



August 7, 2017

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED 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 August 15, 2017 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 a.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing for Ordinance No. 822. At the conclusion of the hearing, order engrossment of the ordinance to include the proposed amendments shown in Attachment A of this staff report.

Continue the hearing for the engrossed ordinance to September 26, 2017 and October 17, 2017 direct staff to provide mailed notice of the changes consistent with requirements of Chapter X of the County Charter.

II. PLANNING COMMISSION RECOMMENDATION

At its July 19, 2017, public hearing for Ordinance No. 822, the Planning Commission (PC) voted 7 - 1 to recommend engrossment of Ordinance No. 822 to the Board with amendments. Portions of the PC discussion are provided under specific topics in this report. Draft deliberations are included as Attachment B.

III. OVERVIEW

Ordinance No. 822 is an omnibus ordinance proposing minor amendments to elements of the Washington County Comprehensive Plan. The proposed amendments include changes to improve efficiency in the development review process, revisions to comply with state law and provisions that enhance community engagement and livability.

IV. BACKGROUND

Ordinance No. 822 proposes updates to the Rural/Natural Resource Plan (RNRP), the Comprehensive Framework Plan for the Urban Area (CFP) and the Community Development Code (CDC). The proposed ordinance includes minor amendments that clarify school documentation and notice requirements, reflect recent changes to state law for plan amendments in the urban and rural reserves and FD-20 industrial sites, revise neighborhood meeting requirements for certain application types, modify the Transit Oriented (TO) District appeal process and make minor adjustments and allowances to certain manufactured home setback provisions. The proposed amendments provide consistency with federal, state, regional, and local requirements and improved guidance to developers and staff. The Board authorized this ordinance as part of the 2017 Long Range Planning Work Program.

Ordinance Notification

Ordinance No. 822 and an accompanying summary were mailed June 15, 2017, to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published June 30, 2017, in *The Oregonian* newspaper. Individual Notice 2017-03 describing proposed Ordinance No. 822 was mailed June 15, 2017, to 327 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

V. ANALYSIS

The omnibus ordinance addresses seven different topic areas requiring minor revisions across three Elements of the Comprehensive Plan, as described below.

A. School District Documentation and Notice Requirements

Three minor modifications with similar language are proposed for Policy 1 (The Planning Process) of both the RNRP and the CFP concerning large school districts. The first proposed amendment acknowledges the current County practice of notifying large school districts twenty (20) days in advance of a hearing, on a plan or code change when it may impact the residential density of land within the boundaries of the district. Currently, Policy 1 stipulates a ten (10) day notification period. This amendment reflects current state law and practice.

The second proposed amendment clarifies the documentation required from a school district for quasi-judicial or legislative comprehensive plan amendments that impact the planned density of residential land or a residential land use regulation amendment. The reference to "Appendix D" in Implementing Strategy p. of Policy 1 (The Planning Process) of both the RNRP and CFP is proposed to be removed and replaced with language that specifically describes the information currently requested from the district regarding adequacy of levels of service. Appendix D of both the RNRP and CFP were deleted through Ordinance No. 796 in 2015, however this reference was missed at that time.

A third change is proposed for engrossment as an amendment to Policy 1 of the RNRP and the CFP concerning the information requested from large school districts. The current

language includes a request of information just from the Beaverton School District, but the request of information should apply to all large school districts per state law. This change is included in Attachment A.

A related change is proposed to CDC Section 501-9.10, regarding Public Facility and Service Requirements Outside the UGB. The change is proposed to provide consistency between this section and Section 501-8.2.A.1. regarding service provider documentation for areas inside the UGB.

B. Urban and Rural Reserves Plan Amendment Restrictions

Urban and rural reserves in the Portland Metro Area are implemented through Oregon Administrative Rules (OAR) chapter 660 division 027. In general, under OAR 660-027-0070, the County cannot amend comprehensive plan provisions or land use regulations to allow smaller lots or parcels or uses that were not allowed at the time of the original designation as urban or rural reserves. This OAR also outlines several narrow exceptions where the County may amend its comprehensive plan provisions or regulations applicable to urban and rural reserves.

Policy 1 of the RNRP describes the planning process and the implementing strategies for plan amendments in the rural areas. The general limitations for plan amendments outlined in this policy include conformance with applicable LCDC Goals, state statutes, administrative rules, and policies and strategies of the RNRP and Transportation Plan elements of the County Comprehensive Plan.

The minor amendment proposed to Policy 1 seeks to clarify these general plan amendment provisions, including the addition of a reference to OAR 660-027-0070. The intent is to make applicants aware of the restrictions and limited exceptions to plan amendment requests within the urban and rural reserves, regardless of current land use designation. By providing a reference to the OAR within Policy 1, an applicant with land in the urban or rural reserves will be better able to assess whether there is an opportunity to request a plan amendment for the subject property and put the applicant on notice that the circumstances for plan amendments are restrictive.

C. Clarification of Metro Industrial Land Reference

Metro Ordinance No. 04-1040B (2004) designated over 1,538 acres of land within the UGB for industrial use in Washington County, and at the same time made substantive changes to Title 4 (Industrial Lands) of the Metro Urban Growth Management Framework Plan (UGMFP). In Title 4, Metro identified “Regionally Significant Industrial Areas (RSIA),” a new category for areas expected to be industrial with unique requirements and protections beyond the general industrial land category.

The County’s CFP contains Policy 41 (Urban Growth Boundary Expansions), which states that it is the policy of the County to “ensure an efficient and effective transition of rural land to urban development when an Urban Growth Boundary (UGB) is expanded.”

The Implementing Strategies under this policy include the establishment of 'Areas of Special Concern' (ASCs) that implement Metro's 2004 UGB changes regarding industrial lands. These ASCs, established in 2007 through Ordinance No. 671, laid out specific criteria for development applications within six industrial ASC's and showed them on the Future Development Areas Map (Map A of Policy 41).

CFP Policy 41, Implementing Strategy d. 4. identifies the criteria for development within ASC 4, an approximately 354-acre area between Tualatin and Sherwood. These were established through Ordinance No. 671, and include restrictions on subdivision or partition of lots or parcels to below 50 acres. The intent was to implement Section 3.07.420 of Metro's UGMFP (Protection of Regionally Significant Industrial Areas). However, according to Metro's Title 4 Map of Industrial and Other Employment Areas, ASC 4 is not considered a RSIA and the correct citation for the industrial land should be Section 3.07.430, rather than 3.07.420.

This minor amendment corrects the inaccurate reference, and clarifies that lots or parcels 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres if allowed by Metro UGMFP Section 3.07.430. That section contains certain exceptions to the 50-acre requirement for, among other things, provision of public facilities and services or to protect a natural resource.

D. Neighborhood Meetings for certain Type II or III Applications

This amendment proposes to clarify the language concerning when a neighborhood meeting is required for certain Type II or III applications proposed near a residential district. In the past, CPO 7 and the Washington County Committee for Community Involvement (CCI) Code and Ordinance Subcommittee requested the Board consider broadening the community notification process to provide more notice of pending developments in the community. This topic was most recently addressed through an issue paper in 2013. At that time, the Board requested more information concerning modest changes to neighborhood meeting requirements when a commercial development is proposed near a residential district. As part of the 2017 Long Range Planning Work Program, staff reviewed the remaining issues and recommended this item for consideration in this omnibus ordinance.

In October 1996, the Board established neighborhood meeting requirements for most Type II and III urban development applications through adoption of A-Engrossed Ordinance No. 478. Neighborhood meetings were intended to inform the adjacent neighborhood early in the development review process, resulting in a more timely review of development applications because neighborhood concerns could be addressed earlier in the process. After the neighborhood meeting, and once a Type II or III development request is accepted, the County provides public notice to all owners of land located within 500 feet of a proposed urban development site.

CDC Section 203-3 addresses the neighborhood meeting requirements. This section requires a neighborhood meeting before a land use submittal for Type II and Type III Commercial, Institutional or Industrial use when the property abuts a residential district. The CDC does

not define 'abut' however, staff has interpreted it to mean directly adjacent to or touching. There has been community concern that Commercial, Institutional or Industrial projects that are proposed directly across the street from a residential district do not qualify as 'abutting' and thus do not trigger the neighborhood meeting requirement, yet may have impacts on the community that warrant discussion at a neighborhood meeting.

In order to provide additional opportunity for early public involvement when a Commercial, Institutional or Industrial proposal may affect a residential area, staff recommends a neighborhood meeting be required when a Type II or Type III Commercial, Institutional or Industrial application is within 125 feet of a residential district. The distance is roughly the width of the widest street right-of-way for County arterials. Staff also considered defining the term 'abuts' to include properties across the street. However, this did not fit with how the term is used elsewhere in the CDC.

At the July 19, 2017, PC hearing, a representative from the CCI Code and Ordinance Subcommittee provided testimony requesting that the PC consider requiring a neighborhood meeting for all Type II or III projects within the Urban Growth Boundary regardless of proximity to residential neighborhoods. This testimony is included in the staff report as Attachment C.

During deliberations, the PC discussed the neighborhood meeting requirements and considered a motion to amend the proposed ordinance to expand the neighborhood meeting notification radius to five hundred feet for all Type II and III Commercial, Industrial and Institutional development applications regardless of proximity to residential districts. The PC motion failed on a vote of 4 - 4. Staff does not recommend this additional change.

E. Type III Appeals in Transit Oriented (TO) Districts

The TO Districts were adopted by Ordinance No. 486 in 1997, with the intention of encouraging development that is transit supportive and pedestrian oriented near transit centers and bus route corridors. Currently, Type III TO District applications are reviewed by the Hearings Officer with all appeals heard by the Board. These are the only Type III land use application appeals that come before the Board. In all other Type III land use applications, the Hearings Officer is the final local review authority, and all appeals are heard by the Oregon Land Use Board of Appeals (LUBA). Currently, other than the TO Type III appeals, the Board only hears appeals of Planning Commission decisions for Type III, quasi-judicial plan amendments.

When the TO District regulations were adopted nearly 20 years ago, they introduced an innovative and unique development type with standards and criteria that were new to the County. Wanting greater oversight for this new land use district, the Board approved provisions that required all Type III appeals in the TO District be heard by the Board. Over time, it does not appear that Board oversight in this process is needed as the TO District has become a customary design type throughout the area and appeals are extremely infrequent (i.e., no appeals have been heard within the past five years).

Based on the above factors, staff proposes to remove the Board as the appeal authority for TO District Type III applications to be consistent with all other Type III land use applications.

F. Heat Pumps and Air Conditioner Setback Requirements

CDC Section 430-1.6 currently prohibits heat pumps or air conditioners from being located in the required residential interior side yard setback. The required interior side yard setback in the residential districts is typically 5 feet. In the case of a reduced side yard setback, a perpetual six-foot wide maintenance easement is required and the easement area must be kept clear of all equipment or structures.

In many cases, it has become more difficult to site air conditioning units in the interior side yard on residential lots as lots have become smaller and houses are constructed to the minimum setback. In these circumstances, the current restriction leaves little opportunity to place an air conditioning unit in the interior side yard, which may be a preferred option for a residential property owner looking to maximize their options for yard space. Based on these issues, staff requested the removal or easing of the restrictions on air conditioning units.

Staff conducted a jurisdictional review to evaluate how other local cities and counties treated air conditioners and mechanical equipment in interior residential side yards. The city of Beaverton was the only jurisdiction found to impose a restriction on the units by requiring a minimum one-foot setback from the property line. Additionally, Tualatin Valley Fire and Rescue (TVF&R) was consulted to determine if they had concerns with the proposed change. TVF&R indicated they did not have any siting restrictions or concerns with air conditioners or mechanical equipment being placed in the residential side yard.

The ordinance as filed proposes a change to Section 430-1.6 to allow heat pumps and air conditioners within the required interior side yard as long as they are at least 1 foot from the property line, similar to Beaverton's provision. The ordinance also recommends referencing this section in the side yard requirements for the various residential districts and Section 430-1.6 in the side yard requirements in the residential districts to clarify that heat pumps and air conditioners are allowed within the maintenance easements.

Based on further review and discussion subsequent to the ordinance being filed, staff recommends removing all setback restrictions to be more compatible with how other jurisdictions treat heat pumps and air conditioners with the required interior side yard. Staff, therefore recommends engrossment of Ordinance No. 822 to remove the one-foot setback restriction initially proposed for air conditioners or heat pumps as shown in Attachment A, making them exempt from setback restrictions.

G. Mobile Home Subdivision Front Yard Setback Reduction

As part of the 2017 Work Program, Cal-Am Properties requested that the County consider amendments to the CDC to allow a reduction of front yard setbacks from 10 feet to 5 feet for manufactured dwelling subdivisions, consistent with changes to the Oregon Manufactured Dwelling Standards and Residential Specialty Code adopted in 2010.

Cal-Am is the owner of the Heritage Village manufactured dwelling subdivision in the Aloha community. The request stated that the ability to reduce the front yard setback would allow the placement of newer, larger manufactured dwellings on lots and rental spaces in older manufactured home parks and subdivisions.

CDC Section 430-79.4 addresses setback and yard requirements for manufactured dwelling subdivisions, noting specific yard requirements for subdivisions approved before Dec. 27, 1983. The only manufactured dwelling subdivision approved before this date is Heritage Village. The setbacks and yard requirements were modified in 2007 through Ordinance No. 684 specifically to address issues that Heritage Village/Cal-Am Properties was experiencing with larger replacement dwellings not being able to meet setback requirements.

Ordinance No. 684 provided flexibility in the side yard and rear yard setbacks through footnotes that allowed reductions in certain circumstances. Specifically, the side yard requirement is 5 feet, but Footnote 3 provides that it may be less than 5 feet when the requirements of the Oregon Manufactured Dwelling Standards and the Residential Specialty Code are met, as determined by the Building Official. The required rear yard setback is 10 feet; however, Footnote 2 was added to allow reduction to 5 feet when it abuts a designated open space or public nonbuildable tract subject to the standards noted above. The ordinance provided some flexibility on how the front yard setback was measured, but did not provide for a reduction to this setback.

This is an unusual situation, where a manufactured home community is platted as a subdivision rather than as a park. For the manufactured home park portion, the only property line is the property line around the park, so the setback is whatever the Building Code permits between structures. With the platted subdivision there are property lines for each lot and setbacks are measured between the structure and the property line. Both the CDC and the Building Code have setback requirements from property lines. There is no flexibility with the CDC setbacks, whereas, there is some flexibility with the Building Code.

In evaluating the impacts of reducing the front yard setback for some of these properties, staff considered potential parking and neighborhood impacts. The CDC currently requires two parking spaces for each manufactured dwelling and that requirement would still be in place when determining whether a reduced setback could be granted for a particular lot. Also, Heritage Village includes several parking courts evenly distributed throughout the development. Staff therefore does not believe this setback change will affect parking. Finally, front setbacks are all taken from streets that are internal to the Heritage Village site. Potential impacts to the surrounding neighborhoods are expected to be negligible.

It appears the original plat was created for the smaller, single wide manufactured homes of the time. Since 1983, manufactured homes have gotten larger and it is increasingly difficult to situate replacement units on these lots. In order to help preserve this existing, relatively affordable housing option while still maintaining health and safety requirements, staff recommends adding a footnote to the manufactured home subdivision table, in CDC Section

430-79.4 that allows the front yard setback to be reduced from the standard 10 feet to 5 feet for manufactured home parks constructed before 1983.

Summary of Proposed Changes

Ordinance No. 822 proposes to amend the following:

- Clarify school district documentation and notice requirements for large school districts
- Clarify limits on plan amendments for property designated as urban or rural reserves in compliance with state law
- Update a reference to Metro's Urban Growth Management Functional Plan for 'Area of Special Concern 4' regarding Industrial Lands
- Require a neighborhood meeting when a Type II or III Commercial, Institutional or Industrial use is proposed within 125 feet of a residential area
- Change appeal authority for Type III Transit Oriented developments to be the same as other Type III appeals
- Allow heat pumps and air conditioning units in the required residential side yard
- Allow a front yard setback of 5 feet in manufactured home parks developed before 1983, if approved by the Building Official

List of Attachments

The following attachments identified in this staff report are provided:

Attachment A: Proposed Amendments to Ordinance No. 822

Attachment B: Draft Planning Commission Deliberations from July 19, 2017

Attachment C: Written testimony submitted at the July 19 PC hearing

Exhibit 1

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

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

- 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"~~

Exhibit 2

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

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"~~

Exhibit 3

Section 430 of the COMMUNITY DEVELOPMENT CODE is amended to reflect the following:

9. SECTION 430 - SPECIAL USE STANDARDS

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 are at least one (1) foot from the property line and comply with State Building Code requirements.



WASHINGTON COUNTY PLANNING COMMISSION
WEDNESDAY, JULY 19, 2017

Draft Deliberations

Proposed 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

Planning Commission (PC) members present: A. Richard Vial, Jeff Petrillo, Ed Bartholemy, Ian Beaty, Tegan Enloe, Deborah Lockwood, Anthony Mills, and Eric Urstadt.

PC members absent: Matt Wellner

Staff present: Andy Back, Anne Kelly, Michelle Miller, Sambo Kirkman, John Floyd and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

Summary

a. Ordinance No. 822

Michelle Miller, senior planner for the Community Planning section provided a PowerPoint presentation on Ordinance No. 822 – Omnibus. Staff indicated that Ordinance No. 822 proposes minor amendments to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC).

Recommendation

- Staff recommends engrossment of Ordinance No. 822 to the Board of Commissioners (Board) to include proposed amendments as shown in the handout.

Written Testimony received in Ordinance No. 822

- A letter dated July 19, 2017 was submitted by Mary Manseau for Kathy Stallkamp – Committee for Community Involvement (CCI).

Oral Testimony received in Ordinance No. 822

- Joseph Schaefer – Jordan Ramis Attorney at Law Office, 2 Centerpointe #600, Lake Oswego, OR 97035 – representing Cal-Am Properties requesting that front setback rules be changed to mirror current side setback allowances. The request was due to the replacement of smaller units with larger ones.
- Firas Aboulhosn, 12450 SW Fisher Rd, Tigard, OR 97224 – also in favor of changing front setback rules to reflect the side setback rules. He also indicated that every foot counts when replacing the smaller units with larger ones.

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

155 N. First Ave., Suite 350, MS14 · Hillsboro, OR 97124-3072

Phone: 503-846-3519 · Fax: 503-846-4412

www.co.washington.or.us · lutplan@co.washington.or.us

- Mary Manseau – CCI, 5230 NW 137th Ave, Portland, OR 97229 – advocated that the policy be consistent with reference to the requirement of neighborhood meetings for Type II and III Development Applications regardless of the development type and distance from the residential development. Ms. Manseau also commented on the importance of neighborhood meetings and advocated for a notice to be sent if there’s residential within 500 feet. She also commented on two situations where citizens got upset due to not receiving notices regarding a Taco Bell and Nike development.
- Louise Hoppes, 17865 NW Emmaus Ln, Portland, OR 97231 – commented on notices and that most people may not understand land use or what it means. She also commented on people living within 500 feet may be non-native English speaker. Ms. Hoppes commented that if notices are sent, this allows opportunities for people to share information with others regarding development concerns.

PC Discussion

- Questions regarding how other jurisdictions approach neighborhood meeting requirements.
- Discussion about neighborhood meeting requirements and the pros and cons of expanding them.
- Discussion regarding one foot clearance or setback for heating and A/C units versus a zero setback, concerns regarding adequacy of space in the side setback area to service mechanical units, and potential noise issues.
- Concerns with large heating or A/C units potentially being a barrier for fire service.

Final Vote

Commissioner Mills moved to recommend to the Board approval of Ordinance No. 822 to include staff proposed engrossments. Commissioner Bartholemy seconded motion.

Commissioner Beaty moved to amend Ordinance No. 822 which includes staff proposed engrossments to adopt a 500 feet notice requirement for a neighborhood meeting as well as for the general notice. Petrillo seconded. **Vote: 4 – 4. Motion failed.**

Commissioner	Vote
Bartholemy	No
Beaty	Yes
Enloe	Yes
Lockwood	Yes
Mills	No
Petrillo	Yes
Urstadt	No
Vial	No
Wellner	Absent

First motion was repeated.

Commissioner Mills moved to recommend to the Board approval of Ordinance No. 822 to include staff proposed engrossments. Commissioner Bartholemy seconded motion. **Vote: 7 – 2. Motion passed.**

Commissioner	Vote
Bartholemy	Yes
Beaty	Yes
Enloe	No
Lockwood	Yes
Mills	Yes
Petrillo	No
Urstadt	Yes
Vial	Yes
Wellner	Absent

End of deliberations.

Agenda Item #: 6b
Topic: Ord. No. 822
Submitted by: Mary Manseau
Mtg / Date: July 19, 2017
for CCI

Washington County Committee For Community Involvement (CCI)
254 N First Avenue, MS 20
Hillsboro, OR 97124

July 18, 2017

Department of Land Use and Transportation
155 N. First Avenue
Hillsboro, OR 97229

RE: Ordinance 822 Omnibus Ordinance

Dear Chair Vial and Planning Commissioners,

Early community participation via the neighborhood meeting is an effective form of community involvement because it provides the opportunity to maximize community participation in identifying issues very early in the process. The CCI request for changes to the neighborhood meeting rules was to ensure that adequate notice to community members impacted by new development is provided—regardless of development type—so they can participate in the land development process.

Inside the Urban Growth boundary, commercial, industrial or institutional uses are not required to hold a neighborhood meeting or post a development site with any type of notice unless a residential zone is directly adjacent to the proposed site. Ordinance 822 proposed changes to code will require a neighborhood meeting for these types of development only if a residential district is located within 125 feet of the development site. Commercial, institutional and industrial uses generally have impacts to surrounding neighbors *well beyond 125 feet* of a site.

CCI requests a neighborhood meeting for all Type II and Type III development review regardless of type of development proposed and regardless of distance from residential development.

Neighborhood meetings don't impose an undue burden on developers, and often bring out new information that can help the new development integrate with the neighborhood and avoid later appeals and conflicts.

Sincerely,



CCI



Letter approved by CCI membership on 7/18/2017

Ayes 8

Nays 0

Abstentions 1



June 15, 2017

Individual Notice No. 2017-03

At your request, Long Range Planning is providing you with Individual Notice No. 2017-03 which describes proposed Land Use Ordinance No. 822.

Ordinance Purpose and Summary

Ordinance No. 822 proposes 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.

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.

Initial Public Hearings Time and Place

Planning Commission
6:30 p.m.
July 19, 2017

Board of Commissioners
10:00 a.m.
August 15, 2017

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

At its August 15, 2017 hearing the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted August 15, 2017, the ordinance would become effective November 24, 2017.

Key Provisions

Key Provisions 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:** Allows partitions for large industrial parcels with a FD-20 land use designation in the Area of Special Concern 4 under certain circumstances, including use for public facilities and services.

**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.

Staff Contact

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or 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

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

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

- Department of Land Use & Transportation at the address listed above
- 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.



WASHINGTON COUNTY OREGON

June 15, 2017

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

From: *for* Andy Back, Manager *Sheresa*
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 822**

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed Ordinance No. 822. Listed below is a description of the ordinance, hearing dates, and other relevant information. 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 available on the Washington County website at:

www.co.washington.or.us/landuseordinances

Ordinance Purpose and Summary

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.

Initial Meeting and Public Hearings

Planning Commission
6:30 p.m.
July 19, 2017

Board of Commissioners
10:00 a.m.
August 15, 2017

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

At its August 15, 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 August 15, 2017, it would become effective November 24, 2017.

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
phone: 503-846-3519 • fax: 503-846-4412
www.co.washington.or.us/lut • lutplan@co.washington.or.us

Key Provisions

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:** Allows partitions for large industrial parcels with a FD-20 land use designation in the Area of Special Concern 4 under certain circumstances, including use for public facilities and services.

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.

**How to Submit
Comments**

- Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings.
- Written testimony, including email, may be sent to the Planning Commission or 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
- 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

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 ///

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 ~~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.

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 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 timeframes required by the 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 ~~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 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 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 timeframes required by the 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.~~430~~420 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 are at least one (1) foot from the property line and 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.