



August 25, 2014

To: Washington County Board of Commissioners

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 786 - An Ordinance Amending the Community Development Code to provide incentives targeted at mixed-use development in the Community Business District and Office Commercial District.**

**STAFF REPORT**

**For the September 2, 2014 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 10:00 am)*

**I. STAFF RECOMMENDATION**

Conduct the first public hearing; at the conclusion of the hearing, order engrossment of the ordinance to include the changes described in this staff report and shown in Attachment C.

Continue the hearing to September 23 and October 7, 2014 and direct staff to prepare and mail notice of the amendments consistent with requirements of Title X of the County Charter.

**II. PLANNING COMMISSION RECOMMENDATION**

On August 6, 2014 the Planning Commission (PC) considered Ordinance No. 786. The PC voted 7-0 to recommend approval of Ordinance No. 786 to the Board of Commissioners (Board) with the following clarifying language (suggested changes shown in shaded text).

Staff agrees that the proposed new language offers additional clarity without altering the intent of Community Development Code (CDC) Section 313-3.40(2).

**1. Section 313 – COMMUNITY BUSINESS DISTRICT (CBD)**

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**313-3 Uses Permitted Through a Type II Procedure**

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**Department of Land Use & Transportation · Planning and Development Services**  
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313-3.40 Residential Dwelling Units through a Type II Planned Development Procedure, subject to the following:

- (1) The standards of the R-25+ District shall apply when not in conjunction with a commercial use; or
- (2) The standards of the Community Business District shall apply when attached dwelling units are developed in conjunction with another Community Business District a commercial use. The attached dwelling units and the other Community Business District use Commercial and residential development shall be located within the same building structure.

### **III. OVERVIEW**

Ordinance No. 786 proposes to amend the Community Development Code (CDC) to reduce the cost and expected processing time of residential development applications in the Community Business District (CBD). The ordinance also expands the available options to meet open space and recreational requirements for residential development in the CBD and the Office Commercial (OC) District. The intent of this ordinance is to provide incentives targeted at mixed-use development.

### **IV. BACKGROUND**

One of the important issues identified by residents during the recently completed Aloha-Reedville Study and Livable Community Plan was the lack of vitality and defining character to many of the commercial areas within that community. One approach jurisdictions undertake to help foster vibrant commercial areas is to allow for residential use within commercial areas. This mixed-use development approach, where commercial and residential uses overlap in both physical space and over the course of a twenty-four hour day, can add vibrancy to urban areas through an increase in pedestrian use and by creating demand for the types of services and amenities desired by urban residential users.

The majority of commercial areas in the Aloha-Reedville study area are in the Community Business District (CBD). As part of the community outreach effort for the study, consultants and staff interviewed developers, realtors, and business owners to determine what these individuals perceived as barriers to mixed-use development within both the study area and the rest of the county. Two frequently mentioned responses were the cost of the county's development application process and restrictive regulations.

Staff subsequently directed efforts at potential CDC revisions that could lead to more vibrant mixed-use residential and commercial areas both in Aloha-Reedville and throughout the county. Ordinance No. 786 would provide for reduced processing time and costs for residential and mixed-use development in the CBD and remove potential regulatory barriers to residential development in both this district and the Office Commercial (OC) District.

### ***Ordinance Notification***

Ordinance No. 786 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on June 27, 2014. A display advertisement regarding the proposed ordinance was published in *The Oregonian* and *Hillsboro Argus* newspapers on July 18, 2014. Individual Notice 2014-07 describing proposed Ordinance No. 786 was mailed to 434 people on the General Notification List on July 23, 2014. A copy of this notice was also mailed to the Planning Commission at that time.

## **V. ANALYSIS**

The intent and purpose of the CBD designation is to “...*provide the community with a mix of retail, service and business establishments on a medium to large scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted.*” (CDC 313-1). The intent and purpose of the OC District is to provide for office uses as the primary use, but also allow “...*some accessory commercial and high density residential uses...*” that serve workers within this district (CDC 312-1). Attachment A shows the locations of CBD and OC Districts within the county.

The standards for each land use district allow for a variety of commercial uses through a Type II (administrative) process, including eating and drinking establishments, food markets, and offices. There are only a few commercial uses that require a Type III (public hearing) process: retail business establishments exceeding 50,000 square feet, regional shopping centers, regional scale facilities, and lodging with over 50 units. Currently, residential uses in each district are permitted as a Type III application and are subject to a higher application fee than Type II reviews.

Residential development in the CBD and OC District must also comply with the Planned Development (PD) standards of CDC Section 404-4. The PD standards require new development to provide a minimum 20 percent of the lot area to open space for properties that are 10 acres or less, with a smaller percentage of open space required for properties larger than 10 acres. The 20 percent open space requirement can act as a limiting if not prohibitive factor for residential development in these two districts. The majority of the county’s CBD and OC District taxlots are less than one acre and are often site constrained in providing parking, landscaping, and other required standards.

The PD standards also require provision of active recreational facilities (playgrounds, bicycle and pedestrian trails, swimming pools or tennis courts) which are difficult to achieve on smaller sites. “Exercise rooms” are proposed as a new development option that would meet the active recreational requirements of CDC Section 404-4 A(3)(a). For sites that are less than one acre in size, the PD standards do allow substitution of at least two passive recreation improvements such as benches, a water feature, or picnic table(s) with a barbecue for the active recreational facilities.

Staff believes that both the cost and the planned development standards for residential development in these districts may be unnecessarily burdensome and a possible factor in why mixed-use residential development has been slow-growing in some areas of these districts.

According to the economic development consultants for the Aloha-Reedville Study, commercial corridors in the region and the county generally have a high proportion of retail uses and lack the residential mix that can both supply a larger customer base for area businesses and that support the provision of enhanced transit features such as frequent service.

The current development trend of adding density within commercial corridors is expected to continue throughout the region.<sup>1</sup> Portland in particular is addressing the existing market demand for attached residential units within a walkable distance to transit, shopping, and other services by locating these units along commercial corridors. Removing development barriers that create incentives toward a more balanced array of uses and building types within the CBD and OC District is the purpose of this ordinance.

This ordinance also supports regional and county land use planning efforts. Mixed-use development supports the intent and purpose of Metro's 2040 Growth Concept, which guides regional growth through local land use implementation. Policy 40 (Regional Planning Implementation) of the Comprehensive Framework Plan applies the 2040 Growth Concept to county lands inside the UGB. Centers and Corridors are two Growth Concept design elements that have been adopted into local land use plans, including Washington County's planning documents. Most of the county CBD and OC District areas are located along Corridors, in Centers, or in both of these urban design types. Mixed-use, pedestrian-friendly development with a range of housing types address the intent and purpose of these land use districts as described at the beginning of this section.

The current lack of residential and mixed-use redevelopment within the county's Centers and Corridors is not solely due to existing development standards—rather it is due to a variety of factors, including underlying land values and market demand. Removal of financial and regulatory barriers to residential and mixed-use development in these districts represents only one component in helping to enhance the condition of the commercial areas in question. The intent of the proposed amendments is to eliminate barriers to potential development for that point in time when the market is ripe for redevelopment.

Staff drafted an issue paper as part of the Aloha-Reedville Study that examined this issue in some depth for the Tualatin-Valley (TV) Highway. TV Highway has the longest linear strip of CBD designation in the county. The issue paper is included as Attachment B of this report.

### ***Ordinance Provisions***

Staff recommends that fee and process requirements be reduced for residential and mixed-use projects in the CBD from a Type III to a Type II review. No change is recommended for new residential development in the OC District given the district's more narrowly prescribed intent and purpose, as exemplified in the provision for "some" residential uses (as noted above) and in residential development only being allowed when it is included as part of a mixed-use office commercial development (as opposed to the CBD allowance of stand-alone residential use on the same lot as commercial). While the allowance of some residential in the OC District is desirable,

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<sup>1</sup> Aloha-Reedville Study and Livable Community Plan – Final Report. March 2014. Addendum A: *Economic Development Strategy*.

maintaining the existing process and fee structure for residential development will continue to meet the intent and purpose of the district.

The ordinance also proposes amendments to the planned development standards of CDC Section 404-4. This code section states that the "...Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the dedication of public or private open space." Currently, all residential development in the CBD and OC District must proceed under the planned development standards.

Open space is an important element for residential use, particularly in dense urban areas. The planned development process ensures that this amenity is provided in new residential development. During the Aloha-Reedville Study, staff determined that for many commercial properties in the CBD, the 20 percent open space requirement of Section 404-4.4 A. is difficult if not impossible to meet on lots less than one acre, particularly since the open space is to be applied at ground level. Changes proposed with this ordinance would allow additional development options by allowing dwelling unit balconies, decks or patios, and shared rooftop open space to count toward the open space requirements for new residential development in these districts. This has the potential effect of creating a more interesting urban design through façade variability and overall building design. Shared rooftop open space is a new open space provision for the CBD and OC Districts.

In addition to the planned development standards, new residential development in both districts must also meet density requirements of the R-24 District in the OC District and R-25+ District in the CBD. The open space options included above align with the outdoor area options in each of these Districts, as shown in Table 1.

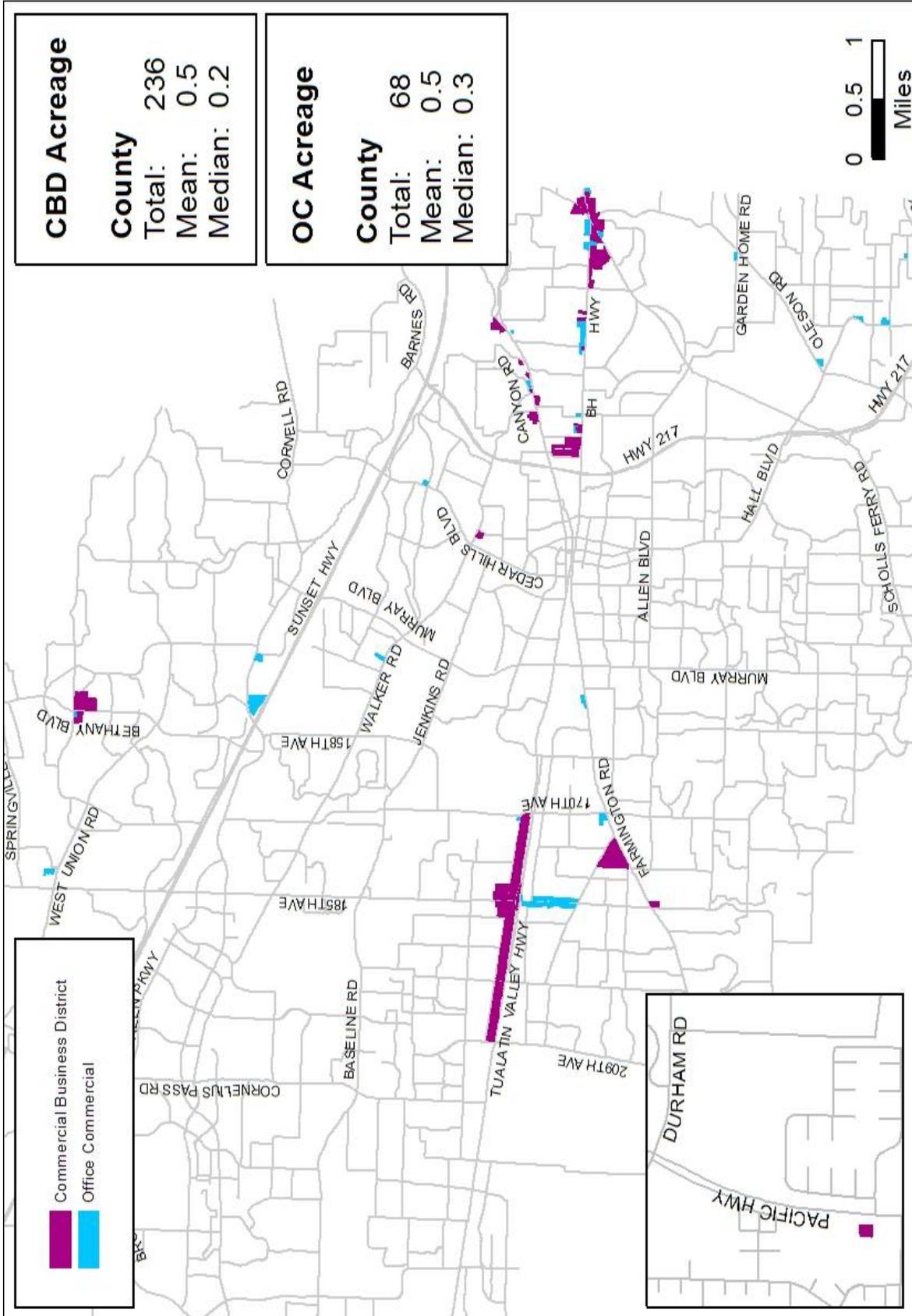
Table 1

<b>Proposed CDC Residential Outdoor Area Standards Ordinance No. 786</b>				
<b>District</b>	<b>Detached Dwellings</b>	<b>Attached Dwellings</b>	<b>Applicable to porches, decks or patios?</b>	<b>Reduction Allowed?</b>
<b>R-9*</b>	Minimum of 450 contiguous sq. feet per lot, with no dimension less than 10 feet.	Minimum of 400 contiguous sq. feet per lot, with no dimension less than 10 feet.	Yes. Must be at least eight (8) feet wide and five (5) feet deep for front-facing. 8' x 4' elsewhere	No
<b>R-15*</b>	Minimum of 400 contiguous sq. feet, with no dimension less than 10 feet.	Minimum of 300 contiguous sq. feet, with no dimension less than 10 feet.	Yes. Must be at least eight (8) feet wide and five (5) feet deep for front-facing. 8' x 4' elsewhere	No
<b>R-24/ R-25+</b>	Minimum of 250 contiguous sq. feet per lot, with no dimension less than 10 feet.		Yes. Must be at least eight (8) feet wide and five (5) feet deep for front-facing. 8' x 4' elsewhere	Yes, to 140 sq. feet if site is within 1,000 feet of a frequent service transit stop AND can provide for at least one (1) acre of contiguous land that is developed for recreational use.
*Lot easements on adjacent lots to meet the outdoor area requirement are permitted in the R-9 and R-15 Districts.				

**Summary of Proposed Changes:**

Ordinance No. 786 proposes to amend the following sections of the Community Development Code:

- Section 313 COMMUNITY BUSINESS DISTRICT (CBD) to change the residential application process from a Type III procedure to a Type II procedure.
- Section 404 MASTER PLANNING to provide additional planned development options that meet open space and active recreation requirements for new residential development in the CBD and OC District.





August 19, 2013

**Aloha-Reedville Land Use Action**  
**Community Business District Development Standards:**  
**Minimizing Residential Barriers**

**Issue**

The Tualatin Valley Highway (TV Highway) corridor commercial district is generally bounded by 170<sup>th</sup> Avenue to the east, 209<sup>th</sup> Avenue to the west, TV Highway to the south, and Alexander Street to the north (including a limited area north of Alexander Street surrounding 185<sup>th</sup> Avenue). This area has a Community Business District (CBD) land use designation. (See attached map.)

Metro regional government and Washington County agreed to a Metro 2040 Functional Growth Management Plan designation of Town Center design concept for the majority of this corridor commercial area. (See attached map.)

Both the CBD and Town Center designations incorporate a goal to provide mixed-use development along this corridor including high-density residential. However to date minimal mixed-use development has occurred. Based on discussions with developers, realtors, real estate development advisors and property owners, some Washington County Community Development Code (CDC) barriers to mixed-use development in the area appear to exist. Potential barriers include a higher-cost application process and perhaps more significantly, mixed-use and residential development standards for open space and recreational amenities that are potentially unachievable in an urban context.

Regional and county goals target a mix of uses for this CBD area, including multifamily housing, condominiums, rowhouses, and residential uses located above commercial or office uses. The inclusion of residential and mixed-use development within this area is a key ingredient for economic vitality and the support of frequent transit along the corridor.

One of the obligated outcomes to the federal grant-funding agencies is to maintain and increase the amount of affordable housing located near transit service, jobs and commercial areas. Removing these potential barriers increases the opportunity for private investment.

**Recommendation**

1. Amend CDC standards to change the application process for residential and mixed-use development in the CBD District from Type III (requiring application to a Hearings Officer) to a Type II (requiring staff review and decision by the department director.)
2. Amend CDC standards to eliminate the requirement for residential and mixed-use development in the CBD District to comply with the Planned Development (PD)

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standards including requirements for provision of open space equivalent to twenty percent of the site area and provision for active recreational facilities.

The proposed amendments are not sufficient in themselves to generate an increase in residential units within the TV Highway commercial corridor. Rather, they represent one component of a multi-faceted approach to remove barriers and provide incentives for residential and mixed-use development.

### **Background**

Since the beginning of the Aloha-Reedville Study & Livable Community Plan members of the community, the Citizen Advisory Committee (CAC) and the project team (staff and consultants) identified needs for economic revitalization with a particular emphasis on redevelopment of the TV Highway commercial corridor. This paper focuses specifically on development and redevelopment of residential and mixed-use within the corridor.

For the context of this paper, the TV Highway corridor can be described as the north side of TV Highway from 170<sup>th</sup> Avenue on the east end to Cornelius Pass Road on the west end, and extending north to include the properties immediately abutting the north side of SW Alexander Street. (A concurrent Oregon Department of Transportation / City of Hillsboro planning effort describes the TV Highway corridor more broadly and is focused on transportation capacity and safety issues.)

The properties within this identified area are designated CBD District, the county's most intensive commercial designation. These properties are highly parcelized, generally consisting of small lots ranging from approximately 0.20 acres to approximately 2.00 acres in size. Most of the lots have frontage solely on TV Highway or Alexander Street, with a lesser number of lots have frontage on north-south intersecting streets. A few lots are "through" lots that have frontage on both TV Highway and Alexander Street. Existing uses in the area are an eclectic mix that includes shops, restaurants, medical facilities, offices, multi- and single-family residential. The majority of the multi-family and single-family residential uses are located on lots that front on SW Alexander Street.

The identified area includes portions of two Metro 2040 Growth Concept Design Types: Transit Corridor and Town Center. In the generic sense TV Highway is obviously a transportation and transit corridor. However, within the Aloha-Reedville study area the portion of TV Highway corridor located west of SW 192<sup>nd</sup> Avenue is designated as a Transit Corridor on Metro's 2040 Growth Concept Map. The county has incorporated this designation on the Transit Corridor Boundaries Map in Policy 40 (Regional Planning Implementation) of the Comprehensive Framework Plan for the Urban Area (CFP). The description of Transit Corridors in Policy 40 states, "*Transit Corridors generally include areas along transit routes that have or will have frequent service. Transit Corridor development will include a mix of complementary land uses, including rowhouses, duplexes, apartments, office or retail buildings, institutional uses and mixed commercial and residential uses.*" (emphasis added)

In addition, the remaining portion of the TV Highway corridor within the study area, between 170<sup>th</sup> Avenue and SW 192<sup>nd</sup> Avenue, is part of a designated Town Center on Metro's 2040 Growth Concept Map. The county has incorporated this designation on the Town Center Boundaries Map in Policy 40 of the CFP. The description of Town Centers in Policy 40 states, "*Town Centers generally are areas designed to function as the heart of surrounding neighborhoods... Primary uses permitted in the Town Centers are local retail commercial, services, and office uses. Also, mixed-use developments (residential above retail stores or commercial services or offices), multi-family housing, condominiums, rowhouses and some institutional uses will be components of Town Centers. This mixing of land uses and activities will allow residents, employees, and business customers to move between uses.*" (emphasis added)

Thus, based on the above regional and county goals, the inclusion of residential and mixed uses is desirable within CBD-designated lands along the length of the TV Highway commercial corridor. Therefore staff examined the existing CDC standards for the CBD District to determine whether they included barriers to mixed use and residential development. A summary of this information is provided below.

#### ***Existing CBD District standards***

The intent of the CBD designation is to "...provide the community with a mix of retail, service and business establishments on a medium to large scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted." (CDC 313-1)

The CBD standards allow a variety of commercial land uses through a Type II (administrative) process, including eating and drinking establishments, food markets, and offices. There are only a few commercial uses that require a Type III (public hearing) process: retail business establishments exceeding 50,000 square feet, regional shopping centers, regional scale facilities, and lodging with over 50 units. However residential uses – whether proposed as stand-alone uses or in combination with commercial uses on a property - are permitted only via a Type III process and are subject to its higher application fee. The public hearing process and higher fee represent a barrier for provision of residential uses in the CBD District.

A more significant barrier is the requirement for residential development in the CBD District to comply with the Planned Development (PD) standards of CDC Section 404-2. The PD standards require provision of a significant amount of open space: a minimum 20 percent of the lot area for properties that are 10 acres or less, with a smaller percentage of open space required for properties larger than 10 acres. (As noted previously, most of the lots within the TV Highway commercial corridor are less than 10 acres in size and therefore would be held to the 20 percent requirement.)

In addition, the PD standards require provision of active recreational facilities (playgrounds, bicycle and pedestrian trails, swimming pools or tennis courts) which represent a significant consumption of lot area on small sites. (For sites that are less than one acre in size, the PD standards allow substitution of at least two passive recreation improvements such as benches, a water feature, or picnic table(s) with barbecue to substitute for the active recreational facilities.)

The PD open space and active recreational facility requirements are not feasible within the study area's TV Highway corridor. The land area required for residential and commercial parking along with the small lots and multiple ownerships that characterize the subject area make these requirements untenable.

These barriers to residential development are an economic impediment. According to the project team's economic development consultants, Leland Consulting, commercial corridors in the region generally have too high a proportion of retail uses. Encouraging more residential uses within commercial corridors benefits the local economy by supplying a larger customer base for area businesses and supporting transit.

***Importance of Other Factors***

Removal of regulatory barriers to residential and mixed-use development is important but will not be sufficient to spur such development. The current lack of residential and mixed-use redevelopment in the corridor is not due solely to existing development standards – rather it is due to a variety of factors including underlying land values and market demand. In order to spur redevelopment in the corridor all of the factors contributing to the current lack of redevelopment must be addressed. A companion issue paper describes potential economic redevelopment tools and strategies that may be considered for the TV Highway corridor and the study area.

Sections of the Community Development Code are amended to reflect the following:

**1. Section 313 – COMMUNITY BUSINESS DISTRICT (CBD)**

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**313-3 Uses Permitted Through a Type II Procedure**

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313-3.40 Residential Dwelling Units through a Type II Planned Development Procedure, subject to the following:

- (1) The standards of the R-25+ District shall apply when not in conjunction with a commercial use; or
- (2) The standards of the Community Business District shall apply when attached dwelling units are developed in conjunction with another Community Business District use. The attached dwelling units and the other Community Business District use shall be located within the same building.

**313-4 Uses Which May be Permitted Through a Type III Procedure**

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313-4.3 Uses Which May be Permitted Through a Type III Planned Development Procedure:

In addition to the requirements of Section 313-4, the following uses may be permitted when processed through a Type III Planned Development. The review of the proposed use shall consider whether the use will unduly duplicate an existing use if the proposed location will best serve the public interest and not detrimentally impact existing uses in the County.

- A. Lodging Places - Hotel, Motel over fifty (50) units.
- B. Regional Scale Facilities - such as arena, auditorium, convention center, exhibition hall, stadium, zoo, hospitals, amusement parks.
- C. Regional Shopping Center.
- ~~D. Residential Dwelling Units, subject to the following:~~

- ~~(1) Twenty five (25) units per acre when not in conjunction with a commercial use. The standards of the R-25+ District shall apply; and~~

~~(2) — When in conjunction with a commercial use and included within the same structure there shall be no minimum density required. The standards of the Community Business District shall apply.~~

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**313-5 Prohibited Uses**

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313-5.3 New dwelling units, except pursuant to Section 313-4.3 ~~D3.40~~.

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**2. Section 404 – MASTER PLANNING**

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**404-4 Planned Development**

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404-4.4 Modification of Standards through the Planned Development

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, when the request conforms to the standards of this Code, the following modifications may be allowed:

- A. Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height (except the building height standards of Section 427-3), and landscaping may be modified if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:

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(3) The site design complies with the following standards for recreational facilities:

- (a) Provision of one (1) or more of the following active recreational facilities: playgrounds, bike and pedestrian trails, swimming pools, tennis courts, exercise rooms, and similar facilities.
- (b) For development sites that are less than one (1) acre in size, provision of at least two (2) of the following passive recreation improvements may be substituted for the active recreational facilities: a bench or benches for seating; public art, such as a statue; a water

feature such as a fountain; usable rooftop open space for residents; a gazebo; or picnic table(s) with a barbecue.

- (c) A facility or amenity that is required by another Code standard (including accessways, internal sidewalks and walkways) shall not count as a Planned Development recreational facility.
  - (d) A recreational facility may be placed within the Planned Development open space or within a building (e.g. fitness center), but shall not be located within an area utilized for another Code-required use or activity (including accessways required by Section 408, private and public street rights-of-way) except for required yard areas.
- (4) The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum required ground-level open space based on the following area requirements.
- (a) Twenty (20) percent on sites between zero (0) and ten (10) acres;
  - (b) Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and
  - (c) Ten (10) percent on sites greater than fifty (50) acres.
  - (d) When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of (4)(a) through (c) above.
  - (e) Each required open space area shall maintain a minimum dimension of 10 feet and a minimum area of 1,000 square feet.
  - (f) Open space required by the provisions of the standards of Section 404-4 shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.
  - (g) For security purposes, the open space shall be adequately illuminated during hours of darkness.
  - (h) Open space required by the standards of Section 404-4 shall not be located within public or private rights-of-way.
  - (i) Open space tracts shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.
- (5) In the Community Business District and Office Commercial District, dwelling unit balconies, decks or patios and rooftop open space accessible to residents may be used to meet the minimum open space requirement in Section 404-4.4 A. (4)(a-c).

**Attachment C**

Proposed Amendments to

Ordinance No. 786

August 25, 2014

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- (~~5~~6) The open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space) and other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411. However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-12);



**WASHINGTON COUNTY PLANNING COMMISSION**  
**WEDNESDAY, AUGUST 6, 2014**

**Proposed Ordinance No. 786 – Community Business District – Stephen Shane**

**Deliberations**

Planning Commission (PC) members present: A. Richard Vial, Jeff Petrillo, Ed Bartholemy, Liles Garcia, Mary Manseau, Tegan Enloe, and Anthony Mills. Matt Wellner and Eric Urstadt were absent.

Staff present: Andy Back, Theresa Cherniak, Michelle Pimentel, Stephen Shane, Dyami Valentine, Anne Kelly, Angela Brown, and Connie McCracken, Long Range Planning; Jacquilyn Saito-Moore, County Counsel.

Summary

Staff gave the PC a PowerPoint presentation of Ordinance No. 786 – Proposed Amendments to Residential Standards in the Community Business District (CBD). Ordinance No. 786 proposes to amend the Community Development Code (CDC) by reducing the cost and expected processing time of residential development applications in the CBD.

Ordinance No. 786

- Proposes to amend the residential application process in the CBD from a Type III Procedure to a Type II Procedure
- Proposes to amend Community Development Code (CDC) Section 404.4 (Planned Development) to provide additional options in meeting open space and active recreation standards required of new residential development in the CBD and Office Commercial (OC) districts
- Proposes living unit decks, patios, and rooftop shared space for residents as options to meet open space requirements for residential development
- Proposes “exercise rooms” as a new option to meet active recreation requirements

CBD – Staff Recommendations

- Conduct the public hearing; recommend approval of proposed Ordinance No. 786 to Board of Commissioners.

Documents submitted regarding Ordinance No. 786

- None

Testimony regarding Ordinance No. 786

- None

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**Long Range Planning**

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PC Discussion

- Concern about mixed-use lack of lot coverage requirement
- Concern that residential areas are required to be compact but commercial areas are not
- Concern that all ground level structures are not required to be commercial-use
- Questions about stand-alone structure yard constraints
- Concern that ordinance language should be clear to the general public

Commissioner Manseau moved to recommend adoption of the ordinance as drafted, with the change to replace the word “residential” with “attached” and the word “structure” with “building”. She withdrew this motion because the proposed engrossed language addresses this.

Commissioner Manseau then moved to recommend Board adoption of Proposed Ordinance No. 786 as proposed with the exception of changing CDC 313.3.402 to read “The standards of the Community Business District shall apply when attached dwelling units are developed in conjunction with another Community Business District use. The attached dwelling units and the other Community Business District use shall be located within the same building.” Commissioner Petrillo seconded. **Vote: 7-0, motion passed.**

<u>Commissioner</u>	<u>Vote</u>
Bartholemy	Yes
Garcia	Yes
Enloe	Yes
Manseau	Yes
Mills	Yes
Petrillo	Yes
Vial	Yes

End of deliberations.



July 23, 2014

**Individual Notice No. 2014-07**

**At your request, Long Range Planning is providing you with Individual Notice No. 2014-07 which describes proposed Land Use Ordinance No. 786.**

**Ordinance Purpose and Summary**

Ordinance No. 786 proposes to amend existing residential development standards in the Community Business and Office Commercial Land Use Districts with the purpose of providing incentives targeted at mixed-use development. These incentives include a reduction in application costs, expected processing time, and improved regulatory flexibility.

**Who is Affected**

Property owners that intend to develop new residential units in the Community Business District and the Office Commercial District.

**What Land is Affected**

Taxlots within the Community Business District and Office Commercial District.

**Key Provisions**

- Reduction of the application process from a Type III procedure to a Type II procedure in the Community Business District.
- Provision of additional options that could meet the open space requirements for residential development in the Community Business District and Office Commercial District.

**Initial Public Hearings Time and Place**

**Planning Commission**  
**2:00 pm**  
**August 6, 2014**

**Board of Commissioners**  
**10:00 am**  
**September 2, 2014**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On September 2, 2014, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 2, the ordinance would become effective on November 28, 2014.

**Community Development Code Standards Amended**

- Section 313 – Community Business District
- Section 404 – Planned Development

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**How to Submit Comments**

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation  
 Planning and Development Services, Long Range Planning  
 155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
 Fax: 503-846-4412

**Staff Contact**

Stephen Shane, Associate Planner  
 155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
 Telephone: 503-846-3717 Fax: 503-846-4412  
 e-mail: Stephen\_Shane@co.washington.or.us

**Proposed Ordinance is available at the following locations**

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning 155 N. First Ave., Suite 350, Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

**Plan Documents Affected by Ordinance No. 786**

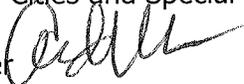
*For more information about these plan documents, please call Long Range Planning at (503) 846-3519.*

**WASHINGTON COUNTY COMPREHENSIVE PLAN DOCUMENTS**

Comprehensive Framework Plan for the Urban Area <input type="checkbox"/>	Rural/Natural Resource Plan <input type="checkbox"/>	Exceptions Statement Document <input type="checkbox"/>
Urban Community Plans: <input type="checkbox"/>		
Community Development Code <input checked="" type="checkbox"/>	Transportation Plan <input type="checkbox"/>	Public Facility Plan <input type="checkbox"/>
		Urban Planning Area Agreements <input type="checkbox"/>



June 27, 2014

To: Washington County Cities and Special Service Districts  
From: Andy Back, Manager   
Planning and Development Services

**Subject: Proposed Land Use Ordinance No. 786**

The Washington County Planning Commission and the Board of Commissioners will soon consider proposed Ordinance No. 786. These ordinances are available on the Washington County web site at:

[www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm)

If you would like a copy of these ordinances or additional information, please contact Long Range Planning at (503) 846-3519.

The initial public hearings before the Planning Commission and the Board of Commissioners are listed below. The hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon. The Planning Commission or Board may continue hearings on the ordinances if necessary.

**Planning Commission**  
**2:00 pm**  
**August 6, 2014**

**Board of Commissioners**  
**10:00 am**  
**September 2, 2014**

**Ordinance No. 786**

**Ordinance No. 786** proposes to amend existing residential development standards in the Community Business District with the intent of providing incentives targeted at mixed-use development. These incentives include a reduction in application costs and expected processing time as well as improved regulatory flexibility.

**Key Provisions:**

- Reduction of the application process from a Type III procedure to a Type II procedure.
- Provision of additional options that could meet the open space requirements for residential development in this district.

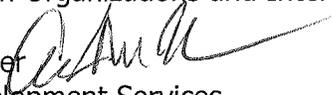
**Department of Land Use & Transportation · Planning and Development Services**  
**Long Range Planning**

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
phone: (503) 846-3519 · fax: (503) 846-4412 · [www.co.washington.or.us](http://www.co.washington.or.us)



June 27, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED ORDINANCE NO. 786**

Enclosed for your information is a copy of proposed Ordinance No. 786. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Section.

**Ordinance Purpose and Summary**

Ordinance No. 786 proposes to amend existing residential development standards in the Community Business District with the purpose of providing incentives targeted at mixed-use development. These incentives include a reduction in application costs and expected processing time as well as improved regulatory flexibility.

**Who is Affected**

Property owners that intend to develop new residential units in the Community Business District.

**What Land is Affected**

Taxlots within the Community Business District.

**Key Provisions**

- Reduction of the application process from a Type III procedure to a Type II procedure.
- Provision of additional options that could meet the open space requirements for residential development in this district.

**Initial Public Hearings**

**Time and Place**

**Planning Commission**  
**2:00 pm**  
**August 6, 2014**

**Board of Commissioners**  
**10:00 am**  
**September 2, 2014**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

On September 2, 2014, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 2, it would become effective on November 28, 2014.

**Department of Land Use & Transportation · Planning and Development Services**

**Long Range Planning**

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
phone: (503) 846-3519 · fax: (503) 846-4412 · [www.co.washington.or.us](http://www.co.washington.or.us)

**Community Development  
Code Standards Amended**

- Section 313 – Community Business District
- Section 404 – Planned Development

**How to Submit Comments**

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

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**Proposed Ordinance is  
available at the following  
locations:**

- Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 North First Ave., Suite 350  
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
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- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

FILED

JUN 18 2014

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 786

An Ordinance Amending the Community  
Development Code Relating to Residential  
Standards in the Community Business District

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon,  
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, and 769-776.

1           B.     As part of its ongoing planning efforts Washington County staff has identified  
2 amendments to the Code to allow for changes to Community Business District development  
3 procedure and standards for certain uses. The Board recognizes that such changes are  
4 necessary from time to time for the benefit and welfare of the residents of Washington  
5 County, Oregon.

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

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

18     SECTION 2

19           The following exhibit, attached hereto and incorporated herein by reference, is adopted  
20 as amendments to the designated documents as follows:

- 21           1.     Exhibit 1 (3 pages), amending the following sections of the Community  
22                 Development Code:

- a. Section 313 – Community Business District;
- b. Section 404 – Master Planning.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

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///

1 SECTION 7

2 This Ordinance shall take effect on November 28, 2014.

3 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, being the \_\_\_\_\_ reading  
4 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 \_\_\_\_\_  
9 CHAIRMAN

10 \_\_\_\_\_  
11 RECORDING SECRETARY

12 READING

13 PUBLIC HEARING

14 First \_\_\_\_\_  
15 Second \_\_\_\_\_  
16 Third \_\_\_\_\_  
17 Fourth \_\_\_\_\_  
18 Fifth \_\_\_\_\_

19 First \_\_\_\_\_  
20 Second \_\_\_\_\_  
21 Third \_\_\_\_\_  
22 Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

VOTE: Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Sections of the Community Development Code are amended to reflect the following:

**1. Section 313 – COMMUNITY BUSINESS DISTRICT (CBD)**

\*\*\*

**313-3 Uses Permitted Through a Type II Procedure**

\*\*\*

313-3.40 Residential Dwelling Units through a Type II Planned Development Procedure, subject to the following:

- (1) The standards of the R-25+ District shall apply when not in conjunction with a commercial use; or
- (2) The standards of the Community Business District shall apply when in conjunction with a commercial use. Commercial and residential development shall be within the same structure.

**313-4 Uses Which May be Permitted Through a Type III Procedure**

\*\*\*

**313-4.3 Uses Which May be Permitted Through a Type III Planned Development Procedure:**

In addition to the requirements of Section 313-4, the following uses may be permitted when processed through a Type III Planned Development. The review of the proposed use shall consider whether the use will unduly duplicate an existing use if the proposed location will best serve the public interest and not detrimentally impact existing uses in the County.

- A. Lodging Places - Hotel, Motel over fifty (50) units.
- B. Regional Scale Facilities - such as arena, auditorium, convention center, exhibition hall, stadium, zoo, hospitals, amusement parks.
- C. Regional Shopping Center.
- D. ~~Residential Dwelling Units, subject to the following:~~
  - ~~(1) Twenty five (25) units per acre when not in conjunction with a commercial use. The standards of the R-25+ District shall apply; and~~
  - ~~(2) When in conjunction with a commercial use and included within the same structure there shall be no minimum density required. The standards of the Community Business District shall apply.~~

\*\*\*

### 313-5 Prohibited Uses

\*\*\*

313-5.3 New dwelling units, except pursuant to Section 313-4.3 ~~D3.40~~.

\*\*\*

## 2. Section 404 – MASTER PLANNING

\*\*\*

### 404-4 Planned Development

\*\*\*

#### 404-4.4 Modification of Standards through the Planned Development

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, when the request conforms to the standards of this Code, the following modifications may be allowed:

A. Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height (except the building height standards of Section 427-3), and landscaping may be modified if the applicant submits written evidence and site and building plans to support the requested modifications and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:

\*\*\*

- (3) The site design complies with the following standards for recreational facilities:
  - (a) Provision of one (1) or more of the following active recreational facilities: playgrounds, bike and pedestrian trails, swimming pools, tennis courts, exercise rooms, and similar facilities.
  - (b) For development sites that are less than one (1) acre in size, provision of at least two (2) of the following passive recreation improvements may be substituted for the active recreational facilities: a bench or benches for seating; public art, such as a statue; a water feature such as a fountain; usable rooftop open space for residents; a gazebo; or picnic table(s) with a barbecue.

- (c) A facility or amenity that is required by another Code standard (including accessways, internal sidewalks and walkways) shall not count as a Planned Development recreational facility.
  - (d) A recreational facility may be placed within the Planned Development open space or within a building (e.g. fitness center), but shall not be located within an area utilized for another Code-required use or activity (including accessways required by Section 408, private and public street rights-of-way) except for required yard areas.
- (4) The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum required ground-level open space based on the following area requirements.
- (a) Twenty (20) percent on sites between zero (0) and ten (10) acres;
  - (b) Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and
  - (c) Ten (10) percent on sites greater than fifty (50) acres.
  - (d) When an indoor recreational facility is provided, such as a fitness center or swimming pool, the floor area of the facility may be used to satisfy the open space requirements of (4)(a) through (c) above.
  - (e) Each required open space area shall maintain a minimum dimension of 10 feet and a minimum area of 1,000 square feet.
  - (f) Open space required by the provisions of the standards of Section 404-4 shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.
  - (g) For security purposes, the open space shall be adequately illuminated during hours of darkness.
  - (h) Open space required by the standards of Section 404-4 shall not be located within public or private rights-of-way.
  - (i) Open space tracts shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.
- (5) In the Community Business District and Office Commercial District, dwelling unit balconies, decks or patios and rooftop open space accessible to residents may be used to meet the minimum open space requirement in Section 404-4.4 A. (4)(a-c).
- (56) The open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space) and

other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411. However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-12);