

### **300 INTRODUCTION**

Article III of the Washington County Community Development Code consists of the primary and overlay districts which apply to the unincorporated areas of Washington County. These districts are provided to implement the goals and policies of the Comprehensive Plan. In addition to the standards listed in each District, all development is subject to all other applicable provisions of this Code, including Article IV, Development Standards; Article V, Public Facilities; and Article VI, Land Divisions. Additionally, all development is subject to the applicable requirements and standards of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:

#### **300-1 Intent and Purpose**

The intent and purpose of the land use districts is to implement the policies of the Comprehensive Plan and land use designations on the community plan maps and the Rural/Natural Resource Plan. The purpose is to provide for a full range of uses to implement the land use needs set forth in the community plans and the Rural/Natural Resource Plan.

In addition to the standards of the land use districts, all development, including land divisions, shall comply with the following applicable standards and requirements of the community plans, the Rural/Natural Resource Plan, and the Transportation Plan:

##### **300-1.1 Community Plan provisions:**

- A. General Design Elements;
- B. Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation Requirements;
- C. Significant Natural Resource Designations;
- D. Historic and Cultural Resource Designations;
- E. Mineral and Aggregate Resource Designations (District A and B designations);
- F. Major Bus Stop Designations;
- G. Interim Light Rail Station Overlay Designations;
- H. Transportation Circulation Designations;
- I. Street Corridor, Arterial Access and Pedestrian System Designations;
- J. Parking Maximum Designations;
- K. Local Street Connectivity Lands Designations;
- L. Pedestrian Connectivity Areas; and
- M. Transportation Functional Classification Map.

## 300-1.2 Rural/Natural Resource Plan Provisions:

- A. Significant Natural Resource Designations;
- B. Historic and Cultural Resource Designations;
- C. Mineral and Aggregate Resource Designations (District A and B designations);
- D. Habitat Protection Plan;
- E. Implementing Strategy E of Policy 10; and
- F. Transportation Functional Classification Map.

## 300-1.3 Transportation Plan

- A. Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
- B. The Functional Classification System Map;
- C. The Lane Numbers Map;
- D. The Special Area Streets Overlay Maps
- E. The Regional Street Design Overlay Map
- F. The Transit System Map;
- G. The Pedestrian System Maps
- H. The Off-Street Trail System Maps
- I. The Planned Bicycle System Map

## 300-1.4 Comprehensive Framework Plan for the Urban Area

Policy 41, Urban Growth Boundary Expansions

**300-2 Residential Density Calculation**

To determine the maximum or minimum number of units which may be constructed on a site for residential uses, the site size (in acres) shall be multiplied by the maximum or minimum number of units per acre allowed on the site, as designated on the applicable Community Plan, except as specified otherwise below or by Table C of Section 375.

**EXAMPLE**

$$\begin{aligned} \text{Acres} \times \text{units per acre} &= \text{number of units allowed} \\ 1.6 \times 5 &= 8.0 \text{ or } 8 \text{ units} \end{aligned}$$

- 300-2.1 Site size shall include the area of the subject lot(s) or parcel(s), in acres or portions thereof, excluding all areas currently dedicated for public right-of-way.
- 300-2.2 Allowable density shall be as designated on the Community Plan Map or Rural Plan.
- 300-2.3 No portion of the allowable density shall be permitted to be transferred from one land use designation to another land use designation, except as permitted in accordance with the Planned Development provisions of Section 404-4.5.
- 300-2.4 The number of units which may be constructed on the subject site shall be subject to the limitations of the applicable provisions of this Code, including the requirements of Section 300-3 and such other things as landscaping, parking, flood plain, buffering, slopes and other site limitations.
- 300-2.5 When the maximum or minimum number of units allowed on a site results in a fraction of .5 or more, the number of units allowed shall be the next highest whole number, provided all minimum district requirements other than density can be met.
- 300-2.6 Land that is dedicated to a park and recreation provider as public park land may be used to calculate the minimum or maximum density, provided the land is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.
- 300-2.7 When allowed by a legislative or quasi-judicial plan amendment:
- A. Assisted living units, that are part of a mixed use residential development, may be used to satisfy the minimum density requirement; and
  - B. Land used for a private park, that is available to the general public outside of the residential development the park is located in, may be excluded from the acreage used to calculate the minimum density provided the park is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.
- 300-2.8 Only categories of land listed in Section 300-3.1 may be excluded from the acreage used to calculate minimum required densities . Categories of land listed in Section 300-3.1 may be included when calculating maximum allowed densities provided the densities transferred comply with Section 300-3.3.

### **300-3 Density Transfers for Unbuildable Lands**

#### **300-3.1 Applicability:**

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within any of the following areas:

- A. Flood Plain;
- B. Drainage Hazard;

- C. Jurisdictional Wetland;
- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. Water Quality Sensitive Areas;
- I. Vegetated Corridors;
- J. Regionally Significant Fish & Wildlife Habitat areas as designated on the current edition of Metro's Regionally Significant Fish & Wildlife Habitat Inventory Map.
- K. In transit oriented districts, land within an area identified above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-3.4.

300-3.2 Density may be transferred only as follows:

- A. Within a single lot or parcel within the same land use designation; or
- B. To an adjoining lot or parcel that is a subject of the development application provided it is also within the same land use designation as the other lot or parcel.

300-3.3 Density Transfer Calculations:

The number of units which may be transferred shall be calculated as follows:

- A. Determine the total density for the subject lot(s) or parcel(s).
- B. Determine the total number of units in the buildable portion and the unbuildable portion of the total site.
- C. Transfer the density of the unbuildable portion of the site to the buildable portion of the site, provided that the transferred density does not more than double the density allowed on the buildable portion of the site.

300-3.4 For the purpose of this Section, buildable shall mean all portions of the subject lot(s) or parcel(s) not included within a category listed in Section 300-3.1, and unbuildable shall mean all portions of the lot(s) or parcel(s) included in one of the categories in Section 300-3.1.

#### **300-4 Development at Less than Maximum Density**

The standards of the applicable district shall apply regardless of whether the proposed development meets the maximum density.

**300-5 Development at Lower than Minimum Density**

300-5.1 Applicability:

The Review Authority may approve development at less than the required minimum density when the following standards are met:

- A. The site was located within the Portland Metropolitan Area Urban Growth Boundary on or before January 1, 2002;
- B. The site contains lands identified by Metro as Regionally Significant Fish & Wildlife Habitat on Metro's current Regionally Significant Fish & Wildlife Habitat Inventory Map;
- C. The Regionally Significant Fish & Wildlife Habitat area is protected by compliance with Sections 405-4 and 405-5;
- D. The proposed reduction in density associated with the protected portion of the site shall not exceed the protected area's proportional share of the overall site density. (For example, on a one-acre site with a minimum density of eight (8) units per acre, a one-quarter ( $\frac{1}{4}$ )-acre protected area would yield a maximum density reduction of two (2) units, resulting in six (6) units on the remainder of the site); and
- E. Prior to final approval, the applicant submits evidence of having provided notice to Metro stating:
  - (1) the map and tax lot number(s) of the lot(s) or parcel(s) subject to the density reduction;
  - (2) the acreage of the Regionally Significant Fish & Wildlife Habitat area being protected; and
  - (3) the number of units (net reduction) below the normally required minimum.

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