

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 822 –
AN ORDINANCE ADDRESSING MINOR AMENDMENTS TO
THE RURAL/NATURAL RESOURCE PLAN, THE
COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN
AREA AND THE COMMUNITY DEVELOPMENT CODE**

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

SUMMARY:

A-Engrossed Ordinance No. 822 proposes minor amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan and Community Development Code to clarify school documentation and notice requirements, reflect state law for plan amendments in the Urban and Rural Reserves, clarify certain neighborhood meeting requirements, correct inaccurate Metro Code reference for an industrial area, modify the Transit Oriented Development appeal process and make minor adjustments to certain mobile home subdivision setback provisions.

A-Engrossed Ordinance No. 822 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted public hearings for this ordinance at its August 15 and September 26 meetings. At the August 15 hearing, the Board directed engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the September 26 hearing.

The staff report for the October 17 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. Copies of the report will also be available electronically and at the Clerk’s desk prior to the hearing.

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

Clerk’s Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT’S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 822 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 822 and related findings.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<u>6.a.</u>
Date:	<u>10/17/17</u>

ADOPTED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 822

An Ordinance Addressing Minor
Amendments to the Rural/Natural Resource
Plan, the Comprehensive Framework Plan for
the Urban Area, and the Community
Development Code

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

SECTION 1

A. The Board recognizes that Rural/Natural Resource Plan Element of the
Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No.
307, and subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480,
482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649,
653, 662, 671, 686, 733, 740, 753, 764, 772, 776, 796, 809, and 813-814.

B. The Board recognizes that the Comprehensive Framework Plan for the Urban
Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on
September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471,
480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624,
631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742,
744, 745, 753, 758, 764, 769, 771, 775, 785, 788-790, 796, 799, 802, 805, 809, and 813-814.

C. The Board recognizes that the Community Development Code Element of the
Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by
way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,

1 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-
2 423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-
3 481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561,
4 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624,
5 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677,
6 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739,
7 742-745, 754- 758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-
8 811, 813-815.

9 D. As part of its ongoing planning efforts, Washington County staff has
10 determined the need for minor updates to elements of the Comprehensive Plan to improve
11 the efficiency and effectiveness of the Plan's requirements. The Board recognizes that such
12 changes are necessary from time to time for the benefit and welfare of the residents of
13 Washington County, Oregon.

14 E. Under the provisions of Washington County Charter Chapter X, the
15 Department of Land Use and Transportation has carried out its responsibilities, including
16 preparation of notices, and the County Planning Commission has conducted one or more
17 public hearings on the proposed amendments and has submitted its recommendations to the
18 Board. The Board finds that this Ordinance is based on that recommendation and any
19 modifications made by the Board, as a result of the public hearings process.

20 F. The Board finds and takes public notice that it is in receipt of all matters and
21 information necessary to consider this Ordinance in an adequate manner and finds that this
22 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan

1 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
2 County Charter, the Washington County Community Development Code, and the Washington
3 County Comprehensive Plan.

4 SECTION 2

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

7 A. Exhibit 1 (2 pages), amends Policy 1 (the Planning Process) of the
8 Rural/Natural Resource Plan.

9 B. Exhibit 2 (2 pages), amends the Comprehensive Framework Plan for the
10 Urban Area:

- 11 1. Policy 1 (the Planning Process); and
- 12 2. Policy 41 (Urban Growth Boundary Expansions).

13 C. Exhibit 3 (7 pages), amends the following Sections of the Community
14 Development Code:

- 15 1. Section 203 – Processing Type I, II and III Development Actions;
- 16 2. Section 204 – Notice of Type I, II and III Development Actions;
- 17 3. Section 209 – Appeals;
- 18 4. Section 211 – Date of Final Decision;
- 19 5. Section 304 – R-9 District (Residential 9 Units per Acre);
- 20 6. Section 305 – R-15 District (Residential 15 Units per Acre);
- 21 7. Section 306 – R-24 District (Residential 24 Units per Acre);
- 22 8. Section 307 – R-25+ District (Residential 25 Units or More per Acre);

1 9. Section 430 – Special Use Standards; and

2 10. Section 501 – Public Facility and Service Requirements.

3 SECTION 3

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

6 SECTION 4

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

9 SECTION 5

10 If any portion of this Ordinance, including the exhibit, shall for any reason be held
11 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
12 affected thereby and shall remain in 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
16 this Ordinance, including deleting and adding textual material and maps, renumbering pages
17 or sections, and making any technical changes not affecting the substance of these
18 amendments as necessary to conform to the Washington County Comprehensive Plan format.

19 ///

20 ///

1 SECTION 7

2 This Ordinance shall take effect on November 24, 2017.

3 ENACTED this 17th day of October, 2017, being the third reading
4 and third public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

Andy Olson

CHAIRMAN

Barbara Hejtmanek

RECORDING SECRETARY

9
10
11 READING

PUBLIC HEARING

12 First August 15, 2017
13 Second September 26, 2017
14 Third October 17, 2017
15 Fourth _____
16 Fifth _____
17 Sixth _____

First August 15, 2017
Second September 26, 2017
Third October 17, 2017
Fourth _____
Fifth _____
Sixth _____

18 VOTE: Aye: Duyck, Schouten,
Malinowski

Nay: _____

19 Recording Secretary: Barbara Hejtmanek Date: October 17, 2017

Policy 1, (The Planning Process) of the RURAL/NATURAL RESOURCE PLAN is amended to reflect the following:

POLICY 1, THE PLANNING PROCESS:

It is the policy of Washington County to establish an on-going Planning Program which is a responsive legal framework for Comprehensive Planning, Community Development and Resource Conservation which 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.

Implementing Strategies

The County will:

- d. Adopt legislative plan and code amendments by ordinance in accordance with the procedures specified in the Washington County Charter and state law. Legislative amendments shall include amendments to the text which affect a large number of parcels or all parcels of land similarly situated and large scale map changes initiated by the County pursuant to:
1. A legislative plan update or a broad planning analysis; or
 2. Amendments to State statutes or administrative rules; or
 3. Amendments to the Comprehensive Plan text; or
 4. Relevant judicial decisions.

At least ~~twenty (20)~~ten (10) days prior to the hearing, written notice shall be provided to a large school district which has adopted a school facility plan in accordance with the provisions of ORS 195.110 for any Plan or Code amendment which:

1. Is inside the established boundaries of a large school district; and
2. Impacts the residential density of land.

o. Place the following limitations on ~~Require that all plan amendments:~~

1. All plan amendments shall conform with the following requirements:

- a. ~~1. Be in conformance with a~~Applicable LCDC Goals, state statutes, and administrative rules;

- b. ~~2. Be in conformance with~~ Applicable policies and strategies of the Rural/Natural Resource Plan Element, and
- c. ~~3. Be in conformance with a~~ Applicable policies, strategies, and systems maps of the Transportation Plan Element.

2. In areas designated urban or rural reserves, Comprehensive Plan provisions or land use regulations may not be amended to allow uses that were not allowed or smaller lots or parcels than were allowed at the time of designation, except as provided in applicable state statute or rules, including but not limited to OAR 660-027-0070.

p. Require that plan map amendments meet the following criteria:

As used in the following sections a mistake means a clerical error, or a mistake in the current designation such that it probably would not have been placed on the property had the error been brought to the attention of the Board during the adoption process.

14. When evaluating applications for legislative or quasi-judicial comprehensive plan amendments which will impact planned density of residential land or a residential land use regulation amendment for lands within the established boundaries of a large school district ~~the Beaverton School District #48~~, consideration will be given to documentation regarding whether adequate levels of service are available or can be made available within the time frames required by the school district. ~~the criteria for school capacity as specified in Appendix "D"~~

Policy 1, (The Planning Process) and Policy 41, (Urban Growth Boundary) of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

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:

- c. Adopt legislative plan and Code amendments by ordinance in accordance with the procedures specified in the Washington County Charter and state law. Legislative amendments shall include amendments to the text which affect a large number of parcels or all parcels of land similarly situated and large scale map changes initiated by the County pursuant to:
1. A legislative plan update or a broad planning analysis, or
 2. Amendments to state statutes or administrative rules; or
 3. Amendments to the Comprehensive Plan text; or
 4. Relevant judicial decisions.

In addition to any other requirement, the Planning Commission shall conduct at least one public hearing on any proposed legislative plan or Code amendment and make a recommendation thereon to the Board. Notice of the hearing shall be published in a newspaper of general circulation in the county at least ten (10) days prior to the hearing;

At least ~~twenty (20)~~ten (10) days prior to the hearing, written notice shall be provided to a large school district which has adopted a school facility plan in accordance with the provisions of ORS 195.110 for any Plan or Code amendment which:

- 1) Is located inside the established boundaries of a large school district; and
- 2) Impacts the residential density of the land.

- p. When evaluating applications for legislative or quasi-judicial comprehensive plan amendments which will impact planned density of residential land or a residential land use regulation amendment for lands within the established boundaries of ~~a large school district~~ the Beaverton School District #48, consideration will be given to documentation regarding whether adequate levels of service are available or can be made available within the time frames required by the school district. ~~the criteria for school capacity as specified in Appendix "D"~~

POLICY 41, URBAN GROWTH BOUNDARY EXPANSIONS:
It is the policy of Washington County to ensure an efficient and effective transition of rural land to urban development when an Urban Growth Boundary (UGB) is expanded.

Implementing Strategies

The County will:

- d. Apply the following Areas of Special Concern to the Future Development Areas Map:

4. **Area of Special Concern 4** is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land by Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres, except as provided in Section 3.07.430 of Metro's Urban Growth Management Functional Plan (UGMFP). Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.430420 of Metro's Urban Growth Management Functional Plan UGMFP.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

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

1. SECTION 203 - PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-3 Neighborhood Meeting

203-3.1 Intent and Purpose:

The purpose of the neighborhood meeting is to provide a means for the applicant and surrounding neighbors and Citizen Participation Organization (CPO) representatives to meet to review a development proposal and identify issues regarding the proposal so they may be addressed prior to application submittal in a manner that is consistent with the requirements of this Code. This preliminary meeting is intended to result in an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the neighborhood meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.

203-3.2 The following application types ~~of application~~ shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

- Partitions;
- Subdivisions;
- Type III Special Uses;
- Type II Manufactured Dwelling Parks;
- Type II Hardship Relief - (Article V only);
- Type III Variances;
- Type II Alterations to a Nonconforming Use or Structure
(Sections 440-6.2 A. (2) and 440-6.2 B.);
- Residential Planned Developments;
- Type II or III Development Review - Residential; and
- Type II or III Development Review - Commercial, Industrial, or Institutional
(required only when the parcel subject to the application is within 125 feet of proposal abuts a Residential District).

2. SECTION 204 - NOTICE OF TYPE I, II, OR III DEVELOPMENT ACTIONS

204-4 Type III Actions

204-4.6 Notice of the decision shall be provided to the applicant, the owners of the subject property and all persons who made an appearance of record. The notice shall contain:

- D. For quasi-judicial plan amendments, a statement that the decision may be appealed and a public hearing held by filing a signed petition for review within fourteen (14) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use & Transportation by the end of the department's business day of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal or request reconsideration of the decision. A statement that a motion for reconsideration may be filed as provided in Section 208, but that filing a motion does not stop the appeal period from running.

~~For Type III development actions in transit-oriented districts, a statement that the decision may be appealed and a public hearing held by filing a signed petition or review (appeal) within ten (10) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use & Transportation by the end of the department's business day of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision; and~~

204-5 Notice of Hearing and Notice of Decision on Appeal

Notice of a public hearing conducted by the Review Authority to review a Type II decision by the Director, or an appeal of a Type III quasi-judicial plan amendment decision to the Board, ~~or an appeal of a decision on a Type III development action in transit-oriented districts to the Board~~ shall be provided in the same manner as required for Type III actions. Notice of hearing on appeal to the Board of Commissioners of a Type III request described above shall be provided as required for initial hearing on the Type III proposal. Notice of decision on appeal shall be provided to all parties of record. In addition, notice of hearing on appeal to the Board shall be provided to all parties to the hearing conducted by the Review Authority.

3. SECTION 209 – APPEALS

209-2 Appeal Authority

209-2.2 Type III Actions

- A. The Board of Commissioners shall hear appeals of decisions of the ~~Hearings Officer and Planning Commission~~ for Type III quasi-judicial plan amendments ~~and Type III development actions in transit-oriented districts~~. The Board shall be the final decision-maker for the County on appeals of these actions.
- B. For other Type III development actions, the Hearings Officer or the Planning Commission shall be the final decision-maker for the County, except in cases where the decision under appeal was issued by the Board.

4. SECTION 211 - DATE OF FINAL DECISION

211-1 Decisions of the Director, the Hearings Officer or Planning Commission on an application shall be deemed final and effective upon expiration of the appeal period if no petition for review is filed within that time. Decisions of the Hearings Officer or Planning Commission on a Type III application, ~~except Type III development applications in transit-oriented districts, or on appeal of a Director decision on a Type I or II application,~~ shall be deemed final and effective on the date notice of the decision was provided to the parties. Once final and effective, a decision cannot be appealed.

5. SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-7 Dimensional Requirements

304-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line. The minimum yard requirements shall be:

- A. Twelve (12) foot front yard to the front building wall and a nine (9) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with F. below;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five (5) feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

6. SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-7 Dimensional Requirements

305-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five (5) feet (as little as zero [0] feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6.

7. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-7 Dimensional Requirements

306-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- 4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five (5) feet (as little as zero [0] feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6;

8. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-7 Dimensional Requirements

307-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;

- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five (5) feet (as little as zero [0] feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6;

9. SECTION 430 - SPECIAL USE STANDARDS

430-1 Accessory Uses and Structures

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

430-1.6 Heat Pumps and Air Conditioners:

Heat pumps and air conditioners ~~may~~ shall not be located within a required interior side yard as long as they comply with State Building Code requirements.

430-79 Manufactured Dwelling Subdivision

A subdivision designed and approved for the sale of lots for residential occupancy in manufactured dwellings. In addition to the requirements of Article IV, Land Divisions, Manufactured Dwelling Subdivisions shall:

430-79.4 Provide setbacks and yards as indicated in the table below:

Yard (Setback) Requirements Within Manufactured Dwelling Subdivisions		
	Subdivisions Approved Before December 27, 1983	Subdivisions Approved On or After December 27, 1983
Front yard ¹	Ten (10) feet ²	Meet the setback requirements of the primary district and Section 418 (Setbacks)
Rear yard	Ten (10) feet ³²	
Street Side Yard	Ten (10) feet	
Side Yard	Five (5) feet ⁴³	

¹The front or street side yard setback shall be measured from the back of the street curb, back of paved street or sidewalk, whichever is closest.

²The front yard setback may be reduced to five (5) feet when the requirements of the Oregon Manufactured Dwelling Standards and the Residential Specialty Code are met, as determined by the Building Official.

³²When the rear yard abuts a designated open space or public non-buildable tract in the subdivision, the minimum setback may be reduced to five (5) feet when the requirements of the Oregon Manufactured Dwelling Standards and the Oregon Residential Specialty Code are met, as determined by the Building Official. For the purposes of this Section, designated open space and public non-buildable tracts may include flood plains, powerline easements or drainage courses.

⁴³The side yard setback may be less than five (5) feet when the requirements of the Oregon Manufactured Dwelling Standards and the Residential Specialty Code are met, as determined by the Building Official.

10. SECTION 501 – PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-9 Limited Application of the Public Facility and Service Standards Outside the UGB

501-9.1 For the purpose of determining the impact and adequacy of public facilities and service outside the UGB only this Section of Article V applies.

501-9.2 For all Type II and Type III applications, with the exceptions noted below, impact on the following public facilities shall be considered: school, fire, police protection and public roads.

501-9.10 ~~Service provider letters from schools are only required~~ For partitions, subdivisions, and any other development that results in the addition of dwellings (as defined in Section 106-69), the applicant shall provide documentation from the appropriate school district that adequate levels of service are available or will be available to the proposed development within the time frame required by the school district.