



WASHINGTON COUNTY OREGON

March 27, 2009

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation *3/27/09*

Subject: **PROPOSED ORDINANCE NO. 708**

Enclosed for your information is a copy of proposed Ordinance No. 708. 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 Long Range Planning Division staff contact noted below.

Ordinance Purpose and Summary

Ordinance No. 708 amends a portion of Washington County's Community Development Code relating to standards for solid waste and recycling pickup and to separated sidewalk requirements (sidewalks that are separated from the roadway by a landscape strip).

Who Is Affected

Developers and residents of land in urban unincorporated areas of Washington County will be affected.

What Land is Affected

Urban unincorporated areas will be affected.

Key Provisions

Ordinance No. 708 amends Sections 406, 409 and 502 of the Community Development Code (CDC). The proposed changes to Section 406 and 409 are intended to ensure adequate access for solid waste and recycling collection vehicles to single-family attached residential buildings (e.g. townhouses) and those served by private streets. The proposed changes to Section 502 are intended to clarify the sidewalk construction standards and the process for obtaining modifications to these standards from the County Engineer pursuant to the County Road Standards so that sidewalk compliance with the Americans with Disabilities Act (ADA) is achieved.

Initial Public Hearings Time and Place

Planning Commission
1:30 PM
May 6, 2009

Board of County Commissioners
10:00 AM
June 2, 2009

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

On June 2, 2009, 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, it would become effective thirty (30) days after the adoption date.

**Community
Development Code
Standards Amended**

- Section 406, Building, Siting and Architectural Design
- Section 409, Private Streets
- Section 502, Sidewalk Standards

**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. **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

Anne Elvers, Associate Planner
155 North 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3583 Fax: 503-846-4412
e-mail: anne_elvers@co.washington.or.us

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

- The Washington County Department of Land Use and Transportation, Planning Division, 155 North 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 503-725-2124 for a directory of CPOs.

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FILED

MAR 20 2009

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 708

An Ordinance Amending Articles IV and V of the Community Development Code Element of the Comprehensive Plan relating to Standards for Solid Waste and Recycling Pickup and to Separated Sidewalk Requirements

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

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, with portions 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, and 704.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC to address concerns from the garbage haulers regarding access and to ensure compliance with the American Disabilities Act (ADA) requirements relating to separated sidewalks. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

13 SECTION 2

14 The following exhibits, attached hereto and incorporated herein by reference, are hereby
15 adopted as amendments to the documents designated below:

- 16 A. Exhibit 1 (8 pages) amending Article IV of the Community Development Code; and
- 17 B. Exhibit 2 (1 page) amending Article V of the Community Development Code.

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1 SECTION 3

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

4 SECTION 4

5 All applications received prior to the effective date shall be processed in accordance with
6 ORS 215.427 (2007 Edition).

7 SECTION 5

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

13 SECTION 6

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

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1 and making any technical changes not affecting the substance of these amendments as necessary
2 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 2nd day of June, 2009, being the
6 1st reading and 1st public hearing before the Board of County Commissioners of
7 Washington County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**


11 CHAIRMAN


12 RECORDING SECRETARY

13 READING

PUBLIC HEARING

14 First June 2, 2009
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

First June 2, 2009
Second _____
Third _____
Fourth _____
Fifth _____
Sixth _____

20 VOTE: Aye: Duyck, Strader, Rogers, Nay: _____
21 Schouten
Recording Secretary: Barbara Hejtmanek Date: June 2, 2009

Article IV of the Community Development Code is amended to include changes to the following Code sections:

1. Section 406-6 is amended to reflect the following:

406-6 Mixed Solid Waste and Recyclables Storage Facilities

The mixed solid waste and source-separated recyclables storage standards of this section shall apply to new multi-unit and single family attached residential buildings containing five or more units and to new commercial, industrial and institutional construction that is subject to a Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

New construction shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to pick-up and removal by haulers by complying with the standards of this Section.

To provide for flexibility in designing functional storage areas, this section provides three different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving the efficiency of collection. An applicant shall choose one of the following three methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; or 3) comprehensive recycling plan.

406-6.1 Minimum Standards Method

This method specifies a minimum storage area requirement based on the size and general use category of the new construction. This method is most appropriate when the specific use of a new building is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this section. Compliance with the general and specific requirements set forth below is verified during the site plan review process.

A. General Requirements:

- (1) The storage area is based on the predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional, or other). If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the entire building shall be the sum of the requirement for the area of each use.

- (2) Storage areas for multiple uses on a single site and single family attached or multi-family buildings may be combined and shared.
- (3) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than 4 feet but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

B. Specific Requirements

- (1) Multi-unit and single family attached residential buildings containing 5-10 units shall provide a minimum storage area of 50 square feet. Buildings containing more than 10 units shall provide an additional 5 square feet per unit for each unit above 10. Individual curbside collection for single family attached units may be permitted pursuant to Section 406-6.4 C. (4).

- (2) Non-residential buildings shall provide a minimum storage area of 10 square feet plus:

Office: 4 square feet/1,000 square feet gross floor area (GFA);

Retail: 10 square feet/1,000 feet GFA;

Wholesale/Warehouse/Manufacturing: 6 square feet/1,000 square feet GFA;

Educational and Institutional: 4 square feet/1,000 square feet GFA; and

Other: 4 square feet/1,000 square feet GFA.

406-6.2 Waste Assessment Method

This method tailors the storage area size to a waste assessment and management program for the specific user of a new building. It is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated.

A pre-application conference with the solid waste coordinator for the Washington County Health and Human Services Solid Waste and Recycling Program and development review staff is required if the waste assessment method is proposed. ~~A waste assessment form. The applicant shall be used to estimate the volumes of source-separated recyclables/mixed solid waste generated.~~ From this information, the applicant can design a specific management, storage and collection system. Techniques such as a compactor or cardboard bailer may be implemented to minimize the square footage of the site which must be set aside for a storage area.

The waste assessment ~~method form shall be completed prepared by the applicant~~ and submitted with the site plans. The plans must identify the size and location of

interior or exterior storage area(s), specialized equipment, collection schedule, etc. required to accommodate the volumes projected in the waste assessment. The application shall demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method. The solid waste coordinator shall review and approve the waste assessment method as part of the development review process.

406-6.3 Comprehensive Recycling Plan Method

The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use. This method can be used when a comprehensive recycling plan has been developed for a specific individual facility or for single family attached or multi-family buildings. It is most suited to large non-residential uses such as hospitals, schools and industrial facilities.

A pre-application conference with the solid waste coordinator for the Washington County Health and Human Services Solid Waste and Recycling Program and development review staff is required if the comprehensive recycling plan method is proposed. The comprehensive recycling plan shall be submitted at the same time site plans are submitted for development review. The applicant shall submit plans and text that show how mixed solid waste and recyclables generated by the proposed development will be served under a comprehensive recycling plan. The application shall also demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method. The solid waste coordinator shall review and approve the comprehensive recycling plan as part of the development review process.

406-6.4 Location, Design and Access Standards for Storage Areas

The following location, design and access standards for storage areas are applicable to all three methods of compliance: 1) minimum standards; 2) waste assessment; and 3) comprehensive recycling plan.

A. Location Standards:

- (1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- (2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.
- (3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.

- (5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.
- (6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site.
- (7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.

B. Design Standards:

- (1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.
- (2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- (3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- (4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of ~~40~~twelve (12) feet wide and shall be capable of being secured in a closed and open position.
- (5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards:

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
- (2) Storage areas shall be paved and designed to be easily accessible to collection trucks and equipment, considering paving, grade of storage areas and vehicle access. A minimum of twelve (12) ~~40~~-feet horizontal clearance and fourteen (14)~~8~~ feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public or private street (includes alleys). If only a single access point is available to the storage area, adequate turning

radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

- (4) Curbside collection of solid waste and recyclables from individual dwelling units in single family attached buildings containing five or more units on a public or private street (includes alleys) may be permitted by the solid waste coordinator.

2. Section 406-7 is amended to reflect the following:

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building facades, the following information must be submitted:

- 406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;
- 406-7.2 Building Floor Plans;
- 406-7.3 Building Elevations and Sections;
- 406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and
- 406-7.5 Building Shadow Plan.
- 406-7.6 For new development required by Section 406-6 to provide mixed solid waste and recyclables storage facilities, a written statement from the Washington County Health and Human Services Solid Waste and Recycling ~~Division Program~~ concerning the adequacy of the proposed method, design, and location and accessibility of the storage facilities as required by Sections 406-6.1, 406-6.2, 406-6.3, 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C. (1, 2, and 3).

3. Section 409-3.3 is amended to reflect the following:

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		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	Two-way				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	Alleys (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

* Adequate turn around facilities shall be provided pursuant to Section 409-3.7

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

B. Private Commercial and Industrial Streets:

	*_FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1,500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3,000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	3,000 Plus ADT	22 ft.	(4)	Yes	Both Sides
	Two-way				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1,500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3,000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	3,000 Plus ADT	40 ft.	(4)	Yes	Both Sides
	Alleys (One-way or two-way)				
(18)	1,500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1,500 Plus ADT	16 ft.	(4)	***Yes	None

* Adequate turn around facilities shall be provided pursuant to Section 409-3.7

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

4. Section 409-3.7 is amended to reflect the following:

409-3.7 Emergency Service and Solid Waste and Recycling Collection Provider Access:

A dead-end private street (includes alleys) exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility designed in accordance with approved Fire Marshal standards unless approved by the appropriate Fire Marshal, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

A. The Fire Marshal determines that a turn around is not needed to provide emergency service vehicle access; and

B. The solid waste coordinator for the Washington County Health and Human Services Solid Waste and Recycling Program determines that a turn around is not needed to provide solid waste and recyclable collection vehicle access.

5. Section 409-3.8 is amended to reflect the following:

409-3.8 Modification of Private Road Standards

A variance to the provisions of Section 409-3.3 may be approved by the Review Authority in accordance with Section 435 and the following:

- A. The design has been approved by the appropriate Fire Marshal and by the solid waste coordinator;
- B. The design has been prepared, submitted and certified by a registered engineer (Oregon); and
- C. The design has been documented and references nationally accepted specifications or standards.

Article V of the Community Development Code is amended to include changes to the following Code sections:

1. Section 502-3 Sidewalk Standards is amended to reflect the following:

502-3 Sidewalk Standards

502-3.1 ~~All~~ Sidewalks shall be built in accordance with adopted ~~C~~county ~~S~~standards, including Table 1 of the County Road Standards and Technical Appendix B-8 of the county Transportation System Plan, and shall be built to line and grade as set forth by the County. When required, sidewalks shall be separated from the curb by a minimum four (4) foot wide planter strip, except where a different width or a wide curbside sidewalk is required. The County Engineer may approve modifications to this requirement pursuant to Article III Design Specifications of Chapter 15.08 of the Washington County Code (Section 250 of the County Road Standards). Development applications that propose alternate sidewalk locations (e.g., curbside sidewalks) shall include a copy of the County Engineer's design modification approval.

502-3.2 Temporary sidewalks will be constructed as directed by the County.

502-3.3 When sidewalks or temporary sidewalks are constructed which are not immediately adjacent to a road, and do not connect to another sidewalk or temporary sidewalk, the Director may require the installation of a paved connection to the roadway edge.

2. Section 502-13 Pedestrian Circulation is amended to reflect the following:

502-13 Pedestrian Circulation

502-13.1 When a development's sidewalk abuts or is within a public right-of-way the sidewalk shall be constructed to County Road Standards.

502-13.2 Where public access is to be provided on private land, easements shall be provided.

502-13.3 Sidewalks shall be constructed in accordance with the adopted County Road Standards, except an eight (8) foot width shall be required along Beaverton-Hillsdale Highway, Canyon Road and Tualatin Valley Highway.

502-13.4 All sidewalks shall be constructed in accordance with the standards set forth in the County Road Standards and Section 502-3 and installed prior to the issuance of an ~~compliance~~ occupancy permit, or in accordance with the provisions of Section 502.