




September 12, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 786**

On June 27, 2014 you were notified about initial public hearings for proposed Land Use Ordinance No. 786 before the Planning Commission on August 6, 2014 and the Board of Commissioners (Board) on September 2, 2014. The Board ordered substantive amendments to this ordinance on September 2, 2014. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 786** and are summarized below.

Ordinance Purpose and Summary

Ordinance No. 786 proposes to amend the Community Development Code to provide incentives targeted at mixed-use development in the Community Business District (CBD) and Office Commercial (OC) District. These incentives include a reduction in application costs and expected processing time for new mixed-use residential development in the CBD and the provision of new options that meet open space and active recreation requirements for mixed-use residential development in both districts.

Who is Affected

Property owners that intend to develop new residential units in the Community Business District and Office Commercial District.

What Land is Affected

Taxlots within the Commercial Business District and the Office Commercial District.

Original Ordinance No. 786 Provisions

As originally filed, Ordinance No. 786 proposed the following amendments to the Community Development Code (CDC):

- To lower the application costs and processing time for new residential development requirements in the Community Business District from a Type III land use application to a Type II land use application.
- To provide new planned development options that meet open space and active recreation requirements for new residential development in the Community Business District and Office Commercial District.

Proposed A-Engrossed Ordinance No. 786 Provisions

Proposed **A-Engrossed Ordinance No. 786** incorporates the above-described amendments plus adds clarifying language to CDC Section 313-3.40.

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

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Public Hearings - Time and Place

Board of Commissioners

September 23, 2014
6:30 pm

October 7, 2014
10:00 am

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

On October 7, 2014 the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on October 7, the ordinance would become effective on November 28, 2014.

Community Development Code Standards Amended How to Submit Comments

- Section 313 – Community Business District
- Section 404 – Planned Development

Submit oral or written testimony to the Board at one of the public hearings. Written testimony may be mailed or faxed to the Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation
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Proposed A-Engrossed Ordinance No. 786 is available at the following locations:

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 N. First Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs) Call 503-821-1128 for a directory of CPOs.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 786

An Ordinance Amending the Community
Development Code Relating to Residential
Standards in the Community Business District

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

SECTION 1

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

1 B. As part of its ongoing planning efforts Washington County staff has identified
2 amendments to the Code to allow for changes to Community Business District development
3 procedures and standards for certain uses. The Board recognizes that such changes are
4 necessary from time to time for the benefit and welfare of the residents of Washington
5 County, Oregon.

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

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

18 SECTION 2

19 The following exhibit, attached hereto and incorporated herein by reference, is adopted
20 as amendments to the designated documents as follows:

- 21 1. Exhibit 1 (3 pages), amending the following sections of the Community
22 Development Code:

- 1 a. Section 313 – Community Business District (CBD)
- 2 i. 313-3 Uses Permitted Through Type II Procedures
- 3 ii. 313-4 Uses Permitted Through Type III Procedures
- 4 iii. 313-5 Prohibited Uses
- 5 b. Section 404 – Master Planning, Planned Development, Modification of
- 6 Standards through the Planned Development.

7 SECTION 3

8 All other Comprehensive Plan provisions that have been adopted by prior ordinance,

9 which are not expressly amended or repealed herein, shall remain in full force and effect.

10 SECTION 4

11 All applications received prior to the effective date shall be processed in accordance

12 with ORS 215.427.

13 SECTION 5

14 If any portion of this Ordinance, including the exhibits, shall for any reason be held

15 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be

16 affected thereby and shall remain in full force and effect.

17 SECTION 6

18 The Office of County Counsel and Department of Land Use and Transportation are

19 authorized to prepare planning documents to reflect the changes adopted under Section 2 of

20 this Ordinance, including deleting and adding textual material and maps, renumbering pages

21 or sections, and making any technical changes not affecting the substance of these

22 amendments as necessary to conform to the Washington County Comprehensive Plan format.

Sections of the Community Development Code are amended to reflect the following:

1. Section 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

313-3.40 Residential Dwelling Units through a Type II Planned Development Procedure, subject to the following:

- (1) The standards of the R-25+ District shall apply when not in conjunction with a commercial use; or
- (2) The standards of the Community Business District shall apply when attached dwelling units are developed in conjunction with another Community Business District use. The attached dwelling units and the other Community Business District use shall be located within the same building.

313-4 Uses Which May be Permitted Through a Type III Procedure

313-4.3 Uses Which May be Permitted Through a Type III Planned Development Procedure:

In addition to the requirements of Section 313-4, the following uses may be permitted when processed through a Type III Planned Development. The review of the proposed use shall consider whether the use will unduly duplicate an existing use if the proposed location will best serve the public interest and not detrimentally impact existing uses in the County.

- A. Lodging Places - Hotel, Motel over fifty (50) units.
- B. Regional Scale Facilities - such as arena, auditorium, convention center, exhibition hall, stadium, zoo, hospitals, amusement parks.
- C. Regional Shopping Center.
- ~~D. Residential Dwelling Units, subject to the following:~~

- ~~(1) Twenty five (25) units per acre when not in conjunction with a commercial use. The standards of the R-25+ District shall apply; and~~

~~(2) When in conjunction with a commercial use and included within the same structure there shall be no minimum density required. The standards of the Community Business District shall apply.~~

313-5 Prohibited Uses

313-5.3 New dwelling units, except pursuant to Section 313-4.3 ~~D3.40~~.

2. Section 404 – MASTER PLANNING

404-4 Planned Development

404-4.4 Modification of Standards through the Planned Development

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, when the request conforms to the standards of this Code, the following modifications may be allowed:

A. Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height (except the building height standards of Section 427-3), and landscaping may be modified if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:

- (3) The site design complies with the following standards for recreational facilities:
 - (a) Provision of one (1) or more of the following active recreational facilities: playgrounds, bike and pedestrian trails, swimming pools, tennis courts, exercise rooms, and similar facilities.
 - (b) For development sites that are less than one (1) acre in size, provision of at least two (2) of the following passive recreation improvements may be substituted for the active recreational facilities: a bench or benches for seating; public art, such as a statue; a water

feature such as a fountain; usable rooftop open space for residents; a gazebo; or picnic table(s) with a barbecue.

- (c) A facility or amenity that is required by another Code standard (including accessways, internal sidewalks and walkways) shall not count as a Planned Development recreational facility.
 - (d) A recreational facility may be placed within the Planned Development open space or within a building (e.g. fitness center), but shall not be located within an area utilized for another Code-required use or activity (including accessways required by Section 408, private and public street rights-of-way) except for required yard areas.
- (4) The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum required ground-level open space based on the following area requirements.
- (a) Twenty (20) percent on sites between zero (0) and ten (10) acres;
 - (b) Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and
 - (c) Ten (10) percent on sites greater than fifty (50) acres.
 - (d) When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of (4)(a) through (c) above.
 - (e) Each required open space area shall maintain a minimum dimension of 10 feet and a minimum area of 1,000 square feet.
 - (f) Open space required by the provisions of the standards of Section 404-4 shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.
 - (g) For security purposes, the open space shall be adequately illuminated during hours of darkness.
 - (h) Open space required by the standards of Section 404-4 shall not be located within public or private rights-of-way.
 - (i) Open space tracts shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.
- (5) In the Community Business District and Office Commercial District, dwelling unit balconies, decks or patios and rooftop open space accessible to residents may be used to meet the minimum open space requirement in Section 404-4.4 A. (4)(a-c).

(56) The open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space) and other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411. However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-12);