



WASHINGTON COUNTY OREGON

February 14, 2003

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE No. 607**

Enclosed for your information is a copy of proposed Ordinance No. 607. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

Ordinance Purpose and Summary

Proposed Ordinance No. 607 amends the *Community Development Code (CDC)* to require street light facilities on new roads in the unincorporated urban area.

Who Is Affected

Applicants constructing new roads as a result of development in unincorporated urban Washington County.

What Land is Affected

Unincorporated urban land in Washington County is subject to the requirements proposed by this ordinance.

Key Provisions

- Street lights are added to the list of "essential services" new development is required to provide in CDC Section 501-7.1.
- A new item under CDC Section 501-8.2 is added to require street lights on all new Local, Neighborhood Route, Collector, Arterial and on gravel roads when upgraded to County standards. Applicants will be required to join an existing service district for lighting provided by the County. Other funding methods approved by the County Engineer may also be used.
- CDC Section 605-2.4 D. is modified to require an approved street lighting plan prior to the final review of land divisions.

Initial Public Hearings

Time and Place

Planning Commission
1:30 pm
April 2, 2003

Board of County Commissioners
6:30 pm
April 22, 2003

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On April 22nd, the Board of County Commissioners (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 at the hearing, it would become effective on November 27, 2003.

**Urban Comprehensive
Plan Policies Amended**

- None

**Community
Development Code
Standards Amended**

- 501-7, Levels of Public Facilities and Services
- 501-8, Standards for Development
- 605-2.4, Submission Requirements for Final Review of all Land Divisions

**How to Submit
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **At this time, we are unable to accept e-mail as public testimony.**

Washington County, Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Aisha Willits
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3961 Fax: 503-846-4412
e-mail: aisha_willits@co.washington.or.us

**Proposed Ordinance is
available at the
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2115 for a directory of CPOs.

wpshare/2003ord/Ord607/Notices & Affidavits/Ord607CPONotice.doc

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 (An Ordinance Amending the
4 (Community Development Code
5 (Element of the Comprehensive Plan
6 (Relating to Street Lighting

7 The Board of County Commissioners of Washington County, Oregon, ordains:

8 SECTION 1

9 A. The Board of County Commissioners of Washington County, Oregon, recognizes that
10 the Community Development Code element of the Comprehensive Plan (Volume IV) was readopted
11 with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently
12 amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397,
13 399-403, 407, 412, 413, 415, 417, 421, 422, 423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456,
14 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540,
15 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591, 592, 593, 594, and 595.

16 B. Subsequent ongoing planning efforts of the County indicate a need for changes to the
17 Community Development Code relating to street lighting. The Board takes note that such changes
18 are necessary for the benefit of the health, safety, and general welfare of the residents of Washington
19 County, Oregon.

20 C. Under the provisions of Washington County Charter Chapter X, the Land Use
21 Ordinance Advisory Commission has carried out its responsibilities, including preparation of notices,
22 and the County Planning Commission has conducted one or more public hearings on the proposed
23 amendments and has submitted its recommendations to the Board. The Board finds that this

1 Ordinance is based on that recommendation and any modifications made by the Board, as a result of
2 the public hearings process.

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

9 SECTION 2

10 The attached Exhibits are incorporated herein by reference and are hereby adopted as
11 amendments to the Community Development Code:

12 (A) Exhibit 1 (6 pages) amending section 501-7, Levels of Public Facilities and Services,
13 and section 501-8, Standards for Development, of the Community Development Code.

14 (B) Exhibit 2 (1 page) amending section 605-2.4 D, Submission Requirements for Final
15 Review for all Land Divisions, of the Community Development Code.

16 SECTION 3

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

19 ///

20 ///

21 ///

22 ///

1 SECTION 4

2 All applications completed and submitted under former land use ordinances shall continue to be
3 processed, pursuant to the provisions of the former ordinance, until a final decision is rendered by the
4 County or the application is withdrawn, unless specifically provided otherwise by law.

5 SECTION 5

6 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or
7 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and
8 shall remain in full force and effect, and any provision of a prior land use ordinance amended or
9 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full
10 force and effect.

11 SECTION 6

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

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

1 SECTION 7

2 This Ordinance shall take effect on November 27, 2003.

3 ENACTED this _____ day of _____, 2003, being the _____ reading and
4 _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS
6 FOR WASHINGTON COUNTY, OREGON

7 _____
8 *CHAIRMAN*

9 _____
10 *RECORDING SECRETARY*

11
12 READING

PUBLIC HEARING

13 First _____
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____
18 Sixth _____

19 VOTE: *Aye*: _____

Nay: _____

20 Recording Secretary: _____ Date: _____

CDC Section 501 Public Facility and Service Requirements is amended to reflect the following:

501-7 Levels of Public Facilities and Services

- 501-7.1 Implementation strategies of the Comprehensive Plan have placed Public Facilities and Services into three (3) categories for development:
- A. Critical Services public water, public sewer, fire protection, drainage, and access on ~~(Local~~ and Neighborhood Route roads);
 - B. Essential Services schools, Arterial (including State highways) and Collector roads, transit improvements, police protection, street lighting and on-site pedestrian facilities in the public right-of-way; and
 - C. Desirable Services public transportation service, parks, bicycle facilities and off-site pedestrian facilities.
- 501-7.2 As used in Article V, the words listed below include the following meaning unless otherwise specifically identified:
- A. When the term "Collector" is used, it shall include "Special Area Collector" facilities.
 - B. When the term "Neighborhood Route" is used, it shall include "Special Area Neighborhood Route" facilities.
 - C. When the term "Local" street or road is used, it shall include "Special Area Local Streets" and "Special Area Commercial Street" facilities.
- 501-7.3 The level of on- and off-site improvements shall be determined based upon the impact and benefit of the proposed development on each facility or service. The boundaries of the impact area for each facility or service shall be determined by the service provider. The boundaries of each impact area need not be identical.
- 501-7.4 The service provider's information shall be treated as a rebuttable assumption as to the ability to provide an acceptable level of service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider.
- 501-7.5 The area and analysis for collector and arterial roads shall be that geographic area directly impacted and benefited by the proposed development. Data required for determining this area is the responsibility of the applicant and shall be provided to and approved as to adequacy by the County prior to processing of the application by the County.

501-8 Standards for Development

501-8.1 Critical Services

- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
- B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
 - (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and
 - (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated in the Washington County Transportation Plan, the road(s) must meet the following minimum standards:
 - (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
 - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
 - (c) On-site means all lands in the land use application and one half (½) the right-of-way of existing roads lying adjacent to such lands;
 - (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990; and
 - (e) Right-of-way on or adjacent to the frontage property meets Washington County functional classification standards.
 - (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.

- (4) For those existing Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Improvement Design Standards and abut a development in a transit oriented district, or abut a development outside a transit oriented district which is adjacent to a designated special area street, a half street improvement along the site's frontage shall be constructed.
- C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for storm water, surface water and water quality management as required by the Unified Sewerage Agency's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
 - D. For development in a transit oriented district, or development outside a transit oriented district but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

501-8.2 Essential Services

A. Service Provider Documentation

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.
- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:
 - (a) Schools:
 - (i) Amount of bonded indebtedness;
 - (ii) Use of double shifting;
 - (iii) Extended school periods;

- (iv) Bussing to underutilized facilities;
 - (v) Year-round school;
 - (vi) Construction of new facilities;
 - (vii) Portable classrooms;
 - (viii) Impact fees;
 - (ix) Any combination of these or other alternatives.
- (b) Police or Sheriff Services:
- (i) Contracting with private agency;
 - (ii) Contracting with other public agency;
 - (iii) Impact fees;
 - (iv) Any combination of these or other alternatives.
- (c) Provision of Transit Improvements:
- (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.
 - (ii) Property located along an Arterial or Collector which currently has hourly headways during the mid-day on a weekday. If an existing transit stop is located in front of the subject property, the transit district may request via the service availability letter that the County require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements. Additionally, the transit district may relocate an existing stop or request via the service availability letter that the County require a new stop in front of the property along with an easement at the stop. The transit district shall make the determination as to whether or not additional right of way or an easement is necessary.
 - (iii) Properties subject to this section may also be subject to more expansive transit related requirements. As set forth in Section 380, Convenient Access to Transit Overlay District.

B. Adequate Level of Arterial and Collector Roads

An applicant shall ensure that an adequate level of Arterial and Collector roads will be available to the proposed development. This requirement is satisfied by payment of the Traffic Impact Fee unless the provisions of Section 501-10 and 501-11 are applicable. Payment of the Traffic Impact Fee is not an assurance for improvements required by Sections ~~501-8.2 EF~~. [Future Alignments], 501-8.2 ~~FG~~. [Half-Street Improvements] or 501-8.2 ~~GH~~. [Pedestrian/Utility Easement]. In addition to payment of the Traffic Impact Fee an applicant shall assure that all identified safety improvements within the impact and analysis area pursuant to Resolution and Order No. 86-95, (Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation) shall be constructed prior to occupancy of a development with the assurance provided prior to issuance of a building permit and the following:

- (1) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (½) the right-of-way of existing roads lying adjacent to such lands;
- (2) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990;
- (3) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards;
- (4) Access to Arterials and Collectors will be allowed in accordance with Section 501-8.5; and
- (5) Collectors or Arterials inside the UGB that front a site and have an existing gravel surface must be brought up to urban standards.

C. Street Lighting

For all new Local, Neighborhood Route, Collector and Arterial streets, an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.

- ~~CD~~. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.

* editor's note: Should also list Section 501-8.2 ~~DE~~. (Gravel Roads).

- DE. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with Washington County's Urban Road Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.
- EF. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with Washington County's Urban Road Standards.
- FG. For development in a transit oriented district, a half-street improvement shall be constructed along the site's frontage of those existing Collector and Arterial roads which abut the site and are not improved in accordance with Washington County's Uniform Road Improvement Design Standards.
- GH. For development in a transit oriented district, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.
- HI. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.
- IJ. When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, set backs, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.

CDC Section 605-2.4 Submission Requirements for Final Review of all Land Divisions is amended to reflect the following:

- 605-2.4 D. For new public streets, certification of a street lighting plan approved by the County Engineering Division and meeting the materials and installation requirements of the electrical utility company providing service to the area. ~~prepared by Portland General Electric, a registered engineer or a Portland General Electric-approved street lighting installer.~~