



WASHINGTON COUNTY OREGON

October 7, 2005

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 645**

Enclosed for your information is a copy of proposed A-Engrossed Ordinance No. 645. A-Engrossed Ordinance No. 645 proposes to make changes to Community Development Code (CDC) Sections 404-4 and 405 relating to Planned Development applications. The ordinance also proposes to amend CDC Section 430-72 to add additional submittal requirements for Residential Infill Development applications.

The Board of County Commissioners (Board) ordered changes to Ordinance No. 645 at their October 4, 2005 public hearing. These changes are incorporated into A-Engrossed Ordinance 645. The changes set forth in A-Engrossed Ordinance 645 include a number of "word-smithing" changes. The key changes ordered by the Board will:

1. Clarify that the building height standards of Section 427-3 are the only standards of those listed in Section 404-4.4 that cannot be modified through a Planned Development.
2. Delete the word "substantially" from the text of Section 404-4.5.
3. Clarify that the submittal requirements for Infill Development (Section 430-72) should include the following information: site plans for each new lot or parcel, showing the locations of each dwelling unit on each proposed new lot; screening and buffering plans showing existing and proposed landscaping and buffering; and an off-site analysis showing the setbacks of proposed dwellings on the development site from existing dwellings on adjacent parcels.

The Board will hold two public hearings for A-Engrossed Ordinance No. 645 at their regular meetings at **10:00 a.m. on Tuesday, October 18, 2005**, and at **6:30 p.m. on Tuesday, October 25, 2005**. The public hearings will be held in the Shirley Huffman Auditorium of the Public Services Building, located at 155 North First Avenue in downtown Hillsboro, Oregon. At the October 25th meeting, the Board may choose to adopt the ordinance, continue the hearing to a future date, order additional changes, or reject the ordinance. Testimony may be provided at the public hearing or it may be submitted in writing prior to the hearings.

If you would like more information about A-Engrossed Ordinance No. 645, please contact Suzanne Savin, Planning Division, at (503) 846-3966, or write to the Planning Division at 155 North First Avenue MS-14, Hillsboro, OR 97124-3072. An electronic copy of this ordinance is on the County's Internet site: www.co.washington.or.us/deptmts/lut/planning/ordhome.htm.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

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4 A-ENGROSSED ORDINANCE No. 645
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An Ordinance Amending the
Community Development Code
Element of the Comprehensive Plan
Relating to Planned Development,
Open Space, and Residential Infill

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

8 SECTION 1

9 A. The Board of County Commissioners of Washington County, Oregon,
10 recognizes that the Community Development Code element of the Comprehensive Plan
11 (Volume IV) was readopted with amendments on September 9, 1986, by way of
12 Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326,
13 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413,
14 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464,
15 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540,
16 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610,
17 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, and 642.

18 B. Subsequent ongoing planning efforts of the County indicate a need for
19 changes to the Community Development Code element of the Comprehensive Plan
20 relating to planned development, open space, and residential infill development
21 applications for clarification and to improve its administration. The Board takes note that

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1 such changes are necessary for the benefit of the health, safety, and general welfare of the
2 residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the Land
4 Use Ordinance Advisory Commission 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
7 the Board. The Board finds that this Ordinance is based on those recommendations and
8 any 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 that this
11 Ordinance complies with the Statewide Planning Goals, and the standards for legislative
12 plan adoption, as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the
13 Washington County Charter, and the Washington County Community Development Code.

14 SECTION 2

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

- 17 A. Exhibit 1 (3 pages) – amending Section 404-4, Planned Development, of
18 the Community Development Code;
- 19 B. Exhibit 2 (1 page) – amending Section 405, Open Space, of the Community
20 Development Code; and
- 21 C. Exhibit 3 (1 page) – amending Section 430-72, Infill, of the Community
22 Development Code.

1 SECTION 3

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

5 SECTION 4

6 All applications received prior to the effective date shall be processed in accordance
7 with ORS 215.427 (2003 Edition).

8 SECTION 5

9 If any portion of this Ordinance, including the exhibit, shall for any reason be held
10 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
11 affected thereby and shall remain in full force and effect, and any provision of a prior land
12 use ordinance amended or repealed by the stricken portion of this Ordinance shall be
13 revived and again be considered 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
17 of this Ordinance, including deleting and adding textual material and maps, renumbering
18 pages 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
20 format.

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Amend Section 404-4, Planned Development, of the Community Development Code as shown below:

404-4 Planned Development

The Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the dedication of public or private open space. The Planned Development review process shall not be utilized in transit oriented districts.

- 404-4.1 Only those uses allowed within the Primary District are permitted.
- 404-4.2 The Planned Development is processed through a Type II procedure, except where Type III process is required for a Planned Development.
- 404-4.3 A Planned Development in the R-5 District requires a Type III process.
- 404-4.4 Modification of Standards through the Planned Development.

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, when the request conforms to the standards of this Code, the following modifications may be allowed:

- A. Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height, ~~(except the building height standards of Section 427-3)~~, and landscaping may be ~~varied~~modified if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:
 - (1) The site design utilizes progressive concepts which reduce such major alterations of the site, such as excavations, retaining walls, steep road cuts and fill, and extensive grading;
 - (2) The site design retains to the greatest extent feasible existing natural features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees;
 - ~~(2)~~(3) The site design complies with the following standards for recreational facilities provides for open space and recreational facilities such as playgrounds, bike and pedestrian trails, swimming pools, tennis courts and similar facilities in Commercial, Industrial and Residential Districts according to the following:
 - (a) Provision of one (1) or more of the following active recreational facilities: playgrounds, bike and pedestrian trails, swimming pools, tennis courts and similar facilities. ~~Twenty (20) percent on sites between zero (0) and ten (10) acres;~~

- (b) For development sites that are less than one (1) acre in size, provision of at least two (2) of the following passive recreation improvements may be substituted for the active recreational facilities: a bench or benches for seating; public art, such as a statue; a water feature such as a fountain; a gazebo; or picnic table(s) with a barbecue. ~~Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and~~
- (c) A facility or amenity that is required by another Code standard (including accessways, internal sidewalks and walkways) shall not count as a Planned Development recreational facility. ~~Ten (10) percent on sites greater than fifty (50) acres.~~
- (d) A recreational facility may be placed within the Planned Development open space or within a building (e.g. fitness center), but shall not be located within an area utilized for another Code-required use or activity (including accessways required by Section 408, private and public street rights-of-way) except for required yard areas.
- (4) The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum required ground-level open space based on the following area requirements.

 - (a) Twenty (20) percent on sites between zero (0) and ten (10) acres;
 - (b) Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and
 - (c) Ten (10) percent on sites greater than fifty (50) acres.
 - (d) When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of (4)(a) through (c) above.
 - (e) Each required open space area shall maintain a minimum dimension of 10 feet and a minimum area of 1,000 square feet.
 - (f) Open space required by the provisions of the standards of Section 404-4 shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.
 - (g) For security purposes, the open space shall be adequately illuminated during hours of darkness.

(h) Open space required by the standards of Section 404-4 shall not be located within public or private rights-of-way.

(i) Open space tracts shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.

~~(3)~~(5)~~This~~The open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space) and other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411. However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-12);

~~(4)~~ There is ~~maximum retention of the natural topographic features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees.~~

404-4.5 Allowed Modifications

Upon a finding that the applicant's plan ~~substantially~~ achieves all of the preceding criteria, the Review Authority may modify the identified standards within the following prescribed limits:

A. Front, side and rear yards may be reduced to zero provided the:

(1) Building code standards are met;

(2) Primary District's driveway setback standard is not reduced and other applicable standards of the Primary District are met; and

(3) Standards of Sections 411 and 430-147 are met;
~~when in compliance with the Uniform Building Code, provided no less than eight (8) feet four (4) inches remain between the overhangs, and the overhang does not project beyond the property line except where units are attached and Building Code requirements are met, and on the perimeter yards of a proposed development where the standards of the Primary District and the standards of Sections 411 and 430-147 shall be met;~~

B. The reduction of private roadway pavement width may be made if provisions are made to provide off-street parking in addition to that required in the Off-Street Parking Section of this Code. In no event can the reduction exceed that approved by the appropriate fire district;

Amend Section 405, Open Space, of the Community Development Code as follows

~~405-6 — All open space required by Section 404-4.4 A. (2) shall maintain a minimum dimension of ten (10) feet and a minimum area of one thousand (1,000) square feet.~~

~~405-7 — Open space required by the provisions of the standards of Planned Development Section 404-4 shall be located within a one-quarter (¼) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.~~

Note: Sections 405-6 and 405-7 do not pertain to Section 405 open space and are therefore being deleted from this section. These sections, however, are proposed to be added to Section 404-4 by Exhibit 1 to Ordinance No. 645.

Amend Section 430-72, Infill, of the Community Development Code as follows:

430-72.3 Development of land required to be processed through the infill provisions shall meet the following:

C. All required landscaping and fencing between the proposed infill dwelling units and adjacent existing dwelling units shall be installed in accordance with the approved development plans prior to building occupancy and/or final building inspection approval.

430-72.4 Submittal Requirements

In addition to all other submittal requirements, applications shall include:

A. Site ~~Conceptual plot~~ plans showing the locations and setbacks of each proposed dwelling unit and, if applicable, detached garage, if applicable, and building setbacks on each new lot or parcel; and

B. A screening and buffering plan showing all existing landscaping and buffering and any additional landscaping and buffering, including fencing, needed to maintain the privacy of existing dwellings on adjacent parcels. The screening and buffering plan may be incorporated into the individual site plans described under Section 430-72.4 A. above; and

CB. An Off-Site Analysis as required by Section 404-1 that includes development plan showing all existing and proposed landscaping and fencing and setbacks of the proposed dwelling units on the subject property from existing dwelling units on adjacent parcels.