



**Oregon**  
Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150  
Salem, OR 97301-2540  
(503) 373-0050  
Fax (503) 378-5518  
[www.lcd.state.or.us](http://www.lcd.state.or.us)



**NOTICE OF ADOPTED AMENDMENT**

07/09/2012

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** Washington County Plan Amendment  
DLCD File Number 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

**Appeal Procedures\***

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Friday, July 20, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Suzanne Savin, Washington County  
Jon Jinings, DLCD Community Services Specialist  
Anne Debbaut, DLCD Regional Representative

<paa> YA





FORM

2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF

JUL 02 2012

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Washington County**Local file number: **A-Engrossed Ord. 745**Date of Adoption: **6/26/2012**Date Mailed: **6/28/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 6/11/2012☒ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Bethany Community Plan text & map amendments, Community Devt Code text amendments, and Comprehensive Framework Plan for the Urban Area text & map amendments for the North Bethany Subarea that include the addition of residential density bonus provisions, Planned Development standards, Cluster Housing standards, two new Areas of Special Concern, alternative partition standards for parks, and plan amendment criteria; and changes to the land use designations of 5 properties totaling approx 8 acres.

Does the Adoption differ from proposal? Yes, Please explain below:

The text and map amendments proposed by Ordinance 748 were folded into A-Engrossed Ordinance 745. Other changes include: addition of Planned Development standards for density bonuses & detached dwelling units in the R-15 NB District; addition of standards for Cluster Housing, and for adjustment of land use district boundaries.

Plan Map Changed from: **R-6 NB & R-15 NB**to: **R-9 NB & R-24 NB**Zone Map Changed from: **N/A**to: **N/A**Location: **Township 1N, Range 1W, Sections 17 & 18**Acres Involved: **691**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

|                                     |                                     |                          |                          |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
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| 1                                   | 2                                   | 3                        | 4                        | 5                                   | 6                                   | 7                                   | 8                                   | 9                                   | 10                                  | 11                                  | 12                                  | 13                                  | 14                                  | 15                       | 16                       | 17                       | 18                       | 19                       |
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Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 003-12 (19255) [17099]



35-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☒ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Tualatin Valley Water District, Clean Water Services, Tualatin Valley Fire & Rescue, Metro, TriMet, Multnomah County, ODOT, Oregon Division of State Lands, Portland Community College, Beaverton School District, Tualatin Hills Park & Recreation Dist.

Local Contact: **Suzanne Savin, Senior Planner**

Phone: **(503) 846-3963** Extension:

Address: **155 N. First Ave., Ste 350-14**

Fax Number: **503-846-4412**

City: **Hillsboro**

Zip: **97124-**

E-mail Address:

**suzanne\_savin@co.washington.or.us**

## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (CPO 7)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 745

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

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#### SUMMARY:

A-Engrossed Ordinance No. 745 proposes to amend elements of the Washington County Comprehensive Plan relating to the implementation of the North Bethany Subarea Plan of the Bethany Community Plan. A-Engrossed Ordinance No. 745 addresses some of the outstanding placeholder issues identified by the Board in 2010, 2011 and 2012. A-Engrossed Ordinance No. 745 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm>

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., 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) must be accompanied by findings setting forth the facts and analysis showing that 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, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

The findings for A-Engrossed Ordinance No. 745 (Exhibit A) will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

Attachment: R&O

#### DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 745 and authorize the Chair to sign the Resolution and Order memorializing the action.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 12-54

|                 |                 |
|-----------------|-----------------|
| Agenda Item No. | <u>12.a.</u>    |
| Date:           | <u>06/26/12</u> |



**FILED**

JUN - 8 2012

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Washington County  
County Clerk

A-ENGROSSED ORDINANCE NO. 745

An Ordinance Amending the Bethany  
Community Plan, the Comprehensive  
Framework Plan for the Urban Area, and the  
Community Development Code as Related to  
the North Bethany Urban Growth Boundary  
Expansion Area Planning

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

SECTION 1

A. The Board recognizes that the North Bethany Subarea Plan of the Bethany  
Community Plan, having been adopted in 2009 as the North Bethany Concept Plan which  
established a framework for how new development should occur in the North Bethany area,  
modified in 2010 to establish the urban land use designations, or districts, to assure compliance and  
consistency between the various elements of the Washington County Comprehensive Plan and the  
state and regional planning regulations for new urban areas, and further modified in 2011 including  
but not limited to the removal of the FD-20 land use designation to allow development, is now  
ready for further amendments to address certain policies and planned development standards  
including but not limited to arterial access spacing and density housing.

B. The Board recognizes that to further implement this concept plan, changes to several  
elements of the Comprehensive Plan are necessary to address planned development including  
acquisition of park lands and alignment of Primary Streets, to refine design elements, to designate  
regulatory maps for the North Bethany Subarea Plan, to clarify land use designations including a



1 change to land use designations upon certain property from R-6 NB to R-24 NB and R-15 NB to R-  
2 24 NB, and to make other necessary updates and changes including housekeeping, and are for the  
3 benefit, safety, and general welfare of the residents of Washington County, Oregon..

4 C. The Board recognizes that the Bethany Community Plan was adopted by Ordinance  
5 Nos. 263 and 265 and amended by Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, 620,  
6 649, 702, 712, 730, 739, and 744.

7 D. The Board recognizes that the Comprehensive Framework Plan for the Urban Area  
8 element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9,  
9 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483,  
10 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637,  
11 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, and 744.

12 E. The Board recognizes that the Community Development Code Element of the  
13 Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way  
14 of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341,  
15 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423,  
16 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-  
17 489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577,  
18 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635,  
19 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698,  
20 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742, 743, and 744.

21 F. Under the provisions of Washington County Charter Chapter X, the Department of  
22 Land Use and Transportation has carried out its responsibilities, including preparation of notices,

1 and the County Planning Commission has conducted one or more public hearings on the proposed  
2 amendments and has submitted its recommendations to the Board. The Board finds that this  
3 Ordinance is based on those recommendations and any modifications made by the Board are a  
4 result of the public hearings process.

5 G. The Board further determines that continued, on-going planning efforts concerning  
6 North Bethany in response to extraordinary economic conditions in recent years constitute the  
7 emergency circumstances that permit less than 35-day notice of this ordinance to the state before  
8 the initial public hearing, as provided in ORS 197.610(2), to allow the county to adopt the  
9 ordinance in a timely manner and to provide opportunities for economic development.

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

16 SECTION 2

17 The following Exhibits, attached hereto and incorporated herein by reference, are hereby  
18 adopted as amendments to the following documents:

19 A. Bethany Community Plan Amendments:

- 20 1. Exhibit 1 (30 pages) – Amending Chapter 2, North Bethany Subarea Plan;  
21 and  
22 2. Exhibit 2 (7 pages) – Amending the North Bethany Subarea Plan Maps, as  
follows:



- 1 a. Page 1 – Creating the “Areas Eligible for a Density Bonus in the R-6  
2 NB District”;  
3 b. Page 2 – Amending the “North Bethany Subarea Northeast  
4 Neighborhood” map;  
5 c. Pages 3-4 – Amending the “Land Use Designations” map; and  
6 d. Pages 5-7 – Amending the “Areas of Special Concern” map.
- 7  
8 B. Comprehensive Framework Plan for the Urban Area Amendments:  
9  
10 1. Exhibit 3 (2 pages) – Amending Policy 1, the Planning Process;  
11 2. Exhibit 4 (2 pages) – Amending the “Neighborhood Boundaries” map of  
12 Policy 40;  
13 3. Exhibit 5 (4 pages) – Amending Policy 43, Community Design for New  
14 Urban Areas; and  
15 4. Exhibit 6 (4 pages) – Amending Policy 44, Managing Growth in New Urban  
16 Areas.
- 17 C. Community Development Code Amendments:  
18  
19 1. Exhibit 7 (1 page) – Amending Section 106, Definitions (*Article I:  
20 Introduction and General Provisions*);  
21 2. Exhibit 8 (50 pages) – Amending Sections 306 – R-24 District, and 390 –  
22 North Bethany Subarea Overlay District (*Article III: Land Use Districts*);  
3. Exhibit 9 (2 pages) – Amending Section 404, Master Planning, and Section  
430, Special Use Standards (*Article IV: Development Standards*); and  
4. Exhibit 10 (2 pages) – Section 501, Public Facility and Service Requirements  
(*Article V: Public Facilities and Services*).
- 17 SECTION 3  
18 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which  
19 are not expressly amended or repealed herein, shall remain in full force and effect.
- 20 SECTION 4  
21 All applications received prior to the effective date shall be processed in accordance with  
22 ORS 215.427.

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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.

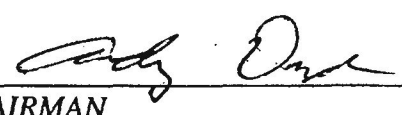
SECTION 7

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

ENACTED this 26 day of June, 2012, being the 4th reading and 4th public hearing before the Board of County Commissioners of Washington County, Oregon.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON:

**ADOPTED**

  
CHAIRMAN

Barbara Hejmanek  
RECORDING SECRETARY

READING

PUBLIC HEARING

First May 15, 2012  
Second June 5, 2012

First May 15, 2012  
Second June 5, 2012



1 Third June 19, 2012 Third June 19, 2012  
2 Fourth June 26, 2012 Fourth June 26, 2012  
3 Fifth \_\_\_\_\_ Fifth \_\_\_\_\_  
4 Malinowski, Terry  
5 VOTE: Aye: Duyck, Schouten, Rogers Nay: \_\_\_\_\_  
6 Recording Secretary: Barbara Hejmanek Date: 6-26-12  
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IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting ) RESOLUTION AND ORDER  
Legislative Findings in Support of )  
A-Engrossed Ordinance No. 745 ) No. 12-54

This matter having come before the Washington County Board of Commissioners at its meeting of June 26, 2012; 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 A-Engrossed Ordinance No. 745; and

It appearing to the Board that the findings attached 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 May 2, 2012, 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 A-Engrossed Ordinance No. 745 are hereby adopted.

DATED this 26th day of June, 2012.

|                      | AYE                                 | NAY                      | ABSENT                   |
|----------------------|-------------------------------------|--------------------------|--------------------------|
| DUYCK                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHOUTEN             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MALINOWSKI           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| APPROVED AS TO FORM: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TERRY                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Scott R. Kendrick 6/19/12  
County Counsel  
For Washington County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
Chairman  
  
  
Recording Secretary

EXHIBIT A

**FINDINGS FOR A-ENGROSSED ORDINANCE No. 745  
AN ORDINANCE RELATING TO IMPLEMENTATION OF THE NORTH  
BETHANY SUBAREA PLAN OF THE BETHANY COMMUNITY PLAN  
June 26, 2012**

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## **BACKGROUND**

A-Engrossed Ordinance No. 745 builds upon the work of A-Engrossed Ordinance Nos. 712, 730, 739, and 744. A-Engrossed Ordinance No. 712 created the North Bethany Subarea, a new subarea in the Bethany Community Plan, on October 27, 2009. A-Engrossed Ordinance No. 730 established the primary elements of the North Bethany Subarea Plan on October 26, 2010. A-Engrossed Ordinance No. 739 addressed issues such as lifting the Future Development 20 Acre District (FD-20) and how to limit conflicts at the urban/rural edges of the subarea. While many of the following findings were made as part of A-Engrossed Ordinance Nos. 712, 730 and 739, they are repeated to demonstrate full compliance with state and regional planning requirements for new urban areas.

All five ordinances address properties in the North Bethany Subarea, with A-Engrossed Ordinance Nos. 730, 739, 744, and 745 affecting only properties within the North Bethany Subarea. This UGB expansion area was brought inside the UGB in December 2002 by Metro Ordinance No. 02-987A. A portion of the expansion area, known as the Arbor Oaks Subarea (formerly known as Arbor Lakes, Gossamer Hills and Urban Reserve Area 65), is not included as part of A-Engrossed Ordinance Nos. 712, 730, 739, 744 or 745, since it was previously addressed via Ordinance No. 546 (1999). The remainder of the expansion area (not including the Arbor Oaks Subarea) has come to be known as North Bethany.

A-Engrossed Ordinance No. 712 amended the Comprehensive Framework Plan for the Urban Area (CFP), the Bethany Community Plan, the 2020 Transportation Plan (TSP) and the Community Development Code (CDC) by adopting the North Bethany Concept Plan through the creation of a new Subarea for North Bethany in the Bethany Community Plan. The North Bethany Subarea was addressed as a new chapter in the Bethany Community Plan, which included a newly adopted North Bethany Concept Plan. A-Engrossed Ordinance No. 712 also amended the TSP to include a Goal exception for proposed Road A. In addition, A-Engrossed Ordinance No. 712 adopted supporting CFP and TSP policies and provisions that provide a basis for the future application of specific urban land use designations and implementing regulations in the North Bethany Subarea, which were addressed in A-Engrossed Ordinance No. 730.

While A-Engrossed Ordinance No. 712 adopted the concept plan for the North Bethany Subarea, A-Engrossed Ordinance No. 730 established the urban land use designations (or districts) and land use regulations that implement the concept plan. In addition, A-Engrossed Ordinance No. 730 established the other implementation provisions within the Community Plan and the Comprehensive Framework Plan for the Urban Area (CFP) plan policies. Whenever feasible, A-Engrossed Ordinance No. 730 applied existing CDC standards to North Bethany, but certain exceptions were made in order to comply with concept planning requirements. A-Engrossed Ordinance No. 730 amended the supporting CFP policies and provisions that specified the future application of specific urban land use designations and implementing regulations in the North Bethany Subarea. A-Engrossed Ordinance No. 730 retained the existing Future Development 20 Acre District

(FD-20) designation for lands in North Bethany until mechanisms for the funding and provision of public facilities and services could be secured and other regulatory requirements were addressed.

A-Engrossed Ordinance No. 730 included the requirement for an adequate level of transportation funding to be assured prior to urban development of the subarea. The North Bethany Interim Transportation Funding Strategy, which was adopted concurrently with A-Engrossed Ordinance No. 730 on October 26, 2010, provides a road map for the assurance of adequate transportation funding, and specifies a mixture of existing and new revenue tools. The two new revenue tools are 1) a North Bethany System Development Charge (SDC), which was also adopted on October 26, 2010; and 2) a County Service District (CSD). The CSD was approved by voters on May 17, 2011; the Board of County Commissioners (Board) established and formed the North Bethany County Service District for Roads on June 7, 2011; and the Board adopted the 2011 – 2012 fiscal year budget for the CSD on June 28, 2011.

A-Engrossed Ordinance No. 739 amended the North Bethany Subarea Plan text and maps, including the addition of new maps for buffer treatments at the urban/rural edge. The ordinance amended the CDC, including the addition of new standards for urban/rural compatibility, road landscape maintenance of arterials and collectors, assurance options for conveyance of park land and stormwater facilities and incentives for providing community service uses. The ordinance also amended CFP text and maps and amended a map in Policy 10 of the 2020 Transportation Plan.

A North Bethany Final Transportation Funding Strategy was adopted by Resolution and Order on October 25, 2011, concurrent with the adoption of A-Engrossed Ordinance No. 739. The adoption of both the North Bethany Final Transportation Funding Strategy and A-Engrossed Ordinance No. 739 allowed removal of the FD-20 designation from North Bethany, and applied urban residential, commercial and institutional land use designations to the subarea.

A-Engrossed Ordinance No. 744 amended the North Bethany Subarea Plan text and maps, including: the addition of Area of Special Concern (ASC) 6B, shifting the locations of Primary Streets 15 and 16, amending the Special Frontages map, amending the Core Design Elements map and various clarifications and grammatical corrections. The 2020 Transportation Plan is amended to reflect the new locations of Primary Streets 15 and 16 and to include a new study area associated with ASC 6B. Also, minor clarifications were made to Section 390 *North Bethany Subarea Overlay District* of the CDC.

A-Engrossed Ordinance No. 745 amends North Bethany Subarea Plan text and maps, including the addition of standards for modification of Primary Street locations; addition of two new Areas of Special Concern (ASC); clarification of ASC 7 standards for required improvements and their relationship to the resource boundary for Bethany Creek; the addition of a standard that requires all new development to construct transportation facilities that are adjacent to the development site; and map amendments to

change land use designations for five properties. A-Engrossed Ordinance No. 745 amends CDC standards for the North Bethany Subarea, including the addition of standards for planned developments, density bonuses, cluster housing, attached dwelling units, building design and variety, and alternative partition standards for conveyance of land for parks and regional stormwater facilities. The ordinance also amends CFP text and maps, including the addition of plan amendment criteria for North Bethany.



**Part 1:**  
**GENERAL FINDINGS**

The Board finds that Statewide Planning Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Wetlands), 18 (Beaches and Dunes) and 19 (Ocean Resources) and related Oregon Administrative Rules (OARs) are not applicable because these resources are not located within Washington County. The Board also finds that applicable requirements under the Transportation Planning Rule (OAR 660-012) be addressed directly due to the subject matter of the ordinance. These findings are included in this document.

The county is also required to make findings that the amendments are consistent with the requirements of Metro's Regional Transportation Plan (RTP) and Metro's Urban Growth Management Functional Plan (UGMFP). Among others, Title 11 (Planning for New Areas) of the UGMFP is specifically relevant for the planning of UGB expansion areas. These findings are also addressed in this document.

Finally, this document responds to specific conditions included with Metro Ordinance No. 02-987A, and related Resolution No. 03-3369A.

**Part 2:**  
**STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 745 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) requirements, Metro's UGMFP and the Washington County Comprehensive Plan. The Washington County Comprehensive 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 Comprehensive Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No Goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the maps and text of the Comprehensive Plan implicate a Goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

**Goal 1 - Citizen Involvement**

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program for 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 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 A-Engrossed Ordinance Nos. 712, 730, 739 744, and 745.

At the adoption of A-Engrossed Ordinance No. 730, the Board directed staff to work with stakeholders to resolve a number of placeholder issues, and to address these issues through a subsequent land use ordinance, namely A-Engrossed Ordinance No. 739. During 2011, a facilitator/mediator worked with staff, developers, citizens and North Bethany property owners to work through the placeholder issues list. The stakeholders and staff worked to maximize agreement and resolve placeholder issues for the purposes of developing exhibits for Ordinance No. 739.

As part of the Board's action to adopt A-Engrossed Ordinance No. 739, the Board identified placeholder issues that were not addressed by A-Engrossed Ordinance No. 739, as well as new issues, to address by July 1, 2012. A-Engrossed Ordinance No. 744 addressed two placeholders—the alignment of Primary Street 16 relative to its crossing of a stream tributary and housekeeping changes identified by the Planning Commission, as well as additional issues authorized by the Board in 2012. A-Engrossed Ordinance No. 745 addresses the remaining North Bethany placeholder issues for which the Board directed resolution by July 1, 2012, as well as additional work authorized by the Board in 2012.

It should be noted here that pursuant to ORS 197.610(2), Ordinance No. 745 was submitted to the Department of Land Conservation and Development (DLCD) less than 35 days before the initial public hearing, to expedite its review. (The initial public hearing before the Planning Commission was April 18, 2012, and the initial public hearing before the Board was May 15, 2012. The ordinance was submitted to DLCD on March 22, 2012, which was less than 35 days prior to the Planning Commission's initial public hearing, but 54 days prior to the Board's initial public hearing.) The need for the expedited review was due to the emergency circumstances caused by the current extraordinary economic conditions and the need to provide opportunities for economic development in Washington County in a timely fashion. The current economic conditions are emergency circumstances that required submittal of Ordinance No. 745 to DLCD in less than 35 days, to allow the county to adopt the ordinance before the end of the county's 2012 land use ordinance season in October 2012.

#### **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, Urban Planning Area Agreements and the CDC. Washington County utilized this process to adopt A-Engrossed Ordinances Nos. 712, No. 730, 739, 744, and 745.

#### **Goal 3 - Agricultural Land**

Goal 3 addresses the preservation and maintenance of agricultural land for existing and future needs for agricultural products, forest and open space. Policy 15, Implementing Strategies (a) and (f), of the Rural/Natural Resource Plan include provisions for the preservation of agricultural lands.

A-Engrossed Ordinance Nos. 712 and 730 established separation between urban development within the North Bethany Subarea and agricultural uses on adjacent rural land by limiting development within existing natural features such as floodplains, wetlands and wooded steep slopes along the western and northern edges of the subarea. However, during the proceedings for Ordinance No. 730, testimony was received about the need for adequate buffers, particularly in the northeast corner and along the eastern edge of the subarea. Because there was insufficient time to meet with all affected parties and stakeholders to adequately examine the buffer issue during the timeline for A-Engrossed Ordinance No. 730, a placeholder was added to the Comprehensive Plan text, requiring the buffer issue to be examined in 2011.

A-Engrossed Ordinance No. 739 addressed this urban/rural buffer placeholder issue by the adoption of Community Plan and CDC standards to promote compatibility between urban uses within the subarea and farm uses on adjacent rural lands. The urban/rural edge standards were tailored to the adjacent agricultural uses and conditions along North Bethany's western, northern and eastern edges. The standards require the provision of trespass-discouraging fencing along the western and northwestern portions of the North



Bethany boundary. Along a majority of the northern boundary, the standards require existing density restricted lands (e.g., floodplains, slopes greater than 25%) to be placed within a non-developable tract, which will function as a vegetated buffer, and fencing to discourage trespass. Along the majority of the eastern boundary, the standards require provision of fencing to discourage trespass and a 20-foot wide vegetation buffer, which will also incorporate sections of North Bethany's eastern perimeter trail. Evidence in the record describes the agricultural activities taking place along the western, northern and eastern edges. The measures adopted as part of A-Engrossed Ordinance No. 739 will provide adequate buffers to these agricultural uses and future agricultural uses.

A-Engrossed Ordinance Nos. 744 and 745 do not amend the applicable Plan policies or strategies relating to farm use districts.

Plan compliance with Goal 3 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745. The amendments are consistent with the county's acknowledged policies and strategies for agricultural land as required by Goal 3.

#### **Goal 4 – Forest Lands**

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

A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 established separation between urban development within the North Bethany Subarea and agricultural and forest uses on adjacent rural land by limiting development within existing natural features such as floodplains and wetlands along the western and northern edges of the subarea. However, during the proceedings for Ordinance No. 730, testimony was received about the need for adequate buffers, particularly in the northeast corner and along the eastern edge of the subarea. Because there was insufficient time to meet with all affected parties and stakeholders to adequately examine the buffer issue during the timeline for A-Engrossed Ordinance No. 730, a placeholder was added to the Comprehensive Plan text, requiring the buffer issue to be examined in 2011. As noted under the Goal 3 findings above, A-Engrossed Ordinance No. 739 addressed this urban/rural placeholder issue by the adoption of Community Plan and CDC standards to promote compatibility between urban uses within the subarea and agricultural practices on adjacent rural lands zoned for farm or forest uses. It should also be noted that only one of the approximately 19 rural properties adjacent to the North Bethany Subarea has a forest use designation, with the remaining properties having exclusive farm use designations.

A-Engrossed Ordinance Nos. 744 and 745 do not amend the applicable Plan policies or strategies relating to forest districts.

Plan compliance with Goal 4 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and strategies for forest lands as required by Goal 4.

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

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

As part of the planning to develop the North Bethany Concept Plan, new Goal 5 resource information was obtained in the form of a Local Wetland Inventory and an Open Space inventory. As required by OAR 660-023, these inventories provided the basis for a subsequent ESEE analysis and program decision, both of which were addressed as PAPAs and included as part of A-Engrossed Ordinance No. 730. The acknowledged 1983 County Goal 5 program designations were applied to significant wetlands (Water Areas and Wetlands) and Open Spaces (existing parks, powerline corridors and a cemetery, and proposed community and neighborhood parks).

Plan compliance with Goal 5 was maintained with amendments made to the Comprehensive Plan by A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730. Furthermore, it should be noted that A-Engrossed Ordinance Nos. 730, 739, 744 and 745 did not amend any of the Goal 5 significant designations adopted by A-Engrossed Ordinance No. 712. The amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 are consistent with the county's acknowledged policies and standards for the protection of Goal 5 resources as well as those set forth in OAR 660 Division 23.

A-Engrossed Ordinance No. 744 amended the Bethany Community Plan by adding Area of Special Concern (ASC) 6B, which is a corridor to locate Primary Street P16 within. P16 is a neighborhood route that will connect the northeast corner of the Subarea to Road A. In order to provide adequate access to this part of the Subarea, P16 must cross a tributary of Abbey Creek as previously adopted by A-Engrossed Ordinance No. 712. The purpose of the ASC is to provide flexibility in the design of the final alignment of P16 so that its impact to the creek is minimized. A-Engrossed Ordinance No. 744 did not amend other Plan policies or development regulations that would affect existing policies and standards applicable to natural resources.

A-Engrossed Ordinance No. 745 includes text amendments to Area of Special Concern (ASC) 7 that clarify the standards for required improvements, and their relationship to the final resource boundary for Bethany Creek. However, because these text amendments are limited to clarifications, they do not impact the Goal 5 program decision for Bethany Creek. A-Engrossed Ordinance No. 745 does not amend other Plan policies or development regulations that would affect existing policies and standards applicable to natural resources.

Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and standards for the 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 in the CFP and Policies 4, 5, 6 and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance Nos. 712 and 730 did not amend the applicable Plan policies or CDC standards related to air, water or land resources which impact the county's compliance with Goal 6. However, A-Engrossed Ordinance No. 712 recognized a Drainage Master Plan (DMP) for North Bethany that describes a concept for managing storm water quantity and quality for the whole of the area in the face of future development. The DMP was developed in cooperation with Clean Water Services, the identified sanitary sewer and storm water quality/quantity service provider agency for North Bethany. The DMP establishes a basis for future amendments relating to regulations and implementation of the DMP. A-Engrossed Ordinance Nos. 730 and 739 did not amend any provisions adopted by A-Engrossed Ordinance No. 712 related to the DMP or its implementation.

A-Engrossed Ordinance No. 730 applied existing Code protections to significant wetlands, acknowledging the water quality and water quantity benefits associated with protecting these resources. A-Engrossed Ordinance No. 739 did not amend any provisions adopted by A-Engrossed Ordinance Nos. 712 and 730 regarding Community Plan and CDC protections to significant wetlands.

A-Engrossed Ordinance No. 744 amended the Bethany Community Plan by adding Area of Special Concern (ASC) 6B. The purpose of the new ASC is to provide more flexibility in locating the final alignment of P16, especially where it crosses a tributary of Abbey Creek. The provisions of the ASC will minimize the road crossing's impact to the creek. A-Engrossed Ordinance No. 744 did not amend other Plan policies or development regulations that would affect existing policies and standards applicable to natural resources.



A-Engrossed Ordinance No. 745 does not amend any Plan policies or development regulations that would affect existing policies and standards applicable to natural resources.

Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and standards for the 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 in the CFP and Policy 8 in the Rural/Natural Resource Plan set out the county's policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 712 did not amend the applicable Plan policies and strategies or CDC sections related to flood plain areas, or to natural disasters and hazards. However, the drainage feature known as Bethany Creek was identified on the Concept Plan as a Drainage Hazard Area. A-Engrossed Ordinance No. 730 applied CDC Section 421 and a pending North Bethany Drainage Master Plan (which was subsequently adopted by Clean Water Services in December 2010). In addition, A-Engrossed Ordinance 730 included data from a landslide hazard inventory and report by DOGAMI in the North Bethany Subarea. The data formed the basis for new CDC Section 410 submittal requirements which more specifically addressed localized potential landslide hazards.

A-Engrossed Ordinance No. 739 amended Comprehensive Plan and CDC standards that limited development on slopes greater than 25 percent, to clarify that development is limited to the top of slope. However, A-Engrossed Ordinance No. 739 did not otherwise amend any applicable Plan policies and strategies or CDC sections related to flood plain areas, natural disasters or hazards.

A-Engrossed Ordinance No. 744 added new Area of Special Concern 6B to the North Bethany Subarea Plan. The purpose of ASC 6B is to allow the crossing of a tributary to Abbey Creek by Primary Street P16 to occur in a manner that limits its impact to the creek. A-Engrossed Ordinance No. 744 did not amend any Plan policies or other development requirements related to Goal 7.

A-Engrossed Ordinance No. 745 does not amend any Plan policies or other development requirements related to Goal 7.

Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. 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 the citizens of Washington County and visitors.

The North Bethany Subarea incorporates a plan for various park locations and sizes, accompanied by a network of multi-modal off-street recreational trails and on-street connections. This program of land for recreational facilities is consistent with the level of service standards for the identified park service provider, as described in the Master Plan of the Tualatin Hills Park and Recreation District (THPRD). A-Engrossed Ordinance No. 730 adopted the mechanisms necessary to facilitate implementation of the park and trail plan and acquisition and development of park and trail sites by THPRD, and specified the types of assurances that were required for each park and trail amenity prior to removal of the FD-20 district. A-Engrossed Ordinance No. 739 amends the park assurance mechanisms to add additional tools to assure parkland acquisition.

A-Engrossed Ordinance No. 744 did not amend any Plan policies or development regulations related to parks. The ordinance made clarifying amendments a few provisions of the North Bethany Subarea Plan's trail master plan to note how the trail in the northeast corner of the Subarea will connect to Primary Street P16 where P16 crosses the Abbey Creek tributary.

A-Engrossed Ordinance No. 745 adds alternative partition standards to the CDC, for conveyance of land for parks and regional stormwater facilities. These new standards will facilitate conveyance of a portion of a site having a parks designation to the park service provider, in cases where the private property owner wishes to convey that portion while retaining the remainder of the site that does not have a parks designation.

Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and strategies 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 in the CFP and Policies 15, 16, 20 and 21 in 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.

A-Engrossed Ordinance No. 712 identified approximately 13 acres of land in the "Commercial" land use category. A-Engrossed Ordinance No. 730 established the future land use districts that will be applied to the North Bethany Subarea after the FD-20

designation is removed from the area. The future land use districts include two commercial districts that allow for development, including commercial and mixed-use. A-Engrossed Ordinance No. 739, when adopted, will result in applying these land use districts to the subarea, and will remove the FD-20 designation.

The size, location, service level and configuration of the areas identified were informed by a North Bethany development program and market analysis that was conducted as part of the planning process. Such uses are consistent with the designations and design types applied by the Metro 2040 Plan. Future commercial uses would allow for development that would support the North Bethany community by providing daily services and limited employment opportunities appropriate for the area. This will allow the identified commercial areas to develop a community-neighborhood center atmosphere. This issue is addressed further elsewhere in this document, under UGMFP Title 11.

A-Engrossed Ordinance No. 744 did not amend any Plan policies or development requirements applicable to Goal 9.

A-Engrossed Ordinance No. 745 contains several amendments that will facilitate development of property and, thus, economic development. These amendments include the addition of standards for shifting the location of Primary Streets; the addition of standards for shifting the location of land use designations within a development site; the addition of standards for Cluster Housing (a new housing type in the county); and the addition of standards for a density bonus as part of a Planned Development.

Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance Nos. 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and strategies 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.

The estimated gross acreage available for residential development in the North Bethany Subarea is 458 acres. It is anticipated this area will accommodate a housing capacity between roughly 3,755 and 4,653 dwelling units, which is consistent with the Metro findings for housing capacity of the subject UGB expansion area. The adopted Concept Plan for the North Bethany Subarea specifies a generalized density structure for the identified residential land use categories (e.g., low, medium and high); A-Engrossed Ordinance No. 730 adopted specific residential land use designations. These land use designations establish anywhere between five units per acre and greater than 25 units per acre and permit a variety of housing types within each district. The range of residential



districts will assure a variety of housing types and range of densities. Price ranges and affordability are addressed elsewhere in this document, under Title 11 of the UGMFP; other housing findings are addressed under Title 7. A-Engrossed Ordinance No. 739 applied these land use designations to the subarea and removed the FD-20 designation from the subarea.

A-Engrossed Ordinance No. 744 did not change the land use designations of any properties. It also did not amend any Plan policies or development requirements related to Goal 10.

As adopted by A-Engrossed Ordinance No. 712 and amended by A-Engrossed Ordinance Nos. 730, 739, and 744, the North Bethany Subarea Plan complies with the Metropolitan Housing Rule (OAR 660-007-0030). OAR 660-007-0030 requires provision of the opportunity for at least 50% of new residential units to be attached single-family housing. A-Engrossed Ordinance No. 745 changes the residential land use designations of five properties to designations that require higher levels of residential density. In addition, A-Engrossed Ordinance No. 745 adds standards that allow a residential density bonus through a Planned Development for most residential land use designations. With these amendments, the opportunity for attached single-family housing is not reduced, and will likely be increased. Therefore, compliance with the Metropolitan Housing Rule is maintained with these amendments.

Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and standards for regulating housing in the urban and rural area as required by Goal 10.

#### **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.

A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 addressed major infrastructure needs. Service providers were identified and plan maps adopted that identified major facility improvements necessary to provide urban services for planned development in the North Bethany Subarea. These include trunk lines and capacity increases for sanitary sewer service, regional facilities for storm water, facility improvements to provide water service, necessary parks and trails locations, urban road maintenance, existing and future school sites and the location of a planned fire station. Necessary law enforcement services will be provided when the Subarea is annexed to the existing service district for Enhanced Sheriff's Patrol. In all cases these plans have been coordinated with designated service provider agencies.

Preliminary cost assessments for needed facilities were made based on needed capacity and locations of existing and framework facilities. For each system, existing revenue streams were evaluated to determine ability to cover future costs. In all cases except for transportation, capital needs can be met by existing means such as SDCs.

Mechanisms to cover the gap in transportation facility funding have been identified. The North Bethany Interim Transportation Funding Strategy, which was adopted concurrently with A-Engrossed Ordinance No. 730 on October 26, 2010, provides a road map for the assurance of adequate transportation funding and specifies a mixture of existing and new revenue tools. One of these new revenue tools, the North Bethany SDC, was also adopted on October 26, 2010. The other new revenue tool, the North Bethany CSD, was approved by voters on May 17, 2011, and was established by the Board on June 7, 2011.

The adopted provisions of A-Engrossed Ordinance Nos. 712 and 730 have established a basis for the orderly development of necessary public facilities through the application of interim protection measures, as provided by the FD-20 designation. A-Engrossed Ordinance No. 739 removed the FD-20 designation from the subarea, applied the urban land use designations, and allowed development to commence.

A-Engrossed Ordinance No. 744 made a minor adjustment to the alignment of Primary Street P15, which will allow the property owner to begin preparing development plans in 2012. This ordinance also created ASC 6B, which provides more flexibility in determining the final alignment of Primary Street P16.

A-Engrossed Ordinance No. 745 amendments related to public facilities and services include the following: the addition of standards to clarify that all new development is required to construct transportation facilities that are adjacent to the development site; the addition of alternative partition standards for conveyance of land for parks and regional stormwater facilities; and the addition of standards for shifting the location of Primary Streets. These amendments clarify existing public facilities and services requirements, and allow additional flexibility in the provision of public facilities and services.

Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and strategies for the provision of public facilities and services as required by Goal 11. The amendments are also consistent with the provisions of OAR 660-011 (Public Facilities Planning) and ORS 195.110 (School facility plan for large school districts).

#### **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 2020 Transportation Plan, describe the transportation system necessary to accommodate the transportation needs of Washington County through the year 2020. Implementing measures are contained in the 2020 Transportation Plan, the Bethany Community Plan and the CDC.

A-Engrossed Ordinance No. 712 was intended to provide a framework for the transportation system both within and in the vicinity of the North Bethany Subarea Plan; its amendments were 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 TPR was adopted in 1991 and sets forth the framework with which development of transportation system plans are required to comply. Division 12 includes an extensive array of requirements with which local transportation plans must comply. As described in the findings that follow, A-Engrossed Ordinance No. 712 complied with all of the applicable requirements of OAR 660, Division 12.

Detailed findings for Goal 12 are provided elsewhere in this document in the form of specific Transportation Planning Rule (TPR) findings, pursuant to OAR 660-012. Brief summaries of the applicable TPR provisions are followed by findings of compliance. Only those provisions of Division 12 that require specific findings are summarized and addressed herein.

A-Engrossed Ordinance No. 730 made a minor amendment to Policy 10 of the 2020 Transportation Plan, to remove the Greater Bethany East-West Arterial Study Area (located on the west side of NW 185<sup>th</sup> Avenue) from the plan, and minor amendments to the Functional Classification System map. Otherwise, A-Engrossed Ordinance No. 730 made no other changes to the Transportation Plan.

A-Engrossed Ordinance No. 739 made minor amendments to the Functional Classification System map of Policy 10 of the 2020 Transportation Plan, by modifying two proposed street alignments and two proposed street lengths. Otherwise, A-Engrossed Ordinance No. 739 made no other changes to the Transportation Plan.

A-Engrossed Ordinance No. 744 made minor amendments to the Functional Classification System map of Policy 10 of the 2020 Transportation Plan by modifying two proposed street alignments. The Transportation Plan's Study Areas map was also amended to show the corridor for Primary Street P16, which was adopted as ASC 6B in the North Bethany Subarea Plan. Minor amendments were made to transportation related issues in the North Bethany Subarea Plan and the Comprehensive Framework Plan for the Urban Area. The amendments are related to minor adjustments to the alignments of Primary Streets P15 and P16 and associated trail connects to the adjusted alignments. These amendments are made to be consistent with the changes to the North Bethany Subarea Plan that are described in earlier findings.

A-Engrossed Ordinance No. 745 amends the residential land use designations of five properties, which will result in approximately 38 to 51 additional dwelling units. In addition, the ordinance amendments include a residential density bonus for most residential land use designations that would be allowed through a Planned Development application, in exchange for providing workforce housing units. If all eligible properties



take advantage of the density bonus option, approximately 908 additional dwelling units could result (see Table 6 on page 59). However, this potential increase in the number of dwelling units does not produce enough traffic to affect the transportation system functional classification or other elements of the plan, as described under the Transportation Planning Rule (OAR 660-012) Findings starting on page 19. Furthermore, given the workforce housing trade-off that needs to be provided, staff believes it is likely that only a subset of eligible properties will opt to utilize the density bonus, resulting in a much lower number of additional units. It should be noted that any additional units will be contributing funds for transportation improvements, as they will be subject to the System Development Charge (SDC) requirements.

In addition, A-Engrossed Ordinance No. 745 updates the Transit Corridor Map of the CFP to remove a gap in the mapped Transit Corridor along Springville Road, immediately west of its intersection with Kaiser Road. The gap's presence was due to the formerly rural land use designation of adjacent land on the north side of Springville Road in this location. Now that the adjacent property has an urban land use designation, the Transit Corridor designation has been added to this segment of Springville Road, making it consistent with the designation of the remainder of Springville Road between Kaiser Road and 185<sup>th</sup> Avenue.

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. 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 TPR and the Regional Transportation Plan (RTP).

### **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.

The North Bethany Subarea Plan and Concept Plan adopted by A-Engrossed Ordinance No. 712 and the land use designations adopted by A-Engrossed Ordinance No. 730 call for the efficient use of vacant land by maximizing densities and locating higher densities along high capacity transportation corridors. A-Engrossed Ordinance No. 739 removed the FD-20 designation from the subarea and applied the urban land use designations that provide these densities.

A-Engrossed Ordinance Nos. 744 and 745 did not amend any Plan policies and development regulations related to energy conservation.

Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the

county's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

**Goal 14 - Urbanization**

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

A-Engrossed Ordinance No. 712 amended the FD-20 Acre District standards to ensure that future land use permits in North Bethany are not in conflict with the adopted Concept Plan and that they do not preclude future urban land uses.

The properties that comprise the North Bethany Subarea were found to be in compliance with Goal 14 when they were brought into the UGB. Nonetheless, Metro brought these properties into the UGB subject to Condition 6 of Metro Ordinance 02-987A, which requires the county to adopt provisions in its comprehensive plan and zoning regulations to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use. Findings for compliance with Metro Condition 6 are provided in Part 6 of this document (Findings for Metro Ordinance No. 12-987A), under Item #6.

A-Engrossed Ordinance Nos. 712, 730 and 739 comply with the Title 11 UGMFP provisions for the urbanization of new land as well as the site-specific conditions included in Metro Ordinance 02-987-A. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance Nos. 712, 730, 739, 744, and 745. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14.

**Part 3:**  
**TRANSPORTATION PLANNING RULE (OAR 660-012) FINDINGS**

A-Engrossed Ordinance No. 745 consists of refinements to the North Bethany Subarea Plan that was adopted through A-Engrossed Ordinance Nos. 712 and 730. A-Engrossed Ordinance No. 745 includes the following transportation-related Plan and CDC amendments:

- Amendment to the Transit Corridor Map of the CFP, to update the map by removing a gap in the mapped Transit Corridor on Springville Road immediately west of its intersection with Kaiser Road;
- Addition of development standards for shifting the alignment of the North Bethany Subarea Plan's Primary Streets;
- Reduction in the minimum required number of streets intersecting the Park Blocks from 5 to 4 streets, and the addition of a requirement to provide two pedestrian-bicycle accessways to intersect the Park Blocks;
- Changing the land use designations of 5 properties to higher-density designations, which will result in approximately 38 to 51 additional dwelling units; and,
- Allowing a residential density bonus through a Planned Development process, which could potentially result in up to 908 additional dwelling units. (However, given the workforce housing trade-off that needs to be provided to obtain a density bonus, staff believes it is likely that only a subset of eligible properties will opt to utilize the density bonus, resulting in a much lower number of additional units.)

With each of these amendments, the functional classifications of the Transportation System Plan will be maintained. The additional trip generation resulting from the land use designation changes and the density bonus provision will be within the ability of the existing and proposed transportation system to serve within adopted standards, as explained in the findings below.

**660-012-0010**

Provides that transportation planning be divided into two phases, transportation system planning and project development.

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0010. A-Engrossed Ordinance No. 739 is a refinement to A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance 730, and it includes amendments to Washington County's Transportation System Plan. A-Engrossed Ordinance Nos. 739, 744 and 745 were developed in compliance with all applicable provisions of Division 12. Transportation project development compliance with the TPR is not applicable to those three ordinances. Transportation projects developed as a result of these plan amendments may also need to complete TPR findings.



**660-012-0015**

OAR 660-012-0015 includes requirements for preparation and coordination of transportation system plans.

- FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0015. A-Engrossed Ordinance Nos. 739, 744 and 745 comply with all the applicable requirements for preparation, coordination and amendment of TSPs required under this section of the TPR.
- OAR 660-012-0015(3)(a) requires that local TSPs establish an adequate system of transportation facilities. During the development of A-Engrossed Ordinance No. 712, staff identified the local transportation needs facilities and services adequate for the North Bethany Subarea. This process was consistent with the development of the Washington County TSP. This needed identification is included in the record for October 20, 2009. Facility identification and evaluation is included in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007 and DKS and Associates Technical Memorandum #4, dated January 9, 2008. A-Engrossed Ordinance No. 739 includes minor refinements to the Transportation System Plan. These refinements are based on the analysis carried out during the development of A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730.
  - OAR 660-012-0015(4) requires that a financing program be adopted. The transportation financing program required by OAR 660-012-0040 is adopted as a supplemental resolution; see the findings for OAR 660-012-0040 below for more information.
  - OAR 660-012-0015(5) requires coordination with affected government agencies. As previously described in these findings, the preparation of A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 were closely coordinated with affected government agencies and service providers. A-Engrossed Ordinance Nos. 739, 744 and 745 continued that coordination as appropriate throughout their development and the engrossment of each ordinance.

**660-012-0020**

This section of the TPR describes the elements that TSPs must contain.

- FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0020. A-Engrossed Ordinance No. 739 contains all of the elements required by the TPR.

- A-Engrossed Ordinance Nos. 712 and 730 included a coordinated network of transportation facilities that were determined to be adequate to meet projected state, regional and local transportation needs through the year 2030 as required by OAR 660-012-0020(1). The analysis of system alternatives, needs and methodology that support this conclusion are found in the record for October 20, 2009. The adequacy of the transportation network system evaluation is included in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007. A-Engrossed Ordinance Nos. 739, 744 and 745 make no substantive changes to this analysis.
- Transportation needs were determined in accordance with OAR 660-012-0030 (and OAR 660-012-0020(2)(a)) and are addressed in the record for October 20, 2009 in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007.
- As previously discussed in these findings, in developing A-Engrossed Ordinance Nos. 712 and 730, Washington County coordinated with state, regional and local jurisdictions. Washington County continued this coordination, as appropriate, throughout the development of A-Engrossed Ordinance Nos. 739, 744 and 745. The Functional Classification system shown in Exhibit 2 of A-Engrossed Ordinance No. 739 is consistent with the functional classifications in applicable state, regional and local TSPs as required by 660-012-0020(2)(b). Amendments to the Functional Classification system and the Study Areas map shown in Exhibit 3 of A-Engrossed Ordinance No. 744 are consistent with the functional classifications in applicable state, regional and local TSPs as required by 660-012-0020(2)(b). The focus and intent of the system is to provide a safe and convenient bike and pedestrian circulation system consistent with OAR 660-012-0045(3)(b) (and OAR 660-012-0020(2)(b)). New connections to arterials will be required to continue to comply with the Washington County access spacing standards.
- The public transportation system is described in the record for October 20, 2009 in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007. No modification to the public transportation system is contemplated as part of A-Engrossed Ordinance Nos. 739, 744 or 745. Transit services are provided on a county-wide basis by TriMet, the regional transit agency. TriMet has adopted the Tri-County Elderly and Disabled Transportation Plan which addresses the needs of the transportation disadvantaged. Based on these factors, A-Engrossed Ordinance Nos. 739, 744 and 745 are consistent with the requirements of OAR 660-012-0020(2)(c).

- Exhibits 3 and 8 of A-Engrossed Ordinance No. 712 include all the elements of the planned bicycle and pedestrian network as required by OAR 660-012-0020(2)(d). Ordinance No. 744 makes minor amendments to the trail and pedestrian connection map in Exhibits 2, 3 and 6.
- No air, rail, water or pipeline transportation facilities have been identified within the planning area of A-Engrossed Ordinance Nos. 712, 730, 744 or 745.
- A-Engrossed Ordinance No. 712 Exhibit 3 adopts regional parking management strategies and provides for a multi-use transportation system designed to reduce reliance upon the automobile consistent with OAR 660-012-0020(2)(f). A-Engrossed Ordinance Nos. 744 and 745 do not modify the regional parking management strategies adopted by A-Engrossed Ordinance No. 712.
- Exhibit 3 of A-Engrossed Ordinance No. 712 includes parking maximum designations as required by OAR 660-012-0020(2)(g). A-Engrossed Ordinance Nos. 744 and 745 do not modify this designation.
- OAR 660-012-0020(2)(h) requires policies and land use regulations for implementing OAR 660-012-0045. Washington County has adopted such provisions as mentioned above and in addition, findings of compliance are included under the discussion for OAR 660-012-0045, below.
- As required by OAR 660-012-0020(i), the transportation financing program required by OAR 660-012-0040 is adopted as a supplemental resolution; see the findings for OAR 660-012-0040 below for more information.
- The inventory and general assessment of existing and committed transportation facilities and services are described in the record for October 20, 2009 included in the DKS and Associates Technical Memorandum #1, and associated documentation, dated October 3, 2006. This information supplements the Washington County Transportation System Plan inventories completed and adopted as part of A-Engrossed Ordinance No. 588 in 2002. A-Engrossed Ordinance Nos. 744 and 745 rely upon and do not modify this information.

**OAR 660-012-0025**

This section of the TPR describes the requirements for Goal compliance and refinement plans.



**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0025. A-Engrossed Ordinance Nos. 744 and 745 comply with the applicable provisions of Section 660-012-0025 of the TPR as demonstrated by the following facts.

- A-Engrossed Ordinance Nos. 712, 730, 744 and 745 have each been adopted as a land use ordinance via the legislative process in accordance with Chapter X, Section 100(d) of the Washington County Charter.
- A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 identify the need, mode, function and general location for transportation facilities, services and major improvements, consistent with OAR 660-012-0025(1).
- The findings contained herein satisfy the requirement of OAR 660-12-0025(2) and have been adopted in conjunction with A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745.
- A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 do not include any refinement planning; OAR 660-12-0025(3) – (4) therefore does not apply.

**OAR 660-012-0030**

The provisions of this section set forth how needs shall be identified in TSP's.

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0030. A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 identify transportation needs as required by OAR 660-012-0030. Only transportation facilities or services affected by the North Bethany Subarea Plan are included within these ordinances and are documented within these findings.

- A-Engrossed Ordinance Nos. 744 and 745 are consistent with the transportation system needs identified in A-Engrossed Ordinance No. 730. A-Engrossed Ordinance Nos. 744 and 745 are consistent with the Oregon Highway Plan (OHP) and Metro's Regional Transportation Plan (RTP) and findings of compliance with the RTP are included herein. In addition, transit services are provided on a county-wide basis by TriMet, the regional transit agency. TriMet has adopted the Tri-County Elderly and Disabled Transportation Plan which addresses the needs of the transportation disadvantaged. Based on these factors, A-Engrossed Ordinance Nos. 744 and 745 are consistent with the requirements of OAR 660-012-0030(1).

- A-Engrossed Ordinance Nos. 744 and 745 are not a regional TSP, therefore OAR 660-012-0030(2) is not applicable.
- The needs analyses that were developed for A-Engrossed Ordinance No. 712 continue to be applicable to A-Engrossed Ordinance Nos. 744 and 745. The needs analysis was based upon population and employment forecasts consistent with Metro Population and Employment Forecast assumptions to 2030. As described in the record for October 20, 2009 in the DKS and Associates Technical Memorandum #1, and associated documentation, dated October 3, 2006. These same regional forecasts have been used to implement Metro's 2040 designations, which are part of the county's adopted and acknowledged comprehensive plan as required by OAR 660-012-0030(3). These population and employment forecasts are also consistent with the 2035 RTP adopted in June, 2010.
- As prescribed by OAR 660-012-0030(3)(b), the transportation needs assessment included in the DKS and Associates Technical Memorandum #1, and associated documentation, dated October 3, 2006 is based upon the Metro regional travel demand model and mode split assumptions. Many efforts to reduce reliance upon the automobile were explored during the development of A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 and these continue to apply to A-Engrossed Ordinance Nos. 744 and 745, as described below in the findings for OAR 660-012-0045.
- A-Engrossed Ordinance Nos. 712, 730, 744 and 745 are consistent with the requirements for VMT reduction set forth in OAR 660-012-0035(4) and referenced by OAR 660-012-0030(4). Appropriate findings are provided herein under OAR 660-012-0035.

**OAR 660-012-0035**

This section of the TPR concerns how the transportation system alternatives analysis was performed.

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0035. A-Engrossed Ordinance No. 712 included an alternatives analysis meeting the requirements of OAR 660-012-0035, this analysis continues to apply to A-Engrossed Ordinance Nos. 744 and 745.

- The methodology used for evaluating alternatives is detailed in the record for October 20, 2009, included in the DKS and Associates Technical Memorandum #2, dated April 5, 2007, Technical

Memorandum #3 dated July 5, 2007, and Technical Memorandum #4 dated January 9, 2008. This evaluation includes consideration of the components set forth in OAR 660-012-0035(1)(a)-(e).

- An analysis of system alternatives for A-Engrossed Ordinance No. 712 was based upon the land use factors detailed in OAR 660-012-0035(2)(a)-(d). Specific consideration of these factors is detailed in the record for October 20, 2009 as shown in the DKS and Associates Technical Memorandum #1, dated October 3, 2006 and Technical Memorandum #4, dated January 9, 2008. This analysis of system alternatives continues to apply to A-Engrossed Ordinance Nos. 744 and 745. These same land use considerations are required to be implemented in the county's Comprehensive Plan by Metro's Urban Growth Management Functional Plan (UGMFP).
- The record for October 20, 2009, DKS and Associates Technical Memorandum #3 dated July 5, 2007, displays the appropriate level of service calculations for the planning area. The level of service standards used to assess the transportation system are consistent with Washington County's adopted and acknowledged Transportation System Plan, an element of the acknowledged comprehensive plan. This analysis continues to apply to A-Engrossed Ordinance Nos. 744 and 745, and is consistent with the requirements of OAR 660-012-0035(3)(a).
- The County's Transportation System Plan is required to be consistent with Metro's RTP. The RTP implements state and federal standards for protection of air, land and water quality, including the Federal Clean Air Act, and State Water Quality Management Plan (OAR 660-012-0035(3)(b)).
- A-Engrossed Ordinance Nos. 712, 730, 744 and 745 envision a community of distinction minimizing transportation related adverse economic, social, environmental and energy consequences. As described in Exhibit 2 of A-Engrossed Ordinance No. 730, the community focuses on integration with both the surrounding greater Bethany urban community and existing natural areas providing for a livable long term future. These provisions continue to apply and are enhanced by A-Engrossed Ordinance Nos. 744 and 745. This is consistent with the requirements of OAR 660-012-0035(3)(c).
- The transportation system for A-Engrossed Ordinance No. 730 was designed to minimize the conflicts between modes by providing a multi-use street network. The relationship of the various modes within the same right-of-way facilitates connections between the modes as appropriate. This multi-modal transportation system is enhanced by A-



Engrossed Ordinance Nos. 744 and 745. This is consistent with the requirements of OAR 660-012-0035(3)(d).

- The transportation system for A-Engrossed Ordinance Nos. 712, 730, 744 and 745 provides a balanced transportation system not dependant on any one mode for mobility or accessibility within the planning area. This is consistent with the requirements of OAR 660-012-0035(3)(e).
- OAR 660-012-0035(4) and (5) concern VMT targets and alternative standards. As a county within a metropolitan planning organization (MPO), Metro's RTP modal targets are applicable to A-Engrossed Ordinance Nos. 712, 730, 744 and 745. The modal targets of the RTP have been established to implement VMT reductions required under the alternative standards provision of OAR 660-012-0035(5). As explained in the findings of compliance with the RTP, A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 are consistent with the mode share target implementation measures of the RTP. This continues to apply to A-Engrossed Ordinance Nos. 744 and 745.

**OAR 660-012-0040**

This section of the TPR requires that a TSP include a transportation financing program and sets forth what such a program is required to include.

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0040. Financing necessary to provide the necessary transportation facilities to serve the North Bethany Subarea Plan has been a major component of the planning process.

- OAR 660-012-0040(1) Requires that the TSP include a transportation financing program. OAR 660-012-0015(4) allows such a program to be adopted as a supporting document to the comprehensive plan.
- OAR 660-012-0040(2)(a) – (c) Lists the elements to be included within the financing plan. Establishing adequate funding for the North Bethany Subarea has been a priority for Washington County and a key element of the overall planning process. The North Bethany Funding Strategy is before the Board of County Commissioners. A-Engrossed Ordinance No. 730 requires that adequate funding be assured to allow development to proceed. The North Bethany Funding Strategy contains a list of improvements, and an estimate of the costs and timing for each improvement, as well as a description of the adopted funding mechanism that provide adequate revenue to ensure that the improvements be completed as the development of the area proceeds.

Each of the new funding mechanisms have been approved as a separate initiative.

- OAR 660-012-0040(2)(d) is addressed above in section OAR 660-012-0035.
- OAR 660-012-0040(3) requires that the financing program review existing funding mechanisms and the possibility of new funding mechanisms. The North Bethany Funding Strategy establishes the complete funding package necessary for improvements listed. The North Bethany Funding Strategy describes the framework for how the adopted funding mechanisms will work together. The financing program uses both existing and new funding mechanisms to provide adequate funding necessary to complete the list of identified improvements. The North Bethany Funding strategy relies on several countywide revenue streams as well as a new County Service District and Supplemental System Development Charge. These adopted funding sources provide a funding strategy for the transportation system improvements necessary to serve the development of North Bethany. Each of the funding strategy mechanisms has been adopted and this ordinance enables development to proceed.

**OAR 660-012-0045**

The provisions of this section concern how a TSP is implemented.

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0045. A-Engrossed Ordinance Nos. 744 and 745, together with previously adopted and acknowledged ordinances, fully implement all of the applicable provisions of OAR 660-012-0045.

- OAR 660-012-0045(1) details those transportation facilities, services and improvements that are exempt from land use review, those that may be permitted outright and those requiring a land use decision. For those transportation projects requiring a land use decision, the OAR requires that local governments provide a review and approval process that is consistent with OAR 660-012-0050. Adopted and acknowledged Ordinances A-Engrossed No. 421 and No. 573 created and refined Article VIII of the Community Development Code which is acknowledged to be consistent with the requirements of OAR 660-012-0050. CDC Article VII provides a consolidated review process for review of land use decisions for permitting transportation projects. A-Engrossed Ordinance Nos. 744 and 745 do not amend this process for land use review of transportation projects and are therefore consistent with OAR 660-012-0045(1).

- OAR 660-012-0045(2) requires the adoption of land use or subdivision regulations to protect transportation facilities. The Community Development Code includes appropriate implementing provisions for such protection. CDC Article V includes provisions for access control consistent with OAR 660-012-0045(2)(a). In addition, R&O 86-95 – Determining Traffic Safety Improvements Under the Traffic Impact Fee Ordinance as well as the Washington County Road Design and Construction Standards, provide for review and protection of roadway safety, infrastructure and operations as provided under subsection – 0045(2)(b). The Community Development Code, together with R&O 86-95, provide a process for coordinated review of land use decisions affecting transportation facilities, corridors and sites as well as public notice as required under subsection –0045(2)(d)-(f). The Washington County Transportation System Plan requires that all plan amendments be reviewed for compliance with OAR 660-012-060 (Strategy 19.13 – Exhibit 21 of A-Engrossed Ordinance No. 588). This strategy is consistent with subsection - 0045(2)(g).
- OAR 660-012-0045(3) requires adoption of regulations to provide for safe and convenient pedestrian, bicycle and vehicular circulation. A-Engrossed Ordinance No. 730 provides a plan for these connections, and regulations requiring compliance with the identified standards within the North Bethany Subarea Plan. A-Engrossed Ordinance No. 744 provides for minor enhancements of these connections. Furthermore, A-Engrossed Ordinance No. 744 is consistent with Community Development Code Section 408, which is applicable and establishes local connectivity for all modes. A-Engrossed Ordinance No. 745 includes a minor modification that reduces the number of required streets intersecting the Park Blocks by one street, and offsets this reduction by requiring two pedestrian/bicycle accessways that intersect the Park Blocks; this amendment maintains local connectivity for all modes. This framework and standards fully complies with the provisions of OAR 660-012-0020(2)(b) as well as the requirements for safe and convenient pedestrian, bicycle and vehicular circulation (OAR 660-012-045).
- OAR 660-012-0045(4) concerns providing reasonable direct access to transit. A-Engrossed Ordinance No. 730 provides plans for reasonable direct pedestrian and bicycle access to transit service. A-Engrossed Ordinance No. 730 requires that new development provide pedestrian scale street lights along all streets, and that densities within the area are designed to support transit service. A-Engrossed Ordinance No. 739 exhibits 2, 6 and 9 slightly adjust the alignment of some of these facilities and enhances the connectivity provisions. Transit services are



provided on a county-wide basis by TriMet, the regional transit agency.

- OAR 660-012-0045(5) requires adoption of land use and subdivision regulations that allow transit oriented developments along transit routes, implement a demand management program as required under subsection –0035(4), and implement a parking reduction plan. A-Engrossed Ordinance No. 730 designated most of the area planned for commercial as “Main Street” requiring a street orientation conducive to providing access to transit. Furthermore, A-Engrossed Ordinance 712 designated a parking plan consistent with regional parking standards, which continues to be applicable. As a county within an MPO, Metro’s RTP’s modal targets are applicable to A-Engrossed Ordinance Nos. 744 and 745. The modal targets of the RTP have been established to implement VMT reductions required under the alternative standards provision of OAR 660-012-0035(5). In addition, A-Engrossed Ordinance No. 730 adopted land use and design measures intended to reduce reliance upon the automobile. As explained in the findings of compliance with the RTP, A-Engrossed Ordinance Nos. 744 and 745 are consistent with the mode share target implementation measures of the RTP.
- OAR 660-012-0045(6) sets forth the elements that are to be included as part of the planned bicycle and pedestrian system in developed areas. A-Engrossed Ordinance Nos. 744 and 745 do not apply to developed areas. Staff reviewed the existing development patterns in the vicinity, and determined that existing and planned pedestrian and bicycle systems were adequate. A-Engrossed Ordinance Nos. 744 and 745 adopt plans for these systems in areas that are currently not developed.
- OAR 660-012-0045(7) set forth requirements for local streets and accessways. These requirements are addressed by the street cross sections provided in A-Engrossed Ordinance No. 712, as updated by A-Engrossed Ordinance No. 730. These provisions are not modified by A-Engrossed Ordinance Nos. 744 and 745.

**OAR 660-012-0050**

This section of the TPR concerns transportation project development.

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0050. A-Engrossed Ordinance Nos. 744 and 745, together with previously adopted and acknowledged ordinances, fully implements all of the applicable provisions of OAR 660-012-0050.

- Subsections –0050(1) and (2) apply to ODOT and regional TSPs and are not directly applicable to A-Engrossed Ordinance No. 588.
- Subsection –0050(3) concerns project development, land use decision making and unresolved issues of compliance with comprehensive plan policies and land use regulations. As previously discussed, adopted and acknowledged Ordinances A-Engrossed No. 421 and No. 573 created and refined Article VII of the Community Development Code which is consistent with the requirements of OAR 660-012-0050. CDC Article VII provides a consolidated review process for review of land use decisions for permitting transportation projects. A-Engrossed Ordinance Nos. 744 and 745 do not amend this process for land use review of transportation projects.
- Subsections –0050(4) through (6) concern preparation of Environmental Impact Statements, the consequences of not building project(s) in the TSP and authorize concurrent project development in conjunction with preparation of a TSP or refinement plan. A-Engrossed Ordinance No. 588 established a TSP consistent with these subsections based on General Policies D and the Built and Natural Environment Impacts Policy – 3.0. A-Engrossed Ordinance Nos. 744 and 745 do not amend this process for Built and Natural Environment Impact review.

**OAR 660-012-0055**

This section sets forth timelines for adoption of TSPs and for the specific requirements of OAR 660-012-0045(3), (4)(a)-(e) and (5)(d).

**FINDING:** Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with the Transportation Planning Rule provisions of 660-012-0055. A-Engrossed Ordinance No. 730 is consistent with the provisions of OAR 660-012-0055.

- There are no provisions in this subsection that are required to be addressed as part of these findings.

**OAR 660-012-0060**

This section sets forth requirements for plan and land use regulation amendments.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of OAR 660-012-0060.

- Pursuant to Subsection -0060(1), A-Engrossed Ordinance No. 712 determined that the North Bethany Subarea Plan would significantly affect the planned transportation network. This was documented in the technical work done by DKS and Associates dated July 5, 2007 and

included in the record of the October 20, 2009 Washington County Board of Commissioners hearing.

- In accordance with Subsection -0060(2), A-Engrossed Ordinance No. 712 amended the adopted and acknowledged 2020 Washington County Transportation Plan to provide appropriate functional classifications for the major street network for the North Bethany Subarea Plan. A-Engrossed Ordinance Nos. 730, 744 and 745 do not significantly modify these amendments and will result in a transportation system that will be appropriate for the planned land uses in the North Bethany Subarea Plan while meeting adopted performance criteria from the 2020 Washington County Transportation Plan.
- A-Engrossed Ordinance Nos. 744 and 745 continue to apply the capacity and performance standards for the existing and planned roadway network. These are consistent with the motor vehicle performance measures of the adopted and acknowledged 2020 Transportation Plan, as updated by A-Engrossed Ordinance No. 712. The record for the October 20, 2009 hearing includes the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007, which describes the transportation system needed to accommodate the planned land uses for the North Bethany Plan Subarea, consistent with the adopted performance standards found in the 2020 Transportation Plan. The needed roadway capacities and functional classifications identified in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007 are incorporated in the amendments found in Exhibit 8 of A-Engrossed Ordinance No. 712.
- A-Engrossed Ordinance No. 745 changes the land use designations for 5 properties to higher-density designations, which will result in approximately 38 to 51 additional dwelling units. The addition of this number of units remains consistent with, and does not significantly change, the number of projected dwelling units shown in Table 2 on page 45 of these findings (section 3.07.1120 Planning for Territory Added to the Urban Growth Boundary). Further, A-Engrossed Ordinance No. 745 allows residential density bonuses that could potentially result in up to 908 additional dwelling units. However, given the workforce housing trade-off that needs to be provided to obtain a density bonus, staff believes it is likely that only a subset of eligible properties will opt to utilize the density bonus, resulting in a much lower number of additional units. For that reason, the potential additional dwelling units allowed by the density bonuses are estimated to be consistent with the projected minimum and maximum range identified. These are consistent with the motor vehicle performance measures of the adopted and acknowledged 2020 Transportation Plan,



as updated by A-Engrossed Ordinance No. 712. As such there is no functional classification change or other transportation system plan amendments necessary to accommodate the land use change.

- A-Engrossed Ordinance Nos. 744 and 745 amend the Washington County Transportation System Plan consistent with OAR 660-012-0060(2)(b). The finance program to implement these necessary improvements is described previously within these findings under section 660-012-0040.
- Subsection -0060(3) does not apply to A-Engrossed Ordinance Nos. 744 and 745, since the identified improvements to the transportation system will maintain adopted performance standards.
- OAR 660-012-0060(4) requires coordination with other public agencies and transportation service providers. See the coordination findings under Title 1, previously in this document.
- OAR 660-012-0060(4)(b) concerns which improvements, facilities and services are considered as planned. A-Engrossed Ordinance Nos. 744 and 745 do not change the analysis of transportation improvements that can be found in the record for the October 20, 2009 hearing for A-Engrossed Ordinance No. 712 and are included in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007. For the purpose of this analysis the 2004 adopted Financially Constrained Regional Transportation Plan improvements were considered reasonably likely. Additional improvements are considered reasonably likely based on the finance program described previously within these findings under section 660-012-0040. Additionally, any road that was added to the TSP or community plan as part of A-Engrossed Ordinance No. 712, 730, 744 or 745 is considered reasonably likely.
- OAR 660-012-0060(7) is not applicable to A-Engrossed Ordinance Nos. 744 and 745 since Washington County has fully complied with Title 6, Section 3 of the Urban Growth Management Functional Plan via the adoption of A-Engrossed Ordinance No. 552 (July 25, 2000).

#### **OAR 660-012-0065**

This section identifies the “transportation facilities, services and improvements” that may be permitted on rural lands without a goal exception.

**FINDING:** A-Engrossed Ordinance No. 712 included a single improvement located on rural lands (the Road A extension). An exception for this improvement is required and appropriate findings were provided. No other transportation facilities, services or improvements on rural lands are included in A-Engrossed Ordinance No. 712, A-Engrossed

Ordinance No. 730 or A-Engrossed Ordinance No. 744; Subsection -  
0065 therefore is not applicable.

**Part 4:**

**REGIONAL TRANSPORTATION PLAN (RTP) FINDINGS**

A-Engrossed Ordinance Nos. 744 and 745 are consistent with the Regional Transportation Plan (RTP) published on July 29, 2010. Section 6.7.1 of the RTP requires that local plans be implemented consistent with the Regional Transportation Functional Plan (RTFP). A-Engrossed Ordinance Nos. 744 and 745 makes only minor amendments to the transportation system identified in A-Engrossed Ordinance Nos. 712 and 730. These minor amendments will not have a significant effect upon the regional transportation system plan as addressed in the TPR findings above. A-Engrossed Ordinance Nos. 712 and 730 made findings of compliance with the previous 2004 RTP, while A-Engrossed Ordinance No. 744 made minor amendments to the Transportation System Plan and was required to make findings of consistency with the 2010 RTP. A-Engrossed Ordinance No. 745 does not make amendments to the Transportation System Plan. Section 3.08.010.C of the RTFP, states that “if the TSP is consistent with this RTFP, Metro shall deem it consistent with the RTP.” The RTFP findings are included below.

**REGIONAL TRANSPORTATION FUNCTIONAL PLAN (RTFP) FINDINGS**

Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002. A review, update and amendment process is underway consistent with Table 3.08-4.

**RTFP 3.08.110**

This section relates to street system design.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of RTFP section 3.08.110.

- A-Engrossed Ordinance Nos. 712, 730, 744 and 745 envision a community of distinction which requires a system of new streets that will provide a multi-modal system of connected and complete streets.
- A-Engrossed Ordinance Nos. 712 and 730 detail a framework of complete streets, green street requirements, and transit supportive design elements consistent with 3.08.110A. A-Engrossed Ordinance Nos. 744 and 745 make no substantive changes to these previously adopted requirements.
- A-Engrossed Ordinance No. 712 details local street design requirements consistent with 3.08.110B. The implementation procedures and requirements were updated by A-Engrossed Ordinance No. 730. A-Engrossed Ordinance Nos. 744 and 745 make no substantive changes to these previously adopted requirements.
- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with



3.08.110C. A-Engrossed Ordinance Nos. 744 and 745 make no substantive amendments that affect the arterial and supporting system.

- A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 detail a system of new streets in the North Bethany community consistent with 3.08.110D. A-Engrossed Ordinance Nos. 744 and 745 make minor amendments to the required alignment of these facilities.
- A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 detail a system of new streets in the North Bethany community consistent with 3.08.110E. A-Engrossed Ordinance Nos. 744 and 745 make minor amendments to the required alignment of these facilities.
- A-Engrossed Ordinance Nos. 744 and 745 do not affect or modify state highway interchanges or access to state highways.

**RTFP 3.08.120**

This section relates to transit system design.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of RTFP section 3.08.120.

- A-Engrossed Ordinance Nos. 712 and 730 detail a system of new multi-modal streets and off-street trails that are consistent with 3.08.120B2. A-Engrossed Ordinance No. 744 Exhibit 5 clarifies procedures regarding the development approval requirements for construction of these facilities. A-Engrossed Ordinance No. 745 does not amend the street and trail system.
- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002. A-Engrossed Ordinance Nos. 744 and 745 do not amend the transit component of the adopted TSP. The public transportation system is described in the record for October 20, 2009 in the DKS and Associates Technical Memorandum #3, and associated documentation, dated July 5, 2007. No modification to the public transportation system is contemplated as part of A-Engrossed Ordinance Nos. 744 and 745. Transit services are provided on a county-wide basis by TriMet, the regional transit agency.

**RTFP 3.08.130**

This section relates to pedestrian system design.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of RTFP section 3.08.130.

- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with 3.08.130A.
- A-Engrossed Ordinance Nos. 712 and 730 detail a system of new multi-modal streets and off-street trails that are consistent with both 3.08.120B2 and 3.08.130B. A-Engrossed Ordinance No. 744 Exhibits 4 and 6 make minor adjustments to the alignment of a section of an off-street trail to connect to the adjusted alignment of Primary Street P16. A-Engrossed Ordinance No. 745 includes a minor modification that reduces the number of required streets intersecting the Park Blocks by one street, and offsets this reduction by requiring two pedestrian/bicycle accessways that intersect the Park Blocks; this amendment maintains local connectivity for all modes.
- A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 detail a system of new multi-modal streets and off-street trails that development shall be required to provide on-site consistent with 3.08.130C. A-Engrossed Ordinance No. 744 Exhibits 4 and 6 make minor adjustments to the trail system in order to respond to an adjustment to the alignment of P16. A-Engrossed Ordinance No. 745 includes a minor modification that reduces the number of required streets intersecting the Park Blocks by one street, and offsets this reduction by requiring two pedestrian/bicycle accessways that intersect the Park Blocks; this amendment maintains local connectivity for all modes.

**RTFP 3.08.140**

This section relates to bicycle system design.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of RTFP section 3.08.140.

- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with 3.08.140. A TSP update and amendment process is underway consistent with Table 3.08-4.

**RTFP 3.08.150**

This section relates to freight system design.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of RTFP section 3.08.150.

- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with

3.08.150. A TSP update and amendment process is underway consistent with Table 3.08-4.

**RTFP 3.08.160**

This section relates to transportation system management and operations.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the provisions of RTFP section 3.08.160.

- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with 3.08.160. A TSP update and amendment process is underway consistent with Table 3.08-4.

**RTFP Title 2 sections 3.08.210, 3.08.220 and 3.08.230**

Title 2 of the RTFP relates to the Development and Update of Transportation System Plans.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the Title 2 provisions of RTFP sections 3.08.210, 3.08.220 and 3.08.230.

- Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002 consistent with sections 3.08.210, 3.08.220 and 3.08.230. A TSP update and amendment process is underway consistent with Table 3.08-4.

**RTFP Title 3 section 3.08.310**

Title 3 of the RTFP relates to Transportation Project Development.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the Title 3 provisions of RTFP sections 3.08.310.

- Section 3.08.310 concerns project development, CDC Article VII provides a consolidated review process for review of land use decisions for permitting transportation projects. A-Engrossed Ordinance Nos. 744 and 745 do not amend this process for land use review of transportation projects.

**RTFP Title 4 section 3.08.410**

Title 4 of the RTFP relates to parking management.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the Title 4 provisions of RTFP sections 3.08.410.

- A-Engrossed Ordinance No. 712 Exhibit 3 adopted regional parking management strategies and provides for a multi-use transportation

system designed to reduce reliance upon the automobile consistent with Title 4 section 3.08.410. A-Engrossed Ordinance No. 744 does not modify the regional parking management strategies adopted by A-Engrossed Ordinance No. 712.

**RTFP Title 5 section 3.08.510**

Title 5 of the RTFP relates to Amendments of Comprehensive Plans and Transportation System Plans.

**FINDING:** A-Engrossed Ordinance No. 744 is consistent with the Title 5 provisions of RTFP sections 3.08.510.

- A-Engrossed Ordinance No. 712 amended the adopted and acknowledged 2020 Washington County Transportation Plan to provide appropriate functional classifications for the major street network for the North Bethany Subarea Plan consistent with OAR 660-012-0060. A-Engrossed Ordinance Nos. 730, 744 and 745 do not significantly modify these amendments and will result in a transportation system that will be appropriate for the planned land uses in the North Bethany Subarea Plan while meeting adopted performance criteria from the 2020 Washington County Transportation Plan.
- A-Engrossed Ordinance Nos. 744 and 745 do not propose new transportation projects not identified in A-Engrossed Ordinance No. 712 or A-Engrossed Ordinance No. 730 and is consistent with Title 6 of the UGMFP as explained in the findings below.

**RTFP Title 6 section 3.08.610**

Title 6 of the RTFP relates to Compliance Procedures to the RTFP.

**FINDING:** A-Engrossed Ordinance Nos. 744 and 745 are consistent with the Title 6 provisions of RTFP sections 3.08.610.

Washington County has an acknowledged Transportation System Plan adopted by A-Engrossed Ordinance No. 588 in 2002. A TSP update and amendment process is underway consistent with Table 3.08-4



**Part 5:**

**URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN (UGMFP) FINDINGS**

Section 3.07.810 of Title 8 of the UGMFP requires that county comprehensive plan changes be consistent with the UGMFP. The following findings for A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 have been prepared to address Titles 1, 3, 6, 7, 8 and 11 of the UGMFP for the North Bethany Subarea.

**Title 1 - Requirements for Housing and Employment Accommodations**

UGMFP policies in Title 1 seek ways to use urban land efficiently by increasing housing and employment capacity within the urban growth boundary through methods such as local zoning to accommodate development at higher densities in locations supportive of the transportation system.

**RESPONSE**

Metro brought the North Bethany Subarea into the UGB to increase capacity for residential development, namely by identifying the area as an Inner Neighborhood. In the Findings of Fact for Metro Ordinance 02-987A, Metro anticipated that the residential capacity of North Bethany would yield approximately 3,345 units. This reflects anticipated capacity for both the North Bethany Subarea and the Arbor Oaks Subarea together. Through the concept planning process, the county anticipates that there will be capacity for a minimum of 3,805 units for the combined subareas. This is based on two factors. The first is the minimum number of units required in the Arbor Oaks Subarea, according to the approved Master Plan for the area (land use decision Casefile 00-601-M), which is 545 units. The second is the UGMFP Title 11 planning requirement for a minimum of 10 units per net acre, which is based on 326 net developable acres within the North Bethany Subarea, which yields 3,260 units.

A-Engrossed Ordinance No. 730 adopted a more definitive minimum number of units for the North Bethany Subarea. The minimum number of units is derived from stakeholder interests regarding density and transportation funding needs. The minimum could be as high as 11.5 units per net acre, which would yield 3,755 units over 326 net acres. The addition of the 545 minimum number units in Arbor Oaks would yield a combined total of 4,300 units. Both methodologies meet the capacity goals that Metro assumed during the expansion process, as documented in the Findings of Fact for Ordinance 02-987A.

Note that A-Engrossed Ordinance No. 712 implemented the Metro Title 11 requirement by applying interim protection measures designed to regulate development until permanent residential land use districts have been established. While A-Engrossed Ordinance 730 established these permanent residential land use districts, the limitation on urban uses within the FD-20 District for North Bethany lands added to the UGB in 2002 will remain until creation of appropriate transportation funding mechanisms have been secured.

A-Engrossed Ordinance No. 730 included the requirement for an adequate level of transportation funding to be assured prior to urban development of the subarea. The North Bethany Interim Transportation Funding Strategy, which was adopted concurrently with A-Engrossed Ordinance No. 730 on October 26, 2010, provides a road map for the assurance of adequate transportation funding, and specifies a mixture of existing and new revenue tools. The two new revenue tools are 1) a North Bethany System Development Charge (SDC), which was also adopted on October 26, 2010; and 2) a County Service District (CSD). The CSD was approved by voters on May 17, 2011; the Board of County Commissioners (Board) established and formed the North Bethany County Service District for Roads on June 7, 2011; and the Board adopted the 2011 – 2012 fiscal year budget for the CSD on June 28, 2011.

A North Bethany Transportation Funding Strategy was adopted by Resolution and Order on October 25, 2011, concurrent with the adoption of A-Engrossed Ordinance No. 739. The adoption of both the North Bethany Final Transportation Funding Strategy and A-Engrossed Ordinance No. 739 allowed removal of the FD-20 designation from North Bethany, and application of urban residential, commercial and institutional land use designations to the subarea. A-Engrossed Ordinance No. 744 did not amend any land use designations or development standards related to density.

A-Engrossed Ordinance No. 745 includes land use designation changes on five properties that will increase the required residential densities on those properties, and will result in approximately 38 to 51 additional dwelling units. In addition, the ordinance adds an allowance for a residential density bonus for most residential land use designations through a Planned Development application, in exchange for the provision of workforce housing units. If all eligible properties take advantage of the density bonus option, approximately 908 additional dwelling units could result. However, given the workforce housing trade-off that needs to be provided, staff believes it is likely that only a subset of eligible properties will opt to utilize the density bonus, resulting in a much lower number of additional units. It should also be noted that any additional units will be contributing funds for transportation improvements, as they will be subject to the System Development Charge (SDC) requirements.

With these amendments, the Title 11 planning requirement for a minimum of 10 units per acre will be maintained, and housing capacity will increase as is consistent with Title 1.

### **Title 3 - Water Quality and Flood Management**

UGMFP policies in Title 3 seek to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

## RESPONSE

Refer to Title 11, Sections 3.07.1120.G and H for A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 findings related to Title 3; these are addressed below in this document.

### **Title 6 - Central City, Regional Centers, Town Centers and Station Communities**

UGMFP policies in Title 6 seek to enhance the Centers designated on the 2040 Growth Concept Map by encouraging development in these Centers. Cities and counties are encouraged to site government offices in Centers and are required to report on the progress made in their Centers to Metro every two years.

## RESPONSE

Metro Ordinance 02-987A did not bring North Bethany into the UGB for the purpose of establishing a Center. However, Metro Resolution 03-3369 endorses the objective of providing a Main Street or Neighborhood Center in the North Bethany Subarea, consistent with authority provided in Title 6 Section 620.A(5) for the analysis of Neighborhood Centers in Inner Neighborhoods. The North Bethany concept planning process included an analysis of providing a Main Street and small commercial nodes within the planning area as a means of providing a complement of daily uses for future residents. The analysis supported a recommended program of commercial uses in the North Bethany Subarea with a format and scale appropriate for the area and which is not in direct competition with the nearby Bethany Village. Additional ordinance findings for the planned commercial area are addressed below under Section 3.07.1120.F of Title 11. Exhibits 2 and 6 of A-Engrossed Ordinance No. 744 amended figures showing the location of the Main Street that are in the North Bethany Subarea Plan and Comprehensive Framework Plan in order to match the specific geographic location adopted by Policy 41 of the Framework Plan.

A-Engrossed Ordinance No. 745 does not make any amendments to the Main Street area's location. However, A-Engrossed Ordinance No. 745 creates a new Area of Special Concern (ASC) 10, which encompasses one 2-acre residential site within the Main Street area. The purpose of ASC 10 is to allow the 2-acre site to be developed under a single development application beginning in 2012. The design elements of ASC 10 are intended to ensure that the development of this site is complementary to development in the remainder of the Main Street area.

### **Title 7 - Housing Choice**

To increase the supply of affordable housing opportunities, the UGMFP calls for the adoption of voluntary affordable housing production goals.

## RESPONSE

Title 11 specifies that residential developments will include, without public subsidy, housing affordable to households with incomes at or below median incomes for home ownership and at or below 80% of area median incomes for rental as defined by the U.S. Dept. of Housing and Urban Development for the adjacent urban population. Refer below in this document to Title 11 Sections 3.07.1120.D and E for A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 findings related to 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.

## RESPONSE

Consistent with Title 8, Metro was sent a copy of proposed Ordinance No. 745 on March 22, 2012, and a copy of A-Engrossed Ordinance No. 745 on June 8, 2012. The findings in this document demonstrate the amendments made by this ordinance are in compliance with the UGMFP.

### **Title 11 - Planning For New Urban Areas**

Title 11 describes Metro's requirements for converting from rural to urban use of areas brought into the urban growth boundary. Title 11 includes requirements that the development of areas added to the UGB implement the Regional Framework Plan and the 2040 Growth Concept.

## RESPONSE

A-Engrossed Ordinance No. 712 adopted a generalized Concept Plan and Comprehensive Plan amendments for the North Bethany Subarea. The adopted ordinance is intended as a foundation for guiding the development of additional implementation documents, such as Community Development Code provisions and funding strategies. A-Engrossed Ordinance No. 730 established land use designations and development code language to implement the adopted Concept Plan and Comprehensive Plan amendments adopted by A-Engrossed Ordinance No. 712. A Funding Strategy has been presented to the Board of County Commissioners in 2010 and accompanies adoption of A-Engrossed Ordinance No. 730.

The specific findings that are provided below address compliance with Title 11 at the adoption of A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745.



### Section 3.07.1120 Planning for Territory Added to the Urban Growth Boundary

#### *A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in ordinance adding the territory to the UGB.*

Findings. Metro Ordinance No. 02-987A explains that the North Bethany planning area was brought inside the UGB to meet the identified regional need for housing. Attachment 1 of Metro Ordinance 02-987A shows the 2040 Growth Concept design types to be applied in North Bethany. This map shows that the entire North Bethany planning area is identified as an Inner Neighborhood with the exception of the length of Kaiser Road which is identified as a Corridor. In addition, Metro Resolution No. 03-3369A (item 1) calls for a Main Street or Neighborhood Center.<sup>1</sup>

In the *2040 Growth Concept*, Metro describes new neighborhoods as having an emphasis on smaller single-family lots, mixed uses and a mix of housing types including row houses and accessory dwelling units. There are two types of neighborhoods: Inner and Outer Neighborhoods. In contrast to Outer Neighborhoods, Inner Neighborhoods are slightly more compact with slightly smaller lots and more street connections.

The North Bethany Subarea Plan includes five residential land use designations which together will permit a mix of housing types on 458 gross residential acres. The remainder of the North Bethany Subarea acreage is designated for land uses that support residential development and the needs of North Bethany residents, including parks, open spaces, a connective transportation network, and commercial and civic/institutional uses. **Table 1**, North Bethany Concept Plan Acreages, shows the acreages for each concept plan designation that were in effect when A-Engrossed Ordinance No. 712 was adopted in October 2009. Of the residential land use designations, a greater percentage of the land area is designated low density residential, followed by medium density and then high density residential. This is shown in **Table 2** and **Table 3**.

The county has not amended CFP Policy 40 to reflect an Inner Neighborhood designation. However, it is explained in CFP Policy 40 that Neighborhoods cover the areas that are not identified as any other design type. In addition, staff finds that the initial implementing documents reflect the intent of the Inner Neighborhood design type.

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<sup>1</sup> Metro Resolution 03-3369A, objective number one calls for “a sufficient number of dwelling units to support retail commercial uses and civic uses (such as government offices, fire station, police station, town square, library, school, park, etc.) within the concept planning area along a Main Street as described in the Regional Framework Plan and/or in a Neighborhood Center as authorized in Title 12 of the UGMFP, section 3.06.1230.”

**Table 1: North Bethany Concept Plan Acreages**  
*Based on Ordinance No. 712-A, October 2009*

| Concept Plan Designations              |     | Gross Acres |
|----------------------------------------|-----|-------------|
| Residential <sup>1</sup>               |     | 512         |
| Low Density 1 (LDR-1)                  | 145 |             |
| Low Density 2 (LDR-2)                  | 146 |             |
| Medium Density 1 (MDR-1)               | 57  |             |
| Medium Density 2 (MDR-2)               | 96  |             |
| High Density (HDR)                     | 58  |             |
| High Density Specialty (HDR-S)         | 10  |             |
| Commercial                             |     | 13          |
| Mixed Use Commercial                   | 9   |             |
| Corner Commercial                      | 4   |             |
| Institutional (INST) <sup>1</sup>      |     | 75          |
| Wetland <sup>2</sup>                   |     | 91          |
| <b>TOTAL</b>                           |     | <b>691</b>  |
| <b>Other Non-Buildable Lands</b>       |     |             |
| ROW for Primary Streets <sup>3</sup>   |     | 115         |
| Local (48')                            | 9   |             |
| Neighborhood Route (60')               | 40  |             |
| Collectors (78')                       | 26  |             |
| Arterials (90')                        | 11  |             |
| Arterials (98')                        | 29  |             |
| ROW for Local Streets <sup>4</sup>     |     | 80          |
| Parks                                  |     | 43          |
| Community Park West <sup>5</sup>       | 4   |             |
| Community Park East <sup>5</sup>       | 14  |             |
| Linear Park Abbey Creek <sup>5</sup>   | 6   |             |
| Linear Park Bethany Creek <sup>5</sup> | 4   |             |
| Park Blocks <sup>5</sup>               | 4   |             |
| Neighborhood Parks <sup>6</sup>        | 11  |             |
| Steep Slopes <sup>2</sup>              |     | 12          |

<sup>1</sup> Excludes existing PCC Rock Creek Campus (156 acres)

<sup>2</sup> Acreages subject to adjustment based on more accurate information

<sup>3</sup> Based on those streets shown on the Primary Streets and Core Design Elements Map

<sup>4</sup> Estimated rights of way for additional local streets (assumed 17%)

<sup>5</sup> Less Primary Streets rights of way

<sup>6</sup> Estimate based on low end of acreages specified in Neighborhood Design Elements (rights of way not subtracted)

**Table 2: North Bethany Gross Developable Residential Acreage**

| Land Use Category        | Land Use Designation | County Developable Acres | Minimum Density (units/acre) | Maximum Density (units/acre) | Projected Minimum Dwelling Units | Projected Maximum Dwelling Units |
|--------------------------|----------------------|--------------------------|------------------------------|------------------------------|----------------------------------|----------------------------------|
| Low Density              | R6-NB                | 266                      | 5                            | 6                            | 1330                             | 1596                             |
| Medium Density           | R9-NB                | 56                       | 7                            | 9                            | 392                              | 504                              |
|                          | R15-NB               | 80                       | 12                           | 15                           | 960                              | 1200                             |
| High Density & Specialty | R24-NB               | 47                       | 19                           | 24                           | 893                              | 1128                             |
|                          | R25+-NB              | 9                        | 20                           | 25+                          | 180                              | 225                              |
| <b>TOTALS</b>            |                      | <b>458</b>               |                              |                              | <b>3755</b>                      | <b>4653</b>                      |

As defined by Metro in the *2040 Growth Concept*, Corridors are major streets that serve key transportation routes for people or goods. In lieu of a Corridor designation along Kaiser Road, CFP Policy 40 designates Kaiser Road as a Main Street, between Brugger Road and Road A. The proposed land use designations along the Main Street provide for mixed-use development with the opportunity for high density residential, commercial and retail services and civic uses. The Kaiser Road cross section for the Main Street includes on-street parking, and the North Bethany Main Street Program Guide will require shallow building setbacks and pedestrian-scale design and amenities.

The change from a Corridor to a Main Street designation continues to support the identification of Kaiser Road as a key transportation route while clarifying that Kaiser Road contains an important commercial node that is sized and located to meet the needs of residents in the North Bethany Subarea. The Main Street was located along Kaiser Road to take advantage of greater visibility. While not a Corridor designation, the Main Street design type implies that the area will be served by transit in the future; most likely from the south along Kaiser Road.

Additionally, the Regional Street Design Overlay Map in Policy 6 of the TSP designates Kaiser Road as a Regional Boulevard Design Consideration. This designation applies to Kaiser Road between Springville Road to the northern Subarea boundary. This designation is intended to implement street design characteristics established by the Metro Regional Transportation Plan and the Metro publication entitled “Creating Livable Streets - Street Design Guidelines for 2040.”

Lastly, the Corridor designation that Metro applied to the entirety of Kaiser Road was impractical given capacity constraints and safety concerns on Kaiser Road north of Road A. This portion of Kaiser Road leads to the county boundary where improvements beyond the UGB will be restricted to rural standards and where improvements within the UGB will not be feasible due to topography and stream crossing site constraints. Removing the Corridor designation for this portion of Kaiser Road was deemed necessary in order to reflect the safety and capacity limits of the roadway.



A-Engrossed Ordinance No. 745 does not alter the adopted land use designation types for North Bethany. The ordinance amends the residential land use designations of five properties, which will result in approximately 38 to 51 additional dwelling units. The addition of this number of units remains consistent with, and does not significantly change, the number of projected dwelling units shown in Table 2. Because the land use designation changes are limited in scope, they result in minimal to no change in the overall percentages of land area designated as low density, medium density, and high density residential.

Conclusion. The North Bethany Subarea land use designations comply with the Metro 2040 Design Types, specifically to reflect the Inner Neighborhood, Corridor and Main Street 2040 Design Types. The adopted North Bethany Subarea Plan is consistent with this Title 11 section.

***B. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.***

Findings. The North Bethany Subarea is currently under the jurisdiction of Washington County and it will also be served by local service provider districts. In North Bethany, these service providers are Metro, Clean Water Services (sanitary and storm sewer), Tualatin Hills Park and Recreation District (parks, trails and open space), Tualatin Valley Water District (public water), Beaverton School District (public schools), Tualatin Valley Fire and Rescue (fire protection and emergency services), Enhanced Sheriff's Patrol District (law enforcement), Washington County Urban Road Maintenance District (local urban road maintenance) and Washington County Service District for Street Lighting (street lighting). The county oversees transportation infrastructure. Authority for providing services to North Bethany by the above service providers was established in CFP Policy 15, implementing strategy r, by A-Engrossed Ordinance No. 712.

A-Engrossed Ordinance No. 730 required properties within the North Bethany Subarea to be annexed to Metro and the necessary service districts prior to development, pursuant to CDC Section 501-12.2. A-Engrossed Ordinance No. 739 maintained this requirement, with an amendment that deleted text requiring annexation into the county's Street Lighting District. This text was deleted because North Bethany is in this service district.

Conclusion. The amendments to CDC Section 501-12.2 included in A-Engrossed Ordinance Nos. 730 and 739, as well as the current text of CFP Policies 1 and 15, establish adequate provisions for annexation to service districts prior to urbanization. A-Engrossed Ordinance No. 745 does not amend the provisions for annexation. The adopted North Bethany Subarea Plan is consistent with this Title 11 section.

***C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.***



Findings. The land use designations in the North Bethany Subarea Plan will achieve a minimum average residential density of 10 units per acre. When A-Engrossed Ordinance No. 730 adopted the North Bethany Subarea Plan in 2010, the minimum average net density was 11.5 units per acre, which was consistent with the Board's direction to consider a net density range of 10-12 units per net acre.

Density was calculated using the county's methodology which is based on gross density (**Table 2**), while keeping in mind the Metro minimum requirement of 10 dwelling units per acre is based on net vacant buildable land. The acreages shown in **Table 3** were used as a basis for ensuring that the residential program has a minimum of 10 units per net developable residential acre. Table 3 shows that 326 net acres will be available to build housing (acreage was subtracted for streets, parks, steep slopes and other non-buildable and non-residential areas). Otak's buildable lands analysis, and the subsequent housing variety program, was based on 291 net acres (405 net acres less Arbor Oaks) (Otak, *Housing Variety Memo*, September 10, 2007).

**Table 3: North Bethany Net Developable Residential Acreage**  
*Based on Ordinance No. 712-A, October 2009*

| Concept Plan Designation | Total Acres | Primary Streets ROW | All Parks <sup>1</sup> | > 25% slopes | Local Street ROW <sup>2</sup> | Net Developable Acres | Percentage of Net Residential Area | Percentage of Total by Category |
|--------------------------|-------------|---------------------|------------------------|--------------|-------------------------------|-----------------------|------------------------------------|---------------------------------|
| R-6 NB (LD-1 & LD-2))    | 291         | 27                  | 13                     | 12           | 41                            | 199                   | 58%                                | 58%                             |
| R-9 NB (MD-1)            | 57          | 8                   | 1                      | n/a          | 8                             | 40                    | 14%                                | 30%                             |
| R-15 NB (MD-2)           | 96          | 17                  | 16                     | n/a          | 11                            | 52                    | 16%                                |                                 |
| R-24 NB (HDR)            | 58          | 12                  | 11                     | n/a          | 6                             | 29                    | 10%                                | 12%                             |
| R-25+ NB (HDR-S)         | 10          | 2                   | 1                      | n/a          | 1                             | 6                     | 2%                                 |                                 |
| <b>TOTALS</b>            | <b>512</b>  | <b>66</b>           | <b>42</b>              | <b>12</b>    | <b>67</b>                     | <b>326</b>            | <b>100%</b>                        | <b>100%</b>                     |

<sup>1</sup> Core Park acreage subtracts Primary Streets right of way. Neighborhood park acreages are estimates based on the lower park acreage sited in the neighborhood design elements (right of way not subtracted).

<sup>2</sup> Assumed 17% of acreage required for local streets. Percentage is calculated by first subtracting the primary streets ROW, parks and 25% slopes from the total acres column.

A-Engrossed Ordinance No. 745 changes the residential land use designations of five properties. The changes will result in approximately 38 to 51 additional dwelling units. The addition of this number of units will not significantly change the average minimum residential density. This increase in dwelling units remains consistent with the Board's direction for a net density range of 10 – 12 units per acre.

In addition, the Board made a policy decision as part of A-Engrossed Ordinance No. 745 to allow a residential density bonus through a Planned Development process, in exchange for provision of workforce housing. As originally proposed by staff, the density bonus

was to be limited to cluster housing. However, the Board directed that the density bonus should be broadened to encompass all allowed housing types in a given land use district. As shown in **Table 6** below, the density bonus has the potential to result in up to 908 additional dwelling units. However, given the workforce housing trade-off that needs to be provided to obtain a density bonus, staff believes it is likely that only a subset of eligible properties will opt to utilize the density bonus option, resulting in a much lower number of additional dwelling units.

Conclusion. The minimum densities for the North Bethany Subarea Plan land use designations achieve the minimum average residential densities. Therefore, the adopted North Bethany Subarea Plan is consistent with this Title 11 section.

***D. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303<sup>2</sup>. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.***

Findings. As defined by ORS 197.303, needed housing means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. It also means, but is not limited to, attached and detached single-family housing and multi-family housing for both owner and renter occupancy, government assisted housing, mobile home or manufactured dwelling parks and manufactured homes on individual lots planned and zoned for single-family residential use.

The land use districts and associated development code standards permit a diversity of housing stock and lot sizes consistent with needed housing requirements.

Conclusion. The North Bethany Subarea Plan and associated implementing strategies permit a variety of housing types and address housing need. The adopted North Bethany Subarea Plan is consistent with this Title 11 section.

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<sup>2</sup> 197.303 “Needed housing” defined. (1) As used in ORS 197.307, until the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
  - (b) Government assisted housing;
  - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
  - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.
- (2) Subsection (1)(a) and (d) of this section shall not apply to:
- (a) A city with a population of less than 2,500.
  - (b) A county with a population of less than 15,000.
- (3) A local government may take an exception to subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1]



*E. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting process, extensions to the time at which systems development charges (SDCs) and other fees are collected and other exercises of the regulatory and zoning powers.*

Findings. The North Bethany Subarea Plan was developed to comply with Metro Resolution 03-3369A, item 5, while acknowledging the UGMFP requirement to provide affordable housing without public subsidy, as public subsidy is defined in the UGMFP. Item 5 of the Metro Resolution states:

*With the assistance of non-profit and for-profit housing developers interested in developing in the area, as well as federal, state and local agencies and organizations involved in enabling the provision of affordable housing, provide at least 20% of ownership housing units developed in the area at prices affordable to households at or below 80% of median income, and at least 20% of rental housing units developed in the area at rent levels affordable for at least 30 years to households at or below 60% of median income. The City of Beaverton and Metro will implement this objective through communication and negotiation with property owners, developers and affordable housing providers; through the provision of incentives; and through other non-regulatory tools.*

During the North Bethany concept planning process in 2007, the Affordable Housing Report for the North Bethany Concept Plan (Affordable Housing Report) was developed with the guidance of a focus group of experts in the field.

As described in the Affordable Housing Report, the North Bethany Subarea Plan provides the opportunity to achieve the housing thresholds described in the Beaverton Resolution through the following strategies: 1) affordable market-rate units through housing variety as demonstrated by a variety of land use districts and permitted uses in each district; 2) financing tools to reduce housing costs (e.g., tax exemption, interest rate reductions, community land trust); and 3) flexible land use regulations to reduce costs (e.g., parking ratios, complete communities, form-based codes, voluntary inclusionary zoning).

The three approaches outlined above satisfy the Metro Resolution objectives as follows:

**Communication and Negotiation with Property Owners, Developers and Affordable Housing Providers**

The use of potential affordable housing tools, such as establishing a community land trust and providing potential qualified renters and homebuyers with financing options, will require partnerships among property owners, developers, affordable housing providers and homeownership education providers. The county is working with local non-profit organizations that specialize in land trusts, home ownership education and financing for

qualified renters and buyers. The county anticipates continuing to build on these initial communications to build partnerships in support of the affordable housing objectives.

The Affordable Housing Report anticipated that a community land trust's capacity to work in North Bethany would be based on a means of financial support, such as a funding mechanism applied to development in North Bethany. The County will continue to work with stakeholders to explore ways to provide affordable housing, including the provision of a community land trust and/or other financing tools.

#### **Provision of Incentives**

Incentives include financial incentives and development code incentives such as density bonuses, streamlined permitting process, deferral of fees, a reduction in SDC fees and voluntary inclusionary zoning. In conjunction with stakeholders, the county plans to continue working on the CDC requirements, and, where feasible, incorporate development code incentives identified in the Affordable Housing Report, such as density bonuses and voluntary inclusionary zoning.

A-Engrossed Ordinance No. 745 incorporates one of the development code incentives identified in the Affordable Housing Report: a density bonus incentive for the provision of affordable (workforce) housing as part of a Planned Development. The density bonus incentive is an additional 3 units per acre for the R-6 NB and R-9 NB Districts; an additional 5 units per acre for the R-15 NB District; and an additional 25 units per acre for the R-25+ District. An applicant can choose from a couple of options for the provision of affordable (workforce) housing: either 20 percent of the total number of dwelling units must be workforce housing ownership units, with no minimum period of affordability; or 10 percent of the total number of dwelling units must be workforce housing ownership units, rental units, or a combination of ownership and rental, with a minimum 30-year period of affordability.

#### **Non-Regulatory Tools**

The financing approach is a set of non-regulatory tools which combines the community land trust model (a proposed outcome of the communication and negotiation strategy) with existing and proposed financing tools (Oregon Bond Program and existing and proposed tax abatement programs).

#### **Community Planning**

In addition to the aforementioned implementation strategies explicitly stated in the Metro Resolution, the Affordable Housing Report recommends a number of land use strategies that were considered during the community planning phase of work. This included creating a framework for complete communities (locating commercial and retail services, parks and future transit opportunities within walking distance of housing) and establishing a Main Street area that reflects Metro's 2040 Growth Concept design type. Locating a variety of housing types within a quarter mile of commercial services and at densities to support transit is integral to the North Bethany Subarea Plan.



### Achieving 20% Targets

The three approaches described in the Affordable Housing Report are intended to meet the 20% requirements for ownership and rental housing. **Table 4** summarizes the affordable housing targets which are based on the approximate anticipated number of units based on minimum and maximum number of units permitted in each land use district.

**Table 4: Affordable Housing Targets for Owner and Rental Housing**

|                                 | Ownership*               | Rental**                 | Total |
|---------------------------------|--------------------------|--------------------------|-------|
| <b>Minimum # of units (20%)</b> | 536                      | 215                      | 751   |
| <b>Maximum # of units (20%)</b> | 660                      | 271                      | 931   |
| <b>Median Income ***</b>        | \$ 54,320 per year (80%) | \$ 40,740 per year (60%) |       |

\* For the purposes of the Affordable Housing Report, it was assumed that ownership units are those designated as low and medium density housing (those designations zoned primarily for single family detached and attached housing).

\*\* For the purposes of the Affordable Housing Report, it was assumed that rental units are those designated as High and Specialty High density (those designations zoned primarily for multi-family housing).

\*\*\* Percentages of median family income are based on the HUD Portland Area Median Income as of February 2006, which was \$67,900 per year.

The Affordable Housing Report recommended that the financing strategies and revenue would provide 10% of the units. The other 10% would be met through development incentives, public private partnerships and through the sale of units priced at the lower end of the market. The Affordable Housing Report noted that developers build a market rate product that would be affordable to those earning 80% MFI for ownership housing. This product is typically represented by townhomes, which will be a permitted housing type in North Bethany.

While the Affordable Housing Report provided recommended approaches to achieve affordable housing goals, it did not address implementation details. The Affordable Housing Program Guide for the North Bethany Subarea (Affordable Housing Program Guide), drafted in 2010, built upon the Affordable Housing Report by describing several potential ways to implement each of the three recommended approaches. The Board of County Commissioners adopted the Affordable Housing Program Guide by Resolution & Order on April 19, 2011. This satisfies Policy 21, Implementing Strategy j of the Comprehensive Framework Plan for the Urban Area.

Per the Affordable Housing Program Guide, one potential implementation measure for the flexible land use regulations approach is to incorporate voluntary inclusionary zoning, where developers have the option to build a percentage of their development as affordable in return for an incentive such as density bonus or relaxed development standards. A-Engrossed Ordinance No. 745 incorporates this concept by including standards for a density bonus in return for the provision of affordable housing as part of a Planned Development.

The Affordable Housing Program Guide also mentioned cluster housing as a potential component of voluntary inclusionary zoning. A-Engrossed Ordinance No. 745 adds

standards for cluster housing in North Bethany, as a new housing type that may be permitted through a Planned Development.

Conclusion. A-Engrossed Ordinance Nos. 730, 739, 744, 745 and the adopted North Bethany Subarea Plan are consistent with this section of Title 11 and Metro Resolution 03-3369A. While the county has established the future land use districts that will enable housing variety, the county will continue to refine the implementation through further development code revisions and on-going partnerships and communications with the development and lending communities.

***F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.***

Findings. The North Bethany UGB expansion area was designated for residential development and there are no commercial and industrial design types within North Bethany, as shown in Metro Ordinance No. 02-987A. However, Metro Resolution 03-3369A includes an item (Item 1) that calls for mixed use opportunities within North Bethany, via a Main Street or Neighborhood Center. Item 1 references Title 12 of the UGMFP, section 3.06.1230 (sic).<sup>3</sup>

Leland Consulting Group conducted a study of commercial viability in North Bethany (Leland Consulting Group and Otak, *North Bethany Strategic Program for Residential and Commercial Development*, December 2006). The Strategic Program considered the proximity of other commercial areas in the vicinity, including lands identified as commercial within nearby 2040 Growth Concept design types (such as the Bethany Village Town Center). The Leland report found that a limited amount of commercial development can be supported by the anticipated number of 5,000 housing units in North Bethany. Consistent with the report findings, North Bethany includes a mixed use commercial area along Kaiser Road of approximately six acres and four neighborhood

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<sup>3</sup> UGMFP: 3.07.1230 *Access to Commercial Services*

*A. In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of Inner and Outer Neighborhoods, a city or county may designate in its comprehensive plan and land use regulations one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as a convenient location of commercial services.*

*B. To ensure that commercial development serves the needs of the residents of Inner and Outer Neighborhoods but does not generate excessive traffic, noise or air pollution, a city or county that designates a Neighborhood Center shall adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county shall not approve:*

- 1. A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or*
- 2. Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel.*



corner commercial “nodes” that are approximately one acre each. These lands are designated for commercial uses in order to complement the residential development and create complete communities. The mixed use commercial area is located along a portion of Kaiser Road, and coincides with the mapped 2040 ‘Main Street’ Boundary for the North Bethany Subarea Plan in Policy 40 of the Comprehensive Framework Plan.

The Leland Consulting Group recommendations were instrumental in the programming of the commercial land use districts, including the permitted uses. The Main Street Program Guide for North Bethany provides additional guidance and requires the development of a more detailed plan for the area that addresses operational and design matters such as parking, building entrances and access management.

Conclusion. A-Engrossed Ordinance No. 730 established two commercial land use designations, and the A-Engrossed Ordinance No. 739 amendments to the commercial land use designations are limited to minor changes to the permitted uses within those designations. The permitted uses in these districts, along with any additional standards and guidance in the Main Street Program Guide for North Bethany, mitigate for any potential conflicts between commercial uses in North Bethany and the Bethany Village Town Center. A-Engrossed Ordinance Nos. 730 and 739 are consistent with this Title 11 section. A-Engrossed Ordinance No. 744 replaced the generalized representations of the location of Main Street in the Subarea Plan and the Framework Plan to match its specific location adopted by Policy 41 of the Framework Plan. These amendments do not affect compliance with Title 11. A-Engrossed Ordinance No. 745 did not address any policies or requirements related to these issues.

***G. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.***

Findings. Refer to the county’s RTP findings for findings of fact for the RTP and Metro UGMFP Title 6. The conceptual transportation plan is consistent with the county’s adopted Goal 5 program and UGMFP Title 3, as implemented through Clean Water Services Design and Construction Standards. As part of A-Engrossed Ordinance No. 712, the Public Facilities Plan (PFP) was amended by reference, by amending the Transportation Plan.

Concurrent with the planning work for A-Engrossed Ordinance No. 730, preliminary cost estimates and funding strategies were developed for the transportation improvements associated with the North Bethany Subarea. These strategies, the North Bethany Interim Funding Strategy and the North Bethany Transportation System Development Charge, were adopted by the Board as separate Resolutions & Orders in 2010. The North Bethany Transportation Funding Strategy was adopted as a separate Resolution & Order,



concurrently with the adoption of A-Engrossed Ordinance No. 739, on October 25, 2011. A-Engrossed Ordinance Nos. 744 and 745 did not address any policies or requirements related to these issues.

Conclusion. The comprehensive plan amendments contained in A-Engrossed Ordinance Nos. 712, 730 and 739 comply with the RTP and Title 3 and Title 6 of the UGMFP. The Interim Funding Strategy for the North Bethany Subarea addressed provisions of OAR 660, Division 11, and the county was in full compliance with OAR 660, Division 11 with the adoption of the North Bethany Transportation Funding Strategy on October 25, 2011. A-Engrossed Ordinance Nos. 744 and 745 did not address any policies or requirements related to these issues.

***H. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement area, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Area, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.***

Findings. Fish and wildlife habitat protection is achieved through application of the acknowledged Tualatin Basin Goal 5 program, which encompassed existing county Goal 5 designations and Clean Water Services Water Quality Sensitive Areas and vegetated corridors. Some additional Goal 5 resources were inventoried through the planning process, including wetlands and open space areas.

Conclusion. A-Engrossed Ordinance No. 730 addressed the ESEE analysis and program decision necessary to make a Post Acknowledgment Plan Amendment with respect to wetlands and open space areas in North Bethany. Acknowledged county Goal 5 designations were applied to significant wetlands (Water Areas and Wetlands) and parks, powerline corridors, and cemeteries (Open Space). Acknowledged county Goal 5 and Tualatin Basin Partners Goal 5 programs are being used to protect, restore, and acquire resources, and to mitigate any future impacts. A-Engrossed Ordinance No. 739 and 744 did not amend the Goal 5 designations that were applied by A-Engrossed Ordinance No. 730.

A-Engrossed Ordinance No. 745 includes text amendments to Area of Special Concern (ASC) 7 that clarify the standards for required improvements in that area, and their relationship to the final resource boundary for Bethany Creek. However, because these

text amendments are limited to clarifications, they do not impact the Goal 5 program decision for Bethany Creek. A-Engrossed Ordinance No. 745 does not amend any other Plan policies or development regulations that would affect existing policies and standards applicable to natural resources.

The North Bethany Subarea Plan is consistent with this Title 11 section.

***I. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.***

Findings. The planning process included the identification of service providers for the North Bethany Subarea, and the development of conceptual plans for service provision. As part of A-Engrossed Ordinance No. 712, Policy 15 of the Comprehensive Framework Plan for the Urban Area was amended to designate the responsible service providers for sanitary sewer, water, storm drainage, transportation, police and fire protection, and maps of necessary infrastructure were adopted for each of the providers to include in their respective master plans. Applicable service providers are incorporating these plans and cost estimates into their respective master plan documents.

A-Engrossed Ordinance No. 712 also amended the Transportation Plan text and maps to identify locations and functional classifications of roads within the North Bethany Subarea. Concurrent with the planning work for A-Engrossed Ordinance No. 730, Washington County has developed preliminary cost estimates and funding strategies for transportation improvements associated with the North Bethany Subarea. These strategies, the North Bethany Interim Transportation Funding Strategy and the North Bethany Transportation System Development Charge, are being reviewed for adoption as separate Resolution & Orders, concurrent with A-Engrossed Ordinance No. 730.

With the exception of transportation, services to the North Bethany Subarea will be provided by entities other than Washington County. Through the planning process for A-Engrossed Ordinance No. 730, staff examined the services of these other service providers. To ensure that each service provider's financing plan will be sufficient, A-Engrossed Ordinance No. 730 included an amendment to CDC Section 501-12.2.B. The amendment required the service providers to have an adopted master plan, including a financing plan that substantially implements the master plan, before development can be approved. A-Engrossed Ordinance Nos. 739, 744 and 745 do not amend this requirement.

Conclusion. Amendments to Policy 15, the Transportation Plan and CDC Section 501-12.2 implement the requirement for a conceptual public facilities and services plan. A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 are consistent with Section I of the UGMFP Title 11.

***J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.***

Findings. The North Bethany area is within the Beaverton School District (BSD) service boundary. BSD has already purchased the anticipated amount of land necessary for the school district in this area. There are two sites designated as Institutional on the North Bethany Concept Plan for future schools.

Conclusion. The Beaverton School District has identified the need, and selected suitable sites, for two additional schools in North Bethany. The county is in compliance with Section J of Title 11.

***K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:***

- 1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;***
- 2. Locations of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;***
- 3. Location of Habitat Conservation Areas;***
- 4. General locations for mixed use areas, commercial and industrial lands;***
- 5. General locations for single and multi-family housing;***
- 6. General locations for public open space, plazas and neighborhood centers; and***
- 7. General locations or alternative locations for any needed school, park or fire hall sites.***

Findings. The North Bethany Concept Plan served as the urban growth diagram during the planning process. The Concept Plan shows general locations for Primary Streets, steep slopes, unbuildable lands (including Habitat Conservation Areas), non-residential and residential locations, open spaces and plazas, and schools, parks and fire stations. For the purposes of Ordinance No. 730 adoption, the Concept Plan was spliced into respective elements, and each element was adopted into the respective CFP Policy and implementing provisions of the Community Plan and CDC. Namely, unbuildable lands were categorized as Density-Restricted Lands and referenced in CDC Section 390; CFP Policy 15 showed the locations necessary for public facilities; TSP Policy 10 included a Functional Classification System map for the primary street network; and Community Plan maps designated land use districts, natural resource and open space lands.

These maps were also consolidated into a Concept Plan that was adopted by A-Engrossed Ordinance No. 730 as part of CFP Policy 43. A-Engrossed Ordinance No. 739 makes minor amendments to the Concept Plan, such as changes to the land use designations of approximately three parcels to correct earlier mapping errors. A-Engrossed Ordinance No. 744 made minor adjustments to the alignments of two Primary Streets and



corresponding adjustments to the trail master plan. A-Engrossed Ordinance No. 745 does not amend any Plan or development standards related to the urban growth diagram.

Conclusion. The North Bethany Concept Plan included in Policy 43, and the respective map elements described above, implement the urban growth diagram. A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 are consistent with Section K of the UGMFP Title 11.

***L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.***

Findings. In Table 5 below, columns 6 and 7 depict the zoned dwelling unit capacity (the projected minimum and maximum number of dwelling units) for each residential zoning district in the North Bethany Subarea per the land use designations that were adopted via A-Engrossed Ordinance No. 730. This information was also shown in **Table 2**, columns 6 and 7, under the findings for Section A, above.

When A-Engrossed Ordinance No. 730 adopted the North Bethany Subarea Plan in 2010, the average minimum residential density for all of the residential land use districts combined was 11.5 units per net acre, as previously noted in the findings for Section C, above.

**Table 5: North Bethany Dwelling Unit Capacity for Net Developable Acres\***

| Land Use Category        | Land Use Designation | Net Developable Acres* | Minimum Density (units/acre) | Maximum Density (units/acre) | Projected Minimum Dwelling Units** | Projected Maximum Dwelling Units** |
|--------------------------|----------------------|------------------------|------------------------------|------------------------------|------------------------------------|------------------------------------|
| Low Density              | R6-NB                | 199                    | 5                            | 6                            | 1330                               | 1596                               |
| Medium Density           | R9-NB                | 40                     | 7                            | 9                            | 392                                | 504                                |
|                          | R15-NB               | 52                     | 12                           | 15                           | 960                                | 1200                               |
| High Density & Specialty | R24-NB               | 29                     | 19                           | 24                           | 893                                | 1128                               |
|                          | R25+-NB              | 6                      | 20                           | 25+                          | 180                                | 225                                |
| <b>TOTALS</b>            |                      | <b>326</b>             |                              |                              | <b>3755</b>                        | <b>4653</b>                        |

\* See Table 3 for the methodology used to determine net developable acres for the land use designations.

\*\* Projected Minimum and Maximum Dwelling Units are based on the County developable acres for each district shown in Table 2, multiplied by the Minimum and Maximum Density for each land use designation.

A-Engrossed Ordinance No. 745 changes the residential land use designations of five properties. These changes will result in approximately 38 to 51 additional dwelling units. The addition of this number of units remains consistent with, and does not significantly change, the number of projected dwelling units shown in Table 5. Furthermore, the

addition of this number of units will not result in a significant change to the average minimum residential density.

In addition, the Board made a policy decision as part of A-Engrossed Ordinance No. 745 to allow a residential density bonus through a Planned Development process, in exchange for provision of workforce housing. As originally proposed by staff, the density bonus was to be limited to cluster housing. However, the Board directed that the density bonus should be broadened to encompass all allowed housing types in a given land use district. As shown in **Table 6** below, the density bonus has the potential to result in up to 908 additional dwelling units. However, given the workforce housing trade-off that needs to be provided to obtain a density bonus, staff believes it is likely that only a subset of eligible properties will opt to utilize the density bonus option, resulting in a much lower number of additional dwelling units.

Conclusion. A-Engrossed Ordinance Nos. 730, 739, 744 and 745 are consistent with Section L of the UGMFP Title 11.

**Table 6: Density Bonus Provisions**

| Land Use District                 | Density Bonus Per Acre | Permitted Housing Type for Density Bonus | Eligible Acres of Vacant Land* | Projected Minimum / Maximum Dwelling Units | Potential Number of Density Bonus Units |
|-----------------------------------|------------------------|------------------------------------------|--------------------------------|--------------------------------------------|-----------------------------------------|
| R-6 NB<br>(5 to 6 units/acre)     | + 3 units              | All housing types allowed by district    | 35 <sup>1</sup>                | 175 / 210                                  | 105                                     |
| R-9 NB<br>(7 to 9 units/acre)     | + 3 units              | All housing types allowed by district    | 61                             | 427/549                                    | 183                                     |
| <b>Subtotal</b>                   |                        |                                          | <b>96</b>                      | <b>602/714</b>                             | <b>288</b>                              |
| R-15 NB<br>(12 to 15 units/acre)  | + 5 units              | All housing types allowed by district    | 79                             | 948/1185                                   | 395                                     |
| R-25+ NB<br>(20 to 25 units/acre) | + 25 units             | Multi-Family/Condo Units                 | 9                              | 180 / 225                                  | 225                                     |
| <b>Subtotal</b>                   |                        |                                          | <b>89</b>                      | <b>1128/1410</b>                           | <b>620</b>                              |
| <b>Total</b>                      |                        |                                          | <b>180</b>                     | <b>1730/2169</b>                           | <b>908</b>                              |

Note:

<sup>1</sup> In the R-6 NB District, land eligible for a density bonus is designated by the Areas Eligible for a Density Bonus in the R-6 NB District map. Approximately 35 acres of land in the R-6 NB District is eligible for a density bonus.

\* Acreage based on Table 2, as updated to reflect an approximately 5-acre increase in R-9 NB and an approximately 1-acre decrease in R-15 NB that result from A-Engrossed Ordinance No. 745 amendments to the land use designations of 5 properties.

***M. The plan amendments shall be coordinated among the city, county, school district and other service districts.***

Findings. The county has been coordinating with service districts and the Beaverton School District and Portland Community College (PCC) throughout the planning process. These service providers participated through the Technical Advisory Committee and/or the Stakeholder Work Group over the course of a two-year planning process. Consistent with state land use planning goals, the county provides notice of the North Bethany implementing ordinances to the surrounding cities, service districts and school service providers.

Conclusion. The North Bethany Subarea was developed in concert with a Stakeholder Work Group and Technical Advisory Committee, wherein service districts and school providers were represented. In addition, the county has met with service districts, the Beaverton School District and PCC outside of the SWG and TAC meetings to finalize details and continue implementation. The county is in compliance with Section M of Title 11.



**Part 6:**

**FINDINGS FOR METRO ORDINANCE NO. 02-987A (Exhibit B - Conditions on Addition)**

*1. Washington County or, upon annexation of the area to the City of Beaverton, the city shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan, section 3.07.1120 (“Title 11 planning”) for Study Areas 84, 85, 86 and 87 (partial) within two years following the effective date of this ordinance.*

Findings. A-Engrossed Ordinance No. 712 adopted a Concept Plan for North Bethany that represented a preliminary stage of planning for North Bethany, and provided a basis for subsequent work to address implementation mechanisms and funding for transportation infrastructure. A-Engrossed Ordinance No. 730 adopted the remaining implementing regulations required by this Metro requirement, such as land use districts and development code standards.

During the adoption of A-Engrossed Ordinance No. 730, the Board of County Commissioners identified a discrete number of issues to address by subsequent ordinance in 2011, most of which when completed would allow the Future Development Twenty Acre District (FD-20) to be lifted from the North Bethany Subarea. These placeholder issues were addressed by A-Engrossed Ordinance Nos. 739 and 744, which build upon the work of A-Engrossed Ordinances 712 and 730.

Conclusion. The county’s adoption of A-Engrossed Ordinance No. 730 finalized the growth management policies, the majority of the implementing CDC language, and North Bethany Interim Funding Strategy. A-Engrossed Ordinance No. 739 addressed a discrete number of placeholder issues, and its adoption allowed removal of the FD-20 District and application of urban land use designations to the North Bethany Subarea. A-Engrossed Ordinance No. 744 addressed a small number of placeholder issues that were not completed in 2011, while A-Engrossed Ordinance No. 745 addresses remaining 2011 placeholder issues as well as several new issues. The amendments made by A-Engrossed Ordinance Nos. 744 and 745 do not preclude a property owner from developing their property with the removal of the FD-20 District in 2011. A-Engrossed Ordinance Nos. 712, 730, 739 744 and 745 are consistent with this requirement.

*2. The city or county with land use planning responsibility for the site shall apply the 2040 Growth Concept design types shown on Attachment 1 to this ordinance to the planning required by Title 11.*

Findings and Conclusion. Refer to Title 11 Compliance findings, Section A.

*3. The city or county with land use planning responsibility for the study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07110, to the study area.*

Findings. CFP Policy 18 prescribes the development standards of the Future Development 20 acre District (FD-20) designation that is applied to lands within North Bethany. CFP Policy 1 includes a new Implementing Strategy w that describes the necessary criteria for removing the FD-20 designation. In short, the new urban land use designations will be applied once it can be demonstrated that planned urban service infrastructure has been provided or otherwise assured, as appropriate. Additionally, the cover ordinance for A-Engrossed Ordinance No. 730 specified that urban development following adoption of the North Bethany Concept Plan is not permitted until transportation infrastructure funding mechanisms have been secured. The adoption of A-Engrossed Ordinance No. 739 lifted the FD-20 District designation and applied the urban land use designations. The North Bethany Funding Strategy was adopted by Resolution & Order on October 25, 2011, concurrent with the adoption of A-Engrossed Ordinance No. 739. A-Engrossed Ordinance Nos. 744 and 745 do not affect this requirement because the FD-20 District was removed last year with the adoption of A-Engrossed Ordinance No. 739.

Conclusion. The county's CFP Policies 1 and 18 address interim protection standards under the county's FD-20 District. The county is in compliance with this requirement.

***4. The city or county with land use planning responsibility for the Beaverton School District elementary school site shall adopt provisions in its comprehensive plan and zoning regulations to limit development on the school site to public school facilities and other development necessary and accessory to the public school use, and public park facilities and uses identified in the conceptual school plan required by Title 11, subsection 3.07.11201.***

Findings. The two school sites have a proposed Institutional land use designation. These lands are currently owned by the Beaverton School District (BSD) and subject to the school district's development plans. In addition, Neighborhood Design Elements specify that the locations are intended for school uses by the BSD.

Note that a third school site is located in the Arbor Oaks Subarea. UGMFP Title 11 findings for that subarea were addressed with the adoption of Washington County Ordinance No. 546 (1999).

Conclusion. The generalized land use designations, Subarea Neighborhood Design Elements, and ownership by BSD of the school sites secures each of the three 10-acre parcels for use by BSD for school uses. The county is in compliance with this requirement.

***5. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.***

Findings. The county, in cooperation with Metro and local jurisdictions, participated in the Urban and Rural Reserves planning process. In conjunction with that planning process, the county and Metro have considered potential future expansion of the UGB or designation of urban reserves to the west. The A-Engrossed Ordinance No. 712 amendments to the Transportation System Plan (Policy 10) have reflected this consideration with the extension of the proposed new east-west collector (Road A) to 185<sup>th</sup> Avenue. In addition, the sewer trunk line planned to serve the majority of this expansion area is aligned to take advantage of efficiencies given the potential for future westward urbanization.

Conclusion. The county is in compliance with this requirement.

***6. In Title 11 planning, the city or county with land use planning responsibility for Study Areas 84, 85, 86 and 87 (partial) shall adopt provisions in its comprehensive plan and zoning regulations - such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.***

Findings. North Bethany is bordered by agricultural lands on the east, north and west. As discussed in findings for Metro Ordinance No. 02-987A, Abbey Creek and the adjoining floodplain/riparian area and forested slopes form a substantial natural buffer separating the Bethany area from the resource land and existing rural neighborhoods to the north. Staff notes that the PCC Rock Creek Campus, which Metro Ordinance No. 02-987A identifies as a major urban destination use, is located to the southwest of the North Bethany Subarea, while Rock Creek and its adjoining floodplain/riparian zone are located along the western boundary. These features provide some separation from rural properties to the west. A-Engrossed Ordinance No. 712 and A-Engrossed Ordinance No. 730 establish separation distances along portions of the western and northern edges of the North Bethany Subarea by limiting development within existing natural features such as floodplains and wetlands. These separation distances function as buffers between the urban land within North Bethany and adjacent rural lands. In addition, A-Engrossed Ordinance No. 730 amended the Community Plan to adopt future urban land use designations that would promote compatibility of urban uses with adjacent agricultural and forest activities, by locating land use designations with the lowest allowed residential densities adjacent to the rural lands.

On the other hand, although the findings for Metro Ordinance No. 02-987A cite the presence of a powerline corridor along most of the area's eastern boundary and indicate that this corridor provides a buffer from future urban uses within the area, in actuality some of the land under this powerline corridor is being actively farmed. In addition, during the proceedings for A-Engrossed Ordinance No. 730, testimony was received about the need for adequate buffers, particularly in the northeast corner and along the eastern edge of the subarea.



There was insufficient time to meet with all affected parties and stakeholders to adequately examine the buffer issue during the timeline for A-Engrossed Ordinance No. 730. Therefore, as part of the engrossed ordinance, a placeholder was added to the Comprehensive Plan text, requiring the buffer issue to be examined in 2011. In addition, the engrossed ordinance included interim provisions in both the North Bethany Subarea Plan and the Comprehensive Framework Plan for the Urban Area to limit development at the edge until such issues are resolved through a future land use ordinance. Examination of the buffer issue was able to be continued until 2011 because the FD-20 designation will not be removed from the North Bethany Subarea until a County Service District and other implementation steps are adopted later in 2011.

The placeholder for the urban/rural buffer issue was addressed as part of A-Engrossed Ordinance No. 739. Starting in January 2011, county staff contacted all adjacent rural property owners to request their feedback on this issue. In addition, this issue was discussed extensively at several of the North Bethany Stakeholder Workgroup meetings that were held between April 12 and July 28, 2011. A-Engrossed Ordinance No. 739 included community plan and CDC requirements for urban/rural compatibility that were tailored to the adjacent agricultural uses and conditions along North Bethany's western, northern and eastern boundaries. The standards were based upon staff's research on urban/rural compatibility approaches that have been adopted by other jurisdictions, and on feedback from relevant stakeholders, including adjacent rural property owners and individuals representing developer interests and North Bethany citizen interests. The urban/rural edge standards require the provision of trespass-discouraging fencing along the western and northwestern portions of the North Bethany boundary. Along a majority of the northern boundary, the standards require existing density restricted lands (e.g., floodplains, slopes greater than 25%) to be placed within a non-developable tract, which will function as a vegetated buffer, and fencing to discourage trespass.

Along the majority of the eastern boundary, the standards require provision of a 20 foot wide vegetation buffer, and fencing to discourage trespass. The Board of County Commissioners (Board) understood that the requirement to mitigate the impacts of urban development on agricultural practices on adjacent land outside the UGB would require some degree of loss in development capacity within North Bethany. The Board was cognizant of the potential for the Metro regional trail system to include a trail segment outside of, but adjacent to, North Bethany's eastern boundary. In order to minimize the degree of loss of development capacity within North Bethany, the Board amended the standard for the 20 foot wide vegetation buffer to require the buffer to incorporate sections of North Bethany's eastern perimeter trail.

The compatibility with slow-moving farm machinery will be maintained by a combination of factors. First, the two roads nearest to the North Bethany Subarea are Springville and Kaiser Roads. Where these two roads are adjacent to or within the Subarea, they are urban roads and are flanked on both sides by lands with urban or interim urban designations. As a result, the use of these road segments for the movement of farm machinery is likely to be infrequent. Second, although the potential exists for traffic conflicts along Germantown Road, which is located to the north of North Bethany,

staff believes that the amount of farm machinery that uses this road in Washington County is relatively low. More importantly, the North Bethany future road network was planned and designed to route future trips from the North Bethany Subarea down to Springville Road and the existing urban area, rather than creating new connections northward to Germantown Road and the rural area. Third, Section 130.3 of the Washington County Road Design and Construction Standards requires rural roads and interim urban roads to have minimum 6-foot wide shoulders when they are improved. As a result, the potential for North Bethany traffic to ultimately conflict with slow-moving farm machinery along other nearby rural roads in the vicinity is offset by the width requirements for these roads, which serve to accommodate bulky farm machinery and provide extra passing room. Fourth, the County's Rural Roads Operations & Maintenance Advisory Committee (RROMAC) was briefed on the North Bethany urban/rural compatibility issue at two RROMAC meetings in spring 2011. Although RROMAC has recommended the posting of informational signage such as "Entering agricultural area" and "Yield to farm equipment" in other parts of the county, the committee did not recommend the posting of such signage at North Bethany's urban/rural interface.

Conclusion. The county is in compliance with this requirement. A-Engrossed Ordinance No. 739 included provisions in the Framework Plan and Community Development Code to promote compatibility and minimize potential conflicts between urban uses in North Bethany and agricultural practices on adjacent rural land outside the UGB. A-Engrossed Ordinance Nos. 744 and 745 did not make any amendments related to this requirement.

***7. The conceptual transportation plan required by Title 11, subsection 3.07.1120F for the area shall provide for bicycle and pedestrian access to and within the school site from the surrounding area designated for residential use.***

Findings. The proposed street network and trail system includes a network of on-street and off-street trails as well as bicycle lanes that connect with the school district sites. The Park, Trails and Pedestrian Connections map for the North Bethany Subarea (Bethany Community Plan) shows the off-street pedestrian routes and preferred on-street pedestrian connections. At least one or both of these types of pedestrian trails lead to the school sites. The off-street pedestrian routes will allow bicycle access consistent with THPRD standards. In addition, all road cross-sections require sidewalks ranging between 5 feet and 8 feet wide.

Conclusion. The North Bethany Subarea comprehensive plan amendments provide bicycle and pedestrian access to and within the school sites. The county is in compliance with this requirement.

***8. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, Washington County or the City of Beaverton shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission ("LCDC") to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 within four years following the effective date of this***

***ordinance Washington County or the city of Beaverton shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the county's Goal 5 process.***

Findings. Fish and wildlife habitat protection is achieved through application of the acknowledged Tualatin Basin Goal 5 program, which encompassed existing county Goal 5 designations and Clean Water Services Water Quality Sensitive Areas and vegetated corridors. Some additional Goal 5 resources were inventoried through the planning process, including wetlands and open space areas. A-Engrossed Ordinance No. 730 included an ESEE analysis and program decision to make a Post Acknowledgment Plan Amendment with respect to wetlands and open space areas in North Bethany. A-Engrossed Ordinance Nos. 739 and 744 did not amend any Goal 5 or fish and wildlife protection provisions for the North Bethany Subarea.

A-Engrossed Ordinance No. 745 includes text amendments to Area of Special Concern (ASC) 7 that clarify the standards for required improvements in that area, and their relationship to the final resource boundary for Bethany Creek. However, because these text amendments are limited to clarifications, they do not impact the Goal 5 program decision for Bethany Creek. A-Engrossed Ordinance No. 745 does not amend any other Plan policies or development regulations that would affect existing policies and standards applicable to natural resources.

Conclusion. A-Engrossed Ordinance Nos. 712, 730, 739, 744 and 745 are consistent with this requirement.



**Part 7:**  
**FINDINGS FOR METRO RESOLUTION 03-3369A (Endorsements)**

***1. Sufficient number of units to support retail commercial and civic uses along a Main Street and/or a Neighborhood Center, per Title 12 of the UGMFP, section 3.06.1230, which states the following:***

***3.07.1230 Access to Commercial Services***

***A. In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of Inner and Outer Neighborhoods, a city or county may designate in its comprehensive plan and land use regulations one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as a convenient location of commercial services.***

***B. To ensure that commercial development serves the needs of the residents of Inner and Outer Neighborhoods but does not generate excessive traffic, noise or air pollution, a city or county that designates a Neighborhood Center shall adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county shall not approve:***

- 1. A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or***
- 2. Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel.***

Findings. The North Bethany Subarea includes a Main Street 2040 Design Type designation along Kaiser Road, to act as a neighborhood center, though by definition and standards the Main Street is not subject to the square footage restrictions applicable to Neighborhood Centers. Two land use districts permit commercial retail uses. In the Neighborhood Corner Commercial District, a commercial use cannot exceed 3,500 square feet, while the limit in the Neighborhood Mixed Use Commercial district is 25,000 square feet for a food market. These dimensional standards are consistent with existing development code standards.

The Main Street consists of six acres of land designated for mixed use commercial and a civic site. The generalized land use designations immediately adjacent to the Main Street are intended to have the highest residential densities in the Subarea. A series of Park Blocks extends to the west which continues high density along a natural ridge.

Conclusion. The North Bethany Subarea Plan is consistent with this endorsement.

**2. “A sufficient number and arrangement of dwelling units, by type and location, to support frequent public transit service to the Main Street and/or Neighborhood Center, as well as to nearby centers.”**

Findings. Each neighborhood within the North Bethany Subarea is intended to have a diversity of housing types and density ranges. The average density throughout the Subarea will be at least ten units per acre which is the lower limit to support frequent public transit. Each neighborhood commercial area is surrounded by the higher density land use districts. The Main Street is surrounded by the highest densities. These densities are compatible with the commercial development program.

Conclusion. The North Bethany Subarea Plan is consistent with this endorsement.

**3. Street connectivity and, “to the extent practicable,” design concepts in Metro’s Green Streets Handbook.**

Findings. The North Bethany Concept Plan was developed with street connectivity standards in mind. The illustrative plans (shown on the Neighborhood Plans under the North Bethany Subarea, A-Engrossed Ordinance No. 712, Exhibit 3, pages 22-26) are based on a grid street pattern. A-Engrossed Ordinance No. 730 adopted the county’s existing connectivity standards to the North Bethany Subarea.

Design concepts in Metro’s Green Streets Handbook were integrated into the street cross sections and the Drainage Master Plan. More specifically, streets will be used to manage stormwater runoff through strategically placed infiltration and flow-through swales and tree canopy cover.

Conclusion. The North Bethany Subarea Plan is consistent with this endorsement.

**4. More specific and rigorous standards for affordable housing: “With the assistance of non-profit and for-profit housing developers interested in developing in the area, as well as federal, state and local agencies and organizations involved in enabling the provision of affordable housing, provide at least 20% of ownership housing units developed in the area at prices affordable to households at or below 80% of median income, and at least 20% of rental housing units developed in the area at rent levels affordable for at least 30 years to households at or below 60% of median income. The City of Beaverton and Metro will implement this objective through communication and negotiation with property owners, developers and affordable housing providers; through the provision of incentives; and through other non-regulatory tools.”**

Findings and Conclusion. See findings and conclusion under UGMFP Title 11 3.07.1120 subsection D.

***5. Cooperation with THPRD and BSD “to reduce overall demand for land for school sites through collocation of parks, shared use facilities, consideration of multi-story building designs and reductions in parking and circulation requirements made possible by provisions for safe routes to schools in the community design.”***

Findings. The school sites were already identified by the Beaverton School District prior to the planning process. Where feasible, parks were located adjacent to the school sites. Trails and sidewalks are located to address connectivity between parks and schools. Parking, circulation, and consideration of multi-story building designs will be subject of a forthcoming ordinance to develop code standards for the North Bethany Subarea.

Note that a third school site is located in the Arbor Oaks Subarea. UGMFP Title 11 findings were addressed as part of Washington County Ordinance No. 546 (1999).

Conclusion. The North Bethany Subarea Plan is consistent with this endorsement.



## AGENDA

Continued from 06/19/12

mtg

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – Fourth Reading and Fourth Public Hearing  
Land Use & Transportation; County Counsel (CPO 7)

**Agenda Title:** PROPOSED A-ENGROSSED ORDINANCE NO. 745 – AN  
ORDINANCE AMENDING ELEMENTS OF THE  
COMPREHENSIVE PLAN RELATING TO IMPLEMENTATION  
OF THE NORTH BETHANY SUBAREA PLAN OF THE  
BETHANY COMMUNITY PLAN

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

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#### SUMMARY:

On October 25, 2011, the Board authorized filing a new land use ordinance in 2012 to address outstanding placeholder issues related to implementation of the North Bethany Subarea Plan of the Bethany Community Plan. Ordinance No. 745 addresses some of those placeholder issues.

Ordinance No. 745 includes amendments to the North Bethany Subarea Plan (Chapter 2 of the Bethany Community Plan), the Comprehensive Framework Plan for the Urban Area, and the Community Development Code. Ordinance No. 745 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm>

On June 5, 2012, the Board held its second public hearing on Ordinance No. 745 and ordered engrossment of the ordinance, which included the consolidation of Ordinance No. 748 changes. The Board held the first of two public hearings on the engrossed ordinance on June 19, 2012. The staff report for the June 26 hearing will be posted on the above land use ordinance web page prior to the hearing.

- Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

Copies of the report will also be available at the Clerk's desk.

#### DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 745 by title only and conduct the fourth public hearing. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 745.

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#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No. 10.a.

Date: 06/26/12



## WASHINGTON COUNTY OREGON

June 8, 2012

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 745**

On March 28, 2012, you were notified about initial public hearings on proposed Land Use Ordinance No. 745 before the Planning Commission on April 18, 2012, and the Board of County Commissioners (Board) on May 15, 2012. After public hearings on Ordinance No. 745 and Ordinance No. 748, the Board ordered substantive amendments to Ordinance No. 745 on June 5, 2012. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 745** and are summarized below.

Included as part of the amendments to Ordinance No. 745, the Board consolidated the changes proposed by Ordinance No. 748 and then rejected Ordinance No. 748. The ordinances were consolidated because they amend overlapping sections of the Comprehensive Framework Plan for the Urban Area, the Bethany Community Plan, and the Community Development Code. Consolidating the ordinances will make it easier for hearing participants to track the proposed amendments to these elements of the Comprehensive Plan. It will also create a clearer historical record of the amendments. A summary of the changes proposed by Ordinance No. 748 is provided in the summary of changes to Ordinance No. 745.

### **Ordinance Purpose and Summary**

Ordinance No. 745 proposes to amend elements of the Washington County Comprehensive Plan relating to implementation of the North Bethany Subarea Plan (Subarea Plan) of the Bethany Community Plan. Ordinance exhibits address several outstanding placeholder issues identified by the Board in 2010, 2011, and 2012.

### **Who and What Land Is Affected**

Property owners and residents in the North Bethany Subarea.

### **Summary of Changes to Ordinance No. 745**

A summary of the changes that were made to Ordinance No. 745 begins on page 3.

### **Public Hearings before the Board of County Commissioners - Time and Place**

**10:00 am**  
**June 19, 2012**

**6:30 pm**  
**June 26, 2012**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

On June 26, 2012, the 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, it would become effective on July 26, 2012.

**How to Submit  
Comments**

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

Washington County, Long Range Planning Division  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

**Staff Contact**

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e-mail: Suzanne\_savin@co.washington.or.us

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

- Washington County Department of Land Use & Transportation  
Long Range Planning Division, 155 North 1<sup>st</sup> Ave.  
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/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.

**SUMMARY OF CHANGES TO ORDINANCE NO. 745**

**Bethany Community Plan**

Amendments made to the text and maps of the initially filed ordinance for the North Bethany Subarea Plan (Subarea Plan) are described below.

1. Community Design Goal 4 was amended by adding text that states the county will consider the possibility of readdressing the timing and process to acquire park land in North Bethany.
2. In General Design Element 10 (Circulation), the proposed new standards to move the centerline of a Primary Street through a development application were amended by adding the following requirements:
  - In Section 2, applications to move the centerline of a Primary Street up to 75 feet (a) must demonstrate that the new alignment maintains the functional classification of the Primary Street and, and (b) cannot shift the location of the land use districts.
  - A Primary Street centerline may move more than 75 feet through a development application when specifically permitted by an Area of Special Concern.
3. General Design Element 20 (describes the residential density transect) was amended to state that the largest concentration of residential density in the North Bethany Subarea is located along the Park Blocks, the Main Street area and the two community parks. The Placeholder note for this General Design Element was deleted.
4. New General Design Element 21 was added which describes the residential bonus provisions unique to the North Bethany Subarea.



5. In Area of Special Concern 5, the following changes were made:
  - In the Park Blocks, a provision was added that requires two north-south pedestrian-bicycle accessways to be provided if fewer than five north-south streets are provided in the Park Blocks area.
  - The name for the referenced trail was changed to the Waterhouse Powerline Trail Corridor.
  - A provision was added that curb bump-outs shall be used for streets in the vicinity of the Park Blocks, subject to design approval of the County Engineer.
6. Changes to the maps of the initially filed ordinance are:
  - The map titled "Areas Eligible for a Density Bonus in the R-6 NB District" was amended by reducing the number of sites that would be eligible for a density bonus in this district.
  - The "North Bethany Subarea Northeast Neighborhood" map was amended to show the new alignment of Primary Street P-16. The alignment of P-16 was previously modified by A-Engrossed Ordinance No. 744.
7. Section IV, North Bethany Subarea Plan and Maps, was amended to add text designating four maps as official regulatory maps for the locations of principal features of the Subarea.

**Comprehensive Framework Plan for the Urban Area**

Amendments made to the text of the initially filed ordinance for Policies 43 and 44 are described below.

1. Changes to Policy 43 (Community Design for New Urban Areas):
  - The policy statement was amended to specify that the lands subject to this policy are lands added to the Urban Growth Boundary in or after 2002.
  - Implementing Strategy e. was amended to state that the four small commercial corner commercial areas in the Subarea Plan are to be located at a corner of the intersection shown in the Neighborhood Plan maps.
  - Implementing Strategy e. was amended to state that the higher densities in the Subarea Plan are to be located in the Main Street and Park Blocks areas and along the community parks.
2. Policy 44 (Managing Growth in New Urban Areas) was amended by removing the proposed new implementing strategy related to street improvements in the Subarea Plan. In its place, a paragraph was added to the Summary Findings and Conclusions section of this policy that describes the level of street improvements required in the Subarea Plan and how those requirements are different than standards for other parts of urban unincorporated Washington County.

**Community Development Code**

Amendments made to Community Development Code standards in the initially filed ordinance are described below.

1. Density bonus standards are added to the R-6 NB, R-9 NB, R-15 NB and R-24 NB Districts, and cluster housing is listed as a new Type II allowed use in each district.
2. Sections 390-8.1, 390-9.1, 390-10.1, and 390-12.1 were amended to state that a density bonus may be permitted in the R-6 NB, R-9 NB, R-15 NB, and R-25+ NB Districts through a Planned Development.
3. Section 390-27 was added as the appropriate reference for development standards for Cluster Housing in the R-6 NB, R-9 NB and R-15 NB Districts.
4. The proposed standards for cluster housing and the provision of a density bonus were removed in the R-24 NB District.
5. Sections 390-8.5, 390-9.5, and 390-10.5 were amended to allow density bonus units in the R-6 NB, R-9 NB, and R-15 NB Districts to be any type of housing permitted in those land use districts.

6. Section 390-10 was amended for the R-15 NB District, stating that detached dwellings may be permitted through a Type III Planned Development.
7. In the R-25+ NB District, the maximum permitted building height through a Planned Development was changed from 65 feet to 70 feet.
8. The following changes were made to the proposed standards for Planned Developments (PD) in North Bethany, Section 390-17.
  - a. The definitions of Work Force Housing were changed to include the word "affordable", which is then defined in a foot note.
  - b. The definition of rental Work Force Housing was amended to state that the reference to the cost of rents includes the cost of utility services.
  - c. A reference to Section 390-17.5 A was added to Section 390-17.5 B.
  - d. Modifications were made to Sections 390-17.5 D, 390-17.5 E. (6) and 390-17.5 G. to make grammatical corrections and make the text easier to understand.
  - e. The word "adjacent" was added to Section 390-17.7 B.(1)(c)(i) clarify the reference is to land adjacent to the site of a proposed PD application.
  - f. Section 390-17.7 B.(6)(b) was amended to require a PD to provide receptacles for recycling.
  - g. Section 390-17.8 B. was amended to include a reference to Density Restricted Lands.
  - h. A new option was added to the PD standards that allows an applicant to provide a combination of ownership and rental units when the proposed PD includes the provision of Work Force Housing.
  - i. Section 390-17.10 was amended to state that flag lots and the provisions of Section 390-17.7 B. (5) cannot be used to satisfy this requirement.
  - j. Planned Development Standards for a Density Bonus were added.
  - k. Planned Development Standards for Detached Dwelling Units in the R-15 NB District were added.
  - l. Planned Development Standards for Superior Building and Site Design and Construction were added.
9. Building Design & Variety standards in Section 390-20 were amended to resolve placeholders for garage frontage standards for single-family detached and attached units, and for multi-family street-facing façade articulation; and to refine requirements for siding materials of non-residential buildings.
10. The second sentence of Section 390-21.1 was rewritten to make grammatical corrections and to be more easily understood.
11. New Section 390-26 was added, which allows the adjustment of land use district boundaries when specific standards are met.
12. New Section 390-27 was added, which contains the standards for cluster housing and cottage housing.
13. Section 501-2.6 that was proposed to be added by Ordinance No. 748 was amended and added as a new standard in Section 501-2.2. The new standard requires all development in North Bethany to be subject to standards of Section 501-12, except for one single family dwelling on an existing lot of record.

14. Section 306-7.2 C. in the R-24 District was amended to state that the front yard setback in the R-24 NB District is 10 feet.

**Ordinance No. 748 Provisions Added to A-Engrossed Ordinance No. 745**

The following proposed amendments from Ordinance No. 748 were added into A-Engrossed Ordinance No. 745:

**Bethany Community Plan:**

1. Area of Special Concern (ASC) 7 is amended to clarify requirements of the ASC related to the construction of the following improvements, particularly in relation to the final location of Bethany Creek's resource boundary: Primary Street P-2, an off-street trail, a linear park, regional stormwater facilities, potential wetland mitigation sites, and a neighborhood park. A new provision is also added that allows new lots for detached single family dwellings in the R-6 NB District to have access to P-2 when the lots have less than 70 feet of frontage on P-2.
2. New ASC 9 is added, which addresses a multi-family site at the southwest corner of the intersection of NW Brugger and NW Kaiser Roads. The current land use designations of portions of the area are proposed to be changed from R-15 NB and R-6 NB to R-24 NB, as shown on page 2 of Exhibit 3. The requirements proposed in ASC 9 are intended to create a quality pedestrian environment and mitigate the proposed density increase, including potential grade changes and the mass and height of future multi-family buildings.
3. New ASC 10 is added, which addresses a multi-family site in the Main Street Area along Kaiser Road, as shown on page 5 of Exhibit 3. The ASC 10 requirements are intended to allow the land in ASC 10 to develop prior to the adoption of the Main Street Area Urban Design Plan. Proposed requirements address a number of site and building design issues to help ensure that development in advance of the Urban Design Plan will be compatible with future development in the Main Street Area. Other properties in the Main Street Area will continue to be required to develop under the site and building design requirements that will be part of the Urban Design Plan that will be developed in the future.
4. Clarifying amendments are made to some of the provisions in the Central Neighborhood. A new Design Element is also added to the Central Neighborhood which states that the planned Gateways at the intersection of NW Kaiser Road and future Primary Street P-2 will be located between future P-2 and Bethany Creek.
5. The following amendments are made to Subsection E (the Main Street Program Guide):
  - The title is changed to be consistent with its usage in other parts of the Subarea Plan. The amended title is: "North Bethany Main Street Program Guide."
  - A provision is added to the introductory section stating that development in ASC 10 is permitted before the Main Street Urban Design Plan is adopted.
6. Map amendments:
  - A. The "Land Use Designations" map was amended to change the following land use designations:
    - Three properties at the southwest corner of NW Brugger Road are changed from R-6 NB to R-9 NB.
    - Two properties at the southwest corner of the intersection of NW Brugger and NW Kaiser Roads are changed from R-15 NB and R-6 NB to R-24 NB.
  - B. The boundary of Area of Special Concern (ASC) 7 was expanded by adding an area south of Primary Street P-2, between Primary Street P-15 and the western boundary of the Subarea Area Plan.
  - C. The following new Areas of Special Concern were created:



- ASC 9, located at the southwest corner of the intersection of NW Brugger and NW Kaiser Roads.
- ASC 10, located on the west side of NW Kaiser Road within the Main Street Area. The subject property is designated R-25+.

Community Development Code:

New Section 390-28 was added, which contains the standards for an alternative partitioning process for the conveyance of land in North Bethany for parks and regional stormwater facilities.

Comprehensive Framework Plan for the Urban Area:

Amendments were made to the following maps in Policy 40 (Regional Planning Implementation):

- The Transit Corridor map was changed by designating missing sections of NW Springville Road as a Transit Corridor. The Transit Corridor designation was removed from a small area of land due to the realignment of the future intersection of 185th Avenue and Springville Road.
- The Neighborhood Boundaries map was amended to designate the North Bethany Subarea Plan as a Neighborhood, except for the following areas: the land along NW Kaiser Road that is designated as a Main Street and the land along NW Springville Road that is designated as a Transit Corridor.

Chapter 2, North Bethany Subarea Plan, of the Bethany Community Plan is amended to reflect the following:

## Chapter 2: North Bethany Subarea Plan

### III. Background, Planning Process, and Community Design Goals, and Plan Amendments

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#### D. Community Design Goals

The Community Planning work for North Bethany represents an innovative approach for the county and its partner service provider agencies. As compared with the 1983 community plans, the North Bethany Subarea was planned and designed to be a more complete community, with better provision and integration of urban services and amenities. While some degree of flexibility remains, the North Bethany Subarea Plan is a more detailed level of planning, specifically with respect to the design of the public realm. Integrating this level of community planning with urban service facility planning results in a greater degree of certainty for the community, for developers, and for service providers who must provide necessary infrastructure.

Early in the planning process, the Board of County Commissioners established a vision for North Bethany to be a distinct community, yet well-integrated into the existing, larger Bethany community. The vision for North Bethany incorporates:

- high standards for integrating comprehensive plans for urban services such as parks and stormwater management;
- comprehensive design approach that integrates neighborhoods with open space;
- variety of housing choices for a range of affordability levels; and
- community Design Features and Focal Points (e.g., civic space, parks, small neighborhood commercial sites, schools, etc.), that are connected to one another, to adjacent points of interest, and to neighborhoods via multi-modal access routes.

Five design goals form the basis of the North Bethany Subarea Plan. The design goals are complemented by a growth management policy that ensures public facilities and services and urban infrastructure are provided and financed in an equitable and feasible manner.

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4. Integration of Urban and Natural Areas – A variety of parks, trails, protected open spaces and water quality facilities will result in a coordinated system that is integrated with the urban fabric.

The planning process prioritized public spaces such as parks and trails as a key element in creating the range of amenities found in complete communities. The design concept for the Subarea Plan is a landform-based design that takes advantage of existing natural features for the

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location of vantage points, orientation of streets, and drainage of stormwater. The community parks and park block elements form an axis along the existing ridge. This predominant open space feature is complemented by neighborhood parks, trails, and community gathering areas, each of which are located and sized in relation to the surrounding natural and designed landscapes.

The overarching Tualatin Hills Park & Recreation District (THPRD) design objectives that guided the placement of parks and trails are:

- An interconnected network of trails that links destinations throughout the community.
- An integration of park sites and trails with natural areas, where practicable.
- Increase visibility and accessibility of public parks by locating them so that they are adjacent to or accessible from other public areas such as streets and trails. Park sites shall not be largely hidden behind buildings.

The two community parks, which together total approximately 20 acres, anchor the west and east ends of the park blocks. Together, these features provide a fundamental framework for the organization of the Subarea neighborhoods. The western community park will be five and one-half (5½) to six (6) acres. A 15-acre community park anchors the eastern end of the park blocks. Six neighborhood parks range in size and type from one and one-half (1½) to two (2) acres. All residences in the North Bethany Subarea are within a short walk of a park.

The pedestrian trails and connections define and integrate the neighborhoods with the natural areas. In many cases, pedestrian accessways and/or streets are designed to connect with a natural area such that the access and/or the natural area is visible from the public right-of-way. This is distinctly different than many areas of the county where parks and trails are not pre-planned, which often results in natural areas that are hidden in tracts behind private home lots.

A large proportion of the Subarea boundary consists of floodplain and vegetated corridors. These areas provide a natural buffer between the urban uses in the North Bethany Subarea and adjacent rural uses. They also provide opportunities to establish a trail system to provide recreational opportunities to residents. Efforts shall be made to establish trails and connections to natural areas and rural views while reducing conflicts between urban and rural uses.

The Subarea's protected natural resource areas are consistent with the county's 1983 adopted and acknowledged Goal 5 program as well as the 2005 Tualatin Basin Partners Goal 5 Program. In addition, a Goal 5 post-acknowledgement plan amendment (PAPA) was conducted in order to address wetlands, open spaces, and to refine the wildlife habitat designation along Bethany Creek. The Subarea Plan supports habitat-friendly design and development practices, including site design and on-site stormwater management practices. In addition to on-site stormwater management, stormwater will be managed at the street level, through regional stormwater facilities and with the protection of natural resource areas that assist in flood management (such as drainage hazard areas and wetlands). Stormwater quantity and quality facilities are consistent with CWS standards while parks are consistent with THPRD standards.

With the adoption of the North Bethany Subarea Plan, there remained some concerns with the timing and process for acquisition of park land. The county shall consider the possibility of re-addressing this issue as part of the 2013 Planning Division Work Program.

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## E. Plan Amendments

Amendments to the North Bethany Subarea Plan shall demonstrate compliance with the provisions of the Comprehensive Framework Plan for the Urban Area (CFP) and the Transportation Plan. Applicable review criteria are identified in Policy 1 of the CFP and Policy 22 of the Transportation Plan.

## IV. DESCRIPTIONS OF NORTH BETHANY SUBAREA PLAN AND MAPS

The North Bethany Subarea Plan is comprised of several plans, maps, and figures that are described below. These plans and maps are referenced throughout the North Bethany Subarea Design Elements and the Neighborhood Design Elements (see Section V and Section VI, respectively). The plans and maps are in Section VII.

Four of the North Bethany Subarea Plan maps are designated as official regulatory maps for the locations of principal features of the Subarea: the Land Use Designations Map; the Primary Streets Map; the Parks, Trails and Pedestrian Connections Map; and the Significant Natural Resources Map. These official regulatory maps are the sole maps that control the principal features they reference. The official regulatory maps and other North Bethany maps may also include other data that is present only for informational purposes. For example, the Primary Streets Map may also contain data about the location of Significant Natural Resources, but the location of Significant Natural Resources is regulated by the Significant Natural Resources Map, and not by the Primary Streets Map.

### A. Land Use Designations Map

This map shows plan designations (land use districts) for all land in the North Bethany Subarea Plan.

Many of the boundaries between Plan designations are defined by existing and planned features such as the centerlines of streets, powerline rights-of-way, and the future school sites. When the alignment of a planned street is modified through the development review or plan amendment process, the adjacent plan designation(s) will shift to reflect the changed alignment. Adjustments through the development review process are permitted through the provisions of General Design Element 10.c, and Community Development Code Section 390-26.

The Land Use Designations map is the official regulatory map for the location of land use designations in the North Bethany Subarea Plan. Changes to the map's land use designations shall be made through a plan amendment. A plan amendment is not required for adjustments to the Land Use Designations map; such adjustments are permitted through the development review process described above.

When other North Bethany Subarea Plan maps are amended to ensure consistency with the Land Use Designations Map, such amendments may be accomplished administratively outside of the ordinance and plan amendment process.

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## C. Primary Streets Map

This map shows streets that comprise the base template of the Subarea Plan.

The Primary Streets provide the fundamental framework and basis for the design of and circulation within the Subarea. Primary Streets include those streets identified on the Functional Classification System Map in Policy 10 of the Washington County 2020 Transportation Plan. In addition, two local streets in the Northeastern Neighborhood are identified as Primary Streets because they establish the northern and southern boundaries of the Beaverton School District site at the eastern boundary.

Most existing streets are Primary Streets that are located within current rights-of-way. These existing streets are incorporated into the planned Primary Street network to improve efficiencies for future development.

Modifications to the planned alignments of the Primary Streets are permitted through the development review process or through a plan amendment. Permitted modifications are defined in the General Design Elements and Areas of Special Concern. The design intent for each Primary Street is described in the applicable Neighborhood Design Elements.

The Primary Streets Map is the official regulatory map for the location of Primary Streets in the North Bethany Subarea Plan. Changes to the mapped location of the center line of a Primary Street shall be made through a plan amendment. A plan amendment is not required for modifications to the planned alignments of Primary Streets that are permitted through the development review process described above.

When other North Bethany Subarea Plan maps are amended to ensure consistency with the Primary Streets Map, such amendments may be accomplished administratively outside of the ordinance and plan amendment process.

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## E. Parks, Trails and Pedestrian Connections Map

This map shows the location of all planned community and neighborhood park locations, off-street trails, and on-street pedestrian routes that are required to be provided in the North Bethany Subarea. Community parks and the Park Blocks are shown as Fixed Parks. Neighborhood park locations are flexible within the geographic areas noted on the map. Refer to the General Design Elements for location criteria for each neighborhood park.

The final location and configuration of all parks and trails will be determined by THPRD, either prior to or as part of the development review process. The site determination process will provide the opportunity for THPRD to make incremental acquisition arrangements for park and trail properties throughout the Subarea.

While specific park and trail locations will be determined by THPRD, the General and Neighborhood Design Elements define the acreage and intended design parameters for each park site and trail alignment. The preferred Neighborhood Park locations are shown on the Core Design Elements Map and the Neighborhood Plans. In addition, two areas of special concern provide guidance for the Bethany Creek trail corridor (ASC 7) and the Northeast Neighborhood linear park (ASC 8).

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In several instances, trail connections rely upon on-street pedestrian routes (i.e., sidewalks) to establish a connected and continuous trail network. Where these on-street segments follow required Primary Streets, trail connections are more certain. There is less certainty where the on-street segments follow non-Primary Streets. A connection is still required, however, its exact location and format (i.e., on-street or off-street) will be determined at the time of development. The non-Primary Streets shown in the Neighborhood Plans illustrate a preferred design outcome and are intended as guidance for future development. Special attention must therefore be given to assure adequate trail connections are obtained in order to provide a complete trail system.

The Parks, Trails and Pedestrian Connections map is the official regulatory map for the location of parks, trails and pedestrian connections in the North Bethany Subarea Plan. Changes to the mapped location of these facilities shall be made through a plan amendment. A plan amendment is not required for adjustments to the location of these facilities that are permitted through the development review process as described above.

When other North Bethany Subarea Plan maps are amended to ensure consistency with the Parks, Trails and Pedestrian Connections Map, such amendments may be accomplished administratively outside of the ordinance and plan amendment process.

## F. Significant Natural Resources Map

The generalized location of Goal 5 designations in the North Bethany Subarea that were identified prior to the 2002 UGB expansion for the North Bethany Subarea, including Water Areas and Wetlands & Fish and Wildlife Habitat areas, have been moved from Chapter 1 to Chapter 2 of the Bethany Community Plan. Through the concept planning process for the North Bethany Subarea, these designations were also refined in conjunction with the development of a Local Wetland Inventory.

Significant resources were identified through the application of statewide Land Use Planning Goal 5. The Significant Natural Resources Map included in Chapter 2 shows the general locations of two types of newly identified Goal 5 resources: Locally Significant Wetlands and Open Space. Locally Significant Wetlands are wetland areas that are important for reasons related to location, size, quality and/or function. (Note that not all jurisdictional wetland areas are defined as significant pursuant to Goal 5 and therefore, not all jurisdictional wetland areas are shown on the map; the depictions are limited to those wetlands in the North Bethany Subarea that were determined to be significant.)

The Locally Significant Wetland boundaries depicted on the Significant Natural Resources Map represent preliminary planning level information. More refined and precise on-site delineations of the Locally Significant Wetland areas and vegetated corridors will be provided through the development review process and it is expected that the boundaries shown on the Significant Natural Resource Map will be adjusted accordingly. Delineation of the ultimate site boundaries for these features will be coordinated with the county and Clean Water Services and shall take into account all applicable regulations and Plan requirements.

Open Space resources shown on the Significant Natural Resource Map include generalized locations for future parks and off-street trails, as well as existing features such as powerline rights-of-way, an existing cemetery and school ball fields and playgrounds. The ball fields and playgrounds for future schools will be designated as Open Space when they have been constructed.

The Significant Natural Resources map is the official regulatory map for the location of Goal 5 resources in the North Bethany Subarea Plan. Changes to the mapped resource boundaries shall be made through a plan amendment. A plan amendment is not required for adjustments (such as

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adjustments to Locally Significant Wetland boundaries and to school ball fields and playgrounds) that are permitted through the development review process described above.

When other North Bethany Subarea Plan maps are amended to ensure consistency with the Significant Natural Resources Map, such amendments may be accomplished administratively outside of the ordinance and plan amendment process.

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## N. Areas Eligible for a Density Bonus in the R-6 NB District Map

This map shows the location of properties that are designated R-6 NB and are eligible to receive a density bonus when the applicable standards in the Community Development Code are met. The maximum density permitted under the density bonus is nine (9) units per acre.

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## V. NORTH BETHANY SUBAREA DESIGN ELEMENTS

All new development shall be consistent with the following design elements and Area of Special Concern requirements.

### A. General Design Elements

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#### 10. Circulation

~~b~~a. New development shall connect the Primary Street system using CDC Sections 390-22.3 and 408 regarding standards for Local Street Connectivity lands along with applicable requirements of this plan such as ASC 6, Northeast Neighborhood Local Street Circulation.

~~e~~b. Access onto arterials and collectors may be limited consistent with applicable Areas of Special Concern requirements, which in some cases will require developments to have shared/consolidated access points to these streets. Access to these streets shall be limited to the locations shown on the Primary Streets Map, subject to compliance with the applicable ASC Road Corridors and county sight distance ~~and access spacing~~ requirements. Additional access points may be provided onto arterials and collectors when they meet the access spacing standards or a modification to the access spacing standards is approved.

~~a~~c. New development shall dedicate right-of-way for new streets and extensions and alignments of existing streets as indicated on Washington County's Transportation Plan and the Primary Streets Map. New development shall also be subject during development review to CDC Article V standards that implement the North Bethany Subarea growth management policy.

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1. Modifications to the planned alignments of the Primary Streets are permitted through the development review process as described in Table A, or through ~~a the plan amendment requirements of Transportation Plan Policy 22.~~ The planned centerline may move up to twenty-five (25) feet through a Type II or Type III development application. Modifications greater than twenty-five (25) feet shall be subject to the plan amendment requirements of Transportation Plan Policy 22, implementing strategies 22.3 (A) or (B).

Table A: Modifications to the Alignment of Primary Streets

| <u>Review Process</u>                     | <u>Review Standards</u>                                                                                                                                                                                                                         |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Type II or III Development Review</u>  | The planned centerline may move up to seventy-five (75) feet when the standards in Section 2 below are met; or<br><br>The planned centerline may move within a specified Primary Street corridor when the standards in Section 3 below are met. |
| <u>Type II or III Planned Development</u> | The planned centerline may move more than seventy-five (75) feet when the standards in Section 4 below are met.                                                                                                                                 |

2. The planned centerline of a Primary Street may move up to seventy-five (75) feet when the following criteria are met:
  - (a) The proposed alignment will not cause the alignment of any part of the total length of the subject Primary Street to move on another property unless that property owner provides written consent approving the proposed alignment on his/her property. Without the written consent of an affected property owner, the proposed alignment shall be reviewed as a plan amendment and meet the requirements of Transportation Plan Policy 22;
  - (b) The realigned Primary Street continues to connect to the same Primary Street(s) shown on the Primary Streets Map;
  - (c) The proposed alignment provides a similar degree of connectivity to existing and planned streets. Where a future Primary Street is shown to be direct (including its connection to another Primary Street) it shall remain direct. Where a Primary Street is shown to be circuitous, it shall remain circuitous;
  - (d) The proposed alignment maintains the planned functional classification of new and existing streets in the surrounding area;
  - (e) The location of land use districts shall not shift; and
  - (f) The proposed alignment continues to comply with requirements of the North Bethany Subarea Plan that are applicable to the existing planned alignment, including but not limited to Areas of Special Concern; Neighborhood Design Elements; the Parks, Trails and Pedestrian Connections Map; and the Special Frontages Map.
3. The planned centerline of a Primary Street may move within a specified corridor when:

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(a) The Primary Street corridor is adopted by an Area of Special Concern; and

(b) The proposed location meets the requirements of the ASC.

4. The planned centerline of a Primary Street may move more than seventy-five (75) feet when the following criteria are met:

(a) The proposed alignment will not cause the alignment of any part of the total length of the subject Primary Street to move on another property unless that property owner provides written consent approving the proposed alignment on his/her property. Without the written consent of an affected property owner, the proposed alignment shall be reviewed as a plan amendment and meet the requirements of Transportation Plan Policy 22;

(b) The realigned Primary Street continues to connect to the same Primary Street(s) shown on the Primary Streets Map;

(c) The proposed alignment provides a similar degree of connectivity to existing and planned streets. Where a future Primary Street is shown to be direct (including its connection to another Primary Street) it shall remain direct. Where a Primary Street is shown to be circuitous, it shall remain circuitous;

(d) When the centerline of the subject Primary Street forms the boundary between land use districts, the boundary of those land use districts may move with the realigned street's centerline provided the change does not:

(1) Result in a decrease to the minimum density allowed on the affected site; or

(2) Result in an increase to the maximum density allowed on the affected site that is greater than five (5) percent;

(e) The proposed alignment maintains the planned functional classification of new and existing streets in the surrounding area; and

(f) The proposed alignment continues to comply with requirements of the North Bethany Subarea Plan that are applicable to the existing planned alignment, including but not limited to Areas of Special Concern; Neighborhood Design Elements; the Parks, Trails and Pedestrian Connections Map; and the Special Frontages Map.

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16. Residential development with curbside mail delivery shall provide centralized or grouped mail boxes that are ~~available~~ installed prior to the occupancy of the first dwelling unit.

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20. Residential development shall maintain a density transect where density transitions gradually from high to low. The largest concentration of density is located along the Park Blocks, the community parks and in and around the Main Street Area. In addition to locating the highest densities in these areas, Higher densities are also located generally located along the park

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blocks, in the Main Street Area and adjacent to neighborhood commercial designations. Density decreases towards the North Bethany Subarea boundary, with lowest densities along the urban/rural edge and adjacent to Springville Road.

PLACEHOLDER: General Design Element #20 is related to a future planning task to develop community development code language for planned development standards, including density bonus provisions. This design element will be amended once the North Bethany planned development code standards have been developed.

#### 21. Residential Density Bonus Provisions

Unique to the North Bethany Subarea Plan is its provisions for a density bonus, which were developed to allow a limited number of additional dwelling units in the Subarea. These provisions are also intended to:

- a. provide for more housing variety;
- b. allow denser housing in the Main Street Area through the provision of additional multi-family dwelling units in the R-25+ NB District; and
- c. bridge gaps in the density ranges in North Bethany's land use districts.
- d. In the R-6 NB District, land eligible for a density bonus is designated by the Areas Eligible for a Density Bonus in the R-6 NB District map. Approximately 35 acres of land in the R-6 NB District is eligible for a density bonus.

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## B. Areas of Special Concern

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### ASC 5 – Park Blocks Local Street Circulation and Setbacks

The Park Blocks ASC includes the Park Blocks and developable residential land to the north and south. The Park Blocks are situated along the top of a ridge that extends in an east-west direction. From this vantage point, views are available to the Tualatin Hills (north and east) and the Tualatin River Valley (south and west). The Park Blocks are centrally located within the Subarea and adjacent to community gathering locations including the two community parks and the North Bethany Main Street area. The shorter east-west block lengths are designed to maximize pedestrian connections to the Park Blocks and associated views from the ridgeline. The following requirements apply in the Park Blocks ASC:

1. Comply with the connectivity and block length standards of CDC Section 408-6, with the following exception:
  - a. The ~~n~~North-~~s~~South block length between the Park Blocks and Primary Street P4 ~~may~~can exceed 530 feet in conjunction with the pedestrian accessway shown on the Parks, Trails and Pedestrian Connections Map and described below under item 6 of this ASC.

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2. East-~~W~~est block lengths may be longer than what is shown on the Neighborhood Plan within the following specifications:
- a. The block lengths along the entire length of the Park Blocks shall be relatively uniform, with a maximum variation of ten (10) percent.
  - b. The north-south block length as shown on the Neighborhood Plan and the Block Perimeter Standards in Section 408-6 shall be met.
  - c. There shall be no fewer than ~~five (5)~~four (4) north-south streets intersecting the Park Blocks between the ~~Waterhouse p~~Powerline Trail eCorridor and Kaiser Road. If fewer than five (5) north-south intersecting streets are provided, a minimum of two (2) north-south pedestrian-bicycle accessways shall be provided between the powerline corridor and Kaiser Road. These north-south pedestrian-bicycle accessways shall be a minimum of ten (10) feet in width, shall comply with the standards of CDC Section 408-9, and shall extend between NW Brugger Road and Road P4, including crossing through the Park Blocks.

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10. In order to minimize the distance between pedestrian street crossings in the vicinity of the Park Blocks, curb bump-outs shall be used on the adjacent streets that run parallel and perpendicular to the Park Blocks, subject to the design approval of the County Engineer.

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## ASC 7 – Bethany Creek Trail Corridor and Rossetta Street (Primary Street P2) Corridor Alignment

ASC 7 addresses the design configuration of the trail corridor to the north of Bethany Creek (which runs parallel to the north side of Springville Road) and the specific location of the adjacent corridor for Primary Street P2 that runs parallel to the trail. The ultimate placement of the P2 Street and other nearby planned components (trail, linear park, neighborhood park, and regional stormwater facilities or other LIDA facilities approved by CWS) depend on the location of the boundary of the Bethany Creek wetland/Vegetated Corridor buffer and future site-specific facility design. ~~†~~This ASC describes the intent that the multi-purpose design shall follow.

The Subarea Plan identifies the approximate boundary of a protected wetland/habitat area along with the approximate boundary for the associated Vegetated Corridor buffer (resource boundary). (For the purpose of this ASC, the term "resource boundary" refers to the edge of these combined areas and not the edge of the wetland/habitat area. The specific boundary for this protected ~~natural resource area~~ shall be delineated on-site as a preliminary step for development in the ASC.) Beyond the limits of the ~~Vegetated Corridor buffer~~resource boundary, CWS's North Bethany Drainage Master Plan calls for stormwater treatment facilities along the north side of the protected area; wetland mitigation may also occur in this area. At the time of the adoption of the North Bethany Subarea Plan, the specific sizing and location of stormwater facilities was not determined; likewise with respect to the need for wetland mitigation sites. Future development applications for properties in the ASC must reflect coordination with CWS to determine the ultimate size and locations of stormwater quantity and quality facilities.

The Subarea Plan calls for a ~~pedestrian~~-trail along the north side of this stretch of Bethany Creek in between the protected area and the ~~P2 s~~Street. This ASC requires development of the area to incorporate a design that combines the functions of the sidewalk on the south side of the adjacent

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P2 sStreet with a landscaped and appropriately lighted pedestrian trail adjacent to the protected resource area. The multi-purpose trail shall be sized and designed for shared use by bicycles and pedestrians and must be designed in collaboration with THPRD. A meandering asphalt trail with planted tree canopy and adequate room for access of maintenance vehicles is one design example. Because the trail replaces the sidewalk in some locations and serves a dual trail-sidewalk purpose, it shall be hard-surface and the adjacent street alignment shall be adjusted to generally follow the trail. (This may result in a narrowing of the width of this Fixed Park (linear park) designation as depicted on the "Park, Trails and Pedestrian Connections Map".) The developed trail corridor, mitigation sites and regional stormwater facilities shall be located outside the right-of-way for the P2 sStreet-P2; the right-of-way width that otherwise calls for sidewalk shall be used for additional landscape and/or street LIDA area in the linear park. Since the final alignment of the trail and the P2 Street cannot be determined until the final delineation of Bethany Creek's resource boundary has been determined, the centerline of the P2 Street may be adjusted within the boundary of ASC 7.

The trail along Bethany Creek encounters several distinct conditions. These are described below and are illustrated in the two following sketch designs and three cross-section drawings.

1. In general it runs between the Bethany Creek open space and a parallel neighborhood street (P2 Street). The trail will roughly follow the resource boundary of the resource area. If the distance between the street right-of-way and the resource boundary is 25 feet or more, the area between the trail and the street can be used as (pocket) park space (e.g., a pocket park).
2. Because of the meandering nature of the open space area, there are may be some locations where the distance between the street right-of-way and the resource boundary is less than 25 feet. In this situation, the street's sidewalk and trail should be combined into one facility by widening the sidewalk to 12 feet.
3. In some locations there is may be enough space between the street right-of-way and the resource boundary (approximately 100 feet or more) to accommodate the trail, regional stormwater facilities, and a private (residential) property(ies). (This situation could occur in the area east of Primary Street P15 and south of Primary Street P2 if a neighborhood park is not provided in this area.) In this situation the trail will run between the private property and the open space. It is important to balance the demands for privacy for the private property with the needs for accessibility, visibility and safety of the public facility(ies) (the trail and regional stormwater facilities). The best way to do this is could be by developing the trail and regional stormwater facilities first, before the private property develops, and to guide the development of the private property with design guidelines that protect the quality of the trail and the functionality of and access to the regional stormwater facilities.
4. The P2 Street, the trail, the linear park, and the regional stormwater facilities shall be located in ASC 7. The final location of these facilities will be determined during the development review process when the final resource boundary of Bethany Creek's wetlands and Vegetated Corridor buffer will be determined. Consequently, the centerline of the P2 Street may be adjusted within the boundary of ASC 7 without the use of a Planned Development application, even if portions of its centerline move more than 75 feet.
5. Direct access to the P2 Street from detached dwellings on R-6 NB lots adjacent to the P2 Street is permitted when lots have less than 70 feet of frontage on the P2 Street.

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## **Area of Special Concern 9 – Multi-Family Site at the Southwest Corner of NW Brugger and NW Kaiser Roads**

ASC 9 addresses the development of property at the southwest corner of the intersection of NW Brugger and NW Kaiser Roads. The site will be fronted on all sides by streets. The future extension of Primary Street P2 will be the southern boundary of the development site. A future local street will be provided at the western boundary of the ASC. Property in ASC 9 is in the R-24 NB District.

### **Design Elements**

In order to create a quality pedestrian environment and mitigate the density transition and the mass and height of multi-family buildings, development in ASC 9 shall meet the following requirements:

1. Ground level dwelling units shall be provided adjacent to the frontage of each street when dwelling units are provided adjacent to a street. Each dwelling unit shall have its front door open onto a stoop, porch or paved walkway adjacent to the street's sidewalk.
2. Where structured parking is provided, including tuck-under parking, it shall be screened to limit its visibility from adjacent streets and any accessways. Screening shall consist of one of the following, located between the structured parking area and the street or accessway:
  - a. Habitable ground floor building area; or
  - b. The setback area between the property line and the structured parking shall include a landscaped berm that hides the structured parking area. The floor of the habitable building area above the structured parking area shall be within three feet of the new grade (top of berm).
3. Vehicular access to parking areas shall be limited to one curb cut for each parking area. The maximum curb cut width shall be 24 feet.
4. Where surface parking is provided, it shall be screened to limit its visibility from adjacent streets and any accessway. Screening shall consist of one of the following, located between the surface parking lot and the street or accessway:
  - a. Habitable ground floor building area; or
  - b. Landscaping and screening structures, including trellises and a mixture of trees and shrubs, which at maturity will be capable of screening the parking area.
5. The overall length of buildings shall not exceed 300 feet.
6. When the length of a building exceeds 100 feet, a full building height recess that is at least 10 feet wide by 10 feet deep is required for each 100 feet of building length.
7. When a street-facing building facade is more than 750 square feet in area, the building wall plane shall be divided into smaller planes of 500 square feet or less. This division of a building wall plane into smaller planes may be accomplished by including one or more of the following elements:

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- a. A porch, a dormer that is at least four feet wide, or a balcony that is at least three feet deep and is accessible from an interior room;
  - b. A bay window, extending the full height of a floor or floors, that extends at least two feet;  
or
  - c. Recessing a section of the facade by at least two feet. The recessed section must be at least six feet wide.
8. Fifteen percent of ground level building façades shall be window area. Ten percent of the remaining building facades shall be window area. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited on the ground floor;
9. To soften the visual impact of grade changes and the height and mass of buildings, the following measures are required:
- a. Buildings shall be designed and constructed to follow the site's topography, which may require buildings to be stepped down to follow the existing grade in some locations;
  - b. Grade changes within ASC 9 and along its perimeter shall be terraced to limit the height of retaining walls to no more than five feet;
  - c. Retaining walls shall be set back a minimum of 10 feet from the back of the sidewalk(s) along perimeter streets and shall be faced with brick or stone veneer;
  - d. Terraced areas along the perimeter of the ASC shall be filled at a 1 to 2 ratio and planted with trees and shrubs; and
  - e. Tall building foundation walls shall be filled at a 1 to 2 ratio and landscaped so that no more than four feet of the wall is exposed. Landscaping shall include trees and shrubs.
10. Trees and shrubs shall be provided in the setback areas along the western, eastern and southern property lines to help minimize the height and mass of buildings and differences in grade from adjoining properties.

## **Area of Special Concern 10 – Early Development of a Main Street Area Residential Site**

ASC 10 addresses the early development of an approximately two acre portion of Tax Lot 800, Tax Map 1N1 17B, that is designated as R-25+ NB. Most of ASC 10 is in the Main Street Area on the west side of NW Kaiser Road, between Primary Street P4 and the Neighborhood Commercial Mixed Use District site. The purpose of ASC 10 is to allow the owner of Tax Lot 800 to develop this property under a single development application beginning in 2012.

### **Design Elements**

In order to ensure that development in ASC 10 will be complementary to development in the remainder of the Main Street Area, the development of the site in ASC 10 shall comply with the following Design Elements when a development application is submitted prior to the adoption of the Main Street Area's Urban Design Plan.

1. Development in ASC 10 shall be a Planned Development application. The application shall be reviewed at a public hearing in order to provide nearby residents, property owners and other interested parties the ability to provide oral testimony.

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2. Prior to the submittal of an application, the applicant shall conduct at least one public design workshop that addresses how the proposed development addresses these Design Elements and other applicable requirements of this Community Plan and the Community Development Code. The design workshop shall satisfy the neighborhood meeting requirements in CDC Section 203-3. Minutes of the workshop shall be included in the application materials.
3. Site and building design, including building setbacks and building orientation, shall be based upon the most recent available road engineering design information for NW Kaiser Road from the Department of Land Use and Transportation. If the ultimate road right of way has not been determined at the time of the submittal of a development application, the site and building design shall be based upon Street Design Type AR-b (the street design cross section for the "Kaiser Road Main Street") in Section VII., Subsection A of this Community Plan. The site and building design shall also comply with the requirements of ASC 2 and other applicable provisions of this Community Plan.
4. There shall be no vehicular access to ASC 10 from NW Kaiser Road, except for Primary Street P4.
5. In order to create a quality pedestrian environment, vehicular access to parking shall be limited to one curb cut per parking area. The maximum curb cut width shall be 24 feet.
6. Where surface parking is provided, it shall be screened to limit its visibility from adjacent streets and any accessway. Screening shall consist of one of the following, located between the surface parking lot and the street or accessway:
  - a. Habitable ground floor building area; or
  - b. Landscaping and screening structures, including trellises and a mixture of trees and shrubs, which at maturity will be capable of screening the parking area.
7. Where structured parking is provided, including tuck-under parking, it shall be screened to limit its visibility from adjacent streets and the accessway. Screening shall consist of one of the following, located between the structured parking area and the street or accessway:
  - a. Habitable ground floor building area; or
  - b. The setback area, between the property line and the structured parking, shall include a landscaped berm that hides the structured parking area. The floor of the habitable building area above the structured parking area shall be within three feet of the new grade (top of berm).
8. Development in ASC 10 shall construct the section of east-west accessway located along the ASC's southern boundary. This section of the accessway shall include the following improvements:
  - a. The accessway shall be constructed with textured paving materials and include three of the following features: a plaza or courtyard, walls for sitting or with planters atop, concrete or ceramic free-standing planters, or public art.
  - b. Pedestrian scaled lighting shall be provided along the length of this section of the accessway in order to create a safe night time pedestrian environment.

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- c. A pedestrian and bicyclist connection shall be provided to the adjacent residential development.

9. NW Kaiser Road and Primary Street P4 Frontages

Development adjacent to NW Kaiser Road and Primary Street P4 shall comply with the following requirements:

- a. Building height shall be a minimum of three stories.
- b. Ground level dwelling units shall be provided adjacent to the frontage of each street. Each dwelling unit shall have its front door open onto a stoop, porch or paved walkway adjacent to the street's sidewalk.
- c. The following build-to-setbacks are applicable:
  - (1) For NW Kaiser Road, the minimum setback is five feet and the maximum setback is ten feet;
  - (2) For Primary Street P4, the build-to-setback is the applicable setback of the Primary District; and
  - (3) When a setback equal to or greater than ten feet is provided, at least 50 percent of the setback area shall be landscaped with grass, ground cover or low shrubs. Hardscape materials, including concrete or brick, and shall be limited to no more than 50 percent of the landscape area.
- d. The construction of a low fence or sitting wall at the back of the sidewalk along NW Kaiser Road is desirable in order to help define the curve of the Main Street Area. If provided, the height of a fence shall not exceed three feet in height. Fencing materials are limited to the use of powder coated metal. Wood, plastic/vinyl or aluminum materials are not permitted for a fence. If provided, the height of a wall shall be 15 to 22 inches in height, and the wall shall be faced with brick or stone veneer. If a fence or wall is provided along Primary Street P4 or a future western street, it shall also comply with these standards.

10. Accessway Frontage

Development adjacent to the accessway along the southern boundary of ASC 10 shall comply with the following requirements:

- a. The build-to-setback is the applicable setback of the Primary District;
- b. Ground level dwelling units shall be provided adjacent to the accessway frontage. These units shall have one or more doors opening to stoops, porches, decks or paths. The doors are not required to be the "front" door of these units. A primary building entrance for use of the public is not required; and
- c. Landscape area: At least 50 percent of the setback area shall be landscaped with grass, ground cover or low shrubs. Hardscape materials, including concrete or brick, shall be limited to no more than 50 percent of the landscape area.

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11. Western Street Frontage

Buildings along ASC 10's western boundary shall have a build-to-setback that is the applicable setback of the Primary District.

12. Building Facades

Well designed building façades that use quality building materials are essential within the Main Street Area. The dominant feature of the facades shall be habitable areas with accompanying windows and doors. The building façades along all adjacent streets and the accessway shall comply with the following requirements:

- a. The overall length of a building shall not exceed 300 feet.
- b. When the length of a building exceeds 100 feet, a full building height recess that is at least 10 feet wide by 10 feet deep is required for each 100 feet of building length.
- c. When a street-facing building facade is more than 750 square feet in area, the building wall plane shall be divided into smaller planes of 500 square feet or less. This division of a building wall plane into smaller planes may be accomplished by including one or more of the following elements:
  - (1) A porch, a dormer that is at least four feet wide, or a balcony that is at least three feet deep and is accessible from an interior room;
  - (2) A bay window, extending the full height of a floor or floors, that extends at least two feet; or
  - (3) Recessing a section of the facade by at least two feet. The recessed section must be at least six feet wide.
- d. Fifteen percent of ground level building façades shall be window area. Ten percent of the remaining building facades shall be window area. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited on the ground floor;
- e. For buildings with flat roofs, the roof shall have either 12 inch eaves or a cornice. Parapets shall have a cornice. Cornices shall have two parts - The top part of the cornice shall project at least six inches from the face of the building and be at least two inches further from the face of the building than the bottom part of the cornice. The cornice shall have a minimum height of 11 inches.
- f. Required building materials
  - (1) Siding materials shall be limited to brick, stone veneer, or wood siding that meets the standards in Design Element 13. Metal or "cultured" concrete block may be used when the standards listed in Design Element 14 are met.
  - (2) Each building façade shall use a minimum of two types of siding materials, each with an area of no less than twenty percent of the façade. However, brick or stone veneer siding material may be used singly and applied to the entirety of a façade.

13. Standards for Wood or Horizontal Lapped Siding

- a. Wall materials shall be of:
  - (1) Horizontal lapped siding;
  - (2) Wood shingles; or
  - (3) Board and batten with 1x2 battens equally spaced no more than two feet on center.
- b. Window and exterior door (with or without glass lites) materials shall be of:
  - (1) Wood; or
  - (2) Metal, painted or clear anodized.
- c. Main entries shall be marked between the ground floor and the upper floors by an awning or canopy with a minimum width of eight feet and a minimum projection of four feet. Awnings and canopies shall be made of glass, metal or exterior grade fabric, or a combination of these materials.
- d. A minimum of two types of siding materials and/or siding styles, separated by trim that is a minimum of 5 1/2 inches wide. For street-facing and/or alley facing facades, the secondary type shall have a minimum area of 20 percent of the overall façade.
- e. Columns are not required. If columns are provided, columns and supporting pillars on street-facing facades must meet one of the following standards. Wrought iron style supports will not satisfy this standard.
  - (1) Large columns that are divided visually into clear areas of top, center and bottom. Large rectilinear columns shall be at least 8 inches by 8 inches. Large rounded columns shall have a diameter of at least 8 inches; or
  - (2) Groupings of two, three or four small columns that are divided visually into clear areas of top, center and bottom. Small rectilinear columns shall be at least 4 inches by 4 inches. Small rounded columns shall have a diameter of at least 4 inches.
- f. The façade treatments listed below shall be provided on all sides of a building:
  - (1) Variation in wall surface pattern, siding material or siding style;
  - (2) Fully trimmed windows and doors. Trim shall be a minimum of 3 1/2 inches wide and completely surround the windows and/or doors; and
  - (3) Corner trim/corner boards, 3 1/2 inch minimum exposure.
- g. Provide a band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection, which marks a horizontal division in the wall plane between each floor. Such bands or courses shall be a minimum of 7 1/2 inches in width.
- h. The ground floor façade shall be brick, stone veneer, or "cultured" concrete block as specified in Design Element 14.

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- i. Street-facing facades at the ground level of the structure shall include the use of larger windows on the ground floor façade and smaller windows on the upper floors, or a row of transom windows above the main windows on the ground floor façade.
14. Standards for metal or "cultured" concrete block siding materials:
- a. Metal siding materials shall be of flat metal panels with concealed fasteners. Panels shall have a 24 inch maximum width, a factory-applied painted coating, and a 22 gauge minimum thickness.
  - b. "Cultured" concrete block [i.e. concrete masonry unit (CMU)] materials shall be allowed as follows:
    - (1) For stem-wall or ground-floor applications only.
    - (2) Finishes may be split-face, ground face, glazed (pre-faced), or unpainted.

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## E. Central Neighborhood

The Central Neighborhood extends north from NW Springville Road to Road A. Generally, the western boundary is the Waterhouse Powerline Trail Corridor and the eastern boundary is NW Kaiser Road.

The most prominent natural features of this neighborhood are the ridge that runs east-west along the highest point, and the associated views of the surrounding area including the Tualatin Mountains, Chehalem Mountains and Tualatin River valley. Other notable features include an ash forest/wetland south of the Park Blocks and Bethany Creek.

The key design parameters for the Main Street Area require the central section of NW Kaiser Road to have the following characteristics:

- A "main street" design (on-street parking, pedestrian scale and urban design features),
- A strong relationship to the Park Blocks and East and West eCommunity pParks,
- A building scale and form which reflects its role as the focal point of the community, and
- A civic use in a central and prominent location with an adjacent public gathering area.

Preliminary programming and design considerations for the main street area are provided in the Main Street Program Guide for the North Bethany Subarea, which shall serve as a template for future urban design plan(s) and development of the area.

### Design Elements

1. The Central Neighborhood shall have two neighborhood parks and the linear Park Blocks.
  - a. A one and one-half (1½) to two (2)-acre northern neighborhood park shall be south of Road A and adjacent to the Waterhouse Powerline Trail Corridor or the Abbey Creek tributary.

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- b. A one and one-half (1½) to two (2)-acre southern neighborhood park near the P2 Street will have a connection to Bethany Creek and provide a trailhead for the multi-purpose path north of and parallel to Bethany Creek.
- c. The Park Blocks shall be consistent with ASC 5.
- 2. The location of higher density along the central ridge and the Main Street Area and the streetscape design along the Park Blocks are intended to make these primary community amenities immediately accessible to a large number of residents. The Park Blocks will support future transit through the placement of the highest residential densities along the Park Blocks and design standards in the Community Development Code.
- 3. Trails and pedestrian connections shown on the Parks, Trails and Pedestrian Connections Map shall be provided that are consistent with THPRD standards, and that include the following elements:
  - a. A trail corridor between Bethany Creek and NW Rossetta Street shall be provided consistent with ASC 7.
- 4. The Central Neighborhood has ten Primary Streets. Primary Streets shall be provided in new development consistent with Section IV.C. (Primary Streets) and Section V.B. (Areas of Special Concern) of the North Bethany Subarea Plan. The intent of each Primary Street is provided below:
  - a. NW Rossetta Street is Primary Street (P2) that parallels Bethany Creek between NW Kaiser Road and Road A. The intersection with NW Kaiser Road north of Bethany Creek serves as the southern gateway to the Main Street Area. P2 is an important east-west connection between Arbor Oaks Subarea and North Bethany Subarea. Development of P2 shall be consistent with ASC 7.
  - b. The Park Blocks are created by two parallel Primary Streets P11 and P12. The western terminus of the Park Blocks shall end at the center of the West Community Park. P11 and P12 cross NW Kaiser Road and terminate at East Community Park and the northern edge of the civic site. Development of these streets shall be consistent with ASC 2 and 5.
  - c. NW Kaiser Road is a Primary Street that will be located primarily in existing right-of-way. Development shall be consistent with ASC 2.
  - d. Primary Street P15 provides a connection to the Park Blocks from NW Springville Road, at the intersection with NW Oats Terrace.
  - e. NW Brugger Road (P6) is a Primary Street that is located in existing right-of-way.
  - f. Primary Street P9 connects NW Brugger Road with Road A.
  - g. Primary Street P4 connects the West Community Park to NW Kaiser Road and the East Community Park.
  - h. NW Springville Road is a Primary Street that is located primarily in existing right of way. Development shall be consistent with ASC 4A.
  - i. Road A is a Primary Street. Development along Road A shall be consistent with ASC Road Corridor 1B.

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5. Buildings constructed as part of the Community Park shall be placed near and oriented to adjacent streets and used to define the park edge.
6. The design of the Main Street Area shall be consistent with the intent of the ~~Metro 2040 North Bethany~~ Main Streets Program Guide. This guide is intended to be consistent with the intent of the Metro 2040 Main Streets designation. Examples include high density housing, mixed use buildings, retail and services that are intended to serve the entire North Bethany Subarea.
7. The intersections of NW Kaiser Road / Road A and NW Kaiser Road / NW Rossetta Street are gateways that mark the entrance to the portion of NW Kaiser Road designated as a Main Street. The gateways are identified on the Core Design Elements Map. A design plan shall be prepared that addresses the Neighborhood Plan and Street Design Map elements, development standards and any additional Gateway design treatments.  
  
Due to the grade change along NW Kaiser Road, between NW Brugger and NW Springville Roads, the Gateways at the intersection of NW Kaiser Road and Primary Street P2 shall be located south of P2 in the linear park on each side of NW Kaiser Road. (The Gateways are located on each side of NW Kaiser Road at its intersection with P2.) Because the Gateways will be located in the linear park, they shall be designed, and possibly constructed in conjunction with the development of the park.
8. Development shall be consistent with ASC ~~Areas of Special Concern~~ Road Corridors 1B, 2 and 4A and ASC 5, and 7, 9 and 10.

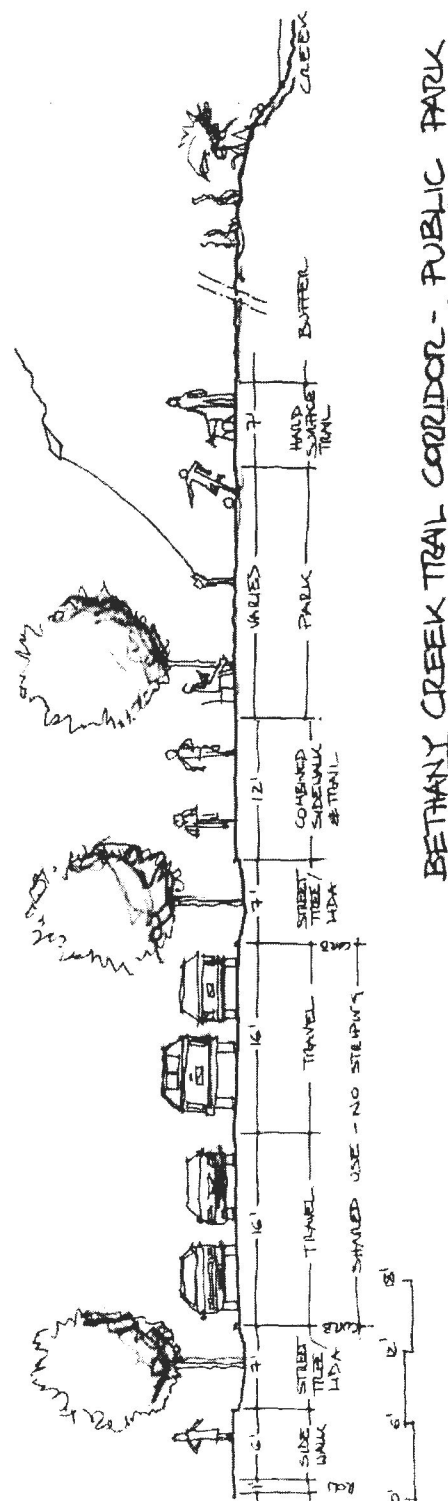


## Bethany Creek Trail Corridor Sketch No. 2



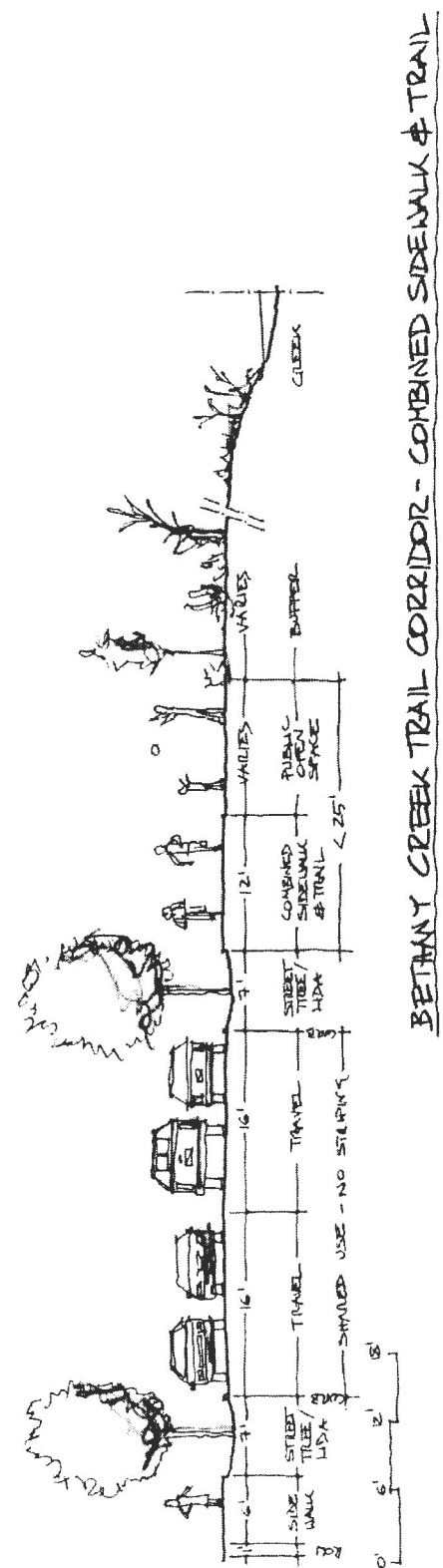
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The following cross-sections along the corridor illustrate design solutions that are consistent with the design intent and guidelines described herein for this ASC.



## 1. Trail and pocket park

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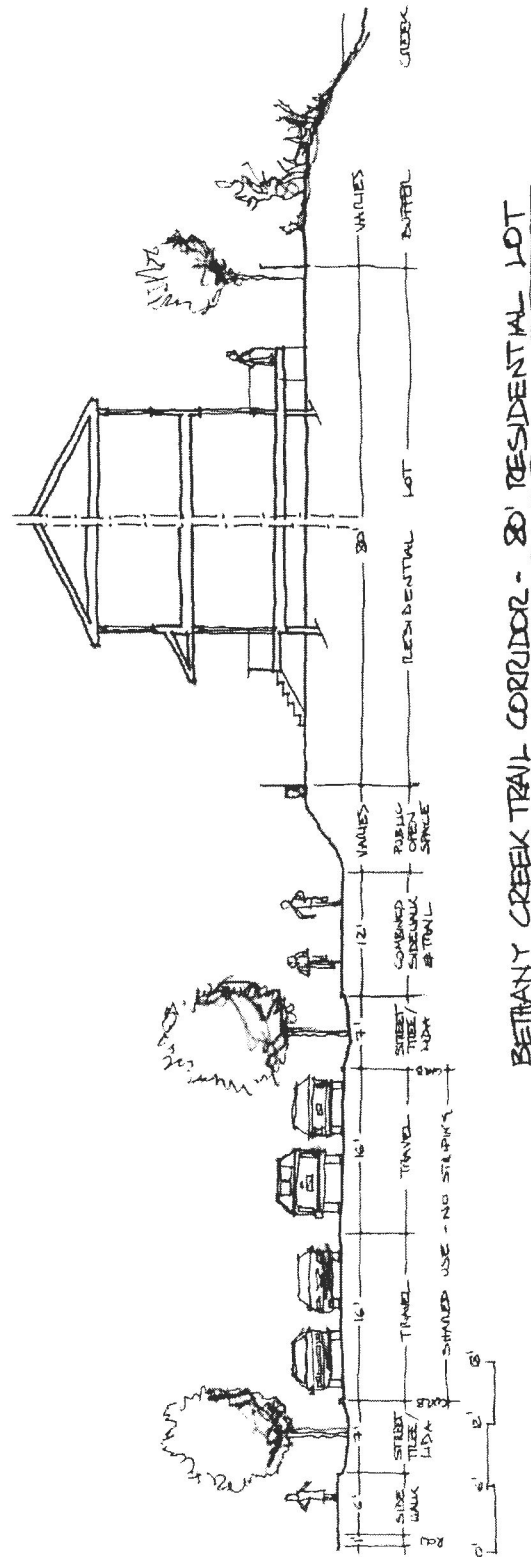


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2. Trail combined with sidewalk



3. Trail behind private lot



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## Subsection E – North Bethany Main Street Program Guide for the North Bethany Subarea

### Introduction

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This North Bethany Main Street Program Guide (Program Guide) identifies plan and design requirements that are specific to development within the designated 2040 Main Street boundary of the North Bethany Subarea. The Program Guide specifically applies to Area of Special Concern Road Corridor 2 identified in the North Bethany Subarea Plan. See **Attachment 1** for a reference map.

The purpose of the Program Guide is to provide guidance for more specific planning of the Main Street commercial area, which is a core design feature of the concept plan for the North Bethany Subarea. Before development of the Main Street Area can begin, a specific Urban Design Plan for the area that addresses the criteria outlined in this Program Guide must be developed. The criteria address important design and operational elements such as density, retail design and format, parking, corner vision, sight distance, building entrances and orientations, access points and the need for turning movements and on-street parking along NW Kaiser Road. Therefore, prior to preliminary engineering of the Main Street section of NW Kaiser Road and prior to development of properties within this Area of Special Concern, a more detailed urban design plan shall be prepared in accordance with the requirements of this Program Guide. The preliminary commercial programming mix and size limits outlined in this Program Guide shall serve as a template for future specific design and development of the area. The commercial program in the Main Street Program Guide is based on the *North Bethany Strategic Programming Guide* (December 2006) prepared by Leland Consulting Group.

Prior to the adoption of the Urban Design Plan, the Board may permit development in Area of Special Concern 10 when development is consistent with the requirements of ASC 10 and other applicable requirements of the North Bethany Subarea Plan. ASC 10 was adopted to allow the owner of Tax Lot 800, Tax Map 1N1 17B, to develop Tax Lot 800 under a single development application beginning in 2012.

### Background

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The 2040 Concept for the Metro region identifies NW Kaiser Road as a “corridor.” Corridors are defined in the Urban Growth Management Functional Plan (UGMFP) as “along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.” Locating mixed-use commercial areas within easy walking distance of residences is a fundamental principle of “smart growth” planning because it provides a more “complete” community where daily needs and services can be met via multiple transportation modes and without the need for long trips. This concept of integrating residential uses with mixed/commercial use is consistent with the Main Street designation, and with Policy 13 (Urbanization), Policy 18 (Plan Designations and Locational Criteria for Development), Policy 35 (Residential Conservation), Policy 36 (Commercial Conservation), Policy 39 (Land Use Conservation) and Policy 40 (Regional Planning Implementation) of the county’s

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Comprehensive Framework Plan, as well as Policy 1 (Travel Needs), Policy 5 (System Implementation and Plan Management) and Policy 6 (Roadway System) of the county's Transportation System Plan.

Through the 2007 concept planning process for the North Bethany Subarea, the general scale, location and configuration of the commercial component was evaluated. First, a market analysis was conducted to assess the broader market geography and context in order to determine a program (general size and mix) that would be viable given the planned residential capacity of the area at build-out. The report, prepared by Leland Consulting Group (LCG), recommends three possible configurations for consideration as part of the community design process. LCG continued to advise the process regarding various locations.

After much stakeholder and public input on the three potential configurations, the commercial/mixed-use components described in this program guide were selected along with a preferred format for a primary core commercial area complemented by a series of smaller "street corner" commercial nodes. This is reflected in the concept plan for the North Bethany Subarea, which refers to the primary commercial core as a Main Street area, and includes a series of individual commercial sites in the other neighborhoods within the Subarea. The identified use categories for the Main Street area are general and will be determined through a review process at a time when the market dictates.

## Urban Design Plan

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Before an application for development of the Main Street area (or any part of the Main Street area) may be submitted, an Urban Design Plan for the Main Street Area shall be adopted.

For the purposes of this Program Guide, an Urban Design Plan is defined as a planning effort focused on urban form that is intended to transform the vision for an area into reality. It is usually comprised of equal parts planning, urban design, investment strategy, development and design code, and action items. Since it deals with all the aspects of an area, from public improvements to private development, an urban design plan can bring together property owners, neighboring residents and public infrastructure providers while providing a better understanding and more predictable sense of how new development will be built.

Urban Design Plans are particularly useful for areas where local governments want to target investment, such as centers and corridors, because it brings all the aspects of planning, placemaking and infrastructure improvements together at the same time. Urban Design Plans can serve as the bridge between planning and its translation into a development proposal. Urban design plans can test existing or proposed zoning code provisions by illustrating their character and scale in order to ensure the zoning code text will support desired urban forms. Similarly, their strength at articulating a cohesive vision offers a more flexible implementation of objectives that still meet the vision. This is particularly important if unanticipated market trends occur.

Once developed, an urban design plan can be used to guide infrastructure investments and improvements by other property owners and different departments within the local government and service provider agencies. Involving interests such as THPRD, CWS and LUT's Engineering Division will help inform the design of areas within their control, making design and planning solutions more comprehensive and proposed improvements more likely to be implemented. Internal coordination through the Long Range Planning Division can link planning efforts with specific capital projects and funding sources.

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## Process

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The county shall prepare the Urban Design Plan in conjunction with the design of NW Kaiser Road, consistent with the requirements of ASC Road Corridor 2. A public planning process shall be used to develop and adopt this plan. Adoption of this plan and completion of the design for NW Kaiser Road shall be completed by the time there will be sufficient residential development in North Bethany to support the Main Street Area. Alternatively, a private applicant may initiate the development of the Urban Design Plan prior to the county doing so. Under this option, the applicant shall consult with LUT staff while developing the Urban Design Plan. Any proposed Urban Design Plan shall be subject to a public process and there shall be coordination with affected property owners and service providers. The county will be responsible for initiating necessary legislative amendments to applicable elements of the Comprehensive Plan in order to implement the applicant's final Urban Design Plan.

## Design Criteria

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This section of the Program Guide elaborates on the design criteria that must be addressed in the required Urban Design Plan.

Consistent with Metro's 2040 concept, the design character of a Main Street area is distinct from a Town Center in terms of scale and format. The market capture area for a Main Street is generally an order of magnitude smaller than that of a Town Center. The square footage limits for the various types of commercial uses in North Bethany Subarea's Main Street that are stipulated in this Program Guide have been determined appropriate for the approximately 5,000 new dwelling units planned for the North Bethany and Arbor Oaks Subareas. Despite the implication of the term "main street," the programmed uses can be arranged either along a primary street or clustered around a prominent intersection, as is the case with the North Bethany Subarea Plan. While some parking is required for the programmed commercial and residential uses, it is intended that the format support the walkable character of the community. Buildings therefore are required to be close to sidewalks with parking generally located in the rear. The minimum setback requirements of the underlying land use district (Neighborhood Commercial Mixed-Use) may be reduced to achieve this objective.

The Urban Design Plan shall show how parking will be formatted to accommodate the proposed residential density and the commercial program, including on-street and off-street parking. Parking lots shall be generally located behind retail façades and not adjacent to street frontages. The Urban Design Plan shall also address applicable requirements related to vehicular movements and operation, including access, sight distance, corner vision, design speed and turn movements. The Main Street area shall be designed to prioritize pedestrian and bicycle environments over motorized vehicles. This shall be reflected in all aspects of the design criteria. Accordingly, the Urban Design Plan shall also address building orientation and entrances.

**Attachments 3 and 4** illustrate conceptual design solutions for the Main Street area and can serve as a starting place for discussion.

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Attachment 1: Main Street Area

This map shows the boundaries of the Main Street area.



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## Attachment 2: Development Program

The following table summarizes the proportion and mix of commercial and residential uses anticipated for the Main Street area of the North Bethany Subarea. While the estimated sizes for the various commercial uses represent targets, the estimated sizes for the various residential uses are intended as guidelines only and may vary from what is indicated here. It is required that the estimated sizes for the commercial uses achieve at least 85 percent of the estimated size in each category (i.e., Retail, Employment/Service, and Civic), and do not exceed the target by more than 5 percent.

### DEVELOPMENT PROGRAM FOR MAIN STREET AREA\*

Source: *North Bethany Strategic Programming Guide*  
Leland Consulting Group, December 2006

| Land Use                                   | Estimated Size (sf)      |
|--------------------------------------------|--------------------------|
| <b>Retail Center</b>                       |                          |
| Specialty Grocer                           | 25,000                   |
| In-line Retail Shops                       | 10,000                   |
| Restaurants                                | 4,000                    |
| Retail Services                            | 3,000                    |
| <i>Sub-Total</i>                           | <b>42,000</b>            |
| <b>Employment / Service</b>                |                          |
| General Office                             | 6,000                    |
| Fitness Center or other large services use | 24,000                   |
| <i>Sub-Total</i>                           | <b>30,000</b>            |
| <b>Civic Uses</b>                          |                          |
| Branch Library                             | 5,000                    |
| Community Center                           | 3,500                    |
| <i>Sub-Total</i>                           | <b>8,500</b>             |
| <b>Total: Non-residential Uses</b>         | <b>80,500</b>            |
| <b>Housing</b>                             |                          |
| Specialty Housing (150)                    | 110,000                  |
| Apartments (125)                           | 125,000                  |
| Condominiums (100)                         | 185,000                  |
| <b>Total: Residential Uses</b>             | <b>420,000</b>           |
| <b>total land area</b>                     | <b>approx. 7.5 acres</b> |

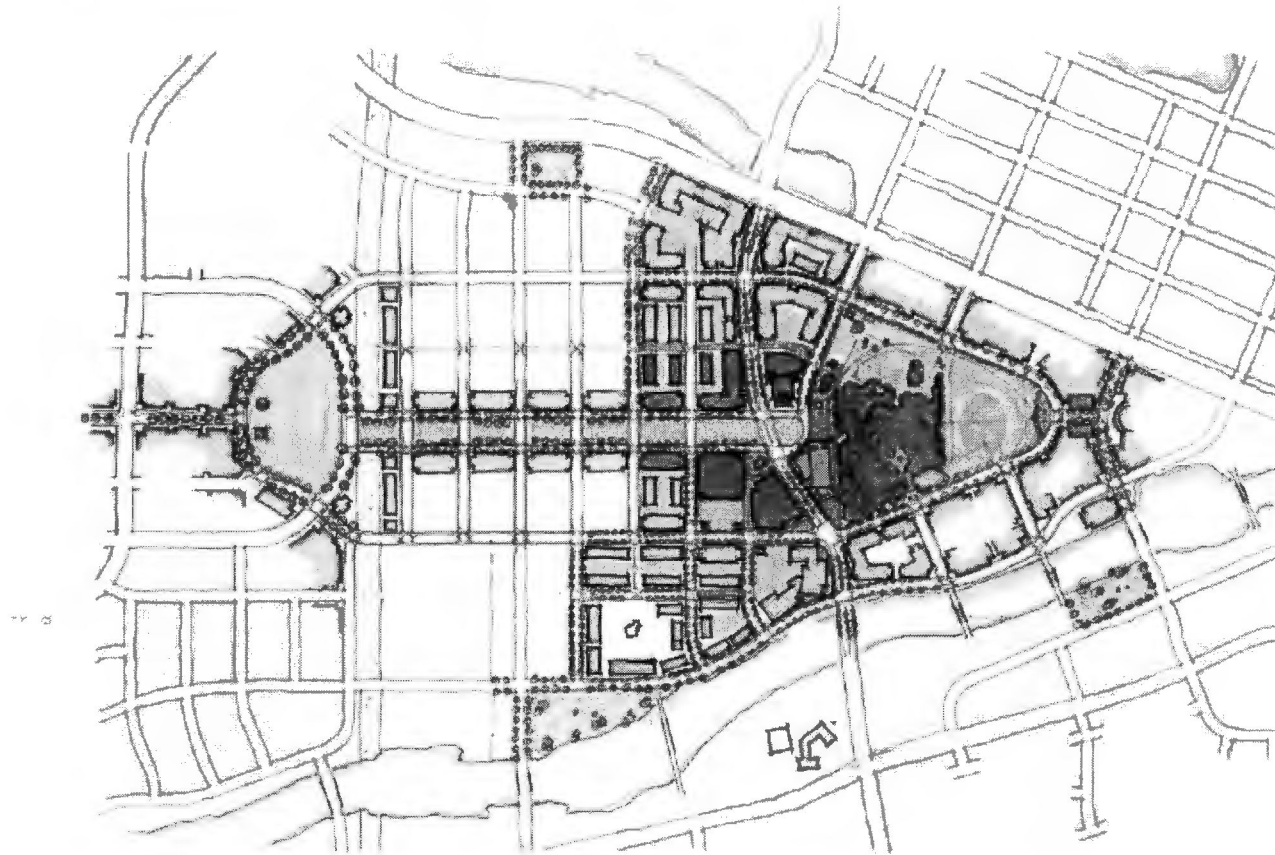
\* Note this is complemented by neighborhood node development throughout the study area.  
Combined total for node retail uses: 8,500 sf; for residential portion of mixed use node: 85,000 sf.

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### Attachment 3: Illustrative Concept Plan

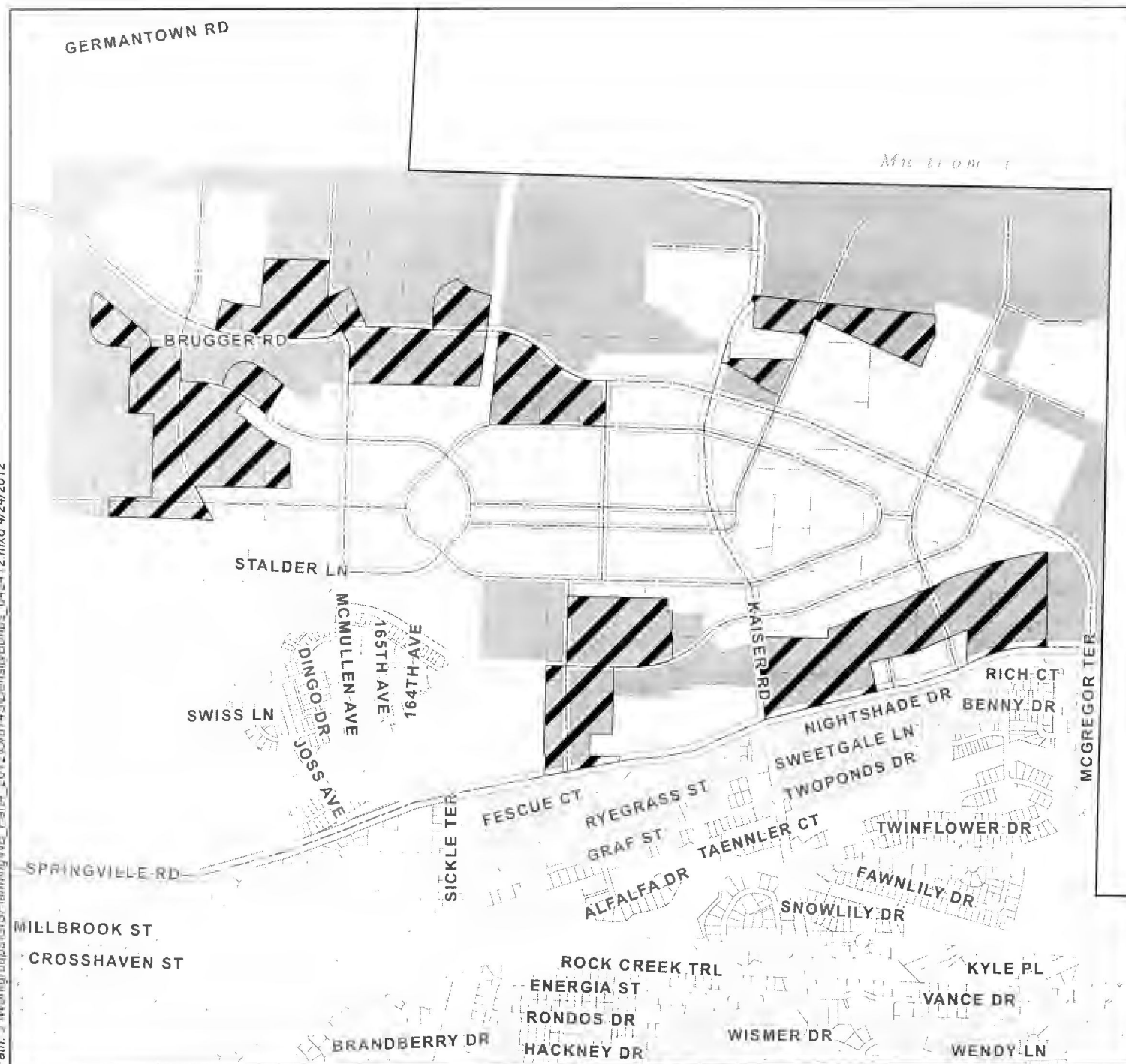
This design sketch illustrates one way the preferred commercial program may be implemented.



The core of the North Bethany Subarea is organized around two community park areas connected by a linear “park blocks” feature. High density housing is placed adjacent to park areas, with commercial “mixed-use” buildings (shown as red) clustered around NW Kaiser Road and located to frame street and pedestrian areas. A civic building, illustrated in purple, is prominently located on NW Kaiser Road. An adjacent community park is an opportunity for shared parking.

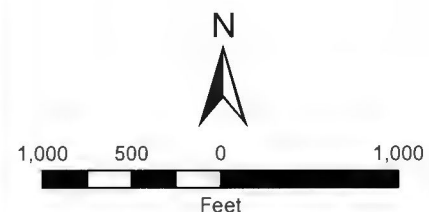
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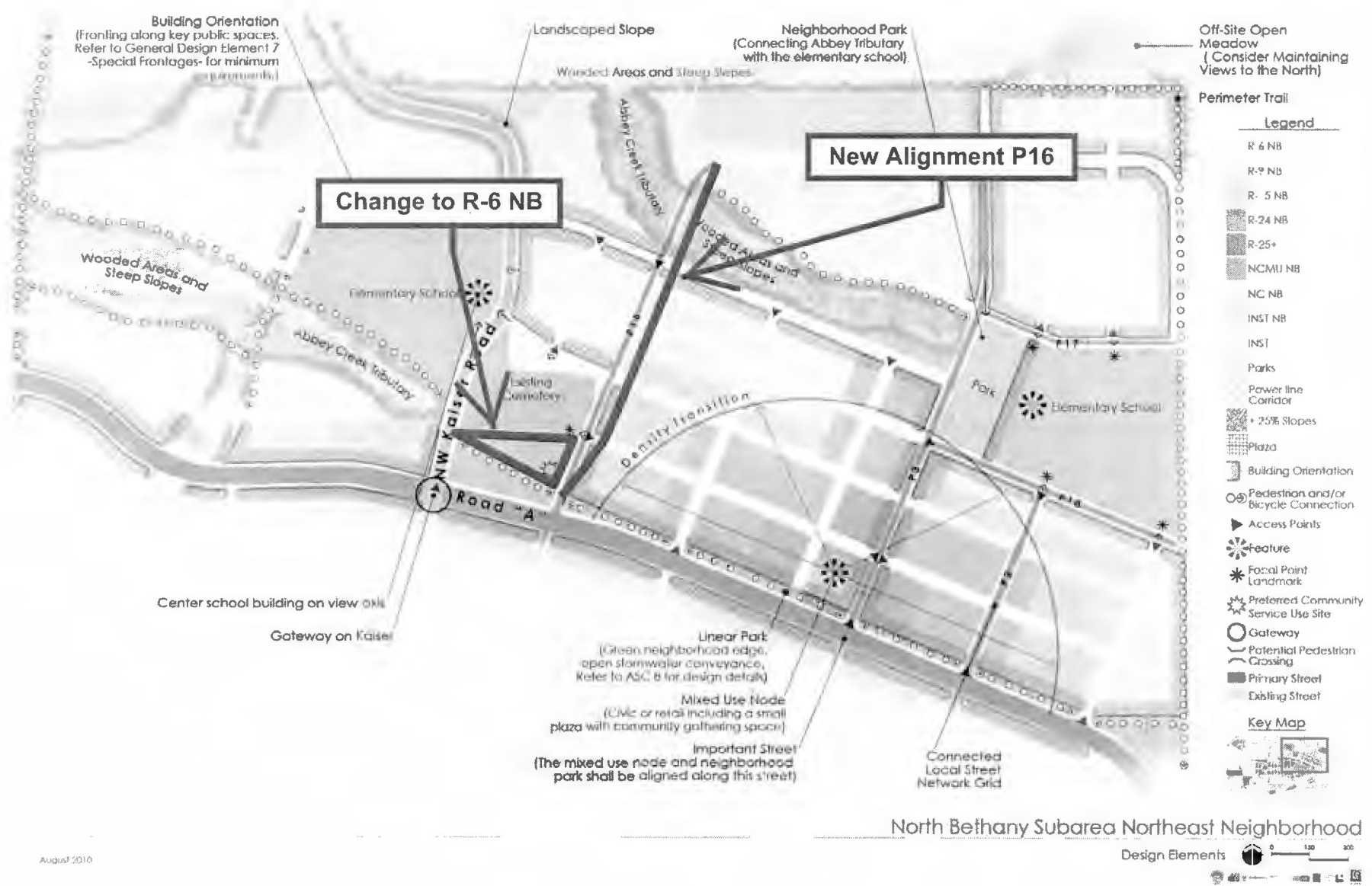
Create the 'Areas Eligible for a Density Bonus in the R-6 NB District' map for the North Bethany Subarea Plan.

-  Areas eligible for a Density Bonus in the R-6 NB District
-  R-6 NB
-  Primary Streets Centerline
-  Primary Streets ROW



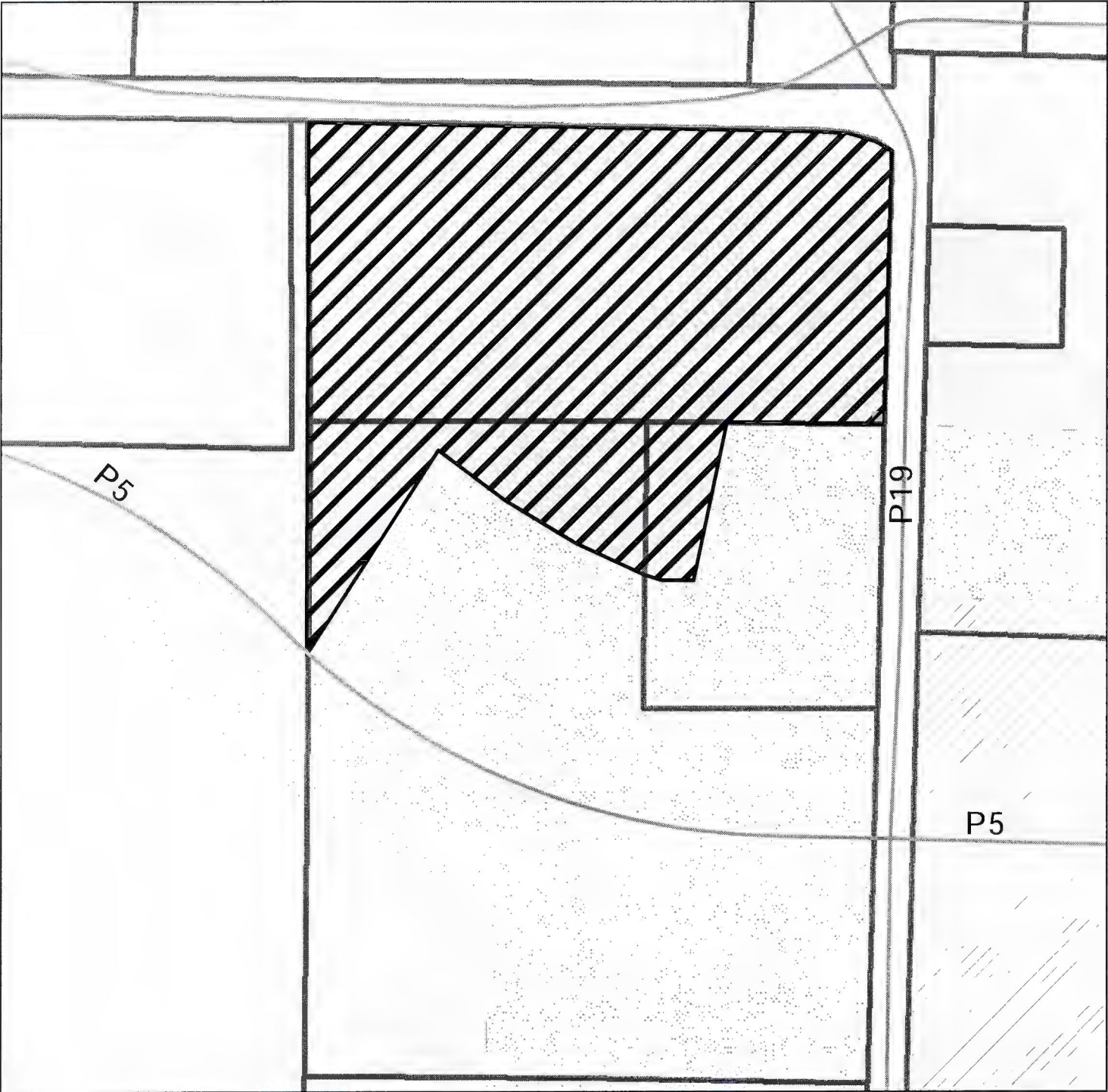
Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Amend the 'North Bethany Subarea Northeast Neighborhood' map of the North Bethany Subarea Plan as indicated.





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Amend the 'Land Use Designations'  
map of the North Bethany Subarea  
Plan as indicated.

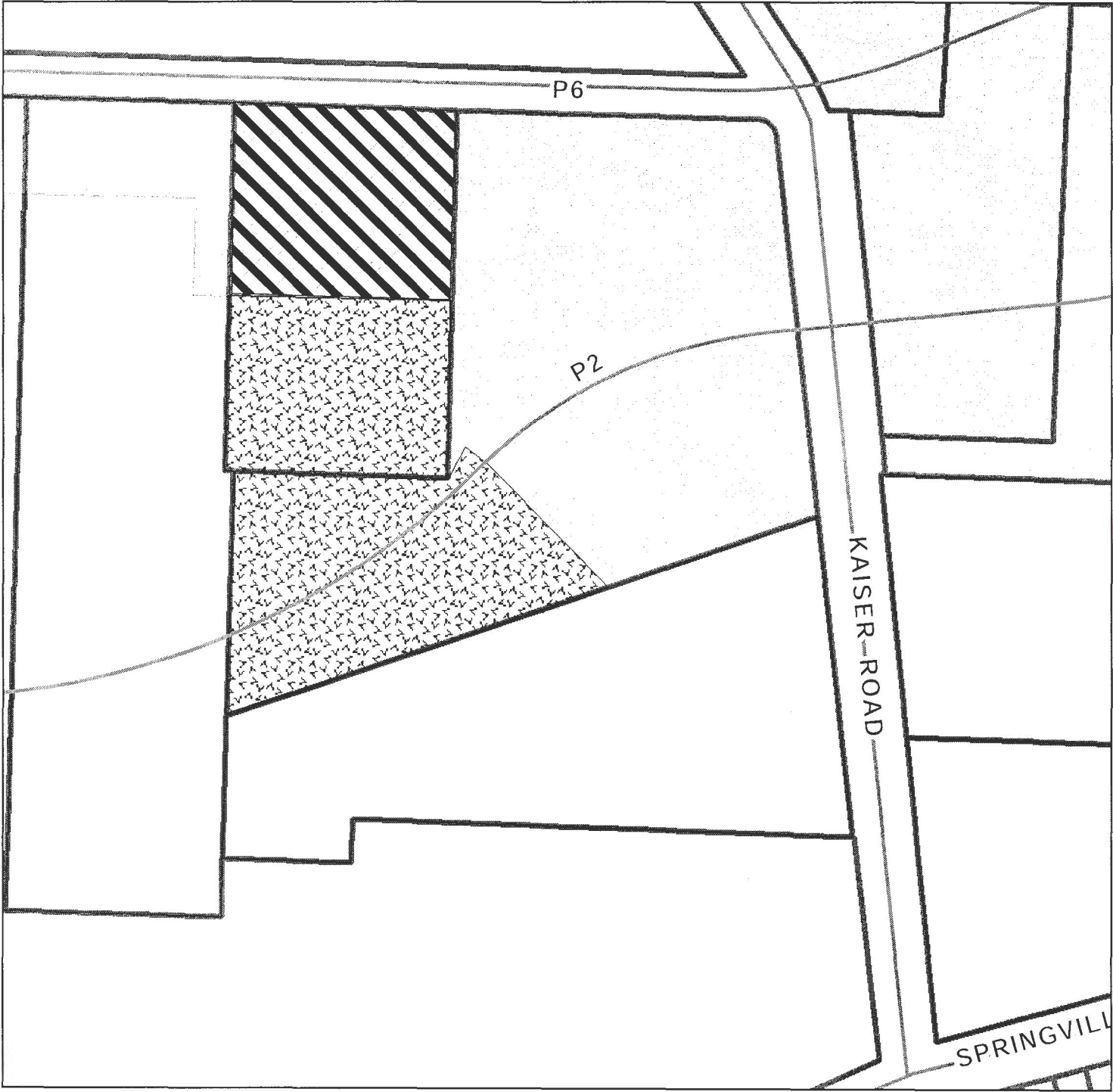
-  Change from  
R-6 NB to R-9 NB
-  R-6 NB
-  R-9 NB
-  R-15 NB
-  Primary Streets



1 inch = 150 feet



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

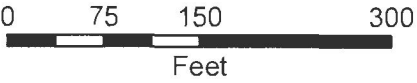


Amend the 'Land Use Designations' map of the North Bethany Subarea Plan as indicated.

-  Change from R-6 NB to R-24 NB
-  Change from R-15 NB to R-24 NB
-  R-6 NB
-  R-15 NB
-  R-24 NB
-  Primary Streets



1 inch = 150 feet



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Amend the 'Areas of Special Concern' map of the North Bethany Subarea Plan as indicated.

-  Area to be added to A.S.C. #7
-  Existing A.S.C. #7
-  Primary Streets



1 inch = 250 feet



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Amend the 'Areas of Special Concern'  
map of the North Bethany Subarea  
Plan to add A.S.C. #9.

-  A.S.C. #9
-  Primary Streets

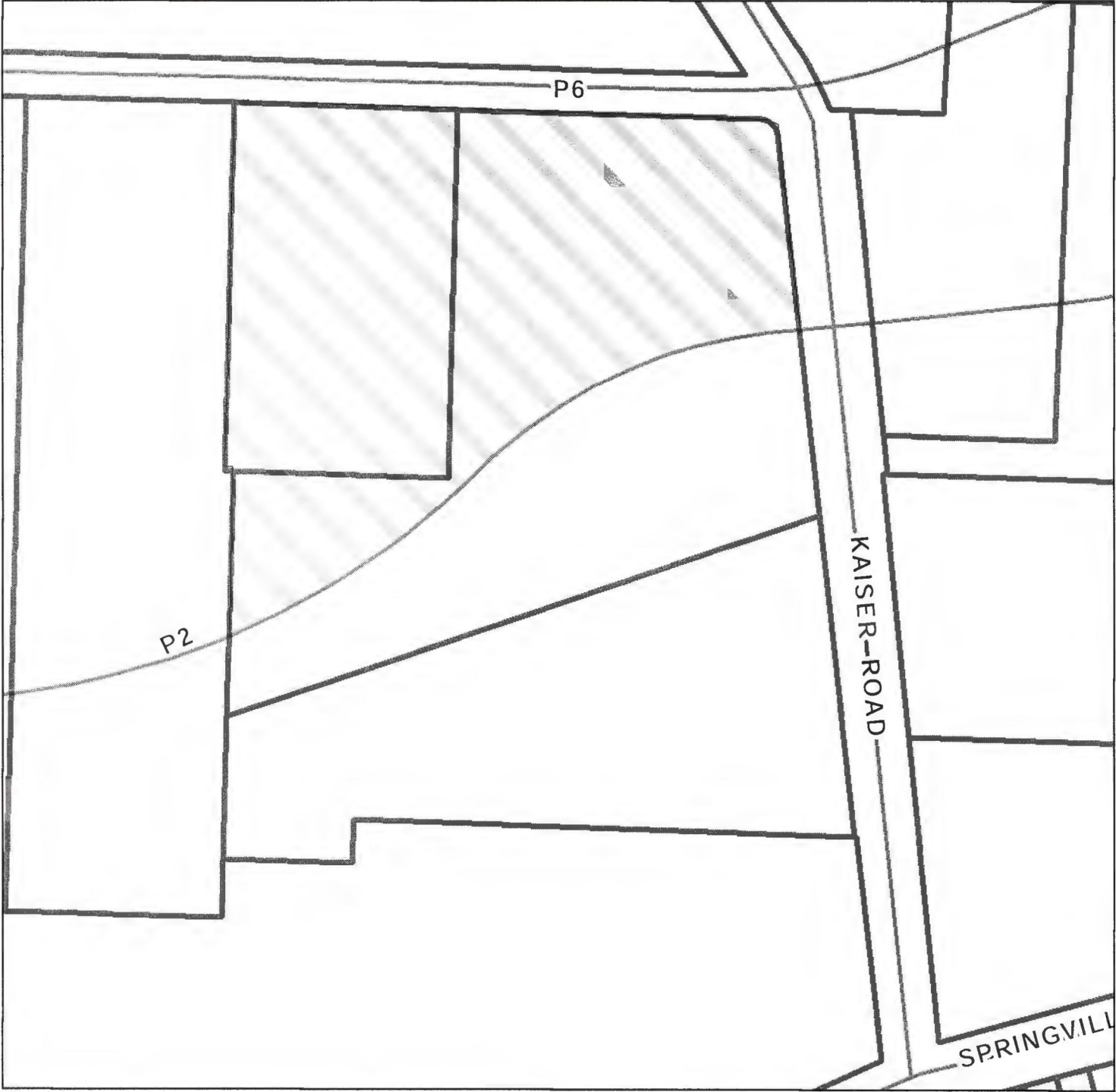


1 inch = 150 feet



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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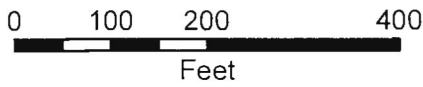
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Amend the 'Areas of Special Concern'  
map of the North Bethany Subarea  
Plan to add A.S.C. #10.

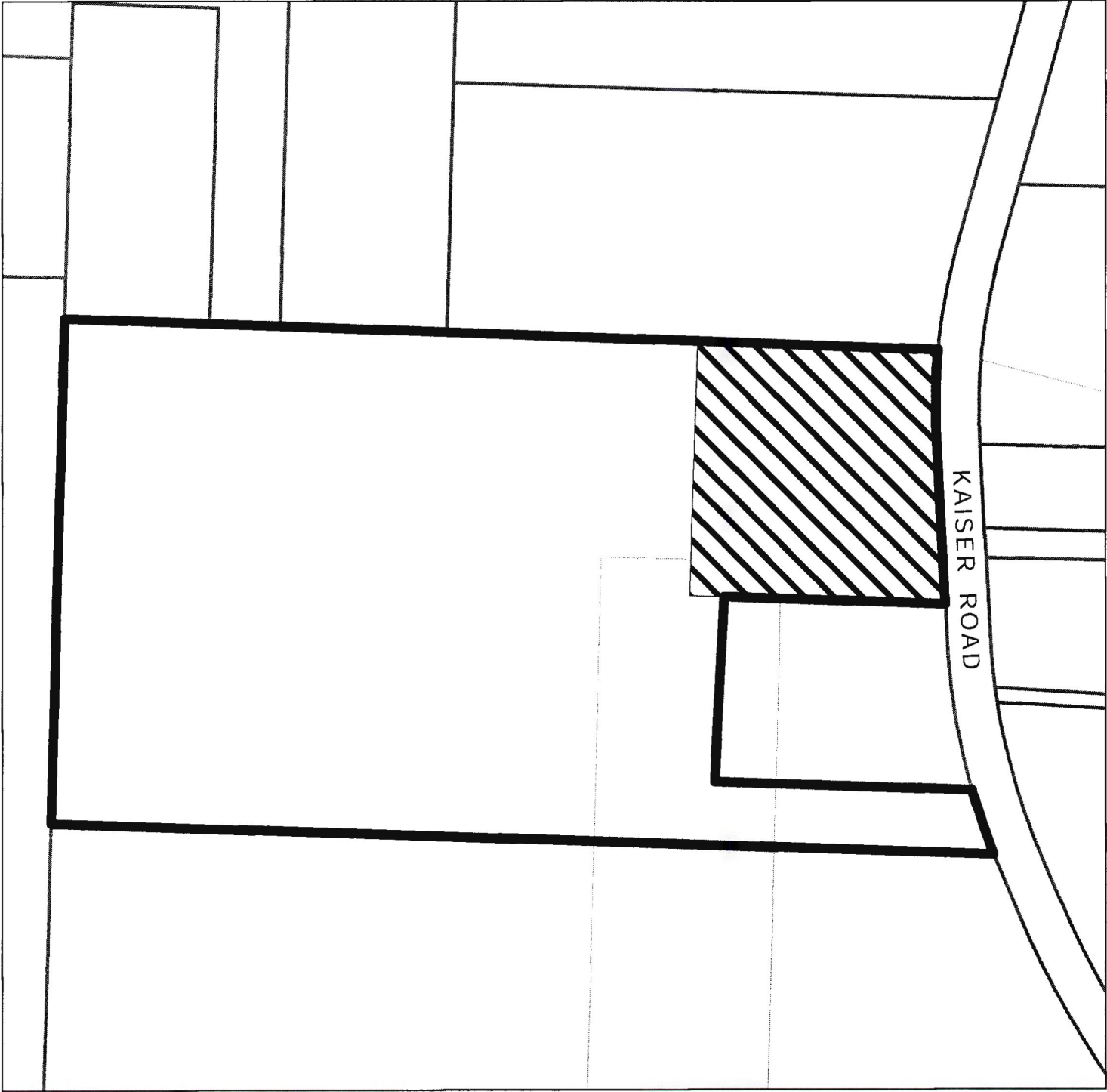
-  A.S.C. #10
-  Subject Tax lot
-  R-25+ NB



1 inch = 200 feet



Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Policy 1, THE PLANNING PROCESS, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

**GENERAL**

**POLICY 1, THE PLANNING PROCESS:**

**It is the policy of Washington County to establish an ongoing Planning Program which is a responsive legal framework for comprehensive planning and community development and accommodates changes and growth in the physical, economic and social environment, in response to the needs of the County's citizens.**

**It is the policy of Washington County to provide the opportunity for a landowner or his/her agent to initiate quasi-judicial amendments to the Comprehensive Plan on a semi-annual basis. In addition, the Board of Commissioners, the Planning Director or the Planning Commission may initiate the consideration of quasi-judicial map amendments at any time deemed necessary and a landowner or his/her agent may initiate a quasi-judicial map amendment in a New Urban Area at any time during the year.**

Implementing Strategies

The County will:

\*\*\*

- f. Approve a quasi-judicial plan amendment ~~for properties outside of New Urban Areas~~ to the Primary Districts on the Community Plan Maps and/or the Future Development Areas Map, including the implementing tax maps, only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan. Where applicable, the proponent must also establish with the Review Authority compliance and conformance with the following:

- 1) ; ~~and when applicable, the~~ provisions of Policies 40 and 41;
- 2) ~~the~~ Community Plan Overview and sub-area description and design elements; ~~complies with~~
- 3) ~~the applicable~~ policies, strategies and systems maps of the Transportation Plan; and complies with
- 4) ~~the applicable~~ regional functional planning requirements established by Metro.

The proponent may also be required to, and demonstrates to the Review Authority that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code.

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In addition to these criteria, an applicant for a quasi-judicial plan amendment for property in the North Bethany Subarea Plan shall also demonstrate conformance with the provisions of Policy 43 and the provisions of the North Bethany Subarea Plan, including:

- 1) Section III (Background, Planning Process, and Community Design Goals);
- 2) Section IV (Descriptions of North Bethany Subarea Plan and Maps);
- 3) Section V (North Bethany Subarea Design Elements); and
- 4) Section VI (Neighborhood Design Elements); and
- 5) Section VII (Maps, Drawings, Tables, and Guides).

\*\*\*

- ~~x. Establish procedures and review criteria for quasi-judicial and legislative amendments to the North Bethany Subarea Plan (in the Bethany Community Plan) within two years of the adoption of the North Bethany Subarea Plan. Until the adoption of these procedures and review criteria, no amendments shall be made to the Subarea Plan except for the following:~~
- ~~1. A mistake to the Plan designation due to a mapping error that placed the incorrect designation on the property and, that if the error had been brought to the attention of the Board during the adoption process, it would not have been placed on the property. Evidence shall be provided that shows the requested Plan designation had been proposed to be placed on the property during the planning process; and~~
  - ~~2. Removal of the FD-20 designation pursuant to Implementing Strategy w. above.~~

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Neighborhood to be added



1 inch = 1,500 feet



Amend the 'Transit Corridor Boundaries' map of Policy 40 of the Comprehensive Framework Plan for the Urban Area as indicated.

-  Transit Corridor to be added
-  Transit Corridor to be removed



1 inch = 1,500 feet





Policy 43, COMMUNITY DESIGN FOR NEW URBAN AREAS, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

**POLICY 43, COMMUNITY DESIGN FOR NEW URBAN AREAS:**

New urban areas are urban unincorporated lands that came into the UGB ~~after~~in 2002 or later (with the exception of the Arbor Oaks Subarea). It is the policy of Washington County to provide community level planning for new urban areas consistent with regional planning requirements and the Board vision for establishing communities of distinction in new urban areas. In general, these communities are conceived of in a holistic manner with integration of the component elements and a well-designed and planned public realm.

Implementing Strategies

The County will:

- a. Support the regional Urban Growth Boundary and procedures for its amendment as acknowledged by the Oregon Land Conservation and Development Commission.
- b. Comply with regional requirements for planning new urban areas, as provided under Title 11 of the Metro Urban Growth Management Functional Plan, as well as other applicable requirements, including Condition 6 of Metro Ordinance 02-987A.
- c. Amend the North Bethany ~~Community~~Subarea Plan ~~in the Bethany Community Plan~~ and the Community Development Code (Code) to require as approval criteria that an applicant for a land development application for property in the North Bethany Subarea demonstrate that:
  1. A waiver of the right to remonstrate against customarily accepted farm and forestry practices on nearby rural land has been recorded; and
  2. The proposed development of property identified in a buffer area on the "Urban/Rural Edge" map is consistent with ~~CDG~~Code standards for Urban/Rural buffer areas.
- d. Adopt community plan and eCode standards requirements to ensure that development in new urban areas is consistent with the applicable concept plan and the ~~following~~planning principles described below. Plan amendments in new urban areas shall also demonstrate consistency with the following planning principles.
  1. The natural setting shall be a fundamental consideration for community organization and design, including but not limited to features such as topography, views, and natural resources.
  2. New urban areas are planned at a neighborhood scale. As shown in the Community Plan, neighborhoods are geographic areas that have one or more discernable "center" or destination node. Most of the neighborhood's dwelling units are within a five-minute walk of the neighborhood center (or an average of roughly one-quarter (1/4) mile). Edges mark the transition from one neighborhood to another. Examples of edges are a natural area, trail, or arterial or collector

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street. Each neighborhood shall include public and/or quasi-public uses that serve as destinations for members of the community, including but not limited to: a neighborhood park, a commercial area, a civic use and/or community gathering space (e.g., library, church). Wherever appropriate, these destination uses will be centrally located in the neighborhood, adjacent to higher density residential housing, and adjacent to one another in order to maximize efficient use of land such as through shared off-street parking.

3. New urban areas shall include a variety of residential densities, housing types, and building forms, as described in A through B, below. This variety results in a range of unit sizes and price points, thereby providing more options for various levels of economic interest and ability.
  - A. Each neighborhood shall be comprised of a variety of residential densities, where residential density shall transition gradually, from high to medium densities, and from medium to low densities. The highest densities shall be adjacent to commercial centers and parks; the lowest densities shall be adjacent to the urban growth boundary and areas with natural constraints such as steep slopes. High density does not need to be located adjacent to arterials.
  - B. Residential land use districts shall permit a variety of dwelling unit types (e.g., detached, attached, multi-family, accessory), as determined appropriate for each residential land use district.
4. Residential densities shall be planned and arranged to support the identified community elements, such as transit and commercial uses.
5. Plan designations for supporting land uses (such as commercial, civic, institutional and community services) shall be incorporated in a format and level that is appropriate for the scale and geographic context of the expansion area.
6. The community shall be designed to allow for a broad range of transportation options, including public transit, bicycling, walking, and driving. The design of streets and the adjacent developed areas shall reinforce public accessibility and the safety and security of citizens. Street rights-of-way shall allocate land for pedestrian amenities (e.g., benches, street lighting), street landscaping and/or LIDA, sidewalks, bicycle lanes, and space for future transit stops.
7. Public spaces consist of parks, trails, and civic and community-oriented uses. Also included within the public space are street landscape strips, sidewalks and, in commercial areas, the space between the sidewalk and the building façade. To the extent it achieves design objectives for the relationship between public and private areas, the Community Plan may provide special setbacks for building location and orientation and/or façade treatments in designated areas.
8. New urban areas shall be integrated with existing (pre-2002) communities. Integration shall be provided through local street and trail connections, natural resource connections, and appropriate density transitions. Trail networks shall provide connections to any regional trails. Integrated connections shall be achieved through coordination with affected governmental entities.
9. Parks, trails, and open spaces shall be guided by a minimum level of service standard that is established as part of the planning process or is consistent with the applicable park provider's standard. Parking shall be provided as necessary.
10. Parks shall have adequate frontage on public streets and generally not be hidden behind private backyards or buildings in order to make them a part of the public realm, increase public safety and provide on-street parking.

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11. While natural resource areas shall be protected (per Goal 5, Title 3 and Title 13 of the Metro Urban Growth Management Functional Plan), direct and convenient access to natural resource areas shall be provided for recreational purposes where appropriate. Inter-connectivity of natural areas shall be preserved and enhanced where practicable in order to maintain or restore natural ecological functions.
12. Parks shall be located next to or near multi-family land use districts to provide access to open space for higher density housing.
13. Parks, trails, natural resource protection, and stormwater management shall be planned in a coordinated process and integrated where practical.

- e. The adopted Concept Plan for each ~~New Urban Area~~ shall be used in the review of quasi-judicial plan amendments. The Concept Plan serves as the foundation for more specific community planning work such as assigning plan designations, residential density ranges, and allowed uses.

1. Quasi-judicial plan amendments in the North Bethany Subarea shall demonstrate consistency with the North Bethany Concept Plan through adherence to fundamental design elements. Fundamental concept plan design elements include:
  - i. Five neighborhoods, each approximately a quarter-mile from center to edge, organized around centrally-located public destinations (e.g., parks, commercial uses, schools), and with a variety of housing types.
  - ii. A centrally located Main Street Area complemented by four smaller (approximately half-acre) commercial nodes. The smaller commercial nodes shall be located at a corner of the two intersecting streets in the North Bethany Subarea as shown on the applicable Neighborhood Plan map.
  - iii. A park, trail, and open space plan with parks and trails open to public view and not enclosed by buildings and rear yards.
  - iv. Prominently located community parks are connected by a series of park blocks along the east-west ridgeline formed by existing topography.
  - v. A one and one-half (1 1/2) to two (2) acre neighborhood park in each neighborhood.
  - vi. Residential densities arranged in a density transect with higher density residential uses located adjacent to commercial land uses, the Main Street Area, the community parks, and the Park Blocks, ~~and~~ parks and lower density residential uses along natural resources and rural edges.
  - vii. Existing and future community uses are incorporated into the Plan, including a cemetery, church, the Portland Community College Rock Creek Campus and the three Beaverton School District properties.
  - viii. A comprehensive Subarea-based stormwater management plan (North Bethany Drainage Master Plan).
  - ix. Four Gateways marking prominent entry points into the North Bethany Subarea and the Main Street Area.

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- x. A Primary Street network comprised of arterials, collectors, neighborhood routes, and two local streets provides a base circulation framework.
- xi. Provision for community service uses.

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Policy 44, MANAGING GROWTH IN NEW URBAN AREAS, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

**POLICY 44, MANAGING GROWTH IN NEW URBAN AREAS:**

It is the policy of Washington County to manage growth on new unincorporated lands within the UGB such that public facilities and services are financially assured and available to support orderly urban development consistent with a vision for great urban communities in new urban areas.

Implementing Strategies

The County will:

- a. Support the regional Urban Growth Boundary and procedures for amendment as acknowledged by the Oregon Land Conservation and Development Commission.
- b. Comply with regional requirements for planning new urban areas, as provided under Title 11 of the Metro Urban Growth Management Functional Plan.
- c. Provide a level of community planning that affords a comprehensive approach to service delivery and a greater degree of detail and certainty than community plan areas in the urban unincorporated portions of the county that came into the UGB prior to 2002.
  1. Prepare public facility and services plans for each new urban area.
  2. Establish and implement a funding plan that identifies financing mechanisms to support the public facilities and services identified in 1. above and that responds to the Board's direction to ensure financially viable community plans that are prepared for Metro Title 11 compliance.
  3. Establish a development application process that ensures construction of public facilities in a comprehensive manner as opposed to on a site-specific (per development) basis.
- d. Modify Article V of the Community Development Code for the North Bethany Subarea to require as an approval criteria that an applicant for a land development application demonstrate that:
  1. The property has been annexed into the following jurisdictions: Clean Water Services (CWS), Metro, Tualatin Hills Park and Recreation (THPRD), Tualatin Valley Water (TVWD), Enhanced Sheriff's Patrol District, and the Urban Road Maintenance District.
  2. CWS, THPRD and TVWD have adopted master plans together with funding mechanisms to substantially implement each respective master plan.
  3. Non-county service providers have assured that water, sewer, fire protections and drainage (including stormwater quality and quantity management).

4. For parcels shown on the "Park, Trails and Pedestrian Connections" map, the specific location of the neighborhood park, trail or off-street pedestrian route has been identified and the property obtained by THPRD.
  5. Direct, safe and continuous pedestrian connections to schools, parks, transit stops, public recreation centers and commercial uses within one-quarter mile is assured except as provided otherwise in the CDC.
  6. A minimum of 28 foot paved surfaces be provided for local and neighborhood routes, including interim improvements.
  7. An adequate level of arterial and collector roads exists or is assured. The roads listed below shall be deemed assured if the County has adopted and implemented a North Bethany Transportation Improvement Financing Resolution and Order that provides adequate funding over 30 years. Components may include, but are not limited to, a supplemental transportation system development charge (SDC) for North Bethany, commitment of County transportation funds, dedication of Transportation Development Tax (TDT) resources in the form of revenues and credits, county service district taxes or local improvement districts.
    - (a) Road A – western boundary to Joss Road – 3 lanes;
    - (b) Road A – Joss Road to Kaiser Road – 3 lanes;
    - (c) Springville Road – 185th to Joss Road – 5 lanes;
    - (d) Springville Road – Joss Road to Kaiser Road – 3 lanes;
    - (e) Kaiser Road – Road A to Springville Road – 3 lanes;
    - (f) 185th Ave. - Springville Road to West Union Road – 5 lanes;
    - (g) Road A bridge over Rock Creek – half-funded;
    - (h) 185th Ave. – Intersection improvements north of Springville Road;
    - (i) Kaiser Road – Springville Road to Bethany Blvd. – 3 lanes;
    - (j) Preliminary engineering of the Road A alignment east of Kaiser Road to Springville Road;
    - (k) Brugger Road – Joss Road to Kaiser Road – build consistent with neighborhood route standard;
    - (l) Joss Road – Arbor Oaks to Road A – build consistent with collector standard or neighborhood route; and
    - (m) P15 – Springville Road to Brugger Road - build consistent with neighborhood route standard.
- |
- e. Generally, rely upon standards established by the appropriate special service district and adopted County Standards as the measurement of acceptability for the service provided by the service provider unless the County has expressly provided otherwise. .

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- f. Require that the cost of providing the required County urban services for a particular land use proposal shall be consistent with the Board-approved funding plan for the applicable urban area unless otherwise authorized by the Board of County Commissioners.
- g. Apply the growth management standards to all new development actions as provided in Article V of the Community Development Code, as revised for North Bethany.
- h. Use, and encourage other public service providers to use, the following priority list to guide the investment of public monies in public facilities and services:
  - 1. Solve existing health, safety and welfare problems.
  - 2. Facilitate infill development or new development which is contiguous to existing.
  - 3. Promote commercial and industrial economic development opportunities.
  - 4. Extend services to outlying, undeveloped areas designated for residential development in the Comprehensive Plan.

#### Summary Findings and Conclusions

New urban areas in the unincorporated county (those areas added to the UGB in 2002 - namely North Bethany, West Bull Mountain, and portions of Cooper Mountain) shall be planned consistent with Title 11 of the Metro Urban Growth Management Functional Plan. These plans shall also reflect the Board's vision for a community of distinction with a higher level of planning for community services and amenities, and which are accompanied by a funding plan. Policy 44 acknowledges this level of planning in addressing growth management for areas of urban unincorporated Washington County added to the UGB in 2002. Policy 44 also represents a transition between Policy 14 and a potential future growth management policy, where the county anticipates that development in future UGB expansions will be expected to pay for an even greater proportion of the cost to extend public services.

As the urban unincorporated area has continued to develop, the county has maintained an overarching policy of not providing municipal levels of urban services. As planning efforts for 2002 urban growth boundary expansion areas have been undertaken in the midst of Urban-Rural Reserve Area Planning and discussions of the Urbanization Forum, a new policy has begun to emerge regarding the growth management of UGB expansion areas beginning in 2002.

There are three reasons for this shift in policy:

- 1. To ensure that financing mechanisms are in place to fund a larger proportion of the cost to develop than is required by Policy 14;
- 2. To elevate certain services to critical services in order to ensure that the community elements identified through Title 11 concept planning and the Board vision for new urban areas are assured and provided in a timely manner; and
- 3. To coordinate service delivery among service providers such that efficiencies in land acquisition and funding are maximized in new urban areas.

The county's growth management policy under Policy 14 is not sustainable for a number of reasons, for instance road improvements to the arterial and collector system recover less than 30% of the cost of needed transportation capacity. There are also benefits to thinking and planning in terms of cohesive systems for all necessary services. Under Policy 14, the availability of most services is dealt with on a case-by-case basis, one subdivision at a time. This poses constraints for ensuring adequate services

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along an entire facility (such as a stormwater management facilities, sanitary storm sewer, trails, or roads) and reduces opportunities to colocate services. Addressing systems as a whole and in combination with other services provides options to achieve fairness, equity, and efficiencies. The higher level of planning conducted for these new urban areas fosters these efficiencies and a new growth management policy is required to achieve them in a timely, cohesive and equitable manner.

Another element of the new growth management strategy is to require all new development to construct street and sidewalk improvements that are adjacent to their development site or that cross their development site. In the rest of urban unincorporated Washington County, most, but not all of new development is required to construct these improvements. This change in the North Bethany Subarea will require street and sidewalk improvements in conjunction with the development of some public facilities (e.g., Type I and Type II parks) that are not required to make these street improvements in other parts of unincorporated Washington County. For example, in the North Bethany Subarea, a Type I or Type II park adjacent to a Primary Street will need to construct a half-street along the park's frontage on this street.

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Community Development Code Section 106, DEFINITIONS, is amended to reflect the following:

\*\*\*

**106-169** Primary District A land use district as designated on the Community Plan Map or the Rural/Natural Resource Plan, (i.e., R-5, R-6, R-9, R-15, R-24, R-25+, INST, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, R-6 NB, R-9 NB, R-15 NB, R-24 NB, R-25+ NB, NCC NB, NCMU NB, INST NB, FD-20, FD-10, NC, OC, CBD, GC, IND, INS, TO:RC, TO:BUS, TO:EMP, EFU, EFC, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND, MAE).

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Community Development Code Section 306, R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE), is amended to reflect the following:

306-7.2 C. (1) Twenty (20) foot front yard, except ten (10) foot front yard in North Bethany;

Community Development Code Section 390, NORTH BETHANY SUBAREA OVERLAY DISTRICT, is amended to reflect the following:

**390-8 R-6 North Bethany District (R-6 NB)**

**390-8.1 Intent and Purpose**

The R-6 North Bethany District (R-6 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre. A density bonus may be provided through a Planned Development.

The purpose of the R-6 NB District is to provide areas for detached houses as well as areas for manufactured homes on individual lots. Cluster Housing, duplexes, and other types of attached dwelling units ~~Duplex units~~ are also allowed in this district.

\*\*\*

**390-8.3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV, and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

A. Attached Dwelling Unit ~~(limited to duplexes)~~ - Section ~~430-13~~ 390-16.1.

B. Cluster Housing - Section 390-27.

\*\*\*

**390-8.5 Density**

~~The permitted residential density shall be no more than six (6) units per acre and no less than five (5) units per acre, except as permitted by Section 300-2 or by Section 390-8.5.1 below.~~

In the R-6 NB District:

A. The permitted residential density shall be no more than six (6) units per acre and no less than five (5) units per acre, except as otherwise specified by Section 300-2 or by Section 390-8.5 B below.

B. A density bonus is permitted when the following standards are met:

(1) The development shall be a Type III Planned Development;

(2) The density bonus does not exceed three (3) units per acre, resulting in a maximum density of nine (9) units per acre; and

(3) The development site is designated by the North Bethany Subarea Area Plan as being eligible for a density bonus.

390-8.65.4 Development to the required minimum density may be phased over time through future land divisions when the following standards are met:

\*\*\*

B. The size, configuration, and location of proposed lots or parcels to be created through an application, and the location of new dwellings and structures on the proposed lots or parcels, shall not preclude:

(1) Future development of the subject property to the minimum density as shown on the future development plan; and

(2) Future development or redevelopment of adjacent properties to the permitted density;

C. No future street, easement, or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and

D. For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

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**390-9 R-9 North Bethany District (R-9 NB)**

**390-9.1 Intent and Purpose**

The R-9 North Bethany District (R-9 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than nine (9) units per acre and no less than seven (7) units per acre. A density bonus may be provided through a Planned Development.

The purpose of the R-9 NB District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured dwelling subdivisions and parks. Cluster Housing is also permitted in the R-9 District.

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**390-9.3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV, and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

A. Attached Dwelling Units – ~~Single family attached dwelling units limited to no more than six (6) attached units per building~~ Section 390-16.1.

B. Cluster Housing - Section 390-27.

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**390-9.5 Density**

~~The Density standards of Section 304-6 are the required standards for the R-9 NB District.~~

In the R-9 NB District:

A. The permitted residential density shall be no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2 or by Section 390-9.5 B below.

B. A density bonus is permitted when the following standards are met:

(1) The development shall be a Type III Planned Development; and

(2) The density bonus does not exceed three (3) units per acre, resulting in a maximum density of twelve (12) units per acre.

C. For developments with detached dwelling units and attached dwelling units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units have been constructed or are under construction.

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**390-10 R-15 North Bethany District (R-15 NB)**

**390-10.1 Intent and Purpose**

The R-15 North Bethany District (R-15 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than fifteen (15) units per acre, and no less than twelve (12) units per acre. A density bonus may be provided through a Planned Development.

The purpose of the R-15 NB District is to provide areas for higher density single family attached and multi-family housing. Cluster Housing is also permitted in the R-15 District. Detached dwelling units may be permitted in the R-15 NB District through a Type III Planned Development.

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~~PLACEHOLDER: As part of the placeholder work to develop standards for cluster housing (see Section 390-16.2), staff will also work with stakeholders to develop standards to allow detached single family dwellings in the R-15 North Bethany District (R-15 NB) as permitted uses independent of the cluster housing standards. As adopted, the Concept Plan does not permit detached dwellings in the Medium Density category, designated as the R-15 NB District in Ordinance No. 730. A key factor for not permitting detached dwellings in the Medium Density category was the Concept Plan's design to frame public spaces (e.g., parks) with buildings with prominent massing (larger structures with two or more stories, such as town houses and apartments) rather than a number of small detached structures. Work under this placeholder and the building design and variety placeholder (see Section 390-19) will examine how to maintain the Concept Plan's design aspects when determining where and how to allow detached dwellings in the R-15 District.~~

**390-10.3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

A. Attached Dwelling Units - Section 390-16.1.

B. Cluster Housing - Section 390-27.

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**390-10.4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.



Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*

D. Detached dwelling units – Section 390-17.NEW2.

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390-10.5 Density

~~The Density standards of Section 305-6 are the required standards for the R-15 NB District.~~

In the R-15 NB District:

A. The permitted residential density shall be no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2 or by Section 390-10.5 B below.

B. A density bonus is permitted when the following standards are met:

(1) The development shall be a Type III Planned Development subject to Section 390-17NEW1; and

(2) The density bonus does not exceed five (5) units per acre, resulting in no more than twenty (20) units per acre.

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**390-11 R-24 North Bethany District (R-24 NB)**

**390-11.1 Intent and Purpose**

The R-24 North Bethany District (R-24 NB) is intended to implement the policies of the Comprehensive Plan for areas in new urban communities designated for residential development at no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre.

The purpose of the R-24 NB District is to provide areas for high density single family attached and multi-family ~~attached~~-residential with design flexibility to allow for a variety of configurations.

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**390-11.3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article VI and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

A. Attached Dwelling Units - Section 390-16.1. — ~~Single Family (e.g., townhouse/rowhouse).~~

B. ~~Attached Dwelling Units — Multi-Family (e.g., apartments, condominiums).~~

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**390-11.5 Density**

~~The Density standards of Section 306-6 are the required standards for the R-24 NB District.~~

In the R-24 NB District, the permitted residential density shall be no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 300-2.

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**390-12 R-25+ North Bethany District (R-25+ NB)**

**390-12.1 Intent and Purpose**

The R-25+ North Bethany District (R-25+ NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than ~~fifty (50)~~ twenty-five (25) units per acre and no less than twenty (20) units per acre, ~~except as otherwise specified by Section 397-7.~~ A density bonus may be provided through a Planned Development.

The purpose of the R-25+ NB District is to provide areas for high density, multi-family attached residential housing as well as senior housing and assisted living in proximity to services (e.g., retail and civic uses) and with reduced off-street parking needs. Student housing is also considered an appropriate residential use in this District.

\*\*\*

**390-12.5 Density**

~~The Density standards of Section 307-6 are the required standards for the R-25+ NB District.~~

In the R-25+ NB District:

A. The permitted residential density shall be no more than twenty-five (25) units per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2 or by Section 390-12.5 B below.

B. A density bonus is permitted when the following standards are met:

(1) The development shall be a Type III Planned Development;

(2) The density bonus does not exceed twenty-five (25) units per acre, resulting in a maximum density of fifty (50) units per acre;

(3) The proposed development is limited to multi-family dwelling units; and

(4) The maximum height shall be seventy (70) feet except as provided in Section 419.

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### 390-16 Special Use Standards

In addition to the requirements of Section 390 and Sections 400 through 429, the following standards are provided for specific uses.

#### 390-16.New Attached Dwelling Units

Two or more dwelling units with a common building wall on individual lots or a single lot, commonly known as row houses, town houses, duplexes, or multiplexes; or two or more units which share a common wall or ceiling on a single lot, commonly known as apartments, condominiums, duplexes, or multiplexes. Sections 390-16.1 A and 390-16.1 B are applicable to new developments in the R-6 NB and the R-9 NB Districts as noted in these sections below. Section 390-16.1 C applies to applications to divide attached units onto separate lots.

A. In the R-6 NB District, the perimeter setbacks of a development with attached units shall be no less than fifteen (15) feet.

B. In the R-6 NB and R-9 NB Districts, no more than six (6) dwellings units may be provided in a building.

#### C. Land Divisions of Attached Dwelling Units

Duplexes, multiplexes, or single family attached dwellings may be divided into separate lots upon demonstration of compliance with current building code requirements prior to final approval of the land division.

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#### 390-16.4 Community Service Uses in Residential Land Use Districts

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#### E. Conversion of a Community Service Use Site

A site approved for a community service use may be redeveloped as a residential use when:

- (1) All of the density from the community service use site has not been transferred to another site; or
- (2) The remaining density on the community service use site will allow a residential use permitted by the underlying land use district.

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### 390-17 North Bethany Planned Development Process

~~PLACEHOLDER: Two types of Planned Development are proposed for North Bethany, one that allows a density bonus and one that does not.~~

~~Existing CDC standards for Planned Development essentially allows dimensional standards to be flexed in exchange for open space provisions. In North Bethany, where a comprehensive system of parks and trails are planned, alternative types of trade-offs are being considered. Because many of the considerations are related to neighborhood/community design, aesthetics and issues of spatial relationships and scale, the Workgroup 2 recommendation is to find a way to incorporate the objective input of a design professional into the review process. Because the review procedures would remain consistent with what is outlined in the existing CDC, one viable option is to have an urban design professional or architect serve as Hearings Officer to preside over the Type III review process.~~

~~The Density Bonus type of Planned Development is envisioned as similar, with two important distinctions. First is that the maximum density of a given land use district would be increased per the table below. (Note the Density Bonus in the R6 NB comes with some limitations, also described below.) The second is that the trade-offs for granting a density bonus would be more substantial than for the regular PD. It is recommended that a menu of options be provided which includes affordable housing, per the Affordable Housing Report of the North Bethany Plan (July 2007).~~

~~In addition to the provision of enhanced design flexibility, the Density Bonus type of Planned Development will provide a tool to bridge gaps in the density ranges found within the North Bethany land use districts. Addressing these density gaps will encourage a broader range of housing types, sizes and price points in North Bethany.~~

**Workgroup Recommendation Showing Density Bonus PD Provisions**

| Subarea Plan Designation                      | Minimum Density | Maximum Density | Primary Housing Type | Average Lot Size for Detached Products | Average Lot Size for Attached Products |
|-----------------------------------------------|-----------------|-----------------|----------------------|----------------------------------------|----------------------------------------|
| <b>R6-NB</b>                                  | 5               | 6               | SFD, duplex          | 5,000-sf                               | 3,500-sf                               |
| <b>R6-NB density bonus (for max 35 acres)</b> | 7               | 9               | Cluster Housing      | -                                      | -                                      |
| <b>R9-NB</b>                                  | 7               | 9               | SFD, SFA             | 2,800-sf                               | 2,400-sf                               |
| <b>R9-NB density bonus</b>                    | 10              | 12              | Cluster Housing      | -                                      | -                                      |
| <b>R15-NB</b>                                 | 12              | 15              | SFA, multi-family    | n/a                                    | 1,600-sf                               |
| <b>R15-NB density bonus</b>                   | 16              | 20              | Cluster Housing      | -                                      | -                                      |
| <b>R24-NB</b>                                 | 19              | 24              | SFA, multi-family    | n/a                                    | n/a                                    |
| <b>R24-NB density bonus</b>                   | 25              | 30              | Cluster Housing      | -                                      | -                                      |
| <b>R25+NB</b>                                 | 20              | 25+             | SFA, Multi-Family    | n/a                                    | n/a                                    |

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**390-17 North Bethany Planned Development Standards**

**390-17.1 Intent and Purpose**

The purpose of the Planned Development standards in the North Bethany Subarea is to provide flexibility in standards and the location of permitted uses and increased density while ensuring the integrity of the North Bethany Subarea Plan. In exchange, Planned Developments are required to use innovative design and provide private or public open space or other site / building amenities. Planned Developments that propose a density bonus are required to provide Work Force Housing in exchange for the density bonus. The Planned Development standards in Section 404-4 are not applicable to the North Bethany Subarea.

**390-17.2 Definitions**

As used in this section, the words listed below have the following meaning:

A. Relocating the Primary Districts - Moving the locations of two (2) or more land use districts within the boundary of the Planned Development. The Primary Districts (land use districts) are designated by the Community Plan.

B. Work Force Housing - A detached or attached dwelling unit that complies with one of the following:

(1) Ownership units shall have a purchase price affordable<sup>1</sup> to households at no more than eighty (80) percent of the current median income for the applicable household size for the Portland-Vancouver-Hillsboro OR-WA Metropolitan Statistical Area (MSA) as published annually by the U. S. Department of Housing and Urban Development (HUD); or

(2) Rental units shall have rents, inclusive of utilities, affordable<sup>2</sup> to households at no more than sixty (60) percent of the current median income for the applicable household size for the Portland-Vancouver-Hillsboro OR-WA Metropolitan Statistical Area (MSA) as published annually by the U. S. Department of Housing and Urban Development (HUD).

<sup>1</sup> In Section 390-17.2 B (1), the word "affordable" has the following meaning: A household pays not more than thirty (30) percent of its income toward the following housing costs: home loan principal, interest, taxes, insurance, and any Home Owners Association fee.

<sup>2</sup> In Section 390-17.2 B (2), the word "affordable" has the following meaning: A household pays not more than thirty (30) percent of its income for rent and utilities.



390-17.3 Type II Planned Development

The following types of development shall be reviewed as a Type II Planned Development:

- A. Moving the centerline of a Primary Street no more than seventy-five (75) feet as described in General Design Element 10 of the North Bethany Subarea Plan;
- B. Modifying the development standards described in Section 390-17.7;
- C. Relocating the Primary Districts, as designated by the Community Plan for the subject site, within the boundaries of the proposed Planned Development; or
- D. Providing cluster housing, that does not include a density bonus.

390-17.4 Type III Planned Development

The following types of development shall be reviewed as a Type III Planned Development:

- A. Moving the boundary of a land use designation in conjunction with moving the centerline of a Primary Street as described in General Design Element 10 of the North Bethany Subarea Plan; or
- B. Providing a density bonus in the following land use districts as described in each applicable district: R-6 NB, R-9 NB, R-15 NB, and R-25+ NB Districts.
- C. Selecting the superior building and site design and construction option for a Planned Development to adjust development standards, relocate land use districts, move the centerline of a Primary Street, or to provide increased densities.
- D. Detached dwelling units in the R-15 NB District.

390-17.5 Planned Development Review Requirements

Modifications to development standards, relocating land use districts, moving the centerline of a Primary Street, and providing increased densities may be approved through a Type II or Type III Planned Development when the following requirements are met:

- A. Only those uses allowed within the Primary District are permitted.
- B. Work Force Housing shall be provided in accordance with the standards of Section 390-17.9 in exchange for a density bonus that is permitted by the Primary District.
- C. A Planned Development limited to cluster housing that does not include a density bonus is subject only to the standards in Sections 390-17.5 A and Section 390-

17. 6. When a density bonus is proposed, the Planned Development shall also meet the provisions of Section 390-17.9.

D. An applicant shall choose one or more of the following options to compensate for the adjustment of development standards, relocating land use districts or moving the centerline of a Primary Street. This Section is not applicable to a Planned Development for cluster housing, or to a Planned Development for detached dwelling units in the R-15 NB District.

(1) The provision of public or private open space as specified by Section 390-17.8;

(2) The provision of Work Force Housing as specified by Section 390-17.9;

(3) The provision of varying lot widths for a residential Planned Development for detached single family dwellings in the R-6 NB or R-9 NB Districts as specified by Section 390-17.10;

(4) The provision of a community service use (CSU) when the subject site is eligible for a CSU per the Community Service Use map in the North Bethany Subarea Plan as specified by Section 390-17.11; or

(5) The provision of superior building and site design and construction.

~~PLACEHOLDER: County staff is working with interested parties to develop implementing standards to consider as part of the 2012 ordinance process for North Bethany.~~

E. The applicant shall demonstrate that, where applicable, the Planned Development is consistent with the following provisions of the North Bethany Subarea Plan:

(1) Key elements of the North Bethany Subarea Plan that shall be maintained:

(a) Five (5) distinct neighborhoods, each approximately a quarter-mile (1/4) mile from center to edge organized around centrally-located public destinations with one or more discernable center(s) or destination point(s) (node);

(b) A centrally located Main Street Area along Kaiser Road;

(c) Two (2) prominently located community parks connected by a series of Park Blocks along the Subarea's east-west ridgeline;

(d) A Primary Street system;

(e) A Park, Trail, and Open Space system;

- (f) Four (4) Gateways that mark prominent entry points into the Subarea and the Subarea's Main Street Area; and
    - (g) Provision for community service uses in residential districts.
  - (2) Components of each of the five (5) neighborhoods that shall be maintained:
    - (a) A variety of residential densities resulting in distinct housing types that reflect each neighborhood's residential land use designations (e.g., large and small lot detached single family, town homes, and multi-family buildings at varying densities).

Densities shall generally transition from high to medium and medium to low. The highest densities shall be adjacent to commercial areas, the community parks and the Park Blocks. High density need not be located adjacent to arterials or collectors. The lowest densities shall be adjacent to the UGB and areas with natural constraints, such as steep slopes;
    - (b) Neighborhoods are designed to be walkable with most of each neighborhood's dwellings within a five-minute walk of the neighborhood center(s) (an average of approximately one-quarter (1/4) mile);
    - (c) Neighborhoods are organized around centrally-located public destinations with one or more discernable center(s) or destination point(s) (node);
    - (d) Include a neighborhood park, a commercial area and the opportunity for a civic use (e.g., a community service use) and/or a community gathering space; and
    - (e) Have edges that mark the transition between neighborhoods. Examples of edges are a natural area, a trail, or arterial or collector street.
  - (3) The Main Street Area is located along Kaiser Road and includes the Subarea's primary commercial area and highest residential densities (R-24 NB and R-25+ NB Districts). Buildings in the Main Street Area shall be two (2) or more stories high;
  - (4) Outside of the Main Street Area, development adjacent to the Park Blocks and Kaiser Road shall be fronted with land designated primarily as R-24 NB and R-25+ NB. Buildings adjacent to the Park Blocks and Kaiser Road shall be two (2) or more stories high;
  - (5) Parks are located adjacent to or near the R-15 NB, R-24 NB and R-25+ NB Districts to provide park access to higher density housing; and



(6) In order to ensure that parks are part of the public realm, have adequate parking, and have increased levels of public safety, parks shall have adequate frontage on public streets and shall not be hidden behind private backyards or buildings.

F. The proposed development uses innovative design;

G. The site design utilizes progressive concepts that reduce major alterations of the site. Examples of major alterations include excavations, retaining walls, steep road cuts and fill, and extensive grading; and

H. The site design retains to the greatest extent feasible existing natural features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations, and trees.

390-17.6 Planned Development Standards for Cluster Housing (e.g., Cottage Housing)

Cluster Housing (e.g., Cottage Housing) is permitted in the North Bethany Subarea subject to compliance with the following standards:

A. Cottage Housing is permitted as a Type II Planned Development in the R-6 NB, R-9 NB and the R-15 NB Districts when the proposed development:

- (1) Does not exceed the maximum density permitted by the Primary District; and
- (2) Is consistent with standards of Code Section 390-27; and
- (3) Is subject to the standards of Section 390-17.6, but is not subject to any other standards of Section 390-17.

B. Cottage Housing is permitted as a Type III Planned Development in the R-6 NB, R-9 NB and the R-15 NB Districts when the proposed development:

- (1) Includes a density bonus permitted by the Primary District;
- (2) Is consistent with standards of Code Section 390-27;
- (3) Provides Work Force Housing consistent with the standards of Section 390-17.9; and
- (4) Is subject to the standards of Sections 390-17.6 and 390-17.9, but is not subject to any other standards of Section 390-17.

390-17NEW1 Planned Development Standards for a Density Bonus

When an applicant proposes to provide a density bonus in a residential Planned Development, as provided for under Section 390-17.4 D, the Planned Development shall meet the following requirement:

The applicant must provide Work Force Housing consistent with Section 390-17.9.

390-17NEW2 Planned Development Standards for Detached Dwelling Units in the R-15 NB District

Detached dwelling units are permitted as a Type III Planned Development in the R-15 NB District when the proposed development complies with the following standards:

- A. The maximum size of any individual North Bethany development site for detached dwelling units in the R-15 NB District is fifteen (15) acres;
- B. The Required Outdoor Yard Area for detached dwelling units may be re-allocated to the development's public or private open space when the requirements below are met for each detached dwelling unit:
  - (1) The detached dwelling unit has a porch on its front elevation with clear dimensions of at least eight (8) feet wide and five (5) feet deep, which is covered by a roof supported by structurally integral columns, cables or brackets;
  - (2) If utilized, decks on rear elevations of detached dwelling units must have clear dimensions of at least eight (8) feet wide and four (4) feet deep.
  - (3) Required Outdoor Yard Area re-allocated to public or private open space shall have the following attributes:
    - (a) Each required open space area shall maintain a minimum dimension of twenty (20) feet and a minimum area of 1000 square feet.
    - (b) Open space required by this provision shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.
    - (c) For security purposes, the open space shall be adequately illuminated during hours of darkness.
    - (d) The open space shall not be located within public or private streets.
    - (e) The open space is designed to be accessible, promote activity, and be comfortable and sociable.

390-17.7 Modification of Standards through the Planned Development, Excluding Planned Developments for Cluster Housing

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abcdef Proposed deletions

A. Modifications to the following standards may be allowed through a Planned Development when an applicant demonstrates compliance with the standards of this Code and the North Bethany Subarea Plan:

- (1) Parking requirements;
- (2) Lot dimensions;
- (3) Lot area requirements;
- (4) Yard (setback) requirements;
- (5) Building height (except the building height standards of Section 427-3);
- (6) Landscaping; and
- (7) Relocating the Primary Districts in the Planned Development.

B. Allowed Modifications

Upon findings that the applicant's plan achieves the applicable criteria in Section 390-17.5, the Review Authority may modify the identified standards within the following prescribed limits:

- (1) Front, side, and rear yards may be reduced to zero provided that:
  - (a) Building code standards are met;
  - (b) The Primary District's driveway setback standard is not reduced;
  - (c) Adequate buffering shall be provided around the perimeter of the Planned Development (front, side, and rear yards) so that the Planned Development will be compatible with adjacent existing or future development, particularly when adjacent development is or will be of a different density or intensity (e.g., commercial);
    - (i) The design of the Planned Development shall include transitioning measures (e.g., lower to higher density, lower to higher building height, mass and scale) and/or buffers so that structures and site improvements (e.g., on-site parking) will be compatible with existing or future adjacent development; and
    - (ii) When provided, planting areas shall be of sufficient width to provide a long-term healthy environment for proposed landscaping consisting of trees, groundcover, and shrubs. The width of the planting area shall accommodate the mature width of plant materials.



- (d) When a Planned Development proposes to reduce front or street side yards, the requirements of (c) above shall be applicable along those streets. A planted street median may be utilized as an element of the proposed buffer along adjacent streets.
- (2) The reduction of private roadway pavement width may be made if provisions are made to provide off-street parking in addition to that required in the Off-Street Parking Section of this Code. In no event shall the reduction exceed that approved by Tualatin Valley Fire and Rescue;
- (3) Maximum height limitations may be increased up to seventy (70) feet;
- (4) Parking requirements for non-residential development may be reduced up to thirty (30) percent as provided in Section 413-14;
- (5) Lot size and lot dimension requirements may be reduced or eliminated. However, this modification:
  - (a) Shall not allow increased density, except for a density bonus through a Type III Planned Development; and
  - (b) Shall continue to provide for the Required Outdoor Yard Area specified in the Primary District.
- (6) Landscaping requirements may be reduced. However, when a Planned Development does not utilize the provision of open space under Section 390-17.5 D. (1), the minimum required amount of landscaping shall:
  - (a) Not be reduced by more than fifty (50) percent for Planned Developments for attached residential units and commercial and institutional developments; and
  - (b) Include a common open space area(s) for residents and/or employees/customers. The common open space area(s) shall be designed to promote interaction among people. Examples of common open space include courtyards, lawn areas, community gardens, play ground areas, and a picnic table(s) with barbeque facilities. Pedestrian amenities, including seating, and other amenities, such as trash and recycling receptacles, shall be provided.
- (7) The Primary Districts, as designated by the Community Plan for the subject site, may be relocated within the boundaries of the proposed Planned Development.

390-17.8 Standards for the Public or Private Open Space Option

When an applicant proposes to provide open space as provided for under Section 390-17.5 D (1), the Planned Development application shall meet the following requirements:

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abedef Proposed deletions

A. The site design shall comply with the following standards for ground-level public or private open space. The gross acreage of the development site, excluding existing public road rights-of-way, shall be used to calculate the minimum required open space based on the following area requirements:

- (1) Twenty (20) percent on sites between zero (0) and ten (10) acres;
- (2) Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and
- (3) Ten (10) percent on sites greater than fifty (50) acres.
- (4) 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 (A) (1) through (3) above.
- (5) Each required open space area shall maintain a minimum dimension of ten (10) feet and a minimum area of 1000 square feet.
- (6) Open space required by the provisions of the standards of Section 390-17.8 shall be located within a one-quarter (1/4) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.
- (7) For security purposes, the open space shall be adequately illuminated during hours of darkness.
- (8) Open space required by the standards of Section 390-17.8 shall not be located within public or private rights-of-way.
- (9) Open space tracts shall be free from all structural encroachments (i.e., roof overhangs, awnings, and other architectural features) of structures on abutting properties.

B. The open space shall be improved and landscaped to reflect the intended character of the development, the requirements of Section 390-17.8 C below, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space), other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411, and Density Restricted Lands designated by the North Bethany Subarea Plan. However, Commercial or Institutional 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).

C. Recreational Facilities Standards for Open Space

Open space provided under Sections 390-17.8 A and B above shall meet the following requirements for recreational facilities:

- (1) Provision of one (1) or more of the following active recreational facilities: playgrounds, bike and pedestrian trails, swimming pools, tennis courts, community garden areas, and similar facilities.
- (2) 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; a gazebo; or picnic table(s) with barbecue facilities.
- (3) 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.
- (4) 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, required screening and buffering areas) except for required yard areas (building setbacks).

390-17.9 Standards for the Work Force Housing Options

A. When an applicant requests a density bonus to exceed the maximum density prescribed in the Primary District under Section 390-17.5 B, the Planned Development shall meet the following requirements:

- (1) The provision of a minimum of twenty (20) percent of the total number of dwelling units shall be provided as Work Force Housing ownership units. Ownership units under this option are not subject to the minimum affordability period specified in Section 390-17.9 A (4); or
- (2) The provision of a minimum of ten (10) percent of the total number of dwelling units shall be provided as Work Force Housing ownership units. Ownership units under this option shall comply with the minimum affordability period specified in Section 390-17.9 A (5); or
- (3) The provision of a minimum of ten (10) percent of the total number of dwelling units shall be provided as Work Force Housing rental units. Rental units under this option shall comply with the minimum affordability period specified in Section 390-17.9 A (5); or
- (4) A Planned Development with rental and ownership units may provide a minimum of ten (10) percent of the total number of dwelling units as Work Force Housing through a combination of rental and ownership units that comply with the minimum affordability period specified in Section 390-17.9 A (5).

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- (5) Affordability at the levels in Sections 390-17.9 A. (2) and (3) above shall be assured for a minimum period of thirty (30) years through a legal instrument as specified in Section 390-17.9 B (5) below.

B. Requirements

- (1) Work Force Housing units shall be integrated with market rate units throughout the entirety of the Planned Development and shall not be segregated into separate areas or buildings in the Planned Development;
- (2) The exterior design of buildings with Work Force Housing units shall be similar to that of other buildings in the development;
- (3) For a phased development, Work Force Housing units shall be provided proportionately and concurrently with market rate units;
- (4) The size of the Work Force Housing units (e.g., number of bedrooms per unit) shall be consistent with the range of unit sizes proposed for market rate dwellings;
- (5) When required by Section 390-17.9 A, a restrictive covenant or other legally binding document approved by County Counsel shall be recorded for the affected parcel(s) or lot(s) describing the requirements of Section 390-17.9 A (4) above. The recorded restriction shall run with the land for a minimum of thirty (30) years and shall commence from the date of issuance of the building's certificate of occupancy or final building inspection. When the recording of a restrictive covenant or other legally binding document is required, the document shall be recorded prior to final land use approval;
- (6) An application for a Planned Development shall include a written description about how the development will provide Work Force Housing in accordance with the requirements of Section 390-17.9. Sufficient information shall be provided to demonstrate that it is feasible for the applicant to meet the requirements of Section 390-17.9; and
- (7) Prior to granting final approval of the Planned Development, the applicant shall submit all documents necessary to execute the requirements of Section 390-17.9, including but not limited to how the Work Force Housing will be provided in the development (e.g., rental units, ownership units, both rental and ownership units) and the restrictive covenant or other appropriate legal document.

- C. When an applicant proposes to modify development standards or relocate the Primary Districts and chooses to provide Work Force Housing in exchange for this level of flexibility as provided for by Section 390-17.5 D (2), Work Force

Housing shall be provided as required by Section 390-17.9 A. The standards of Section 390-17.9 B are also applicable to this type of Planned Development.

390-17.10 Standards for the Provision of Single Family Dwelling Lot Width Variation Option

When an applicant proposes to vary lot widths for detached single family dwellings in the R-6 NB or R-9 NB Districts as provided for under Section 390-17.5 D (3), the Planned Development application shall meet the following requirements:

- A. At least thirty (30) percent of the lots in each block face shall be twenty-five (25) percent greater than the Primary District's minimum lot width;
- B. The provisions of Section 390-17.7 B (5) shall not be used. Lots that are not intended to satisfy A. above shall meet or exceed the minimum dimensional standards of the Primary District; and
- C. Flag lots and private streets shall not be used to achieve variation in lot widths.

390-17.11 Standards for the Provision of a Community Service Use Option

When an applicant proposes to provide a community service use (CSU) in a residential Planned Development, as provided for under Section 390-17.5 D (4), the Planned Development application shall meet the following requirement:

The CSU use must be consistent with the applicable requirements for community service uses in the Bethany Community Plan (see Ch. 2, North Bethany Subarea Plan) and Section 390-16.4.

390-17.12 Standards for the Provision of Superior Building and Site Design and Construction

When an applicant proposes to provide superior building and site design and construction in a residential Planned Development as provided for under Section 390-17.5.D(5), the Planned Development application shall meet the following requirement:

The Planned Development must include at least two (2) factors from the "Building Factors" list in 390-17.12.A. at least two (2) factors from the "Site Design" list in 390-17.12.B., and a total of five (5) factors.

A. Building Factors

- (1) Energy efficiency and conservation (fifteen percent (15%) above current code).
- (2) Sustainable construction techniques (waste and disposal).
- (3) Building water efficiency and conservation.
- (4) No blank walls over 30 feet in length.

- (5) Openings from buildings to the street open onto stoops, porches and/or paved walkways.
- (6) Quality building materials that are durable and attractive.
- (7) Building lengths not to exceed three hundred (300) feet.
- (8) Buildings designed and constructed to follow site topography, which may require buildings to be stepped down to follow the existing grade in some locations.
- (9) Window shutters on windows that face streets or public spaces.
- (10) Tile or shake roofing material.
- (11) One or more dormers on the front elevation.
- (12) Three or more gables.
- (13) Bay or bowed window(s) on the front elevation.
- (14) Porches on the front elevation that have clear dimensions of at least eight feet wide and six feet deep, and are covered by a roof supported by structurally integral columns or brackets.
- (15) Building face or roof offsets (minimum 12 inch offset) on the front elevation.
- (16) Permanent planter boxes of at least 25 square feet constructed as an extension of a front elevation or primary building entrance.
- (17) Balcony on the same façade as the main entrance. The balcony must be at least 48 square feet and a minimum 8 feet wide, and must be accessible from the interior living space of the house.
- (18) Trim marking roof lines, porches, windows and doors on all elevations. The trim must be at least 3-1/2 inches wide.
- (19) Other architectural or design elements that apply to at least 10 percent of the front elevation and result in visual interest, variety and beauty.

B. Site Design

- (1) Low impact development measures: rain gardens, bio-swales, porous pavement systems.
- (2) Low water demand landscaping (lawn permitted).



- (3) Provision of park and recreation space / gathering spaces.
- (4) Open space is designed to be accessible, promote activity, and be comfortable and sociable.
- (5) Buildings are oriented to street(s), rather than set behind parking areas.
- (6) Building facades must address all street(s), rather than set behind parking areas.
- (7) Proposed streetscape design exceeds current standards (e.g. more street furniture, more or larger trees, landscaping or wider sidewalks).
- (8) Locate parking interior to the site to minimize visual impact of parking areas.
- (9) Motion sensor lighting in common areas.
- (10) Landscaping provided along building facades.
- (11) Design includes place-making elements and consideration of the area's history.
- (12) Bicycle and pedestrian connections beyond those required by existing standards provided through the development site.
- (13) Trees and shrubs used in setback areas help minimize the height and mass of buildings and differences in grade from adjoining properties.
- (14) Heightened intensity of open space design, inclusion of more active and passive amenities than those required by the PD code.

C. Process.

- (1) An application relying on this section shall hold a neighborhood meeting as required by Section 203-3.
- (2) An application relying on this section shall be processed using the Type III procedure.

### 390-20 Building Design and Variety

~~PLACEHOLDER: These standards shall be addressed in conjunction with the discussions regarding Planned Development standards.~~

#### 390-20.1 Intent and Purpose

The purpose of this Section is to prevent monotony, excessive repetition, and a lack of architectural features on building façades in the North Bethany Subarea.

#### 390-20.2 Applicability

A. The standards of this Section are applicable to development in all of the North Bethany Subarea land use districts, with the following exceptions:

- (1) Residential development in the R-6 North Bethany District (R-6 NB) is exempt from the standards of this Section; and
- (2) Non-residential development in the Institutional District (INS) that is more than fifty (50) feet from any public street is exempt from the standards of this Section.

B. Where development is subject to the Special Frontages requirements of the North Bethany Subarea Plan, the standards in this Section are also applicable, except where an exemption is specifically stated in the standards below.

#### 390-20.3 Street-Facing Building Façades

Street-facing façades shall not consist of featureless blank walls, and shall comply with the standards below.

A. Single-Family Detached Dwelling Units shall comply with the following standards:

- (1) Front façades shall include windows and/or pedestrian doors, with these features equaling or exceeding ten (10) percent of the front facing wall area visible from the street. Garage door windows do not count toward meeting this standard. In addition, front façades shall include at least two of the three features listed below. Front façades that are subject to the North Bethany Subarea Plan Special Frontages standards are exempt from this standard.
  - (a) A covered stoop that is a minimum of four (4) feet wide and three (3) feet deep, or a covered porch that is a minimum of six (6) feet wide and six (6) feet deep;
  - (b) A minimum of two (2) types of siding materials and/or siding styles, separated by trim that is a minimum of five and one-half (5 1/2) inches wide; The secondary siding type shall have a minimum area of ten (10) percent of the overall façade;

- (c) A minimum two (2) foot horizontal offset in the structural exterior wall that requires a break in the roofline.

~~(2) Within each block of a development, the front façades of adjacent dwelling units shall differ from each other in at least one of the following ways:~~

~~PLACEHOLDER: County staff will coordinate with interested parties and develop standards for single-family detached front façade variation for consideration as part of the 2012 ordinance process.~~

~~(23)~~ Street-facing side and/or rear façades shall include at least two (2) of the features listed below. Side and/or rear façades that are subject to the North Bethany Subarea Plan Special Frontages standards are exempt from this standard.

- (a) Windows and/or pedestrian doors, with these features equaling or exceeding ten (10) percent of the side and/or rear facing wall area visible from the street;
- (b) A minimum of two (2) types of siding materials and/or siding styles, separated by trim that is a minimum of five and one-half (5 1/2) ~~5.5~~ inches wide;
- (c) A minimum two (2) foot horizontal offset in the structural exterior wall that requires a break in the roofline.

~~(34)~~ Garage Frontage

~~PLACEHOLDER: County staff will coordinate with interested parties and develop standards for single-family detached dwelling garage façade standards for consideration as part of the 2012 ordinance process.~~

- (a) No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the width of the garage door); or
- (b) Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the width of the garage door) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or
- (c) For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the width of the garage door) when:
  - (1) The garage front is located at least eight (8) feet behind the entire width of the remaining frontage of the dwelling; and



- (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall be not more than a maximum of four (4) feet above the finished exterior grade; and
- (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- (d) For lots in which the grade at the rear lot line is at least six (6) feet higher than the grade at the front (street side) lot line, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the width of the garage door) when:
  - (1) A covered porch and/or front building wall, located on the floor immediately above the garage, projects at least eight (8) feet in front of the garage door. The length of the covered porch and/or front building wall must be equal to or greater than the width of the garage door.
  - (2) The required amount of on-street parking is provided, per CDC Section 413-6.
- (e) The width of an attached garage may exceed the dimensional requirement of A, B, or C above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- (f) The above garage frontage standards do not apply to lots on non-through public or private streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

B. Single-Family Attached Dwelling Units shall comply with the following standards:

- (1) The front façade of each dwelling unit shall include windows and/or pedestrian doors, with these features equaling or exceeding ten (10) percent of the front facing wall area visible from the street. Garage door windows do not count toward meeting this standard. In addition, the front façade of each dwelling unit shall include at least two of the three features listed below. Front façades that are subject to the North Bethany Subarea Plan Special Frontages standards are exempt from this standard.

- (a) A covered stoop that is a minimum of four (4) feet wide and three (3) feet deep, or a covered porch that is a minimum of six (6) feet wide and six (6) feet deep;
- (b) A minimum of two (2) types of siding materials and/or siding styles, separated by trim that is a minimum of five and one-half (5 1/2-50) inches wide; The secondary siding type shall have a minimum area of ten (10) percent of the overall façade;
- (c) A minimum two (2) foot horizontal offset in the structural exterior wall that requires a break in the roofline.

(2) ~~Front Façade Variation~~

~~PLACEHOLDER: County staff will coordinate with interested parties and develop standards for single-family attached front façade variation for consideration as part of the 2012 ordinance process.~~

- (23) Street side and/or rear façades facing a street (not alley) shall include at least two (2) of the features listed below. Side and/or rear façades that are subject to the North Bethany Subarea Plan Special Frontages standards are exempt from this standard.

- (a) Windows and/or pedestrian doors, with these features equaling or exceeding ten (10) percent of the side and/or rear facing wall area visible from the street;
- (b) A minimum of two (2) types of siding materials and/or siding styles, separated by trim that is a minimum of five and one-half (5-5 1/2) inches wide;
- (c) A minimum two (2) foot horizontal offset in the structural exterior wall that requires a break in the roofline.

- (34) Townhome blocks (buildings) are limited to no more than ten (10) attached units in the R-15 NB and R-24 NB Districts.

(45) Garage Frontage

~~PLACEHOLDER: County staff will coordinate with interested parties and develop standards for single-family attached dwelling garage façade standards for consideration as part of the 2012 ordinance process.~~

- (a) No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the width of the garage door); or
- (b) Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the width of the

garage door) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or

- (c) For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the width of the garage door) when:
  - (1) The garage front is located at least eight (8) feet behind the entire width of the remaining frontage of the dwelling; and
  - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall be not more than a maximum of four (4) feet above the finished exterior grade; and
  - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- (d) For lots in which the grade at the rear lot line is at least six (6) feet higher than the grade at the front (street side) lot line, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the width of the garage door) when:
  - (1) A covered porch or a front building wall, located on the floor immediately above the garage, projects at least eight (8) feet in front of the garage door. The length of the covered porch and/or front building wall must be equal to or greater than the width of the garage door.
  - (2) The required amount of on-street parking is provided, per CDC Section 413-6.
- (e) The width of an attached garage may exceed the dimensional requirement of A, B, or C above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- (f) The above garage frontage standards do not apply to lots on non-through public or private streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

C. Multi-family buildings shall comply with the following standards:

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- (1) Street-facing building façades shall avoid long monotonous, uninterrupted walls by including at least two (2) of the items listed under subsection (a) below, as well as the required items listed under subsection (b) below. ~~three (3) of the architectural details below.~~ Street-facing building façades that are subject to the North Bethany Subarea Plan Special Frontages standards are exempt from this standard.

*~~PLACEHOLDER: County staff will coordinate with interested parties and develop standards for multi-family building street-facing façade articulation for consideration as part of the 2012 ordinance process.~~*

- (a) Each street-facing building façade shall include at least two (2) of the following three (3) items:
- 1) For every fifty (50) feet of building façade, at least one of the following elements shall be provided:
    - A) A minimum of two (2) breaks in the roofline or the provision of two (2) dormers; or
    - B) Recessing a section of the façade by at least two (2) feet; the recessed section must be at least six (6) feet wide; or
    - C) A bay window, extending the full height of a floor or floors, that extends at least two (2) feet.
  - 2) A minimum of two (2) balconies, each a minimum of three (3) feet in depth and six (6) feet in width, that are enclosed by railings or parapets.
  - 3) When a street-facing building facade is more than seven hundred fifty (750) square feet in area, the building wall plane shall be divided into smaller planes of five hundred (500) square feet or less. This division of a building wall plane into smaller planes may be accomplished by including one or more of the following elements:
    - A) A porch, a dormer that is at least four (4) feet wide, or a balcony that is at least three (3) feet deep and is accessible from an interior room;
    - B) A bay window, extending the full height of a floor or floors, that extends at least two (2) feet; or
    - C) Recessing a section of the facade by at least two (2) feet; the recessed section must be at least six (6) feet wide.

(b) The following items are required on each street-facing building façade:

1) Fifteen (15) percent of the ground level of street (not alley) facing building façades must be window area. Ten (10) percent of upper-story street-facing building façade areas must be window area.

2) A primary building entrance that is oriented to, and visible from, the street. (For corner buildings that have more than one street-facing façade, a primary building entrance is only required on one street-facing façade.)

3) A minimum of two (2) types of siding materials, each with an area of no less than twenty (20) percent of the façade. However, brick siding material may be used singly and applied to the entirety of the façade.

4) High-quality siding materials: Buildings shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability.

A) Allowed materials include masonry; stucco; stone; wood or cementitious shakes and shingles; horizontal lapped siding; wood or architectural grade fiber cementitious panel siding; concrete-wood mix siding; metal (standing seam or panel, painted or galvanized); and similar durable architectural materials as approved by the Director.

B) Concrete or split-face concrete masonry unit (CMU) exterior siding materials are only allowed for the ground floor.

C) Prohibited exterior siding materials include T-111 siding, plain or plain painted plywood and strandboard sheets, and similar exterior materials.

(2) The overall length of a building is limited to three hundred (300) feet.

(3) For buildings with flat roofs, the roof shall have either twelve (12) inch eaves/soffits or a cornice. Parapets shall have a cap or a cornice. Caps shall be a minimum of six (6) inches. Cornices shall consist of the following:

(a) There shall be two parts to the cornice. The top part of the cornice shall project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice. The cornice shall have a minimum height of eleven (11) inches.

~~(2) Front Façade Variation~~

~~PLACEHOLDER: County staff will coordinate with interested parties and develop standards for multi-family building front façade variation for consideration as part of the 2012 ordinance process.~~

~~(23) Structural exterior wall offsets of a minimum two (2) foot horizontal variation shall be used at intervals of forty (40) feet or less along the structure's façade, to visually enhance long walls.~~

~~(34) For buildings with length or width greater than one hundred (100) feet, roofline offsets shall be provided at intervals of one hundred (100) feet or less, to create variety in the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum eight (8) foot variation vertically from the gutter.~~

D. For non-residential development (commercial, Community Service Use, or Institutional Use), the following standards shall apply:

(1) The façade treatments listed below shall be provided on all street-facing sides of the building:

(a) High-quality siding materials: Buildings shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability.

i) Allowed materials include masonry; stucco; stone; wood or cementitious shakes and shingles; horizontal lapped siding; wood or architectural grade fiber cementitious panel siding; concrete-wood mix siding; metal (standing seam or panel, painted or galvanized); and similar durable architectural materials as approved by the Director.

ii) Concrete or split-face concrete masonry unit (CMU) exterior siding materials are allowed for the ground floor. However, the use of these materials on upper floors is limited to a maximum of ten (10) percent of the upper floor façade.

iii) Prohibited exterior siding materials include T-111 siding, plain or plain painted plywood and strandboard sheets, and similar exterior materials.

(b) A minimum of two (2) types of siding materials, each with an area of no less than twenty (20) percent of the façade. However, brick siding material may be used singly and applied to the entirety of the façade;

(c) Window and door trim:



- (i) For façades predominantly sided with horizontal lapped siding, shingles, or board and batten, fully trimmed windows and doors are required. Trim shall be a minimum of three and one-half (3 1/2) inches wide and completely surround the windows and/or doors.
  - (ii) For façades predominantly sided with brick, stone, metal, concrete, stucco, CMU, or a combination of these materials, no trim is required.
- (2) For buildings with two (2) or more stories, the street-facing façade at the ground level of the structure shall be visually distinct from upper stories. This separation shall be provided by one or more of the following:
  - (a) A band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection, which marks a horizontal division in the wall plane between the ground floor and the upper floors;
  - (b) A projecting façade element (awning, canopy, or arcade) between the ground floor and the upper floors. Awnings and canopies must be made of glass, metal, or exterior grade fabric (or a combination of these materials);
  - (c) The use of a different exterior material, wall surface pattern, or wall texture on the ground floor façade;
  - (d) The street-facing façade above the ground floor is set back from the ground floor façade;
  - (e) The use of larger windows on the ground floor façade and smaller windows on the upper floors; or
  - (f) A row of transom windows above the main windows on the ground floor façade.
- (3) For buildings with length or width greater than one hundred (100) feet, roof-line offsets shall be provided at intervals of one hundred (100) feet or less, to create variety in the massing of structures and relieve the effect of a single, long roof. Roofline offsets shall be a minimum eight (8) foot variation either vertically from the gutter line or horizontally.
- (4) For any street-facing exterior wall, at least twenty (20) percent of a ground floor wall area shall be comprised of windows. Required windows are limited to windows on the wall or within pedestrian entrance doors that allow views into working areas or lobbies, or display windows set into the wall. The square footage of garage doors and garage windows shall not count towards this standard, unless the entire garage door is composed of window panels.

(5) Ground floor windows on street-facing exterior walls may not be darkly tinted windows and mirrored windows that block two-way visibility.

(6) For buildings with flat roofs, the roof shall have either twelve (12) inch eaves/soffits or a cornice. Parapets shall have a cap or a cornice. Caps shall be a minimum of six (6) inches. Cornices must consist of the following:

There shall be two parts to the cornice. The top part of the cornice shall project at least six (6) inches from the face of the building and be at least two (2) inches further from the face of the building than the bottom part of the cornice. The cornice shall have a minimum height of eleven (11) inches.

### **390-21 Review Criteria for Type III Uses**

#### **390-21.1 Intent and Purpose**

The planning process to develop the North Bethany Subarea Plan identified the location of future public and private Type III uses (e.g., public schools, a fire station, a church). Since the Subarea Plan, with its implementing land use districts, specifies the types and locations of needed Type III uses, these uses are presumed to be appropriate uses, subject to these uses being developed in a manner:

A. That makes the Type III uses compatible with existing and future adjacent residential uses; and

B. That mitigates if potential adverse impacts, if any, to existing ~~or~~ and future adjacent uses are mitigated to the extent.

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**390-22 Additional North Bethany Subarea Development Standards**

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**390-22.2 Landscape Design**

In addition to the requirements of Section 407, the following standards apply:

A. Development shall meet the street tree standards identified in the North Bethany Subarea Plan. The species of street trees to be planted shall be from the approved North Bethany Street Tree List in the North Bethany Subarea Plan. Trees shall meet the required spacing standard to maximize canopy coverage and provide canopy overlap for shade.

B. Shared outdoor recreation areas:

(1) Usable outdoor recreation area(s) shall be provided for ~~single family attached and multi-family dwelling structures~~ developments for the shared or common use of all the residents in the following amounts:

(a) Studio, up to and including two-bedroom units, two hundred (200) square feet per unit; and

(b) Three or more bedroom units, three hundred (300) square feet per unit.

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**Section 390-26 Adjusting Land Use District Boundaries**

The boundary between two land use districts within a development site may be adjusted through the Type II or III development review process (without the use of a Planned Development) when the following requirements are met.

390-26.1 The land use district boundary does not follow:

A. A property line;

B. An existing street; or

C. A Primary Street.

390-26.2 The land use district boundary may be moved within a one-hundred and fifty (150) foot wide corridor that is measured seventy-five feet (75) from the land use district boundary. The land use districts on either side of the adjusted boundary shall remain unchanged.

390-26.3 The adjusted land use district boundary shall not:

A. Result in a decrease to the minimum density required on the development site; or

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B. Result in an increase to the maximum density permitted on the development site that is greater than five (5) percent.

390-26.4 The adjusted land use district boundary is consistent with the North Bethany Subarea Plan's density transect, including the density transition designation on the applicable Neighborhood map.

390-26.5 For the purposes of this Section, "density transect" means the transition of residential density from high to medium and medium to low. The highest densities are adjacent to commercial areas, the community parks and the Park Blocks. The lowest densities are adjacent to the UGB and areas with natural constraints, such as steep slopes. Density transition designations are noted on the Neighborhood maps.

### **390-27 Cluster Housing**

Cluster Housing regulations provide for flexibility in standards in order to provide a variety of housing types and allow for the provision a density bonus in the R-6 NB, R-9 NB, and R-15 NB Districts. Appropriate amounts of parking and common and private outdoor areas are provided to ensure livable neighborhoods. Cluster Housing allows higher residential densities through the use of smaller housing, clustered parking and specific site design standards. These characteristics also minimize impacts on adjacent residential land.

Dwellings are single family detached or attached dwelling units clustered together around a common area and developed with a coordinated design for the entire site. The size of a cluster is limited to four (4) to twelve (12) dwellings around a common area, which helps to encourage a sense of community among residents. Dwellings in a Cluster Housing development are not separated by streets. Cluster Housing can be developed with individual lots for each dwelling (a subdivision) or with common ownership of all land in the site (a condominium).

Street frontage, lot size, setbacks, and other traditional subdivision regulations are redefined to allow more of the development site to be used as common open space. The clustered housing arrangement and common areas distinguish this housing type from small house/small lot development that generally front on public streets and/or alleys.

Although Cottage Housing, Courtyard Housing and Shared Court Housing can be allowed types of Cluster Housing, the Cluster Housing regulations for the North Bethany Subarea are limited to Cottage Housing. Standards can be developed and added for Courtyard Housing and Shared Court Housing in the future.

#### **390-27.1 Cottage Housing**

Cottage Housing is a grouping of no less than four (4) and no more than twelve (12) detached single-family dwellings and/or single family attached dwelling units that are oriented around a common open space. Each group of cottages is called a cluster. Buildings with attached dwelling units shall have no more than two (2) units in a

building. Accessory Dwelling Units are permitted only when they are built as part of the initial development.

Cottage Housing may be provided when the following standards are met.

A. Applicability

- (1) Cottage Housing is permitted in the R-6 NB, R-9 NB and R-15 NB Districts as a Planned Development as specified by the Primary District and Section 390-17.6.
- (2) Cottage Housing is permitted as a Type II Planned Development provided the proposed number of dwelling units does not exceed the maximum density permitted by the Primary District.
- (3) A density bonus is permitted in the R-6 NB, R-9 NB and R-15 NB Districts through a Type III Planned Development. The proposed number of dwelling units shall not exceed the density bonus permitted by the Primary District.

B. Cottage Housing Development Size and Permitted Number of Dwellings

- (1) A development with Cottage Housing shall consist of:
  - (a) One or more Cottage Housing cluster; or
  - (b) A variety of housing types, including one or more Cottage Housing cluster, with other housing types permitted by the Primary District.
  - (c) Cottages shall be clustered according to the requirements of this Section and the other housing types shall meet the applicable standards of the Primary District.
- (2) A minimum of four (4) and not more than twelve (12) cottages shall be provided in a cluster of cottages that are oriented around a common open space. When a development site contains more than 12 cottages, they shall be grouped in two or more clusters.
- (3) The Cottage Housing development shall be located on one or more blocks or a portion of a block that meets the standards of Section 408, including the block size standards of Sections 408-6.2 and 408-6.3.

C. Cottage Floor Area

- (1) The maximum ground floor area of each dwelling unit shall not exceed one-thousand (1,000) square feet. When provided, an attached garage shall be included in the calculation of total ground floor area. A variance or hardship relief request to increase this floor area standard is prohibited;

- (2) The maximum floor area of each dwelling unit shall not exceed one-thousand five-hundred (1,500) square feet. A variance or hardship relief request to increase this floor area standard is prohibited; and
- (3) Building areas that do not count towards the total floor area are:
  - (a) Unheated storage space located under the main floor of the unit;
  - (b) Architectural projections, such as bay windows, fireplaces or utility closets not greater than eighteen (18) inches in depth or six (6) feet in width;
  - (c) Attached covered porches, patios or decks;
  - (d) Detached garages or carports; and
  - (e) Spaces with a ceiling height of six (6) feet or less measured from the inside of the exterior wall, such as in a second floor area under the slope of the roof. A variance or hardship relief request to vary from this height standard is prohibited.



D. Dimensional Standards of a Cottage Housing Development Site

| <u>Dimensional Standards</u>                                                                             | <u>Standards</u>                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Minimum Site Frontage on a Public Street (development site)</u>                                       | <u>80 feet</u>                                                                                                                                                                                                                                                    |
| <u>Minimum Side Yard Setback from an Adjacent Property<sup>1</sup></u><br>(applicable to all structures) | <u>10 feet</u>                                                                                                                                                                                                                                                    |
| <u>Minimum Rear Yard Setback<sup>1</sup></u><br>(applicable to all structures)                           | <u>15 feet</u>                                                                                                                                                                                                                                                    |
| <u>Minimum Setback from a Public Street</u><br>(applicable to all structures)                            | <u>Primary District standard</u>                                                                                                                                                                                                                                  |
| <u>Minimum Setback from Common Open Space</u><br>(applicable to all structures)                          | <u>3 feet</u>                                                                                                                                                                                                                                                     |
| <u>Minimum Distance Between Structures<sup>2</sup></u><br>(applicable to all structures)                 | <u>10 feet</u>                                                                                                                                                                                                                                                    |
| <u>Maximum Lot Coverage for all Structures on the Development Site</u>                                   | <u>50 percent</u>                                                                                                                                                                                                                                                 |
| <u>Minimum Lot Area Per Dwelling Unit</u><br>(when lots for units are created)                           | <u>Dwelling footprint plus a 3 foot perimeter setback around the building plus the unit's private open space</u>                                                                                                                                                  |
| <u>Maximum Impervious Surface Area of the Development Site<sup>3</sup></u>                               | <u>75 percent</u>                                                                                                                                                                                                                                                 |
| <u>Minimum Open Space</u>                                                                                | <u>See Section 390-27.1 E., Required Open Space</u>                                                                                                                                                                                                               |
| <u>Maximum Height<sup>4</sup></u>                                                                        | <u>25 feet, or the width of the building's gable face multiplied by 1.25, whichever is less.</u>                                                                                                                                                                  |
| <u>Minimum Off-Street Parking Spaces per Cottage</u>                                                     | <u>Units with less than 700 square feet – 1 space per unit</u><br><br><u>Units with more than 700 square feet and up to 1,000 square feet - 1.5 space / unit</u><br><br><u>Unit with more than 1000 square feet and up to 1,500 square feet - 2 spaces / unit</u> |

<sup>1</sup>The side and rear setbacks may be reduced to the requirement of the Primary District for up to sixty (60) percent of the length of the property line.

<sup>2</sup>Heat pumps and air conditioners shall not be located within the minimum 10 foot wide setback between buildings.

<sup>3</sup>Areas of the site that are pervious shall be landscaped.

<sup>4</sup>Chimneys, cupolas or other architectural features shall not extend more than five feet above the roof at their highest point.

E. Required Open Space

(1) Private Open Space

Private open space shall be provided adjacent to each individual dwelling unit to provide area for the exclusive use of the dwelling's occupants and to promote diversity in landscape design. Private open space shall be designed in accordance with the following standards:

- (a) Be a minimum of three hundred (300) square feet of contiguous, usable open space for the exclusive use of the dwelling's residents. The private open space may be reduced to one-hundred (100) square feet per unit when the requirements of Section E. (2) (a) below are met. The private open space shall have no dimension less than ten (10) feet.
- (b) Dwelling units shall have direct access by a door from their interior to the private open space.
- (c) Up to fifty (50) percent of a portion of the private open space may include a porch or deck.

(2) Common Open Space

Common open space is intended to function as community open space and shall be designed to serve as a centrally located focal area for the development. The common open space area shall be designed in accordance with the following standards:

- (a) Be a minimum of three-hundred (300) square feet per unit. When four-hundred (400) or more square feet of common open space for each unit is provided, the private open space of each unit may be reduced to one-hundred (100) square feet per unit; and
- (b) The common open space shall have no dimensions less than twenty (20) feet except as described below and be able to encompass a square area at least forty (40) feet wide by forty (40) feet long. The common open space may be divided into more than one tract provided that each tract is connected by pedestrian accessways and each tract has a square area encompassing at least forty (40) feet wide and forty (40) feet long. Accessways connecting common open space tracts may count as part of the common open space when they are at least ten (10) feet wide.
- (c) The common open space shall be developed and maintained so it is usable for active and passive recreation activities. It shall be located in a centrally located area and be easily accessible to all dwellings in the cluster of cottages.

- (d) Common open space shall be landscaped consistent with the requirements of Section 407-2.1 and allow the area to be used for active and/or passive recreational activities. Amenities may include lawn, community garden space, a patio, a plaza, barbecue facilities, and/or recreational amenities, such as a children's play structure.
- (e) Land located between dwelling units and an adjacent street shall not serve as required common open space.
- (f) The common open space shall be located outside of storm water quality facilities, parking areas, Significant Natural Resource areas, wetlands, CWS vegetated buffers, and slopes greater than ten (10) percent.

F. Design of Individual Dwelling Units

(1) Orientation to the street adjacent to the Cottage Housing development site

In order to ensure compatibility with dwellings on nearby properties, the street facing façade of a dwelling adjacent to the street shall have an entry door and porch facing the street.

(2) Orientation to the common open space

- (a) Dwelling units shall surround the common open space on a minimum of two sides of the area;
- (b) At least fifty (50) percent of the dwelling units in the development shall abut the common open space. A dwelling is considered to "abut" the common open space if there is no structure, road, or utility facility between the unit and the common open space.
- (c) For dwellings that abut the common open space, the façade facing the common open space shall have an entry door.

(3) Roof pitches - All portions of the main roof of a structure shall be pitched a minimum of 4:12; and

(4) Porches, patios and decks

All dwelling units shall have a covered porch, covered patio or covered deck:

- (a) That is at least fifty (50) square feet in size with a minimum dimension of six (6) feet on any side; and
- (b) Is directly accessible from the interior of the dwelling.



#### G. Parking and Vehicular Access

- (1) Off-street parking shall be located in shared surface parking areas or garages, including attached or detached garages. The design of off-street parking areas shall meet the standards of Code Section 413. Vehicular access to the site and parking area(s), including the internal access from the public street, shall meet the standards of Section 413.
- (2) Shared parking areas shall be located to the side or the rear of the cottage development and shall not be located between dwelling units and the adjacent street.
- (3) Shared surface parking areas shall be located in parking courts of not more than five (5) adjoining (side by side) spaces and not more than ten (10) total parking spaces in one parking area. Each parking court shall be separated from the common open space by landscaping and/or fencing.
- (4) Common shared detached garage/carport structures shall be limited to no more than five (5) single car garages/carports per structure and not more than ten (10) total parking spaces in one parking area. Each parking area shall be separated from the common open space by landscaping and/or fencing.
- (5) When more than one shared parking area is provided in a development site, they shall be separated from each other by at least twenty (20) feet.
- (6) All parking courts and structures shall be screened from public streets and adjacent residential uses by landscaping and/or fencing.
- (7) The public street setback for parking courts and parking courts with carports shall be at least ten (10) feet more than the distance between the adjacent street and the dwelling closest to the street.
- (8) The side and rear yard setbacks for parking courts and parking courts with carports shall be at least ten (10) feet. The setback for parking in a detached garage shall meet the setback standards in Section 390-27.1 D.
- (9) Garage parking spaces shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

#### H. Screening Requirements

- (1) Common waste and other storage receptacles shall not be placed in the front yard setback area or in the common area or private open space.
- (2) Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent properties, and the public right-of-way.

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I. Community Buildings and Community Space

- (1) A Cottage Housing development may contain a community building or space that is clearly incidental in use to the dwelling units. The ground floor building foot print of the building shall not exceed 1,000 square feet.
- (2) A community building or space shall be located on the same site as the Cottage Housing development and be commonly owned and maintained by the owners of all of the dwellings.
- (3) A community space may be located above another common structure, such as a detached building with garages or a storage building.
- (4) The community building or space can have room(s) for meetings, parties, potlucks, personal projects, and bathrooms. The lot coverage and building area of a community building or space shall be excluded from the project total.

J. Accessory Dwelling Units

Accessory Dwelling Units (ADU) shall be permitted in a Cottage Housing development subject to the standards provided below. ADUs shall not be included in the density calculation to determine the permitted number of cottages and they shall not be included in the dwelling count for a cluster of cottages. Home occupations are not permitted in an ADU.

Accessory Dwelling Units shall:

- (1) Be located above a detached garage or Community Building;
- (2) Be limited to six hundred (600) total square feet (per ADU);
- (3) Be allowed only when proposed at the time of initial development application for the Cottage Housing development;
- (4) Provide one (1) off-street parking space per ADU; and
- (5) Contain a kitchen, bathroom and sleeping area.

K. Existing Dwellings

An existing single-family dwelling may be incorporated into a Cottage Housing development when it complies with the standards of this Section, with the exception of the following standards: cottage floor area and building height.

L. General Requirements

- (1) The use of common areas and structures, including parking areas, common open space and common structures shall be maintained over time. Conversion of these common areas and structures to other uses is prohibited;
- (2) Property owners/residents shall be responsible for the on-going maintenance of common areas and structures; and
- (3) A dwelling unit may not be enlarged once it has been constructed in accordance with the final approved master plan. Vaulted building space shall not be converted into habitable space. Porches, patios or decks shall not be enclosed. A variance to increase the size of a unit is prohibited; and

(4) Home Owners' Association and Covenants

Prior to granting final approval of the Planned Development, legal documents creating a home owners' association and necessary covenants and restrictions shall be recorded that address the requirements described below. The document(s) shall be recorded in the Washington County Deed Records and shall be binding upon all heirs, successors and assigns. The home owners' association and necessary covenants and restrictions shall remain in perpetuity.

- (a) Establish common areas and structures, including parking areas, common open space and common structures; and preclude their conversion to another use;
- (b) Require the on-going maintenance of private and common areas and all buildings and structures;
- (c) Prohibit any increase to size of any unit after construction, including the conversion of vaulted space into habitable space; no variance or hardship relief shall be permitted to increase the size of a unit; and
- (d) Reserve the use of parking areas, including garages, for the parking of vehicles.



**390-28 Alternative Partition Standards for the Conveyance of Land in the North Bethany Subarea for Fixed Parks, Neighborhood Parks, and Regional Stormwater Facilities**

**390-28.1 Intent and Purpose**

The purpose of this Section is to provide alternative partition standards to allow property owners in the North Bethany Subarea to sell a portion of their property to the Tualatin Hills Park & Recreation District (THPRD) for parks and/or Clean Water Services (CWS) for regional stormwater facilities prior to the development of their property. Consequently, the implementation of standards in this Section may create one or more parcels that cannot be developed until a subsequent development application is submitted and approved for the created parcel(s).

It is not the intent of this Section to require preliminary or final development plans or engineering plans to show how the subject site will ultimately develop for the purpose of creating parcels for parkland or regional stormwater facilities. The provisions of this Section defer the application of other requirements of this Code and the requirements of the North Bethany Subarea Plan (in the Bethany Community Plan) that are applicable to the North Bethany Subarea. However, the provisions of this Section require that all deferred requirements must be satisfied when the parcels created pursuant to this Section are developed.

Examples of deferred standards include, but are not limited to, the full application of Article V (e.g., right-of-way dedication, street improvements), Section 430-97 (Parks), and the dimensional requirements of the Primary District. Due to the deferral of these standards, a parcel without frontage on a street may be created without a variance to the applicable access standards.

Under the provisions of this Section, some parcels may be created where a Primary Street (adopted by the North Bethany Subarea Plan) forms the property line for a portion of two or more of the parcels. Because development and engineering plans are not required to show how each parcel will ultimately be developed (e.g. through a subdivision), the final location of the Primary Street(s) will be determined as part of a subsequent development application. Therefore, it is expected that property line adjustments will be necessary to reflect the final location of the Primary Street(s) and to allow for the deferred standards to be met.

When a property owner chooses to use these alternative partition standards, the property owner understands that the development of the property is restricted until all the deferred standards are met, except for permits for building improvements to existing, lawful structures.

In order to inform potential future purchasers about the restricted use of a parcel(s) until full development occurs, the property owner will be required to record a legal document in the County Deed Records that describes the restrictions and that runs with the title of the land.

When the subject parcel has a dwelling, a new parcel containing the dwelling cannot be created unless that parcel has frontage on a public street as required by the Primary District.

390-28.2 Applicability

- A. Only property that has land designated as a fixed or neighborhood park as shown on the North Bethany Subarea Plan or land designated as a regional stormwater facility as shown on the North Bethany Subarea Drainage Master Plan is subject to this Section.
- B. When THPRD or CWS propose to acquire property to accommodate facilities identified in Section 390-28.2 A above, all applicable standards of this Code and the North Bethany Subarea Plan that are not required to approve the application, including right-of-way and easement dedications and construction of transportation improvements, shall be deferred until a subsequent development application for any of the parcels created pursuant to this Section is approved. This provision does not preclude the property owner from obtaining building permits for improvements to existing, lawful structures.
- C. When a Primary Street forms the property line of a new parcel(s), that property line will need to move to coincide with the location of a future right-of-way, a stormwater facility or a park configuration as determined by a future final land use approval on any parcel approved by the partition. Therefore, the applicants of the alternative partition shall be conditioned to allow future property line adjustment to facilitate development of the approved parcels.
- D. All conditions of approval shall be recorded in the Washington County Deed Records and shall be binding upon all heirs, successors and assigns.

390-28.3 Submittal Requirements

390-28-3.1 Applications shall include the following:

- A. Documentation verifying THPRD or CWS ownership of the land or evidence that the land will be conveyed to THPRD or CWS by way of the partition approved pursuant to this Section:
  - (1) A letter of intent to purchase or a signed purchase agreement from CWS or THPRD for the proposed parcel(s); and
  - (2) Application by all the owners of the subject property, and CWS or THPRD (identify which parcel(s) is proposed to be purchased by CWS or THPRD, or any person authorized in writing to act as agent of the owners or applicable service provider(s).
- B. Service provider letters for the following services that state the proposed application is consistent with the service provider's requirements or describe any

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conditions of approval needed to ensure compliance with the applicable service provider's standards:

- (1) THPRD: Parks and trails; and
- (2) CWS: Sewer and surface water management.

C. A site plan, drawn to scale, showing:

- (1) Existing rights-of-way;
- (2) Existing and future Primary Street right(s)-of-way as shown on the Primary Streets map;
- (3) Flood areas – the location of any flood plain, drainage hazard area and other areas subject to ponding;
- (4) Significant Natural Resources -- the location of Significant Natural Resources as shown on the Community Plan;
- (5) The location of any water quality sensitive areas and vegetated corridors;
- (6) Easements – locations, widths and purpose of all recorded and proposed easements;
- (7) Lot dimensions – all existing property lines and their lengths and the location and dimension of all proposed parcels;
- (8) Existing structures -- location and present use of all structures on the site; and,
- (9) Identification of the parcel to be conveyed to THPRD or CWS.

D. An accurate aerial photograph showing the subject parcel and surrounding properties.

390-28-4 General Requirements

390-28-4.1 The property lines of the proposed parcels shall be established as described below:

- A. For fixed parks, the centerline of a Primary Street(s) as shown on the Primary Street map and the Parks, Trails and Pedestrian Connections map of the North Bethany Subarea Plan;
- B. For neighborhood parks, the proposed configuration shall be consistent with the applicable requirements of the North Bethany Subarea Plan, including but not limited to the neighborhood park designations on the Park, Trails Pedestrian Connection map, and applicable General Design Elements, Areas of Special Concern, and Neighborhood Design Elements; or



C. For regional stormwater facilities, the proposed configuration shall be consistent with the North Bethany Subarea Drainage Master Plan and applicable requirements of the North Bethany Subarea Plan, including but not limited to Areas of Special Concern 7 and 8 and applicable Neighborhood Design Elements.

390-28-4.2A parcel without frontage on a public road may be approved when:

- A. There is no dwelling on the property;
- B. The property line locations are consistent with the applicable requirements of the North Bethany Subarea Plan (e.g. provisions applicable to the subject site, a park, or regional stormwater facility proposed for the site);
- C. The applicant demonstrates that access to the parcels, consistent with the requirements of the Primary District and applicable standards of this Code and the North Bethany Subarea Plan, will be provided when the parcels created by the partition are developed; and
- D. Necessary access easements or access rights are recorded to provide access to a new parcel(s) that will not have frontage on a public street. Access easements shall be a minimum of thirty (30) feet in width, or as approved by the Fire Marshal. Alternative access agreements (such as temporary access) may be allowed as approved by County Counsel.

390-28-4.3 Prior to final approval, the following documentation shall be submitted to the Director:

- A. A copy of the restrictive covenant or other legally binding document approved by County Counsel which addresses the items described below. The document shall be recorded in the Washington County Deed Records and shall be binding upon all heirs, successors and assigns.
  - (1) Identify the parcel or parcels that will be owned by THPRD or CWS and state that the use of the parcel(s) is limited for use as a park and/or regional stormwater facility;
  - (2) That existing and all future owners agree to the requirement that no development shall be permitted on any parcel created by the partition unless approved by a subsequent land use application or permitted by Section 390-28.2 B;
  - (3) The subsequent land use application for each parcel shall be conditioned to satisfy all deferred County standards as permitted by Section 390-28.2;
  - (4) That existing and all future owners agree to execute one or more property line adjustments in order to facilitate the development of each parcel consistent with the applicable standards of this Code and the North

Bethany Subarea Plan, including but not limited to roads, parks and regional stormwater facilities;

(5) The conditions of approval of the partition application shall be included in the restrictive covenant or other legally binding document; and

(6) The restrictive covenant or other legally binding document required by this Section shall not be released unless approved by the Director and County Counsel.

B. A copy of any recorded use, ownership and maintenance rights of any easements or tracts that are subject to any of the created parcels.

C. Documentation from CWS that all applicable CWS standards have been satisfied.

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Community Development Code Section 404, MASTER PLANNING, and Section 430, SPECIAL USE STANDARDS, are amended to reflect the following:

**404 MASTER PLANNING**

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**404-4 Planned Development**

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. The Planned Development review process shall not be utilized in transit oriented districts and in the North Bethany Subarea in the Bethany Community Plan. The Planned Development standards applicable to the North Bethany Subarea are in Section 390-17.

*PLACEHOLDER: Two new types of Planned Development are proposed for the North Bethany Subarea Plan as described in Section 390-17. Planned developments in North Bethany will be permitted under the proposed new standards and not under existing Section 404-4.*

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**430 SPECIAL USE STANDARDS**

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**430-13 Attached Dwelling Units**

Two or more units with a common wall on individual lots, commonly known as row houses, town houses, duplexes or multiplexes or, two or more units which share a common wall or ceiling on a single lot, commonly known as apartments, duplexes or condominiums. Sections 430-13.1 and 430-13.2 are applicable to new developments in the R-5 and R-6 Districts as noted in these sections below. Section 430-13.3 is only applicable to an existing duplex on an approved duplex lot. This Section is not applicable to the North Bethany Subarea Plan.

**430-13.1 In the R-5 District:**

- A. Attached dwelling units may be permitted only through a Planned Development; and
- B. On sites of two (2) acres or less, attached units shall be limited to duplexes.

**430-13.2 In the R-5 and R-6 Districts:**

- A. Buffering shall be pursuant to Section 411-6.1 when attached units are adjacent to a detached R-5 development; and

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- B. In developments with attached units, the perimeter setbacks shall be no less than fifteen (15) feet.

430-13.3 A Duplex on an Approved Duplex Lot

An existing duplex on a lot approved for a duplex ("duplex lot") by a prior land use approval is a permitted use. (Prior approvals include those made before March 30, 1984 under the former Comprehensive Plan.) These duplexes are permitted through a Type 1 procedure because of the prior land use approval. The lot area, yard requirements, and lot dimensions in effect at the time of the original approval shall continue to be applicable to these buildings. Applications to divide these duplexes into separate lots must demonstrate compliance with current building code requirements prior to final approval of the land division.

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Community Development Code Section 501, PUBLIC FACILITY AND SERVICE REQUIREMENTS, is amended to reflect the following:

**501 PUBLIC FACILITY AND SERVICE REQUIREMENTS**

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**501-2 Application of the Public Facility and Service Standards Inside a UGB**

Application of the Public Facility and Service Standards (Section 501-1 through 501-12) shall apply to the Urban Unincorporated Area as follows:

- 501-2.1 To all land divisions and property line adjustments except:
- A. Property line adjustments except as required by Subsection 605-1.3; or
  - B. Land divisions which result in all lots or parcels containing a land area of ten (10) acres or greater except as required by Subsection 501-8.5.
- 501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit or duplex on an approved duplex lot (Section 430-13.3), or other structures which meet all of the following:
- A. Contains two thousand (2000) square feet or less;
  - B. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
  - C. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
  - D. Does not pose any unique public health or safety issues.

The exceptions of Section 501-2.2 A through D are not applicable in the North Bethany Subarea in the Bethany Community Plan. In the North Bethany Subarea, all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit, is subject to the applicable standards of Section 501-12. For example, a Type I or Type II park adjacent to a Primary Street would need to build a half-street along the park's frontage on this street consistent with the requirements of Section 501-8.

**501-8 Standards for Development**

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**501-8.5 Access to County and Public Roads**

All developments shall have legal access to a County or public road. Except for interim access as provided in Section 501-8.5 E. [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 501.

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**D. Access in Transit Oriented Districts and the North Bethany Subarea Plan**

Access points shown in the Transportation Plan, or on a Community Plan within a Transit Oriented District, or in the North Bethany Subarea Plan are not subject to the access spacing standards, and do not need an access spacing variance or an access management plan. However, as part of the development review process, the exact location of such access points shall be determined and safety impacts associated with such access points shall be identified and mitigated. Additional access points are subject to the access spacing standards.

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ington County  
Range Planning  
First Ave, 350-14  
sboro, OR 97124



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LAND CONSERVATION  
AND DEVELOPMENT

Attn: DLED  
Plan Amendment Specialist  
635 Capitol Street NE, Ste 150  
Salem OR 97301-2540