

## **EXHIBIT A**

### **FINDINGS FOR ORDINANCE NO. 823**

#### **AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE RELATING TO RETIREMENT HOUSING COMMUNITIES**

**September 5, 2017**

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

Ordinance No. 823 amends the Community Development Code (CDC) to update the requirements 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.

#### **Key Ordinance Provisions**

Ordinance No. 823 amends the CDC as follows:

- 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.

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. 823 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. No goal compliance issues were raised in the hearing proceedings described below. Ordinance 823 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. 823.

In addition to providing standard notice that invites public comment/participation, staff gathered perspectives from stakeholders involved in senior housing and housing development, including the County's Department of Aging and Veteran's Services (DAVS), developers of existing retirement housing communities and assisted living facilities, local AARP representatives, and various Oregon cities and counties. Ordinance No. 823 was also described on the County's website, where a comment box was provided.

**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. 823.

Notice was coordinated with all affected governmental entities. Comments relevant to Ordinance No. 823 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.

Ordinance No. 823 adds a new residential use to some land use districts that already allow residential uses. All existing protections for significant natural resources still apply. Ordinance No. 823 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. 823. 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. 823 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. 823. 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. 823 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. 823. 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. 823 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. 823. 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. 823 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. 823. 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 No. 823 amends CDC Section 430-53.7 (Retirement Housing Community), and adds this as an allowable use through 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. This proposed change will increase locations in which retirement housing communities are an allowed use, and add additional flexibility for developers of this type of housing. The amendments are intended to affirmatively further fair housing by allowing a greater variety of housing types and services, and the proposed changes may have a positive effect on housing costs (i.e., lower housing costs) by

increasing the variety and supply of senior housing. Plan compliance with Goal 10 is maintained with the amendments made by Ordinance 823.

### **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. 823 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. 823. 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. 823 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). Brief summaries of the applicable TPR provisions are followed by findings of compliance.

660-012-0060

#### **Plan and Land Use Regulation Amendments**

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
  - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the

amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The amendments in Ordinance No. 823 do not significantly affect the transportation system as described by the criteria in section 660-012-0060. The amendments in Ordinance No. 823 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility.

Therefore, the amendments in Ordinance No. 823 are consistent with the TSP.

### **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. 823 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. 823. 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. 823 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 No. 823 amends CDC Section 430-53.7 (Retirement Housing Community), and adds this as an allowable use through 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. This proposed change will increase locations in which retirement housing communities are an allowed use, and add additional flexibility for developers of this type of housing. The amendments are intended to affirmatively further fair housing by allowing a greater variety of housing types and services.

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 senior housing. Ordinance No. 823 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. 823 does not amend any Plan policies or CDC standards related to water quality or flood management. Title 3 is not applicable to Ordinance No. 823.

## **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. 823 do not apply to any RSIAs or to the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Title 4 is not applicable to Ordinance No. 823.

## **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 designations that will add retirement housing communities as an allowed use are located within Metro-designated Centers, Corridors, Main Streets and Station Communities.

The ordinance amendments will allow a greater variety of residential uses in some Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 823 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. 823 does not amend County policies regarding affordable housing. Ordinance No. 823 amends CDC Section 430-53.7 (Retirement Housing Community), and adds this as an allowable use through 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. This proposed change will increase locations in which retirement housing communities are an allowed use, and add additional flexibility for developers of this type of housing. The amendments are intended to affirmatively further fair housing by allowing a greater variety of housing types and services.

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 senior housing. Ordinance No. 823 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. 823 was mailed to Metro June 27, 2017, 36 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 823.

**Title 11 - Planning For New Urban Areas**

Title 11 guides planning of urban reserves and areas 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. 823 applies to lands within the urban growth boundary. Title 11 is not applicable to Ordinance No. 823.

**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. 823 does not amend any Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services. Title 12 is not applicable to Ordinance No. 823.

**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. 823 does not amend any Plan policies or CDC standards related to streamside corridors or upland wildlife habitat. Title 13 is not applicable to Ordinance No. 823.

**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. 823.