



# WASHINGTON COUNTY OREGON

August 15, 2013

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager  
Planning and Development Services

*SS for AB*

Subject: **PROPOSED ORDINANCE NO. 774**

Enclosed for your information is a copy of proposed Ordinance No. 774. 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 the Long Range Planning Section.

### **Ordinance Purpose and Summary**

Ordinance 774 amends the CDC by changing the land use review process for Accessory Dwelling Units (ADUs) to a Type I process in the R-5 and R-6 Districts. The ordinance increases the allowed floor area of ADUs that are designed to comply with the Americans with Disabilities Act (ADA) to a maximum of 800 square feet.

### **Who is Affected?**

Owners of properties located in the Residential 5 Units Per Acre (R-5), Residential 6 Units Per Acre (R-6), Residential 9 Units Per Acre (R-9), Residential 15 Units Per Acre (R-15), Residential 24 Units Per Acre (R-24), and Residential 25 Units or More (R-25+) land use districts in unincorporated Washington County.

### **What Land is Affected?**

Properties located in R-5, R-6, R-9, R-15, R-24, and R-25+ land use districts in unincorporated Washington County.

### **Key Provisions**

- Changes Single Family Accessory Dwelling Units (ADUs) from a Type III development action in the R-5 District and a Type II development action in the R-6 District to a Type I development action.
- Amends the ADU maximum floor area requirements to allow a maximum floor area of 800 square feet for ADUs designed to comply with ADA standards.

### **Initial Public Hearings**

#### **Time and Place**

**Planning Commission**  
**7:00 pm**  
**September 18, 2013**

**Board of Commissioners**  
**10:00 am**  
**October 1, 2013**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 North First Avenue, Hillsboro, Oregon.

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

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
phone: (503) 846-3519 · fax: (503) 846-4412 · TTY: (503) 846-4598 · [www.co.washington.or.us](http://www.co.washington.or.us)

On October 1, 2013, 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 it is adopted on October 1, 2013, it would become effective on November 21, 2013.

**Community Development Code Standards Amended**

- Section 302, R-5 District (Residential 5 units per acre)
- Section 303, R-6 District (Residential 6 units per acre)
- Section 304, R-9 District (Residential 9 units per acre)
- Section 305, R-15 District (Residential 15 units per acre)
- Section 306, R-24 District (Residential 24 units per acre)
- Section 307, R-25+ District (Residential 25 units or more per acre)
- Section 430, Special Use Standards

**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 may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

**Staff Contact**

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

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning  
155 North First Ave., Suite 350  
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 774

An Ordinance Amending the  
Community Development Code Relating  
to Accessory Dwelling Units

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

SECTION 1

A. 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, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765 and 766.

B. Upon further planning efforts of Washington County, in part in response to citizen request in 2010, it is determined a consistent review process for accessory dwelling units across the land use districts is warranted. The Board takes note that such changes are for the health, welfare, and benefit of the residents of Washington County, Oregon.

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

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

13 SECTION 2

14 Exhibit 1 (7 pages), which amends Community Development Code Sections 302, 303, 304,  
15 305, 306, 307, and 430, is attached hereto and incorporated herein by reference.

16 SECTION 3

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

19 SECTION 4

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

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1 SECTION 5

2 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid or  
3 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and  
4 shall remain in full force and effect.

5 SECTION 6

6 The Office of County Counsel and Department of Land Use and Transportation are  
7 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
8 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,  
9 and making any technical changes not affecting the substance of these amendments as necessary to  
10 conform to the Washington County Comprehensive Plan format.

11 SECTION 7

12 This Ordinance shall take effect on November 21, 2013.

13 ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2013, being the \_\_\_\_\_ reading and  
14 \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington County, Oregon.

15 BOARD OF COUNTY COMMISSIONERS  
16 FOR WASHINGTON COUNTY, OREGON

17 \_\_\_\_\_  
CHAIRMAN

18 \_\_\_\_\_  
RECORDING SECRETARY  
19 PUBLIC HEARING

20 READING

21 First \_\_\_\_\_  
22 Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
VOTE: Aye: \_\_\_\_\_  
Recording Secretary: \_\_\_\_\_

First \_\_\_\_\_  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_  
Nay: \_\_\_\_\_  
Date: \_\_\_\_\_



The following sections of the Community Development Code are amended as shown below:

**1. Section 302 - R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)**

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**302-2 Uses Permitted Through a Type I Procedure**

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302-2.13 Single-Family Accessory Dwelling Unit - Section 430-117.1.

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**302-4 Uses Which May Be Permitted Through a Type III Procedure**

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~~302-4-15 Single-Family Accessory Dwelling Unit - Section 430-117.1.~~

**2. Section 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)**

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**303-2 Uses Permitted Through a Type I Procedure**

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303-2.13 Single-Family Accessory Dwelling Unit - Section 430-117.1.

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**303-3 Uses Permitted Through a Type II Procedure**

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~~303-3.10 Single-Family Accessory Dwelling Unit - Section 430-117.1.~~

**3. Section 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)**

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**304-7 Dimensional Requirements**

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abcdef Proposed additions  
~~abcdef~~ Proposed deletions

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 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.

- E. Fifteen (15) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of F below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setback standards of F below and Section 430-117.12 EF.;
- F. A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of the R-9 District that was in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;

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**4. Section 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)**

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**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 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.

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.12 FE.
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 C., plus any screening and buffering setback now required by Section 411.

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**5. Section 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)**

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**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 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;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.12 EF.; and
- (6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 C., plus any screening and buffering setback now required by Section 411.

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

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**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 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;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.21 EF.; and
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side,

street side, or rear yard setback of Section 307-7.2 C., plus any screening and buffering setback now required by Section 411.

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## 7. Section 430 - Special Use Standards

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### 430-117 Single Family Accessory Dwelling Unit

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430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. See Figures 1.1 through 1.3 for examples of Accessory Dwelling Units;
- B. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:
  - (1) The floor area of an interior accessory dwelling unit may be as large as 50% of the primary dwelling's existing total floor area (excluding the garage and expansions for additional floor area). See Figure 1.2 for example.
  - (2) In all other situations the total floor area of an accessory dwelling shall not exceed 600 square feet. See Figures 1.1 and 1.3 for examples. ~~However, the Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;~~ However, when the accessory dwelling unit is designed to comply with the Americans with Disabilities Act (ADA) building code standards, the square footage maximum can be increased up to eight hundred (800) square feet. Prior to building permit issuance, plans shall show compliance with the accessibility standards of the current Oregon Residential Specialty Code.
- C. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;
- D. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;

- E. An accessory dwelling unit shall meet the following setback standards:
- (1) A detached accessory dwelling unit shall be located behind or a minimum of twenty (20) feet behind the front façade foundation of the primary dwelling and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district;
  - (2) The minimum side yard setback for an accessory dwelling unit shall be five (5) feet; and,
  - (3) The minimum rear yard setback for an accessory dwelling unit shall be no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district;

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