

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and First Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **CONSIDER PROPOSED ORDINANCE NO. 833 – AN ORDINANCE ADDRESSING MINOR AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE, AN ELEMENT OF THE COMPREHENSIVE PLAN**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 833 proposes to amend the Community Development Code to address recent revisions to state law, clarify existing language and make minor cleanup changes. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

At its June 27, 2018 meeting, the Planning Commission (PC) conducted a public hearing for this ordinance. The PC voted 5-0 recommending the Board adopt Ordinance No. 833 with one change. The PC voted to delete the amendment including the terms stating bicycle parking spaces must be “secured, long-term” when used to reduce minimum parking requirements. A staff report describing the PC action and recommendation will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk’s desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three (3) minutes for individuals and 12 minutes for a representative of a group.

Clerk’s Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT’S REQUESTED ACTION:

Read Ordinance No. 833 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 833 and related findings.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>3.a.</u>
Date:	08/07/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 833

An Ordinance addressing Minor Amendments to
the Community Development Code, an Element
of the Comprehensive Plan

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822, 823-824, 826-828, and 831.

B. As part of its ongoing planning efforts, Washington County staff has identified minor amendments to the Community Development Code to maintain and improve the efficiency and effectiveness of the Comprehensive Plan. Such changes include definitions

1 related to parking standards, change in process and submittal requirements for maintenance,
2 preservation or repair of sanitary sewer facilities, provisions related to marijuana facilities,
3 clarify access provisions relating to nonconforming uses and structures, and add a provision to
4 survey and monumentation requirements. The Board recognizes that such changes are
5 necessary from time to time for the benefit and welfare of the residents of Washington
6 County, Oregon.

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

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

19 SECTION 2

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

22 A. Exhibit 1 (11 pages), amends the following sections of the Community

1 Development Code:

- 2 1. Section 106 – Definitions;
- 3 2. Section 406 – Building, Siting and Architectural Design;
- 4 3. Section 413 – Parking and Loading;
- 5 4. Section 418 – Setbacks;
- 6 5. Section 421 – Flood Plain and Drainage Hazard Area Development;
- 7 6. Section 422 – Significant Natural Resources;
- 8 7. Section 430 – Special Use Standards;
- 9 8. Section 440 – Nonconforming Uses and Structures; and
- 10 9. Section 602 – General Provisions.

11 SECTION 3

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

14 SECTION 4

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

17 SECTION 5

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

21 ///

22 ///

1 SECTION 6

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

7 SECTION 7

8 This Ordinance shall take effect thirty (30) days after adoption.

9 ENACTED this 7th day of August, 2018, being the first reading
10 and first public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

Andy Dyer
15 CHAIRMAN

Barbara Hejtmank
16 RECORDING SECRETARY

17 READING

PUBLIC HEARING

18 First August 7, 2018
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
Sixth _____

18 First August 7, 2018
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
Sixth _____

21 VOTE: Aye: Duyck, Terry, Rogers
Schouten, Malinowski Nay: _____

22 Recording Secretary: Barbara Hejtmank Date: August 7, 2018

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 - DEFINITIONS

106-117 Lot of Record, Urban. ~~(Applicable to all the urban districts). Any lot or parcel created by a lawful sales contract or deed and of record prior to March 26, 1984, the effective date of this Code. Two or more such lots or parcels which are contiguous and under identical ownership of record on the effective date of this Code shall be deemed separate lots of record only if the creation of the lot(s) or parcel(s) was approved by the County under a County partitioning or subdivision ordinance. A lot of record does not authorize development of a lot or parcel which does not comply with the requirements of a "parcel" as defined by ORS 215.~~ Section 106-151

106-221 Yard (Setback). An open space on a lot or parcel which is unoccupied or unobstructed by buildings or other structures from the ground upward, except by landscaping or vegetation or as provided in Section 418 or other sections of this Code. Required yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line of the lot or parcel a building will be constructed on, except as provided otherwise by the primary district. See Figure 106-3 below.

106-221.2 Yard, Rear. A yard extending across the full width of the lot between the rear of a building or structure and the nearest point of the rear lot line. In those instances where a single-family dwelling's primary access (from a deck, patio, porch, or other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards may shall be reversed. (See Figures 106-3 and 106-4 below.) For multifamily developments where an individual dwelling unit's primary access to the lot's main outdoor yard area is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed. See Figure 106-5. Any additional screening and buffering setback required by Section 411 shall also be provided the length of the rear lot line.

106-221.3 Yard, Side. A yard between a building or structure and the side lot line extending from the front yard to the rear yard, unless the dwelling's rear and side yard has been reversed as described in Section 106 Yard, Rear. The width of the side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. ~~In those instances where a dwelling's primary access (from a deck, patio, porch, other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed. (See Figures 1 and 2 below.)~~ Any additional screening and buffering setback required by Section 411 shall also be provided the length of the side lot line.

Figure 1. Example of a Detached Single Family Dwelling

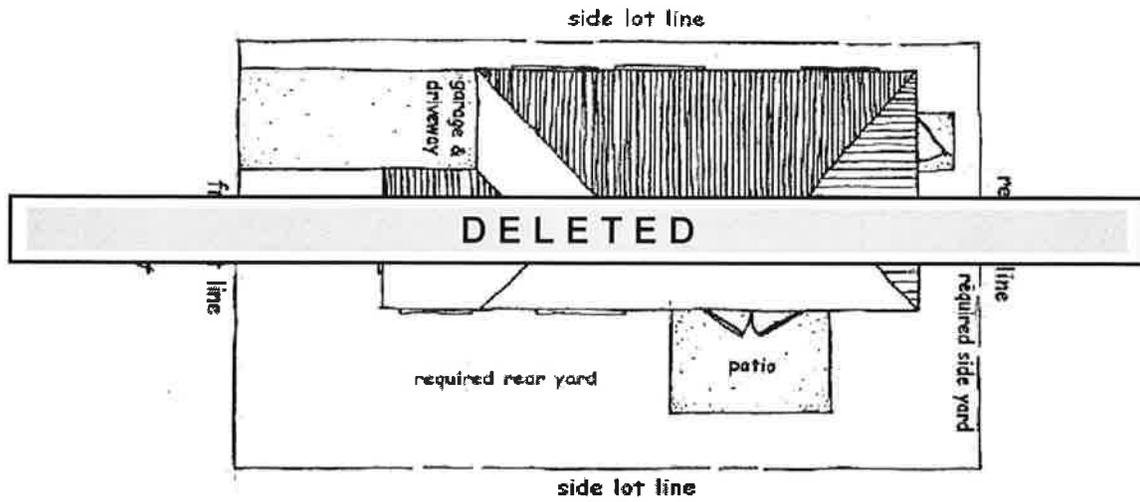


Figure 106-3. Example of a Single-Family Lot with Standard Yards (Setbacks)

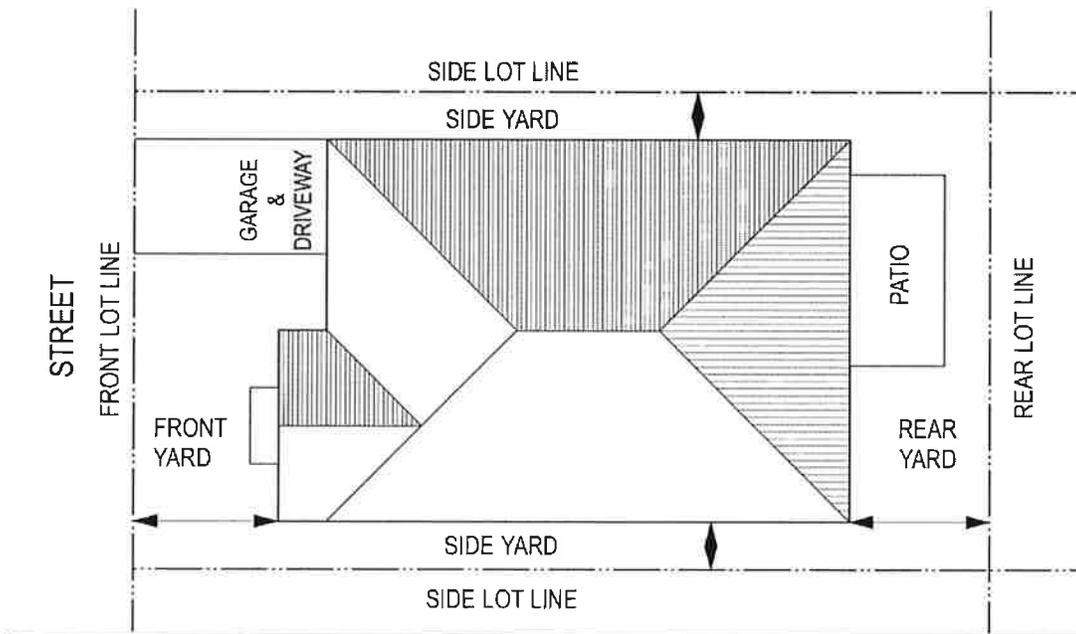


Figure 2. Example of Multi-Family Development

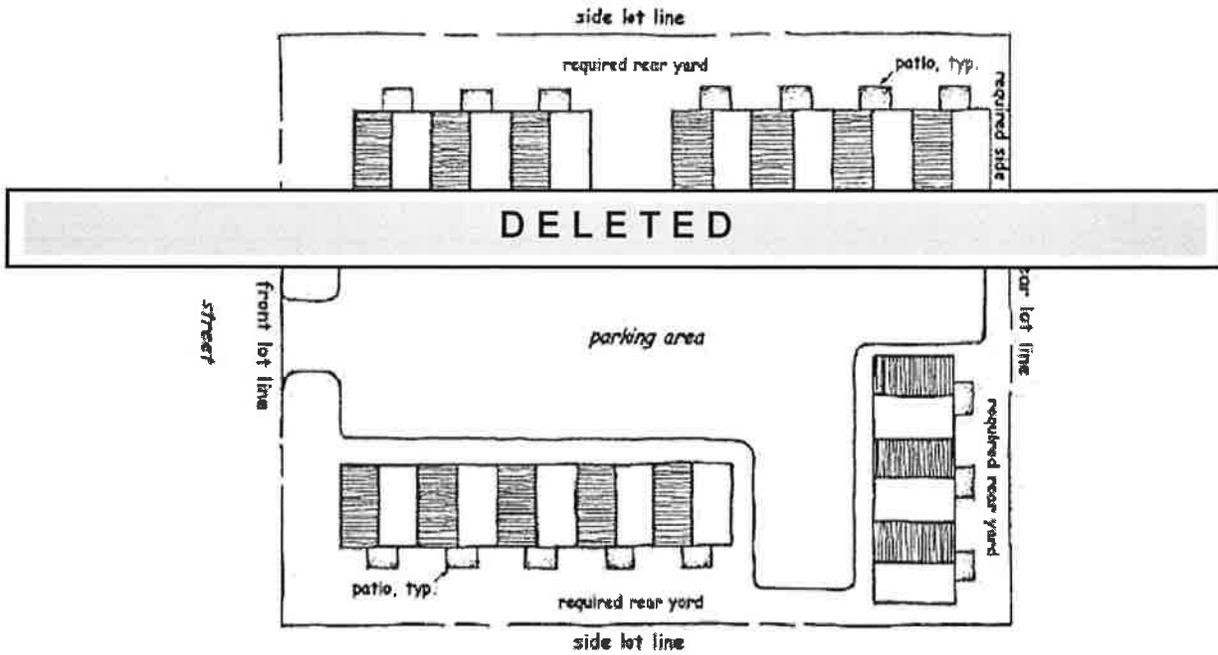
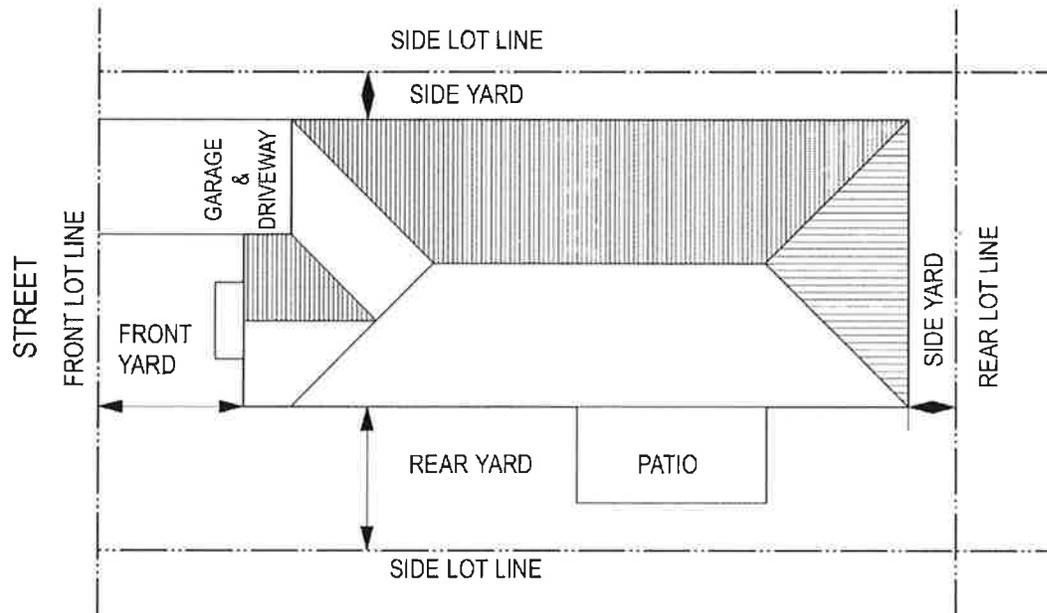
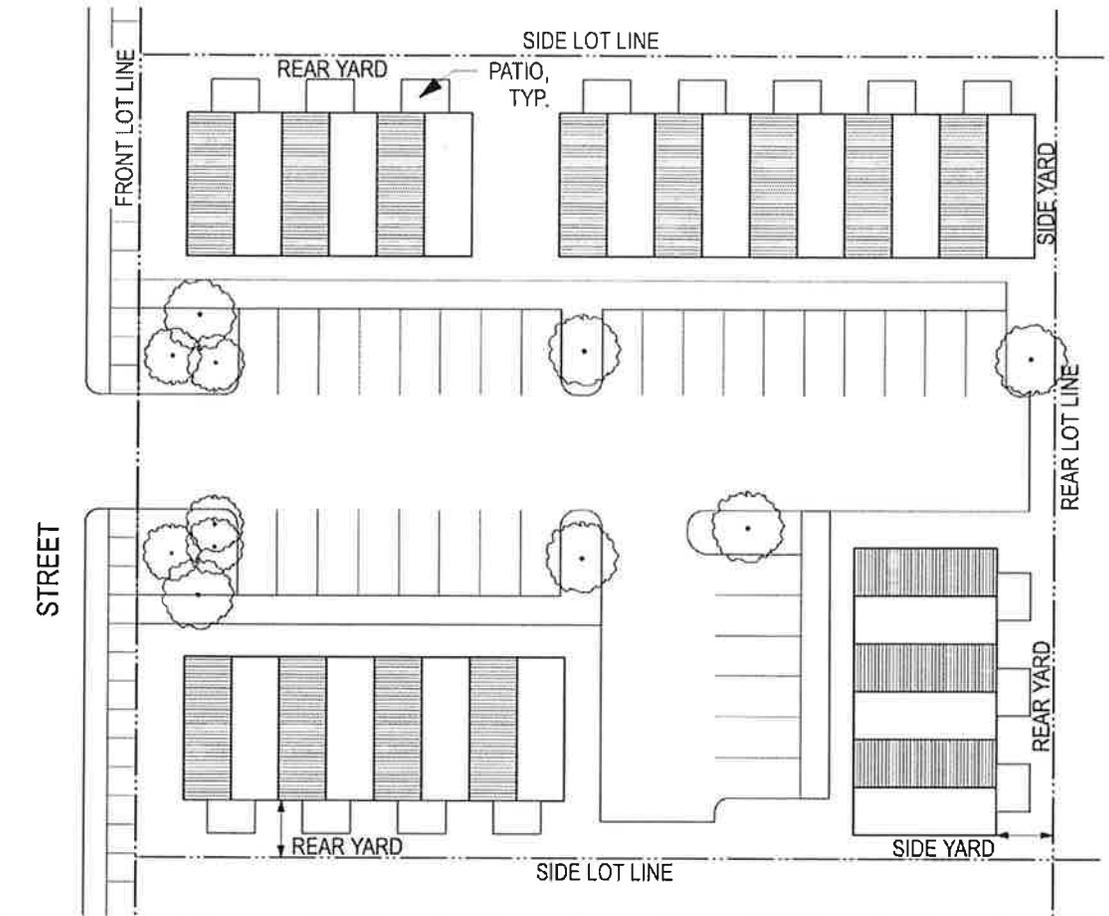


Figure 106-4. Example of a Single-Family Lot with Reversed Side and Rear Yards (Setbacks)



abcdef Proposed additions
 abedef Proposed deletions

Figure 106-5. Example of a Multifamily Development with Standard Yards (Setbacks)



106-223 Mixed-Use. A development site that includes more than one land use (e.g., residential, office, and/or retail commercial) allowed in the underlying land use district and is comprised of either a stand-alone building (vertical mixed-use), individual buildings (horizontal mixed-use) or a combination of both.

2. SECTION 406 – BUILDING, SITING AND ARCHITECTURAL DESIGN

406-1 Review Standards

The Review Authority shall evaluate all building and site plans, including detached dwelling units, for conformance to the following standards:

- 406-1.1 The development is permitted within the primary district;
- 406-1.2 The development is sited to maintain all minimum setback and lot coverage requirements; and

abcdef Proposed additions
~~abcdef~~ Proposed deletions

406-1.3 The development meets the maximum height requirements of the primary district.

406-2 Additional Requirements for Type II and Type III Development

In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans shall:

~~406-2.1 Have a distance between primary structures on a single lot no less than the sum of the required setbacks;~~

406-2.12 When required by the Uniform Building Code, provide facilities for the disabled pursuant to the Uniform Building Code, edition in effect at this time;

406-2.23 Incorporate design features which reflect or complement the surrounding structural and architectural character through building style and materials. Use, in open space or park settings, lines and materials (including plant materials) which blend with the natural features of the site or site background;

406-2.34 Renovate or revitalize existing structures identified within the Community Plan;

406-2.45 Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:

3. SECTION 413 – PARKING AND LOADING

The following off-street parking and loading and on-street parking standards shall apply in all districts. Requirements include minimum on-street parking (Section 413-5), minimum and maximum off-street parking (Section 413-6), minimum vanpool/carpool parking (Section 413-7), reductions to required off-street parking (Section 413-8), and minimum off-street drop-off and loading (Section 413-9).

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 413:

Parking Demand. The total accumulation of vehicles parked on or near a given site at any associated point in time. Parking demand consists of both long-term (e.g., residents and employees) and short-term demand (e.g., visitors and/or customers) and may include on-street parking.

Peak Hour of Parking Demand. The hour (or hours) of the day during which the highest parking demand occurs, based on estimates from the Institute of Transportation Engineers Parking Generation Manual for the proposed land use or as determined by a parking utilization study. Peak hour data may be collected for both weekdays and weekends, depending on the type of uses involved, and may need to consider seasonal peak periods.

Concurrent Peak Hour Uses. Two or more land uses where the peak hour of parking demand for each use is determined to occur at or around the same time period based on estimates from the Institute of Transportation Engineers Parking Generation Manual for the proposed land use(s) or as determined by a parking utilization study.

Off-Set Peak Hour Uses. Two or more land uses where the peak hour of parking demand for each use is determined not to occur at or around the same time period based on estimates from the Institute of Transportation Engineers Parking Generation Manual for the proposed land use(s) or as determined by a parking utilization study.

413-8 Reduction of Minimum Off-Street Parking

413-8.3 Reduction of Minimum Off-Street Automobile Parking Based on Bicycle Parking

Reduction of the minimum quantity of off-street automobile parking required by Section 413-6 is allowed as described in this section. All bicycle parking spaces must meet the standards of Sections 429-7, 429-8 and 429-9.

- A. Sites may reduce total minimum automobile parking space requirements by one standard or compact size space, up to 10 percent of required automobile spaces, for every two secured, long-term bicycle spaces provided per Section 429-5 B.
- B. Replacement bicycle parking spaces in existing development are exempt from permit requirements per Section 201-2.33. Alterations in parking lot requirements beyond this exemption will be subject to development review.

4. SECTION 418 – SETBACKS

418-1 Obstruction in Required Yards

Required yards shall be horizontally unobstructed except as follows:

418-1.2 Open balconies and unenclosed stairways more than 30 inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than 4 feet and ~~such porches~~ may extend into a required front yard not more than 30 inches.

5. SECTION 421 – FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421-4 Uses and Activities Permitted Through a Type I Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or Clean Water Services' (CWS) "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type I procedure for the following:

421-4.10 Maintenance, preservation or repair of sanitary sewer facilities provided that:

A. Work is located within the right-of-way or an existing easement;

B. The sanitary sewer facilities are not being upsized; and

C. The submittal includes the following:

(1) An existing conditions site plan and proposed grading and restoration plan demonstrating that the ground and vegetation will be restored to the same or better condition that existed at the time of original construction;

(2) Documentation of compliance with CWS Design and Construction standards; and

(3) Copies of applicable U.S. Army Corps of Engineers and Oregon Department of State Lands permit applications or documentation that permits are not required.

6. SECTION 422 – SIGNIFICANT NATURAL RESOURCES

422-3 Criteria for Development

422-3.4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3 A. (7) shall meet the following:

C. Submittal Requirements

(6) As an alternative to the submittal requirements identified above, Clean Water Services (CWS) may provide the applicable U.S. Army Corps of Engineers or Oregon Department of State Lands permit and/or a CWS Service Provider Letter which demonstrates compliance.

D. Follow-up Requirements

- (1) The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two years after completion of the modification and again after five years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five years, the current property owner shall submit plans to the County Department of Land Use & Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.
- (2) The County may modify or revoke the development permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.
- (3) As an alternative to the reporting requirements identified in D. (1) and (2) above, CWS may submit applicable U.S. Army Corps of Engineers or Oregon Department of State Lands monitoring reports two years after completion of the modification and again after five years.

7. SECTION 430 – SPECIAL USE STANDARDS

In addition to the requirements of Section 400 through 425, the following special use standards are provided for specific uses. Additional or amended special use standards that are applicable in the North Bethany Subarea of the Bethany Community Plan are located in Section 390, North Bethany Subarea Overlay District.

430-1 Accessory Uses and Structure

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

430-1.1 Residential:

B. Development Standards:

No accessory use or structure shall be established prior to the primary use. Detached accessory buildings shall comply with the following, except as modified by other Sections of the Code.

- (3) Buildings less than 120 square feet ~~that are located six (6) feet or more from the primary building may shall~~ be located within at least 3 feet of a

from the side or rear property line, (except a street side yard,) and except as required by (5) below;

- (4) Buildings ~~greater than or equal to~~ 120 square feet or larger shall meet the setback requirements of the underlying land use district except as required by (5) below;
- (5) Buildings or other structures for livestock, or buildings or other structures for poultry that are 51 square feet or larger, shall be located in a side or rear yard at least 30 feet from any property line and at least 100 feet from any existing residence, except the owner's dwelling;

430-80 Marijuana Facilities and Marijuana Production

Marijuana Facilities under this Section include Retail Marijuana Facilities, Marijuana Processing Facilities, Wholesale Marijuana Facilities, and Marijuana Research and Testing Facilities subject to license requirements of the OLCC.

Marijuana Production under this Section applies to Indoor and Outdoor Marijuana Production as defined in Section 430-80.3.

- 430-80.1 No more than one licensee for each of the following marijuana business activities may be established on the same lot of record:
 - A. Marijuana Production (Indoor and Outdoor)
 - B. Marijuana Processing Facility, except for Alternating Proprietors as described in Section 430 – 80.4 C.
 - C. Wholesale Marijuana Facility
 - D. Retail Marijuana Facility
 - E. Marijuana Research and Testing Facility

430-80.3 Marijuana Production

Marijuana Production includes the manufacture, planting, cultivation, growing, or harvesting of marijuana subject to a production license requirement from the Oregon Liquor Control Commission (OLCC).

Marijuana Production is permitted subject to the following requirements:

- A. For Outdoor Marijuana Production outside the UGB, setbacks shall be a minimum of 50 feet from all property lines.
- B. For odor control, buildings used for Indoor Marijuana Production shall be equipped with a carbon filtration system to ensure that air leaving the building

through an exhaust vent first passes through an activated carbon filter. The air filtration system shall be ~~certified designed~~ by a mechanical engineer licensed in Oregon. The air filtration system shall be maintained in working order and remain in use while marijuana activity is occurring within the building.

- C. An alternative odor control method to a carbon filtration system is permitted if the applicant submits a report by a mechanical engineer licensed in Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.

430-80.4 Marijuana Processing Facility

A Marijuana Processing Facility is a building and the equipment therein used for marijuana processing activities subject to a processing license requirement from the Oregon Liquor Control Commission (OLCC).

Marijuana Processing is the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid edibles, cannabinoid topicals, cannabinoid concentrates, or cannabinoid extracts. Processing does not include packaging or labeling.

Alternating Proprietor is a marijuana processor that is licensed by the OLCC as either a cannabinoid edible or cannabinoid topical processor that shares a marijuana processing facility with another cannabinoid edible, cannabinoid topical or cannabinoid concentrates processor on a shared or alternating basis.

Marijuana Processing Facilities are permitted subject to the following requirements:

- A. For odor control, buildings used for Marijuana Processing shall be equipped with a carbon filtration system to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The air filtration system shall be ~~certified designed~~ by a mechanical engineer licensed in Oregon. The air filtration system shall be maintained in working order and remain in use while marijuana activity is occurring within the building.
- B. An alternative odor control method to a carbon filtration system is permitted if the applicant submits a report by a mechanical engineer licensed in Oregon demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required.
- C. Alternating Proprietors. A cannabinoid edible or cannabinoid topical licensee may share a marijuana processing facility with another cannabinoid edible, cannabinoid topical, or cannabinoid concentrates processor subject to the license requirements of the OLCC.
- D. A cannabinoid edible processor may only process in a facility licensed by the Oregon Department of Agriculture and subject to the endorsement and license requirements of the OLCC.

8. SECTION 440 – NONCONFORMING USES AND STRUCTURES

440-10 Alteration or Expansion of Uses with an Access Not Conforming to the Access Requirements to Public or County Roads

Approval of an alteration, expansion or change in occupancy of a ~~Type II~~ use on a site whose access ~~which currently~~ does not conform with the requirements of Section 501-8.5 (Access to county and public roads) shall require that the access ~~use~~ be brought into compliance with these standards when such changes create a 25 percent or greater increase in the existing Average Daily Trips (ADT). Compliance must be assured prior to the issuance of final approval or building permits for the expansion, addition or alteration.

9. SECTION 602– GENERAL PROVISIONS

602-11 Survey and Monumentation Requirements

602-11.1 Property Line Adjustments

- A. A common property line that is relocated through a property line adjustment shall be surveyed and monumented unless the affected parcels are greater than 10 acres.
- B. When required, surveys shall be filed with ~~and approved by~~ the County Surveyor after ~~prior to~~ filing and recording the necessary deeds with the Department of Assessment & Taxation Recording Division.
- C. Recorded deed numbers must be shown on the record of survey.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 833

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 833 amends the Community Development Code to address recent revisions to state law, clarify existing language and make minor cleanup changes. Ordinance No. 833 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires such amendments be accompanied by findings setting forth the facts and analysis showing the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a Comprehensive Plan or Implementing Ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 833. Prior to the August 7, 2018 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

Attachment: Resolution and Order

RO Exhibit A (Ordinance Findings) is linked online.

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 833 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 18-77

Agenda Item No. 4.a.

Date: 08/07/18

1 IN THE BOARD OF COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of Ordinance No. 833) No. 18-77

5 This matter having come before the Washington County Board of Commissioners (Board) at
6 its meeting of August 7, 2018; and

7 It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to Ordinance No. 833; and

11 It appearing to the Board that the findings attached and herein incorporated as "Exhibit A"
12 constitute appropriate legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on August 7, 2018, made a recommendation to the Board, which is in the record and has been
15 reviewed by the Board; and

16 It appearing to the Board that, in the course of its deliberations, the Board has considered the
17 record which consists of all notices, testimony, staff reports, and correspondence from interested
18 parties, together with a record of the Planning Commission's proceedings, and other items submitted
19 to the Planning Commission and Board regarding this ordinance; it is therefore,

20 RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance
21 No. 833 are hereby adopted.

22 DATED this ~~14th~~ ~~DAY~~ ~~OF~~ ~~AUGUST~~, 2018.

23	DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

26 APPROVED AS TO FORM:

27 
County Counsel
For Washington County, Oregon

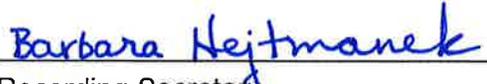
28 
Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 833

AN OMNIBUS ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE

August 7, 2018

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Plan Findings

Part 1:

GENERAL FINDINGS

Ordinance No. 833 is an omnibus ordinance providing minor amendments to multiple sections of the Community Development Code, an element of the Washington County Comprehensive Plan.

Key Ordinance Provisions

- Adds figures and clarifies residential yard and lot of record definitions.
- Removes internal setback requirements for multiple buildings on a development site.
- Adds mixed-use and parking related definitions.
- Clarifies that bicycle parking spaces must be “secured, long-term” when used to reduce minimum parking requirements.
- Clarifies setbacks for open balconies and accessory structures in required yards.
- Allows Type I process for maintenance of sanitary sewer facilities in the floodplain.
- Provides alternative submittal and follow-up requirements for Clean Water Services enhancement projects in degraded riparian corridors, water areas and wetlands.
- Adds definition of alternating proprietor and allows marijuana processors to share facilities in limited circumstances as regulated by the Oregon Liquor Control Commission.
- Clarifies that Section 440-10, (Alteration or Expansion of Uses Not Conforming to the Access Requirements) applies to nonconforming access, not the use.
- Updates survey and monumentation requirements.

Because the ordinance would make changes that do not affect compliance with Oregon’s Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches

and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 833 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP) and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of Ordinance No. 833.

Goal 2 - Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt Ordinance No. 833. Notice was coordinated with all affected governmental entities and comments received regarding Ordinance No. 833 were addressed either as part of the proceedings or with subsequent staff coordination.

Goal 3 - Agricultural Lands

Goal 3 seeks to preserve and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state's agricultural land use policies. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

The minor amendments clarify several provisions of the CDC that apply to agricultural lands. The setback standards for accessory buildings on residential properties clarify that an accessory structure less than 120 square feet must be placed at least 3 feet from the rear or side property line. Another amendment clarifies that an alteration or an expansion of uses not conforming to the access requirements applies to nonconforming access, not the use. Other minor amendments address the odor control provisions for marijuana processing and production facilities. Finally, there are updates to the survey and monumentation requirements for property line adjustments. These amendments clarify existing standards and are consistent with Goal 3.

Goal 4 – Forest Lands

Goal 4 addresses the conservation of forest lands by maintaining the forest land base and protecting the state's forest economy by making possible economically efficient forest practices. Policy 16, Implementing Strategies (a) and (c) of the Rural/Natural Resource Plan include provisions for the conservation and maintenance of forest lands.

The minor amendments clarify several provisions of the CDC that apply to forest lands. The setback standards for accessory buildings on residential properties clarify that an accessory structure less than 120 square feet must be placed at least three feet from the rear or side property line. Another amendment clarifies that an alteration or an expansion of uses not conforming to the access requirements applies to nonconforming access, not the use. Other minor amendments address the odor control provisions for marijuana processing and production facilities. Lastly, there are updates to the survey and monumentation requirements for property line adjustments. These amendments are clarifications of existing standards, thus Ordinance No. 833 is consistent with Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon's livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

Two of the amendments provide minor modifications to the permitting and process requirements for Clean Water Services' (CWS) minor sanitary sewer line maintenance and wetland enhancement projects. The first change allows CWS to follow a Type I process under Section 421 (Flood Plain and Drainage Hazard Area Developments) for permits for sanitary sewer maintenance, preservation and repair projects within public right-of-way or easements. The other amendment allows CWS the alternative of submitting applicable Army Corps of Engineers (Corps) or Department of State Lands (DSL) permit documentation and monitoring reports to demonstrate compliance with Section 422 (Significant Natural Resources), under the County's existing Type II process.

Regulatory protection of the County's existing Goal 5 Resources will not change as a result of the amendments in Ordinance No. 833. Ordinance No. 833 does not allow any new uses in any affected land use district and therefore does not conflict with acknowledge Goal 5 resources.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County's policy to protect life and property from natural disasters and hazards.

As discussed above, one of the amendments allows CWS to follow a Type I land use process for sanitary sewer maintenance, preservation and repair projects within the floodplain. Ordinance No. 833 is consistent with Goal 7.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan (RNRP) set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

The amendments to the CDC provide a definition of "alternating proprietor" and allow one or more alternating proprietors with a marijuana processor license to use the processing facility on the same lot of record on an alternate basis with another approved edible or topical processor. These amendments reflect the changes approved by the Oregon Liquor Control Commission (OLCC), under OAR (845-025-3255) and provide an additional economic opportunity. Ordinance No. 833 is consistent with Goal 9.

Goal 10 - Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

Ordinance No. 833 does not directly impact housing units, types or densities or policies found in the CFP and RNRP. The amendments to the CDC clarify several existing residential setback requirements, but do not make any substantive changes to these requirements. Ordinance No. 833 is consistent with Goal 10.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

Ordinance No. 833 includes non-substantive amendments to CDC Section 413 (Parking and Loading) to clarify that the type of bicycle parking that a development must provide in order to qualify for a reduction in required vehicle parking spaces must be “secured, long-term” in accordance with existing long-term bicycle parking requirements of CDC Section 429-7.B.

Ordinance No. 833 also includes several explanatory definitions related to parking reduction provisions in Section 413-8.

The amendments are consistent with the County’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule or TPR, implemented via OAR Chapter 660, Division 12). Brief summaries of the applicable TPR provisions are followed by findings of compliance.

The amendments in Ordinance No. 833 do not significantly affect the transportation system as described by the criteria in OAR 660-012-0060. The amendments in Ordinance No. 833 do not change the functional classification of an existing or planned transportation facility; change standards implementing a functional classification system; result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility; or degrade the performance of any existing or planned transportation facility. This ordinance clarifies that developments must build long-term bicycle parking that is reasonably convenient to access, sheltered from the elements, secured from theft, and well-lit in order to be eligible for the vehicle parking reduction. The provision of these facilities will encourage the use of modes other than single-occupancy vehicles and potentially reduce parking demand.

The amendments in Ordinance No. 833 make no amendments to the Transportation System Plan and would have required additional transportation analysis before any changes would be considered. Therefore, the amendments in Ordinance No. 833 are consistent with the TPR.

Part 3: URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 833 findings have been prepared to address Title 1, 3, 4 of the UGMFP.

Title 1 - Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan which calls for a compact urban form and a “fair share” approach to meeting housing needs.

FINDING

Ordinance No. 833 amends sections of the CDC which do not directly address housing capacity or need. However, the clarifications to provisions for residential setbacks and residential accessory structures allow greater flexibility when siting homes on individual lots, thus serving to maintain housing capacity. Therefore, the amendments in Ordinance No. 833 are consistent with Title 1.

Title 3 - Water Quality and Flood Management

Title 3 protects beneficial water uses and functions and values of resources within Water Quality and Flood Management Areas by limiting or mitigating impacts from development activities and protecting life and property from dangers associated with flooding.

FINDING

Ordinance No. 833 amends the CDC to allow CWS the alternative of submitting the applicable Corps or DSL permit documentation and monitoring reports to demonstrate compliance with Section 422 (Significant Natural Resources) for wetland enhancement projects within riparian corridors, improving the functionality of the water resource.

Another amendment in Ordinance No. 833 allows CWS to follow a Type I process for sanitary sewer maintenance, preservation and repair projects in the public right-of-way or easements within the flood plain, under Section 421 (Flood Plain and Drainage Hazard Area Developments). Therefore, the amendments in Ordinance No. 833 are consistent with Title 3.

Title 4 – Industrial and Other Employment Areas

Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of “clustering” to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region’s transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

FINDING

The amendments to the CDC allow one or more alternating proprietors with a marijuana processor license to use the processing facility on the same lot of record on an alternate basis with another approved edible or topical processor. This will allow the potential for more production at one facility, therefore improving efficiency. Ordinance No. 833 is consistent with Title 4.

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

FINDING

Consistent with Title 8, a copy of proposed Ordinance No. 833 was sent May 23, 2018 to Metro, 36 days prior to the first evidentiary hearing.

Title 13 – Nature in Neighborhoods

Title 13 conserves, protects and restores a continuous ecologically viable streamside corridor system integrated with upland wildlife habitat and the urban landscape.

FINDING

Ordinance No. 833 amends the CDC to allow CWS the alternative of submitting the applicable Corps or DSL permit documentation and monitoring reports to demonstrate compliance with Section 422 (Significant Natural Resources) for wetland enhancement projects within riparian corridors. The minor change to the process for CWS wetland enhancement projects does not negatively impact Title 13 and Ordinance No. 833 is consistent with Title 13.

Part 4: REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No 833 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP). The Board finds that the RTFP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plans, as provided below, and that the amendments comply with the applicable goals and policies of the RTFP.

Title 4 This section pertains to parking management and standards.

Section B – allows for variances from minimum and maximum parking ratios if local regulations include criteria for such variances.

FINDING

Ordinance No. 833 amends standards for reductions to the minimum off-street vehicle parking requirements that are intended to clarify and better align with current research and state of the practice. This ordinance clarifies that developments must build long-term bicycle parking that is

reasonably convenient to access, sheltered from the elements, secured from theft, and well-lit in order to be eligible for the vehicle parking reduction. Ordinance No. 833 is compliant with this section.

Section H – includes requirements for short and long-term bicycle parking in multifamily residential developments; new retail, office and institutional developments; transit centers, High Capacity Transit stations, inter-city-bus and rail passenger terminals; and at transit stops and park-and-ride lots.

FINDING

Ordinance No. 833 does not amend the applicable Comprehensive Plan policies or CDC standards relating to short and long-term bicycle parking, but amends standards for reductions to the minimum off-street vehicle parking requirements that are intended to clarify and better align with current research and state of the practice. This ordinance clarifies that developments must build long-term bicycle parking that is reasonably convenient to access, sheltered from the elements, secured from theft, and well-lit in order to be eligible for the vehicle parking reduction. Ordinance No. 833 is compliant with Section H.

Section I – requires cities and counties to adopt parking policies, management plans and regulations for Centers and Station Communities, consistent with the requirements stated in Sections A – H. Plans must include an inventory of parking supply and usage and an evaluation of bicycle parking needs. Policies, plans and regulations must consider and may include the following types of strategies:

1. By-right exemptions from minimum parking requirements;
2. Parking districts;
3. Shared parking;
4. Structured parking;
5. Bicycle parking;
6. Timed parking;
7. Differentiation between employee parking and parking for customers, visitors and patients;
8. Real-time parking information;
9. Priced parking; and
10. Parking enforcement.

FINDING

Ordinance No. 833 amends standards for reductions to the minimum off-street vehicle parking requirements that are intended to clarify and better align with current research and state of the practice. This ordinance clarifies that developments must build long-term bicycle parking that is reasonably convenient to access, sheltered from the elements, secured from theft, and well-lit in order to be eligible for the vehicle parking reduction. Ordinance No. 833 is compliant with this section.