To: Washington County Board of Commissioners

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 823 - An Ordinance Amending the Community Development Code Relating to Retirement Housing Communities

STAFF REPORT

For the September 5, 2017 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 a.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; at the conclusion of the hearing adopt Ordinance No. 823 as filed.

II. PLANNING COMMISSION RECOMMENDATION

At the August 2, 2017 Planning Commission (PC) hearing, the PC voted 9-0 to recommend approval of Ordinance No. 823.

III. OVERVIEW

Ordinance No. 823 proposes amendments to the Community Development Code (CDC) related to retirement housing communities and locations that such developments may be permitted. The proposed amendments allow development of retirement housing communities with a continuum of care, from independent living to assisted care, in more land use districts. The proposed amendments will also offer more flexibility in community design of senior housing, including provisions allowing for kitchenettes and shared bathroom facilities.

Ordinance No. 823 originated from a recommendation in the Aloha-Reedville Study and Livable Community Plan to revise and update Group Care standards in CDC Section 430 – Special Use Standards, and was included as a Tier 1 Task in the 2017 Long Range Planning Work Program. The proposed amendments to retirement housing community standards were also informed by
inquiries from the Sisters of St. Mary of Oregon about potentially developing a retirement housing community on their property.

IV. BACKGROUND

The Federal Fair Housing Act prohibits discrimination in the sale, rental and financing of housing, as well as in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (presence of children under the age of 18 in a household) and disability. The law applies to individuals, businesses, governmental entities, nonprofits and other groups.

Governmental entities that receive federal housing or community development funds are required to affirmatively further fair housing, which includes identifying local public and private sector impediments to housing choice and developing a plan to address them over time. The Federal Department of Housing and Urban Development (HUD) issued its Final Rule regarding Affirmatively Furthering Fair Housing (AFFH) July 16, 2015. The Final Rule clarifies government obligations to affirmatively further fair housing, and provides guidelines and data to assist in achieving these goals. AFFH also emphasizes the need to address fair housing barriers in local codes and regulations, including zoning regulations and development codes.

During work on the Aloha-Reedville Study and Livable Community Plan, staff reviewed best practice recommendations from the Fair Housing Council of Oregon to remove regulatory barriers that could impede fair housing access and development. An initial review of existing CDC regulations highlighted the need to remove potential barriers to the provision of affordable and special needs housing. The final report for the Aloha-Reedville Study included a recommendation to update the CDC to better conform with Fair Housing Council recommendations, in particular, Section 413 (Parking and Loading), Section 430 (Special Use Standards), and Section 435 (Variances and Hardship Relief).

Special Needs housing in the county is primarily regulated in the CDC through the Group Care regulations. Group care includes Convalescent (Nursing) Home (CDC Section 430.53.1), Home for Aged (Retirement Home) (Section 430-53.4), Resident Care Facility (Section 430-53.5), and Retirement Housing Community (Section 430-53.7). The Special Use Standards for Group Care (Section 430-53) were first adopted in 1983 and revised in 1986 (via Ordinance Nos. 279, 293 and 308). Subsequent non-substantive updates have occurred, with a more substantive change occurring in 2000 with the addition of the Retirement Housing Community to the list of allowed Group Care Uses (added via Ordinance No. 537). With the exception of this addition, the CDC descriptions for all of the other Group Care types are substantially the same as first adopted. Amendments and updates to Section 430-53 are needed at this time to ensure consistency with state law, federal Fair Housing law, and recommendations from the Fair Housing Council of Oregon.

Ordinance No. 823 proposes to update Group Care standards for Retirement Housing Communities, amending the existing definition and expanding locations where this type of
development is a permitted use. Updates to other Group Care types are planned for the 2018 ordinance season, subject to Board approval of the Work Program.

**Retirement Housing Need**
According to 5-year estimates in the 2014 American Community Survey, nearly 30 percent of Washington County’s population is 50 years of age or older and 11 percent of the population is over 65. The population over age 60 is also the fastest-growing population in Washington County. Today’s seniors remain active as they age, therefore, provision of housing that includes a range of options that can serve residents as they move through life stages will be necessary.

Retirement housing communities that offer a range of services and support can help residents remain connected to friends and neighbors and close to familiar services. Surveys conducted by the AARP\(^1\) indicate that the majority of seniors would prefer to remain in their local community as they age. A majority of AARP survey respondents assert that remaining close to friends and community amenities is important to their quality of life. Research published in the *Journal of Housing for the Elderly*\(^2\) indicates that residents in local continuing care retirement communities demonstrate better health outcomes than residents who move long distances, and other research suggests that residents engaged in activities such as those encouraged in many retirement communities are associated with better health-related quality of life.\(^3\)

**Continuum of Care**
Facilities that offer a variety of residential options and a continuum of care and services intended to allow residents to age in place are often referred to as continuing care retirement communities or retirement housing communities. These may include single family, multi-plexes or multi-family buildings offering independent living; assisted living where some services or nursing care is provided; long-term care, memory care, and/or nursing homes; and related accessory services such as a fitness center, beauty salon, or dining hall.

**Current Regulations**
Licensed senior housing, including retirement housing, is regulated through the Oregon Department of Human Services. Senior facilities that provide skilled nursing care are subject to additional federal regulation. These regulations include guidelines for building requirements and physical design, as well as staffing and supervision requirements.\(^4\)

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4. [https://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/CBC/Pages/licensing.aspx](https://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/CBC/Pages/licensing.aspx)
   [http://www.dhs.state.or.us/policy/spd/rules/411_054.pdf](http://www.dhs.state.or.us/policy/spd/rules/411_054.pdf)
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   [https://www.dhs.state.or.us/policy/spd/rules/411_087.pdf](https://www.dhs.state.or.us/policy/spd/rules/411_087.pdf)
Washington County’s CDC currently considers most types of assisted living and supportive housing to be a type of Group Care (Section 430-53). Communities that provide a continuum of care for seniors have been inconsistently classified in Washington County development applications, and are not clearly permitted uses in some land use districts in the CDC.

The County’s Group Care (CDC Section 430-53) regulations begin with the following statement: Community based care is divided into medical and nonmedical care. Group care homes, residential care facilities, and halfway houses provide care and training to small groups of more than five (5) people living together in a homelike setting. The clients and staff function as a single housekeeping unit and, act in many ways as a family providing support, care and supervision. The goal of these facilities is the integration of their clients into society. Other types of group care include facilities for day-care, convalescent (nursing) homes, and retirement housing communities.

The types of Group Care related to seniors currently allowed by the CDC in most Residential and Institutional land use designations (typically through a Type III procedure) include:

- Section 430-53.1 Convalescent (Nursing) Homes “...for the care of children, the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics…”

- Section 430-53.4 Home for Aged (Retirement Home) “...for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living, in a protected environment…”

- Section 430-53.5 Resident Care Facility “…licensed or certified by the state and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged, convalescent, mentally handicapped or retarded, and remedial service clientele and/or victims of domestic violence and their children, as a single housekeeping unit…”

None of these types of Group Care clearly allow both independent living (in attached or detached housing units) for senior residents who do not require assistance with daily activities, as well as housing for seniors who require increasing levels of care and assistance as they age.

Retirement Housing Communities (Section 430-53.7) is the only type of Group Care that explicitly allows both independent and assisted living options with a variety of supportive services. Retirement Housing Communities, however, are currently only allowed in Transit Oriented (TO) Districts, where the use and location are specified in a Community Plan and permitted by an Area of Special Concern.

- Section 430-53.7 defines a Retirement Housing Community as “…a residential community for citizens age fifty-five (55) years and older that includes a variety of housing options and services…”, including independent living, assisted living, and residential care facility “…licensed or certified by the state and operated with twenty-
four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged or convalescent...”

Retirement Housing Communities in Unincorporated Washington County

Previous developments in unincorporated Washington County that include a range of living options and accessory services for seniors seem to have been processed somewhat inconsistently. It has not necessarily been clear to staff or the development community which CDC section these developments should be reviewed under. The Touchmark Heights development (Casefile 06-228-D(R)/SU/PLA), approved in 2006, was approved as a Residential Planned Development, with a Special Use approval for an accessory fitness club. A staff memo dated 5/17/06 suggests that the development should be considered a Retirement Community, but the 8/17/06 Staff Report states that the 55+ development is simply an age-restricted residential community, not a retirement village, assisted living, or retirement home.

The 2011 development application for the Plaza at Bethany Village (Casefile 11-176-M/SU/SU/D(R)/D/D/D/D/P) includes an expansion of the existing Laurel Park memory care facility. The expansion, which adds 26 additional independent living units, 20 assisted living units, and 22 memory care units to the existing development, was processed as a Type III Special Use Group Care Facility under 430-53.4 Home for the Aged (Retirement Home).

The 2015 development application for Cornell Road Senior Living Center (Casefile 15-275-SU/D/DHA/AMP/PD), including 116-118 assisted living and memory care beds (but no independent living units) was processed as a Type III Special Use Group Care Facility under 430-53.5, Resident Care Facility.

In 2016, a pre-application meeting was held with the Sisters of St. Mary, who own land designated INST and R-15 in the Aloha area and are interested in providing a range of housing options for seniors. They are particularly interested in providing a range of care options, including independent living, to complement the existing Maryville care facility providing long-term and memory care on the same campus (allowed as a Residential Care Facility in INST and R-15). LUT staff advised that they could not do the type of development they envisioned in these two land use districts and under existing regulations. Subsequent to the meeting, they asked that the County review its existing regulations to allow for this type of continuum of care. This task was included in the 2017 Long Range Planning Work Program adopted by the Board.

Ordinance Notification

Ordinance No. 823 and an accompanying summary were mailed July 7, 2017, to citizen participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published July 14, 2017, in The Oregonian newspaper. Individual Notice 2017-04 describing proposed Ordinance No. 823 was mailed July 14, 2017, to 327 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.
V. ANALYSIS

Ordinance No. 823 addresses issues regarding the limited locations where the CDC expressly permits a retirement community, uncertainty as to which regulations and review path a retirement community would fall under, and the need for clarification in existing CDC language regarding retirement communities. As proposed, Ordinance No. 823 provides for consistent classification and review of senior housing developments that provide a continuum of care, and allows existing applicable state and federal regulations to establish requirements for licensing, staffing and supervision, and building design. These changes may help increase certainty for developers and expand the range of housing options for older Washington County residents.

When considering the appropriate way to address these issues, staff researched how other jurisdictions addressed retirement communities. A review of development codes in other jurisdictions indicates that some development codes (including codes for Clackamas County, Beaverton and Hillsboro) define residential care and/or congregate housing facilities much more broadly than Washington County’s CDC. Retirement housing communities in Beaverton and Hillsboro are simply considered a type of residential care.

Staff considered this approach; however, broadening the definition of Residential Care Facilities would have required addressing potential impacts of on-site supportive care/treatment for a more diverse resident population. The CDC definition of residential care facilities includes state licensing, 24-hour supervision and planned treatment. This definition did not include options for a full the continuum of care envisioned for retirement communities.

Since the CDC already includes a use that explicitly allows a range of housing types and care options for seniors, staff is recommending that updating the existing definition of Retirement Housing Community and expanding locations where this is a permitted use would be the preferred way to expand potential housing options for seniors at this time. A more detailed review and updates to other Group Care types are planned for the 2018 ordinance season.

Proposed Ordinance: Permitted Locations

Currently, Retirement Communities are only permitted in TO Districts, if the use and location are specified in a Community Plan and permitted by an Area of Special Concern. This effectively means that Retirement Housing Communities are only permitted in one specific location in the Cedar Hills/Cedar Mill area. The definition and allowed locations for Retirement Housing Community adopted through Ordinance No. 537 was developed as part of a negotiation between Washington County and Touchmark Living Centers regarding a proposed retirement community in the Peterkort “Woods” Master Plan Area. The Cedar Hills/Cedar Mill Community Plan includes additional provisions for allowable Retirement Housing Communities in Area of Special Concern No. 17 (which remain applicable in that location).

The CDC also includes additional requirements for Retirement Housing Communities in TO districts in Section 375-7 (Development Limitations for Permitted Uses in Transit Oriented Districts [32.a.-d.]). These additional provisions are intended to encourage Retirement Housing Communities that enhance the transit friendly and pedestrian oriented development envisioned in
Transit Oriented Districts, and will remain applicable in these districts. Figure 1, below, shows the current location where a Retirement Housing Community is a permitted use.

**Figure 1**
Most other types of Group Care are permitted in most Residential (R-6 and higher), Institutional and mixed-use designations through a Type II or III procedure. Staff proposes adding Retirement Housing Community as another type of Group Care permitted through a Type II or III procedure in these same districts. Table 1, below, shows the proposed locations where retirement housing communities would be allowed, in comparison to other types of residential uses and Group Care.

### Table 1 - Comparison of Proposed Permitted Uses by Land Use District

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<th>Attached Dwellings</th>
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Tables 2 and 3 (attached) show current permitting requirements for similar residential uses by land use district, and provide a comparison between current and proposed locations for retirement housing communities. Figure 2 on the following page illustrates the land use districts where Retirement Housing Community is proposed as an allowed use. This will significantly increase potential locations for future development of retirement housing communities, allowing more residents to remain in their communities as they age.

### Potential Impacts

Retirement housing communities serving a range of residents and offering services and care that are accessory to the primary residential use are not anticipated to have significantly greater impacts on the surrounding community than existing permitted uses. Residential districts allow attached dwellings, planned developments, and Special Use Group Care facilities (including Convalescent Home, Home for Aged, and Resident Care Facility) through Type II or Type III processes under the current CDC. Accessory uses and structures that primarily serve residents are also currently allowed in most residential districts.

Institutional (INST) designations currently allow Special Use Group Care facilities through a Type III process. Allowing retirement housing communities in these districts may allow additional housing options for locations that already include some level of assisted care facility. The proposal of the Sisters of St. Mary to develop independent senior housing to complement the existing Maryville care facility is one such example.

Retirement housing communities may include a more varied mix of housing types and accessory uses within one development, but are not expected to result in significant community impacts in any of these land use designations. It is possible that lower rates of car ownership and greater reliance on transit and pedestrian travel may result in lower traffic impacts when compared to other types of residential development.
Figure 2

[Map depicting proposed areas where Retirement Housing Community would be an allowed use]

Washington County - Planning and Development Services

Proposed areas where Retirement Housing Community would be an allowed use

- Type II
- Type II or III
- UGB
- Cities
- Type III
- County

[Map legend and scale: 1:130,000]
Proposed Ordinance: Applicable Licensing and Supervision Requirements
Licensed senior housing, including retirement housing, is regulated through the Oregon Department of Human Services. Senior facilities that provide skilled nursing care are subject to additional federal regulation. These regulations include staffing and supervision requirements that apply to licensed housing facilities. In order to avoid contradicting or duplicating state and/or federal requirements, and avoid the necessity to update Washington County’s CDC when state and/or federal regulations are updated, the proposed ordinance defers to existing applicable regulations for licensing, supervision, and staffing requirements.

Proposed Ordinance: Building Requirements and Physical Design
Licensed senior housing, including retirement housing, is regulated through the Oregon Department of Human Services. Senior facilities that provide skilled nursing care are subject to additional federal regulation. These regulations include building requirements and physical design guidelines that address many specifics, such as minimum square footage per resident, access to bedrooms, bathroom and kitchen facilities, and other details. Existing guidelines stipulate circumstances in which common bathroom and kitchen facilities may be provided in addition to, or in lieu of, in-unit facilities. In order to avoid contradicting or duplicating state and/or federal requirements, and avoid the necessity to update Washington County’s CDC when state and/or federal regulations are updated, the proposed ordinance defers to existing applicable regulations regarding building requirements and physical design.

Summary of Proposed Changes
Ordinance No. 823 proposes to amend the Community Development Code (CDC) to update the definition of retirement housing communities to allow more flexibility in community design of senior housing, and to allow the development of retirement housing communities that offer a continuum of care in more land use districts. Specifically, the ordinance:

- Allows Retirement Housing Communities through a Type II or Type III procedure in areas designated R-9, R-15, R-24, R-25+, CBD, INST, TO, R-9 NB, R-15 NB, R-24 NB, and R-25+ NB.
- Amends Section 430-53.7 (Retirement Housing Community) to defer to state and federal standards for applicable licensing and supervision requirements.
- Amends Section 430-53.7 (Retirement Housing Community) to allow for kitchenettes and shared bathrooms if those facilities meet all state and federal requirements.

List of Attachments
The following attachments identified in this staff report are provided:

Attachment A: Table 2 - Comparison of Current Permitting Requirements between Residential Dwellings and Group Care by Land Use Districts
Attachment B: Table 3 - Comparison of Current and Proposed Locations for Retirement Housing Communities by Land Use Districts
Attachment C: Joint letter of support from the Oregon Fair Housing Council and the Housing Land Advocates

Attachment D: August 2, 2017 Draft Planning Commission Deliberations
## Attachment A: Table 2 Comparison of Current Permitting Requirements between Residential Dwellings and Group Care by Land Use Districts

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- **Type II Use**
- **Type III Use**
- **Prohibited Use**
## Attachment B: Table 3 Comparison of Current and Proposed Locations for Retirement Housing Communities by Land Use Districts

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<td>Retirement Housing Community CURRENTLY ALLOWED</td>
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<tr>
<td>CDC Section</td>
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### Residential

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### COMMERCIAL

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### INSTITUTION

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### INDUSTRIAL & EMPLOYMENT

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* with certain limitations

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<td>Type II Use</td>
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<td>Type III Use</td>
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<td>Prohibited Use</td>
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August 1, 2017

Washington County Planning Commission
Department of Land Use and Transportation
Planning and Development Services
155 N First Ave. Suite 350
MS -14
Hillsboro, OR 97124-3072

RE: Ordinance 823 proposing amendments to the CDC related to retirement housing communities

To the Washington County Planning Commission

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO’s interest relate to a jurisdiction’s obligation to affirmatively further fair housing.

We commend Washington County’s Ordinance 823 which proposes amendments to the community development code (CDC) related to retirement housing communities and location that such developments may be permitted. The proposed amendments will offer more flexibility in community design of senior housing.

We appreciate the effort to affirmatively further fair housing taken by the County Planning Department. Thus, we support approval of this ordinance.

Thank you for your consideration of our comments.

Sincerely,

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD
Proposed Ordinance No. 823 - An Ordinance Amending the Community Development Code (CDC) Relating to Retirement Housing Communities

Planning Commission (PC) members present: A. Richard Vial, Jeff Petrillo (arrived at 1:45 p.m.), Ed Bartholemy, Ian Beaty, Tegan Enloe, Deborah Lockwood, Anthony Mills (arrived at 1:43 p.m.), Eric Urstadt, and Matt Wellner.

Staff present: Andy Back, Theresa Cherniak, Anne Kelly, Kim Armstrong, John Floyd and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

Summary

a. Ordinance No. 823 – Retirement Housing Community Regulations
   Kim Armstrong, Senior Planner from the Community Planning section of LRP provided a PowerPoint presentation regarding Ordinance No. 823 – Retirement Housing Community Regulations. This ordinance was authorized by the Board as part of the 2017 LRP Work Program. Staff provided an overview of the proposed amendments, background information regarding the need, current regulations and recommendation.

Recommendation
- Recommend approval of Ordinance No. 823 to the Board of Commissioners (Board).

Discussion
- Question regarding example or definition of a retirement housing community.
- Discussion about the differences between Type I, II and III land use procedures and examples of what type of senior housing would trigger a Type II versus I and III.
Final Vote
Commissioner Mills moved to recommend approval of Ordinance No. 823 to the Board. Commissioner Wellner seconded motion. **Vote: 9 – 0. Motion passes.**

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Bartholemy</td>
<td>Yes</td>
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<td>Enloe</td>
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<td>Garcia</td>
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<td>Manseau</td>
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<td>Wellner</td>
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End of deliberations.
Individual Notice No. 2017-04

At your request, Long Range Planning is providing you with Individual Notice No. 2017-04 which describes proposed Land Use Ordinance No. 823.

Ordinance Purpose and Summary

Ordinance No. 823 proposes changes to the Community Development Code related to retirement housing communities in order to better meet the changing housing needs of the senior community. The amendments allow development of retirement communities with a continuum of care in more land use districts, and offer more flexibility in community design of senior housing, including provisions allowing for kitchenettes and shared bathroom facilities.

Who is Affected

Prospective owners, operators, developers, and residents of retirement housing communities.

What Land is Affected

Certain lands designated as residential, institutional, community business district, or transit-oriented.

Key Provisions

- Allows retirement housing communities to be developed in more land use districts.
- Allows for additional flexibility in provision of kitchens and bathrooms for retirement housing communities with common facilities for residents.
- Makes updates to terminology related to retirement communities and senior care.

Initial Public Hearings

<table>
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<tr>
<th>Planning Commission</th>
<th>Board of Commissioners</th>
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<tr>
<td>1:30 p.m.</td>
<td>10:00 a.m.</td>
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<td>August 2, 2017</td>
<td>September 5, 2017</td>
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Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

At its September 5, 2017 public hearing, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted September 5, 2017, the ordinance would become effective October 5, 2017.

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)
- Section 313 - Community Business District (CBD)
- Section 330 - Institutional District (INST)
- Section 375 - Transit Oriented Districts
- Section 390 - North Bethany Subarea Overlay District
- Section 430 - Special Use Standards
How to Submit Comments

• Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
• Written testimony, including email, may be sent to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning.
• Include the author’s name and address with any public testimony.

Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
Telephone: 503-846-3519     Fax: 503-846-4412
Email: lutplan@co.washington.or.us

Staff Contact
Kim Armstrong, Senior Planner
Telephone: 503-846-3686
Email: kimberly_armstrong@co.washington.or.us

Proposed ordinance is available at the following locations:

• Department of Land Use & Transportation at the address listed above

www.co.washington.or.us/landuseordinances

• Cedar Mill Community Library and Tigard Public Library

• Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs.
July 7, 2017

To: Community Participation Organizations, Cities, Service Districts, Interested Parties

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 823

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed Ordinance No. 823. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519. This ordinance is available on the Washington County website at:

www.co.washington.or.us/landuseordinances

**Ordinance Purpose and Summary**

**Ordinance No. 823** proposes changes to the Community Development Code related to retirement housing communities in order to better meet the changing housing needs of the senior community. The amendments allow development of retirement communities with a continuum of care in more land use districts, and offer more flexibility in community design of senior housing, including provisions allowing for kitchenettes and shared bathroom facilities.

**Who is Affected**
Prospective owners, operators, developers, and residents of retirement housing communities.

**What Land is Affected**
Certain lands designated as residential, institutional, community business district, or transit-oriented.

**Initial Meeting and Public Hearings**

**Planning Commission**
1:30 p.m.
August 2, 2017

**Board of Commissioners**
10:00 a.m.
September 5, 2017

Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

At its September 5, 2017 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted September 5, the ordinance would become effective October 5, 2017.
Key Provisions

- Allows retirement housing communities to be developed in more land use districts.
- Allows for additional flexibility in provision of kitchens and bathrooms for retirement housing communities with common facilities for residents.
- Makes updates to terminology related to retirement communities and senior care.

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)
- Section 313 – Community Business District (CBD)
- Section 330 – Institutional District (INST)
- Section 375 – Transit Oriented Districts
- Section 390 – North Bethany Subarea Overlay District
- Section 430 – Special Use Standards

How to Submit Comments

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning.
- Include the author’s name and address with any public testimony.

Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
Telephone: 503-846-3519 Fax: 503-846-4412
Email: lutplan@co.washington.or.us

Staff Contact
Kim Armstrong, Senior Planner
Telephone: 503-846-3686
Email: kimberly_armstrong@co.washington.or.us

Proposed ordinance is available at the following locations:

- Department of Land Use & Transportation, at the address listed above
- [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs
BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 823

An Ordinance Amending the Community Development Code Relating to Retirement Housing Communities

The Board of County Commissioners of Washington County, Oregon ("Board")

ordains as follows:

SECTION 1


B. As part of its ongoing planning efforts Washington County staff has identified the need for amendments to the Community Development Code element of the Comprehensive Plan related to retirement housing communities in order to better meet the
changing housing needs of the senior community. The Board recognizes that such changes
are necessary from time to time for the benefit and welfare of the residents of Washington
County, Oregon.

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

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

SECTION 2

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

A. Exhibit 1 (5 pages), amends the following sections of the Community
Development Code:

1. Section 304 – R-9 District (Residential 9 Units per Acre);
2. Section 305 – R-15 District (Residential 15 Units per Acre);
3. Section 306 – R-24 District (Residential 24 Units per Acre);
4. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
5. Section 313 – Community Business District (CBD);
6. Section 330 – Institutional District (INST);
7. Section 375 – Transit Oriented Districts;
8. Section 390 – North Bethany Subarea Overlay District; and
9. Section 430 – Special Use Standards.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

This Ordinance shall take effect 30 days after adoption.

ENACTED this _____ day of _____________, 2017, being the ______ reading
and _______ public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

_____________________
CHAIRMAN

_____________________
RECORDING SECRETARY

READING        PUBLIC HEARING

First ___________________________ First ___________________________
Second __________________________ Second __________________________
Third __________________________ Third __________________________
Fourth __________________________ Fourth __________________________
Fifth __________________________ Fifth __________________________
Sixth __________________________ Sixth __________________________

VOTE: Aye: __________________________ Nay: __________________________

Recording Secretary: __________________________ Date: __________________________
Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. **SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)**

   **304-4**  
   Uses Which May be Permitted Through a Type III Procedure

   The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

   ***

   **304-4.6**  
   Group Care - Section 430-53.1 through 430-53.5 and 430-53.7.

   ***

2. **SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)**

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

   The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

   ***

   **305-4.2**  
   Group Care - Section 430-53.1 through 430-53.5 and 430-53.7.

   ***

3. **SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)**

   **306-4**  
   Uses Which May be Permitted Through a Type III Procedure

   The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

   ***

   **306-4.1**  
   Group Care - Section 430-53.1 through 430-53.5 and 430-53.7.

   ***

abcdef  Proposed additions
abedef  Proposed deletions
4. **SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)**

307-4 **Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

307-4.1 Group Care - Section 430-53.1 through 430-53.5 and 430-53.7.

***

5. **SECTION 313 - COMMUNITY BUSINESS DISTRICT (CBD)**

313-3 **Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

313-3.14 Group Care Facilities - Section 430-53.1 through 430-53.5 and 430-53.7.

***

6. **SECTION 330 - INSTITUTIONAL DISTRICT (INST)**

330-5 **Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

330-5.8 Group Care (except day care facilities which are permitted as a Type II use pursuant to Section 330-4.6 J.) - Section 430-53.1 through 430-53.5 and 430-53.7.

***

abcdef Proposed additions
abcdef Proposed deletions
7. 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:

32.a. A Retirement Housing Community, as defined in Section 430-53.7, may be permitted through a Type II or III procedure pursuant to Table A: Permitted and Prohibited Uses in Transit Oriented Districts, if the Retirement Housing Community use and location are specified in a Community Plan and permitted by an Area of Special Concern.

8. SECTION 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-9 R-9 North Bethany District (R-9 NB)

390-10 R-15 North Bethany District (R-15 NB)
390-11 R-24 North Bethany District (R-24 NB)

***

390-11.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article VI and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

E. Group Care - Sections 430-53.3 and 430-53.5 and 430-53.7.

***

390-12 R-25+ North Bethany District (R-25+ NB)

***

390-12.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

***

E. Group Care - Sections 430-53.3 and 430-53.5 and 430-53.7.

***

9. SECTION 430 - SPECIAL USE STANDARDS

430-53 Group Care

***

430-53.7 Retirement Housing Community

A residential community for citizens age fifty-five (55) years and older that includes a variety of housing options and services. Private dwelling units, including apartments or single family attached/detached homes, are provided for independent residents (independent living) and/or residents requiring a range of supportive personal and health services (assisted living). The community also includes a residential-care facility licensed or certified by the state and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged or convalescent.
A retirement housing community shall meet the following:

A. The entire community is owned or managed by a single entity and access to community services and facilities is available for all residents;

B. Both independent and assisted living housing units include a kitchen facilities, bathroom(s) facilities, and bedroom(s). For studio units, a sleeping area may replace the requirement for a separate bedroom, however, a kitchen and bathroom must also be provided. If there are common facilities available to residents, units may be provided with kitchenettes and/or shared bathrooms if those facilities meet all applicable state and federal requirements;

C. The residential care facility meets the following requirements:

   (1) Shall not include hospital or treatment facilities otherwise provided in Article IV;

   (2) Must maintain all applicable licenses required by the state and county; and

   (3) Must meet all applicable Department of Health & Human Services state and federal requirements.

D. Provided A variety of services and facilities that are intended for the direct benefit of residents is an integral element of the retirement housing community. These services are accessory in nature to the primary use of residential housing, are intended to principally serve residents of the retirement housing community, but may also be used by non-residents on a limited basis. Services and facilities may include, but are not limited to, a dining facility, health and fitness facility, administrative or medical offices, craft and hobby rooms, meeting and community rooms, beauty and barber salons, library and guest lodging; and

E. The community is open to pedestrian and vehicular circulation and is not gated.

F. For the purposes of calculating parking, minimum off street parking requirements for individual uses in Retirement Housing Communities should be calculated separately.