PUBLIC MEETING NOTICE
FOR THE
WASHINGTON COUNTY PLANNING COMMISSION
HILLSBORO CIVIC CENTER - SHIRLEY HUFFMAN AUDITORIUM
150 EAST MAIN STREET, HILLSBORO, OR 97123

WEDNESDAY, SEPTEMBER 6, 2017
PUBLIC MEETING  1:30 PM

Prior to scheduled public hearing items, the Planning Commission schedules time to receive briefings from county staff as work session items. These briefings provide the Planning Commission an opportunity to conduct informal communications with each other, review the agenda, and identify questions they may ask before taking action on the agenda items during the public meeting. No public testimony is taken on work session items.

Following work session briefings, the Planning Commission considers items published in their agenda, including scheduled public hearing items and consideration of minutes. The public is welcome to speak during the public hearing portions of the meeting. The public may also speak on any item not on the agenda during the Oral Communications section of the agenda.

Upon request, the county will endeavor to arrange provision of the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. If you need a sign language interpreter, assistive listening device, or a language interpreter, please call 503-846-3519 (or 7-1-1 for Telecommunications Relay Service) by 5:00 p.m. on the Monday preceding the meeting date.

Andy Back
Planning and Development Services Division Manager
The Planning Commission welcomes your attendance at the Public Meeting. If you wish to speak on a public hearing agenda item or during Oral Communications, please feel free to do so. Time is generally limited to five minutes for individuals and 10 minutes for an authorized representative of a Citizen Participation Organization (CPO). The Chair may adjust the actual time limits. However, in fairness to others, we respectfully ask your cooperation on the following:

Please follow sign-in procedures located on the table by the entrance to the auditorium.

- When your name is announced, please be seated at the table in front and state your name and home or business address for the record.
- Groups or organizations wishing to make a presentation are asked to designate one spokesperson in the interest of time and to avoid repetition.
- When more than one citizen is heard on any matter, please avoid repetition in your comments. Careful attention to the previous speakers’ remarks will be helpful in this regard.
- If you plan to present written testimony at the hearing, please bring 15 copies for distribution to Commission members and staff.

PUBLIC MEETING DATES

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<th>BOARD OF COMMISSIONERS WORK SESSIONS</th>
<th>PLANNING COMMISSION MEETINGS</th>
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<td>2:00 p.m.  4th Tuesday</td>
<td>6:30 p.m.  3rd Wednesday</td>
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<td>BOARD OF COMMISSIONERS MEETINGS</td>
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<td>10 a.m.  1st and 3rd Tuesdays</td>
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PUBLIC MEETINGS BEFORE THE PLANNING COMMISSION
HILLSBORO CIVIC CENTER
SHIRLEY HUFFMAN AUDITORIUM

WEDNESDAY  SEPTEMBER 6, 2017   1:30 PM

AGENDA

CHAIR: A. RICHARD VIAL
VICE-CHAIR: JEFF PETRILLO
COMMISSIONERS: ED BARTHOLEMY, IAN BEATY, TEGAN ENLOE, DEBORAH LOCKWOOD, ANTHONY MILLS, ERIC URSTADT, AND MATT WELLNER

PUBLIC MEETING (SHIRLEY HUFFMAN AUDITORIUM)

1. CALL TO ORDER
2. ROLL CALL
3. DIRECTOR’S REPORT
4. WORK SESSION
5. ORAL COMMUNICATIONS (Limited to items not on the agenda)
6. PUBLIC HEARING
   b. Ordinance No. 827: Parking Standards (continued from August 16, 2017) – An Ordinance Amending the Community Development Code Relating to Parking and Loading Standards
c. **Ordinance No. 828: Housekeeping** – An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Community Development Code Relating to Housekeeping Changes and General Updates


7. **CONSIDERATION OF MINUTES**

   - August 2, 2017

8. **ADJOURN**
WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, AUGUST 2, 2017

ALL PUBLIC MEETINGS ARE RECORDED

1. CALL TO ORDER
The meeting was called to order by Chair A. Vial

2. ROLL CALL
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, Sambo Kirkman, John Floyd, and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

3. DIRECTOR’S REPORT
Andy Back, manager for Planning and Development Services, provided the PC with updates:
- PC operational changes:
  - Requested PC members to only send a reply to meeting notifications when not attending a meeting. Going forward, it will be assumed that PC members will be attending unless staff is told otherwise. Staff will send an email confirming attendance.
- Ordinance update:
  - A-Engrossed Ordinance No. 815 – Wineries was adopted by the Board in March and then appealed by the Oregon Wine Growers Association. Washington County (County) has taken a voluntary remand on the ordinance. B-Engrossment will be proposed at a Board Hearing. Board hearings are scheduled for August and September.
- Future PC meetings:
  - August 16 – Hearings on Ordinance No. 826 – Wireless Facilities and Ordinance No. 827 – Parking and Loading Standards
  - September 6 – Hearings on Ordinance No. 828 – Housekeeping and Ordinance No. 829 – Hillsboro UPAA (Urban Planning Area Agreement)
  - October – The Food Carts ordinance will be considered by the PC in work session but an ordinance will not be filed until next year.
4. WORK SESSION

a. 2017 LRP Planning Proposed Ordinances
   Ordinance No. 826 – Wireless Facilities
   Sambo Kirkman, associate planner for the Community Planning group gave a PowerPoint presentation on proposed Ordinance No. 826. Staff shared that the proposed ordinance will update the Community Development Code (CDC) relating to telecommunication facilities. The updates are to comply with federal regulations and requests received from industry providers and staff to streamline regulations due to being outdated and unclear. Regulations for telecommunication facilities have been part of the CDC since its adoption in 1983. Staff discussed proposed ordinance background, existing and proposed regulations, and timeline.

Discussion
- Questions regarding how telecommunication facilities are regulated in the right-of-way (ROW).
- Question regarding the content of CDC section 430-109.
- Question regarding the concealment of existing facilities.
- Question regarding the enforcement of landscape maintenance provisions.

5. ORAL COMMUNICATIONS
   None

6. PUBLIC HEARING

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.**

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b. Ordinance No. 824 – Quarries
Anne Kelly, senior planner from the Community Planning section of LRP provided a PowerPoint presentation regarding Ordinance No. 824 – Quarries. This ordinance was authorized by the Board as part of the 2017 LRP Work Program. Staff provided background information related to reasons for the ordinance and existing standards, key considerations, recommendations and next steps.

**Recommendation**
- Staff recommended to the Board, approval of Ordinance No. 824

**Testimony received in Ordinance No. 824**
- Video received on August 2, 2017 from Steven Starkel

**Oral Testimony received in Ordinance No. 824**
- Steven Starkel, 10825 SW Grabhorn Rd, Beaverton – Mr. Starkel commented that his EFC (Exclusive Forest and Conservation) property has a rare white oak forest and expressed concern that mining could harm forests. Also, Mr. Starkel commented that the County should show statistical data justifying the need. He also indicated that audio studies in Ordinance No. 701 showed proof that quarry noises cannot be mitigated. He was opposed to quarries near residential areas. He also commented that notification should be sent to residents at greater distances who would be affected by quarry expansions.
Discussion
• Discussion about shortage of quarries/aggregate, impacts on housing costs, and desire for more data on the demand for aggregate.
• Discussion regarding quarry hours of operation, and whether business hours should be standardized with no flexibility.
• Question regarding number of cases appealed in recent years.
• Discussion of DOGAMI (Oregon Department of Geology and Mineral Industries) requirements and whether they regulate quality/quantity.
• Comment that major local aggregate supplier was unable to provide rock to individual for personal use because the quarry had allocated all available supply for road construction.
• Discussion about having a two stage approach, with some questioning why staff is bringing forward the SU quarry first and others commenting that this incremental approach was a good one.

Final Vote
Commissioner Mills moved to recommend approval of Ordinance No. 824 to the Board of Commissioners Urstadt seconded motion. **Vote: 9 – 0. Motion passed.**

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7. CONSIDERATION OF MINUTES

• July 5, 2017

Commissioner Mills moved to approved the July 5, 2017 PC meeting minutes. Commissioner Beaty seconded motion. **Vote: 6 – 0 (Commissioners Lockwood, Urstadt and Vial were absent July 5). Motion passed.**
8. **ADJOURN - 3:47 p.m.**

There being no further business to come before the PC, the meeting was adjourned.

_______________________________                      _______________________________
A. Richard Vial           Andrew Singelakis
Chairman, Washington County Secretary, Washington County
Planning Commission      Planning Commission

Submitted by Long Range Planning
To: Washington County Planning Commission

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 826 - An Ordinance Amending the
Community Development Code Relating to Telecommunication Facilities
Standards

STAFF REPORT

For the September 6, 2017 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing for Ordinance No. 826. At the conclusion of the hearing, order
engrossment of the ordinance to incorporate the proposed amendments shown in Attachment A
to this staff report.

II. OVERVIEW

Ordinance No. 826 proposes updates to the Community Development Code (CDC) relating to
telecommunication facilities. The Planning Commission (PC) held its first hearing for this
ordinance August 16, 2017, and continued the hearing to September 6, requesting that staff
provide additional information on the proposed CDC changes.

This report outlines questions raised at the hearing, staff analysis, and recommendations on
potential engrossment language.

III. BACKGROUND

At the August 16 hearing representatives from Verizon and AT&T testified regarding the
proposed ordinance and raised questions for the PC to consider. Subsequent to testimony and PC
deliberations, the PC requested additional information on the following items:
A. Noise and lighting requirements  
B. Facilities in the right-of-way  
C. Size of pole-mounted cabinets  
D. Consistency of language with the Spectrum Act  
E. Changes to the proposed definitions

These items are discussed in the Analysis section of this report.

Ordinance Notification
Ordinance No. 826 and an accompanying summary were mailed July 21, 2017, to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published July 28, 2017, in the Oregonian newspaper. Individual Notice 2017-06 describing proposed Ordinance No. 826 was mailed July 21, 2017, to 327 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

IV. ANALYSIS

The following section provides information and recommendation on items requested at the August 16 PC hearing.

A. Noise and Lighting Requirements
The PC questioned whether and how this special use section addresses potential noise and lighting issues. Some members cited concerns with possible noise from fans and from lights on the poles (e.g., battery lights).

Staff Response
Currently Section 430-109.9F contains the following noise standard:

If the installation contains heating, cooling, emergency power or other potentially noise-producing equipment, the service provider shall submit documentation prepared by qualified personnel documenting that the operation complies with applicable Department of Environmental Quality (DEQ) noise standards. Such evidence shall be submitted within ninety (90) days of completion and operation.

Since the noise standard defers to DEQ’s standards, the proposed ordinance incorporates this requirement as part of a new standard in Section 430-109.9G, which requires the applicant to provide documentation to show the facility can comply with “any other applicable state or federal regulation.” Since DEQ is a state agency, this standard would apply to DEQ’s noise requirements. Further, the CDC requires all uses and activities to observe certain environmental performance standards, including compliance with DEQ standards (Section
423-6 Noise). This section would apply if noise was an associated impact with a proposed telecommunication facility.

The only place where lighting is addressed in the CDC is in Section 415, applicable to multi-family residential as well as institutional, industrial and commercial properties. The section applies to roadways, access drives, parking lots and sidewalks in those areas and establishes exterior lighting standards. Enforcement of Section 415 (Lighting) is generally limited to the Development Review process when a site is approved for construction.

The County does not specifically regulate outdoor lighting on telecommunication facilities. Commissioner Enloe had concerns with lights on the poles or cabinets themselves. Any such lighting would not require a land use review, therefore the County could not regulate or enforce lighting standards. If regulated as a nuisance, it could become an enforcement issue.

Staff notes that it is rare to get lighting complaints. Such complaints are a low priority for Code Enforcement, and most often are considered a “civil” issue. For these reasons staff does not recommend an expansion of lighting standards to telecommunication facilities.

Staff Recommendation
Based on the discussion above, staff does not recommend additional standards related to noise or lighting.

Should the PC wish to recommend a noise standard for Special Use Section 430-109, the current CDC standard (shown in the staff response above) could be retained and moved to proposed Section 430-109.10.

B. Facilities in the Right-of-Way
The PC had a number of questions about the relocation of telecommunication facilities approved within the public right-of-way. Staff notes the majority of the questions had to do with the right-of-way permit, not the proposed changes to the land use regulations. Right-of-way permits are processed by the Department of Land Use & Transportation’s (LUT) Operation and Maintenance Division. Staff from this Division will attend the September 6 hearing for questions. Given the extent of questions and level of interest in the topic, staff has provided responses below.

1. Who bears the cost of relocating a facility if a roadway is widened or realigned?

Staff Response
For County roadway projects, the cost for relocating a facility is the responsibility of the service provider, consistent with state statute. LUT’s Operation and Maintenance Division has developed general conditions for permits to work in the right-of-way, and these reflect this requirement.

For non-County roadway projects, the cost of relocating a facility is the responsibility of the developer, consistent with how other utilities are handled in the right-of-way. This
issue was addressed recently by the Oregon’s Court of Appeals, where the court affirmed that utilities are permitted to charge developers the cost of relocating utility poles (Bull Mountain Meadows, LLC v Frontier Communications Northwest, Inc.). Since telecommunication facilities are a permitted utility in the right-of-way, staff believes this ruling would apply.

2. What is the timing for relocating a pole?

Staff Response
Pole relocation is completed by the service provider. For County road projects, the County coordinates with the service provider, however, for non-county projects the developer must do this coordination. Timing of the relocation is dependent on how quickly the service provider is willing and able to complete the relocation and is not within the control of the County, similar to other utilities (e.g., Verizon, NW Natural or PGE).

3. How would undergrounding of utilities for poles that also include telecommunication facilities be handled?

Staff Response
If a site requires undergrounding and the utilities cannot accommodate this standard, the County will provide a location within the right-of-way to allow these utilities above ground. The provider will be responsible for the cost of relocating the utility for County projects, but the developer is responsible for the cost on all non-County projects.

4. Would the land use approval for a facility in the right-of-way be for a specific location or can it be dynamic to address changes associated with a public right-of-way permit?

Staff Response
The land use permit for the telecommunication facility would be for a specific location. For new towers in the public right-of-way it is incumbent on the applicant to coordinate between the location approved through the land use process and the location approved with the right-of-way permit in order to limit delays.

In the event a facility needs to be relocated once it’s constructed, the existing facility would be excluded from additional review if it met the requirements in Section 201-2 (Exclusion from Permit Requirement) and/or complied with Section 430-109.3C. If it could not meet these requirements, then a new approval would be necessary.

Staff Recommendation
Since the standards allowing telecommunication facilities in the right-of-way is consistent with state and federal statute, staff does not recommend changes to the proposed ordinance on this issue.
C. Size of pole-mounted cabinets  
Representatives from Verizon and AT&T requested the PC consider changes to the size allowed for pole-mounted cabinets from the current size of 12 cubic feet (cf) to either 17 or 24 cf, and to allow for more than one cabinet if, cumulatively, the cabinets do not exceed the maximum size allowance. The PC requested additional information on what is in these cabinets and why the additional space is needed.

Staff Response  
Current County standards allow for a 12 cf cabinet. The original standard was developed in 2000 based on industry input and allowed a maximum cabinet size of 20 cf. In 2004, this standard was changed to a maximum cabinet size of 12 cf, though it is not clear from County records why it was changed.

Industry representatives have indicated the request to allow larger cabinets is to accommodate equipment such as radios, fiber optic connectors, power supply, and in some instances cooling systems, and to provide appropriate placement and spacing. Some utility providers require the supporting equipment to be consolidated into a cabinet while others allow it to be mounted directly on the pole. Some providers have established the size of the cabinets they allow. For instance, Eugene Water and Electric Board (EWEB) allows a maximum size of 15 cf (3’x 2.5’ x 2’) while other providers do not have a size limitation (Portland General Electric).

Staff recognizes that a larger size would allow the providers additional flexibility, but believes it is important that the visual impacts of these cabinets be considered, especially as more telecommunication facilities will be located within the public right-of-way. Jurisdictions like the city of Happy Valley allow 17 cf equipment cabinets, as referenced by one of the industry representatives at the August 16 hearing. This representative indicated 17 cf is a reasonable size. Another representative requested cabinets up to 24 cf.

Figure 1 illustrates different sizes of cabinets and their potential visual impacts. A larger cabinet of a reasonable size could balance the needs of the service providers with the need to minimize visual impacts at a pedestrian scale. Allowing two cabinets, as long as the cumulative size does not exceed the maximum size, would not likely result in greater visual impacts than a single cabinet of the same overall size.

Based on the requirements of service providers, regulations used by other jurisdictions, and the comments provided by industry representatives, staff identifies the following options for cabinet sizes:

- 12 cf (no change).
- 17 cf (similar to city of Happy Valley)
- 20 cf (maximum size permitted in the CDC until 2004)
- 21 cf (FCC threshold that triggers environmental assessment)
- 24 cf (requested by some industry representatives)
Figure 1 Comparison of Cabinet Sizes

Staff Recommendation

Staff recommends that the maximum size of pole mounted cabinets in Section 201-2.30 be set at 17 cubic feet, similar to the city of Happy Valley. This would allow a larger size, but limit the visual impact of these cabinets. To clarify this standard, and to be consistent with both existing and new facilities in the right-of-way, staff recommends that this standard also be added to Section 430-109.5. Specific language is shown in Attachment A.
D. **Consistency of language with the Spectrum Act**

Representatives from Verizon and AT&T requested that Section 430-109.3C directly incorporate language from the FCC Order implementing the Spectrum Act to ensure the federal requirements are met. Industry representatives requested the exact language rather than paraphrasing or restating the language. The PC questioned whether the federal language is necessary to make the process easier for the utilities, or more consistent with how other jurisdictions address the Spectrum Act.

**Staff Response**

Staff reviewed regulations of other jurisdictions in Oregon and found that some cities and counties incorporate the exact FCC language while others opt to use their own language or a hybrid of that language. Staff believes the FCC language is too technical and inconsistent with the format of the CDC, and recommends a hybrid approach.

The Spectrum Act requires agencies to provide a simplified process for proposals that are considered “eligible facilities.” To do this, the proposed ordinance shows these types of facilities as exempt from Special Use Section 430-109. The FCC describes “eligible facilities” as those proposed telecommunication facility requests that do not result in a “substantial change.” The FCC details what would be considered a substantial change, but does not specifically define an eligible facility. Staff believes that this could be confusing for users of the CDC. While industry experts are familiar with the federal regulations, staff believes others not versed in the Spectrum Act would find a list of facility types that are exempt more useful than the specific language from the Spectrum Act.

Subsequent to the PC hearing, staff coordinated with industry representatives to develop language that addressed their concerns while maintaining the proposed format. Staff did not agree with referencing the specific FCC code section in the CDC, but otherwise were able to develop language that was acceptable to both sides. Associated revisions to definitions are covered in section D of this report.

**Staff Recommendation**

Staff recommends modifications to Section 430-109.3 as shown in Attachment A.

E. **Changes to the proposed definitions in Section 430.109.2**

The PC requested staff to consider revisions to or addition of several definitions requested by industry representatives. These included a request to replace microcell with small cell, since that is a more common term used by the industry. The industry representatives also asked that the County consider removing repeater and telecom hotel as definitions since they believed they were not used in the CDC. Additionally, industry representatives requested the CDC include the terms and definitions used in the FCC order as part of the County’s regulations.

**Staff Response**

The term microcell was added to the definitions in 2004 to address these smaller low powered antennas. The industry’s terminology has changed, but the definition still appears to
be correct. Since terms used by the industry can be dynamic staff does not recommend changing the term microcell to small cell, but does recommend adding small cell as another type of microcell in the definition. Repeater is referenced in the definition for microcell and is a term used by utilities such as PGE, and telecom hotels are identified as a prohibited use in the Transit Oriented district, therefore these definitions should also remain.

Staff does not believe that all the terms found in the FCC Order implementing the Spectrum Act are needed in the CDC. While the County ordinance has addressed the requirements of the Spectrum Act, they have been incorporated into the CDC’s format and style for consistency. Some terms provided in the FCC Order such as: base station, co-location, existing, site, substantial change, and transmission equipment are not being proposed in the CDC. The definitions of these terms are very specific, technical, and in some cases do not apply to all types of telecommunication facilities in Section 430-109. Based on the changes to Section 430-109.3 recommended above, however, staff believes the definitions for the terms eligible facilities request and eligible support structure are needed.

**Staff Recommendation**

Staff recommends the addition of a definition for eligible facilities request and eligible support structure, and modification to the definition of microcell, in Section 430-109.2, as shown in Attachment A.

**IV. RECOMMENDATION**

Staff recommends that the Planning Commission recommend engrossment of Ordinance No. 826 to the Board of Commissioners with the following proposed changes identified in this report and detailed in Attachment A:

1. Set the maximum cabinet size to 17 cubic feet, and allow this to be accomplished with up to 2 cabinets (Section 201-2.30 and Section 430-109.5).
2. Modify Section 430-109.3 (Exemptions) as shown in Attachment A to be more consistent with FCC language.
3. Modify several definitions in Section 430-109.2 (Telecommunication Facility Definitions) to be more consistent with FCC language.

No other changes are recommended at this time.

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

Attachment A: Language Proposed for Engrossment
Attachment B: Testimony received after August 16 Hearing
2. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where "pole" is defined as a monopole, double pole or lattice utility structure, subject to the following:

B. No more than two (2) associated equipment cabinets not to exceed a total of seventeen (17) cubic feet may be mounted on the pole. The cabinet shall be painted with or constructed of material with a non-reflective neutral color that matches or is similar to that of the pole. All associated ground-mounted equipment shelters located in the right-of-way are subject to the applicable standards of ODOT or Washington County to occupy or perform operations upon the affected roadway; and

29. SECTION 430 – SPECIAL USE STANDARDS

430-109 Telecommunication Facilities

The standards of this Section apply to all telecommunication facilities except as otherwise provided in Sections 201-2 and 430-109.3.

430-109.2 Telecommunication Facility Definitions

Terms and definitions that apply throughout the Community Development Code are found in Section 106. Following are definitions for the terms found in Section 201-2.30 and Section 430-109:

Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving co-location of new transmission equipment or replacement of transmission equipment.

Eligible Support Structure. Any tower or base station, as defined in this Section, lawfully established at the time the Eligible Facility Request.

Microcell (Also known as small cell). A low-power facility used to provide increased capacity to wireless telecommunication demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility (See also "Repeater").
430-109.3 Exemptions

The standards of this Section apply to all wireless telecommunication facilities except as otherwise provided herein. The following are exempt from the standards in this Section:

C. Co-location on lawfully established telecommunication facilities (Eligible Facility Requests) provided that:

(1) For towers outside of the public right-of-way:

   a. The height increase is no more than twenty (20) feet or (ten) 10 percent of the existing tower height, whichever is greater; Antennas cannot protrude into the right-of-way; and

   b. Antennas and appurtenances do not protrude from the edge of an existing tower by more than twenty (20) feet or the width of the tower structure at the base of the tower the level of appurtenance, whichever is greater; and

(2) No expansion to the existing fenced equipment enclosure is required;

   c. If an appurtenance protrudes into the right-of-way, a right-of-way permit shall be obtained.

(2) For other existing support structures (including towers within the public right-of-way):

   a. Antennas on other lawfully established structures do not increase the height of the structure by The height increase is no more than ten (10) feet or ten (10) percent of the existing height, whichever is greater; and

   b. Antennas and appurtenances do not protrude from the body edge of the structure by more than six (6) feet.

(3) The telecommunication facility co-location requires installation of less no more than four (4) new equipment cabinets on the site;

(4) Excavation or deployment is not required outside the current telecommunication facility site;

(5) Design complies with does not defeat concealment elements, if approved with the existing facility; and

(6) Design complies with the conditions of approval associated with the existing facility, unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation or deployment that complies with the requirements in subsection 1 through 47 above.

***
430-109.5 New Telecommunication Facilities in the Public Right-of-Way

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BC. The tower, including any antennas, shall not exceed the maximum height permitted for a
tower as shown in Table A below.

CD. Antennas shall be placed internal to the tower or flush mounted or otherwise installed
using stealth design.

D. No more than two (2) associated equipment cabinets not to exceed a total of seventeen
(17) cubic feet may be mounted on the tower. The cabinet shall be painted with or
constructed of material with a non-reflective neutral color that matches or is similar to that
of the pole. All associated ground-mounted equipment shelters located in the right-of-way
are subject to the applicable standards of ODOT or Washington County.
Good morning Sambo:

To follow up on the Planning Commission meeting last week, we provide the following comments regarding changes needed for consistency with Section 6409, as well as some clarification of this subsection (430-109.3.C).

As you know, AT&T strongly supports Washington County’s adoption of the FCC criteria for substantial change verbatim. Each time language is changed, the likelihood of later issues with interpretation increases. Therefore, if Washington County does choose to adopt modified criteria, we suggest that it also incorporate the FCC rule by reference and state that the FCC language and definitions will control with regard to future interpretations.

We specifically suggest the following:

- Using “Eligible Facilities Requests” in this section. You could insert it after your section header for collocations.
- Deleting “antennas cannot protrude into the right-of-way.” This is not part of the substantial change test, and it is misplaced in the subsection addressing tower heights outside of the right-of-way.
- Clarifying the differences between height and width for towers outside of the right-of-way vs. towers within the right-of-way and base stations.
- Deleting subsection (2), which addresses expansion of fencing. This is not part of the substantial change test, and the issues of site expansion are controlled by the federal definition of “site” and the prohibition on excavation or deployment outside of the current site.
- Revising the cabinet restriction to “no more than four.”
- Revising the standard for concealment to “does not defeat...”. We understand your intent in changing this language was to make the criterion as objective as possible, but new concealment will not necessarily “comply with” old conditions of approval, which may, for example, be specific to only one location on a building. The FCC rule allows the placement of antennas on other locations on the building so long as concealment is not “defeated.” This allows extensions of screening and other design solutions.
- Inserting reference to 47 CFR Sec. 1.40001 for relevant definitions and to control interpretations.

We appreciate your work on this important topic. Please let me know if you have any questions.

Best regards,

Ken Lyons
Senior Vice President – Jurisdiction Relations

Wireless Policy Group LLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesspolicy.com
Hi Sambo,

Further with regard to consistency with the FCC rule, attached is a redline of this subsection, prepared on behalf of Verizon.

In addition to the FCC criteria we have already discussed, this redline shows changes to language that is a local term of art, defined by the Washington County Code (like “telecom facility site”), and replaces it with the federal terms (like “site”).

Please let me know if you would like to discuss these suggested changes.

Thank you!

Meridee Pabst
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425-628-2660 Direct
360-567-5574 Wireless
430-109.3 Exemptions

The standards of this Section apply to all wireless telecommunication facilities except as otherwise provided herein. The following are exempt from the standards in this Section:

A. Telecommunication facilities that are exempt from a development permit under Section 201-2;

B. Reconstruction or replacement of telecommunication facilities lawfully established after November 26, 1992, the effective date of Ordinance No. 402, provided that it:
   (1) Does not increase the height or base diameter of the existing tower or structure as originally approved or constructed;
   (2) Does not expand the existing fenced equipment area around the tower or structure;
   (3) Does not reduce existing landscape buffers unless replaced with vegetation with similar characteristics, plant densities and maturity;
   (4) Does not use colors or lights that make the tower or antenna more visually obtrusive, unless required by either the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA);
   (5) Uses antennas and transmitters that are similar in nature to the antennas and transmitters they are replacing; and
   (6) Does not increase the number of antennas or transmitters.

Reconstruction or replacement of telecommunication facilities, excluding transmitter and antenna replacements pursuant to Section 430-109.3 B., approved before November 26, 1992 is subject to the provisions of Section 440, Nonconforming Uses, and applicable provisions of 430-109 as required by Section 440.

C. Co-location on lawfully established telecommunication facilities (Eligible Facility Requests made under 47 CFR §1.40001), provided that:
   (1) For towers outside of the public right-of-way:
      a. The height increase is no more than twenty (20) feet or (ten) 10 percent of the existing tower height, whichever is greater. Antennas cannot protrude into the right-of-way; and
   (2) No expansion to the existing fenced equipment enclosure is required;
      b. Antennas and appurtenances do not protrude from the edge of an existing tower by more than 20 feet or the width of the tower structure at the base of the tower at the level of appurtenance, whichever is greater.
   (24) For other existing support structures, including towers within the public right-of-way:
      a. Antennas on other lawfully-established structures do not increase the height of the structure by The height increase is no more than ten (10) feet or ten (10) percent of the existing height, whichever is greater.; and
      b. Antennas and appurtenances do not protrude from the body edge of the structure by more than six (6) feet.;
(35) The telecommunication facility co-location requires installation of no more than four (4) new equipment cabinets on the site;

(46) Excavation or deployment is not required outside the current telecommunication facility site;

(57) Design complies with concealment elements, if approved with the existing facility; and

(68) Design complies with the conditions of approval associated with the existing facility, unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation or deployment that complies with the requirements in subsection 1 through 47 above.

This subsection C shall be interpreted with reference to 47 CFR §1.40001 and the definitions therein. The provisions of 47 CFR §1.40001 shall control in the event of any conflict with this subsection C.

D. The following telecommunication facilities that are regulated by the Federal Communications Commission (FCC) pursuant to the Code of Federal Regulations:

   (1) Industrial, scientific, and medical equipment;

   (2) Military and government radar antennas and associated communication and broadcast towers used for aviation services; and

   (3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication and broadcast towers.

E. A telecommunication facility as a temporary use - Section 430-135.1 H.;

F. Temporary telecommunication facilities used solely for emergency communications by essential public communication service providers in the event of a natural disaster, emergency preparedness or for public health or safety purposes;

G. Antennas to provide enhanced 911 (i.e., E911) network coverage when required by the FCC, subject to the following:

   (1) E911 antennas shall not increase existing facility height and shall be painted or otherwise constructed of materials with the same or similar color as the tower; and

   (2) Accessory equipment and related equipment are either located completely within the existing structure (e.g., tower, building or other structure), or are located within an existing fenced site. In the case of a tower that includes stealth design, E911 antennas shall also incorporate stealth design.

Existing 911 antennas may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing 911 antennas to the E911 antennas.
To: Washington County Planning Commission
From: Andy Back, Manager
Planning and Development Services
Subject: PROPOSED LAND USE ORDINANCE NO. 827 - An Ordinance Amending the Community Development Code Related to Parking and Loading Standards

STAFF REPORT

For the September 6, 2017 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the second public hearing; recommend approval of Ordinance No. 827 to the Board of Commissioners (Board), including amendments as proposed on Page 10 of this report.

II. OVERVIEW

Ordinance No. 827 proposes amendments to the Community Development Code (CDC) to update the County’s parking and loading standards. The amendments reduce minimum parking ratios for future development or redevelopment to better reflect prevailing demand, and are founded on local parking analyses, available research, and consistency with local and regional jurisdictions. The amendments also expand upon allowed reductions and increase flexibility of existing off-street supply in commercial and mixed-use areas where transit service and a pedestrian-supportive environment may result in a reduction of automobile trips.

Ordinance No. 827 also enhances the viability of affordable housing developments by decreasing the costs necessary to build parking facilities, based on recent utilization studies that indicate reduced demand at these residential properties in Washington County.

The Planning Commission (PC) conducted its first hearing for Ordinance No. 827 August 16, 2017. This report addresses comments made by the PC at that hearing.
III. BACKGROUND

At its August 16, 2017 hearing, the PC took testimony from Ms. Mary Manseau, who owns property in Bethany. The PC requested additional information in consideration of seven potential engrossments and continued the hearing to September 6. The potential engrossments are discussed in the Analysis section of this report.

**Ordinance Notification**

Ordinance No. 827 and an accompanying summary were mailed July 21, 2017 to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published July 28, 2017 in *The Oregonian* newspaper. Individual Notice 2017-07 describing proposed Ordinance No. 827 was mailed July 21, 2017 to 327 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

IV. ANALYSIS

At the August 16, 2017 public hearing on this ordinance, the PC requested additional information and consideration on the following seven issues and/or potential engrossments:

1. Consider revising the CDC section related to allowed uses for residential off-street parking spaces so that it applies only to **required** off-street parking (CDC Section 413-2.2).

2. Remove the provision in the filed ordinance that may restrict the renting or leasing of parking spaces (Section 413-2.4).

3. Add clarifying language that makes auto and RV sales parking/storage areas exempt from the pedestrian access provisions of the filed ordinance (Section 413-3.5).

4. Consider retaining the current minimum parking ratio for attached residential uses with 3 or more bedrooms of 1.75 per dwelling unit (Section 413-6.1 A).

5. Consider revising the filed ordinance so that regulated affordable housing is defined as housing affordable to households at or below 80 percent MFI rather than 60 percent MFI, and clarifying that this is for the Portland-Vancouver Metropolitan Statistical Area (MSA) (Section 413-6.2 B).

6. Consider capping the amount of parking reduction that can be granted for affordable housing developments.

7. Consider implications of granting a reduction in required off-street parking based on the availability of on-street parking (Section 413-8.5).
Following is a discussion of these topics and options for potential ordinance amendments.

1. **Consider revising the section related to allowed uses for residential off-street parking spaces so that it applies only to required off-street parking (CDC Section 413-2.2).**

   Ms. Manseau, in her testimony on Ordinance 827, offered the following proposed amendment to add the word “required” to CDC Section 413-2.2:

   “Required off-street parking for a residential use shall be used solely for:
   
   A. The storage of passenger vehicles owned by occupants of the dwelling structure or their guests;
   B. One (1) unoccupied travel or utility trailer, or recreation vehicle;
   C. One (1) boat; and
   D. Farm equipment used in conjunction with farming on the premises.”

   PC members discussed the proposed amendment and asked staff to follow up with code enforcement staff to determine potential implications of the proposal.

   **Staff Response**

   Based on discussion with code enforcement staff, planning staff has the concern that this change may make it more challenging to enforce the intent of this provision of limiting the number of vehicles on a residential lot. Currently, Section 413-2.2 as filed in the ordinance applies to all outdoor off-street parking for a residential use. Each residential land use district has a standard in place that prohibits the parking of five (5) or more operable vehicles on a single parcel for more than 48 hours. Therefore, Section 413-2.2 limits the combination of up to four vehicles to passenger vehicles, one travel or utility trailer, one boat, and farm equipment used in conjunction with farming on the premises. Required off-street parking in Section 413 refers to the minimum number of off-street parking spaces required at a ratio listed in Table 1 of Section 413-6 of the filed ordinance. By adding “required” to CDC Section 413-2.2 of the filed ordinance a property owner could potentially park up to four utility trailers or boats in spaces in excess of those required by Section 413-6, which is one for a detached dwelling. This seems inconsistent with the intent of the residential district.

   **Staff Recommendation**

   Based on the potential challenges the proposed amendment could present in achieving the intent of this provision, staff does not support adding “required” to Section 413-2.2.

   Should the PC wish to recommend this change, it would add the word “required” to CDC Section 413-2.2 as noted above.

2. **Remove the provision in the ordinance that may restrict the renting or leasing of parking spaces (Section 413-2.4).**

   Ms. Manseau in her testimony on Ordinance 827 offered this amendment. PC members discussed the proposed amendment and asked staff to follow up with code enforcement staff to determine potential implications of the proposal.
**Staff Response**

Code enforcement staff did not recollect having an enforcement action relating to this provision. However, code enforcement staff did raise the point that this provision does ensure that the required parking is available to residents, guests, customers, patrons and employees. Staff agrees with Ms. Manseau that some changes may be warranted that provide some clarity and consistency with the new provisions proposed as part of Section 413-8.4 and shared parking agreements. This provision does not limit a property owner from leasing parking spaces that are in excess of the required parking as indicated in 413-6.1 of the filed ordinance.

**Staff Recommendation**

Staff support removing the provision that restricts renting or leasing required off-street parking in Section 413-2.4 in the filed ordinance, as follows:

**Potential Engrossment language**

413-2.4 Required parking spaces shall be available for the parking of operable automobiles of residents, guests, customers, patrons, and employees, or any other person or organization only and shall not be subject to a contractual agreement to rented, leased or otherwise be assigned to any other person or organization as, except as may be permitted under Section 413-8.4. No parking of vehicles, trucks or other equipment on wheels or tracks that are not associated with the legal use of the premises shall be permitted on the required parking areas.

3. **Add clarifying language that makes auto and RV sales parking/storage areas exempt from the pedestrian access provisions of the ordinance (Section 413-3.5).**

Proposed Section 413-3.5 reduces the minimum number of vehicle spaces necessary to trigger the requirement for building a separate walkway within off-street parking lots from 100 spaces to 50 spaces, in order to facilitate safe pedestrian access and circulation. PC members raised concern that Section 413-3.5 could apply to auto and RV sales parking/storage lots, areas that generally don’t have a lot of vehicular circulation and therefore the need for separating pedestrians and vehicles is minimal. There was also a question about the design requirements for pedestrian walkways.

**Staff Response**

Staff concurs with PC members that this provision should be targeted to parking lots anticipated to have greater conflicting vehicle and pedestrian circulation patterns. Parking lots that serve residents, customers or employees are more likely needed to accommodate safe pedestrian circulation. Also, as noted at the hearing, the overarching provision that dictates development standards related to pedestrian access and internal pedestrian circulation is Section 408. Therefore, it makes sense to provide a cross-reference to Section 408-10 (Internal Pedestrian Circulation). Section 408-10.3 specifies the design requirements for internal pedestrian circulation.
Staff Recommendation

Engross Ordinance No. 827 to clarify that Section 413-3.5 only applies to parking lots for customers, residents or employees and provide a cross-reference to Section 408-10, as follows:

Potential Engrossment language

413-3.5 Pedestrian Access:

In parking lots for customers, residents or employees of fifty (50) or more spaces and (2) or more rows of parking stalls, separate internal pedestrian connections pedestrian walkways shall be provided encouraged consistent with 408-10 to minimize vehicular-pedestrian conflicts, and allow safe pedestrian movement within the lot.

408-10.1 Number of Pedestrian Connections

A. All developments with 50 or more parking spaces or that generate fourteen (14) or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. These requirements do not apply to single family or duplex residential development.

4. Consider retaining the current minimum parking ratio for attached residential uses with three or more bedrooms of 1.75 per dwelling unit (new Section 413-6.1 A).

The filed ordinance proposes to change the current requirement of 1.75 spaces per attached dwelling unit for residential uses with three or more bedrooms to 1.5 spaces – the same as that for units with two or more bedrooms. This change would make 1.5 spaces per dwelling unit the new high end of the range. Commissioner Enloe suggested maintaining the current minimum off-street parking requirement for attached dwelling units with three or more bedrooms at 1.75 spaces per dwelling unit.

Staff Response

The Rightsizing the Parking Code study, as described in Long Range Planning Issue Paper No. 2017-04: Rightsizing the Parking Code examined 12 multifamily developments encompassing a total of 1,290 units (findings are described in more detail in supplemental Technical Memo #6 included as Appendix B in Issue Paper No. 2017-04). The developments included a combination of studio, one bedroom, two bedroom and three bedroom units. The average utilization rate was 75-78 percent during the peak period (2 a.m. to 4 a.m.). Parking occupancy rate of 85 percent is the industry standard for residential parking. As such, a 15 percent buffer was added to the demand ratio to ensure enough parking is available during peak time periods. The average parking demand ratio (with a 15 percent buffer) within the
residential zones was found to be 1.35 stalls per unit, or 1.31 for apartments and 1.52 for condominiums.

**Staff Recommendation**

*Based on these findings staff believes that a minimum of 1.5 parking spaces per attached dwelling unit with two or more bedrooms can accommodate the observed parking demand of an average multifamily development. Therefore, staff does not recommend this possible change.*

Should the PC wish to recommend this change, it would entail retaining the language in new section 413-6.1A.(2)(3) (which would become c).

5. **Consider revising the filed ordinance so that regulated affordable housing is defined as housing affordable to households at or below 80 percent MFI rather than 60 percent MFI, and clarifying that this is for the Portland-Vancouver Metropolitan Statistical Area (MSA)(Section 413-6.2 B).**

Ordinance No. 827 introduces new minimum parking standards for “regulated affordable housing.” The following is the proposed definition of regulated affordable housing, as stated in CDC Section 413-6.2 of the proposed ordinance:

> ....Regulated affordable housing shall be defined as housing that is made affordable through public subsidies and/or statutory regulations that restrict or limit resident income levels and/or rents. To be considered regulated affordable housing, units must:

A. Have a local, state, or federal compliance agreement or contract;

B. Be affordable to households at or below sixty (60) percent Median Family Income as defined annually by Housing and Urban Development (HUD); and

C. Remain regulated affordable housing units for a minimum of twenty (20) years from the date of occupancy.

Commissioner Petrillo suggested revising the definition of regulated affordable housing so as to apply to households at or below 80 percent MFI. The justification was that this provision could apply to a broader market of affordable housing. He also suggested adding the clarification that this was the MFI for the Portland-Vancouver Metropolitan Statistical Area (MSA).

**Staff Response**

According to Washington County housing data assessed by the Department of Housing Services and the Office of Community Development the greatest need for housing is for households with earnings below 60 percent MFI. LUT housing staff raised the point that in order to meet criteria (A) of proposed Section 413-6.2 nearly all regulated affordable housing developments will be affordable to households at or below 60 percent MFI. Housing affordable to households at 80 percent MFI is typically not eligible for state and federal
affordable housing funding programs that require ongoing compliance agreements. The 60 percent MFI standard is also supported by recent legislation (SB 1051), which defines affordable housing as “housing affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built, or the state, whichever is greater.”

HUD MFI standards are updated and published annually with breakdowns for household size. Most sources of state and federal affordable housing funding use HUD MFI standards to determine eligibility for state and federal housing funding programs, and HUD MFI standards are used in compliance agreements between funders and housing providers. Affordable housing developers and providers have asked that County policies use the same standards as their existing compliance agreements whenever possible, to reduce administrative burden.

Commissioner Petrillo’s suggested clarifying term “for the Portland-Vancouver Metropolitan Statistical Area (MSA)” after “as defined annually by Housing and Urban Development (HUD)” is supported by staff.

**Staff Recommendation**

*Staff does not recommend changing the proposed definition of regulated affordable housing, but does recommend engrossment to add the clarifying term that the HUD MFI is for the Portland-Vancouver Metropolitan Statistical Area (MSA). Recommended language is as follows:*

**Potential Engrossment**

CDC Section 413-6.2 of the filed ordinance:

….Regulated affordable housing shall be defined as housing that is made affordable through public subsidies and/or statutory regulations that restrict or limit resident income levels and/or rents. To be considered regulated affordable housing, units must:

A. Have a local, state, or federal compliance agreement or contract;

B. Be affordable to households at or below sixty (60) percent Median Family Income as defined annually by Housing and Urban Development (HUD) for the Portland-Vancouver Metropolitan Statistical Area (MSA); and

C. Remain regulated affordable housing units for a minimum of twenty (20) years from the date of occupancy.

6. **Consider capping the amount of parking reductions that can be granted for affordable housing developments.**

The issue of potential parking scarcity at regulated affordable housing developments was raised in the staff report for the August 16 PC meeting. This could potentially occur if developers exercise the full allowance of reductions in the proposed CDC amendments (up to 50 percent reduction, which could result in a minimum ratio of .375 spaces per unit). Planning Commission members discussed two options for further consideration:
a. Not allowing regulated affordable housing to take any reductions to required off-street parking as 0.75 spaces per dwelling unit is lower than other housing types; and

b. Adding a provision to cap the reductions available to regulated affordable housing projects so as to result in an effective minimum ratio of 0.5 spaces per unit (Option C presented in the staff report for the August 16 meeting).

**Staff Response**

Ordinance No. 827 introduces new minimum parking standards for “regulated affordable housing” at a ratio of 0.75 spaces per dwelling unit, lower than the 1.0-1.5 spaces per unit for all other residential development. As noted in the staff report for the August 16 meeting, the Coalition of Housing Advocates suggested “parking ratios from 0.5 to 0.75 (spaces) per unit is sufficient.” This is supported by findings from Kittelson and Associates parking occupancy studies that showed average peak demand ranged from 0.67-0.7 spaces per unit at six affordable housing developments in the Portland metro region between 2012 and 2017. Based on the allowed cumulative reduction of required minimum off-street spaces of up to 50 percent as proposed in Section 413-8, this would permit an absolute minimum ratio of .375 spaces per dwelling unit. This is well below the ratios supported by the parking utilization studies, which indicate that an absolute minimum ratio of 0.5 spaces per dwelling unit would be more appropriate.

As filed, Ordinance 827 could allow a market rate development to achieve an effective minimum ratio of 0.5 parking spaces per unit after all allowable context-based reductions. Staff maintains that the provisions found in 413-8 Reductions of Minimum Off-Street Parking should apply equally to affordable housing and market rate projects. This means that the effective minimum ratio after all allowable context-based reductions are applied for residential units regardless of affordable or market rate should be 0.5 spaces per unit. By not allowing regulated affordable housing to take any reductions to required off-street parking could put them at a disadvantage. However, as noted to allow affordable housing developments to go below 0.5 is inconsistent with currently supported data. The exception to this rule is if otherwise demonstrated through a parking analysis allowed under Section 413-8.6. In order to achieve an effective ratio of 0.5 spaces per unit staff proposed and the Planning Commission members generally supported a provision to cap the reductions available to regulated affordable housing projects.

**Staff Recommendation**

Maintain the ability of regulated affordable housing projects to take advantage of provisions found in 413-8 Reductions of Minimum Off-Street Parking. However, staff recommends engrossing Ordinance No. 827 to cap the reductions available to all residential, including affordable and market rate housing, so that the effective ratio does not fall below 0.5 spaces per unit. As noted above, the market rate effective ratio with all context-based reductions could only achieve 0.5 spaces per unit. Staff believes the wording in the engrossment would be more universal and offer more clarity by stating “residential development” rather than “regulated affordable housing development” which could
confuse the reader and suggest the effective ratio for market rate developments could be lower. Potential engrossment language is as follows:

Potential Engrossment

413-8 Reduction of Minimum Off-Street Parking

The minimum number of off-street parking spaces required by Section 413-6.1 may be reduced through the application of Sections 413-8.1 through 413-8.5. The total cumulative reduction to minimum off-street parking for non-residential developments shall not exceed fifty (50) percent of the required minimum spaces, except as allowed by Section 413-8.6. The total cumulative reduction to minimum off-street parking for residential developments shall not result in a ratio below 0.5 spaces per unit, except as allowed by Section 413-8.6.

7. Consider implications of granting a reduction in required off-street parking based on the availability of on-street parking (Section 413-8.5)

Section 413-8.5 introduces the option to reduce the minimum number of off-street parking spaces required in Section 413-6 for non-residential uses, if it can be demonstrated that on-street parking is available along the frontage of the site, and that the parking consists of delineated parallel or angled spaces in accordance with the Washington County Road Design and Construction Standards. Minimum off-street parking can be reduced by 1 space for every 2 available on-street spaces. Planning Commission members raised the following concerns about allowing a reduction in required off-street parking based on the availability of on-street parking:

A. On-street parking can be used by anyone and is not dedicated to a specific property or use; and
B. This may create an expectation that the on-street parking will be available in perpetuity and may potentially impact the marketability of the affected property if on-street parking is ever removed.

Staff Response

The Rightsizing the Parking Code study, as described in Long Range Planning Issue Paper No. 2017-04: Rightsizing the Parking Code described how some jurisdictions allow property owners to credit on-street parking spaces toward the amount of parking required for their properties. The key objective stated by those communities is to reduce development costs and promote more efficient use of valuable land. Furthermore, Oregon’s Transportation Planning Rule explicitly sanctions this concept (see OAR 660-012-0045(5)(c)).

Pursuant to County Road Design Standards, with few exceptions, on-street parking is prohibited on all collectors and arterials. The few properties to which this standard could apply where the potential exists for removal due to a major road project may have up to six or eight on-street delineated spaces, which would allow a reduction of up to three to four off-street spaces. Where this standard would be more applicable is along lower classification
streets like Neighborhood Routes and Local Streets, further reducing the likelihood for future removal of existing on-street parking spaces due to major capital projects. Existing standards also restrict on-street parking within close proximity to intersections to protect sight distance and potential intersection improvements.

**Staff Recommendation**

*Maintain the reduction in required off-street parking based on the availability of on-street parking proposed by CDC Section 413-8.5 as proposed in the filed ordinance.*

Should the PC wish to recommend this change, it would entail deleting the language in new Section 413-8.5.

**Summary of Discussion**

This staff report provides additional information and analysis on the questions and concerns raised by the Planning Commission at the August 16 meeting. Should the Planning Commission wish to recommend engrossment of the filed ordinance to address any of these issues, staff developed specific CDC language that could be considered by the Board of Commissioners.

Following is a summary of the engrossments recommended by staff and presented in the report, for consideration by the Planning Commission:

- Remove the provision that restricts renting or leasing required off-street parking so as to be consistent with the proposed shared parking provisions.
- Clarify that Section 413-3.5 of the filed ordinance only applies to parking lots for customers, residents or employees and provide a cross-reference to Section 408-10.
- Add clarification that the HUD MFI is for the *Portland-Vancouver Metropolitan Statistical Area (MSA).*
- Cap the minimum parking reductions available to residential developments so as to achieve an effective minimum ratio of 0.5 spaces per unit.
August 29, 2017

To: Washington County Planning Commission

From: Andy Back, Manager, Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 828 - An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Community Development Code Relating to Housekeeping Changes and General Updates

STAFF REPORT

For the September 6, 2017 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 828 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 828 is a general housekeeping ordinance that proposes minor updates, corrections and revisions to Washington County’s Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Community Development Code.

III. BACKGROUND

Each year, staff addresses limited changes to elements of the Washington County Comprehensive Plan through a housekeeping/general update ordinance. The minor changes proposed in Ordinance No. 828 are intended to improve efficiency and operation of the Plan elements identified above. The Board authorized this ordinance in the 2017 Long Range Planning Work Program.
Ordinance Notification

Ordinance No. 828 and an accompanying summary were mailed August 9, 2017, to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published August 18, 2017, in *The Oregonian* newspaper. Individual Notice 2017-09 describing proposed Ordinance No. 828 was mailed August 9, 2017, to 327 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

IV. ANALYSIS

Ordinance No. 828 proposes the following minor amendments to elements of the Comprehensive Plan:

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<th>Plan Document</th>
<th>Amendment Proposed</th>
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<tr>
<td>Rural/Natural Resource Plan</td>
<td>- Updates references to “Committee for Citizen Involvement (CCI)” with “Committee for Community Involvement” and “Citizen Participation Organization with “Community Participation Organization (CPO)””;</td>
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<td>- References to “Board of County Commissioners” or “Washington County Board of County Commissioners” are replaced with the preferred term, “Board of Commissioners”; and</td>
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<td>- Adds clarifying text regarding the County’s Community Engagement Program created in 2016.</td>
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<td>Comprehensive Framework Plan for the Urban Area</td>
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In November 2016, the CCI submitted a letter requesting several tasks be considered for inclusion in the 2017 Long Range Planning Work Program. One request was to update all “Citizen Participation Organization(s)” and “Committee for Citizen Involvement” references in the Washington County Comprehensive Plan, to replace the term “citizen” with “community.”
The CCI’s letter indicated they had implemented the name change since July 2016, based on suggestions in the *Community Participation in Washington County Transition Planning Process, Final Report to the Board of County Commissioners* document released to the Board in January 2016.

Through adoption of Ordinance No. 828, the Board is acknowledging this name change.

New text relative to the transition of the CPO program from the Oregon State University Extension Office to the County is inserted in Policy 2 of the RNRP and the CFP to preserve historical accuracy and clarification for the change in the CPO/CCI reference.

**Only references to the County CPO and CCI program are proposed to be amended. All historical information regarding the County’s creation and development of its public involvement program over time remains intact within the Comprehensive Plan elements.**

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<tbody>
<tr>
<td><strong>Community Development Code Sections</strong></td>
<td>Changes references to Washington County public involvement committees as shown above.</td>
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</table>
| *107 - Planning Participants*  
  o 107-5 Land Use Ordinance Notices  
  o 107-6 Committee for Citizen Involvement (CCI)  
  o 107-7 Citizen Participation Organization (CPO) | |
| *204 – Notice of Type I, II or III Development Actions*  
  o 204-3 Type II Actions | |
| *205 – Public Hearings*  
  o 205-3 Parties | |
| *217 – Director’s Interpretation*  
  o 217-3 Procedure | |

<table>
<thead>
<tr>
<th>Plan Document</th>
<th>Amendment Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <strong>201 – Development Permit</strong></td>
<td>Adds a cross reference to Oregon Revised Statutes Chapter 198 (ORS 198, Special Districts Generally) which discusses various terms and regulations pertaining to special service districts. Staff refers to these criteria when processing special service district annexation applications.</td>
</tr>
<tr>
<td>o 201-2 Exclusions from Development Permit Requirement</td>
<td></td>
</tr>
<tr>
<td>• <strong>203 – Processing Type I, II and II Development Actions</strong></td>
<td>CPO and CCI references are amended to reflect changes as shown above.</td>
</tr>
<tr>
<td>o 203-3 Neighborhood Meeting</td>
<td>Additionally, Current Planning staff suggested minor changes to the <em>Intent and Purpose</em> description in Section 203-3.1, to more closely match text in the ‘Mandatory Neighborhood Meeting and Mailing Requirements’ packet (Meeting Purpose and Meeting Goals).</td>
</tr>
<tr>
<td></td>
<td>Applicants receive this packet from Current Planning staff when Section 203-3.2 requires the applicant to hold a neighborhood meeting based upon the type of development application being pursued.</td>
</tr>
<tr>
<td></td>
<td><strong>There are no changes to Neighborhood Meeting requirements and/or standards.</strong></td>
</tr>
<tr>
<td>• <strong>356 – Land Extensive Industrial District (MAE)</strong></td>
<td>This is a simple correction of a transposed cross-reference number. The text as shown points to a nonexistent CDC section.</td>
</tr>
<tr>
<td>o 356-4 Uses Which May be Permitted Through a Type III Procedure</td>
<td></td>
</tr>
<tr>
<td>• <strong>379 – Mineral and Aggregate Overlay District</strong></td>
<td>In Sections 379 and 427, references to Section 215 “Enforcement” are changed to its correct title of “Code Compliance.”</td>
</tr>
<tr>
<td>o 379-15 Review and Enforcement</td>
<td></td>
</tr>
<tr>
<td>• <strong>427 – Solar Access Standards</strong></td>
<td>The description of a dimensional standard is corrected; a newer version of its corresponding illustration is provided.</td>
</tr>
<tr>
<td>o 427-5 Solar Access Permit</td>
<td><strong>No changes to standards or requirements are proposed.</strong></td>
</tr>
<tr>
<td>• <strong>418 – Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>o 418-4 Fences and Retaining Walls</td>
<td></td>
</tr>
<tr>
<td>Plan Document</td>
<td>Amendment Proposed</td>
</tr>
<tr>
<td>---------------</td>
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</tbody>
</table>
| • **421 – Flood Plain and Drainage Hazard Area Development**  
  o 421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards | Current Planning staff requested the U.S. Army Corps of Engineers map series (which was removed through Ordinance No. 788 in 2014) be restored in Section 421. This section regulates development in 100-year flood plains and 25-year flood plains (Drainage Hazard Areas or DHAs).  
In 2016, Section 421 was further amended through A-Engrossed Ordinance No. 811 which addressed new Federal Emergency Management Agency (FEMA) flood plain development requirements and County Flood Insurance Rate Maps (FIRMs). After adoption of the new requirements, staff found that the FEMA maps did not include all needed information documenting Drainage Hazard Areas in Washington County.  
This important series of Army Corps maps, specifically the 1974 iteration, defines and documents the locations of upland streams and tributaries in Washington County and may be used to determine whether a site is impacted by a 25-year flood plain and subject to DHA requirements.  
Although there are FEMA maps available, many of the FEMA maps do not document the streams subject to 25-year floods.  
The Army Corps maps remain a relevant, historic information source for staff and the public, and such references needs to be retained in the Code as a source of information not available in FEMA documentation. |
| • **430 – Special Use Standards**  
  o 430-37 Detached Dwelling Unit | A cross reference in Section 430-37.2 is corrected to refer to the accurate sections in the Exclusive Farm Use District (EFU) 340-4.1 A. and Agricultural and Forest District (AF-20) 344-4.1 A. Uses Permitted Through a Type II Procedure. |
To: Washington County Planning Commission

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 829 - An Ordinance Amending the Washington County - Hillsboro Urban Planning Area Agreement

STAFF REPORT

For the September 6, 2017 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 829 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 829 proposes to amend the 2004 Washington County - Hillsboro Urban Planning Area Agreement (UPAA), an element of the County Comprehensive Plan. The proposed update includes adding policies and processes for coordinating concept planning in the Urban Reserves within Hillsboro’s area of interest, updated policies for coordinating development review within unincorporated areas in Hillsboro’s Urban Planning Area and minor changes to the process for comprehensive planning in the Urban Planning Area. The Urban Planning Area map is revised to reflect Hillsboro’s Urban Reserve Area, a new Urban Planning Area C, changes to the Urban Planning Area and annexations since the last update.

Authorization for this ordinance was granted by the Board as part of the 2017 Long Range Planning Work Program, adopted April 4, 2017.
III.  BACKGROUND

State law allows local governments to enter into agreements that outline and acknowledge the responsibilities for coordinating comprehensive planning activities within the Regional Urban Growth Boundary (UGB). Additionally, Statewide Planning Goal #2 (Land Use Planning) requires that governmental plans related to land use must be consistent with adopted County and city comprehensive plans and regional plans.

In 1983, Washington County entered into individual UPAAs with cities within the UGB. These described their site-specific urban planning areas and policies for coordinating comprehensive planning and development within these planning areas in compliance with statewide planning goals and laws. The adopted individual UPAAs with the cities are included as elements of the County Comprehensive Plan. Over time, amendments have been made to some of the UPAAs in order to expand or modify a city’s planning area boundary and provide updates to regional comprehensive planning policies.

The Washington County - Hillsboro UPAA was originally adopted in 1983 and updates occurred in 1986, 1988, and 1998. The last amendment to the Washington County - Hillsboro UPAA was adopted via A-Engrossed Ordinance No. 613 in 2004 and signed into effect in 2006. The purpose of the last amendment was to make the UPAA provisions and urban planning area map consistent with the 2003 Hillsboro Urban Service Agreement (HUSA). The HUSA identified the long-term service providers of the various services in order to comply with the provisions of Oregon Revised Statutes ORS 195, generally referred to as Senate Bill 122. The 2004 UPAA revised the boundary of the Hillsboro Urban Planning Area to be identical to the Hillsboro Urban Service Area boundary as shown in Attachment A of this staff report, the “2004 Hillsboro Urban Planning Area” map.

Both the 2004 UPAA text and map identified distinct unincorporated areas that Hillsboro had interest in: Active Planning Area (Urban Area A) and Area of Interest (Urban Area B), each with special provisions described in the UPAA. Urban Area A includes small, unincorporated areas that are within, or directly adjacent to the city boundary. Urban Area B encompasses the remaining unincorporated areas along the eastern boundary of Hillsboro that correspond to the 2003 HUSA boundary. Urban Area B parcels include portions of the Rock Creek and Reedville communities. General provisions regarding the future transfer of County services to the city and future annexations into the city were included with the 2004 UPAA.

Changes Since 2004
With House Bill 4078-A in 2014 and House Bill in 2047 in 2015, the Oregon legislature validated and acknowledged the Metro-led process for developing the Urban and Rural Reserves. With this ‘Grand Bargain,’ the legislature summarily approved adding approximately 1400 acres to the UGB near Hillsboro’s area of interest, including:

- 330 acres in the northwest area of Hillsboro, called “Jackson East”
- 1063 acres southeast of Hillsboro, known as “South Hillsboro.”
Hillsboro completed master planning for South Hillsboro in 2014, primarily for mixed and residential uses, with approximately 700 acres annexed into the city thus far. This year, the city began master planning for Jackson East, predominately for industrial and limited commercial use.

The legislature also designated and confirmed approximately 1418 acres of Urban Reserve land within the unincorporated areas surrounding Hillsboro, 469 acres north of Hwy 26 and 948 acres southwest of Hillsboro. Title 11 of Metro’s Urban Growth Management Functional Plan (UGMFP) identifies the planning responsibilities and guiding policies and requirements for the Urban Reserve areas as they transition from rural to urban uses.

Attachment B of this staff report, the “2017 Urban Planning Area” map depicts the UGB, Urban Planning Areas A, B, and C and Urban Reserve areas described above.

**Ordinance Notification**

Ordinance No. 829 and an accompanying summary were mailed August 9, 2017 to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published August 18, 2017 in *The Oregonian* newspaper. Individual Notice 2017-10 describing proposed Ordinance No. 829 was mailed August 9, 2017 to 328 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

**IV. ANALYSIS**

County staff worked with Hillsboro staff to craft amendments to the UPAA to address the variety of factors that have changed since 2004. Because the UPAA was last updated prior to the Urban and Rural Reserve land designation process, amendments are necessary to address concept planning within the Urban Reserves surrounding Hillsboro in compliance with the planning requirements of UGMFP, Title 11. In addition, with the passage of HB 4078-A in 2014, certain unincorporated areas near Hillsboro’s area of interest were added directly into the UGB making it necessary to update the current UPAA and map in order to clarify the planning and coordination responsibility for those unincorporated areas.

The 2004 Washington County-Hillsboro UPAA did not identify the concept planning responsibilities or likely urban service providers for coordinating concept planning in the Urban Reserve areas described above. The 2017 UPAA proposes a new Section III (Concept Planning for Urban Reserve Areas) that describes and defines the Urban Reserve lands, outlines the planning responsibility for concept planning and includes a description of the general expectations of the concept plan to fully comply with UGMFP, Title 11.

The County has an interest in assuring that the planning for the unincorporated area meets the expectations for road funding, access management, any potential jurisdictional transfer of roadways and appropriate serviceability to the area in compliance with Title 11. Thus, the 2017 UPAA amendment provides the opportunity to clearly identify and coordinate planning
responsibilities and a process that will guide the concept planning expectations for the Urban Reserve area in a timely manner. The Urban Reserve areas adjacent to the existing city boundary are clearly within Hillsboro’s area of interest, and the city is responsible for coordinating with the County to concept plan these areas. These “Urban Reserve Planning Areas” are identified on Exhibit A of the proposed UPAA.

Both Hillsboro and Beaverton have expressed an interest in ultimately governing certain other Urban Reserve lands that are not directly adjacent to Hillsboro. Since more than one city has an interest in assuming planning responsibility for this Urban Reserve area, and no agreement has been reached that would designate planning responsibility to one city over another, this area is described in the UPAA and on Exhibit A, as “Urban Reserve - Planning Responsibility Undefined.” This area is not included within the Urban Planning Area for any city at this time.

Areas added to the UGB since 2004, including the areas added with the passage of HB 4078-A, are identified in the UPAA as a new “Urban Planning Area C.” The UPAA provisions for this new Urban Planning Area C focus on the County’s interest in assuring that the planning addresses road funding, access management, potential jurisdictional transfer of roadways and how the area will receive services, in compliance with Title 11. Urban Planning Areas A and B have already been planned and urban land use designations are in place, therefore the addition of a new Urban Planning Area C is necessary.

The proposed UPAA also adds improved coordination measures for County development applications requiring notice within Urban Planning Area C. Such coordination provides the city with an opportunity to make recommendations, address potential serviceability issues, and consider any foreseeable conflicts when a development application within Urban Planning Area C is submitted to the County.

Other updates include removing outdated provisions concerning notice and coordination requirements in the comprehensive planning process, providing more flexibility in the timing of amendments to the current UPAA, and adding a provision concerning the city’s interest in eventually urbanizing undesignated lands outside of the city’s Urban Planning Area. Annexations since 2004, including parcels in South Hillsboro, are shown as additional changes to the map in Exhibit A.
Summary of Proposed Changes

Ordinance No. 829 proposes to amend the 2004 Washington County - Hillsboro Urban Planning Area Agreement, an element of the County Comprehensive Plan.

Key provisions:

- Changes to the processes and policies for coordinating comprehensive planning in the Urban Planning Area and improved notification policies for development review
- A new Section III (Concept Planning for the Urban Reserve Areas) of the UPAA that includes a process for coordinating concept planning in the Urban Reserve Area
- Deletion of Exhibit A, of the 2004 UPAA, the Hillsboro Urban Planning Area map and replacement with a new Exhibit A reflecting the addition of the ‘Urban Reserve Planning Area,’ ‘Urban Planning Area C,’ the ‘Urban Reserve - Planning Responsibility Undefined,’ and recent city annexations

List of Attachments

The following attachments identified in this staff report are provided:

Attachment A: 2004 Hillsboro Urban Planning Area map
Attachment B: 2017 Proposed Hillsboro Urban Planning Area map
Attachment B, 2017 Proposed Urban Planning Area Map