

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. 841 – AN
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT
CODE ADDING A FLEXIBLE DESIGN OPTION FOR
REGULATED AFFORDABLE HOUSING**

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

SUMMARY:

Ordinance No. 841 proposes an alternative land use review option for certain regulated affordable housing. 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 Aug. 15, 2018 public hearing for this ordinance, the PC voted 6 - 0 to recommend the Board adopt Ordinance No. 841. A staff report will be provided to the Board prior to the Sept. 18 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 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. 841 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 841 and associated findings.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.e.</u>
Date:	09/18/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 841

An Ordinance Amending the Community
Development Code Adding a Flexible Design
Option for Regulated Affordable Housing

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, 822-824, 826-828, 831-835, and 838.

B. The Board recognizes that amendments to the Community Development Code are necessary to address recommendations of the County’s recent Equitable Housing Site Barriers and Solutions Project to include provisions allowing flexibility in development

1 standards for Regulated Affordable Housing. These amendments are for the benefit of the
2 health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

15 SECTION 2

16 The following exhibits, attached hereto and incorporated herein by reference, are
17 adopted as amendments to the designated documents as follows:

- 18 A. Exhibit 1 (6 pages), amends the Community Development Code:
- 19 a. Section 403 – Applicability; and
 - 20 b. Section 404 – Master Planning.

21 ///

22 ///

1 SECTION 3

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

4 SECTION 4

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

7 SECTION 5

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

11 SECTION 6

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

17 ///

18 ///

1 SECTION 7

2 This Ordinance shall take effect on November 23, 2018.

3 ENACTED this 18th day of September, 2018, being the first reading
4 and first public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 *Andy Dwyer*
10 CHAIRMAN

11 *Barbara Hejtmerek*
12 RECORDING SECRETARY

13 READING

13 PUBLIC HEARING

14 First September 18, 2018
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

14 First September 18, 2018
15 Second _____
16 Third _____
17 Fourth _____
18 Fifth _____
19 Sixth _____

20 VOTE: Aye: Terry, Schouten,
21 Malinowski

20 Nay: _____

21 Recording Secretary: Barbara Hejtmerek Date: September 18, 2018

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

1. SECTION 403 - APPLICABILITY

403-3 Additional Standards Inside the UGB

In addition to the requirements of Table I, all Master Plan and Site Analysis applications shall address the requirements of Sections 404-419, 421-423, 427 and 429.

403-3.1 Type III development, except those detailed in Section 403-3.2, may be denied based on the following:

- A. The proposed development will have significant adverse impacts on property values in the area;
- B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or
- C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the county may be evaluated for its impacts on the entire area to be served.

403-3.2 Section 403-3.1 does not apply to:

A. Residential Planned Developments, ~~or~~ subdivisions, or residential Group Care (Section 430-53.2, 430-53.3 or 430-53.5) in areas designated for R-6 or greater densities. Type III residential planned developments, ~~or~~ subdivisions, and residential Group Care other than in the R-5 District are presumed to be appropriate, provided that the specific standards of this Code are met.

(1)A. ~~Such~~ Development may be denied or conditioned as provided in Article V;

(2)B. Conditions of approval may be imposed to mitigate adverse impacts;

(3)C. The flexibility in standards and open space provisions provided under the Type III process shall be used to permit development of a variety of housing types at the designated density while protecting identified significant natural features and accomplishing the objectives of the community design elements.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

italic Changes proposed through concurrent ordinance, shown for context only. Any change to the italicized language will not affect the proposed language of this ordinance, identified by regular text with underlining or strikethrough.

B. Applications processed through Section 404-5, the Flexible Design Option for Regulated Affordable Housing.

(1) Development may be denied or conditioned as provided in Article V;

(2) Conditions of approval may be imposed to mitigate adverse impacts.

2. SECTION 404 – MASTER PLANNING

404-5 Flexible Design Option for Regulated Affordable Housing

This Flexible Design Option (Option) is intended to facilitate and encourage regulated affordable housing by allowing design flexibility and density bonuses.

The Planned Development standards in Section 404-4 are not applicable to projects reviewed under this Section. In cases where other CDC Sections normally require review through a Planned Development, review under this Section shall supersede that requirement.

Community Plan Subarea and Area of Special Concern requirements, and CDC Sections 418-3 (Corner Vision), 421 (Flood Plain and Drainage Hazard Area Development), 422 (Significant Natural Resources) and 501-8.5 F (Sight Distance) shall prevail when there are conflicts with provisions of this Section. In the event of a conflict between the requirements of this Section and requirements of any other provision of a community plan or the CDC, the requirements of this Section shall control.

404-5.1 This Option is available only to developments wherein all dwelling units will be Regulated Affordable Housing that complies with the following:

A. Inside the urban growth boundary (UGB), in a district where residential uses are permitted;

B. Made affordable on a continuous basis to households earning 80 percent of Area Median Income (AMI) or less, based on household size, as determined annually by the U.S. Department of Housing and Urban Development (HUD) for the applicable Metropolitan Statistical Area (MSA);

C. Have a local, state, or federal compliance agreement or contract that ensures compliance with 404-5.1 B., above, for a minimum of 20 years from the issuance date of the occupancy permit.

This Option allows for one consolidated process under one action, for land use review of a proposal, including development review, variations from typical standards, and/or preliminary (not final) review of subdivisions/partitions to the extent outlined below.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

italic Changes proposed through concurrent ordinance

Housing types (attached or detached) shall be consistent with what is permitted in the district except as otherwise allowed by this Option. Neighborhood meetings are required pursuant to Section 203-3.2 as indicated for partitions, subdivisions and Type II or III development review.

404-5.2 Applications for review under the Flexible Design Option shall include written narrative and evidence establishing how the development will comply with all requirements of Section 404-5. Evidence shall include copies of the legally binding document required under 404-5.1 C., above, which shall be recorded and shall run with the land to ensure ongoing compliance. That document will be subject to review and approval by County Counsel, and evidence that it has been recorded shall be submitted to the project planner prior to issuance of occupancy permits.

404-5.3 Review Type

- A. Applications utilizing any or all provisions allowed under Section 404-5.4 will be subject to a Type II review.
- B. Applications utilizing any or all provisions allowed under Section 404-5.5 will be subject to a Type III review.

404-5.4 The following alternatives are available through the Flexible Design Option for Regulated Affordable Housing, subject to a Type II review:

- A. Residential density may be increased by up to 30 percent of the district maximum;
- B. For attached multifamily housing in districts where allowed, building height may be increased above the district maximum to the minimum extent needed to achieve allowed residential density, including any allowed density bonus.

In such districts where the CDC does not reflect a maximum density in units per acre (mixed-use projects that include attached units in CBD, TO:RC or TO:BUS), however, no height increase shall be permitted that would result in any building over 100 feet tall.

- C. For developments subject to both off-street and on-street parking requirements (Section 413), on-street spaces may substitute for off-street spaces and vice-versa, to the minimum extent necessary, as long as the overall number of spaces provided will meet the combined total required. (See also, Section 413. Applications reviewed through this Option are not precluded from reducing required parking space quantities as allowable through Section 413);
- D. Standards precluding more than one detached dwelling on a single lot may be waived as long as allowed density is not exceeded;

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italic Changes proposed through concurrent ordinance

- E. Private roadway pavement width may be reduced, subject to fire district approval, as long as the number of parking spaces required by Section 413 is provided [see also C., above].
- F. In districts that require ground floor commercial/nonresidential uses, that requirement may be waived;
- G. Minimum lot area, width, and depth requirements of the district may be reduced; and
- Minimum lot width at the street/street frontage may be reduced or eliminated on a lot-by-lot basis to the extent necessary, as long as required parking is accommodated in accordance with CDC Section 413 and any related variation allowed under 404-5.4 C., above;
- H. Minimum Outdoor Yard Area required by district standards may be reduced or eliminated within individual lots to the extent that an equal amount is reallocated to outdoor common space available to all residents;
- I. In cases where landscaping requirements apply, the amount provided may be reduced by up to 50 percent of the standard;
- J. Setbacks of the district for front, side, street side, and rear yards may be reduced or eliminated, provided that:
- (1) No setback to garage vehicle entrance is reduced;
 - (2) Screening and Buffering (Section 411) "Additional Setback" reductions allowable under 404-5.4 L., below, are not taken for the affected yard. (Reductions allowed under either 404-5.4 J. or K. may be applied to the yard, but not both); and
 - (3) Building Code standards are met.
- K. Where Screening and Buffering standards of CDC Section 411 would normally apply "Additional Setbacks" to a particular yard, the Additional Setback may be reduced or eliminated within that yard, subject to the following:
- (1) District setback reductions allowable under 404-5.4 J., above, are not taken for the affected yard. (Reductions allowed under either 404-5.4 J. or K. may be applied to the yard, but not both);
 - (2) If district/use standards do not require a minimum yard/setback, Additional Setbacks required by Section 411 must not be reduced to less than 5 feet. (See also, 404-5.4 K(3)(b));

(3) Fences, walls, other structures and plantings shall be provided as required by the Screening and Buffering type identified in Section 411-6 that would normally apply (as if no reduction to the Additional Setback were to be taken); and if the Additional Setback is reduced to less than the standard minimum of that Screening and Buffering type:

(a) Minimum requirements for fences, walls, other structures and plantings shall be those normally required for the smallest Additional Setback listed under that Screening and Buffering type; and

(b) If the Screening and Buffering type that would normally apply is #4, #5, or #6, to accommodate required plantings no reduction shall result in less than 10 feet of space between the affected property line and nearest building wall.

404-5.5 In addition to those listed under 404-5.4, the following alternatives are available through the Flexible Design Option for Regulated Affordable Housing, subject to a Type III review:

A. Variation from standards is allowed as follows:

(1) Residential density may be increased by up to 50 percent of the district maximum instead of, not in addition to, the density increase available through a Type II review when:

(a) The site is within one-quarter mile of a public park; or

(b) The development will include onsite gathering space (indoor, outdoor or a combination thereof) available for common use by all residents, meeting one of the following minimum square footage requirements, whichever is greater:

(i) 1,000 square feet; or

(ii) The minimum square footage required by the Oregon Structural Specialty Code (OSSC) to accommodate the total number of residents of the development, assuming two residents per studio unit and two per bedroom.

B. Alternatives to strict compliance with certain standard(s) as follows:

(1) In the R-9, R-15, R-24 and R-25+ districts, the applicant may propose alternatives to Building Façade standards of the district, which may be approved when the applicant provides written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented façade design.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

italic Changes proposed through concurrent ordinance

- (2) In Transit Oriented districts, the applicant may propose alternatives to principles and standards of:
- (a) Sections 431-5.3 A and B, regarding Building Façades, which may be approved when the applicant provides written findings and evidence demonstrating that the alternatives otherwise provide for pedestrian-oriented façade design in areas planned and developed to function as transit-oriented/station communities in nature.
 - (b) Sections 431-6.1 and 431-6.2, regarding Parking Areas, Garages and Parking Structures, which may be approved when the applicant provides written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented design in areas planned and developed to function as transit-oriented/station communities in nature.
- (3) Findings/evidence to address requirements of (1) or (2), above, may include proof that another jurisdiction allows practices similar to the proposed alternative to address the intent. Any documentation and narrative, however, that clearly supports the adequacy of the alternative to address the intent of the original standard will be considered.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 841

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

SUMMARY:

Ordinance No. 841 amends the Community Development Code, adding a flexible design option for regulated affordable housing. Ordinance No. 841 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. 841. Prior to the Sept. 18, 2018 hearing, 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. 841 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 - 88

Agenda Item No.	<u>6.c.</u>
Date:	09/18/18

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of Ordinance No. 841) No. **18-88**

This matter having come before the Washington County Board of Commissioners (Board) at its meeting of September 18, 2018; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 841; and

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

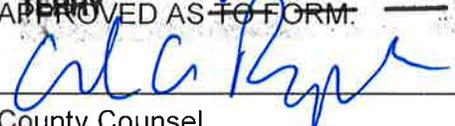
It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on August 15, 2018, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of Ordinance No. 841 are hereby adopted.

DATED this 18th day of September, 2018.

	AYE	NAY	ABSENT
DUYCK	—	—	✓
SCHOUTEN	✓	—	—
MALINOWSKI	✓	—	—
ROGERS	—	—	✓
FERRY	✓	—	—

APPROVED AS TO FORM:

County Counsel
For Washington County, Oregon

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman

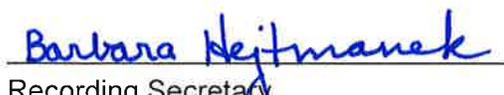

Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 841

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ADDING A FLEXIBLE DESIGN OPTION FOR REGULATED AFFORDABLE HOUSING

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 4 – Metro Regional Transportation Functional Plan Findings

Part 1:

GENERAL FINDINGS

Ordinance No. 841 amends the Community Development Code (CDC) to provide an alternative land use review option for certain housing proposals wherein all units are to be regulated as affordable. The review option accommodates several actions typical to the land use review process under one action, and allows increased design flexibility and density bonuses.

Key Ordinance Provisions

Ordinance No. 841 amends the CDC specifically for regulated affordable housing as follows:

- Allows increased density and building height; and reduced lot dimensions, setbacks and landscaping.
- Allows greater flexibility in provisions for building facades and parking in certain districts
- Waives prohibition against ground floor residential uses in certain districts

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The Washington County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The Board also finds that Goals 3 (Agricultural Lands), 4 (Forest Lands), and 14 (Urbanization) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

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

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 841 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. Ordinance No. 841 makes no changes to maps within the Plan, and changes to Plan text do not implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of Ordinance No. 841.

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. 841.

Notice was coordinated with all affected governmental entities. Comments relevant to Ordinance No. 841 were considered/addressed either as part of the proceedings or with subsequent staff coordination.

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

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

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

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

Ordinance No. 841 amends the CDC to provide an alternative land use review option for certain housing proposals within the urban growth boundary wherein all units are to be regulated as affordable. It allows additional density, increased building height, and greater flexibility in provisions for building facades and parking in certain districts. It also allows reduced lot dimensions, setbacks and landscaping and waives prohibition against ground floor residential uses in certain districts. All existing protections for significant natural resources still apply. Ordinance No. 841 does not amend the applicable Plan policies, Community Plans, or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by Ordinance 841. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 5 resources.

Goal 6 - Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP, Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan and various sections of the CDC provide for the maintenance and improvement of the quality of air, water and land resources.

Ordinance No. 841 does not amend the applicable Plan policies or CDC standards related to air, water or land resources that impact the County's compliance with Goal 6. Plan compliance with Goal 6 is maintained with the amendments made by Ordinance No. 841. The amendments are consistent with the County's acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 - Areas Subject to Natural Hazards

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

Ordinance No. 841 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by Ordinance No. 841. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 - Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

Ordinance No. 841 does not amend the applicable Plan policies or Community Plans regarding recreational needs. Plan compliance with Goal 8 is maintained with the amendments made by Ordinance No. 841. The amendments are consistent with the County's acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

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

Ordinance No. 841 does not amend the applicable Plan policies or CDC standards relating to economic development. Plan compliance with Goal 9 is maintained with the amendments made by Ordinance No. 841. The amendments are consistent with the County's acknowledged policies and standards for strengthening the local economy as required by Goal 9.

Goal 10 - Housing

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

Ordinance No. 841 amends the CDC to provide an alternative land use review option for certain housing proposals wherein all units are to be regulated as affordable. It allows additional density, increased building height, and greater flexibility in provisions for building facades and parking in certain districts. It also allows reduced lot dimensions, setbacks and landscaping and waives prohibition against ground floor residential uses in certain districts.

The amendments are intended to facilitate and encourage development of housing, especially housing affordable to lower income residents. Proposed changes may lower housing costs by allowing more flexibility for regulated affordable housing, thereby increasing the variety and supply of housing. The amendments are consistent with the County's acknowledged policies and standards for provision of housing and plan compliance with Goal 10 is maintained.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

Ordinance No. 841 does not amend the applicable Plan policies or CDC standards relating to public facilities and services. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 841. The amendments are consistent with the County's acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 - Transportation

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

Ordinance No. 841 amends the CDC to allow for a density bonus of up to 50 percent as a percentage of the existing allowed maximum density. The amendment also allows increased flexibility in parking provisions for regulated affordable housing developments in certain districts. Specifically, the changes would allow on-street spaces to substitute for off-street spaces and vice versa, to the minimum extent necessary, as long as the overall number of spaces provided will meet the combined total amount of parking required in Section 413. This ordinance does not preclude residential developments from reducing required parking space quantities as allowable in Section 413.

Ordinance No. 841 also amends the CDC to allow private roadway pavement width to be reduced, subject to fire district approval, as long as the number of parking spaces required by Section 413 is provided.

In addition, the ordinance allows for regulated affordable housing developments through the Flexible Design Option to propose alternatives to principles and standards of Sections 431-6.1 and 431-6.2, for the location and design of parking areas, garages and structures in transit oriented districts. However, the applicant must provide written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented design in areas planned and developed to function as transit-oriented/station communities in nature.

These modifications are intended to facilitate and encourage regulated affordable housing by allowing developments to more easily meet parking and access requirements through the Flexible Design Option.

RESPONSE

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). The findings of compliance for the applicable TPR provisions are summarized below.

OAR 660-012-0045

Implementation of the Transportation System Plan

- (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:
 - g. Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and performance standards of facilities identified in the TSP.
- (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.
 - a. Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;
 - b. On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.
- (5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:
 - a. Allow transit-oriented developments (TODs) on lands along transit routes;
 - b. Implements a demand management program to meet the measurable standards set in the TSP in response to OAR 660-012-0035(4);
 - c. Implements a parking plan which:

- (A) Achieves a 10 percent reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;
 - (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);
 - (C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and
 - (D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.
- d. As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:
- (A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;
 - (B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;
 - (C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;
 - (D) Exempt structured parking and on-street parking from parking maximums;
 - (E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and
 - (F) Provide for designation of residential parking districts.
- e. Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.

(7) Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility. The intent of this requirement is that local governments consider and reduce excessive standards for local streets and accessways in order to reduce the cost of construction, provide for more efficient use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Notwithstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement need not be adopted as land use regulations.

Ordinance No. 841 allows density bonuses for regulated affordable housing of up to 50 percent as a percentage of the existing allowed maximum density through the Flexible Design Option. This provision is intended to facilitate and encourage regulated affordable housing. Although

density bonuses may increase the number of trips generated by any particular site, vehicle ownership is lower among households earning 80 percent of the median family income and other modes of transportation, including transit, are higher. Therefore, the density bonus provision will not adversely impact the function, capacity and performance standards of facilities identified in the TSP. Furthermore, traffic impacts are assessed through the development review process and any impacts to the function, capacity and performance standards to facilities identified in the TSP will be addressed to the extent possible.

The ordinance also amends parking requirements for regulated affordable housing by allowing provisions of on-street parking to meet minimum off-street parking requirements. The ordinance also reduces the amount of pavement width necessary for the purposes of internal circulation within developments, subject to fire district approval, and allows for new developments to propose alternatives to principles and standards of Sections 431-6.1 and 431-6.2 for the location and design of parking areas, garages and structures in transit oriented districts, provided that the alternatives incorporate pedestrian-oriented design suitable for these districts.

Therefore, the amendments in Ordinance No. 841 are consistent with the TPR.

Goal 13 - Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

Ordinance No. 841 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by Ordinance No. 841. The amendments are consistent with the County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that County comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 841 findings have been prepared to address Title(s) 1, 3, 4, 6, 7, 8, 11, 12, 13 and 14 of the UGMFP.

Title 1 - Housing Capacity

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

RESPONSE

The amendments will not result in a decrease in housing capacity. Ordinance No. 841 adds flexibility for certain types of regulated affordable housing proposals by providing an alternative land use review option. The amendments may increase housing capacity by allowing additional density, increased building height, and greater flexibility in provisions for building facades and parking in certain districts. They also allow reduced lot dimensions, setbacks and landscaping; and waive a prohibition against ground floor residential uses in certain districts. Ordinance No. 841 is therefore consistent with Title 1.

Title 3 - Water Quality and Flood Management

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

RESPONSE

Ordinance No. 841 does not amend any Plan policies or CDC standards related to water quality or flood management and does not affect compliance 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.

RESPONSE

The amendments in Ordinance No. 841 do not affect protection of RSIAs or to the location of employment areas in Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 841 does not affect compliance with Title 4.

Title 6 - Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

The ordinance may help to increase the function of such areas as centers of urban life by facilitating a greater variety of housing types that may accommodate a wider range of lifestyles

and income levels in some Metro-designated Centers, Corridors, Main Streets and Station Communities. Ordinance No. 841 is consistent with Title 6.

Title 7 - Housing Choice

To increase the supply of affordable housing opportunities, Title 7 implements policies of the Regional Framework Plan regarding establishment of voluntary affordable housing production goals to be adopted by local governments.

RESPONSE

Ordinance No. 841 does not amend County policies regarding affordable housing production goals. It is intended to facilitate and encourage development of regulated affordable housing as defined in the ordinance by providing an alternative land use review option for such developments that allows additional density, variation from certain dimensional standards, greater flexibility in provisions for building facades and parking area design in certain districts, and waiver of prohibition against ground floor residential uses in certain districts.

The amendments will not result in a decrease in housing capacity. They may help to increase capacity, supply, variety and affordability of housing in the County. Ordinance No. 841 is consistent with Title 7.

Title 8 - Compliance Procedures

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

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 841 was mailed to Metro July 11, 2018, 36 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 841.

Title 11 - Planning For New Urban Areas

Title 11 guides planning of urban reserves and areas being added to the urban growth boundary for conversion from rural to urban use. Title 11 includes requirements that the development of areas added to the urban growth boundary implement the Regional Framework Plan and the 2040 Growth Concept.

RESPONSE

Ordinance No. 841 applies to lands within the urban growth boundary that are already designated for urban use. Title 11 is not applicable to Ordinance No. 841.

Title 12 – Protection of Residential Neighborhoods

Title 12 protects existing residential neighborhoods from air and water pollution, noise and crime, and provides adequate levels of public services.

RESPONSE

Ordinance No. 841 does not impact the county's ability to comply with Plan policies or CDC standards related to air or water pollution, noise or crime, or adequate levels of public services.

Title 13 – Nature in Neighborhoods

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

RESPONSE

Ordinance No. 841 does not impact Plan policies or CDC standards related to streamside corridors or upland wildlife habitat.

Title 14 – Urban Growth Boundary

Title 14 prescribes criteria and procedures for amendments to the urban growth boundary to provide a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form.

RESPONSE

The ordinance does not propose to amend the urban growth boundary. Title 14 is not applicable to Ordinance No. 841.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of Ordinance No 841 with the applicable policies of Metro's Regional Transportation Functional Plan (RTFP). The applicable elements of the RTFP are Title 1, which pertains to street system design and Title 4, which pertains to parking management and standards. Brief summaries of the applicable RTFP provisions and findings of compliance follow.

Title 1 Street System Design

FINDING: Ordinance No. 841 creates a new Flexible Design Option for regulated affordable housing in CDC Section 404 (Master Planning) that allows greater flexibility in provisions for reduced pavement width for internal circulation. This is consistent with 3.08.110 B (1) to allow local street design regulations pavement widths of less than 28 feet from curb-face to curb-face.

Title 4 Parking Management and Standards

FINDING: Ordinance No. 841 amends the CDC by allowing regulated affordable housing through the Flexible Design Option to include adjacent on-street parking spaces for the purposes of meeting required minimum parking standards. Section 404-5.5B(2)(b) allows for regulated affordable housing developments through the Flexible Design Option to propose alternatives to principles and standards of Sections 431-6.1 and 431-6.2 for the location and design of parking areas, garages and structures in transit oriented districts. However, the applicant must provide written findings and evidence demonstrating that the alternatives are adequate to otherwise provide for pedestrian-oriented design in areas planned and developed to function as transit-oriented/station communities in nature. All of these provisions are consistent with Title 4.