



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **CONSIDER PROPOSED ORDINANCE NO. 866 – AN ORDINANCE ADDRESSING MINOR AMENDMENTS TO THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE BETHANY COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE**

Presented by: Stephen Roberts, Director of Land Use & Transportation
Alan Rapplelea, County Counsel

SUMMARY:

Ordinance No. 866 proposes minor updates, corrections and revisions to the County’s Comprehensive Framework Plan for the Urban Area (CFP), Bethany Community Plan and Community Development Code (CDC). The changes proposed in Ordinance No. 866 are intended to ensure consistency with federal, state, regional and local requirements and improve efficiency and operation of the Plan, especially the CDC. The proposed ordinance is posted on the County’s land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Following its Aug. 5, 2020 public hearing for this ordinance, the Planning Commission (PC) voted 6-0 to recommend the Board adopt Ordinance No. 866 as filed. A staff report will be provided to the Board prior to the Sept. 1 hearing and posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk’s desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

(continued)

The Staff Report and exhibits are hyperlinked here and are also available at the Clerk’s Desk.

DEPARTMENT’S REQUESTED ACTION:

Read Ordinance No. 866 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 866.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	6.b.
Date:	09/01/20

**CONSIDER PROPOSED ORDINANCE NO. 866 – AN ORDINANCE ADDRESSING MINOR AMENDMENTS TO THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE BETHANY COMMUNITY PLAN, AND THE COMMUNITY DEVELOPMENT CODE
BOC 09/01/20**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

LUT received testimony from two community members expressing concerns about dog training facilities in the EFU and AF-20 land use districts. State law requires jurisdictions to allow dog training facilities in pre-existing farm buildings. Changes to state law updated the definition of pre-existing to include buildings that existed prior to Jan. 1, 2019, and Ordinance No. 866 proposes amending the CDC to reflect this change. The testimony included concerns for farmland preservation and how dog training facilities are monitored as subordinate uses to continued farm operation.

Legal History/Prior Board Action: None

Budget Impacts: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 866

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

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, and 857.

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, and 846.

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, and 855-
9 859.

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 removal of outdated definitions, map
13 updates to reflect current conditions, and various minor Community Development Code
14 amendments for clarity and to reflect changed conditions or state law requirements. The
15 Board recognizes that such changes are necessary from time to time for the benefit and
16 welfare of the residents of Washington 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 (5 pages), amends the following sections of the Comprehensive
11 Framework Plan for the Urban Area:

- 12 1. Policy 41, Urban Growth Boundary Expansions, Map C 'Future
13 Development Areas – Detailed Areas;' and
- 14 2. Adds Appendix F, Resolution and Order 14-34, Washington County CPO
15 Boundary Map Update.

16 B. Exhibit 2 (2 pages), amends the following Bethany Community Plan map:

- 17 1. 'Significant Natural and Cultural Resources' Map.

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

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 302 – R-5 District (Residential 5 Units per Acre);

- 1 4. Section 303 – R-6 District (Residential 6 Units per Acre);
- 2 5. Section 304 – R-9 District (Residential 9 Units per Acre);
- 3 6. Section 305 – R-15 District (Residential 15 Units per Acre);
- 4 7. Section 306 – R-24 District (Residential 24 Units per Acre);
- 5 8. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 6 9. Section 311 – Neighborhood Commercial District (NC);
- 7 10. Section 313 – Community Business District (CBD);
- 8 11. Section 314 – General Commercial District (GC);
- 9 12. Section 320 – Industrial District (IND);
- 10 13. Section 340 – Exclusive Farm Use District (EFU);
- 11 14. Section 344 – Agriculture and Forest District (AF-20);
- 12 15. Section 356 – Land Extensive Industrial District (MAE);
- 13 16. Section 375 – Transit Oriented Districts;
- 14 17. Section 390 – North Bethany Subarea Overlay District;
- 15 18. Section 409 – Private Streets;
- 16 19. Section 413 – Parking and Loading;
- 17 20. Section 415 – Lighting;
- 18 21. Section 421 – Flood Plain and Drainage Hazard Area Development;
- 19 22. Section 430 – Special Use Standards;
- 20 23. Section 440 – Nonconforming Uses and Structures;
- 21 24. Section 501 – Public Facility and Service Requirements;
- 22 25. Section 605 – Land Divisions and Property Line Adjustments Inside a

1 UGB; and

2 26. Section 610 – Land Divisions and Property Line Adjustments Outside a

3 UGB.

4 SECTION 3

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

7 SECTION 4

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

10 SECTION 5

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

14 SECTION 6

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

20 ///

21 ///

22 ///

1 SECTION 7

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

3 ENACTED this 1st day of September, 2020, being the 1st reading
4 and 1st public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 ADOPTED

9 Kathryn Harrington 09/01/2020
10 CHAIR KATHRYN HARRINGTON

11 Kevin Mogg
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First September 1, 2020
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

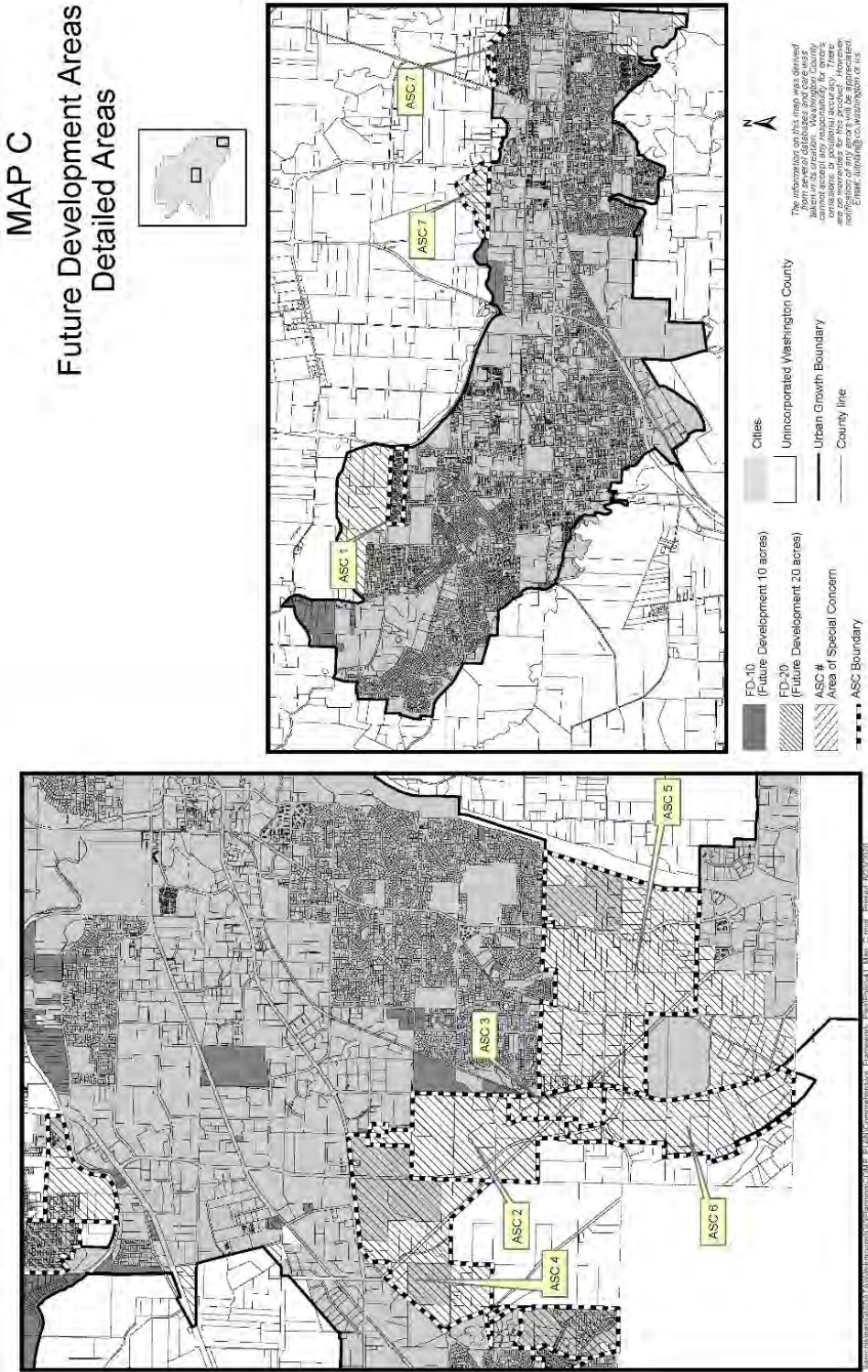
14 First September 1, 2020
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

20 VOTE: Aye: Willey, Rogers, Schouten
21 Harrington

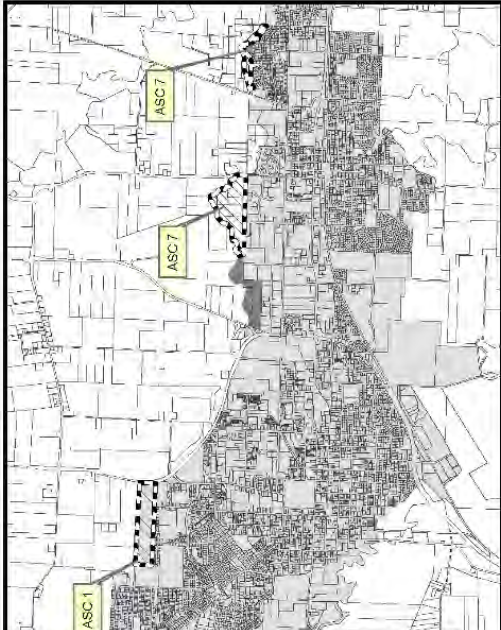
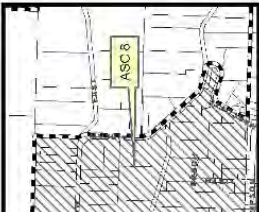
20 Nay: _____

21 Recording Secretary: Kevin Mogg Date: September 1, 2020

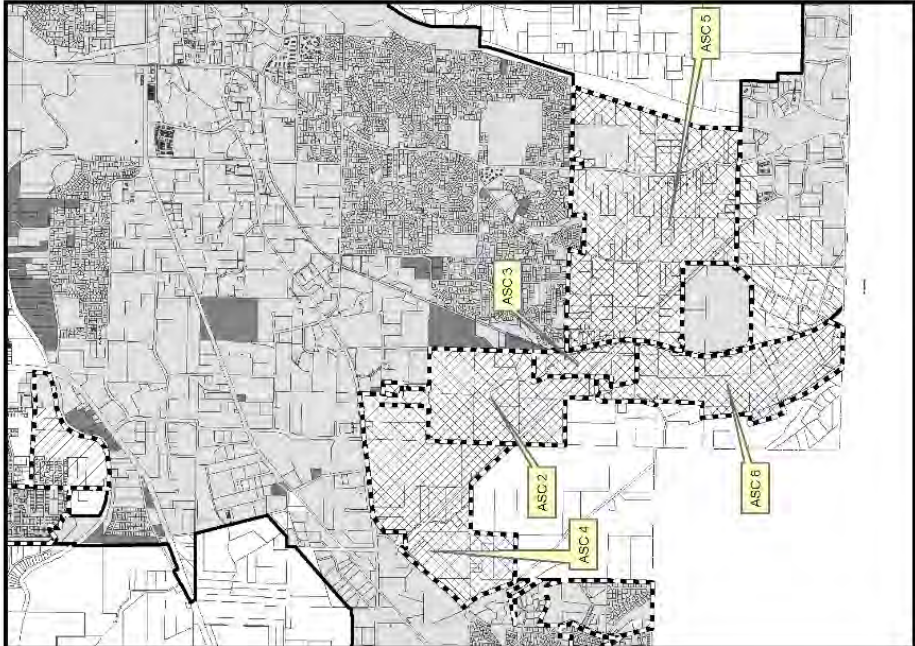
The 'MAP C Future Development Areas – Detailed Areas' in Policy 41, URBAN GROWTH BOUNDARY EXPANSIONS of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended as shown:



MAP C
Future Development Areas
Detailed Areas



DELETED



The information on this map was derived from the information provided by the City of Everett and the County of Snohomish. The City and County do not accept any responsibility for errors or omissions in this product. However, we do warrant that the product is as shown and described. For more information, please contact the City of Everett at 425.336.4000 or the County of Snohomish at 425.336.4000.

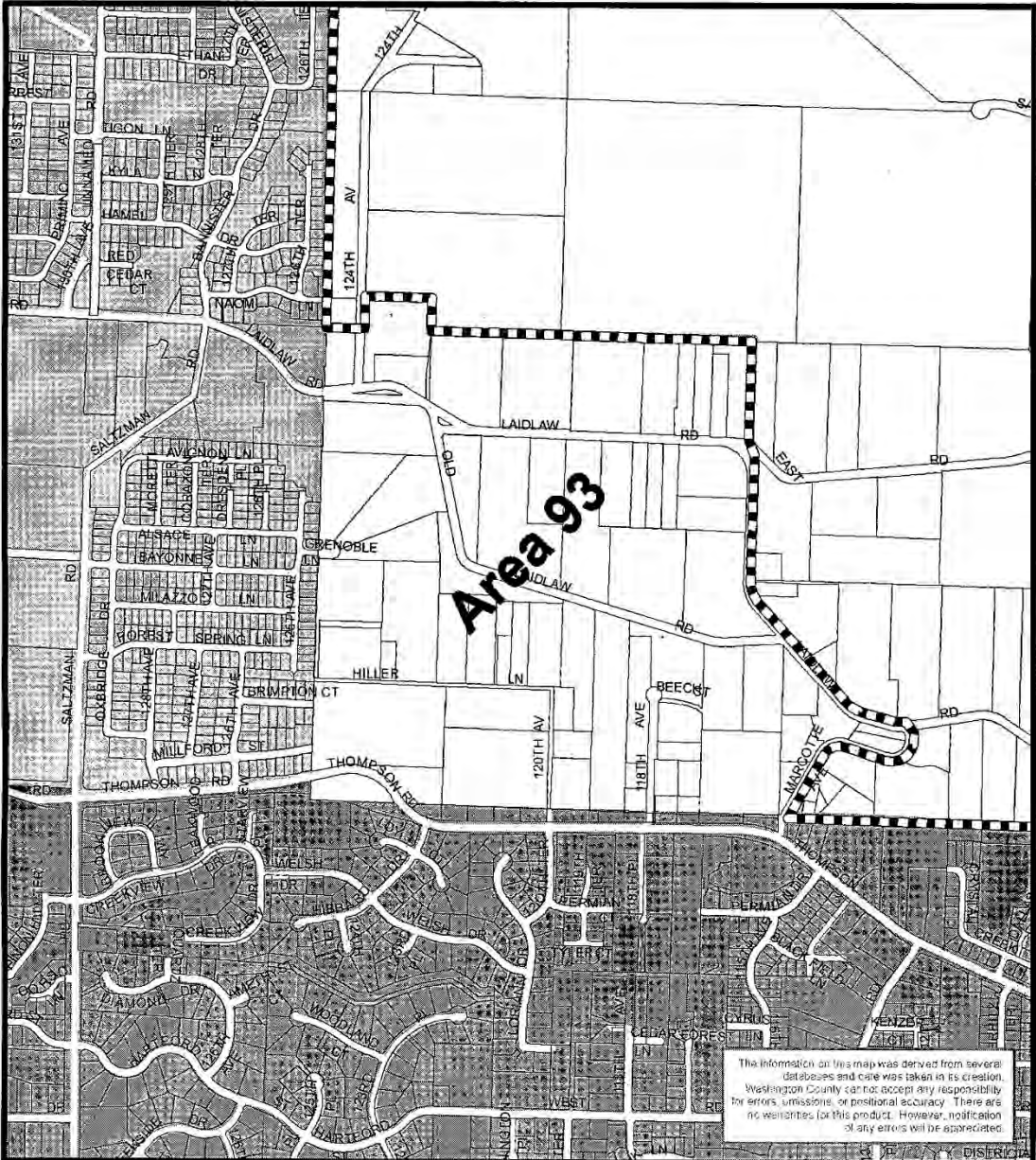
- 10 acres
- 20 acres
- Urban Growth Boundary
- County line
- Cities
- Unincorporated Washington County

- ASC 1
- ASC 2
- ASC 3
- ASC 4
- ASC 5
- ASC 6
- ASC 7
- ASC 8

APPENDIX F

Resolution and Order 14-34
Washington County CPO Boundary Map Update

EXHIBIT A



The information on this map was derived from several databases and Care was taken in its creation. Washington County can not accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

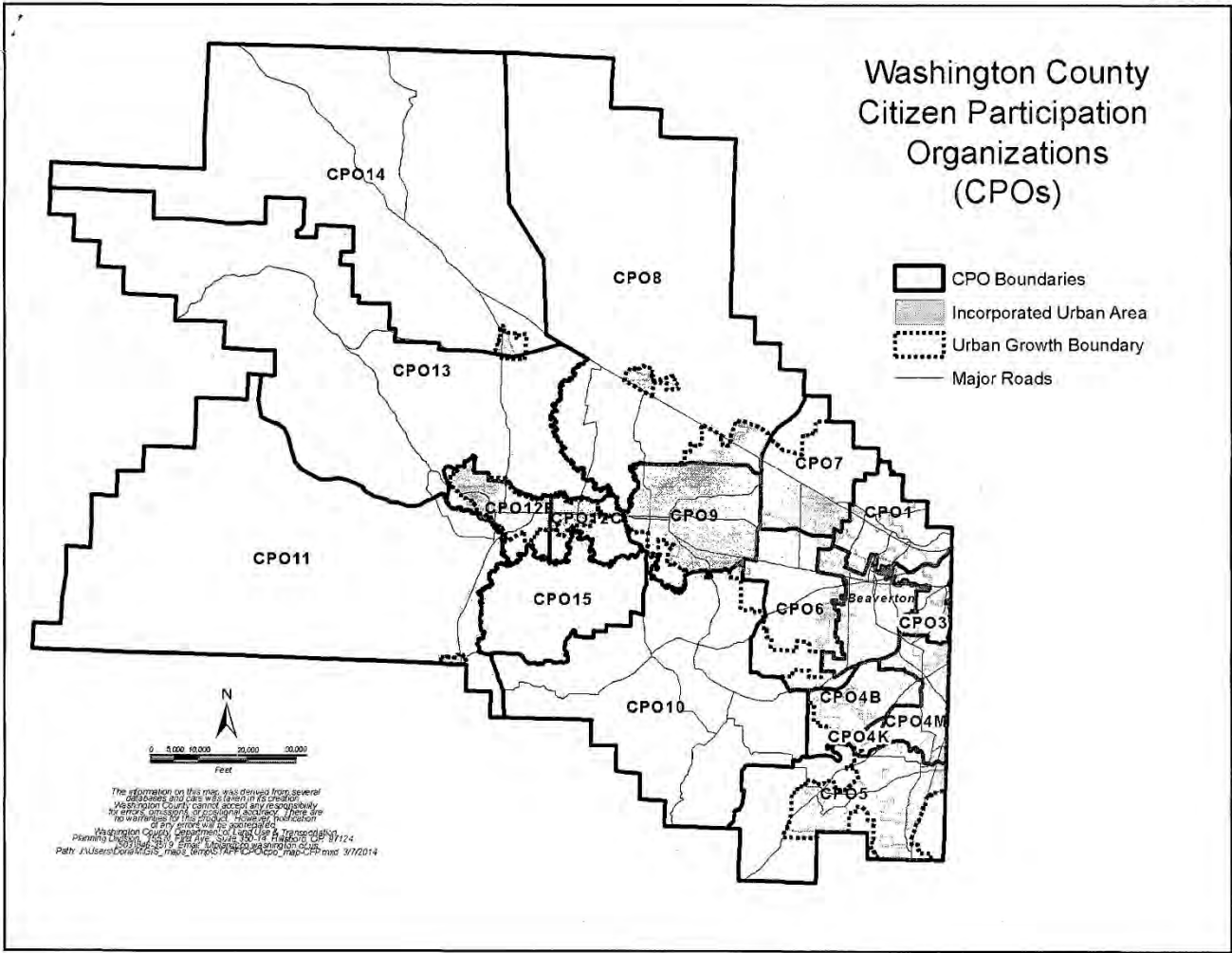
WASHINGTON COUNTY - LONG RANGE PLANNING

Area 93

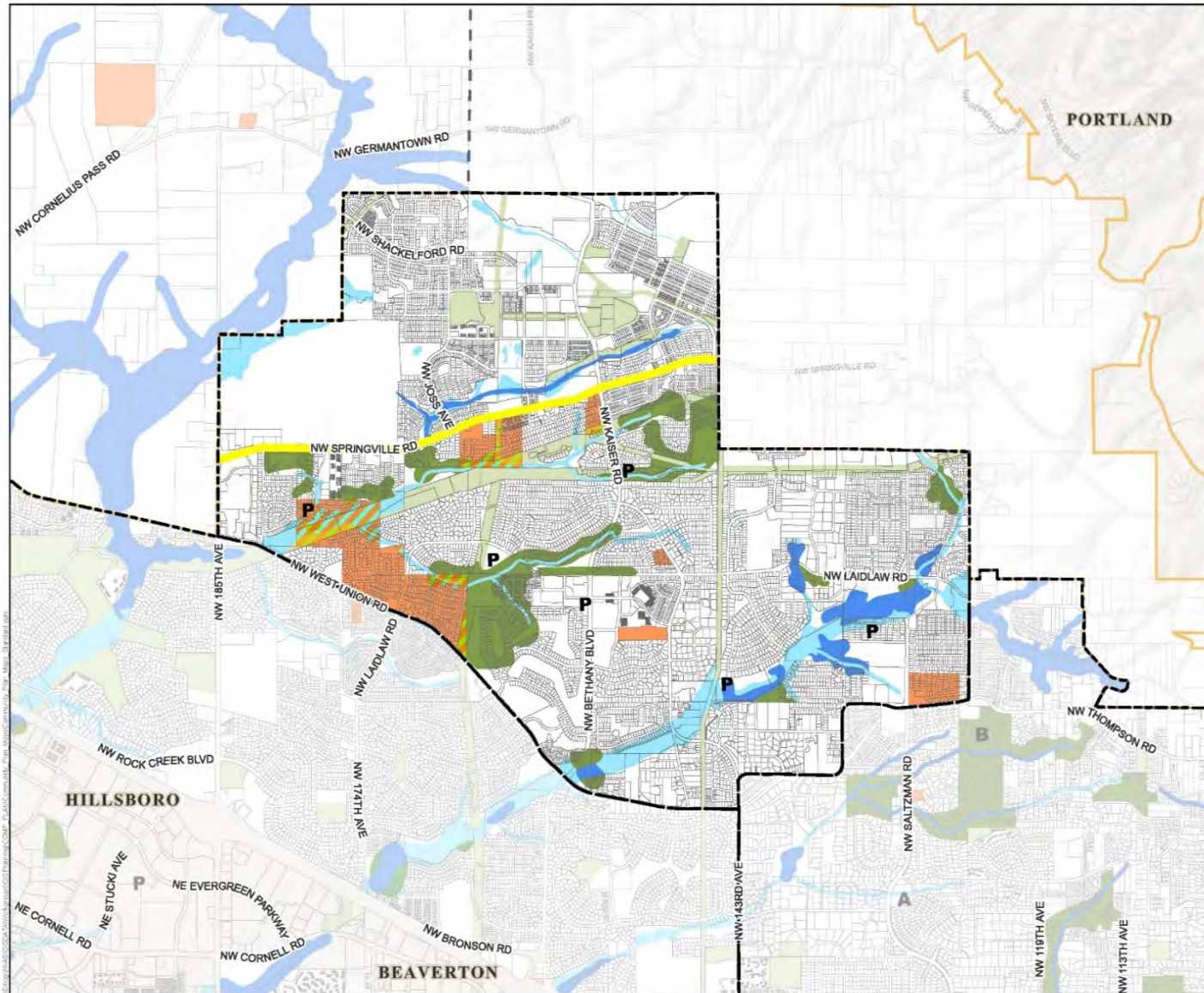
-  Current CPO1
-  Urban Growth Boundary / County Line
-  Current CPO7



EXHIBIT B



The 'Significant Natural and Cultural Resources' Map of the BETHANY COMMUNITY PLAN is amended as shown:



WASHINGTON COUNTY
 Comprehensive Plan

Map 4.1

Bethany
 Community Plan

Significant Natural and Cultural Resources

- Historic and Cultural Resource Overlay District - Resources described in the Washington County Cultural Resources Inventory, including sites, structures, objects and buildings. Historic buildings and structures are protected by regulations in the County's Historic and Cultural Resource Overlay District.
- Scenic Route - Roads identified as excellent scenic roads and those sections of good scenic roads which offer a vista of the Tualatin Valley or Cascade mountains.
- Scenic View - Viewpoints providing a vista of the Tualatin Valley, the Cascade Mountains, or other scenic feature.
- Potential Park/Open Space/Recreation Area (A-G)
- A** Generalized indication of an area described in the Community Plan text as offering the opportunity for private or public recreational or open space uses.
- P** Park Deficient - Area more than 1/2 mile from a park site or a public school playground
- Water Area and Wetland - 100 year flood plain, drainage hazard areas and ponds, except those already developed.
- Water Area/Wetland and Fish/Wildlife Habitat - Water areas and wetlands that are also fish and wildlife habitat
- Open Space - Existing parks, recreation sites, golf courses, bicycle pathways, cemeteries, school playgrounds, powerline rights-of-ways, and future park sites owned by the Tualatin Hills Park and Recreation District.
- Wildlife Habitat - Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.
- Significant Natural Area - Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.
- Resources Overlap
- Community Plan Boundary
- County Boundary
- Urban Growth Boundary
- Taxlots
- Incorporated Area

1 inch equals 2,000 feet**
 0 1000 2000 Feet

** Printing map of a size other than 11 x 17 will affect stated scale.

Department of Land Use & Transportation
 Planning and Development Services Division

Printed: 5/14/2020



Bethany
 Community Plan

Significant Natural and
 Cultural Resources

Potential Park/Open Space/Recreation Area (A-G)

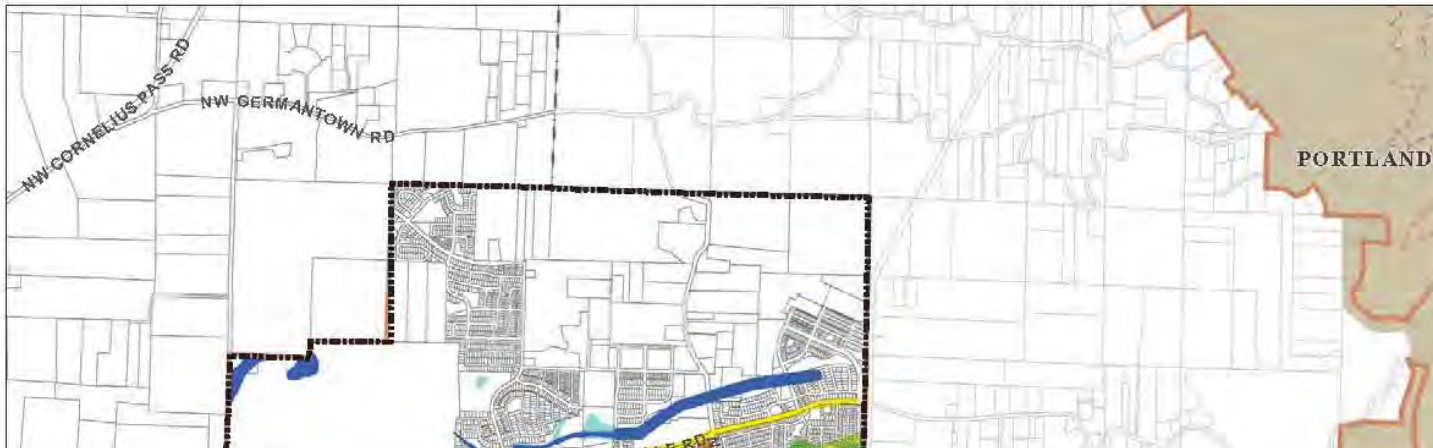
A Geocoded indicators of an area described in the Community Plan text as offering the opportunity for private or public recreational or open space uses.

Park Deficient Area

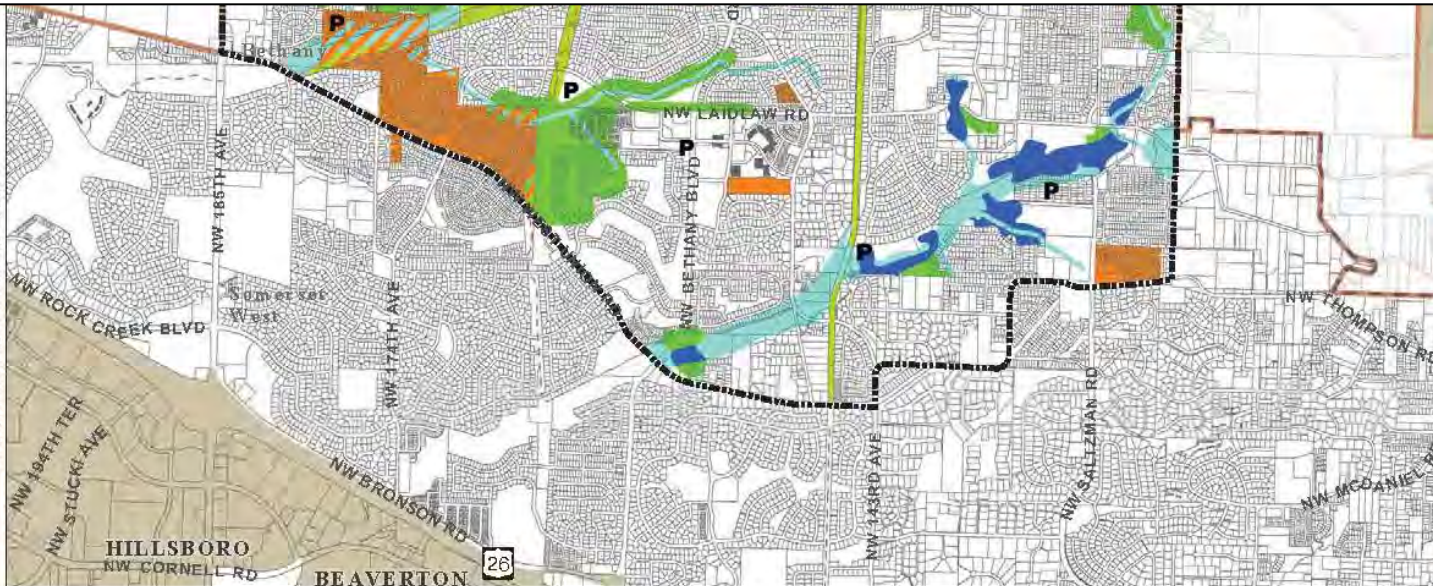
P An area more than 1/2 mile from a park site or a public school playground.

Scenic Route

Roads the title has excellent views to roads and those sections of good scenic roads which offer a view of the Tualatin Valley or the Cascade Mountains. Scenic Routes also include those sections of streams which



DELETED



Water Areas and Wetlands

- 100 year flood plain, drainage hazard areas and ponds, except those already developed.

Open Space/Bicycle Pathways

- Existing parks, recreation sites, golf courses, bicycle pathways, community school playgrounds, powerline rights-of-way, and other park sites owned by the Tualatin Hills Park and Recreation District.

Wildlife Habitat

- Geocoded habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and those sites that coincide with water areas and wetlands.

Water Area and Wetlands & Fish and Wildlife Habitat

- Water areas and wetlands that are also fish and wildlife habitat.

1 inch represents 2,000 feet
 0 500 1000 feet
 © original page size is 11x17

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

1. SECTION 106 – DEFINITIONS

~~106-7~~ **Adult Bookstore.** An establishment having at least 50 percent of its merchandise items, books, magazines, other publications, films or video tapes which are for sale, rent or viewing on the premises and which are distinguished or characterized by their emphasis on matters depicting the specified sexual activities or specified anatomical areas defined herein.

~~106-9~~ **Adult Motion Picture Theater.** An establishment used primarily for the presentation of motion pictures or video tapes having as a dominant theme material distinguished or characterized by an emphasis on matters depicting specified sexual activities or specified anatomical areas as defined herein.

106-34 Commercial Activities in Conjunction with Farm Use. Commercial activities are limited to providing products and services essential to the practice of commercial agriculture.

A commercial activity in conjunction with farm use includes, but is not limited to, processing facilities which convert harvested agricultural crops from their natural state into new products, i.e., such as drying, freezing, canning, etc. In addition, the preparation and storage of a product which includes significant amounts of agricultural crops not raised by the operator of the storage facility shall also be considered a commercial activity. The storage, sale and application of farm chemicals used in conjunction with the growing of farm crops necessary to serve nearby farm uses shall also be considered a commercial activity subject to meeting the following standards:

106-88 Food Market. A retail establishment (e.g., grocery store) which sells to the public staple foodstuffs (e.g., flour, cereal, canned foods); beverages; meats; and other foods (e.g., fruit, vegetables, dairy products, baked goods, and deli foods); incidental household supplies used in or around the home (e.g., cleaning items, paper napkins, matches); and personal items used in the home (e.g., magazines, health and beauty aids, school supplies, greeting cards). Food markets may provide accessory deli seating. The sale of other non-foodstuffs (e.g., floral items, pharmaceuticals), or the provision of financial or personal services (e.g., video rental, photographic reproduction), are permitted provided the combined maximum floor area devoted to these uses does not exceed 20% of the building floor area devoted to retail sales (e.g., ~~does not include~~ including storage areas).

106-169 Primary District. A land use district as designated on the Community Plan Map or the Rural/Natural Resource Plan, (~~i.e., such as~~ R-5, R-6, R-9, R-15, R-24, R-25+, INST, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, NCC NB, NCMU NB, INST NB, FD-20,

~~FD-10, NC, OC, CBD, GC, IND, TO:RC, TO:BUS, TO:EMP, EFU, EFC, AF-20,
AF-10, AF-5, RR-5, R-COM, R-IND, MAE).~~

~~**106-175 Recreational Vehicle.** Any vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed for human occupancy and to serve as temporary living accommodations for recreational, camping, travel or emergency purposes.~~

~~Pursuant to OAR 918-525-0005(35), recreational vehicles include camping trailers, camping vehicles, motor homes, park model trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational use and any vehicle converted for partial use as a recreational vehicle.~~

~~Recreational vehicle does not include a special use vehicle which is capable of providing eating or sleeping facilities unless the vehicle also is equipped with a holding tank, and liquid petroleum gas or a 110 to 240 volt electrical system used in conjunction with the eating or sleeping facilities.~~

106-175 Recreational Vehicle. A vehicle with or without motive power that is designed for use as temporary living quarters, to be easily transported and set up on a daily basis and is any one of the following:

- A. A vehicle that is eight and one-half feet wide or less and is certified by the manufacturer or builder as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that was in effect at the time of manufacture;
- B. A vehicle that is eight and one-half feet wide or less and is certified by the applicant as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards if the vehicle is not new and no manufacturer or builder certification is available, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that was in effect at the time of manufacture; or
- C. A Park Model Recreational Vehicle (Section 106-176).

Also refer to Section 421-2.13 for definition of recreational vehicle for flood and drainage hazard area management purposes.

~~**106-175.1 Park Model Recreational Unit, or Park Model Trailer.** A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis. Designed to provide recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances.~~

Pursuant to OAR 918-525, park model units greater than 320 square feet when in set-up mode may be dual labeled by the manufacturer as both a park trailer recreational vehicle and a manufactured home.

106-176 Park Model Recreational Vehicle (PMRV). A recreational vehicle that:

- A. Is designed for use as temporary living quarters;
- B. Is built on a single chassis mounted on wheels;
- C. Has a gross trailer area that does not exceed 400 square feet;
- D. Is more than eight-and-one-half feet wide; and
- E. Is certified by the manufacturer or builder, or the applicant if the PMRV is not new and no manufacturer or builder certification is available, as complying with the version of the ANSI A119.5 standard for the construction of park model recreational vehicles that was in effect at the time of manufacture.

Editor's note—Ord. No. 845, § 2.A.(Exh. 1, § 1), adopted April 2, 2019, repealed § 106-176 which pertained to Regional Flood (Base Flood) and derived from the 2016 Code.

2. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.12 The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the flood plain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural/Natural Resource Plan without first obtaining a development permit:

- G. Accepted farm practices, as defined in ORS 215.203, such as preparation of land for cultivation and not including grading for roadwork or pads for structures are subject to all of the following:

- (4) Except for ponds, all material is either "A" Horizon topsoil (i.e. the ~~A Horizon~~ as defined by Natural Resources Conservation Service [NRCS]) or if utilized for nursery purposes, the material is commonly used to grow nursery crops;

3. SECTION 302 – R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-5 Prohibited Uses

302-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized as a temporary use in Section 302-2.8, 302-2.9, 302-3.7, ~~or~~ 302-3.12, or as allowed under 201-2 (Exclusions from Permit Requirement).

302-5.4 The outdoor parking or storage of any five or more operable vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under 201-2 (Exclusions from Permit Requirement).

4. SECTION 303 – R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-5 Prohibited Uses

303-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized under Section 303-2.9, 303-2.10, 303-3.6, 303-3.7, 303-3.11, ~~or~~ 303-3.17, or as allowed under 201-2 (Exclusions from Permit Requirement).

303-5.4 The outdoor parking or storage of any five or more operable vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under 201-2 (Exclusions from Permit Requirement).

5. SECTION 304 – R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-5 Prohibited Uses

304-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized under Section 304-2.7, 304-2.11, 304-3.6, 304-3.10, 304-3.16, ~~or~~ 304-3.17, or as allowed under 201-2 (Exclusions from Permit Requirement).

304-5.4 The outdoor parking or storage of any five or more operable vehicles on a single lot for more than 48 hours, except as approved in conjunction with a development or as allowed under 201-2 (Exclusions from Permit Requirement).

6. SECTION 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-2 Uses Permitted Through a Type I Procedure

305-2.4 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2 or meets the standards for a Type I review pursuant to Section 501-3.2;
- B. Is not in an Area of Special Concern as designated on the applicable Community Plan map; ~~and~~
- C. Is not a telecommunication facility; and
- D. Is not a school (Section 430-121).

305-4 Uses Which May Be Permitted Through a Type III Procedure

305-4.11 Expansion of an existing school – Section 430-121.

305-5 Prohibited Uses

305-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized in Section 305-2.9, 305-2.11, 305-3.7, 305-3.8, 305-3.11, ~~or 305-3.16,~~ or as allowed under 201-2 (Exclusions from Permit Requirement).

305-5.4 The outdoor parking or storage of any five or more operable vehicles on a single lot for more than 48 hours except as approved in conjunction with a development or as allowed under 201-2 (Exclusions from Permit Requirement).

7. SECTION 306 – R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-5 Prohibited Uses

306-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized in Section 306-2.9, 306-2.11, 306-3.9, ~~or 306-3.14,~~ or as allowed under 201-2 (Exclusions from Permit Requirement).

306-5.4 The outdoor parking or storage of any five or more operable vehicles on a single lot for more than 48 hours except as approved in conjunction with a development or as allowed under 201-2 (Exclusions from Permit Requirement).

8. SECTION 307 – R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-5 Prohibited Uses

307-5.2 The use of a manufactured dwelling or recreational vehicle as a residence except where specifically authorized in Section 307-2.8, 307-2.10, 307-3.9, ~~or~~ 307-3.13, or as allowed under 201-2 (Exclusions from Permit Requirement).

307-5.4 The outdoor parking or storage of any five or more operable vehicles on a single lot for more than 48 hours except as approved in conjunction with a development or as allowed under 201-2 (Exclusions from Permit Requirement).

9. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-5 Prohibited Uses

~~311-5.2 Adult Book Stores – Section 430-3.~~

10. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

~~313-3.2 Adult Book Stores – Section 430-3.~~

11. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)

314-3 Uses Permitted Through a Type II Procedure

~~314-3.2 Adult Book Stores – Section 430-3.~~

12. SECTION 320 – INDUSTRIAL DISTRICT (IND)

320-3 Uses Permitted Through a Type II Procedure

- 320-3.2 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 320-2.2:
 - A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - C. Maintenance and utility shops for equipment used by the principal use;
 - ***
 - R. Passenger vehicle rental service accessory to a passenger and/or non-passenger vehicle repair service on the same lot or an adjoining lot also designated as Industrial District (IND).

13. SECTION 340 – EXCLUSIVE FARM USE DISTRICT (EFU)

340-5 Uses Which May be Permitted Through a Type III Procedure

340-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:

- C. Dog training classes or testing trials, which may be conducted outdoors or in ~~pre-existing~~ existing farm buildings that existed on January 1, 2019, when:
 - (1) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and
 - (2) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

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

344-5 Uses Which May be Permitted Through a Type III Procedure

344-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:

- C. Dog training classes or testing trials, which may be conducted outdoors or in ~~pre-existing~~ existing farm buildings that existed on January 1, 2019, when:

- (1) The number of dogs participating in training does not exceed ten (10) dogs per training class and the number of training classes to be held on-site does not exceed six (6) per day; and
- (2) The number of dogs participating in a testing trial does not exceed sixty (60) and the number of testing trials to be conducted on-site is limited to four (4) or fewer trials per calendar year.

15. SECTION 356 – LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)

356-3 Uses Permitted Through a Type II Procedure

356-3.2 For Section 356-3.1 G., K., and P., an applicant shall provide the following information:

- A. How the proposed use conforms to the Goals and Implementing Strategies of the Framework Plan.
- B. The impact of the proposed use on the area considering:
 - (1) The physiographic characteristics of the site (i.e. topography, drainage, etc.) and the suitability of the site for the particular land use improvements; and
 - (2) The existing land uses, private improvements and public facilities in the area.

16. SECTION 375 – TRANSIT ORIENTED DISTRICTS

375-6 Change or Expansion of Existing Uses or Structures

- C. Type I Minor Expansions:

Minor expansions to an existing use or structure are permitted when the proposed expansion:

5. Does not, in itself, generate more than 14 vehicle trips per day, as defined by the Institute of Traffic Transportation Engineers, Trip Generation Information Report; and

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	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
Residential Uses:									

Group Care - Section 430- 53.31(27)	II	II	N	II	II	II	II	II	II

Accessory Dwelling Units (Section 430-2117)	N	N	N	I#	I#	I#	N	N	N

I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.

II = Permitted through a Type II process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.

III = Permitted through a Type III process.

() = Use or design limitation(s) specified in Section 375-7.

N = Prohibited.

17. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-13 Neighborhood Corner Commercial District (NCC NB)

390-13.3 Uses Permitted Through a Type II Procedure

H. Dwelling units, provided:

- (1) They are located on the upper floor(s) of the building and (i.e., not developed as a stand-alone use);

abcdef Proposed additions
~~abcdef~~ Proposed deletions

18. 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:

E. Accessory Dwelling Units (430-2) do not count as units for purposes of determining the applicable private street standards.

409-5.2 All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

H. To establish a new private road, the applicant shall submit at preliminary review the following information:

(2) Preliminary road construction plans, including right-of-way and road surface widths, grading, drainage and surface type (~~i.e., for example,~~ asphalt paving or gravel). Private streets shall comply with the grading and drainage standards of Section 410. Final construction plans shall be submitted prior to final approval; and

19. SECTION 413 – PARKING AND LOADING

413-4 Off-Street Parking Standards

413-4.2 Off-street parking and loading areas outside the UGB may be required by the Review Authority to be surfaced to the standards of 413-4.15.4 where:

- A. The site is adjacent to a paved limited access highway or arterial; or
- B. Located adjacent to a developed RR-5 Rural Community; or
- C. Where the Review Authority finds there is an adverse impact on adjacent properties.

20. SECTION 415 – LIGHTING

415-5 General Provisions

Notwithstanding any other provision of this Section (415) to the contrary:

415-5.3 Lighting shall be located and oriented so as not to shine excessive light into nearby habitat areas.

The following figures are ~~added~~ examples:

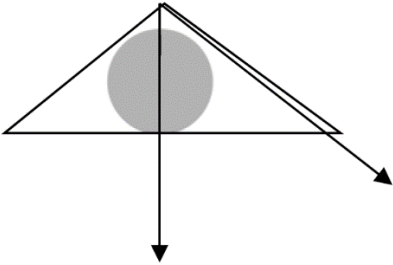


Figure 1: Less than 90 degrees

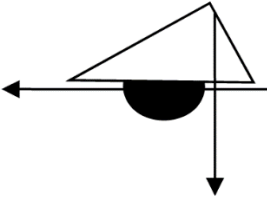


Figure 2: 90 degrees

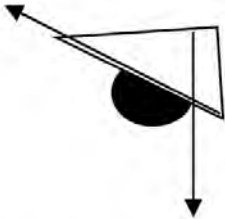


Figure 3. Greater than 90 degrees

21. SECTION 421 – FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421-5 Uses and Activities Allowed Through a Type II Procedure

421-5.13 Above ground electrical, communication and signal transmission lines, except as provided by Section 421-4.57.

22. SECTION 430 – SPECIAL USE STANDARDS

430-2 Accessory Dwelling Unit

430-2.1 ADUs may be provided in conjunction with a detached single-family dwelling as allowed by the underlying district:

- B. Floor Area.
 - (1) Attached. An attached ADU shall not exceed 800 square feet of floor area. However, an ADU may occupy up to an entire level or floor of either the existing primary dwelling or an existing attached garage even if the floor area of the resulting ADU would be more than exceed 800 square feet.

430-3 Reserved.

~~**430-3 Adult Book Stores**~~

~~430-3.1 Definitions – See Section 106.~~

~~430-3.2 Locational Standards:~~

- ~~A. No adult bookstore shall be permitted to locate in any Residential, Neighborhood Commercial, Office Commercial, Industrial or Institutional district;~~
- ~~B. No adult bookstore shall be permitted to locate within 250 feet of any:
 - ~~(1) Residential district;~~
 - ~~(2) Public or private nursery, preschool, elementary, junior, middle or high school;~~
 - ~~(3) Day care center, nursery school, resident care facility or hospital;~~
 - ~~(4) Public park; or~~
 - ~~(5) Religious institution.~~~~
- ~~C. Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of~~

~~structure containing the use, to the closest portion of the residential district or property line upon which a use specified in Section 430-3.2 B., above is located.~~

~~430-3.3~~ Conditions of Approval:

~~Adult Bookstores shall be subject to the following conditions:~~

- ~~A. Compliance with sign standards;~~
- ~~B. The interior shall be adequately lighted and designed so that every portion is readily visible to the clerk or other supervisory personnel from the counter or other regular station;~~
- ~~C. All windows less than seven (7) feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use. Doors and windows shall at all times be closed except for normal ingress and egress;~~
- ~~D. No amplified or mechanically reproduced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated; and~~
- ~~E. Compliance with all applicable State laws.~~

~~(Ord. No. 832A, § 2.A. (Exh. 1, § 24), 9-18-18, eff. 10-18-18)~~

430-53 Group Care

430-53.5 Retirement Housing Community

A residential community ~~for citizens~~ where 80% or more of the units are intended to be occupied by at least one person age 55 years or older, that includes a variety of housing options and services. Private dwelling units, including apartments or single family attached/detached homes, may be provided for independent residents (independent living) and/or residents requiring a range of supportive personal and health services (assisted living). The community may also includes a care facility licensed or certified by the state (as applicable) for the purpose of providing planned treatment and/or care.

430-63 Home Occupation

430-63.2 Home Occupation – Type II

A Type II Home Occupation shall:

- L. Employ no more than one person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant" who

is employed by an applicant with a disability for assistance with daily living activities shall not be considered an employee;

- LM. Provide a plan for any additional required parking, which shall be approved if:
 - (1) The residential character of the parcel is not changed; and
 - (2) The parking area does not detract from the visual appearance of the residence;

23. SECTION 440 – NONCONFORMING USES AND STRUCTURES

440-10 Alteration or Expansion of Uses with an Access Not Conforming to the Access Requirements to Public or County Roads

Approval of an alteration, expansion or change in occupancy of a use on a site whose access does not conform with the requirements of Section 501-8.5 (Access to county and public roads) shall require that the access be brought into compliance with these standards when such changes create a 25% or greater increase in the existing Average Daily Trips (ADT). Compliance must be assured prior to the issuance of final approval or building permits for the expansion, addition or alteration. For the purposes of this section, increases in ADT from addition of Accessory Dwelling Units (Section 430-2) do not count toward the 25% threshold.

24. SECTION 501 – PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-2 Application of the Public Facility and Service Standards Inside a UGB

Application of the Public Facility and Service Standards (Section 501-1 through 501-13) shall apply to the Urban Unincorporated Area as follows:

- 501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one [1] only) detached dwelling unit or duplex on an approved duplex lot (Section 430-13.3), or other structures which meet all of the following:
 - A. Contains 2,000 square feet or less;
 - B. Does not, in itself, generate more than 14 vehicle trips per day, as defined by the Institute of Traffic Transportation Engineers, Trip Generation Information Report;

- 501-2.3 To all changes in use, except those which meet all of the following:
 - A. Does not require a building permit;

- B. Does not, in itself, generate more than fourteen 14 additional vehicle trips per day as defined by the Institute of ~~Traffic~~ Transportation Engineers, Trip Generation Information Report;

501-2.6 Public Facility and Service Standards (Section 501-3 through 501-13) shall not apply to Accessory Dwelling Units (Section 430-2), with the exception of Section 501-8.5, Access to Public Roads.

501-2.7~~6~~ Notwithstanding Section 501-2, all new construction and expansion of existing structures shall pay the:

- A. Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance; and
- B. North Bethany Transportation System Development Charge (NBTSDC), except as provided in the Resolution and Order adopting the NBTSDC; or
- C. Bonny Slope West Transportation System Development Charge (BSWTSDC), except as provided in the Resolution and Order adopting the BSWTSDC.

501-8 Standards for Development

501-8.5 Access to ~~p~~Public ~~r~~Roads

F. Sight Distance

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the county in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

- (1) Inside a UGB, existing access points ~~which~~ that do not meet the sight distance standards and are on property included with a development action which will not add any additional vehicle trips to that access, or will only add trips from approved Accessory Dwelling Units (Section 430-2), are exempt from this Section (501-8.5 F.), except as required by Section 501-2.1 A.

Improvements at these existing access points may be required to maximize sight distance to the extent practicable by the county Operations Division through an Access Permit or Right-of-way Permit.

**25. SECTION 605 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS
INSIDE A UGB**

605-1 Property Line Adjustment (Property Line Relocation)

605-1.2 Submission Requirements

In addition to the requirements of Section 203-4, all applications for a property line adjustment shall include the following:

- A. Name(s), address(es) and telephone number(s) of the owner(s), agent(s) and surveyor(s).
- B. A plot plan showing:
 - (1) All existing and proposed ~~lot~~ property lines;

**26. SECTION 610 – LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS
OUTSIDE A UGB**

610-1 Property Line Adjustments (Property Line Relocation)

610-1.2 Submission Requirements

In addition to the requirements of Section 203-3, all applications for a property line adjustment outside a UGB shall include the following:

- A. Name(s), address(es) and telephone number(s) of the owner(s), agent(s) and surveyor(s);
- B. A plot plan showing:
 - (1) All existing and proposed ~~lot~~ property lines;
 - (2) All existing and proposed structures;
 - (3) Existing and proposed easements;
 - (4) The location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding; and
 - (5) Existing subsurface sewerage systems, including drainfields and associated easements, within 10 feet of an existing or proposed ~~lot~~ property line.
- C. Existing and proposed lot or parcel sizes.

610-1.3 Review Standards

In addition to the applicable requirements of Section 610-1.1, property line adjustments shall meet the following standards:

- A. No additional ~~lot(s) or parcel(s)~~unit(s) of land shall be created as a result of the property line adjustment;
- B. No property line adjustment shall result in a ~~lot~~property line that violates the setback of the applicable land use district unless a variance to the standard is approved; and
- C. The adjusted parcels meet the sight distance requirements of Section 501-9.5.



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 866

Presented by: Stephen Roberts, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 866 proposes minor updates, corrections and revisions to the County’s Comprehensive Framework Plan for the Urban Area (CFP), Bethany Community Plan and Community Development Code (CDC). Ordinance No. 866 is posted on the County’s land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County’s Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. 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 Ordinance No. 866. Prior to the Sept. 1, 2020 meeting the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk’s desk.

(continued)

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk’s desk.

DEPARTMENT’S REQUESTED ACTION:

Adopt the findings for Ordinance No. 866 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

RO 20-105

Agenda Item No.	6.c.
Date:	09/01/20

**ADOPT FINDINGS FOR ORDINANCE NO. 866
BOC 09/01/20**

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition): Refer to Ordinance No. 866 Board agenda

Legal History/Prior Board Action: None

Budget Impacts: None

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. 20-105
5 of Ordinance No. 866)
6)

7 This matter having come before the Washington County Board of Commissioners (Board)
8 at its meeting of September 1, 2020; 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 Ordinance No. 866; and

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

15 It appearing to the Board that the Planning Commission, at the conclusion of its public
16 hearing on August 5, 2020, made a recommendation to the Board, which is in the record and has
17 been reviewed by the Board; and

18 It appearing to the Board that, in the course of its deliberations, the Board has considered
19 the record which consists of all notices, testimony, staff reports, and correspondence from
20 interested parties, together with a record of the Planning Commission's proceedings, and other
21 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 Ordinance
2 No. 866 are hereby adopted.

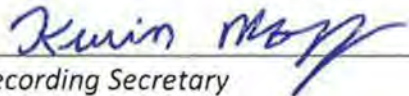
3 DATED this 1st day of September, 2020.

4 BOARD OF COUNTY COMMISSIONERS
5 FOR WASHINGTON COUNTY, OREGON

6 
Chair Kathryn Harrington

7 APPROVED AS TO FORM:

8 
County Counsel

9 
Recording Secretary

10 For Washington County, Oregon

	AYE	NAY	ABSENT
HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TREECE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

21

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 866

AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE BETHANY COMMUNITY PLAN AND THE COMMUNITY DEVELOPMENT CODE RELATING TO GENERAL UPDATES, MINOR AMENDMENTS AND HOUSEKEEPING

Sept. 1, 2020

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Functional Plan Findings

Part 1:

GENERAL FINDINGS

Ordinance No. 866 is a housekeeping and minor amendments ordinance that amends several elements of the Washington County Comprehensive Plan including the Comprehensive Framework Plan for the Urban Area (CFP), the Bethany Community Plan and the Community Development Code (CDC).

Key Ordinance Provisions

- Amends the CFP related to Bonny Slope West to update the Future Development Areas Map and the CPO Boundary Map.
- Replaces an outdated Significant Natural and Cultural Resources Map in the Bethany Community Plan to show North Bethany Significant Natural Resources.
- Makes the following changes to specified CDC sections:
 - Removes Adult Bookstore and Adult Motion Picture Theater references from Definitions (Section 106), Special Use Standards (Section 430) and various locations in the CDC, consistent with Court decisions regarding constitutional First Amendment Freedom of Speech rights. This use is no longer regulated differently from other retail bookstores.
 - Amends Recreational Vehicle and Park Model Recreational Vehicle definitions (Sections 106-175 and 106-176) to reflect revised State definitions.
 - Amends Section 305 – R-15 District (Residential 15 Units per Acre) to allow for the expansion of existing schools.
 - Amends Section 320 – Industrial District (IND) to allow for a passenger vehicle rental service to operate as an accessory or incidental use to a passenger and/or non-passenger vehicle repair service.

- Amends the Permitted and Prohibited Uses in the TO:R9-12, TO:R12-18 and TO:R18-24 land use districts to allow accessory dwelling units (ADUs) as Type I uses to comply with state law.
- Amends floor area standards for ADUs (Section 430-2) to clarify standards and allow greater flexibility.
- Exempts ADUs from certain requirements in the Access Requirements to Public and County Roads (Section 440-10) and Public Facility and Service Requirements (Section 501).
- Corrects various grammatical errors and cross references.

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 (OAR) 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) and Regional Transportation Functional Plan (RTFP). 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 Ordinance No. 866 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro’s Urban Growth Management Functional Plan (UGMFP) and Washington County’s Comprehensive Plan (Plan). The County’s Plan was adopted to implement the aforementioned 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. Changes to the Plan and maps as a result of Ordinance No. 866 do not 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 citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens

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 citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of Ordinance No. 866.

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, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC) and Transportation System Plan (TSP). Washington County utilized this process to adopt Ordinance No. 866.

Notice was coordinated with all affected governmental entities and comments received regarding Ordinance No. 866 were addressed either as part of the proceedings or with subsequent staff coordination.

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. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

The minor amendments to the AF-20 and EFU land use districts address only a change to the construction date of farm buildings where dog training facilities may be allowed, consistent with House Bill (HB) 2106. Ordinance No. 866 is consistent 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. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

Ordinance No. 866 makes no changes that affect forest lands. Therefore, Ordinance No. 866 is consistent 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 (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

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

Ordinance No. 866 makes no changes to CFP policies described above or to related implementing provisions in the CDC. Ordinance No. 866 does not allow any new uses in Goal 5 resource areas or affect the way they are treated under current County standards. Amendments made to maps within CFP Policy 41 and the Bethany Community Plan do not represent new resource boundaries. Rather, they reflect Goal 5 resource locations identified through prior adopted ordinances as part of the planning processes for Bonny Slope West and North Bethany. The ordinance therefore does not impact 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, Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan and various sections of the CDC provide for the maintenance and improvement of the quality of air, water and land resources.

Ordinance No. 866 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County's compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 866. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 – Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards.

Ordinance No. 866 does not amend the applicable Plan policies and strategies for natural disasters and hazards, or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 866. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 – Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 17, 33, 34, 35 and 39 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County’s residents and visitors.

Ordinance No. 866 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Amendments to Bethany Community Plan Significant Natural and Cultural Resources Map do not represent newly identified natural resources, but natural resource areas identified through prior adopted ordinances. Ordinance No. 866 is consistent with the County’s acknowledged policies and standards for satisfying recreational needs as required by Goal 8 and maintains 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 Rural/Natural Resource Plan 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.

Ordinance No. 866 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 866. The amendments are consistent with the County’s acknowledged policies and standards for strengthening the local economy as required by Goal 9.

Further, consistent with Goal 9, Ordinance No. 866 creates greater flexibility for the development of Accessory Dwelling Units, which could contribute to the health, welfare and prosperity of the region by creating greater access to housing, services and employment.

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 Rural/Natural Resource Plan 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.

Ordinance amendments to the CDC simplify the review type for ADUs in some land use districts for consistency with review type in other districts, allow greater flexibility in siting and design of ADUs, and clarify that provision of two ADUs on a site is not subject to certain public improvement requirements. These changes are intended to reduce costs and hurdles to ADU development to help increase housing options. Ordinance No. 866 amends the R-15 residential

land use district to allow for the expansion of existing schools that occupy adjacent properties. The R-15 district can accommodate more housing than lower density districts and its capacity to offset housing need should be prioritized over introduction of *new* non-residential uses. The need for school capacity increases, however, with the development of housing. As such, staff finds it reasonable that school *expansion* may be necessary where an existing school abuts R-15 land. Such expansions are not inconsistent with the presence of schools in lower density districts. For R-15 properties that are not adjacent to existing schools, school development remains prohibited to maintain capacity for future residential development. Ordinance No. 866 is consistent 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 Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Ordinance No. 866 amends CDC standards relating to public facilities and services only as they pertain to allowances for ADUs. In 2019, Washington County amended the CDC to allow up to two ADUs per single family-detached dwelling consistent with state guidance. Amendments in Ordinance No. 866 exempt this type of development from requirements for certain public facility improvements consistent with exemptions for some other housing types and to facilitate development of ADUs.

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 Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (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.

Ordinance No. 866 does not amend the TSP. The amendments in Ordinance No. 866 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 866 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility. Therefore, the amendments in Ordinance No. 866 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).

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 Policy 25 of the Rural/Natural Resource Plan 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).

Ordinance No. 866 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Amendments made by Ordinance No. 866 do not impact compliance with the County’s acknowledged policies and strategies for promoting energy conservation as required by Goal 13. Plan compliance with Goal 13 is maintained.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that County Comprehensive Plan changes be consistent with the UGMFP. The following Ordinance No. 866 findings have been prepared to address Title(s) 1, 3, 4, 7, 8, 12, 13 and 14 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

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan 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.

Ordinance amendments to the CDC simplify the review type for ADUs in some land use districts for consistency with review type in other districts, allow greater flexibility in siting and design of ADUs, and clarify that provision of two ADUs on a site is not subject to certain public improvement requirements. These changes are intended to reduce costs and hurdles to ADU development to help increase housing options. Ordinance No. 866 amends the R-15 residential land use district to allow for the expansion of existing schools that occupy adjacent properties. The R-15 district can accommodate more housing than lower density districts and its capacity to offset housing need should be prioritized over introduction of *new* nonresidential uses. The

need for school capacity increases, however, with the development of housing. As such, staff finds it reasonable that school *expansion* may be necessary where an existing school abuts R-15 land. Such expansions are not inconsistent with the presence of schools in lower density districts. For R-15 properties that are not adjacent to existing schools, school development remains prohibited to maintain capacity for future residential development. As such, Ordinance No. 866 is consistent with Title 1.

Title 3 – Water Quality and Flood Management

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

RESPONSE

Ordinance No. 866 does not amend any Plan policies or CDC standards related to water quality or flood management and does not affect compliance with Title 3.

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.

Ordinance No. 866 amends Industrial (IND) district standards to allow rental of passenger vehicles in conjunction with a vehicle repair service (an allowed industrial use) per common practice. To protect the supply of industrial lands for industrial uses and related employment, the ordinance does not allow rental of passenger vehicles as a standalone service on industrial lands. As such, this ordinance is consistent with 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

Ordinance No. 866, in part, is intended to create greater flexibility in the siting and design of ADUs. This could have a positive effect on housing supply. It does not amend County policies regarding affordable housing production goals. Ordinance No. 866 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. 866 was mailed to Metro July 1, 2020, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 866.

Title 12 – Protection of Residential Neighborhoods

Title 12 protects existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services.

RESPONSE

Ordinance No. 866 does not impact the County’s ability to comply with Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services.

Title 13 – Nature in Neighborhoods

Title 13 conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.

RESPONSE

Ordinance No. 866 does not impact Plan policies or CDC standards related to streamside corridors or upland wildlife habitat.

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

Ordinance No. 866 does not add any land to the UGB or urbanize any land. The amendments do not change any criteria for UGB decisions. Ordinance No. 866 is consistent with Title 14.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No 866 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP). The Board finds that the RTFP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of these plans, as provided below, and that the amendments comply with the applicable goals and policies of the RTP.

Ordinance No. 866 makes minor amendments and clarifications to the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan and the CDC. These amendments do not substantially change any of the previously adopted and acknowledged provisions related to compliance with the RTFP or the 2018 RTP. Therefore, Ordinance No. 866 maintains consistency with the requirements of the Regional Transportation Plan and Regional Transportation Functional Plan.