following link:

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

The Board of Commissioners (Board) conducted a public hearing for Ordinance No. 886 on April 19, 2022. At that meeting, staff recommended engrossment of the ordinance to make several changes as summarized in the staff report for that meeting. At the conclusion of the April 19 hearing, the Board directed engrossment of the ordinance as recommended by staff. Following engrossment of an ordinance, two additional public hearings are required prior to adoption. The Board also set hearings on the engrossed ordinance for May 24 and June 7, 2022.

The Board conducted the first hearing on A-Engrossed Ordinance No. 886 on May 24, 2022 and continued the hearing to June 7, 2022.

A staff report is attached and posted on the above land use ordinance webpage.

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

**ADDITIONAL INFORMATION:**

**Community Feedback (Known Support/Opposition):**

Requests to amend the ordinance were made as part of earlier hearings.

**Legal History/Prior Board Action:**

In 2019, the state adopted HB 2001, which focused on the range of housing types between single detached homes and larger multi-unit residential buildings, known as middle housing. Ordinances to address the HB 2001 requirements were included in the Board-approved 2021-22 Long Range Planning Work Program (Minute Order 21-176).

Ordinance No. 886 is one of two ordinances filed to address the HB 2001 requirements. The Planning Commission made recommendations to the Board on the ordinance. The Board directed ordinance changes (engrossment) on April 19, 2022 and held an initial public hearing on the engrossed ordinance on May 24.

**Budget Impacts:**

None

**ATTACHMENTS:**

[Ordinance No. 886: Staff Report](#)

[Ordinance No. 886 - ADOPTED](#)

Approved by the  
Washington County Board of Commissioners  
also serving as the governing body of Clean Water Services and all other County Districts



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Kevin Moss, Board Clerk

June 7, 2022

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Date Signed


**ADOPTED**



# WASHINGTON COUNTY OREGON

May 23, 2022

To: Washington County Board of Commissioners

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 886 – An Ordinance  
Amending the Comprehensive Framework Plan for the Urban Area to Implement  
HB 2001 Middle Housing Provisions**

## STAFF REPORT

**For the June 7, 2022 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 10 a.m.)*

### I. STAFF RECOMMENDATION

Conduct the second of two required public hearings for A-Engrossed Ordinance No. 886. At the conclusion of public testimony, close the hearing and take two actions, one to adopt A-Engrossed Ordinance No. 886 and the other to adopt the associated findings.

### II. BACKGROUND

The Board is scheduled to hold the second of two required public hearings for A-Engrossed Ordinance No. 886 at the June 7 meeting.

The ordinance amends six Comprehensive Framework Plan for the Urban Area (CFP) policies that address land use or housing and that are being updated to include middle housing. These policies address plan designations; infill; housing affordability, choice, availability and discrimination; and regional planning implementation. Several of these policies have not been substantially amended since the 1980s and contain outdated information. Therefore, along with adding reference to and policy direction on middle housing, they have also been updated for clarity and accuracy.

**Department of Land Use & Transportation**  
**Planning and Development Services • Long Range Planning**  
155 N First Ave, Suite 350, MS14, Hillsboro, OR 97124-3072  
phone: 503-846-3519 • fax: 503-846-4412  
[www.co.washington.or.us/lut](http://www.co.washington.or.us/lut) • [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us)

After its April 19, 2022 public hearing for proposed Ordinance No. 886, the Board directed engrossment of the ordinance and continued the hearing to May 24 and Jun. 7, 2022. The Board further directed staff to provide notice of the ordinance changes and the schedule for engrossment hearings as required by Chapter X of the County Charter. No comments have been received on A-Engrossed Ordinance No. 886.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 886 by Resolution and Order has been provided in the meeting materials for the Board's June 7, 2022 meeting.



# WASHINGTON COUNTY

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## OREGON

### PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 886 *Individual and General Notice 2022-04* May 6, 2022

Initial notice was provided to interested parties Jan. 19, 2022 regarding proposed Ordinance No. 886. After public hearings for Ordinance No. 886, the Board of Commissioners ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 886**. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments.

**Who is Affected**

Property owners of residential land in urban unincorporated Washington County.

**What Land is Affected**

Land that is designated R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 and TO: R18-24 land use districts in urban unincorporated Washington County.

**ORDINANCE PURPOSE:**

As originally filed, **Ordinance No. 886** proposed to amend the Comprehensive Framework Plan for the Urban Area (CFP) to implement state law changes adopted in 2019 through HB 2001, the Middle Housing bill. Changes are proposed to CFP Policies, Implementing Strategies, and Summary Findings and Conclusions to reflect current conditions and add reference to Middle Housing.

**PUBLIC HEARING INFORMATION:**

Hearings scheduled for the dates and times below. For information about the meetings and how to testify, please see the following webpage:

**Board of Commissioners:** <https://washingtoncounty.civicweb.net/Portal>

**Board of Commissioners**

<b>6:30 p.m.</b>	<b>10 a.m.</b>
May 24, 2022	June 7, 2022

At its June 7 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted June 7, it would become effective July 7, 2022.

**Department of Land Use & Transportation**  
**Planning and Development Services • Long Range Planning**  
 155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072  
 phone: 503-846-3519 • fax: 503-846-4412

**SUMMARY OF ORDINANCE NO. 886 AS ORIGINALLY FILED:**

- Amends several CFP Policies, Implementing Strategies and Summary Findings and Conclusions to reflect current conditions and add reference to Middle Housing.
- Clarifies that Policy 19, Infill, does not apply to Middle Housing.
- Deletes outdated information in Policy 24, Housing Discrimination, and references a future update to the policy's implementing strategies and summary findings and conclusions.

**SUMMARY OF CHANGES TO ORDINANCE NO. 886:**

- Several changes to CFP Policies 18, 21 and 22 that clarify language and provide additional information.
- Clarification of a notice requirement in CFP Policy 18.
- Deletion of the language in CFP Policy 21 Findings and Conclusions regarding completed activities.

**AFFECTED LAND USE PLANNING DOCUMENTS:****Comprehensive Framework Plan for the Urban Area**

- Policy 18, Plan Designations and Locational Criteria for Development
- Policy 19, Infill
- Policy 21, Housing Affordability
- Policy 22, Housing Choice and Availability
- Policy 24, Housing Discrimination
- Policy 40, Regional Planning Implementation

**HOW TO SUBMIT COMMENTS:**

Washington County remains committed to broad community engagement and transparency of government and during the COVID-19 pandemic. **For meetings that are conducted via Zoom, advance registration is required to provide testimony on agenda items or additional communication at designated times**

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm>

**Staff Contact**

Suzanne Savin, Senior Planner, [suzanne\\_savin@co.washinton.or.us](mailto:suzanne_savin@co.washinton.or.us), 503-846-3963

The ordinance is available for review on the Land Use Ordinances webpage: [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

The ordinance will be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

**MAY 02 2022**

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 886

**ADOPTED**

An Ordinance Amending the Comprehensive  
Framework Plan for the Urban Area to Implement  
HB 2001 Middle Housing Provisions

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, 843, 857, and 866.

B. The Board recognizes that amendments to several elements of the Comprehensive Plan are necessary to implement HB 2001, the Middle Housing bill, which was adopted by the Legislature in 2019. The proposed amendments to the Comprehensive Plan implement statutory requirements related to development of middle housing as that term is defined in ORS 197.758 (2021). The Board recognizes that such changes are necessary for the health, safety, and welfare of the residents of Washington County, Oregon.

C. Under the provisions of Washington County Charter Chapter X, the Department of Land Use and Transportation has carried out its responsibilities, including



1 preparation of notices, and the County Planning Commission has conducted one or more  
2 public hearings on the proposed amendments and has submitted its recommendations to the  
3 Board. The Board finds that this Ordinance is based on that recommendation and any  
4 modifications made by the Board are a result of the public hearings process.

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

11 SECTION 2

12 The following exhibit, attached hereto and incorporated herein by reference, is adopted  
13 as an amendment to the Comprehensive Framework Plan for the Urban Area:

- 14 A. Exhibit 1 (15 pages), amends as follows:
  - 15 a. Policy 18, Plan Designations and Locational Criteria for Development;
  - 16 b. Policy 19, Infill;
  - 17 c. Policy 21, Housing Affordability;
  - 18 d. Policy 22, Housing Choice and Availability;
  - 19 e. Policy 24, Housing Discrimination; and
  - 20 f. Policy 40, Regional Planning Implementation.

21 ///

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1     SECTION 3

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

4     SECTION 4

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

7     SECTION 5

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

11    SECTION 6

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

17    SECTION 7

18            This Ordinance shall take effect thirty (30) days after adoption.

19            ENACTED this 7th day of June, 2022, being the 3rd reading  
20    and 3rd public hearing before the Board of County Commissioners of Washington  
21    County, Oregon.

22    ///

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

*Kathryn Harrington*

CHAIR KATHRYN HARRINGTON

*Kevin Mapp*

RECORDING SECRETARY

READING

PUBLIC HEARING

First 4/19/22  
Second 5/24/22  
Third 6/7/22  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

First 4/19/22  
Second 5/24/22  
Third 6/7/22  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Sixth \_\_\_\_\_

VOTE: Aye: Harrington, Fai, Treece

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

Absent: **Rogers,  
Willey**

Recording Secretary: *Kevin Mapp* Date: 6/7/22

Sections of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA are 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.

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**Summary Findings and Conclusions**

The basic building block for comprehensive planning is the land use scheme or pattern which provides for future population and employment growth. From this pattern public facilities and services are gauged and planned. In addition to the basic land uses of residential, commercial, and industrial, refinements within each major category are used to respond to community characteristics. Issues of compatibility, such as buffering, landscaping and access control will be addressed in the revised development regulation standards and through provision for appropriate administrative and public review procedures. In addition, these regulations will address the conditions under which certain uses or actions can be taken. All such regulations will be clear and objective.

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In 2019, the state adopted House Bill (HB) 2001, which focused on “middle housing” – the range of housing types between traditional single detached homes and larger multi-unit residential buildings. It includes duplexes, triplexes, quadplexes, townhouses and/or cottage clusters. The intent of the bill was to encourage a more diverse mix of housing, providing housing options for people who may not be able to afford a detached home, and providing owners with opportunities to redevelop property. HB 2001 required Washington County to allow middle housing in all residential districts that allow single detached dwellings by June 2022. The County amended its Community Development Code regulations accordingly.

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

Pursuant to Metro's Urban Growth Management Functional Plan, minimum and maximum densities have been established in all residential districts, including the Transit-Oriented Residential districts. Pursuant to Metro's Urban Growth Management Functional Plan, minimum densities have also been established in all residential districts. With respect to residential plan designations, the following density ranges listed below shall apply to the residential plan designations. Developments that meet the Community Development Code provisions for middle housing are not subject to these density requirements:

R-5	4 to 5 units per acre
R-6	5 to 6 units per acre
R-9	7 to 9 units per acre
R-15	12 to 15 units per acre
R-24	19 to 24 units per acre
R-25+	20 to 100 units per acre
TO:R9-12	9 to 12 units per acre
TO:R12-18	12 to 18 units per acre
TO:R18-24	18 to 24 units per acre
TO:R24-40	24 to 40 units per acre
TO:R40-80	40 to 80 units per acre
TO:R80-120	80 to 120 units per acre
R-6 NB	5 to 6 units per acre
R-9 NB	7 to 9 units per acre
R-15 NB	12 to 15 units per acre
R-24 NB	19 to 24 units per acre
R-25+ NB	20 to 50 units per acre

R-5

Characterization: This district allows residential development primarily includes detached residences at a density of four to five units per acre – both single detached dwellings and, when approved through a planned development process, attached units are permitted in this district only through a planned development process. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement or a planned development review.

Manufactured dwelling parks and subdivisions are not permitted in the R-5 district. A single manufactured home on a lawfully created parcel is permitted in the district. The Infill Policy (19) of the Comprehensive Framework Plan applies in this district.

Location Criteria: The R-5 District shall be applied to areas in community plans selected for low residential densities that which were are designated Urban in the 1973 Washington County Comprehensive Framework Plan, as amended and zoned RU-2, RU-4, or developed under the P-R district.

Generally, R-5 areas should not be located on major traffic routes. If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include attached and detached residences (including manufactured dwellings), office and retail commercial, industrial, and institutional uses.

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

R-6

Characterization: The R-6 district is intended to provide the opportunity for innovative design at relatively low densities in developing residential areas where no predominant urban character has been established. This district allows residential development at a density of five to six units per acre – including single detached dwellings, class of uses primarily includes detached residences and, with notice to surrounding property owners, attached dwellings and manufactured dwellings in manufactured dwelling parks and manufactured dwelling subdivisions. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density, or when processed through a Type I review, the notice requirement. The R-6 district is intended to provide the opportunity for innovative design at relatively low densities in developing residential areas in which no predominant urban character has been established. Residences in this district shall occur at a density of five to six units per acre.

The Infill policy (19) of the Comprehensive Framework Plan shall apply in this district.

Location Criteria: The R-6 district shall be applied to areas in community plans selected for the lowest residential densities ~~that which were~~ not zoned RU-2, RU-3, RU-4, or developed under the PR zone, and which are designated Urban Intermediate by the 1973 Washington County Comprehensive Framework Plan, as amended.

Generally, R-6 areas should not be located on major traffic routes. If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include ~~detached and attached residences (including manufactured dwellings),~~ retail and office, commercial, industrial and institutional uses.

R-9

Characterization: This district allows residential development at a density of seven to nine units per acre – including single detached dwellings, class of uses includes detached and attached residences, manufactured dwelling mobile home parks, manufactured dwelling mobile home subdivisions, and appropriate accessory uses. These uses occur at a density of no more than 9 units per acre and no less than 7 units per acre. When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement.

Location Criteria: ~~Residences in this district~~ should generally be located close to, but not necessarily on, Collector and/or Arterial streets and. ~~They should be located~~ away from intersections of Arterials and Collectors. This kind of location allows moderately good access to transit, reduces through traffic on local streets, and mitigates noise and air pollution impacts. ~~If appropriate design features can protect the area from potential adverse impacts,~~ Adjacent land uses may include ~~detached and attached residences,~~ retail commercial, office commercial, and industrial uses.

R-15

Characterization: This district allows residential development at a density of 12 to 15 units per acre - class of uses including attached residences, manufactured dwelling mobile home parks and subdivisions, single detached dwellings residences, and appropriate accessory uses. These uses will occur at a density of no more than 15 units per acre and no less than 12 units per acre. When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement.

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*Location Criteria:* ~~Residences in this district class~~ should be located on or near Neighborhood Routes and Arterials both to allow ready access to transit and discourage the use of local streets for through traffic. If residences are located at or near Collector-Arterial intersections, construction and design features to buffer the impact of noise and air pollution ~~must be provided~~ may be required. This ~~class of uses~~ district should not be located at the intersection of two Arterials unless particular care is taken to minimize potential environmental impacts.

~~If appropriate design features can protect the area from potential adverse impacts, a~~ Adjacent land uses may include ~~detached and attached residences,~~ retail commercial, office commercial, and industrial uses, and ~~manufactured dwelling mobile home parks and mobile home subdivisions.~~

R-24

*Characterization:* This district allows residential development at a density of 19 to 24 units per acre – ~~including class of uses includes attached dwellings residences, mobile home parks and subdivisions and single detached dwellings residences in conjunction with planned developments,~~ and appropriate accessory ~~activities~~ uses. ~~These uses occur at a density of no more than 24 units per acre and no less than 19 units per acre.~~ When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement.

*Location Criteria:* ~~Residences in this district class~~ should be located on or near Collectors and Arterials. Through traffic access to residences in this district should not be provided from local streets. Locations on or near Transit Streets are desirable for these uses. Location of residences at or near Collector-Arterial and Arterial-Arterial intersections ~~will~~ may require use of construction design techniques to reduce potential visual, noise, and air pollution impacts on occupants. ~~If appropriate design features can protect the area from adverse impacts, a~~ Adjacent land uses may include ~~detached and attached units, manufactured dwelling mobile home parks and mobile home subdivisions,~~ retail commercial, office commercial, and industrial uses.

R-25+

*Characterization:* This district allows residential development at a density of 20 to 25 units or more per ~~acre, class of uses including~~ single detached dwellings and attached residences, as well as ~~mobile home parks and subdivisions in conjunction with planned developments and appropriate accessory uses.~~ ~~These uses may occur at densities of 25 units or more per acre and no less than 20 units per acre.~~ The density may be increased to more than 25 units per acre when the standards specified in the R-25+ District are met (e.g., areas with high frequency transit service). When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement.

*Location Criteria:* ~~Residences in this district class~~ should be located close to or within major employment or shopping areas. Measures should be incorporated in the project design to reduce potential adverse impacts of such locations on occupants. ~~This District uses~~ uses should be located on or near Collectors or Arterial streets and Transit streets. Through traffic access shall not be provided from Local streets. ~~If appropriate design features can protect the area from potential adverse impacts, a~~ Adjacent land uses may include ~~detached and attached residences,~~ manufactured dwelling mobile home parks and mobile home subdivisions, retail commercial, office commercial, and industrial uses.

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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:

Transit-Oriented Residential District, 9-12 units per acre (TO:R9-12)

The TO:R-9-12 District is a transitional district between existing low density subdivisions and higher density residential districts closer to ~~light rail~~LRT stations, regional and town centers and primary bus routes. This district allows residential development at nine to 12 units per acre – both single detached dwellings and attached units. ~~Dwelling units in this district would be limited to single family residences, duplexes, triplexes, fourplexes and townhouses or rowhouses. The minimum density in the district is 9 dwelling units per acre and the maximum density is 12 dwelling units per acre. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirements. Group residences such as residential care facilities/nursing homes are also allowed if located and designed to be compatible with surrounding residences, and if they have a minimum floor area ratio (FAR) of 0.35.~~

Transit-Oriented - Residential District, 12-18 units per acre (TO:R12-18)

The TO:R12-18 District is generally applied to property beyond one-quarter mile of LRT stations, in regional and town centers, and along designated main streets and corridors. This district allows residential development at 12 to 18 units per acre, including single detached dwellings and low-rise attached units. ~~Developments in the district could include duplexes, triplexes, fourplexes, townhouses and rowhouses, and low rise apartments (1-3 stories). Single detached dwellings may also be developed in the district on small lots, as long as the minimum density standard is met. The required minimum density for development in the district is 12 dwelling units per acre. The maximum allowed density is 18 dwelling units per acre. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirements.~~

As with the TO:R-9-12 District, group residences such as assisted living apartments and residential care facilities/nursing homes are also allowed if located and designed to be compatible with surrounding residences. ~~For such developments, the minimum FAR is 0.5.~~

Transit-Oriented Residential District, 18-24 units per acre (TO:R18-24)

The TO:R18-24 District is generally applied to property beyond one-quarter mile of LRT stations, in regional and town centers, and along designated main streets and corridors. This district allows residential development at 18 to 24 units per acre, including single detached dwellings and attached units. ~~Developments in the district could include duplexes, triplexes, fourplexes, townhouses and rowhouses, and apartments. Single family residences may also be developed in the district on small lots, as long as the minimum density standard is met. The required minimum density for development in the district is 18 dwelling units per acre. The maximum allowed density is 24 dwelling units per~~

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acre. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirements.

Group residences such as ~~residential care facilities/nursing homes~~ are also allowed if located and designed to be compatible with surrounding residences. For such developments, the minimum FAR is 0.5.

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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.

R-6 North Bethany (R-6 NB)

*Characterization:* The R-6 NB District is the lowest density district applied to lands in the North Bethany Subarea, ~~and it is intended to provide for larger lots.~~ This district allows residential development at densities of between five (5) to and six (6) units per acre. Typical housing types include ~~single detached single dwellings~~ family, attached units, duplexes, manufactured dwellings on individual lots, and accessory dwelling units. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement.

*Location criteria:* The R-6 NB District is typically located along neighborhood routes or local streets. This designation is appropriate along an arterial or collector when that location is determined to be appropriate through the development of the North Bethany Subarea Plan. Adjacent land uses may include rural areas, medium density residential districts, institutional and community service uses. This designation is also appropriate along existing lower density residential development areas and in areas where densities are restricted (e.g., steep slopes).

R-9 North Bethany (R-9 NB)

*Characterization:* The R-9 NB District is a medium density residential district applied to lands in the North Bethany Subarea. The R-9 NB District is similar to the R-6 NB District, however, the R-9 NB District allows smaller lots for single family detached residential lots dwellings. This district allows residential development at densities of range between seven (7) to and nine (9) units per acre, including. Housing types include detached single dwellings, and attached units single family dwellings, duplexes, and accessory dwelling units. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement. Manufactured dwelling subdivisions and parks may also be located in the R-9 NB District.

*Location criteria:* The R-9 NB District is typically located along neighborhood routes or local streets. This designation may be appropriate along an arterial or collector when that location is determined to be appropriate according to the North Bethany Subarea Plan. Adjacent land uses may include other medium or low-density residential districts, institutional and community service uses.

R-15 North Bethany (R-15 NB)

*Characterization:* The R-15 NB District is a medium density district applied to lands in the North Bethany Subarea, ~~and this district is intended to provide a transition between lower and higher density land use districts.~~ This district allows attached-unit residential development at densities of 12 to 15 units per acre. Uses in the R-15 NB District include attached single family dwellings, duplexes, triplexes, and other multi-family options, such as lower density apartments. Single detached dwellings may also be allowed through a planned development process. Duplexes, triplexes, quadplexes,

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townhouses and cottage clusters that meet the Community Development Code provisions for middle housing are also allowed and are not subject to the above-noted density requirement. In addition, manufactured dwelling subdivisions and parks ~~and multi-family developments, such as apartments,~~ may be provided. ~~Densities range from twelve (12) units per acre to fifteen (15) units per acre.~~

*Location criteria:* The R-15 NB District should generally be located close to, but not necessarily on, a neighborhood route, collector or arterial. Adjacent land uses may include R-6 NB, R-9 NB and R-24 NB Districts, institutional and community service uses.

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**POLICY 19, INFILL**

**It is the policy of Washington County to provide regulations for developing vacant or underdeveloped ~~bypassed~~ lands of two acres or less in areas designated R-5 and R-6. The intent ~~of such regulations shall be to ensure that new development is consistent with the density requirements of each district, and is compatible with the character of~~ buffer existing residences from adjacent incoming residential developments (other than middle housing), to the extent required by specific ~~establishing a review process and criteria which that~~ emphasize privacy, lot size, buffering, access, and circulation. Application of the review criteria shall not affect middle housing development or preclude development of other housing types to the density allowed by each district.**

**Implementing Strategies**

The County will:

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

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**Summary Findings and Conclusions**

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

Within more urbanized areas developable land still remains. Where such land is found in the midst of existing low density neighborhoods, particularly on small lots, the prospect of future "infill" development ~~sometimes~~ raises concerns among surrounding residents ~~and challenges to the community at large.~~ Infilling on ~~bypassed vacant or underdeveloped~~ land is desirable because existing public facilities such as sewers can be more fully utilized and public services such as police patrol and public transit can be provided more efficiently and economically. Infilling on smaller land parcels is also an important element in helping the County to implement the housing and density requirements of Metro's Urban Growth Management Functional Plan that are applicable to the county, including the minimum density requirement. ~~Infilling is undesirable when existing residents lose privacy, access to and from infill developments is haphazard, and the concerns of affected residents are not sought before the development takes place.~~ The challenge, ~~then,~~ objective is to establish a process through which the density requirements are met while addressing design, access, and other concerns of affected neighbors.

Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing are not subject to the development regulations associated with the infill policy, or to the density requirements that apply to other housing in the R-5 and R-6 districts. State regulations limit siting and design regulations that may be applied to these housing types.

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**URBAN AREA HOUSING**

**POLICY 21, HOUSING AFFORDABILITY:**

**It is the policy of Washington County to encourage the housing industry, including for-profit and nonprofit builders and the Housing Authority, to provide an adequate supply of affordable housing affordable for all the range of households in the urban unincorporated ~~urban~~ county area.**

**Implementing Strategies**

The county will:

- a. Provide for an average overall density for new housing constructed in the urban unincorporated area of at least 8 units per net buildable acre, and at least 10 units per net buildable acre in the North Bethany Subarea of the Bethany Community Plan. This strategy is not applicable to duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing.

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- b. ~~Periodically review~~ Streamline the development application and review process as part of an ongoing effort to reduce ~~the~~ regulatory costs associated with land development, while improving ~~the~~ quality of review.
- c. ~~Allow accessory dwelling units on all lots where a single detached dwelling is allowed. Through a regulatory process in the Community Development Code, permit the creation of a second dwelling unit within detached dwellings where the structural characteristics are deemed by the planning director to allow such an adaptation and where such a change will not adversely affect the neighborhood.~~
- cd. ~~Periodically r~~Review design and development standards for residential projects as part of an ongoing effort to reduce unnecessary housing costs while maintaining housing and neighborhood quality/livability.
- de. ~~Periodically r~~Review ~~the~~ utilization of ~~residential planned~~ allowed residential densities ~~on a periodic basis~~ to determine if ~~any~~ Plan changes are required. ~~Large housing projects for the elderly may include accessory convenience commercial uses. Appropriate standards shall be included in the Community Development Code.~~
- ef. Encourage compatible development in partially developed residential areas to make optimal use of existing urban service facility capacities and maximize use of ~~the supply of~~ residential land.
- g. ~~Assist state and local public housing agencies in the~~ Support development, operation, and preservation of regulated affordable housing opportunities throughout Washington County by ~~continuing to fund~~ funding the Department of Housing Services (DHS) and the Office of Community Development (OCD).
  1. ~~DHS administers federal, state, and local housing programs to fund affordable housing projects, provides provide~~ rental assistance to low income households, ~~and and~~ fund and develop regulated affordable housing. DHS also administers homeless assistance funds affordable housing opportunities for low and moderate income households, and partners with local jurisdictions, non-profit corporations and private developers to ~~develop support other~~ affordable housing opportunities. ~~Further, DHS also owns and manages public and regulated~~ affordable housing throughout Washington County.
  2. OCD manages HOME Investment Partnerships Program and the Community Development Block Grant (CDBG) program. HOME can provide low interest loans to developers of affordable multi-family housing and support Community Housing Development Organizations through operating grants. The CDBG program supports preservation of affordable housing for low and moderate income households, and through rehabilitation of single detached dwellings, ~~on behalf of the County and participating city consortium members the Community Development Block Grant (CDBG) and the Washington County HOME Consortium Grant programs. CDBG funds can finance housing projects that benefit low and moderate income persons; while HOME Consortium Grant funds can finance housing projects that serve low income households and/or support Community Housing Development Organizations through operating grants.~~
- h. Encourage the housing industry, including for-profit and non-profit builders and the Housing Authority, and both public and private housing agencies to build a sufficient number of new affordable housing units affordable to all households within unincorporated Washington County to meet needs identified in regional or local assessments ~~Metro's voluntary affordable housing production goal.~~
- i. Periodically assess the feasibility of ~~establishing~~ a voluntary inclusionary housing program, ~~and a transfer of development rights program, and/or other programs or strategies~~ to improve ~~the~~

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opportunities for regulated affordable housing and/or housing affordable to all households within urban unincorporated Washington County.

- j. Allow middle housing as provided in HB 2001 (2019) to help accommodate more variety in housing type and sale or rental price. Adopt the affordable housing program for the North Bothany Subarea Plan before January 1, 2011.

**Summary Findings and Conclusions**

Housing is considered affordable when housing costs are no more than 30% of a household’s gross income (which is usually nearly 50% of net income). The amount that is theoretically “affordable” varies for each household and shifts as households change over time.

Housing that is limited to eligible households at specified income levels is known as regulated affordable housing. Such housing is typically provided by non-profit builders or the Housing Authority. Providing such housing is complex, subject to specific requirements for resident eligibility, allowable rates and other factors. The majority of these requirements are established by others. The Washington County Department of Housing Services and Office of Community Development are the County departments that administer regulated affordable housing and homeless assistance funds.

~~Housing prices have continue to escalated dramatically over the last several years.~~ Though the median household income in Washington County is the highest of any county in the state (income for some population sub-groups in the county is significantly lower), there is ~~abundant~~ evidence that dwellings are being priced out of the financial reach of many county households. A ~~very~~ substantial household income level is ~~now~~ necessary to afford the purchase of a standard *detached* home. The amount of income needed to purchase an *attached* dwelling will vary, depending on ~~the quality of the dwelling~~ a variety of factors, but it too can be substantial and beyond the reach of ~~county~~ many households.

~~Many families require two wage earners to pay housing and other costs. These same costs often require families to have fewer children, thereby lowering the average household size.~~

~~Households unable to buy a home have to stay in the rental market. Rental housing can now be afforded by the majority of county households, may be more affordable than purchasing a home, though this is not always the case. Rental rates also continue to escalate, and but the affordability of rental housing may also decrease in the future, unless investors are given incentives to construct new rental housing continues to be needed to satisfy the demand created by a growing population. Without additional rental housing, renters will face stiffer competition for existing units; those who cannot afford to become homeowners will be forced to and many will pay an even higher proportion of their incomes for rent or be forced to find other alternatives. This situation could be exacerbated by the present phenomenon of conversion of apartments to condominiums, which decreases the existing stock of rental units.~~

~~Federally funded housing programs administered through the Housing Authority of Washington County and the Department of Housing Services to assist low and moderate income households and other target groups, reduce the gap between the kinds of housing they can afford and what they need. Unfortunately, the demands for assistance exceed the supply of assistance money available.~~

State law prohibits the County from setting prices for housing. Most housing is produced by for-profit builders and developers. Factors that contribute to the ~~cost price~~ of a home include costs for land costs, building costs (labor, materials, financing) and regulation costs. Land, regulation and financial costs ~~in particular have been often~~ increasing faster than the rate of inflation. Land costs ~~can may~~ be decreased by increasing the amount of serviced buildable land available for residential development, and developing the land that is available at higher densities. Regulation costs ~~can may~~ be reduced by simplifying application procedures; clarifying regulations; ~~reducing unnecessary paper work;~~ allowing multiple permit

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applications; expediting the approval process through greater reliance on administration decisions; and revising some development standards. Development process changes and code amendments affect affordability and development timelines, positively or negatively, by adding or eliminating specific requirements.

Financing costs are generally beyond the control of County government but, by financing certain public improvements through public bond sales rather than fees imposed on development, the cost of purchasing dwellings, which must be financed through the private mortgage market in most cases, could be reduced. Construction costs can be reduced by building smaller units, using innovative construction techniques including off-site assembly, and utilizing less expensive alternative materials when appropriate.

Middle housing can include new and/or redeveloped middle housing units that are less costly than a new single-detached home in a similar neighborhood. Accessory dwelling units can also provide units that are more affordable. Historically, when middle housing and accessory dwelling units are present in a neighborhood, they help provide variety in sales and rental prices.

~~For the North Bethany Subarea, a committee of professionals with experience in developing and funding affordable housing was convened to recommend potential options, resources and feasibility for achieving affordable (workforce) housing in North Bethany. In establishing the recommendations, the group considered Metro's regional housing choice requirements, local affordable housing requirements, and additional objectives developed by the group in order to ensure a long term supply of affordable housing. These objectives and recommendations are explained in the Affordable Housing Report of the North Bethany Plan, dated July 2007. The recommendations of this committee report are to be addressed in a staff summary that responds to Title 11 requirements under the Metro Urban Growth Management Functional Plan and other conditions associated with urbanization of the North Bethany UGB expansion area. Staff will work with affected parties and partners in preparing the North Bethany Affordable Housing Program.~~

**POLICY 22, HOUSING CHOICE AND AVAILABILITY:**

**It is the policy of Washington County to encourage the housing industry to make a variety of housing types available, in sufficient quantities, to the housing consumer.**

**Implementing Strategies**

The County will:

- a. Designate a sufficient amount of land in the community plans to allow at least 50 percent of the housing units constructed over the next 20 years to be attached units.
- b. Allow for the construction of a variety of housing types on all land planned for residential use, except where specifically limited by ordinance, ~~as long as subject to compliance with density limits are not exceeded and development standards are complied with~~ and applicable density provisions.
- c. Designate through the community planning process, an adequate amount of land in each unincorporated urban community to allow for the widest possible range of housing types and density levels, consistent with the Comprehensive Framework Plan.

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- d. Support the provision of needed mobile home sites in mobile home parks and mobile home subdivisions throughout the county.
- e. Allow by right in all residential districts development of housing projects designed to meet the needs of special groups (the elderly, handicapped and migrant workers), as long as all development standards are complied with.
- f. Allow for duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code provisions for middle housing in all residential districts that allow single detached dwellings.

**Summary of Findings and Conclusions**

The size of the average American household and is decreasing, as its character and lifestyle is change over timeing. ~~The trend toward smaller households is clearly evident in Washington County, where the average household size has declined from 3.01 in 1973 to 2.53 in 1980, according to federal census statistics. Trends over the past several decades contributing to these changes include The changing character and lifestyle of households results from more a rise in single parent households, more women working wives in the workforce, and mothers, declining birth rates, an aging population, more active lifestyles, and an increase in working from home due to the development of remote work technology, and a common desire for more time for leisure activities.~~ The practical effects of these changes are twofold: 1) more dwelling units are required to shelter a given population; and 2) smaller units requiring less maintenance time are in demand. At the same time, ~~a strong preference exists for housing with characteristics of the traditional detached homes (privacy, space) remains popular.~~ As a result of this situation and affordability considerations, a variety of housing types in addition to detached homes are now and will continue to be in demand, ~~including attached units, apartments, condominiums and mobile homes.~~

In 2019, the state legislature adopted House Bill (HB) 2001 focused on “middle housing” – the range of housing types between single detached homes and larger multi-unit buildings. It includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. The intent of the bill was to encourage a more diverse mix of housing in areas typically dominated by single detached housing, to help increase housing options for people who may not be able to afford a detached home, and to allow homeowners opportunities to add middle housing units within an existing home or lot. HB 2001 required Washington County to allow middle housing in all residential districts that allow single detached dwellings by June 2022. The County amended its Community Development Code regulations accordingly.

The Comprehensive Plan must respond to the increased demand for all types of housing including housing for the elderly, handicapped and migrant workers, and designate sufficient land area and identify suitable locations for the various types and densities of residential development. Otherwise, the price or rent of available units will increase unnecessarily and many people will be forced to live in shelter unsuitable to their needs.

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**POLICY 24, HOUSING DISCRIMINATION:**

**It is the policy of Washington County to encourage and support equal access to quality housing throughout the county for all people.**

**Implementing Strategies**

The County will:

- a. Continue to support Housing Authority efforts to reduce housing discrimination in the county.

**Summary of Findings and Conclusions**

Information is dated and will be updated as part of the Long Range Planning Work Program.

~~There are basically two kinds of housing discrimination in the county. Discrimination motivated by bigotry and discrimination motivated by economic concerns. The former type is not prevalent in the county, but the latter affects certain ethnic groups and household types.~~

~~Some ethnic groups have a reputation among landlords of overcrowding and abusing housing units. Therefore, landlords frequently prefer not to rent to them. Landlords also often prefer not to rent to families with children for the same reason. Families with low incomes have the additional reputation of being unable to pay rent on time, making discrimination against them even more prevalent. Welfare recipients and the mentally handicapped are also discriminated against because landlords often fear they will not pay their rent.~~

~~The Washington County Housing Authority is attempting to develop understanding and better relations between landlords and tenants and others involved in the housing industry through counseling and workshops on fair housing as well as information disseminated through the local media, including media aimed at minority groups. The overall approach is mediation rather than confrontation, although the Housing Authority does inform HUD of all discrimination complaints it receives, and Legal Aid is sometimes asked to represent people who have a valid complaint. This approach seems to be succeeding, as complaints are declining. Landlords generally find that people who have been through the Housing Authority workshops are good tenants.~~

~~Discrimination against families with children still remains as a major problem. Although current state law prevents landlords from discriminating against renters on the basis of race, sex, religion and age, it does not prohibit discrimination against families with children.~~

~~There also appears to be a problem in handling complaints of landlord neglect of housing maintenance. At the present time the only recourse in such an event is action by the local legal aid group. No mediation service is available. In some of these cases increased enforcement efforts by the County Health Department might be helpful.~~

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**REGIONAL PLANNING**

**POLICY 40, REGIONAL PLANNING IMPLEMENTATION:**

**It is the policy of Washington County to help formulate and locally implement Metro’s regional growth management requirements in a manner that best serves existing and future residents and businesses.**

**Implementing Strategies**

The County will:

- a. Participate in regional growth management planning efforts (including identifying urban reserves and urban reserve concept planning) and regional transportation planning efforts to help build better communities.
- b. Implement regional growth management requirements through a process that includes opportunities for citizen involvement.
- c. Identify the 2040 Growth Concept Design Types characteristics that generally represent the form of future development.
- d. Adopt a map that identifies the general location of the 2040 Growth Concept Design Types.
- e. Require applicants proposing plan map amendments to demonstrate that their proposal is consistent with the applicable 2040 Growth Concept Design Type.
- f. Plan amendment approvals may be conditioned by the Review Authority in a manner that will promote excellence of urban design. Good design involves both building and site design and their relationship to neighboring uses in order to: ensure a sense of place and personal safety; create a development pattern conducive to face to face community interaction; and, encourage multimodal means of transportation.

**Design Type Characteristics**

- **Regional Centers.** Regional Centers generally will be the most intensively developed areas that include a wide range of uses that serve the broader community. These areas will include opportunities for commercial, residential and mixed use development. The various permitted uses will work together to create a lively, prosperous focal point that serves as a place to live, work, shop and recreate with less reliance on the automobile than might be found elsewhere in the community. Regional Centers will be destination points for public transit that serve these centers of more intensive development. Wide sidewalks and amenities such as street trees and benches will make these areas “pedestrian-friendly.” Regional Centers will include multiple story retail commercial, services and offices placed close to public sidewalks.

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- **Neighborhoods.** New residential neighborhoods generally will be developed at lower densities of four to six units per acre. Future residential developments within neighborhoods will be slightly more compact than subdivisions created prior to the late 1990's. "Infill" development is anticipated on sites that were previously overlooked and on under-utilized larger lots. Some institutional uses and limited neighborhood commercial activities may be appropriate in neighborhoods. Duplexes, triplexes, quadplexes, townhouses and cottage clusters that meet the Community Development Code requirements for middle housing will also be allowed in neighborhoods, and are not subject to land use district density requirements.
- **Employment Areas.** Employment Areas are designed to provide the community with locations for jobs. Primary uses include firms that fit the niche between commercial retail/services and industrial. New commercial development will be limited to uses that are of a size and nature that serve the Employment Area workers and do not compete with Centers, Main Streets or Corridor commercial developments.
- **Industrial Areas.** Industrial Areas are set aside primarily for industrial activities with limited supporting uses.

**Summary of Findings and Conclusions**

In 1992, the voters in the Portland metropolitan area gave Metro the authority to lead regional growth management activities. Metro's Region 2040 program was the first step in the process to outline and evaluate various development options for region growth over a 50-year time period. The product of this effort was the development of the Metro 2040 Growth Concept and the 2040 Growth Concept Map. The Growth Concept and Map define the desired form for regional growth and development within the Portland metropolitan area. The Growth Concept integrates both land use and transportation planning.

In December 1995, the Metro Council updated the Regional Urban Growth Goals and Objectives to incorporate the 2040 Growth Concept. In November 1996, the Metro Council adopted the Urban Growth Management Functional Plan (UGMFP). This plan is designed to make possible implementation of the Growth Concept at the local government level. The UGMFP includes specific growth management measures that each local government must incorporate into their comprehensive plan and implementing land use ordinances.

Washington County conducted a multi-year effort to amend the Comprehensive Framework Plan, the Community Plans and implementing land use ordinances to meet the land use and transportation requirements of the UGMFP. One of the requirements is to adopt a Design Type Boundary Map. The Washington County 2040 Design Type Boundary Map indicates the location of the design types. The boundaries of each design type are in locations that are generally the same as shown on Metro's 2040 Growth Concept Map.

Washington County has located the 2040 Design Types on the following series of maps.

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# AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

**RO 22-54**

**Meeting Date:** June 07, 2022  
**Agenda Category:** ACTION  
**Department(s):** Land Use & Transportation  
**Presented by:** Stephen Roberts, Director of Land Use & Transportation

**CPO:** All

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**Agenda Title:** **Adopt Findings for A-Engrossed Ordinance No. 886**

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**REQUESTED ACTION:**

Adopt the findings for A-Ordinance No. 886 and authorize the Chair to sign the Resolution and Order memorializing the action.

**SUMMARY:**

A-Engrossed Ordinance No. 886 amends the Comprehensive Framework Plan for the Urban Area (CFP) to implement state law changes adopted in HB 2001, the Middle Housing bill. Changes are proposed to CFP Policies, Implementing Strategies, and Summary Findings and Conclusions to reflect current conditions and add references to Middle Housing. A-Engrossed Ordinance No. 886 is posted on the County's land use ordinance webpage at the following link:

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

Post-acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. Oregon Revised Statute (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 A-Engrossed Ordinance No. 886. The proposed findings are also posted on the above land use ordinance webpage.

**ADDITIONAL INFORMATION:**

**Community Feedback (Known Support/Opposition):**

None known at this time

**Legal History/Prior Board Action:**

Refer to A-Engrossed Ordinance No. 886 Board agenda

**Budget Impacts:**

None

**ATTACHMENTS:**

[Resolution and Order 22-54 - A-Engrossed Ord. No. 886 Adopt Findings](#)  
[A-Engrossed Ord. No. 886: Findings](#)

Approved by the  
Washington County Board of Commissioners  
also serving as the governing body of Clean Water Services and all other County Districts



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Kevin Moss, Board Clerk

June 7, 2022

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Date Signed

**RO 22-54**

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting	)	RESOLUTION AND ORDER
Legislative Findings in Support	)	No. <u>22-54</u>
of A-Engrossed Ordinance No. 886	)	
	)	

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of June 7, 2022; 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 A-Engrossed Ordinance No. 886; 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 February 16, 2022, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

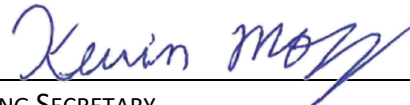
It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission’s proceedings, and other items submitted to the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

1 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of A-Engrossed  
2 Ordinance No. 886 are hereby adopted.

3 DATED this 7th day of June 2022.

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5 BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

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CHAIR KATHRYN HARRINGTON

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RECORDING SECRETARY

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**EXHIBIT A****FINDINGS FOR A-ENGROSSED ORDINANCE NO. 886****AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA TO IMPLEMENT OREGON HOUSE BILL 2001 MIDDLE HOUSING PROVISIONS****June 7, 2022**

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

**Part 1:****GENERAL FINDINGS**

A-Engrossed Ordinance No. 886 proposes to amend Washington County’s Comprehensive Framework Plan for the Urban Area (CFP) to meet state law requirements of Oregon House Bill (HB) 2001, the Middle Housing bill, which was adopted in 2019. Changes are proposed to specific CFP Policies, Implementing Strategies, and Summary Findings and Conclusions to align County policy with new middle housing requirements, add references to middle housing, and update language to better reflect current conditions.

**Key Ordinance Provisions**

- Amends several CFP policies, Implementing Strategies, and Summary Findings and Conclusions to reflect current conditions and add references to middle housing.
- Clarifies that Policy 19, Infill, does not apply to middle housing.
- Deletes outdated information in Policy 24, Housing Discrimination, and references a future update to that policy’s Implementing Strategies and Summary Findings and Conclusions.

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 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), 19 (Ocean Resources) and related Oregon Administrative Rules (OARs) are not addressed because these resources are not located within Washington County.



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

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

Because this ordinance amends the CFP to meet state law requirements of HB 2001, the Middle Housing bill, findings for the Regional Transportation Functional Plan (RTFP) are not required. Per Section 3, Part (5) of HB 2001, *"When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility."*

## **Part 2:**

### **STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 886 is consistent with the Goals, Oregon Revised Statutes (ORS), OAR requirements, Metro's UGMFP and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement these 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 community participation in the planning process. The County has an acknowledged citizen involvement program that provides a range of opportunities for community members 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 community involvement during review and adoption of land use ordinances, including public hearings. The County has followed these requirements for the adoption of A-Engrossed Ordinance No. 886.

**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. The 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 CFP, Community Plans, the Community Development Code (CDC), the Rural/Natural Resource Plan (RNRP) and the Transportation System Plan (TSP). The County utilized this process to adopt A-Engrossed Ordinance No. 886.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 886 were addressed either as part of the proceedings or with subsequent staff coordination.

**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 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 on an acknowledged resource list.

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

A-Engrossed Ordinance No. 886 adds middle housing as an allowed use in the CFP Policy 18 (Plan Designations and Locational Criteria for Development) descriptions of the 12 urban residential districts that allow single detached dwellings. However, all existing protections for Significant Natural Resources (SNRs) will still apply. A-Engrossed Ordinance No. 886 does not amend the applicable Plan policies or Community Plans that relate to SNRs. Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 5 resources.

**Goal 6 – Air, Water and Land Resources Quality**

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

A-Engrossed Ordinance No. 886 does not amend the applicable CFP policies related to air, water or land resources that impact the County's compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

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 RNRP set out the County's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 886 does not amend the applicable CFP policies related to flood plains and other areas subject to natural hazards that impact the County's compliance with Goal 7. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

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 RNRP and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

A-Engrossed Ordinance No. 886 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

### **Goal 9 – Economic Development**

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the RNRP 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.

The additional middle housing types allowed by A-Engrossed Ordinance No. 886 are exclusively in urban residential districts and will not impact the County's mixed use, commercial or industrial districts. Allowing for additional households in urban residential districts provides more home-based business opportunities, which can support household prosperity. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

The amendments within A-Engrossed Ordinance No. 886 are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

### **Goal 10 – Housing**

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

A-Engrossed Ordinance No. 886 amends CFP Policy 21 (Housing Affordability) to add references to middle housing and notes that middle housing is intended to help accommodate more variety in housing type and sale or rental price. The ordinance also amends CFP Policy 22 (Housing Choice and Availability) to add references to middle housing as a strategy for providing housing variety. Further, the ordinance amends CFP Policy 24 (Housing Discrimination) to remove outdated and inaccurate information on housing discrimination in the County.

Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

### **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 RNRP address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

A-Engrossed Ordinance No. 886 does not amend the applicable Plan policies or CDC standards relating to public facilities and services.

Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 886. 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 RNRP, and in particular the TSP, describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

A-Engrossed Ordinance No. 886 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans. According to OAR 660-046-0030(3) when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. Regardless, the amendments in A-Engrossed Ordinance No. 886 do not:

- Change the functional classification of an existing or planned transportation facility.
- Change standards implementing a functional classification system.
- Result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility.
- Degrade the performance of any existing or planned transportation facility.

Therefore, the amendments in A-Engrossed Ordinance No. 886 do not have a significant effect on the transportation system as defined by the Transportation Planning Rule (TPR) in OAR 660-012-0060. 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). Therefore, compliance with Goal 12 is maintained.

**Goal 13 – Energy Conservation**

Goal 13 requires developed land uses to be managed and controlled 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 RNRP address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 886 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 886.

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 UGMFP requires the County’s Plan changes to be consistent with the UGMFP. The following A-Engrossed Ordinance No. 886 findings have been prepared to address Titles 1, 6, 7 and 8 of the UGMFP.

**Title 1 – Housing Capacity**

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

**RESPONSE**

A-Engrossed Ordinance No. 886 amends CFP Policy 21 (Housing Affordability) to add references to middle housing and notes that middle housing is intended to help accommodate more variety in housing type and sale or rental price. The ordinance also amends CFP Policy 22 (Housing Choice and Availability) to add references to middle housing as a strategy for providing housing variety. The amendments are intended to comply with HB 2001 (2019), the Middle Housing bill, which requires local governments to allow middle housing in all urban residential districts that allow single detached dwellings.

The amendments will not result in a decrease in housing capacity. The amendments may have a positive effect on housing costs by allowing for increased housing variety and supply.

A-Engrossed Ordinance No. 886 is consistent with Title 1.

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

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

**RESPONSE**

Washington County already allows duplexes, triplexes, quadplexes and townhouses in all urban residential districts, and cottage clusters in several. The proposed CFP amendments in A-Engrossed Ordinance No. 886 will allow for more middle housing units, of the types noted above, in all urban residential districts that allow single detached dwellings. Some areas within these affected districts overlap with Metro-designated Centers, Corridors, Main Streets and Station Communities, complementing the enhanced investments in these areas. A-Engrossed Ordinance No. 886 is consistent with Title 6.

## **Title 7 – Housing Choice**

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

### **RESPONSE**

A-Engrossed Ordinance No. 886 amends CFP Policy 21 (Housing Affordability) to add references to middle housing and notes that middle housing is intended to help accommodate more variety in housing type and sale or rental price. The ordinance also amends CFP Policy 22 (Housing Choice and Availability) to add references to middle housing as a strategy for providing housing variety. The amendments are intended to comply with HB 2001 (2019), the Middle Housing bill, which requires local governments to allow middle housing in all urban residential districts that allow single detached dwellings.

The amendments will not result in a decrease in housing choice. The amendments may have a positive effect on housing choice by allowing for increased housing variety and supply. A-Engrossed Ordinance No. 886 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. 886 was sent Jan. 12, 2022 to Metro, 35 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 886 was sent May 6, 2022 to Metro. Metro provided no comments on Ordinance No. 886 or A-Engrossed Ordinance No. 886.

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