

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. 835 – AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE, AN ELEMENT OF THE COMPREHENSIVE PLAN, TO IMPLEMENT LEGISLATIVE CHANGES RELATED TO HOUSING**

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

SUMMARY:

Ordinance No. 835 proposes to amend the Community Development Code (CDC) to implement legislative changes related to housing. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Planning Commission (PC) conducted a public hearing for this ordinance July 18, 2018. The PC voted 9-0 to recommend the Board adopt Ordinance No. 835. The Staff Report will be provided to the Board prior to the 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.

Clerk's Desk Item: Staff Report (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 835 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 835 and related findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>4.c.</u>
Date:	08/21/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 835

An Ordinance Amending the Community
Development Code, an Element of the
Comprehensive Plan, to Implement
Legislative Changes Related to Housing

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, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822, 823-824, 826, 827, 828, and 831-833.

B. Recent legislative amendments adopted through Senate Bill 1051 regarding permitting timelines and allowances for accessory dwelling units require updates to the

1 Community Development Code. The Board recognizes that such changes are necessary from
2 time to time for the benefit and welfare of the residents of Washington County, Oregon.

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

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

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as an amendment to the designated document as follows:

18 A. Exhibit 1 (4 pages), amends the following sections of the Community
19 Development Code:

- 20 1. Section 203 – Processing Type I, II and III Development Actions;
- 21 2. Section 375 – Transit Oriented Districts;
- 22 3. Section 390 – North Bethany Subarea Overlay District; and
4. Section 430 – Special Use Standards.

1 SECTION 3

2 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
3 which 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
6 with ORS 215.427.

7 SECTION 5

8 If any portion of this Ordinance, including the exhibit, shall for any reason be held
9 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
10 affected thereby and 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
14 this Ordinance, including deleting and adding textual material and maps, renumbering pages
15 or sections, and making any technical changes not affecting the substance of these
16 amendments as necessary to conform to the Washington County Comprehensive Plan format.

17 ///

18 ///

1 SECTION 7

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

3 ENACTED this 21st day of August, 2018, being the first reading
4 and first 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 Andy Dard
10 CHAIRMAN

11 Barbara Hejzmanek
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First August 21, 2018
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

14 First August 21, 2018
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

20 VOTE: Aye: Duyck, Terry, Rogers, Schouten, Matindowski Nay: _____

21 Recording Secretary: Barbara Hejzmanek Date: August 21, 2018

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

1. SECTION 203 – PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-5 Application Submittal and Acceptance

203-5.3 Except as provided in Sections 203-5.6 and 203-5.7, after the application is deemed complete consistent with the requirements of ORS 215.427, the Review Authority shall take final action on Type II and III applications for development, including resolution of appeals within the following timelines:

<u>Application</u>	<u>Inside the UGB</u>	<u>Outside the UGB</u>
<u>Type II and III, except as noted below</u>	<u>120 days</u>	<u>150 days</u>
<u>Certain multifamily developments that include affordable housing, as outlined in ORS 197.311(3)</u>	<u>100 days</u>	<u>N/A</u>
<u>Mineral and Aggregate uses governed by Section 379</u>	<u>120 days</u>	

~~A. One hundred twenty (120) days for applications inside the UGB;~~

~~B. One hundred fifty (150) days for applications outside the UGB, except as noted in C., below;~~

~~C. One hundred twenty (120) days for Mineral and Aggregate uses that are governed by Section 379 whether inside or outside the UGB.~~

2. SECTION 375 – TRANSIT ORIENTED DISTRICTS

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

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

30. One detached dwelling may be allowed on an existing lot or parcel, that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel does not exceed 10,000 square feet in area.

375-10 Development Standards for Transit Oriented Districts

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:	(14)	(15)							
Detached Dwellings (30) ***	N	N	N	II	II	II	N	N	N
Accessory Dwelling Units (Section 430-117)	N	N	N	II	II	<u>II</u> N	N	N	N

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.

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

3. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-10 R-15 North Bethany District (R-15 NB)

390-10.1 Intent and Purpose

The R-15 North Bethany District (R-15 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than 15 units per acre, and no less than 12 units per acre. A density bonus may be provided through a Planned Development.

The purpose of the R-15 NB District is to provide areas for higher density single-family attached and multifamily housing. Cluster Housing is also permitted in the R-15 NB District. Detached dwelling units may be permitted in the R-15 NB District through a Type III Planned Development.

390-10.2 Uses Permitted Through a Type I Procedure

J. Single-Family Accessory Dwelling Unit - Section 430-117.

4. SECTION 430 – SPECIAL USE STANDARDS**430-63 Home Occupation**

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

Bed and breakfast facilities serving more than five persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five persons). A home occupation shall not be conducted on a site that includes an accessory dwelling unit, from either the primary dwelling unit or the accessory dwelling unit, except as allowed under Section 201-2.18 (CDC Section 430-117.1 IJ);

430-117 Single-Family Accessory Dwelling Unit

A single-family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. ~~Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single-family dwelling.~~ An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single-family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single-family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single-family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

430-117.1 A single-family accessory dwelling unit may be provided in conjunction with a detached single-family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, R-9 NB, R-15 NB, TO:R9-12, or TO:R12-18, and TO:R18-24 Districts, when the following standards are met:

~~G. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);~~

GH. At least one off-street parking space shall be provided for the accessory dwelling unit;

H. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;

IJ. A home occupation shall not be conducted from either the primary or the accessory dwelling unit, except as provided for by Section 201-2.18;

- JK. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied except when the property is owned and in use by an organization organized and operated exclusively for religious, charitable, or educational purposes under Section 501(c)(3) of the federal Internal Revenue Code of 1986, as amended, whose primary purpose is serving and assisting persons with developmental disabilities;
- KL. The primary dwelling shall be at least two stories when the accessory dwelling unit is to be provided over a garage; and
- LM. A minimum contiguous rear or side yard outdoor area of 450 square feet shall be provided on the lot, of which no dimension shall be less than 10 feet.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 835

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 835 amends the Community Development Code (CDC) to implement legislative changes related to housing. Ordinance No. 835 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 such amendments be accompanied by findings setting forth the facts and analysis showing 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. 835. Prior to the August 21, 2018 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.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 835 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 18 - 80

Agenda Item No. 5.b.

Date: 08/21/18

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 835) No. **18-80**

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of August 21, 2018; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 835; and

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

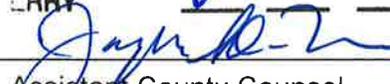
It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on July 18, 2018, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance No. 835 are hereby adopted.

DATED this 21st day of August, 2018.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APPROVED AS TO FORM:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

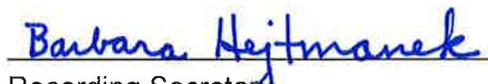


Sr. Assistant County Counsel
For Washington County, Oregon

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON



Chairman



Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 835

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO IMPLEMENT LEGISLATIVE CHANGES RELATED TO HOUSING

August 21, 2018

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. 835 amends the Community Development Code (CDC) to update the requirements of accessory dwelling units (ADUs) to comply with state law.

Key Ordinance Provisions

Ordinance No. 835 amends the CDC as follows:

- Reflects accessory dwelling units as an allowed use in the R-15 NB and TO:R18-24 districts consistent with Senate Bill 1051 which requires their allowance in districts where detached single family dwellings are allowed.
- Amends Section 430-117 (Single Family Accessory Dwelling Unit) to remove subjective definitions and design standards that are not clear and objective.
- Amends Section 203-5 (Application Submittal and Acceptance) to reduce the maximum review period to 100 days for certain developments that include affordable housing. Shortened review timing does not affect compliance with any Goals addressed below.

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 Washington 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 Board also finds that Goals 3 (Agricultural Lands), 4 (Forest Lands), and 14 (Urbanization) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

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). 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. 835 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. Ordinance 835 makes no changes to maps within the Plan, and changes to Plan text 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. 835.

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. 835.

Notice was coordinated with all affected governmental entities. Comments relevant to Ordinance No. 835 were considered/addressed either as part of the proceedings or with subsequent staff coordination.

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.

Consistent with requirements of SB 1051, Ordinance No. 835 amends the CDC to reflect that ADUs are allowed in all land use districts where detached single-family dwellings are permissible, and removes design standards for ADUs that do not appear clear and objective. All existing protections for significant natural resources still apply. Ordinance No. 835 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by Ordinance No. 835. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 5 resources.

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 and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

Ordinance No. 835 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. 835. 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. 835 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. 835. 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 33, 34 and 35 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. 835 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 835. The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by 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. 835 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. 835. The amendments are consistent with the County's acknowledged policies and standards for strengthening the local economy as required by Goal 9.

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 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 835 provides an expedited review option for certain multifamily developments that include affordable housing, reducing the review period from 120 to 100 days. Ordinance No. 835 also amends CDC Section 430-117 to reflect that ADUs are allowable in the R-15 NB and TO:R18-24 districts, since SB 1051 requires allowance of ADUs where detached single family dwellings are allowed. It also removes subjective design standards from the CDC. The amendments are intended to facilitate and encourage development of housing, especially housing affordable to lower income residents. Proposed changes may lower housing costs by increasing the variety and supply of housing, including units for which lower square footage may translate to lower rents. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance 835.

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. 835 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 835. The amendments are consistent with the County's acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, 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. 835 amends the CDC to reflect that ADUs are allowed in all land use districts where detached single-family dwellings are permissible, and removes design standards for ADUs that do not appear clear and objective. Ordinance No. 835 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC.

The amendments 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). The findings of compliance for the applicable TPR provisions are summarized below.

OAR 660-012-0060 This section sets forth requirements for plan and land use regulation amendments.

RESPONSE

Ordinance No. 835, together with previously adopted and acknowledged ordinances, fully implements all of the applicable provisions of OAR 660-012-0060 as detailed in the following findings of fact:

- Ordinance No. 835 does not change the functional classification of any existing or planned transportation facilities.
- Ordinance No. 835 does not change the existing or anticipated level-of-service or the level-of-service standards for any transportation facility.
- Ordinance No. 835 does not further degrade the level-of-service for any facility that is projected to not meet the performance standards identified in the Washington County Transportation System Plan.
- Therefore, Ordinance No. 835 would not significantly affect an existing or planned transportation facility as defined in OAR 660-012-0060(1).

Therefore, the amendments in Ordinance No. 835 are consistent with the TPR.

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 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.

Ordinance No. 835 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 835. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

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. 835 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 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

Ordinance 835 provides an expedited review option for certain multifamily developments that include affordable housing, reducing the review period from 120 to 100 days. Ordinance No. 835 also amends CDC Section 430-117 (Single Family Accessory Dwelling Unit) to reflect that ADUs are allowable in the R-15 NB and TO:R18-24 districts since SB 1051 requires allowance of ADUs where detached single family dwellings are allowed and removes subjective design standards. The amendments will not result in a decrease in housing capacity. They will reflect additional districts where the County must allow ADUs, adding flexibility in housing types for homeowners/developers and potential renters. Ordinance No. 835 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. 835 does not amend any Plan policies or CDC standards related to water quality or flood management. Title 3 is not applicable to Ordinance No. 835.

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.

RESPONSE

The amendments in Ordinance No. 835 do not affect protection of RSIAs or to the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 835 does not affect compliance with Title 4.

Title 6 - Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

Some land use districts where ADUs must be an allowed use may apply to properties within Metro-designated Centers, Corridors, Main Streets or Station Communities.

The ordinance may help to increase the function of such areas as centers of urban life by facilitating a greater variety of housing types that may accommodate a wider range of lifestyles and income levels in some Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 835 is consistent with Title 6.

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. 835 does not amend County policies regarding affordable housing production goals. Ordinance No. 835 amends the CDC to reflect that ADUs are allowable in the R-15 NB and TO-R18-24 districts, since SB 1051 requires allowance of ADUs where detached single family dwellings are allowed. This proposed change will increase locations in which ADUs are

an allowed use. Ordinance No. 835 also removes subjective design standards and provides an expedited review option for certain multifamily developments that include affordable housing, reducing the review period from 120 to 100 days. The amendments are intended to facilitate and encourage development of housing by allowing a greater variety of housing types.

The amendments will not result in a decrease in housing capacity. The amendments may have a positive effect on housing costs (i.e., lower housing costs) by increasing the variety and supply of housing. Ordinance No. 835 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. 835 was mailed to Metro June 27, 2017, 36 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 835.

Title 11 - Planning For New Urban Areas

Title 11 guides planning of urban reserves and areas being added to the urban growth boundary for conversion from rural to urban use. Title 11 includes requirements that the development of areas added to the urban growth boundary implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

Ordinance No. 835 applies to lands within the urban growth boundary that are already designated for urban use. Title 11 is not applicable to Ordinance No. 835.

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. 835 does not impact compliance 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. 835 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

The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to Ordinance No. 835.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No 835 with the applicable policies of Metro’s Regional Transportation Functional Plan (RTFP).

RESPONSE

Ordinance No. 835 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans or the CDC. Therefore, the amendments in Ordinance No. 835 are consistent with the policies in the Regional Transportation Functional Plan.