



September 15, 2014

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 788 – An Ordinance Amending Elements of Washington County’s Comprehensive Plan Relating to Housekeeping and General Update Changes**

STAFF REPORT

For the September 23, 2014 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 pm)

I. STAFF RECOMMENDATION

Conduct the first required public hearing on the engrossed ordinance. At the conclusion of public testimony, continue the hearing to October 7, 2014.

II. BACKGROUND

At the September 2, 2014 public hearing on proposed Ordinance No. 788, the Board directed engrossment of the ordinance and continued the hearing to September 23 and October 7, 2014. The Board further directed staff to provide notice of the changes and the schedule for engrossment hearings as required by Chapter X of the County Charter.

Staff has prepared and mailed Individual Notice No. 2014-20 which describes the changes to Ordinance No. 788 and lists the two hearing dates for the engrossed ordinance. This notice was mailed to interested parties and individuals on the General Notification List on September 12, 2014. Copies of A-Engrossed Ordinance No. 788 were mailed to the Citizen Participation Organizations (CPOs), and notice of the engrossment was mailed to Washington County cities, special service districts, CPOs and Metro. Notice was also posted on the Long Range Planning Division’s Land Use Ordinance web page.

A copy of A-Engrossed Ordinance No. 788 and the Individual Notice are included in the Board’s meeting materials for the September 23, 2014 hearing.

III. SUMMARY OF ENGROSSMENT

The Board directed staff to make several changes to Ordinance No. 788. The changes to the Community Development Code (CDC) are generally described below:

- Remove previously proposed changes to Section 300, regarding density and open space, because in certain cases they could apply more stringent requirements than the current CDC (amendments too substantive for a housekeeping and general update ordinance);
- Add cross references to Section 330-6.2 regarding existing exemptions to dwelling prohibitions in the Institutional District;
- Change punctuation within a previously proposed changed to Section 390-8.4 A (regarding Boarding Houses and Bed and Breakfast facilities in North Bethany);
- Update Section 419-3 to reflect an International Building Code change regarding the fence height that requires a building permit;
- Reformat Section 430-1, regarding accessory structures, for clarity;
- Amend previously proposed language changes under Sections 430-33 & 430-119.2 (sign standards for certain uses) to prevent misinterpretation;
- Clarify existing CDC language regarding cell tower design under Section 430-109.4 A;
- Update filing and recording provisions of Section 602-1 for consistency with prior Ordinance No. 757, and to correct a department name;
- Amend Section 610-1 (rural land divisions and property line adjustments) to correct cross-reference issues, relocate certain standards to appropriate subsections, and remove reference to a restriction made inapplicable by prior Ordinance No. 763.



September 12, 2014

Individual Notice No. 2014-20

At your request, Long Range Planning is providing you with Individual Notice No. 2014-20, which describes changes that were made to proposed Land Use Ordinance No. 788.

These changes have been incorporated into proposed A-Engrossed Ordinance No. 788.

Initial Notice

On July 23, 2014 persons on the General Notification List were mailed a notice from Washington County Long Range Planning regarding initial public hearings before the Planning Commission and the Board of Commissioners (Board) for proposed Land Use Ordinance No. 788.

After public hearings for Ordinance No. 788, the Board ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 788** and are summarized below. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments. This notice, which describes the changes to proposed Ordinance No. 788, is the second Individual Notice you have received on this ordinance this year.

Purpose and Description of Proposed Ordinance

As originally filed, Ordinance No. 788 proposed the following amendments to the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC) relating to housekeeping and general updates.

- Amend the Comprehensive Framework Plan for the Urban Area to include Portland Public Schools as a service provider for a single parcel of land located in Area 93, which is within the county's jurisdiction.
- Replace references to "church" or "churches" with "religious institution" or "religious institutions" in all sections of the CDC except for Sections 106-178, 390-16 and 430-116; and deletes "church" from Section 430-109.4 to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
- Clarify the definition of "Development" in CDC Section 106.
- Update Section 107, Planning Participants, to reflect changes made to the Planning Commission Rules of Procedure adopted by Board action in January of 2013, requiring that the Planning Commission shall annually elect officers at or after its first meeting in January.
- Correct cross-reference errors in sections of the CDC relating to the Comprehensive Framework Plan for the Urban Area, the Rural/Natural Resource Plan, non-existent CDC sections, duplicative text, and makes minor format changes for consistency with other sections of the CDC.

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

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- Correct CDC Sections 201 and 602 concerning development permit expirations to reflect changes made through Ordinance No. 757 in 2012, and adds cross-references to CDC Sections 605 and 610.
- Amend CDC Section 204 to clarify language regarding the Department of Land Use & Transportation's end of business day.
- Amend CDC Sections 300 and 307 to clarify language regarding residential density calculations.
- Amend CDC Section 390 - North Bethany Subarea Overlay District - to correct a special use cross-reference and clarify its description; and to simplify language regarding Planned Development roadway standards.
- Add language to clarify CDC Section 404, Master Planning.
- Amend CDC Sections 421 and 709 to update map references; and further updates certain building standards under Section 421.
- Amend CDC Section 430 to remove content-based sign standards that are inconsistent with Federal law, and to reflect a restriction under Home Occupations (CDC Section 430-63) that is currently found under CDC Section 430-117 (Accessory Dwelling Unit).
- Clarify CDC Section 440-10 regarding access to county and public roads.
- Provide full name for an acronym and adds cross-reference to CDC Section 605.

Who is Affected

Residents in urban and rural unincorporated areas of Washington County will be affected.

What Land is Affected

Urban and rural unincorporated areas of Washington County will be affected.

Summary of Changes to Ordinance No. 788

- Remove previously proposed changes to Section 300, regarding density and open space, because in certain cases they could apply more stringent requirements than the current CDC (amendments too substantive for a housekeeping and general update ordinance);
- Add cross references to Section 330-6.2 regarding existing exemptions to dwelling prohibitions in the Institutional District;
- Change punctuation within a previously proposed changed to Section 390-8.4 A (regarding Boarding Houses and Bed and Breakfast facilities in North Bethany);
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- Amend previously proposed language changes under Sections 430-33 & 430-119.2 (sign standards for certain uses) to prevent misinterpretation;
- Clarify existing CDC language (regarding cell tower design) under Section 430-109.4 A;
- Update filing and recording provisions of Section 602-1 for consistency with prior Ordinance No. 757, and to correct a department name;
- Amend Section 610-1 (rural land divisions and property line adjustments) to correct cross-reference issues, relocate certain standards to appropriate subsections, and remove reference to a restriction made inapplicable by prior Ordinance No. 763.

**Public Hearings
Time and Place**

**Board of Commissioners
September 23, 2014
6:30 pm**

**Board of Commissioners
October 7, 2014
10:00 am**

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

On October 7, 2014 the Board may choose to adopt the ordinance, make additional changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on October 7, the ordinance would become effective on November 28, 2014.

**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
Telephone: 503-846-3519 Fax: 503-846-4412

Staff Contact

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**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/2014-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.

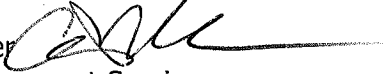
**Plan Documents
Affected by
A-Engrossed
Ordinance No. 788**

*For more information
about these plan
documents, please call
Long Range Planning at
(503) 846-3519.*

WASHINGTON COUNTY COMPREHENSIVE PLAN DOCUMENTS			
Comprehensive Framework Plan for the Urban Area <input checked="" type="checkbox"/>	Rural/Natural Resource Plan <input type="checkbox"/>	Exceptions Statement Document <input type="checkbox"/>	
Urban Community Plan: <input type="checkbox"/>			
Community Development Code <input checked="" type="checkbox"/>	Transportation Plan <input type="checkbox"/>	Public Facility Plan <input type="checkbox"/>	Urban Planning Area Agreement <input type="checkbox"/>



September 12, 2014

To: Washington County Cities and Special Service Districts
From: Andy Back, Manager 
Planning and Development Services

Subject: A-Engrossed Land Use Ordinance Nos. 783, 786, 787 and 788

After initial public hearings for Ordinance Nos. 783, 786, 787 and 788, the Washington County Board of Commissioners (Board) ordered substantive amendments to these ordinances. These changes have been incorporated into proposed **A-Engrossed Ordinance Nos. 783, 786, 787 and 788** and are summarized below. The engrossed ordinances are available on the Washington County web site at:

www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm

If you would like a copy of these ordinances or additional information, please contact Long Range Planning at (503) 846-3519.

The public hearings for these ordinances before the Board are listed below. The hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

Public Hearings
Board of Commissioners

September 23, 2014
6:30 pm

October 7, 2014
10:00 am

A-Engrossed Ordinance No. 783

A-Engrossed Ordinance No. 783 proposes to amend and update the Transportation System Plan (TSP).

The engrossed ordinance incorporates all amendments originally proposed in Ordinance No. 783 and includes the following additional changes:

- Add amending and clarifying language that reflects community input.
- Make several map amendments including:
 - Add as Proposed Collector: Kinsman Road in Wilsonville from Day Road to Ridder Road (The alignment is already shown on Lane Numbers map).
 - Change lane number designation on Grabhorn Road from Farmington Road to Urban Growth Boundary (UGB) to 2/3 lanes.

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- Change the lane number designation on Tile Flat Road from UGB to Scholls Ferry Road to 2/3 lanes.

A-Engrossed Ordinance No. 786

A-Engrossed Ordinance No. 786 proposes to amend the Community Development Code (CDC) to provide incentives targeted at mixed-use development in the Community Business District and Office Commercial District.

The engrossed ordinance incorporates all amendments originally proposed in Ordinance No. 786 and includes the following additional changes:

- Add clarifying language is added to CDC Section 313-3.40.

A-Engrossed Ordinance No. 787

A-Engrossed Ordinance No. 787 proposes to amend the Community Development Code (CDC) to provide efficiency in the land use review process for safety improvements, maintenance, and general upkeep of public roads and related facilities.

The engrossed ordinance incorporates all amendments originally proposed in Ordinance No. 787 and includes the following additional changes:

- Add amending and clarifying language under CDC Sections 703 to better reflect the original intent of the proposed changes by removing a conflicting phrase.
- Add a provision to CDC Section 702-4 (Exempt Projects) to ensure existing bicycle and pedestrian capacity is not reduced through an exempt reconstruction, repair or replacement project.

A-Engrossed Ordinance No. 788

A-Engrossed Ordinance No. 788 proposes to amend the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC) relating to Housekeeping and General Update changes.

The engrossed ordinance incorporates all amendments originally proposed in Ordinance No. 788 and includes the following additional changes:

- Remove previously proposed changes to Section 300, regarding density and open space, because in certain cases they could apply more stringent requirements than the current CDC (amendments too substantive for a housekeeping and general update ordinance);
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