




September 19, 2017

To: Washington County Board of Commissioners

From:  Andy Back, Manager  
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE 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**

**STAFF REPORT**

**For the September 26, 2017 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 6:30 p.m.)*

**I. STAFF RECOMMENDATION**

Conduct the first required public hearing on the engrossed ordinance. At the conclusion of public testimony, continue the hearing to October 17, 2017.

**II. BACKGROUND**

At the August 15, 2017 public hearing on proposed Ordinance No. 822, the Board directed engrossment of the ordinance and continued the hearing to September 26, 2017 and October 17, 2017. The Board further directed staff to provide notice of the changes and engrossment hearings schedule as required by Chapter X of the County Charter.

Notices of A-Engrossed Ordinance No. 822 were mailed to Community Participation Organizations (CPOs), Washington County cities, and special service districts August 23, 2017. On the same day, staff prepared and mailed Individual Notice No. 2017-013 which describes changes in A-Engrossed Ordinance No. 822 and lists the two engrossment hearing dates. Notice was also posted on Long Range Planning's land use ordinance web page.

Copies of A-Engrossed Ordinance No. 822 and all notices listed above are included in the Board's meeting materials.

### **III. SUMMARY OF ENGROSSMENT**

The Board directed staff to make several changes to Ordinance No. 822. The changes are generally described below:

- Amends a reference in Policy 1 of the Rural/Natural Resource Plan and Comprehensive Framework Plan that applies to all large school districts, rather than only the Beaverton School District when requesting information for legislative or quasi-judicial comprehensive plan amendments that impact the planned density of residential land or a residential land use regulation amendment.
- Amends the Community Development Code, Section 430-1.6, to allow air conditioners or heat pumps in a residential interior side yard setback as long as they comply with State Building Code requirements.



August 23, 2017

**Individual Notice No. 2017-13**

**At your request, Long Range Planning is providing you with Individual Notice No. 2017-13, which describes changes that were made to proposed Land Use Ordinance No. 822.**

**These changes have been incorporated into proposed A-Engrossed Ordinance No. 822.**

**Initial Notice**

Persons on the General Notification List were mailed a notice June 15, 2017 from Washington County Long Range Planning regarding initial public hearings before the Planning Commission and Board of Commissioners (Board) for proposed Land Use Ordinance No. 822.

After public hearings for Ordinance No. 822, the Board ordered minor amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 822** and are summarized below. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments. This notice, which describes the changes to proposed Ordinance No. 822, is the second Individual Notice you have received regarding this ordinance this year.

**Purpose and Description of Proposed Ordinance**

As originally filed, Ordinance No. 822 proposed the following amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, and the Community Development Code:

**Rural/Natural Resource Plan Policies Amended**

- **Policy 1 - The Planning Process:**
  - Adds a reference to the restrictions on plan amendments or land use changes for properties designated as Urban or Rural Reserves, in order to comply with state law.
  - Amends provisions related to school district notice requirements and documentation of school levels of service.

**Urban Comprehensive Framework Plan Policies Amended**

- **Policy 1 - The Planning Process:** Amends provisions related to school district notice requirements and documentation of school levels of service.
- **Policy 41 - Urban Growth Boundary Expansions:** Correct a Metro Functional Plan code reference to "Industrial Area" rather than "Regionally Significant Industrial Area" in Implementing Strategy d.4.

**Community  
Development Code  
Standards Amended**

- **Section 203 - Processing Type I, II, and III Development Actions:**  
Adds the requirement for a neighborhood meeting when a Type II or III Commercial, Institutional or Industrial use is proposed on property located within 125 feet of a residential district.
- **Section 204 - Notice of Type I, II, or III Development Actions:**  
Removes references to the processing of appeals for Type III, Transit Oriented Development decisions from the Board of Commissioners.
- **Section 209 - Appeals:** Changes the processing of appeals for Type III, Transit Oriented Development so that they are the same as other Type III decisions and no longer go to the Board of Commissioners.
- **Section 211 - Date of Final Decision:** Removes references to the processing of appeals for Type III, Transit Oriented Development decisions from the Board of Commissioners.
- **Sections 304 - R-9 District, 305 - R-15 District, 306 - R-24 District, 307 - R-25+ District:** Adds language to include an exception for air conditioners and heat pumps to be placed in the side yard maintenance easement.
- **Section 430 - Special Use Standards:**
  - 430-1.6: Heat Pumps and Air Conditioners  
Allows heat pumps and air conditioners to be placed within a required interior residential side yard as long as they are at least one (1) foot from the property line.
  - 430-79: Manufactured Dwelling Subdivision  
Allows the front yard setback to be reduced to five (5) feet as approved by the Building Official in manufactured dwelling subdivisions created before December 27, 1983.
- **Section 501 - Public Facility and Service Requirements:** Amends provisions related to documentation of school district levels of service.

**Who is Affected**

All County residents are potentially affected by this ordinance.

**What Land is Affected**

All unincorporated County land is potentially affected by this ordinance.

**Public Hearings  
Time and Place**

**Board of Commissioners  
September 26, 2017  
6:30 p.m.**

**Board of Commissioners  
October 17, 2017  
10 a.m.**

Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

October 17, 2017 the Board may choose to adopt the ordinance, make additional changes to it, continue the hearing to a future date, or reject the ordinance. If adopted October 17, 2017, the ordinance would become effective November 24, 2017.

**Summary of Changes to Ordinance No. 822**

Proposed A-Engrossed Ordinance No. 822 incorporates all of the elements in the above-described amendments, except as noted below, plus the following proposed amendments.

- Amends a reference in Policy 1 of the Rural/Natural Resource Plan and Comprehensive Framework Plan that applies to all large school districts, rather than only the Beaverton School District.
- Amends the Community Development Code, Section 430-1.6, to allow air conditioners or heat pumps in a residential interior side yard setback as long as they comply with State Building Code requirements.

**How to Submit Comments**

- Submit oral or written testimony to the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Board in advance of the public hearings in care of Long Range Planning.
- Include the author's name and address with any public testimony.

Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3519 Fax: 503-846-4412  
Email: lutplan@co.washington.or.us

**Staff Contact**

Michelle Miller, Senior Planner  
Telephone: 503-846-8101  
Email: michelle\_miller@co.washington.or.us

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

- Department of Land Use & Transportation at the address listed above
- [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); Call 503-846-6288 for a directory of CPOs.



August 23, 2017

To: Community Participation Organizations, Cities, Service Districts, Interested Parties

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 822**

June 15, 2017, you were notified about initial public hearings for proposed Ordinance No. 822 before the Planning Commission July 19, 2017, and the Board of Commissioners August 15, 2017. The Board ordered minor amendments to this ordinance August 15, 2017. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 822** and are summarized below.

If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519. This ordinance is posted at:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

### **Ordinance Purpose and Summary**

**A-Engrossed Ordinance No. 822** is an omnibus ordinance proposing minor amendments to elements of the Washington County Comprehensive Plan. These amendments are proposed to address recent revisions to state law and to make minor clean-up changes. Key provisions are described on the next page.

### **Who is Affected**

All County residents are potentially affected by this ordinance.

### **What Land is Affected**

All unincorporated County land is potentially affected by this ordinance.

### **Original Ordinance No. 822 Provisions**

As originally filed, Ordinance No. 822 proposed the following amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Community Development Code:

#### **Rural/Natural Resource Plan Policies Amended**

#### ➤ **Policy 1 - The Planning Process:**

- Adds a reference to the restrictions on plan amendments or land use changes for properties designated as Urban or Rural Reserves, in order to comply with state law.
- Amends provisions related to school district notice requirements and documentation of school levels of service.

**Urban  
Comprehensive  
Framework Plan  
Policies Amended**

- **Policy 1 - The Planning Process:** Amends provisions related to school district notice requirements and documentation of school levels of service.
- **Policy 41 - Urban Growth Boundary Expansions:** Corrects a Metro Functional Plan code reference to "Industrial Area" rather than "Regionally Significant Industrial Area" in Implementing Strategy d.4.

**Community  
Development Code  
Standards Amended**

- **Section 203 - Processing Type I, II, and III Development Actions:** Adds the requirement for a neighborhood meeting when a Type II or III Commercial, Institutional or Industrial use is proposed on property located within 125 feet of a residential district.
- **Section 204 - Notice of Type I, II, or III Development Actions:** Removes references to the processing of appeals for Type III, Transit Oriented Development decisions from the Board of Commissioners.
- **Section 209 - Appeals:** Changes the processing of appeals for Type III, Transit Oriented Development so that they are the same as other Type III decisions and no longer go to the Board of Commissioners.
- **Section 211 - Date of Final Decision:** Removes references to the processing of appeals for Type III, Transit Oriented Development decisions from the Board of Commissioners.
- **Sections 304 - R-9 District, 305 - R-15 District, 306 - R-24 District, 307 - R-25+ District:** Adds language to include an exception for air conditioners and heat pumps to be placed in the side yard maintenance easement.
- **Section 430 - Special Use Standards:**
  - 430-1.6: Heat Pumps and Air Conditioners  
Allows heat pumps and air conditioners to be placed within a required interior residential side yard as long as they are at least one (1) foot from the property line.
  - 430-79: Manufactured Dwelling Subdivision  
Allows the front yard setback to be reduced to five (5) feet as approved by the Building Official in manufactured dwelling subdivisions created before December 27, 1983.
- **Section 501 - Public Facility and Service Requirements:** Amends provisions related to documentation of school district levels of service.

**Proposed A-Engrossed Ordinance No. 822 Provisions**

Proposed A-Engrossed Ordinance No. 822 incorporates all of the above-described amendments, except as noted below, plus the following proposed amendments:

- Amends Policy 1, The Planning Process of the Rural/Natural Resource Plan and Urban Comprehensive Framework Plan by removing a reference to the "Beaverton School District" and replacing it with "a large school district."
- Amends Section 430-1.6 of the Community Development Code to allow heat pumps or air conditioners in a residential interior side yard setback as long as they comply with the State Building Code requirements.

**Public Hearings - Time and Place**  
**Board of Commissioners**

**September 26, 2017**  
**6:30 p.m.**

**October 17, 2017**  
**10 a.m.**

Hearings are in the Hillsboro Civic Center Shirley Huffman Auditorium, 150 E. Main St., Hillsboro, Oregon.

October 17, 2017 the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted October 17, 2017, the ordinance would become effective November 24, 2017.

**How to Submit  
Comments**

- Submit oral or written testimony to the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Board in advance of the public hearings in care of Long Range Planning.
- Include the author's name and address with any public testimony.

Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3519 Fax: 503-846-4412  
Email: lutplan@co.washington.or.us

**Staff Contact**

Michelle Miller, Senior Planner  
Telephone: 503-846-8101  
Email: michelle\_miller@co.washington.or.us

**Proposed A-Engrossed  
Ordinance No. 822 is  
available at the  
following locations:**

- Department of Land Use & Transportation, at the address listed above
- [www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs); call 503-846-6288 for a directory of CPOs



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 \_\_\_\_\_ day of \_\_\_\_\_, 2017, being the \_\_\_\_\_ reading  
4 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

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

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

12 READING

13 PUBLIC HEARING

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

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

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

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

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

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:

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- 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 ~~ten (10)~~ twenty (20) 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.

\*\*\*

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.

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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"~~

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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:

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- 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.

abcdef Proposed additions  
abedef Proposed deletions



\*\*\*

- 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:

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

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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 3.07.430429 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:

\*\*\*

abcdef Proposed additions

~~abcdef~~ Proposed deletions

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**

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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:

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- 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~~

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**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**

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**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**

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**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.

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

### 305-7 Dimensional Requirements

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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.

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

**306-7 Dimensional Requirements**

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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;

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

**307-7 Dimensional Requirements**

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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;

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## 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.

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### 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.

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**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:

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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 <sup>1</sup>                                               | Ten (10) feet <sup>2</sup>                     | Meet the setback requirements of the primary district and Section 418 (Setbacks) |
| Rear yard                                                             | Ten (10) feet <sup>32</sup>                    |                                                                                  |
| Street Side Yard                                                      | Ten (10) feet                                  |                                                                                  |
| Side Yard                                                             | Five (5) feet <sup>43</sup>                    |                                                                                  |

<sup>1</sup>The 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.

<sup>2</sup>The 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.

<sup>32</sup>When 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.

<sup>43</sup>The 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.

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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.