



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

06/12/2009

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 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Thursday, June 25, 2009

This amendment was submitted to DLCD for review prior to adoption. 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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Anne Elvers, Washington County
Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA

DLCD Notice of Adoption

in person electronic mailed

DATE STAMP

DEPT OF

JUN 05 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD WITHIN
5 WORKING DAYS AFTER THE FIRST FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660, DIVISION 18**

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 708**

Date First Evidentiary Hearing: **5/6/2009**

Date of Final Hearing: **6/2/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date submitted: **3/20/2009**

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" (limit of 500 characters):

Ordinance No. 708 amends Sections 406, 409 and 502 of the Community Development Code (CDC). The proposed changes to Section 406 and 409 are intended to ensure adequate access for solid waste and recycling collection vehicles for single-family attached residential buildings and those served by private streets. The proposed changes to Section 502 are intended to clarify the sidewalk construction standards and the process for obtaining modifications to these standards from the County Engineer pursuant to the County Road Standards.

Does the Adoption differ from proposal? No

Plan map changed from: **n/a**

to: **n/a**

Zone map changed from: **n/a**

to: **n/a**

Location: **n/a**

Specify density:

Previous: **n/a**

New density: **n/a**

Acres involved: **n/a**

Mark applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 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...

45-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. 001-09 (17433) [15544]

Please list affected state or federal agencies, local governments or special districts:
DLCD and Metro

Local Contact: **Anne Elvers, Associate Planner**
E-mail: **anne_elvers@co.washington.or.us**
Phone: **(503) 846-3583**

Address: **155 N. First Ave., Suite 350-14**
City: **Hillsboro** Zip: **97124**
Fax: **(503) 846-4412**

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: PROPOSED ORDINANCE NO. 708 – AN ORDINANCE
AMENDING THE COMMUNITY DEVELOPMENT CODE
ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO
SOLID WASTE AND RECYCLING COLLECTION AND
SIDEWALK REQUIREMENTS

Presented by: Brent Curtis, Planning Manager; Dan Olsen, County Counsel

SUMMARY:

Ordinance No. 708 amends portions of Articles IV and V of the Community Development Code (CDC) relating to accessibility and design standards for solid waste and recycling collection and separated sidewalk requirements. The Article V amendments include a reference to Chapter 15.08 of the Washington County Code. Chapter 15.08 will be amended by Ordinance No. 714 which is scheduled to be heard by the Board on June 2, 2009. Ordinance No. 714 will address sidewalk construction standards, specifically compliance with the Americans with Disabilities Act (ADA).

On May 6, 2009, the Planning Commission unanimously approved a motion for Board approval of Ordinance 708.

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

Staff Report: Will be provided to the Board prior to the June 2, 2009 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 708 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 708.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

ADOPTED

Agenda Item No.	<u>5.a.</u>
Date:	<u>06/02/09</u>

FILED

MAR 20 2009

**Washington County
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 708

An Ordinance Amending Articles IV and V of the Community Development Code Element of the Comprehensive Plan relating to Standards for Solid Waste and Recycling Pickup and to Separated Sidewalk Requirements

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

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

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC to address concerns from the garbage haulers regarding access and to ensure compliance with the American Disabilities Act (ADA) requirements relating to separated sidewalks. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

13 SECTION 2

14 The following exhibits, attached hereto and incorporated herein by reference, are hereby
15 adopted as amendments to the documents designated below:

- 16 A. Exhibit 1 (8 pages) amending Article IV of the Community Development Code; and
17 B. Exhibit 2 (1 page) amending Article V of the Community Development Code.

18 /////

19 /////

20 /////

21 /////

22 /////

1 SECTION 3

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

4 SECTION 4

5 All applications received prior to the effective date shall be processed in accordance with
6 ORS 215.427 (2007 Edition).

7 SECTION 5

8 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid
9 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby
10 and shall remain in full force and effect, and any provision of a prior land use ordinance amended
11 or repealed by the stricken portion of this Ordinance shall be revived and again be considered in
12 full force and effect.

13 SECTION 6

14 The Office of County Counsel and Department of Land Use and Transportation are
15 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
16 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

1 and making any technical changes not affecting the substance of these amendments as necessary
2 to conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect 30 days after adoption.

5 ENACTED this 2nd day of June, 2009, being the
6 1st reading and 1st public hearing before the Board of County Commissioners of
7 Washington County, Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

11 
12 CHAIRMAN

13 
14 RECORDING SECRETARY

15 READING

15 PUBLIC HEARING

16 First June 2, 2009
17 Second _____
18 Third _____
19 Fourth _____
20 Fifth _____
21 Sixth _____

16 First June 2, 2009
17 Second _____
18 Third _____
19 Fourth _____
20 Fifth _____
21 Sixth _____

22 VOTE: Aye: Duyck, Strader, Rogers, Nay: _____

Recording Secretary: Schouten Barbara Hejtmanek Date: June 2, 2009

Article IV of the Community Development Code is amended to include changes to the following Code sections:

1. Section 406-6 is amended to reflect the following:

406-6 Mixed Solid Waste and Recyclables Storage Facilities

The mixed solid waste and source-separated recyclables storage standards of this section shall apply to new multi-unit and single family attached residential buildings containing five or more units and to new commercial, industrial and institutional construction that is subject to a Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

New construction shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to pick-up and removal by haulers by complying with the standards of this Section.

To provide for flexibility in designing functional storage areas, this section provides three different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving the efficiency of collection. An applicant shall choose one of the following three methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; or 3) comprehensive recycling plan.

406-6.1 Minimum Standards Method

This method specifies a minimum storage area requirement based on the size and general use category of the new construction. This method is most appropriate when the specific use of a new building is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this section. Compliance with the general and specific requirements set forth below is verified during the site plan review process.

A. General Requirements:

- (1) The storage area is based on the predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional, or other). If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the entire building shall be the sum of the requirement for the area of each use.

- (2) Storage areas for multiple uses on a single site and single family attached or multi-family buildings may be combined and shared.
- (3) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than 4 feet but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

B. Specific Requirements

- (1) Multi-unit and single family attached residential buildings containing 5-10 units shall provide a minimum storage area of 50 square feet. Buildings containing more than 10 units shall provide an additional 5 square feet per unit for each unit above 10. Individual curbside collection for single family attached units may be permitted pursuant to Section 406-6.4 C. (4).

- (2) Non-residential buildings shall provide a minimum storage area of 10 square feet plus:

Office: 4 square feet/1,000 square feet gross floor area (GFA);

Retail: 10 square feet/1,000 feet GFA;

Wholesale/Warehouse/Manufacturing: 6 square feet/1,000 square feet GFA;

Educational and Institutional: 4 square feet/1,000 square feet GFA; and

Other: 4 square feet/1,000 square feet GFA.

406-6.2 Waste Assessment Method

This method tailors the storage area size to a waste assessment and management program for the specific user of a new building. It is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated.

A pre-application conference with the solid waste coordinator for the Washington County Health and Human Services Solid Waste and Recycling Program and development review staff is required if the waste assessment method is proposed. ~~A waste assessment form~~ The applicant shall be used to estimate the volumes of source-separated recyclables/mixed solid waste generated. From this information, the applicant can design a specific management, storage and collection system. Techniques such as a compactor or cardboard bailer may be implemented to minimize the square footage of the site which must be set aside for a storage area.

The waste assessment ~~method form~~ shall be completed prepared by the applicant and submitted with the site plans. The plans must identify the size and location of

interior or exterior storage area(s), specialized equipment, collection schedule, etc. required to accommodate the volumes projected in the waste assessment. The application shall demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method. The solid waste coordinator shall review and approve the waste assessment method as part of the development review process.

406-6.3 Comprehensive Recycling Plan Method

The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use. This method can be used when a comprehensive recycling plan has been developed for a specific individual facility or for single family attached or multi-family buildings. It is most suited to large non-residential uses such as hospitals, schools and industrial facilities.

A pre-application conference with the solid waste coordinator for the Washington County Health and Human Services Solid Waste and Recycling Program and development review staff is required if the comprehensive recycling plan method is proposed. The comprehensive recycling plan shall be submitted at the same time site plans are submitted for development review. The applicant shall submit plans and text that show how mixed solid waste and recyclables generated by the proposed development will be served under a comprehensive recycling plan. The application shall also demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method. The solid waste coordinator shall review and approve the comprehensive recycling plan as part of the development review process.

406-6.4 Location, Design and Access Standards for Storage Areas

The following location, design and access standards for storage areas are applicable to all three methods of compliance: 1) minimum standards; 2) waste assessment; and 3) comprehensive recycling plan.

A. Location Standards:

- (1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- (2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.
- (3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.

- (5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.
- (6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public or private streets adjacent to the site.
- (7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.

B. Design Standards:

- (1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.
- (2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- (3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
- (4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of ~~40~~twelve (12) feet wide and shall be capable of being secured in a closed and open position.
- (5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards:

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
- (2) Storage areas shall be paved and designed to be easily accessible to collection trucks and equipment, considering paving, grade of storage areas and vehicle access. A minimum of twelve (12) ~~40~~-feet horizontal clearance and fourteen (14)~~8~~ feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out ~~of a driveway~~ onto a public or private street (includes alleys). If only a single access point is available to the storage area, adequate turning

radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

- (4) Curbside collection of solid waste and recyclables from individual dwelling units in single family attached buildings containing five or more units on a public or private street (includes alleys) may be permitted by the solid waste coordinator.

2. Section 406-7 is amended to reflect the following:

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building facades, the following information must be submitted:

- 406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;
- 406-7.2 Building Floor Plans;
- 406-7.3 Building Elevations and Sections;
- 406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and
- 406-7.5 Building Shadow Plan.
- 406-7.6 For new development required by Section 406-6 to provide mixed solid waste and recyclables storage facilities, a written statement from the Washington County Health and Human Services Solid Waste and Recycling ~~Division~~ Program concerning the adequacy of the proposed method, design, and location and accessibility of the storage facilities as required by Sections 406-6.1, 406-6.2, 406-6.3, 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C. (1, 2, and 3).

3. Section 409-3.3 is amended to reflect the following:

409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:

A. Local Residential Streets:

			STRUCTURAL STANDARDS		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	Two-way				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	Alleys (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

* Adequate turn around facilities shall be provided pursuant to Section 409-3.7

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

B. Private Commercial and Industrial Streets:

	*FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1,500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3,000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	3,000 Plus ADT	22 ft.	(4)	Yes	Both Sides
	Two-way				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1,500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3,000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	3,000 Plus ADT	40 ft.	(4)	Yes	Both Sides
	Alleys (One-way or two-way)				
(18)	1,500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1,500 Plus ADT	16 ft.	(4)	***Yes	None

* Adequate turn around facilities shall be provided pursuant to Section 409-3.7

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

4. Section 409-3.7 is amended to reflect the following:

409-3.7 Emergency Service and Solid Waste and Recycling Collection Provider Access:

A dead-end private street (includes alleys) exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility designed in accordance with approved Fire Marshal standards unless approved by the appropriate Fire Marshal, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

A. The Fire Marshal determines that a turn around is not needed to provide emergency service vehicle access; and

B. The solid waste coordinator for the Washington County Health and Human Services Solid Waste and Recycling Program determines that a turn around is not needed to provide solid waste and recyclable collection vehicle access.

5. Section 409-3.8 is amended to reflect the following:

409-3.8 Modification of Private Road Standards

A variance to the provisions of Section 409-3.3 may be approved by the Review Authority in accordance with Section 435 and the following:

- A. The design has been approved by the appropriate Fire Marshal and by the solid waste coordinator;
- B. The design has been prepared, submitted and certified by a registered engineer (Oregon); and
- C. The design has been documented and references nationally accepted specifications or standards.

Article V of the Community Development Code is amended to include changes to the following Code sections:

1. Section 502-3 Sidewalk Standards is amended to reflect the following:

502-3 Sidewalk Standards

- 502-3.1 ~~All~~Sidewalks shall be built in accordance with adopted County standards, including Table 1 of the County Road Standards and Technical Appendix B-8 of the county Transportation System Plan, and shall be built to line and grade as set forth by the County. When required, sidewalks shall be separated from the curb by a minimum four (4) foot wide planter strip, except where a different width or a wide curbside sidewalk is required. The County Engineer may approve modifications to this requirement pursuant to Article III Design Specifications of Chapter 15.08 of the Washington County Code (Section 250 of the County Road Standards). Development applications that propose alternate sidewalk locations (e.g., curbside sidewalks) shall include a copy of the County Engineer's design modification approval.
- 502-3.2 Temporary sidewalks will be constructed as directed by the County.
- 502-3.3 When sidewalks or temporary sidewalks are constructed which are not immediately adjacent to a road, and do not connect to another sidewalk or temporary sidewalk, the Director may require the installation of a paved connection to the roadway edge.

2. Section 502-13 Pedestrian Circulation is amended to reflect the following:

502-13 Pedestrian Circulation

- 502-13.1 When a development's sidewalk abuts or is within a public right-of-way the sidewalk shall be constructed to County Road Standards.
- 502-13.2 Where public access is to be provided on private land, easements shall be provided.
- 502-13.3 Sidewalks shall be constructed in accordance with the adopted County Road Standards, except an eight (8) foot width shall be required along Beaverton-Hillsdale Highway, Canyon Road and Tualatin Valley Highway.
- 502-13.4 All sidewalks shall be constructed in accordance with the standards set forth in the County Road Standards and Section 502-3 and installed prior to the issuance of an ~~compliance-occupancy~~ permit, or in accordance with the provisions of Section 502.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (Urban CPOs)
Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 708
Presented by: Brent Curtis, Planning Manager

SUMMARY:

Ordinance No. 708 proposes to amend portions of Articles IV and V of the Community Development Code (CDC) relating to accessibility and design standards for solid waste and recycling collection and separated sidewalk requirements. The Article V amendments include a reference to Chapter 15.08 of the Washington County Code. Chapter 15.08 will be amended by Ordinance No. 714 which is scheduled to be heard by the Board on June 2, 2009. Ordinance No. 714 will address sidewalk construction standards, specifically compliance with the Americans with Disabilities Act (ADA).

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.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 708. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

DEPARTMENT'S REQUESTED ACTION:

Adopt the proposed findings for Ordinance No. 708 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 09-41

Agenda Item No.	<u>7.a.</u>
Date:	06/02/09

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support)
of Ordinance No. 708) No. 09-41

5 This matter having come before the Washington County Board of Commissioners at its
6 meeting of June 2, 2009; and

7 It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts
8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised
9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's
10 Urban Growth Management Functional Plan relating to Ordinance No. 708; and

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

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing
14 on May 6, 2009, made a recommendation to the Board, which is in the record and has been reviewed
15 by the Board; and

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

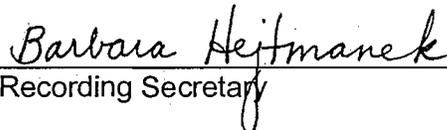
20 RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance
21 No. 708 are hereby adopted.

22 DATED this 2nd day of June, 2009.

		AYE	NAY	ABSENT
23	BRIAN	—	—	✓
	SCHOUTEN	✓	—	—
24	STRADER	✓	—	—
	ROGERS	✓	—	—
25	APPROVED AS TO FORM:	✓	—	—
	DURCK	✓	—	—

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary

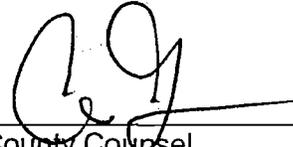
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27
28 
County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 708 AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO ACCESS AND DESIGN STANDARDS FOR SOLID WASTE AND RECYCLING PICKUP AND TO SEPARATED SIDEWALK REQUIREMENTS

June 2, 2009

GENERAL FINDINGS

Ordinance No. 708 amends the Community Development Code (CDC) relating to access and design standards for solid waste and recycling pickup and to separated sidewalk requirements. The amendments affect CDC Sections 406 (Building, Siting and Architectural Design) and 409 (Private Streets) and are made to ensure adequate access for solid waste and recycling collection vehicles to single-family attached residential buildings (i.e. townhouses) and dwellings served by private streets. Also, the CDC Section 502 (Sidewalk Standards) sidewalk construction standards and the process for obtaining modifications to these standards are amended to ensure sidewalks comply with the Americans with Disabilities Act (ADA).

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

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region's strategy for addressing growth. The Board finds that Ordinance No. 708 amends CDC standards that are not related to the UGMFP titles; therefore, specific findings are not included in this exhibit.

GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that Ordinance No. 708 is consistent with Statewide Planning Goals, ORS and OAR requirements, Metro's Urban Growth Management Functional Plan and the Washington County Comprehensive Plan.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides 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 utilized these requirements for the adoption of Ordinance No. 708.

Goal 2 - Land Use Planning

Statewide 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 Comprehensive Plan, which includes documents such as the Rural/Natural Resource Plan, Urban Planning Area Agreements and the Community Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 708. Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

Goal 11 - Public Facilities and Services

CONCLUSION

Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the Comprehensive Framework Plan for the Urban Area 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. Plan compliance with Goal 11 is maintained with the amendments made by Ordinance No. 708. 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 Chapter 660, Division 11 of the Oregon Administrative Rules and Oregon Revised Statute 195.110. This conclusion is supported by the following facts:

The standards for public facilities and services in the CDC are outlined in Article V (Public Facilities and Services). In 1991, Washington County adopted a public facility plan, consistent with OAR 660, Division 11. Ordinance No. 708 does not amend the Washington County Public Facilities Plan.

Ordinance No. 708 ensures that all sidewalks shall be compliant with the Americans with Disabilities Act (ADA) by requiring design review by the County Engineer for any modifications to their width and location. These changes are consistent with Goal 11.

Goal 14 - Urbanization

CONCLUSION

Policies 13, 14, 16, 17, 18 and 19 of the Comprehensive Framework Plan for the Urban Area 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. Plan compliance with Goal 14 is maintained with the amendments made by Ordinance No. 708. The amendments are consistent with the county's acknowledged policies and strategies for urbanization as required by Goal 14. This conclusion is supported by the following facts:

Ordinance No. 708 promotes appropriate urban developments by ensuring proper access and design standards for solid waste and recycling collection and by clarifying standards for sidewalk design and the process for proposing sidewalk modifications. Ordinance No. 708 does not amend any Plan policies or strategies or CDC standards relating to Goal 14.

SHINGTON COUNTY - DLUT
g Range Planning Division, #350-14
North First Avenue
sboro, OR 97124-3072



UNITED STATES POSTAGE ⁶⁰¹⁰⁰⁵
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**Attn: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540**