



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

ADOPTED

Meeting Date: February 07, 2023
Agenda Category: PUBLIC HEARINGS
Department(s): Land Use & Transportation
Presented by: Stephen Roberts, Director of Land Use & Transportation
Thomas A. Carr, County Counsel

CPO: All

Agenda Title: **Consider Proposed A-Engrossed Ordinance No. 889 – An Ordinance Addressing Minor Amendments to the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan and the Community Development Code (Continued from Jan. 24, 2023)**

REQUESTED ACTION:

Read A-Engrossed Ordinance No. 889 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 889. By separate action, adopt associated findings.

SUMMARY:

A-Engrossed Ordinance No. 889 proposes minor amendments to various elements of the Washington County Comprehensive Plan (Plan). The ordinance would amend the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan and the Community Development Code (CDC) to update plan polices and codes for clarity and accuracy, and to make minor policy shifts to reduce barriers to urban residential development. A-Engrossed Ordinance No. 889 is posted on the County's land use ordinance webpage at the following link:

www.washingtoncountyor.gov/lut/land-use-ordinances-progress

At its Nov. 29, 2022 public hearing on Ordinance No. 889, the Board of Commissioners directed engrossment of the ordinance to make several changes. A summary of the amendments was included in the Nov. 29 hearing materials. The Board conducted its first hearing for A-Engrossed Ordinance No. 889 on Jan. 24, 2023, and continued the hearing to Feb. 7, 2023 for the second of two required hearings on the engrossed ordinance.

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):

The Board's action to order engrossment addressed public input requesting minor changes to the ordinance. New comments have been received and will be addressed in the staff report for this hearing.

Legal History/Prior Board Action:

- This ordinance was authorized as part of the 2021-22 Long Range Planning Work Program.
- Nov 29, 2022 – Board hearing for Ordinance No. 889; Board directed engrossment to make changes recommended by staff and the Planning Commission and continued the hearing to Jan. 24 and Feb. 7, 2023.
- Jan. 24, 2023 – Board held first hearing on A-Engrossed Ordinance No. 889 and continued the hearing to Feb. 7, 2023.

Budget Impacts:

None

ATTACHMENTS:

[A-Engrossed Ord. No. 889 \(Minor Amendments\): Staff Report](#)

[A-Engrossed Ord. No. 889 \(Minor Amendments\): Att. A: Testimony](#)

[ADOPTED - A-Engrossed Ord. No. 889 \(Minor Amendments\) Notice Filed Ordinance](#)

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



Kevin Moss, Board Clerk

February 7, 2023

Date Signed

ADOPTED



Jan. 31, 2023

To: Washington County Board of Commissioners

From: Erin Wardell, Manager
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 889 – An Ordinance Addressing Minor Amendments to the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, and the Community Development Code**

STAFF REPORT

For the Feb. 7, 2023 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. 889. At the conclusion of public testimony, close the hearing and adopt A-Engrossed Ordinance No. 889. By separate action, adopt the associated findings by resolution and order.

II. BACKGROUND

The Board is scheduled to hold the second of two required public hearings for A-Engrossed Ordinance No. 889 at the Feb. 7 meeting.

After its Nov. 29 public hearing for proposed Ordinance No. 899, the Board directed engrossment of the ordinance and continued the hearing to Jan. 24 and Feb. 7. 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.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 889 by resolution and order has been provided in the meeting materials for the Board's Feb. 7 meeting.

Public Comment

Written comments were submitted by two members of the public on Jan. 14 and 19 related to amendments to Policy 41 (Urban Growth Boundary Expansions) Implementing Strategy a. of the Comprehensive Framework Plan for the Urban Area (CFP). The comments expressed concern that the changes might limit the potential for future County actions to initiate or implement a UGB expansion. The letters, included as Attachment A, requested further modification to the policy language to address this concern. Both letters also requested that Washington County complete planning work for North Bethany regarding the Shackelford Road connection to 185th Avenue, presumably including UGB expansion.

Staff Response: *The ordinance contains the following proposed change (underline = additions, ~~strike through~~ = deletions):*

Implementing Strategies

The County will:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission and any appeals have been resolved. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable community plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until ~~all appeals regarding the UGB expansion have been finalized and, when applicable, the~~ any planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment and the property is annexed to a city. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a locational or minor adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.

The changes clarify that, when the Future Development – 20 acre (FD-20) Land Use District is applied after an area is added to the regional Urban Growth Boundary (UGB), it is maintained until concept planning is done and the area is annexed to a city. This is consistent with current Metro and County policy and the current provisions in this strategy for FD-10 land. Staff does not recommend a change to the proposed language. Should the Board wish to further modify the language, a B-Engrossment would be required.

List of Attachments

The following attachment identified in this staff report is provided:

Attachment A: Public testimony



PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 889 *Individual and General Notice 2023-01* *Jan. 12, 2023*

Initial notice was provided to interested parties Sept. 21, 2022 regarding proposed Ordinance No. 889. After public hearings for Ordinance No. 889, the Board of Commissioners ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 889**. 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

Residents and property owners in unincorporated Washington County.

What Land is Affected

Urban and rural unincorporated areas of Washington County.

ORDINANCE PURPOSE:

Ordinance No. 889 and changes made through engrossment amend the Comprehensive Framework Plan for the Urban Area (CFP), the Bethany Community Plan and the Community Development Code (CDC) to update plan polices and CDC provisions for clarity and accuracy, revise processes and reduce barriers to urban residential development. Details on the amendments are shown on the next page.

PUBLIC HEARING INFORMATION/LOCATION:

Hearings on the engrossed ordinance are 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

6:30 p.m.
Jan. 24, 2023

10 a.m.
Feb. 7, 2023

At its Feb. 7, 2023 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 Feb.7, it would become effective March 9, 2023.

SUMMARY OF ORDINANCE NO. 889 AS ORIGINALLY FILED:

- Amends language related to Urban Growth Boundaries (UGB) in the CFP to:
 - Revise timing of County actions to implement Metro UGB expansions.
 - Remove erroneous reference to land located in the E. Hillsboro Community Plan Area.
- Amends Bethany Community Plan maps so North Bethany Subarea-specific information is only shown on Chapter 2 maps.
- Amends the CDC to:
 - Correct various grammatical, numbering and cross reference errors.
 - Update CCI membership (Section 107) and the FD-20 District (Section 308) for consistency with current documents.
 - Clarify existing standards for storage associated with Vehicle Camping for Homeless Persons (Section 201) and side-yard maintenance easements in urban residential districts (Sections 304 through 307).
 - Clarify rural standards for dwellings on land subject to special tax assessment (Sections 340 and 344), DEQ-defined clean fill sites (Sections 346 and 348), and service provider letters (Section 501).
 - Add height limit for residential accessory structures in medium density Transit Oriented residential districts (Section 375).
 - Revise private street provisions to allow curbs in easements (Section 409).
 - Clarify how residential off-street parking and future right-of-way are calculated (Sections 413 and 418).
 - Add a new Type I Setback Adjustment process and make associated changes to the structure and terminology in section (Section 435).
 - Revise procedures for land divisions to allow property line adjustments between the preliminary and the final review stages (Section 602).

SUMMARY OF CHANGES TO ORDINANCE NO. 889:

- Add reference to CCI Committee Chairs in Section 107-6.
- Revise language related to sales in Section 602-4 for consistency with statute.
- Remove amendments to side yard setback sections (Sections 304, 305, 306, 307).
- Remove amendments regarding a new Type I Setback Adjustment process in Section 435.

AFFECTED LAND USE PLANNING DOCUMENTS:

Comprehensive Framework Plan for the Urban Area

- Policy 41, Urban Growth Boundary Expansions

Bethany Community Plan

- North Bethany Subarea Plan Maps, Chapter 1

Community Development Code

- Various sections – Global replacement of terms
- Section 107 – Planning Participants
- Section 201 – Development Permit
- Section 308 – Future Development 20-Acre District (FD20)
- Section 340 – Exclusive Farm Use (EFU)
- Section 344 – Agriculture and Forest District (AF-20)

(continues next page)

Community Development Code (continued from previous page)

- Section 346 – Agriculture and Forest District (AF-10)
- Section 348 – Agriculture and Forest District (AF-5)
- Section 375 – Transit Oriented Districts
- Section 409 – Private Streets
- Section 413 – Parking and Loading
- Section 418 – Setbacks
- Section 435 – Variances and Hardship Relief
- Section 501 – Public Facilities and Services
- Section 602 – General Provisions

HOW TO SUBMIT COMMENTS:

Washington County remains committed to broad community engagement and transparency of government. **Board meetings are now Hybrid (in-Person and Virtual).**

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://washingtoncounty.civicweb.net/document/38398/>

Staff Contact

Carine Arendes, Associate Planner, carine_arendes@washingtoncountyor.gov, 503-846-8817

The ordinance is available for review on the Land Use Ordinances webpage: <https://www.washingtoncountyor.gov/lut/land-use-ordinances-progress>

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

This page intentionally left blank.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 889

ADOPTED

An Ordinance Addressing Minor Amendments to the Comprehensive Framework Plan for the Urban Area (CFP), the Bethany Community Plan, and the Community Development Code (CDC)

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, 866, 879, 881, 865, and 886.

B. The Board recognizes that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, 620, 649, 702, 712, 730, 739, 744-745, 758, 771, 783, 789-790, 799, 801, 809, 838, 843, 846, and 866.

C. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,

1 356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-
2 423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-
3 481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561,
4 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624,
5 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669-670, 674, 676-677,
6 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739,
7 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-
8 811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859,
9 864, 866, 867, 869, 877, and 885.

10 D. As part of its ongoing planning efforts, Washington County staff has identified
11 minor amendments to elements of the Comprehensive Plan to maintain and improve its
12 efficiency and effectiveness. Such changes include map updates to reflect current conditions,
13 and various minor Community Development Code amendments for clarity and to reflect
14 changed conditions or state law requirements. The Board recognizes that such changes are
15 necessary from time to time for the benefit and welfare of the residents of Washington
16 County, Oregon.

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

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

7 SECTION 2

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

10 A. Exhibit 1 (2 pages), amends Policy 41, Urban Growth Boundary Expansions,
11 within the Comprehensive Framework Plan for the Urban Area;

12 B. Exhibit 2 (1 page), amends the Bethany Community Plan by adding text on all
13 Chapter 1 maps regarding the North Bethany Subarea;

14 C. Exhibit 3 (17 pages), amends the following sections of the Community
15 Development Code:

- 16 1. Various Sections –Global replacement of terms;
- 17 2. Section 107 – Planning Participants;
- 18 3. Section 201 – Development Permit;
- 19 4. Section 308 – Future Development 20-Acre District (FD-20);
- 20 5. Section 340 – Exclusive Farm Use District (EFU);
- 21 6. Section 344 – Agriculture and Forest District (AF-20);
- 22 7. Section 346 – Agriculture and Forest District (AF-10);

8. Section 348 – Agriculture and Forest District (AF-5)
9. Section 375 – Transit Oriented Districts;
10. Section 409 – Private Streets;
11. Section 413 – Parking and Loading;
12. Section 418 – Setbacks;
13. Section 435 – Variances and Adjustments;
14. Section 501 – Public Facilities and Services; and
15. Section 602 – General Provisions.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

The Office of County Counsel and Department of Land Use and Transportation are authorized to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance, including deleting and adding textual material and maps, renumbering pages

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

3 SECTION 7

4 This Ordinance shall take effect 30 days after adoption.

5 ENACTED this 7th day of February, 20 23, being the 3rd
6 reading and 3rd public hearing before the Board of County Commissioners of
7 Washington County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 
CHAIR KATHRYN HARRINGTON

11 
12 RECORDING SECRETARY

13 READING

PUBLIC HEARING

14 First 11/29/22
15 Second 1/24/23
16 Third 2/7/23
Fourth _____
Fifth _____

First 11/29/22
Second 1/24/23
Third 2/7/23
Fourth _____
Fifth _____
Sixth _____

17 Aye: Harrington, Rogers, Treece,
Fai, Willey

Nay: _____

18 Recording Secretary: Kevin Maffey Date: 2/7/23
19
20
21
22

Policy 41, Urban Growth Boundary Expansions, of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

POLICY 41, URBAN GROWTH BOUNDARY EXPANSIONS:

It is the policy of Washington County to ensure an efficient and effective transition of rural land to urban development when an Urban Growth Boundary (UGB) is expanded.

Implementing Strategies

The County will:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission and any appeals have been resolved. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable community plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until ~~all appeals regarding the UGB expansion have been finalized and, when applicable, the~~ any planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment and the property is annexed to a city. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a locational or minor adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.

- d. Apply the following Areas of Special Concern to the Future Development Areas Map:

~~8. **Area of Special Concern (ASC) 9** consists of approximately 330 acres of land located north of the city of Hillsboro and Evergreen Road between NW Sewell Road and NW Brookwood Parkway. The properties in this Area of Special Concern are designated Future Development 20-Acre (FD-20). This area was added to the UGB by Metro Ordinance 11-1264B (adopted October 20, 2011) and confirmed through legislation passed in March 2014 (House Bill 4078). Metro's ordinance designated these lands as Regionally Significant Industrial Areas.~~

~~Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:~~

- ~~a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:~~
 - ~~1) Day care facilities, cemeteries, religious institutions and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.~~

~~2) The creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.420 of Metro's Urban Growth Management Functional Plan.~~

~~b) The Title 11 planning required by Metro shall:~~

~~1) Adopt provisions — such as setbacks, buffers and designated lanes for movement of slow moving farm machinery — to enhance compatibility between industrial uses in the Hillsboro area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.~~

Sections of the BETHANY COMMUNITY PLAN are amended to reflect the following:

CHAPTER 1 MAPS

- Removal of Subarea Plan-specific map information and the addition of the following text on top of the North Bethany Subarea on all Chapter 1 maps that include the area:
 - See North Bethany Subarea Plan Maps, Chapter 2

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

1. VARIOUS SECTIONS - GLOBAL REPLACEMENT OF TERMS

Global replacement of the following text:

- “variances and hardship relief” with “ variances and adjustments”
- “hardship relief” with “adjustments”
- “hardship relief change” with “adjustment”
- “Section 435-5 (Hardship Relief) with “Section 435-4 (Type II Adjustment)”
- “Type II Hardship Relief” with “Type II Adjustment”

2. SECTION 107 – PLANNING PARTICIPANTS

107-6 Committee for Community Involvement (CCI)

107-6.1 Purpose:

107-6.2 Membership:

A. ~~Will consists of the following:~~

A. Active CPOs: of the tTwo regular and two alternate representatives from each recognized CPO in Washington County. The and two alternates which shall make up the membership of the CCI.

~~B. These representatives may be selectioned or appointment and the term of the representatives will be as ed by any method approved in by the bylaws of individual CPOs.~~

B. Other members, listed below, subject to the selection process and terms as approved in the bylaws of the CCI:

(1) Inactive CPOs: Two regular and two alternative representatives from an Inactive CPO.

(2) C. The term of each representative will be as determined by each CPO. Members at Large: Representatives from organizations that have an interest in land use and livability issues in Washington County.

(3) Chairpersons of authorized CCI Committees.

3. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.36 Vehicle Camping Site for Homeless Persons as defined in Section 106, on a site in the following nonresidential districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INST, TO:RC, TO:EMP, TO:BUS, NCC NB, NCMU NB, INST NB, CCMU or NMU or on the site of a religious institution in any urban district, subject to the following:

C. Any storage facility is placed on-site for program participants to store personal items, such that the items are~~is~~ not visible from public rights-of-way;

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

308-3 Uses Permitted Through a Type II Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

308-3.6 Day Care Facility - 430-53.12 I., except as prohibited in Areas of Special Concern 4, 5, 6, and 7 ~~and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan.

308-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

308-4.1 Cemetery – Section 430-27, except as prohibited in Areas of Special Concern 4, 5, 6, and 7 ~~and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of

abcdef Proposed additions
~~abcdef~~ Proposed deletions

Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-4.6 Day Care Facility – Section 430-53.12, except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-4.10 School – Section 430-121, except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-4.11 Religious Institution – Section 430-116 except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-6 Dimensional Requirements

308-6.1 Lot Area:

~~C. In the North Bethany Subarea Plan, the minimum lot area for a property line adjustment may be less than 20 acres when the following requirements are met:~~

- ~~(1) The proposed configuration of each parcel is consistent with the applicable land use district(s) shown on the Subarea Plan's "Future Land Use Designations" map;~~
- ~~(2) The proposed configuration of each parcel is consistent with the dimensional standards of the applicable land use district shown on the "Future Land Use Designations" map or the lot dimensions of Section 308-6.4, whichever is greater;~~
- ~~(3) The proposed configuration of each parcel complies with any applicable requirements of the North Bethany Subarea Plan; and~~
- ~~(4) The proposed configuration of each parcel complies with the provisions of Section 605-1.3.~~

5. SECTION 340 – EXCLUSIVE FARM USE (EFU)

340-4 Uses Permitted Through a Type II Procedure

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

- D. Location of a dwelling on land subject to special assessment for wildlife habitat ~~land~~ pursuant to ORS 215.799.

6. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)

344-4 Uses Permitted Through a Type II Procedure

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

- D. ~~Location of a Dwelling Unit in conjunction with a~~ on land subject to special assessment for wildlife habitat conservation and management plan pursuant to ORS 215.799 ~~804~~ subject to the following standards:
 - 1. ~~A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;~~
 - 2. ~~Is situated on a lot or parcel existing on November 4, 1993;~~
 - 3. ~~Qualifies for a farm dwelling under ORS 215.213(2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and~~
 - 4. ~~Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.~~

7. SECTION 346 – AGRICULTURE AND FOREST DISTRICT (AF-10)

346-3 Uses Permitted Through a Type II Procedure

346-3.12 Clean Fill Site. A site that provides for the long-term storage and disposal of soil, rock, concrete, brick, building block, tile or other inert materials considered “clean fill” as defined by DEQ rules - Section 410.

8. SECTION 348 – AGRICULTURE AND FOREST DISTRICT (AF-5)

348-3 Uses Permitted Through a Type II Procedure

348-3.12 Clean Fill Site. A site that provides for the long term storage and disposal of soil, rock, concrete, brick, building block, tile or other inert materials considered “clean fill” as defined by DEQ rules - Section 410.

9. SECTION 375 – TRANSIT ORIENTED DISTRICTS

Table B(2). Dimensional Requirements for all Other Development in Transit Oriented Districts

DEVELOPMENT DIMENSION	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum Lot Area	None	None	None	2000 sq. ft.	2000 sq. ft.	None	None	None	None
Minimum Average Lot Width	None	None	None	24 feet	20 feet	None	None	None	None
Minimum Average Lot Depth	None	None	None	60 feet	60 feet	None	None	None	None
Minimum Building Height:									
- within 1300' of a station platform or within a Regional Center	20 feet	20 feet	None	None	None	None	None	None	None
- beyond 1300' from a station platform	None	None	None	None	None	None	None	None	None
- within a designated Town Center Core, as defined by an adopted Community Plan	20 feet at street corners	20 feet	None	None	None	None	None	None	None
- within a designated Town Center but outside a Town Center Core, as defined by an adopted Community Plan	None	None	None	None	None	None	None	None	None
Maximum Building Height (<u>AB</u>)	60 feet	80 feet (<u>BA</u>)	80 feet (<u>BA</u>)	40 feet (<u>C</u>)	40 feet (<u>C</u>)	50 feet	60 feet (<u>DF</u>)	80 feet	80 feet

abcdef Proposed additions
~~abcdef~~ Proposed deletions

Yard Depth									
- frontage minimum (EE)	None	None	None	10 feet	10 feet	10 feet	None	None	None
- frontage maximum (ED)	10 feet	10 feet	None	15 feet	15 feet	15 feet	10 feet (G)	10 feet	10 feet
- interior minimum (HE)	None	None	None	None	None	None	None	None	None
- interior maximum	None	None	None	None	None	None	None	None	None

[CONTENT RELOCATED FOR CONSISTENCY WITH ABOVE RENUMBERING – ONLY C IS NEW]

- (A) Where a building fronts on a pedestrian street, a ten-foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8. **[Moved from B]**
- ~~(B) Where a building fronts on a pedestrian street, a ten-foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8.~~
- (B) Except where a community plan specifies a higher maximum height.
- (C) A maximum height of 15 feet applies to residential accessory uses permitted in accordance with Section 430-1.1 .
- (D) A modification to the maximum building height may be approved subject to Section 375-7.32.b. Such modification may exceed the required 60-foot building height maximum by no more than 50 feet for a total of 110 feet. **[Moved from F]**
- (~~EE~~) Except as necessary to comply with Section 418, accommodate utility lines and easements.
- (~~FE~~) ~~A modification to the maximum building height may be approved subject to Section 375-7.32.b. Such modification may exceed the required 60-foot building height maximum by no more than 50 feet for a total of 110 feet.~~
- (~~ED~~) Required maximum frontage yard dimensions: (1) shall apply to at least 50% of the first floor of a building facing a pedestrian street, as defined in Section 431-3.8; and (2) may be exceeded where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transportation operations.

- (E) ~~No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.~~
- (G) A modification to the maximum front yard depth may be approved subject to Section 375-7.32.c.
- (HE) ~~No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.~~ **[Moved from E]**

10. SECTION 409 – PRIVATE STREETS

409-3 Urban Private Street Standards

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

A. Local Residential Streets:

			STRUCTURAL STANDARDS <u>(409-3.6)</u>		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None

B. Private Commercial and Industrial Streets:

			STRUCTURAL STANDARDS <u>(409-3.6)</u>		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(21)	1500 Max ADT	15 ft.	(3)	Yes	Both Sides
(312)	3000 Max ADT	15 ft.	(4)	Yes	Both Sides
(413)	3000 Plus ADT	22 ft.	(4)	Yes	Both Sides
	Two-way				
(514)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(615)	1500 Max ADT	28 ft.	(3)	Yes	Both Sides
(716)	3000 Max ADT	36 ft.	(4)	Yes	Both Sides
(817)	3000 Plus ADT	40 ft.	(4)	Yes	Both Sides
	Alleys (One-way or two-way)				
(918)	1500 Max ADT	16 ft.	(3)	***Yes	None
(1019)	1500 Plus ADT	16 ft.	(4)	***Yes	None

409-3.4 Private Street Design and Construction

A. Construction Plans

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- (1) Construction plans for private streets constructed per Sections 409-3.3 A. (3), A. (8 through 11), or B. (1 through 10—19) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), A. (8 through 11), or B. (1 through 10—19) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.

409-3.5 Private Street Tracts

The pavement width, ~~and curbs, if any,~~ of all private streets, except private streets serving one or two single-family residential lots or parcels, shall be located in a tract which meets the provisions of Section 409-4. Sidewalks and curbs may be located outside a tract on individual lots or parcels when approved by the Review Authority provided the following standards are met:

- A. The sidewalk or curb is shall be located in an easement subject to an access and maintenance agreement consistent with the criteria in Section 409-4.1; and

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

A. Structural Section Type:

B. Curb Standards Type:

- (1) Standard curb and gutter, 6 inches exposed (see standard drawings of the County Road Standards).
- (2) Mountable curbs (see standard drawing of the County Road Standards).

C. Sidewalks:

- (1) Concrete sidewalks, minimum 5 feet width (see standard drawings of the County Road Standards), and sidewalk ramps at street corners.

409-4 General Provisions For Urban Private Streets

409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets, including curbs and sidewalks, shall be submitted to the Review Authority prior to or in conjunction with final approval.

409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.

11. SECTION 413 – PARKING AND LOADING

413-4 Off-Street Parking Standards

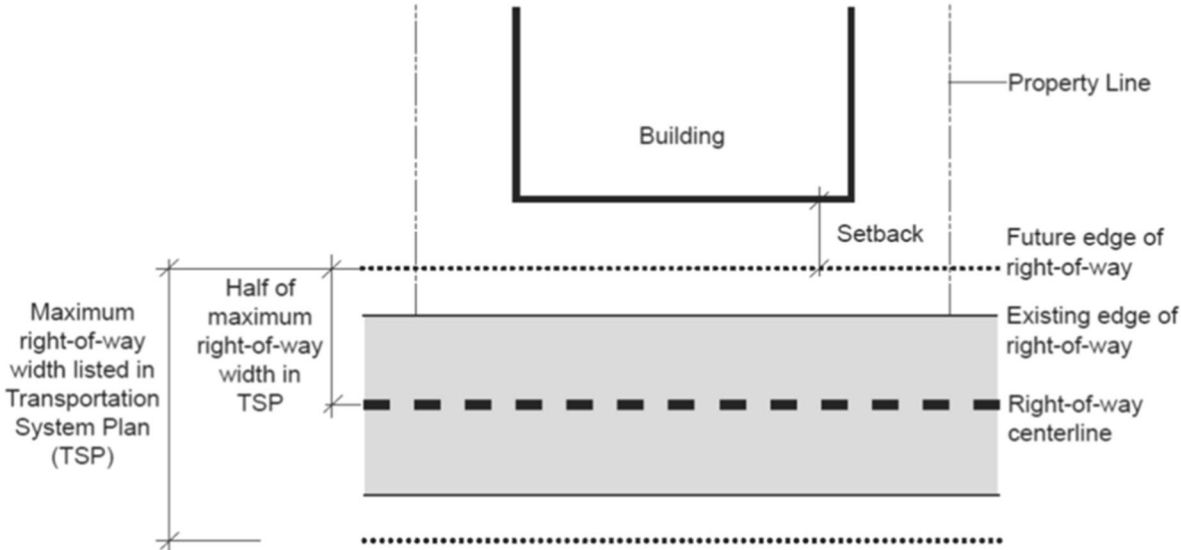
413-4.11 The minimum driveway width for each single-family attached or detached dwelling unit with individual vehicular access to a street shall be 10 feet. The minimum driveway depth for single-family detached and single-family attached units shall be consistent with standards of the primary district for setbacks to garage vehicle entrance. Within a driveway, Each 10-foot wide by 20-foot deep area meeting the minimum driveway depth within a driveway may be counted as one off-street parking space.

12. SECTION 418 – SETBACKS

418-2 Additional Setbacks Required for Future Right-of-Way

418-2.1 Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased to accommodate the future right-of-way. The future right-of-way yard or setbacks shall be measured from the centerline of the existing right-of-way. The yard or setback shall be measured from the future edge of right-of-way and allow for half the maximum right-of-way as shown in the following diagram. The maximum right-of-way width shall be determined by the Transportation System Plan, including the Functional Classification Map, the Functional Classification Design Parameters Table and the Lane Numbers Map. The County Engineer may designate an alternative future right-of-way for streets where the area of the right-of-way is not balanced with respect to the current right-of-way centerline. Section 418-2 does not apply to a single detached dwelling or its

expansion, a duplex on an approved duplex lot (Section 430-13.3), or middle housing.



13. SECTION 435 – VARIANCES AND ADJUSTMENTS ~~HARDSHIP RELIEF~~

435 VARIANCES AND ADJUSTMENTS ~~HARDSHIP RELIEF~~

435-1 Purpose

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

435-2 Scope

435-2.1 Permitted Variances and Adjustments ~~Hardship Relief~~

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

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

adjustment hardship relief change to the distance between an accessory structure and a primary structure).

435-3 Procedure

~~Unless otherwise specified in this Code, variances shall be processed through a Type III procedure.~~

435-4 Variance Criteria [Content relocated to section 435-5]

~~A variance may be granted only when the Review Authority makes findings, based upon evidence in the record, that the variance is consistent with all of the following criteria:~~

~~435-4.1 Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following condition:~~

~~A. The physical characteristics of the land are not typical of the area, including a jurisdictional wetland, or a significant natural resource or historic feature that is identified by a Community Plan or the Rural Natural Resource Plan, resulting in a hardship unique to the property of the applicant and not applying generally to other property in the same vicinity and the variance is necessary to permit the property to be developed or enjoyed to an extent comparable with other properties in the same district in the area;~~

~~435-4.2 The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation;~~

~~435-4.3 The variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available;~~

~~435-4.4 Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:~~

- ~~A. Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties;~~
- ~~B. Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; and~~

~~435-4.5 The variance will allow the property to be used only for purposes authorized by this Code.~~

~~435-4.6 The Review Authority may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.~~

435-35 Type II Adjustment Hardship Relief

435-35.1 Adjustments consistent with Section 435-2 may be requested for:

- A. ~~Notwithstanding Section 435-4, the Director may grant hardship Reduction relief of up to 20% from any dimensional standard (as defined by Section 106-61) or any development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts) consistent with Section 435-2, or~~
- B. A 5% reduction for in minimum lot area, which shall be limited to 5% hardship relief.

~~435-5.2 Hardship relief application shall be a Type II action;~~

435-35.23 The Director shall grant the adjustment ~~such relief~~ only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:

- A. The standard imposes a significant economic burden on the applicant; and
- B. ~~The use is a permitted use in the District; and~~
- C. Relief Adjustment will not be materially detrimental to other property in the vicinity.

435-35.34 The Director may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

435-46 Type II Lot Area Variances Outside the UGB

435-46.1 Notwithstanding the provisions of Sections 346-6, 348-6 or 350-6, a lawfully created lot or parcel in the AF-5, AF-10 or the RR-5 district upon which two or more lawfully established and habitable dwellings exist, may be partitioned into a number of parcels equal to the number of dwellings on the lot or parcel upon findings that:

435-46.2 Notwithstanding the provisions of Sections 346-6, 348-6 or 350-6, all lawfully created lots or parcel in the AF-10, AF-5 or RR-5 Districts which are defined as one parcel pursuant to Oregon Laws may be established as separate parcels through the provisions of Article VI upon findings that:

435-54 Type III Variance Criteria [Relocated from §435-4]

An applicant may request a variance from a dimensional standard defined in Section 106, a development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts), the minimum required amount of parking in Section 413, or as otherwise provided in another section of this Code. A variance may be granted only when the Review Authority makes findings, based upon evidence in the record, that the variance is consistent with Section 435-2 and all of the following criteria:

- 435-~~54~~.1 Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following ~~condition~~:
 - A. The physical characteristics of the land are not typical of the area, including a jurisdictional wetland, or a significant natural resource or historic feature that is identified by a Community Plan or the Rural Natural Resource Plan, resulting in a hardship unique to the property of the applicant and not applying generally to other property in the same vicinity; and
 - B. ~~The~~ variance is necessary to permit the property to be developed or enjoyed to an extent comparable with other properties in the same district in the area; and
- 435-~~54~~.2 The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- 435-~~54~~.3 The variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available; and
- 435-~~54~~.4 Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:
 - A. Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and
 - B. Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; ~~and~~
- ~~435-4.5 The variance will allow the property to be used only for purposes authorized by this Code.~~
- 435-~~54~~.~~5~~6 The Review Authority may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

14. SECTION 501 – PUBLIC FACILITIES AND SERVICES

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

501-9.7 Where a land division partitions creates less than four ~~(4)~~ lots or parcels, or there is a request for a Special Use for a dwelling, the applicant shall not be required to obtain service letters except from the applicable school district (Section 501-9.10).

501-9.10 For partitions, subdivisions, and any other development that results in the addition of dwellings (as defined in Section 106-69), the applicant shall provide documentation from the appropriate school district that adequate levels of service are available or

will be available to the proposed development within the time frame required by the school district.

15. SECTION 602 – GENERAL PROVISIONS

602-1 Filing and Recording

602-1.1 All land divisions shall be created by a subdivision or partition plat and must comply with ORS Ch. 92. All property line adjustments shall be executed by deed and must comply with ORS Ch. 92. Within 2 years of final review and approval, all final plats for land divisions shall be filed and recorded with the Department of Assessment & Taxation, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land.

602-2 Expiration

The final approval for a land division shall expire after 2 years, and the approval for a property line adjustment shall expire after 4 years, unless prior to expiration:

- A. The land division or property line adjustment has been filed and recorded (as approved); or
- B. An extension according to the provisions of Section 201-5 has been requested; or
- C. Development has commenced pursuant to Section 201-6.

602-3 Subsequent Land Divisions and Property Line Adjustments

A. Land Division

A land division with preliminary approval may be revised in accordance with Section 602-5 (Minor Revisions to Preliminary Approved Land Divisions). A land division with final approval is subject to Section 602-6 (Revisions to Land Divisions with Final Approval).

Once final approval is obtained, no subsequent land division may be approved on the same development site prior to filing and recording in accordance with Section 602-1.1, unless the final approval has expired in accordance with Section 602-2, or is revoked in accordance with Section 201-7, withdrawn, or otherwise invalidated.

B. Property Line Adjustment

No subsequent land division or property line adjustment may be approved on the same lot or parcel until the previously approved land division or property line adjustment has been filed and recorded in accordance with the provisions of Section 602-1, or the previous approval expires in accordance with Section

602-2, or is revoked in accordance with Section 201-7, withdrawn, or otherwise invalidated.

602-4 Recordation Prior to Sale

No lot or parcel created by land division shall be sold prior to filing and recording as specified in Section 602-1.

602-5 Minor Revisions to Preliminary Approved Land Divisions

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

- A. Lot dimensions;
- B. Street locations;
- C. Lot patterns;
- D. Density decreases;
- E. Phasing of the development, including the addition of phasing or adjusting approved phasing, subject to Section 602-5.2 G.; and
- F. Inclusion of a gated private street, subject to Section 409-4.6.
- G. Adjustments to parent lot(s) or parcel(s) property lines, in accordance with the applicable provisions in Section 605 or Section 610.

602-5.2 Minor revisions shall meet the following standards:

G. No deferment, exemption or exception of Article V services is allowed when phasing is added to accommodate a property line adjustment after preliminary approval. Applications shall demonstrate that required Article V public services and facilities are provided for each property subject to a property line adjustment.

602-5.3 All other revisions shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

602-6 Revisions to Land Divisions with Final Approval

Revisions to a partition or subdivision which has received final approval, with the exception of land divisions for the creation of nonfarm parcels pursuant to Section 602-7, shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

RO 23-9

Meeting Date: February 07, 2023
Agenda Category: ACTION
Department(s): Land Use & Transportation
Presented by: Stephen Roberts, Director of Land Use & Transportation

CPO: All

Agenda Title: **Adopt Findings for A-Engrossed Ordinance No. 889**

REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 889 and authorize the Chair to sign the Resolution and Order memorializing the action.

SUMMARY:

A-Engrossed Ordinance No. 889 amends the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan and the Community Development Code (CDC), to update plan polices and CDC provisions for clarity and accuracy, and to make minor policy changes that revise processes and reduce barriers to urban residential development. A-Engrossed Ordinance No. 889 is posted on the County's land use ordinance webpage at the following link:

www.washingtoncountyor.gov/lut/land-use-ordinances-progress

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 A-Engrossed Ordinance No. 889. The proposed findings are attached and will be posted on the above land use ordinance webpage prior to the Feb. 7, 2023 Board meeting.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

None known at this time

Legal History/Prior Board Action:

None

Budget Impacts:

None

ATTACHMENTS:

[Resolution and Order 23-9 - Adopt Findings for A-Engrossed Ordinance No. 889](#)
[A-Engrossed Ordinance No. 889 - Ex. A: Findings](#)

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



Kevin Moss, Board Clerk

February 7, 2023

Date Signed

RO 23-9

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support) No. 23-9
5 of A-Engrossed Ordinance No. 889)
6)

7 This matter having come before the Washington County Board of Commissioners (Board)
8 at its meeting of Feb. 7, 2023; and

9 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant
10 facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon
11 Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles
12 of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance
13 No. 889; and

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

16 It appearing to the Board that the Planning Commission, at the conclusion of its public
17 hearing on Nov. 2, 2022, made a recommendation to the Board, which is in the record and has
18 been reviewed by the Board; and

19 It appearing to the Board that, in the course of its deliberations, the Board has considered
20 the record which consists of all notices, testimony, staff reports, and correspondence from
21 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. 889 are hereby adopted.

3 DATED this 7th day of February, 2023.

4
5 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

6 
7 _____
CHAIR KATHRYN HARRINGTON

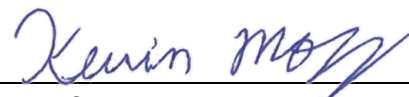
8 
9 _____
RECORDING SECRETARY

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 889

AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE BETHANY COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE

Feb. 7, 2023

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. 889 is a housekeeping and minor amendments ordinance that amends the following elements of the Comprehensive Plan for Washington County: the Comprehensive Framework Plan for the Urban Area (CFP), the Bethany Community Plan, and the Community Development Code (CDC). Amendments update plan polices and CDC provisions for clarity and accuracy, revise processes and reduce barriers to urban residential development.

Key Ordinance Provisions

- Amend Policy 41 related to Urban Growth Boundaries (UGB) in the CFP to:
 - Revise timing of County actions to implement Metro UGB expansions.
 - Remove incorrect reference to land located in the East Hillsboro Community Plan Area.
- Amend Bethany Community Plan maps so North Bethany Subarea-specific information is shown only in the Chapter 2 maps of the Plan.
- Amend the CDC to:
 - Correct various grammatical, numbering and cross reference errors.
 - Update CCI membership (Section 107) and the FD-20 District (Section 308) for consistency with current documents.
 - Clarify existing standards for storage associated with Vehicle Camping for Homeless Persons (Section 201), rural dwellings on land subject to special tax assessment (Sections 340 and 344), DEQ-defined clean fill sites (Sections 346 and 348), and service provider letters (Section 501).
 - Apply 15' height limit to residential accessory structures in medium density Transit Oriented residential districts (Section 375).
 - Revise urban private street provisions to allow curbs in easements (Section 409).
 - Clarify how residential off-street parking and future right-of-way (ROW) are calculated (Sections 413 and 418).

- Revise procedures for land divisions to allow property line adjustments between the preliminary and the final review stages (Section 602).

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

Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OARs) are not addressed because these resources are not located within Washington County.

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

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 889 is consistent with the Goals, Oregon Revised Statutes (ORS), OARs, Metro’s UGMFP and Washington County’s Comprehensive Plan (Plan). The County’s Plan was adopted to implement these state and regional 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 maps 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. Washington 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. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 889.

Goal 2 – Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan (RNRP), CFP, Community Plans, CDC and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 889.

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

Goal 3 – Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. RNRP Policies 1, 14, 15 and 17 include provisions for the identification and preservation of agricultural lands consistent with Goal 3.

A-Engrossed Ordinance No. 889 contains an amendment to the Metro UGB process to delay County implementing actions until all appeals are resolved. This amendment is consistent with Policy 1 Implementing Strategy r. of the RNRP that requires any appeals be finalized prior to changing the location of a Metro UGB boundary. Amendments in the ordinance affecting the County's agricultural land make limited changes to the EFU and AF-20 Districts consistent with ORS 215.213 and ORS 215.799. This change is in accordance with Implementing Strategy a. of RNRP Policies 15 and 17, which require consistency with ORS Chapter 215. Therefore, A-Engrossed Ordinance No. 889 is consistent with the RNRP and maintains compliance with Goal 3.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices, while providing for the management of natural resources and opportunities for recreation and agriculture. Policies 1, 14 and 16 of the RNRP include provisions for the conservation and maintenance of forest lands.

A-Engrossed Ordinance No. 889 makes no changes that affect forest lands. Therefore, Ordinance No. 889 maintains consistency with Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments 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 RNRP, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 889 makes no changes to Plan policies described above or to related implementing provisions in the CDC. Further, the ordinance does not allow any new uses in Goal 5 significant resource areas or affect how such uses are treated. Therefore, A-Engrossed Ordinance No. 889 does not affect Plan compliance with Goal 5.

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.

Amendments in A-Engrossed Ordinance No. 889 are consistent with and do not amend the policies and requirements provided for the 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. 889 does not amend the applicable Plan policies and strategies, or CDC sections related to floodplain areas, or to natural disasters and hazards. Therefore, Plan compliance with Goal 7 is maintained.

Goal 8 – Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of community members and visitors by planning and providing for the siting of necessary recreational facilities. Policies 17, 33, 34, 35 and 39 of the CFP, Policy 24 of the RNRP and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

No Plan policies or code provisions relating to recreational needs are changed by A-Engrossed Ordinance No. 889. Therefore, the ordinance upholds Plan compliance with 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.

No Plan policies relating to economic development are changed by A-Engrossed Ordinance No. 889.

A-Engrossed Ordinance No. 889 amendments that clarify CDC provisions are consistent with the intent to clarify and streamline the development process in Implementing Strategy b of CFP Policy 20. CDC amendments to facilitate the development of urban housing, detailed under Goal 10 below, support the contributions of the housing and construction sector to a diversified economic base in alignment with CFP Policy 20 (Urban Area Economy).

Amendments in A-Engrossed Ordinance No. 889 are consistent with Plan policies and requirements provided to strengthen the local economy, and therefore maintain Plan compliance with 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, 25 and 26 of the RNRP address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

No changes to the above polices are made by A-Engrossed Ordinance No. 889. The ordinance amendments facilitate residential development in the County’s urban area by:

1. Clarifying CDC standards that applies to all urban residential development.
2. Revising private street standards to facilitate infill residential development in the CDC.
3. Revising procedures related to land divisions and property line adjustments in the CDC to eliminate a barrier to the development of housing with land use approval.

Ordinance amendments related to private streets are consistent with Implementing Strategy f. of Policy 21 of the CFP, which encourages development in partially developed residential areas. The amendments related to land divisions and property line adjustments facilitate a smoother development process and are therefore consistent with Policy 21 Implementing Strategy b. of the CFP.

As noted above the amendments in A-Engrossed Ordinance No. 889 support the Plan policies that implement Goal 10, therefore the ordinance preserves Plan compliance with Goal 10.

Goal 11 – Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the RNRP address the provision of public facilities and services for sewer, water, drainage, solid waste, schools and fire protection in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

The amendments in A-Engrossed Ordinance No. 889 do not amend the applicable Plan policies related to the provision of specific Public Facilities and Services. Therefore, A-Engrossed Ordinance No. 889 maintains Plan compliance with 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.

The transportation related amendments of A-Engrossed Ordinance No. 889 are limited. The ordinance makes several minor amendments to setback and driveway standards in the CDC. These amendments are intended to facilitate the implementation of urban residential development in Washington County.

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). The amendments do not have a significant effect on the transportation system and do not amend the TSP. Therefore, the amendments are consistent with the requirements of the Transportation Planning Rule and Goal 12. The implementation of a climate friendly and equitable transportation system is advanced by A-Engrossed Ordinance No. 889.

Goal 13 – Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 35, 36, 37, 38, 39 and 40 of the CFP, and Policies 9 and 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 (Development Standards).

A-Engrossed Ordinance No. 889 does not amend the applicable Plan policies and strategies related to energy conservation. The ordinance amendments that support urban infill development are consistent with the implementing strategies in CFP Policies 35 (Residential Conservation) and 39 (Land Use Conservation). Therefore, A-Engrossed Ordinance No. 889 supports Plan compliance with this goal.

Goal 14 – Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Procedures relating to changes to UGBs and strategies to address urbanization within UGBs are located in Policies 13, 14, 15, 16, 17, 18, 19, 41 and 42 of the CFP and Policy 1 of the RNRP. These urbanization policies are implemented through Community Plans that designate sufficient land for appropriate development as well as the CDC, which establishes standards to promote appropriate urban development.

A-Engrossed Ordinance No. 889 revises Implementing Strategies a. and d. of CFP Policy 41. Amendments to Implementing Strategy a modify when the Plan is updated to reflect boundary changes for regional Metro UGB, after any appeals are finalized, consistent with DLCDC guidance and RNRP Policy 1. This change supports the integrated approach to land use controls and ordinances called for in Implementation Guideline 4 of Goal 14. Therefore, the amendments to Policy 41 Implementing Strategy a. of the CFP support Plan compliance with Goal 14.

Ordinance amendments to Implementing Strategy d. in Policy 41 remove provisions that relate to land located in the East Hillsboro Community Plan that were incorrectly included in this strategy. Removal of this erroneous information does not create any new policies, implementing strategies or implementation measures relating to Goal 14. Therefore, the amendments to Implementing Strategy d. do not affect Plan compliance with Goal 14.

Ordinance amendments in the CDC related to private streets are consistent with Implementing Strategy a. 3. of Policy 19 of the CFP to ensure access is appropriate to the needs of infill development. A-Engrossed Ordinance No. 889 amendments that modify land division and property line adjustment procedures in the CDC contain criteria requiring development applications to address the provision of public facilities and services consistent with Policy 14 Implementing Strategies b. and f.

The amendments to the CDC in A-Engrossed Ordinance No. 889 are consistent with the Plan policies and strategies related to urbanization and therefore, maintain Plan compliance with Goal 11.

Part 3: URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro’s UGMFP requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 889 findings have been prepared to address the relevant Title(s) of the UGMFP.

Title 1 – Housing Capacity

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

RESPONSE

CFP Policies 21, 22, 23 and 24 , consistent with Title 1, provide for the provision of urban housing in the County and are not affected by A-Engrossed Ordinance No. 889.

The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion. Ordinance amendments to the CDC that modify ROW and driveways standards for greater clarity will support urban residential development through the application of clear criteria. A-Engrossed Ordinance No. 889 also amends the CDC’s private street standards to allow curbs within easements, similar to the allowance of sidewalks within easements. This change is intended to facilitate infill development of urban housing. Finally, CDC amendments to procedures related to land divisions and property line adjustments provide a remedy to address survey discrepancies, a common barrier to the development of housing with land use approval. Overall amendments in A-Engrossed Ordinance No. 889 will increase the efficiency of County’s existing housing capacity and is therefore consistent with consistent with Title 1.

Title 4 – Industrial and Other Employment Areas

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

RESPONSE

Among the tools the County uses to implement Title 4 planning in the Plan is the application of the future development designation in the CFP and urban community plans and CDC standards that limit the establishment of uses that are not compatible with industrial uses in RSAs and Industrial Areas. A-Engrossed Ordinance No. 889 amendments to the CFP and CDC ensure proper implementation of these tools through the elimination of incorrect text references in the CFP and CDC. As such, the ordinance follows Title 4.

Title 7 – Housing Choice

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

RESPONSE

A-Engrossed Ordinance No. 889 does not amend County policies regarding affordable housing production goals. The ordinance includes amendments that facilitate timely and efficient development of urban housing, which may have a positive effect on the housing supply. As such, it 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. 889 was sent to Metro on Sept. 13, 2022, 35 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 889 was sent to Metro with the notice dated Jan. 12, 2023. Metro provided no comments on the ordinance.

Title 11 – Planning for New Urban Areas

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

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 (Titles 11 and 14)

The County implements policies and procedures to ensure planning for urban development and the conversion from rural to urban uses occurs in an orderly manner to achieve compliance with the Regional Framework Plan and the Urban Growth Concept. More specifically, the policies to implement UGB expansions and provide for the transition from rural to urban development are located in Policy 41 of the CFP and Policy 1 of the RNRP. Ordinance amendments to modify the timing of County actions to implement a Metro UGB in CFP Policy 41 are consistent with the provisions of both Title 11 and 14. Therefore, A-Engrossed Ordinance No. 889 upholds Plan compliance with Titles 11 and 14.