August 10, 2011

To: Washington County Planning Commission

From: Brent Curtis, Planning Manager

Department of Land Use & Transportation

Subject: PROPOSED LAND USE ORDINANCE NO. 739

STAFF REPORT

For the August 17, 2011 Planning Commission Hearing
(The public hearing will begin no sooner than 7:30 PM)

I. STAFF RECOMMENDATION

Conduct the public hearing on Ordinance No. 739. Take public testimony, provide recommendations to the Washington County Board of Commissioners (Board) about issues not subject to testimony, and continue the hearing for the remaining issues until August 31, 2011, for the final recommendation to the Board.

II. OVERVIEW

At the August 3rd public hearing, the Planning Commission (Commission) took public testimony. The Commission requested that staff provide additional information on several issues for the Commission’s consideration at the August 17th hearing. Information on these issues is provided below. Additional information about some of the issues, including urban/rural compatibility, will be provided via an Addendum Staff Report that will be forwarded to the Commission on August 15, 2011.

Main Street Program Guide
At the August 3rd hearing, Chair San Soucie and Commissioner Manseau asked how the public would be involved in the development of the Urban Design Plan that will implement the Main Street Program Guide. Staff responded that the public was intended to be involved during the development of this plan. Staff said it would review the text of the Main Street Program Guide (at the end of the North Bethany Subarea Plan) to see if amendments were needed to clarify this issue.
After review of the Main Street Program Guide, staff recommends that the following amendments to the "Process" section of the Program Guide be made as shown below to clarify the processes that may be used to develop the Urban Design Plan and public involvement in those processes.

Proposed amendments to the Main Street Program Guide:

"Process"

Prior to submitting an application for development in the Main Street area, an applicant is required to involve staff representatives from Current Planning and Long Range Planning in a pre-application conference to discuss applicable requirements and share development objectives. This review process is intended to assist the applicant with the development of an Urban Design Plan for the Main Street area, which is a submittal requirement for any development in the Main Street area. In response to the pre-application conference, the applicant is required to develop and submit a draft schematic Urban Design Plan for the Main Street area for preliminary review by LUT staff. Long Range Planning staff will lead coordination of an internal review that includes Current Planning, Long Range Planning, and others as appropriate such as Traffic Engineering. The applicant may be asked to participate in subsequent meetings with staff and others such as representatives from Clean Water Services, to the extent there are relevant design considerations for requirements such as low-impact development applications (LIDA). It is anticipated this preliminary review process may take 4-8 weeks, depending on the complexity of the design and the number of necessary iterations. The process to develop the Urban Design Plan shall include at least two public design workshops.

After sufficient review, Long Range Planning staff will determine whether or not the draft schematic of the Urban Design Plan adequately addresses the applicable planning and design criteria in order to achieve concept planning objectives for the Main Street area. Long Range Planning staff will provide necessary written direction to the applicant in order to fulfill Program Guide and Subarea Plan design criteria, and will relay any necessary technical requirements related to traffic, access management and LIDA. In order to implement the Urban Design Plan through the development process, some standards of the Community Development Code will need to be amended, such as the dimensional standards of the Neighborhood Commercial Mixed Use District. It may also be necessary to amend some provisions of this Community Plan to implement the Urban Design Plan. Necessary amendments would have to be made prior to the submission of a development application. As appropriate, this Staff will also provide direction about provisions of the Urban Design Plan that may need to be incorporated by Current Planning into Conditions of Approval for a subsequent development application.

In lieu of an applicant preparing the Urban Design Plan, the county may initiate the development of the Urban Design Plan so that it is in effect by the time there is sufficient residential development in North Bethany to support this commercial area. Under this scenario, the county would utilize a public process to develop the plan and coordinate with affected property owners and service providers.

Minimum Lot Area for Daycare Facilities
At the August 3rd hearing, Chair San Soucie asked about the basis of the 20,000 square foot minimum lot area for daycare facilities that is specified by Community Development Code (CDC) Section 390-16.5. In response, staff notes that the dimensional standards in the CDC that apply to daycare facilities in the rest of the county were applied to daycare facilities in North Bethany. The minimum lot area for daycare facilities that the CDC requires for the remainder of the county is 20,000 square feet (see CDC 430-53.2.F).
Road Alignment of P-16
At the August 3rd hearing, Matt Wellner of Metropolitan Land Group submitted testimony about the road alignment of P16 as shown on the Primary Streets map (Exhibit 2, page 6 of Ordinance No. 739). Mr. Wellner stated that the stream corridor crossing that is required by the P16 road alignment would be very costly, and he requested that the P16 road alignment be shortened to eliminate the need for a stream crossing.

Staff has provided a response to this request, in the form of an Issue Paper that is included in the meeting materials for the August 17th hearing.

Land Partition / Property Line Adjustment Standards for Park Conveyance
During the recent Workgroup process, staff recommended considering the creation of new standards for property line adjustments and partitions that would allow a service provider to acquire land for future public improvements prior to the development of a property. The service provider that would most benefit from these standards is the Tualatin Hills Park and Recreation District (THPRD). THPRD and representatives for West Hills Development, Metropolitan Land Group and the Diegels (North Bethany property owners) have all expressed an interest in the development of these standards.

There are several future parks in the North Bethany Subarea Plan that are located on a portion of an existing parcel. Staff's proposed standards would allow a property owner to sell to THPRD the part of their property identified as a future park. In many instances, the boundary of the park is a future road, as shown on the attached Parks, Trails and Pedestrian Connections Map (from the Bethany Community Plan). Unless an applicant proposes to create parcels that are greater than 10 acres, current development standards require the applicant's application to be for full development of a site, including construction of future roads. These standards are not well suited to allow a service provider such as THPRD to land bank future park land when the service provider needs to purchase only a portion of a property. Because the boundary of so many future parks will be new roads, staff has determined as a result of discussions with County Counsel and the County Surveyor, that it is necessary to identify the location of those roads so that the correct legal description and survey of the future parcels and road rights of way (ROW) occur. It is also necessary to address how and when the construction of the future roads will occur.

Provided below is an outline of the requirements for new property line adjustments and partitions that would allow THPRD or another service provider to acquire land for future public facilities in the North Bethany Subarea. If the Planning Commission concurs with staff's proposal, staff will work with County Counsel and the County Surveyor to develop proposed standards for engrossment into Ordinance No. 739.

Land Partitions
In lieu of using existing partition standards in the Community Development Code (CDC), create a set of new standards to enable acquisition of land for a future public improvement that would:
1. Allow a service district partition for the purpose of acquiring land for a future public improvement to be exempt from the density requirements of the underlying land use district;

2. Require a future street that will serve as the boundary of a new parcel to be identified through the application. The right of way of the future street on the subject property must be dedicated to the public through the partition. The partition plat would show the boundaries of the new parcels and new road right of way. A survey of the new parcels and right of way would occur.

3. Defer construction of the future street until the new parcels are developed. A restrictive covenant or other sufficient legal mechanism would be recorded to ensure future construction of the street.

Property Line Adjustments
A property owner cannot be required to dedicate future road right of way unless the property owner elects to dedicate the right of way. Therefore, the new standards for property line adjustments that use a future street as a property line would:

1. Require a future street that serves as the boundary of an adjusted parcel to be identified through the application. Either the outer right of way line or the centerline of the future street right of way would be the new property line.

2. Require the legal descriptions for the adjusted parcels to follow the future road right of way when it will be the future boundary of an adjusted parcel.

3. Require a survey of the adjusted parcels.

4. Require a restrictive covenant or other sufficient legal mechanism to be recorded that would identify the future road right of way and the need for it to be improved at the time a fronting parcel is developed.

Park Land Assurance – Background on Evolution of the Standards
Former County Counsel Dan Olsen prepared a memorandum for the North Bethany Stakeholder Workgroup entitled North Bethany Park Assurance – Evolution. This memorandum provides background on how the park assurance standards in Article V (CDC Section 501-12) were developed, and why they were written as denial standards. The memorandum is included in the Commission’s meeting materials packet for the August 17th hearing as background information for CDC Section 501-12.

Urban/Rural Compatibility
Testimony submitted at the August 3rd hearing provided staff with new information on the uses of some of the adjacent rural lands, and staff is in process of revising the proposed Urban/Rural Edge standards to respond to that new information. In addition, Chair San Soucie requested that staff provide the Commission with the following information on the proposed buffers:
- The distance between the North Bethany boundary and the edges of each buffer;
- The total acreage of each buffer type.

Staff is compiling the requested information, but requires input from our arborist to complete the information package. The arborist was out of town and unavailable to staff until August 10, 2011. Therefore, staff will provide the requested information to the Commission on August 15th via an Addendum Staff Report.

**Ordinance No. 739 Comments from Marc San Soucie**
Chair San Soucie submitted questions and comments about Ordinance No. 739 to staff on July 27, 2011. A copy of Chair San Soucie’s comments is included in the meeting materials packet for the August 17th hearing. Staff is working through the list of comments and will provide responses in the Addendum Staff Report that will be submitted to the Commission on August 15, 2011.

**Ordinance No. 739 Comments from Mary Manseau**
Commissioner Manseau submitted questions and comments about Ordinance No. 739 to staff on August 1, 2011. A copy of Commissioner Manseau’s comments is included in the meeting materials packet for the August 17th hearing. Staff is working through the list of comments and will provide responses in the Addendum Staff Report that will be submitted to the Commission on August 15, 2011.

**Building Design and Variety**
The Addendum Staff Report, dated August 1, 2011, documented staff’s progress in the drafting of Building Design and Variety standards that have been vetted by the North Bethany Stakeholder Workgroup. Since the August 3rd hearing, staff has worked to further develop these standards. Staff is providing the Workgroup with more information on this additional work, and is soliciting Workgroup feedback. Staff will provide the Commission with an update at the August 17th hearing.
The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

*Refer to the College Neighborhood Design Element 4 and the West Neighborhood Design Element 2.c for additional information.

**Park, Trails and Pedestrian Connections MAP**

- **Off-Street Trail**
- **Accessway**
- **Necessary Pedestrian Connection** (May be provided through an off-street trail or a street)
- **Possible Off-Street Trail Connection***
- **Connect to Local Street**
- **Off-Street Trail Study Area***
- **Neighborhood Park Areas**
- **Fixed Park**
- **Primary Streets ROW**

*1 inch equals 900 feet*

Path: S:\PLNG\WPSHARE\Comprehensive Plan Elements\Community Plans\Bethany\Maps\CHAPTER 2\Chapter2_Parks.mxd  3/21/2011