




# WASHINGTON COUNTY OREGON

July 5, 2013

To: Citizen Participation Organizations and Interested Parties

From:   
Andy Back, Manager  
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 765**

On April 26, 2013, you were notified about initial public hearings for proposed Land Use Ordinance No. 765 before the Planning Commission on June 5, 2013, and the Board of Commissioners (Board) on July 2, 2013. The Board ordered amendments to this ordinance on July 2, 2013. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 765** and are summarized below.

### **Ordinance Purpose and Summary**

Ordinance No. 765 proposed to amend the Washington County Community Development Code (CDC) to reflect changes relating to Required Outdoor Yard Areas. The changes would allow front and street side yard areas to count as Required Outdoor Area in the following land use districts:

R-9 District (Residential 9 units per acre)	R-9 North Bethany District (R-9 NB)
R-15 District (Residential 15 units per acre)	R-15 North Bethany District (R-15 NB)
R-24 District (Residential 24 units per acre)	R-24 North Bethany District (R-24 NB)
R-25+ District (Residential 25+ units per acre)	R-25+ North Bethany District (R-25+ NB)

Since the changes to Required Outdoor Yard Area standards in the R-9, R-15, R-24, R-25+ Districts also apply in the R-9 NB, R-15 NB, R-24 NB, and R-25+ NB Districts, this ordinance amends only four sections of the CDC.

### **Who Is Affected**

Owners of property designated R-9, R-15, R-24, R-25+, R-9 NB, R-15 NB, R-24 NB, and R-25+ NB District.

### **What Land is Affected**

Properties designated R-9, R-15, R-24, R-25+, R-9 NB, R-15 NB, R-24 NB, and R-25+ NB District.

### **Original Ordinance No. 765 Provisions**

As originally filed, Ordinance No. 765 proposed to amend CDC Sections 304 (R-9 District), 305 (R-15 District), 306 (R-24 District) and 307 (R-25+ District) to allow front and street side yards to count as required outdoor yard areas.

### **Proposed A-Engrossed Ordinance No. 765 Provisions**

**A-Engrossed Ordinance No. 765** incorporates the above-described amendments plus the following proposed amendments:

- Provisions are added to allow porches, decks, roof-top decks, or patios to count as required outdoor area when certain criteria are met.
- Text is added to clarify that a driveway cannot be counted as required outdoor area and that front decks are required; other decks are optional.

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

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
phone: (503) 846-3519 · fax: (503) 846-4412 · TTY: (503) 846-4598 · www.co.washington.or.us

## Public Hearings - Time and Place

### Board of Commissioners

**July 16, 2013**  
**10:00 am**

**July 23, 2013**  
**6:30 pm**

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

On July 23, 2013, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on July 23, 2013, the ordinance would become effective on August 22, 2013.

#### **Community Development Code Standards Amended**

- Section 304, R-9 District (Residential 9 units per acre)
- Section 305, R-15 District (Residential 15 units per acre)
- Section 306, R-24 District (Residential 24 units per acre)
- Section 307, R-25+ District (Residential 25 units or more per acre)

#### **How to Submit Comments**

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

Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

#### **Staff Contact**

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e-mail: paul\_schaefer@co.washington.or.us

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

- Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 N. First Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/  
2013-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs) Call 503-821-1128 for a directory of CPOs.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – Third Reading and Third Public Hearing  
Land Use & Transportation; County Counsel (CPO All)

**Agenda Title:** **PROPOSED A-ENGROSSED ORDINANCE NO. 765 – AN  
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT  
CODE RELATING TO OUTDOOR YARD AREA STANDARDS**

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

### SUMMARY:

A-Engrossed Ordinance No. 765 proposes to amend the Community Development Code (CDC) Element of the Comprehensive Plan relating to the provision of required outdoor yard area. Ordinance No. 765 would allow front and street side yards to count as required outdoor yard area. Currently, only interior side and rear yards qualify as outdoor yard area. Ordinance No. 765 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted the initial hearing for Ordinance No. 765 on July 2, 2013 and ordered engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the July 2, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 765 on July 16, 2013 and continued the hearing to July 23, 2013.

The staff report for the July 23, 2013 hearing will be provided to the Board prior to the hearing, posted on the above land use ordinance web page, and will also be available at the Clerk's desk.

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

### DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 765 by title only and conduct the second public hearing on the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 765.

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<b>3.a.</b>
Date:	07/23/13

# ADOPTED

**FILED**  
JUL 03 2013  
Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 765

An Ordinance Amending the  
Community Development Code Element  
of the Comprehensive Plan Relating to  
Outdoor Area Standards

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

SECTION 1

A. 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, 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, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, and 762-763.

B. Subsequent planning efforts of Washington County indicate there is a need for standards that would provide greater flexibility as to the location and what constitutes required outdoor areas. The Board takes note that such changes are for the health, welfare, and benefit of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the Department of  
2 Land Use and Transportation has carried out its responsibilities, including preparation of notices,  
3 and the County Planning Commission has conducted one or more public hearings on the proposed  
4 amendments and has submitted its recommendations to the Board. The Board finds that this  
5 Ordinance is based on those recommendations and any modifications made by the Board are a  
6 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 adoption  
10 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County  
11 Charter, the Washington County Community Development Code, and the Washington County  
12 Comprehensive Plan.

13 SECTION 2

14 Exhibit 1 (4 pages), which amends the following sections of the Community Development  
15 Code (CDC):

- 16 a. Section 304, R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE);  
17 b. Section 305, R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE);  
18 c. Section 306, R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE); and  
19 d. Section 307, R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

20 is attached hereto and incorporated herein by reference.

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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.

7     SECTION 5

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

11    SECTION 6

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

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1 SECTION 7

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

3 ENACTED this 23rd day of July, 2013, being the 3rd reading and  
4 3rd public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS  
6 FOR WASHINGTON COUNTY, OREGON

7 **ADOPTED**

8 [Signature]  
CHAIRMAN

9 [Signature]  
RECORDING SECRETARY

10 READING

11 First July 2, 2013  
12 Second July 16, 2013  
13 Third July 23, 2013  
14 Fourth \_\_\_\_\_  
15 Fifth \_\_\_\_\_

10 PUBLIC HEARING

11 First July 2, 2013 (Engrossment Ordered)  
12 Second July 16, 2013  
13 Third July 23, 2013  
14 Fourth \_\_\_\_\_  
15 Fifth \_\_\_\_\_

16 VOTE: Aye: Terry, Schauten, Rogers, Malinowski, Duyck  
17 Recording Secretary: Ana D. Noyola

16 Nay: None  
17 Date: 07-23-13

The Community Development Code (CDC) is amended to reflect changes relating to Required Outdoor Yard Areas as described below:

1. CDC Section 304, R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE), is amended to reflect the following changes:

\*\*\*

304-7.5 Required Outdoor ~~Yard~~-Area

- A. For detached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~-outdoor area of four hundred and fifty (450) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor ~~area yard~~-use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- B. For single family attached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~-outdoor area of four hundred (400) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall ~~not~~ be less than ten (10) feet. A recorded outdoor ~~area yard~~-use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- C. The required outdoor area required by A. and B. above may be re-allocated to porches, decks or patios when the following requirement(s) are met:
  - (1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.
  - (2) Other porches, decks or patios when provided in addition to decks required under Section 304-7.5 C. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.
  - (3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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2. CDC Section 305, R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE), is amended to reflect the following changes:

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305-7.5 Required Outdoor ~~Yard~~-Area

abcdef Proposed additions  
~~abcdef~~ Proposed deletions



- A. For detached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of four hundred (400) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor ~~area yard~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- B. For single family attached dwellings, a minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of three hundred (300) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall ~~not~~ be less than ten (10) feet. A recorded outdoor ~~area yard~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.
- C. The required outdoor area required by A. and B. above may be re-allocated to porches, decks or patios when the following requirement(s) are met:
- (1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.
- (2) Other porches, decks or patios when provided in addition to decks required under Section 305-7.5 C. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.
- (3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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3. CDC Section 306, R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE), is amended to reflect the following changes:

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306-7.5 Required Outdoor ~~Yard~~-Area

A minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of two hundred and fifty (250) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor ~~yard area~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor area may be reduced or reallocated to porches, decks or patios when the standards under Section 306-7.5 A. or B. are met:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

A. The required outdoor area may be reduced to one hundred and forty (140) square feet when the following standards are met:

~~A.(1)~~ The outdoor area shall consist of one hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. ~~The outdoor area shall be located within a side or rear yard;~~

~~B.(2)~~ The development site shall be located within one thousand (1000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and

~~C.(3)~~ Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

B. The required outdoor area may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(2) Other porches, decks or patios when provided in addition to decks required under Section 306-7.5 B. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.

(3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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4. CDC Section 307, R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE), is amended to reflect the following changes:

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307-7.5 Required Outdoor ~~Yard~~-Area

A minimum contiguous ~~rear or side yard (does not include a street side yard)~~ outdoor area of two hundred and fifty (250) square feet shall be provided on each lot, exclusive of driveways, of which no dimension shall be less than ten (10) feet. A recorded outdoor ~~yard area~~ use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section provided that the same required outdoor area is not allocated for use by more than one dwelling.

The required outdoor area may be reduced or reallocated to porches, decks or patios when the standards under Section 307-7.5 A. or B. are met:

A. The required outdoor area may be reduced to one hundred and forty (140) square feet when the following standards are met:

~~A.(1)~~ The outdoor area shall consist of one hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. ~~The outdoor area shall be located within a side or rear yard;~~

~~B.(2)~~ The development site shall be located within one thousand (1000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and

~~C.(3)~~ Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

B. The required outdoor area may be re-allocated to porches, decks or patios when the following requirement(s) are met:

(1) The dwelling unit has a porch, deck or patio on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets.

(2) Other porches, decks or patios when provided in addition to decks required under Section 307-7.5 B. (1) must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.

(3) Re-allocation does not result in a reduction in the overall amount of required outdoor area provided on each lot.

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