

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

Washington County  
County Clerk

ORDINANCE No. 659

An Ordinance Repealing Prior Ordinances, Adopting Applicable Regulations and Amending the Urban Planning Area Agreement and the Community Development Code to Effect Termination of the Intergovernmental Agreement for Development, Building and Other Services with the City of Tigard in the Unincorporated West Tigard and Bull Mountain Community Plan Areas

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, entered into an Intergovernmental Agreement with the City of Tigard authorizing the City to carry out land development, building and construction, road functions and other related activities within the unincorporated community in the Bull Mountain and West Tigard Community Plan areas.

B. The Board of County Commissioners of Washington County, Oregon, and the City of Tigard adopted such laws as were necessary for the City to provide the services provided for in the IGA in Articles VIII and IX of the Community Development Code.

C. The Board of County Commissioners of Washington County, Oregon, and the City of Tigard determined that due to the change in conditions over time it is appropriate to terminate the IGA.

1           D.     The Board of County Commissioners of Washington County, Oregon,  
2 directed staff to take such steps as are necessary to effect termination of the IGA and to  
3 assure an orderly and efficient transition of services from the City of Tigard to  
4 Washington County in the affected area.

5           E.     Under the provisions of Washington County Charter Chapter X, the Land  
6 Use Ordinance Advisory Commission has carried out its responsibilities, including  
7 preparation of notices, and the County Planning Commission has conducted one or more  
8 public hearings on the proposed amendments and has submitted its recommendations to  
9 the Board. The Board finds that this Ordinance is based on those recommendations and  
10 any modifications made by the Board, as a result of the public hearings process.

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

16 SECTION 2

17           Ordinances 487 and 488 adopting Articles VIII and IX of the Community  
18 Development Code as well as any amendments thereto including Exhibit 1 of Ordinance  
19 529 amending Section 801-8.3, Exhibit 1 of Ordinance 605 amending Section 101-2.9 and  
20 801-8.3 and Exhibit 7 of Ordinance 649 amending Section 801-8.3 are hereby repealed.

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1     SECTION 3

2             The following exhibits, attached and incorporated herein by reference, are hereby  
3 adopted and made applicable to the West Tigard and Bull Mountain Community Plan area  
4 as provided below:

- 5             1. Exhibit 1 Map of the effected territory in the West Tigard and Bull Mountain  
6                 Community Plan areas (1 page);  
7             2. Exhibit 2 The Comprehensive Framework Plan for the Urban Area (171  
8                 pages).  
9             3. Exhibit 3 The Bull Mountain Community Plan (39 pages);  
10            4. Exhibit 4 The West Tigard Community Plan (15 pages); and  
11            5. Exhibit 5 The Community Development Code Element of the Comprehensive  
12                 Plan (788 pages);

12     SECTION 4

13             The Urban Planning Area Agreement between Washington County and the City of  
14 Tigard is amended as provided in Exhibit 6 (2 pages), attached and incorporated herein.

15     SECTION 5

16             Section 110 of the Community Development Code is amended as provided in  
17 Exhibit 7 (4 pages), attached and incorporated herein.

18     SECTION 6

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

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1     SECTION 7

2             All applications received prior to the effective date shall be processed in accordance  
3 with ORS 215.427 (2005 Edition).

4     SECTION 8

5             If any portion of this Ordinance, including the exhibits, shall for any reason be  
6 held invalid or unconstitutional by a body of competent jurisdiction, the remainder shall  
7 not be affected thereby and shall remain in full force and effect, and any provision of a  
8 prior land use ordinance amended or repealed by the stricken portion of this Ordinance  
9 shall be revived and again be considered in full force and effect.

10    SECTION 9

11            The Office of County Counsel and Department of Land Use and Transportation are  
12 authorized to prepare planning documents to reflect the changes adopted under Section 2,  
13 3 and 4 of this Ordinance, including deleting and adding textual material and maps,  
14 renumbering pages or sections, and making any technical changes not affecting the  
15 substance of these amendments as necessary to conform to the Washington County  
16 Comprehensive Plan format.

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1 SECTION 10

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 30<sup>th</sup> day of JUNE, 2006, being the 1st reading  
4 and 1st public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 John Leeper for  
CHAIRMAN

10 Barbara Hejtmanek  
11 RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First June 20, 2006  
14 Second \_\_\_\_\_  
15 Third \_\_\_\_\_  
16 Fourth \_\_\_\_\_  
17 Fifth \_\_\_\_\_  
18 Sixth \_\_\_\_\_

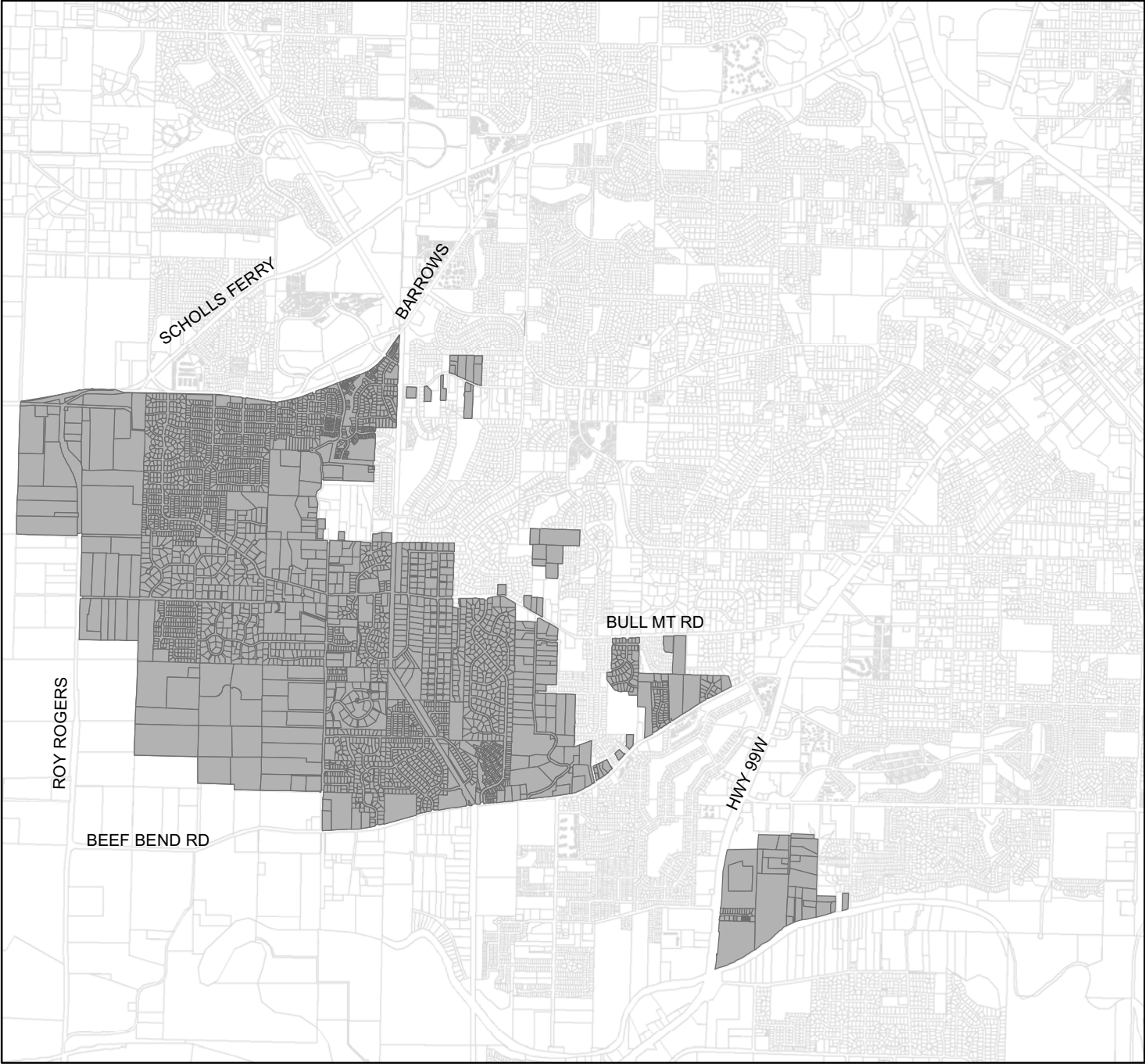
June 20, 2006  
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\_\_\_\_\_

19 VOTE: Aye: Brian Leeper, Duyck,  
Schouten

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

20 Recording Secretary: Barbara Hejtmanek Date: June 20, 2006

# Bull Mountain Community Plan & West Tigard Community Plan Affected Territory



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 Affected Territory



# COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA

Volume II of the Washington County Comprehensive Plan

**RELATIONSHIP OF THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA  
AND THE RURAL NATURAL RESOURCE ELEMENT**

The Comprehensive Framework Plan for the Urban Area contains policies and strategies which are designed to address growth and development issues inside of the Regional Urban Growth Boundary.

The Rural Natural Resource Element contains goals, policies and strategies which are intended to guide resource conservation and development for lands outside the Regional Urban Growth Boundary.

The policies of the Comprehensive Framework Plan for the Urban Area and the goals of the Rural/Natural Resource Plan Element are considered to be equivalent types of policy Statements; that is the scope of policies of the Comprehensive Framework Plan for the Urban Area are synonymous with the scope of goals contained in the Rural/Natural Resource Plan Element.



## PREFACE

### THE PURPOSE OF THE FRAMEWORK PLAN

The Washington County Comprehensive Plan provides the basis for the future growth and development of the County. The Comprehensive Framework Plan is applicable to unincorporated properties inside the Regional Urban Growth Boundary and the Urban Growth Boundaries of Banks, Gaston and North Plains. The Rural/Natural Resource Plan addresses all properties outside of an urban growth boundary.

The Comprehensive Framework Plan (Framework Plan) is intended to reflect the present and future needs of the urban unincorporated properties in Washington County. The Framework Plan contains certain specific standards designed to regulate that growth and development. Those standards are termed "policies and strategies." The terms "policy" and "strategy" are defined in the glossary.

The policies and strategies of the Framework Plan are intended to provide a means to accommodate growth and development in a way that is consistent with the physical and economic limitations, legal requirements, and existing resources of the County. The framework of policies and strategies is based on an analysis of the detailed findings contained in the Resource Document, applicable state and regional law, and a countywide development concept prepared with public input. It is the intent of this Framework Plan to provide a Policy framework and factual basis which will guide the preparation of detailed community plans.

The Framework Plan is intended to be the source document that establishes issues of countywide concern and minimum criteria that must be reflected in the Community Plans and other detailed elements of the Comprehensive Plan. Plan designations and Significant Natural Resource Area designations will be applied by the Community Plans. Consequently, Community Plans shall not be inconsistent with this Framework Plan. However, in limited areas there are no Community Plans because the nearby cities are responsible for comprehensive planning and subsequent urban development of their adjacent urban unincorporated properties. In these areas, the Future Development Areas Map in Policy 41 of this Framework Plan applies the plan designations and Significant Natural Resource Area designations.

It is explicitly recognized that the recently adopted Community Plans were prepared and adopted in conformance with the Statewide planning goals. It is further recognized that the County consistently has applied, and will continue to utilize, the plan designations therein as the demonstration or public need.

Once a Community Plan has been adopted by ordinance, that plan shall become the legally binding Statement of County policy within the boundaries of that planning area. Development applications within an adopted Community Plan area need only show compliance with the Community Plans, applicable functional plans and development regulations. A demonstration of compliance with the Framework Plan shall have been accomplished by the adoption of a Community Plan. Proposed amendments to an adopted Community Plan must be in conformance with the Comprehensive Framework Plan. The Framework Plan may be amended from time to time consistent with applicable law.

## BACKGROUND FOR PLANNING

### INTRODUCTION

The Framework Plan has been designed to incorporate current data regarding recent growth trends, growth projections for the future, development patterns, and the character of the supply of vacant buildable land. This database has been supplemented with an awareness of the constraints to and the opportunities for development, which influence the type, rate, and location of development in the county. Examples of such influences are service availability, natural features, regulatory requirements, adopted city plans and community plans and economic limitations.

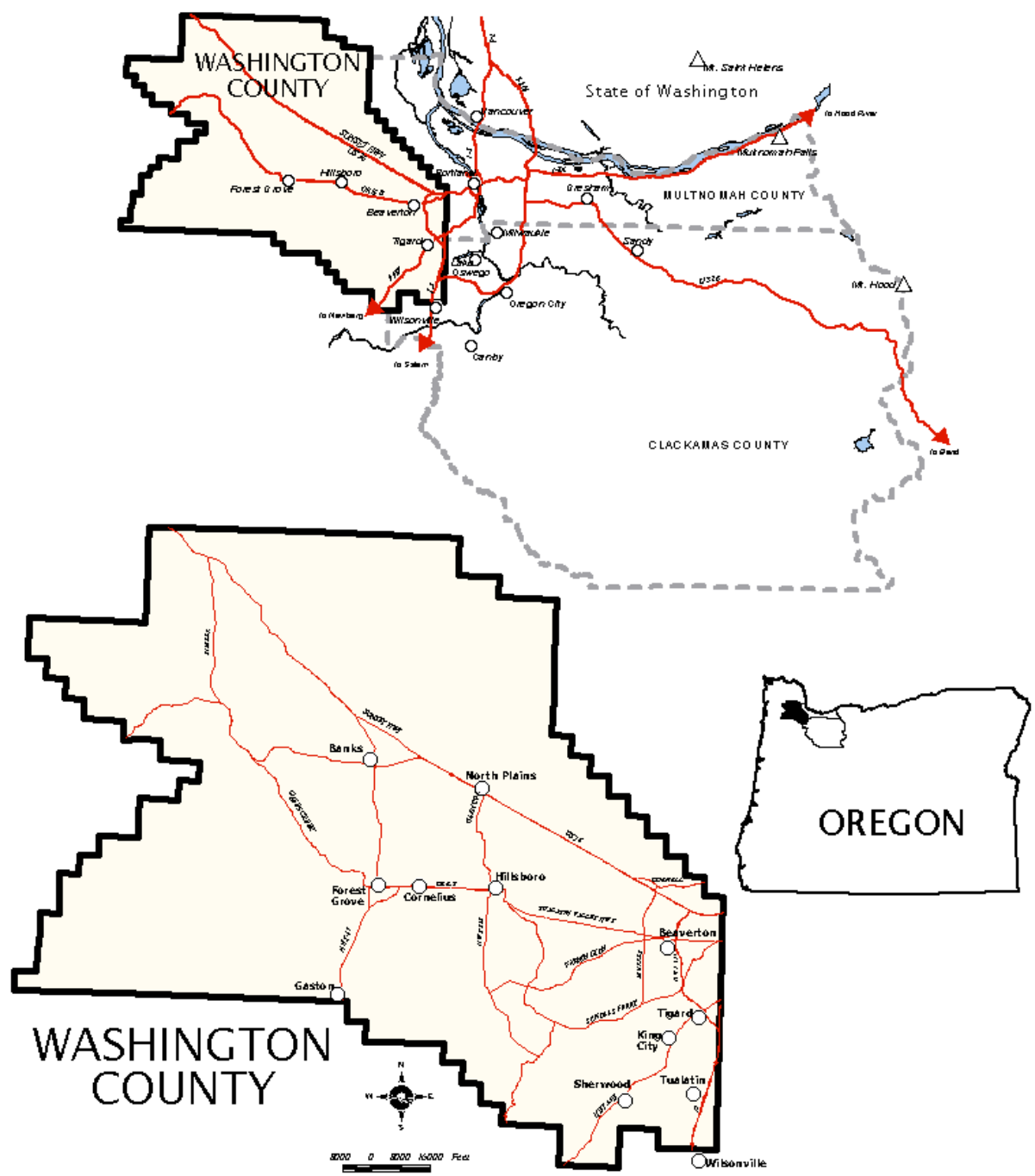
The discussion that follows highlights the information around which the Comprehensive Framework Plan for the urban area was written; further detail is presented in the Resource Document.

The Comprehensive Framework Plan is one of several elements comprising the Washington County Comprehensive Plan. The other pieces include:

- County Resource Document
- Rural/Natural Resource Plan Element
- Community Plans and Background Documents
- Community Development Code
- Transportation Plan
- Unified Capital Improvements Program

**VICINITY MAP**  
 SOURCE: Washington County Department of Land Use and Transportation  
 This map is compiled from original materials at different scales. For more details please refer to the source materials or the Washington County Department of Land Use and Transportation.  
**WASHINGTON COUNTY COMPREHENSIVE PLAN**  
 DEPARTMENT OF LAND USE AND TRANSPORTATION  
 WASHINGTON COUNTY  
 MAY 1984

**MAP 1**



**SUMMARY ANALYSIS OF  
POPULATION, EMPLOYMENT, HOUSING AND VACANT BUILDABLE LANDS**

Population

The 1980 population of Washington County, as a whole, totaled 245,808 according to Federal census reports. Over half of those residents - 58% - were located in unincorporated areas, nearly all within the regional Urban Growth Boundary (UGB). Washington County cities included about 42% of the county's population in 1980. Three cities - Beaverton, Hillsboro, and Tigard - together held 70% of the incorporated area population and 30% of the county total.

Between 1970 and 1980 the population of Washington County grew by 55%, from 157,920 to 245,808; while the growth rate for Oregon as a whole was just 26%. In the three-county Portland metropolitan area, the 1970-1980 population increase was 171,691 persons or 19.5%; Washington County captured half of the 10 year growth experienced by the region and had the fourth highest population growth rate of all counties in the State.

All cities in the county grew in population between 1970 and 1980. Tigard, Cornelius, and Tualatin were among the fastest growing cities in the state, with growth rates of 120%, 134%, and 880%, respectively. Population growth statistics for the state, region, Washington County, and cities are included in the County Resource Document.

Housing

There were approximately 97,000 total housing units in the county in 1980. Throughout the county, the proportion of detached to attached dwellings\* in 1980 varied from an estimated 49:51 in Beaverton to 94:6 in Durham; the urban unincorporated area exhibited a 74:26 ratio of detached to attached residences.

The condition of the housing stock, countywide, is generally good, largely because most dwellings were built in the last 20 years. However, there are many residences throughout the county in need of major structural improvements because of their age and or other improvements, such as weatherization, to reduce operating costs and energy consumption.

Neighborhood residential densities in the urban unincorporated area vary because development occurred at different times, under different market conditions, and in accord with varied POD (Plan of Development) and zoning designations.\*\*

Under the Low Density residential (LDR) designation, developed densities in 1980 averaged 1.8 units per net acre; this figure is low due to the large number of one acre and larger lots developed in the county prior to 1977. Since that time single family densities in LDR areas increased - from 1977 through 1980 the median density of new development exceeded 3.4 units per net acre.

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\* Detached dwellings include conventional single family dwellings on separate lots and mobile homes; attached units include housing such as duplexes, apartment complexes, and condominiums.

\*\* POD designations were used in the 1981 update of the buildable lands inventory to ensure consistency with the inventory base compiled in 1977. POD designations will be modified both in category and the amount of land allocated to different uses, during the community planning phase of the Comprehensive Plan update process.

This increase in density is explained by inflating land values, housing costs and a resultant preference by housing consumers; or detached units (including mobile homes) on smaller lots or lower density attached units such as duplexes and triplexes.

In MDR (Medium Density Residential) areas, the average density of attached units in 1980 was about 14.7 units per net acre; the average developed density of attached units in HDR (High Density Residential) areas was 20.8 units per net acre. In both cases developed densities have decreased slightly between 1977 and 1980 in part due to the increased construction of condominium projects. This kind of development tends to use more land per unit than do conventional apartment projects; at the same time, condominium units help satisfy the desire for home ownership in lieu of the often more costly single family detached home.

#### Buildable Lands:

Within the UGB there are approximately 26,600 acres of vacant buildable land.\* Tables showing the distribution of these acres by jurisdiction and generalized planning categories are contained in the County Resource Document. The urban unincorporated area in 1980 contained over half of the remaining buildable lands in Washington County.

Community planning areas which have the largest amounts of remaining buildable lands are Aloha-Reedville-Cooper Mountain (CPO 6) with 3,012 acres, Sunset West with 4,238 acres, and, Cedar Hills-Cedar Mill (CPO 1), with 2,055 acres. The vast majority of vacant buildable lands in the urban unincorporated area are currently designated for low density residential development; only a small percentage of the remaining 14,871 acres are now slated for commercial and industrial uses.

Vacant buildable industrial lands in the urban unincorporated area are concentrated in three community planning areas: Sunset West, West Union, and Sherwood-Tualatin (CPO 5).

Approximately two-thirds of the remaining vacant, planned industrial lands in the county are found inside city limits: Beaverton, Forest Grove, Hillsboro, Sherwood and Tualatin each have over 600 vacant buildable acres planned for non-residential developments. The actual availability of these areas for immediate development, however, varies with the level, presence, condition, and or lack of roads, water, and sewerage and other urban facilities and services. In cities where one or more of these basic services have been lacking - such as Sherwood and Tualatin - appropriate capital improvement projects have been started.

Nearly all of the urban unincorporated area lies within the jurisdiction of the Clean Water Services (CWS); most of the remaining buildable lands supply is not yet directly served with sanitary sewers. Water service to these undeveloped lands will ultimately be provided by cities, if annexation occurs, or by the Tigard or Wolf Creek Highway Water Districts, whose boundaries include a significant portion of the vacant buildable land supply.

#### Employment:

In 1980 firms in Washington County provided 19% of the employment opportunities in the Portland Metropolitan Area, which encompasses Clackamas, Multnomah, and Washington counties. About 41% of the 107,400 jobs in Washington County in 1980 were classified as industrial, while another 58% were in retail and office activities. Industrial employment in the county is concentrated in the Beaverton and Hillsboro areas, dominated by Tektronix, Intel, Floating Point Systems and other electronics and instrument manufacturers. A new industrial center has been established in the Hawthorne Farm area of northeast Hillsboro and, as a result of the recently adopted Sunset West Community Plan, an industrial area close to Highway 26 will begin to develop in the near future.

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\* Buildable lands - undeveloped lands which are outside the 100-year flood plain, excluding areas with greater than 20% slope.

Retail and office employment in the county occurs mainly inside cities and east county unincorporated areas such as Washington Square which have direct access to major traffic routes. New office development has been taking place throughout the County's urban area, both to house new or expanded firms and to accommodate firms wishing to move away from relatively higher office rents in Portland.

The most recent set of projections being used for comprehensive planning purposes in the Portland metropolitan area were prepared in 1981 by the Metropolitan Service District (Metro) with the participation of counties and cities. Known as the RTP (Regional Transportation Plan) projections, this work incorporates local jurisdiction data about remaining vacant buildable lands, service constraints and comprehensive plans.

By the year 2000, the population of Washington County is projected to reach 383,610; over 93% of the population - 355,000 - will reside inside the regional UGB. For the urban area of the county, this figure represents an estimated population increase of 131,000 persons between 1980 and the year 2000 - an increase of 71,200 homes. Approximately half of these homes may be built as attached units.

Employment opportunities in Washington County are expected to grow by 88,500 jobs between 1980 and 2000. By the turn of the century, Washington County firms will offer a full 20% of the jobs in the four county metropolitan region; nearly all of these will be within the UGB.

The proportion of residential and employment growth that will occur in the unincorporated portion of the urban area, as opposed to the cities, will depend on a number of factors, including: 1) the level and location of annexation activity; 2) possible incorporation of new cities; 3) characteristics of remaining vacant buildable land; 4) county and local jurisdiction plans and development regulations; and 5) the availability of necessary urban services.

Site-specific plans for the urban unincorporated area will be accomplished through the community planning process. These community plans will cover all unincorporated lands within the UGB, which lie outside the "active" planning areas of Forest Grove, Hillsboro, Cornelius, Tigard and Tualatin. The set of community plans will have to provide for an estimated 39,500 new dwellings, 38,800 new jobs, and approximately 90,000 new residents.

Nearly half of the anticipated population, housing, and over half of the employment growth for the urban portion of the county will occur inside existing cities and their planning areas: 31,800 homes, 49,700 jobs, and approximately 48,000 new residents.

The cities as a group have approximately 11,800 acres of vacant buildable land, which is more than enough to satisfy the acreage requested by this level of development and provide a market factor as well.

In summary, Washington County and local jurisdictions together have a supply of vacant buildable land that exceeds that required by projected population, housing, and employment growth. In view of this fact, the County has some flexibility in developing a land use plan for the urban unincorporated area to carry it to the year 2000. At the same time the County and citizens are faced with the challenge of planning and managing growth so that the resulting pattern is economically serviced, complies with State and regional land use planning goals and policies, and provides a satisfying environment for residents and businesses.

## SUMMARY ANALYSIS OF CONSTRAINTS AND OPPORTUNITIES FOR LAND DEVELOPMENT

Functional constraints and opportunities, together with city and county expectations for future growth, have great impact on influencing urban form and defining the planning and land development options available to the County. Constraints and opportunities are examined within the context of: A) current policy commitments; B) urban service availability; C) transportation system capacity; and D) natural features.

### A. CURRENT POLICY COMMITMENTS

It would be unreasonable to proceed with a County planning program that ignores the planning and development commitments made by other governmental jurisdictions and agencies. In other words, plans and policies established at the state, regional and local levels need to be considered when formulating a countywide development approach.

#### 1. Land Conservation and Development Commission (LCDC)

State law mandates that cities and counties prepare comprehensive plans in accordance with applicable statewide land use planning goals. LCDC's land use planning goals establish a planning process and a policy framework to guide all decisions and actions related to the use of land in the State of Oregon. The County's Plan is intended to be consistent with applicable LCDC goals.

In addition to the statewide land use planning goals, the county intends to comply, consistent with advice of County Counsel that such compliance is required, with administrative rules and regulations duly adopted by LCDC.

#### 2. Metropolitan Service District (Metro)

Metro, the regional planning agency, has adopted regional policy guidelines for managing growth within the regional Urban Growth Boundary (UGB). Although these policy guidelines are not absolute requirements, they do establish objectives and targets for the region. Major identified urban growth policies are:

Urban Growth Boundary Findings (1979):

- \* New urban development within the UGB must be contiguous to areas of existing development to encourage infilling unless noncontiguous development is compatible with the efficient provision of public facilities and services.
- \* Local ordinances and controls should preserve undeveloped land for efficient future urbanization.
- \* Sewer and water facilities should be assured concurrent with final development approval.
- \* Urban development with septic tanks or cesspools should be limited.
- \* Development on productive agricultural lands (SRA) should be delayed consistent with certain specified criteria contained in Metro Resolution and Order 79-83.

Regional residential objectives for new residential construction (designed to meet year 2000 housing needs within the urban growth boundary):

- \* Overall regional housing densities should be established at six units per net buildable acre and eight units per net buildable acre for new residential construction in unincorporated Washington County inside the UGB.
- \* New residential construction should allow for a 50-50 split between detached and attached units.

These provisions have been adopted by the State in Chapter 660, Division 7 of the OAR (Oregon Administrative Rules).

#### Housing Goals and Objectives:

- \* Adequate buildable land for residential use should be designated within the UGB.
- \* A choice of housing types, densities, and location should be distributed equitably among all metropolitan area cities and counties.
- \* Regional and local residential land use planning should be coordinated.
- \* Adequate housing opportunities for low and moderate-income groups should be made.
- \* Public housing assistance should be distributed equitably among all metropolitan area cities and counties.
- \* Programs to identify and designate historic residential structures throughout the region should be established.

### 3. County

Although a number of functional constraints/opportunities have been identified, land development options available to the County will partly be dependent upon policies and programs adopted by the County to guide urban growth. The principal mechanism for managing land has been established through the County's Growth Management Policies adopted as part of the 185th East/West Study:

- Policy 1 The County shall manage land within the UGB to ensure that critical and essential urban services are available to support urban development.
- Policy 2 The Future Urban designation shall remain as a growth management strategy in Specially Regulated Areas (SRAs) and where required by the County-City Urban Planning Area Agreements (UPAA). Upon adoption of site-specific land use plans, that designation shall cease to exist unless findings of fact indicate otherwise.
- Policy 3 The County is an appropriate unit of government to provide urban services in the unincorporated area in conjunction with special districts and municipal bodies.
- Policy 4 The county shall place urban services into three categories: critical, essential and desirable. An inability to provide an acceptable level of all critical services (defined as water, sewer, fire, drainage, and local and neighborhood route roads) shall result in the denial of a land use application.

### 4. Adopted Urban Area Plans

At the local level, a number of cities and communities in Washington County have adopted urban area plans, which may impact land development options. In addition to adopted Community



plans, there exist thirteen cities within the Urban Growth Boundary in Washington County that have adopted land use plans.

Six cities have what are termed "active" plans. This type of city comprehensive plan contains specific policies and land use designations which apply directly to unincorporated areas adjacent to the city limits as well as within the city limits. An "active" city plan assumes that most, and in some cases all, of these adjacent properties will annex to the city prior to development.

The remaining cities have "complementary" plans. This type of comprehensive plan contains specific policies and land use designations which apply directly to areas within the city limits only. A complementary plan may or may not have generalized policies addressing surrounding unincorporated areas, and does not assume that all surrounding areas will be annexed prior to development.

State law requires that the cities and the County adopt consistent and coordinated comprehensive plans. As a result, the cities and the County must consider one another's planning efforts in the development and implementation of their respective plans.

The status of the city comprehensive plans in Washington County is outlined below.

#### Hillsboro

The City of Hillsboro maintains an active comprehensive plan. Hillsboro has identified an Immediate Urban and Future Urban area outside the city limits and has assumed a strong position in planning for the area. The City has developed specific policies addressing both the Immediate and Future Urban areas, but has applied site-specific land use designations to the Immediate Urban area only. Hillsboro and Washington County entered into a compromise agreement in May 1982, which calls for the mutual development and adoption of a site-specific community plan to replace the Future Urban designation by the end of 1983.

#### Beaverton

The City of Beaverton maintains a complementary comprehensive plan. The Beaverton plan has been acknowledged by LCDC for the city limits. Although the City does not have detailed plans for unincorporated areas, they have identified an area surrounding the City in which they wish to coordinate closely with Washington County during development and implementation of the County's community plans.

#### Tigard

The City of Tigard is in the process of developing an active comprehensive plan, with adoption scheduled to occur in early 1983. Since this plan will address areas outside the city limits in detail, Washington County will have a responsibility to implement the plan as it applies to the unincorporated areas. The mechanisms to accomplish this will be identified following completion of the Tigard plan.

#### Tualatin

At the time the City of Tualatin comprehensive plan was acknowledged by LCDC, it was a complementary plan directly affecting the city limits only. However, in October 1982, the City and Washington County reached an agreement to return the Tualatin Plan to an active status. Tualatin is now responsible for developing and completing a site-specific plan for the unincorporated area surrounding the city. The plan for the unincorporated areas is scheduled to be completed by mid-1983. The County's responsibilities regarding implementation of this plan will be identified during the planning process.

#### Sherwood

The City of Sherwood has a complementary plan that has been acknowledged by LCDC. The Plan has been acknowledged for the City limits portion of its urban planning area only, but the City has adopted a complete, site-specific land use plan for the unincorporated portion of the

urban planning area. Even though the City has developed a site-specific plan for the unincorporated area surrounding the City, Washington County must still develop and adopt a plan for these areas. During this process, the County is carefully reviewing and considering the work previously completed by the City of Sherwood.

#### Cornelius

The City of Cornelius has submitted an active plan, which has been acknowledged by LCDC. In this case, the County is required to either adopt the City's plan as it applies to the unincorporated portions of the City's planning area, or develop a plan which is consistent with the City's.

#### Forest Grove

The City of Forest Grove has submitted an active plan to LCDC for acknowledgment review. In this case, the County is required to either adopt the City's plan as it applies to the unincorporated portions of the City's planning area, or develop a plan which is consistent with the City's.

#### King City

The City of King City has an acknowledged complementary plan. With the exception of a few small lots, the King City plan currently applies to the city limits only. However, the City has indicated a desire to expand its planning area to include an "area of interest," within which they would coordinate more closely with the county on planning matters.

#### Lake Oswego

Although located mainly in Clackamas County, a small portion of the City of Lake Oswego projects in to Washington County. The Lake Oswego comprehensive plan does not identify any additional urban growth areas beyond the existing city limits in Washington County.

#### Rivergrove

The City of Rivergrove is a small community adjacent to the City of Lake Oswego. A small portion of the Rivergrove projects into Washington County. The Rivergrove comprehensive plan does not identify any urban growth areas beyond the city limits in Washington County.

#### Durham

The City of Durham is a small community situated between the cities of Tigard and Tualatin. Durham has an acknowledged plan, which applies to the city limits only. The City of Durham does not anticipate expansion beyond the existing city boundaries.

#### Wilsonville

The City of Wilsonville has an active comprehensive plan acknowledged by LCDC. The majority of the City's planning area is located within Clackamas County, however a small portion of the planning area and city limits is located in Washington County. The active status of those portions of the Wilsonville planning area located in Washington County is addressed by the County's Rural Plan.

#### Portland

The City of Portland has a complementary plan acknowledged by LCDC. Most of the City of Portland is located in Multnomah County, but a small portion lies within Washington County. The City has not adopted site-specific land use designations and policies for areas outside their City limits in Washington County, but they have identified an area of interest in which they wish to coordinate land use planning activities with the County.

### **Community Plans**

The County Comprehensive Framework Plan and the Community Planning Program have initiated a process for replacing all existing Plans of Development (PODs) with updated community plans.

The Raleigh Hills/Garden Home Community Plan, adopted in September 1978, was the first of the series of unincorporated community level plans for the urban part of Washington County. The Raleigh Hills/Garden Home Community Plan was developed using LCDC goals and guidelines and the assumption that the County's CFP and the full set of community plans would be used together to demonstrate compliance with State goals and regional policies. The Raleigh Hills/Garden Home planning area is highly developed and therefore provides minimal latitude in terms of introducing new development patterns. Nearly half the estimated 8,300 existing housing units in the Raleigh Hills/Garden Home area are attached dwellings.

The Metzger/Progress Community Plan, adopted in November 1980, was the second of the community plans completed. A survey of vacant land in 1979 indicated that there was a total of 478 acres vacant in the area. Of the total land planned for new and existing residential uses, 54% has been designated for low-density use. Overall plan policies recognize the essential differences between the two parts of the planning area by maintaining the Metzger portion as a predominantly low density semi-rural area while the Progress portion would develop for diversified uses as a regional activity center.

The Sunset-West (formerly 185th East West) Community Plan, adopted in 1981, replaced portions of outdated POD numbers 8, 16, and 17. The adopted plan, consisting of several maps and a text, is defined as the area bounded by Murray Boulevard/143rd Avenue and Cornelius Pass/216th Avenue, West Union Road and the Tualatin Valley Highway. Basically, two land use and transportation alternatives are developed for this Community Plan. One is auto-based with development taking place along arterials and the other is a Light Rail Transit (LRT) option emphasizing a high-density corridor between Sunset and the Tualatin Valley Highway.

The recently adopted community plans — the Raleigh Hills/Garden Home Community Plan, the Metzger/Progress Community Plan and the Sunset West Community Plan — will be brought into conformance with this Comprehensive Framework Plan for the Urban Area at the next available, scheduled update of such plans.

#### 5. Special District Agreements

State law requires counties, as part of the planning process, to assume the initiative in establishing a coordinated planning effort with special districts, which exist within their jurisdictional boundaries.

### B. URBAN SERVICE AVAILABILITY

Provision of adequate urban services is an effective growth management mechanism, which is available to the County in terms of controlling the intensity, location and the timing of land development. The County classifies urban services as critical, essential or desirable. Land use actions must be based on findings that adequate urban services are available or will be provided within a specified time period.

#### 1. Water Supply Distribution

Although the county has experienced dramatic growth in the past few years, the supply of water does not seem to be a major constraint at this time. Alternative sources are being considered. Improvements to the storage and distribution systems will have to be made to accommodate the expanded service area population. A less obvious constraint exists in terms of the ability of either the County or the special districts to finance and construct future water storage and delivery improvements.

The only identified problem is located in a portion of the Bull Mountain-Cooper Mountain area, which has been identified as a "Critical Groundwater Area" by the State Engineer since 1974.

2. Sewer Capacity

By conditioning land use actions to assure availability of adequate urban services, the County can ensure that growth does not outpace its ability to provide such services. Extension of sewer collection lines will exert a strong influence on timing and location of urban development. According to the Clean Water Services (CWS), sufficient sewer collection and treatment capacity is planned to serve both the current and projected uses. Rapid growth has encroached on the existing capacity of two major sewerage treatment plants — Durham and Rock Creek — sooner than expected.

Improvements to the system will depend upon CWS's ability to finance planned projects. Due to the scarcity of Federal grant monies, in the future CWS may need to rely on other funding sources and mechanisms (including LIDs, systems development charges, and developer-funded improvements) to generate funds. For CWS and its customers, completion of planned projects most likely will take place at a slower rate than envisioned.

3. Drainage Management

Washington County, like many other urbanizing areas has a definite storm water runoff and drainage problem caused by an increasing amount of impervious area in the drainage basin without commensurate improvements in the storm drainage system. Part of the problem stems from the fact that no countywide drainage management plan and/or regulatory measure exist that would provide a comprehensive strategy. The County Flood Plain Ordinance only provides a passive mechanism for protecting against additional flooding and drainage problems by limiting additional runoff from development.

4. Police and Fire Protection

In general, police and fire protection services are satisfactory. However, continued growth may place an additional demand on personnel, equipment and facilities, which may exceed financial resources, requiring a gradual expansion of the delivery system. Land development proposals must consider future urban form to avoid delays in emergency response time.

5. Schools

In 1993 the Oregon legislature, through Senate Bill 908 (SB 908), required Washington County to include as an element of its Comprehensive Plan, a school facility plan which addresses school capacity and a plan for school facilities to accommodate growth for high growth school districts. The requirements of SB 908 are set forth in ORS 195.110. During the 2001 legislative session, the legislature passed House Bill 3045 (HB 3045), which amended ORS 195.110 and added additional elements to ORS 195.110. In Washington County, Beaverton District 48 has been certified as a high growth school district; Hillsboro District 1J and Tigard-Tualatin District 23J may be considered to be high growth school districts. Washington County will continue to work closely with these school districts to develop school facility plans as necessary to ensure that urban growth does not outpace the ability of public schools to serve the additional demand.

6. Parks and Recreation

The Tualatin Hills Park and Recreation District (THPRD) is the only park and recreation provider in urban unincorporated Washington County. Due to the sustained and rapid levels of development in the urban unincorporated areas, particularly areas outside of THPRD, many areas have developed without the provision of adequate park land. Currently, there is a dwindling supply of land available for new parks and recreation facilities in the urban area. The County will work closely with park and recreation districts and cities designated as long-term park and recreation providers through urban service agreements or through Policy 33 to provide adequate park land, recreation facilities and open space to urban areas.

## 7. Communications

Telephone communications are provided by private service carriers, as indicated in the Resource Document. They pose no major constraint to land development in Washington County.

The Washington County Commissioners have granted Storer-Metro a 15-year non-exclusive franchise to extend cable to an unserved portion of unincorporated Washington County, including Aloha and Reedville. Metro West Cablevision, a Storer-Metro subsidiary, already provides cable television service to 2,359 homes in the Aloha area. Liberty Cable and Sylvan Videocable serve much of the eastern portion of Washington County.

## C. TRANSPORTATION SYSTEM CAPACITY

### 1. County Collector Arterial System

The existing transportation network provides a major challenge to the county in regards to land development options. The imbalance between the growth rate and the ability of the County to finance and construct needed improvements has led to a deteriorating road and arterial system (80% of the County's arterials and collectors are considered to be below current county urban standards). Given the urban growth management policies, especially as they deal with the provision of transportation facilities, continued growth will be constrained without corresponding improvements to the transportation system. The Westside Corridor, identified as a regional priority in the westside transportation system, provides a significant opportunity for influencing land use patterns in the future in the county. The County has participated in a regional analysis of transit options and the 185th East/West Community Plan specifically addresses land use opportunities, which can respond to a transit-way investment (i.e. LRT [Light Rail Transit] or increased auto and bus-related capabilities).

### 2. Metro's Interim Regional Transportation Plan

The Regional Transportation Plan (RTP), adopted in July 1982, provides a policy direction for future transportation investments and projects in the region for the next twenty years. The major elements of the RTP are intended to:

- \* Provide a comprehensive assessment of the overall effect of past regional transportation and land use decisions to ensure individual parts of the system function properly as a whole;
- \* Serve as a regional framework for the coordination of the transportation and land use elements of local comprehensive plans;
- \* Provide the region with a program of transportation improvements consistent with a unified policy direction for transit and highway investments and demand management programs; and
- \* Present an order of magnitude estimate of the region's transportation funding needs.

Washington County's Comprehensive Plan and any future amendments must be consistent with the RTP policy direction and guidelines established for highway and transit system improvements.

## D. NATURAL FEATURES

Identification of existing natural features is needed for an adequate assessment of the constraints and opportunities, which the natural landscape imposes on urban development. This information enables both the private and the public sectors to take proper land use actions and provide adequate measures to reduce hazard potential and to enhance the urban environment.



1. Flood Plain

Flooding potential exists throughout the lowland Tualatin River Basin. Two areas of the county, which are subject to periodic flooding, include portions of the City of Tualatin and Cedar Mill. Other areas with high probability of flood damage include properties along Ash, Butternut, Fanno and Beaverton Creeks. Flood prone areas provide unique opportunities for open space, wildlife habitat and seasonal recreational uses.

2. Unstable Slopes

Steep slopes can be generally regarded as a significant constraint to land development. Steep slopes in excess of 20% have been identified in the hilly areas of Washington County (e.g., Bull Mountain).

3. Open Spaces, Scenic and Historic Areas and Natural Resources

The conservation of open space and the protection of natural and scenic resources must be considered as part of a Statewide Planning Goal 5. Of the twelve resources to be considered under this goal, the following eight resources are known to exist in the urban area:

Open Space	Scenic Views & Vistas
Mineral & Aggregate Resources	Water Areas & Wetlands
Fish & Wildlife Habitats	Historic Areas
Natural Areas	Cultural Areas

These resources occur to varying degrees in the Community Planning Areas.

Natural Areas:

The most important existing natural attributes of the urban area are its streams and woods. They provide Habitat for wildlife and are useful in maintaining ecological systems. Further, these areas are visually appealing and can be used for educational and recreational purposes. Less than 10% of the vacant buildable land in the urban unincorporated area is wooded. The general location of these areas is concentrated as follows:

Vegetation:

Lower Tualatin River

Fanno Creek and its major tributaries (Ash and Summer Creeks)

Rock Creek and it's major tributaries (Beaverton, Bronson, Cedar Mill, Willow and Butternut Creeks)

Upland Woods:

Cooper Mountain (north and east slopes)

Bull Mountain (mainly north and east slopes)

West Hills (north of Sunset Highway)

Riparian (streamside) areas are important natural features and are somewhat protected by the Flood Plain ordinance.

Scenic Resources:

A scenic inventory of Washington County reveals a number of scenic routes and viewpoints. Wooded and heavily vegetated areas provide an excellent opportunity in the urbanizing area for enhancing the county's scenic quality and providing recreational sites.

Rock Material Resources:

Construction activity in the urban area requires rock material resources. Rock quarrying, however, has negative impacts on some urban land uses — particularly adjacent residential uses — and consequences of these operations should be carefully analyzed.

Cultural and Historical Resources:

A number of cultural resources and historic sites have been identified in the County that may require protection from alteration or destruction.



## COUNTYWIDE DEVELOPMENT CONCEPT

The overall goal of the countywide development concept is to create a series of distinct, balanced, relatively self-sufficient and diverse communities throughout the urban portion of Washington County.

This goal, as embodied in the countywide development concept, was prepared utilizing information contained in the Resource Document, and information gathered through citizen responses to questionnaires and citizen responses to various planning workshop presentations. Likewise, during the preparation of the countywide development concept several key factors were considered, including: projected population and employment growth; the status of city plans and county-adopted community plans; the existing and future status of public facilities and services; and the qualities, opportunities and constraints associated with the natural and man-made environments.

This Plan recognizes that significant population and employment growth is projected for the County over the next twenty years. Given this anticipated growth, the County has the opportunity to create and foster a development pattern which allows for a closer spatial relationship of the activities its citizens and neighborhoods may require. In a community, the proximity of various housing types to the workplace, recreational activities, institutional uses and shopping opportunities can foster a closer spatial relationship of the range of human activity. Therefore, the countywide development concept calls for the creation of a series of distinct, balanced, relatively self-sufficient and diverse communities. The specific form of each community will depend on the character and opportunities that exist for community business and employment centers, as well as opportunities and constraints resulting from natural features.

Each community should include a community business area as a focus. These commercial areas should include a full range of retail opportunities and office uses with medium and high density residential uses in proximity. In addition, within each community, smaller neighborhood shopping opportunities should be appropriately located to serve the convenience needs of residents.

Employment centers (e.g., distribution services and industries and offices) will be located in accord with market, transportation and environmental considerations in order to reduce impacts on residential areas and community. Each community, barring limitations imposed by existing development patterns, service capacities or topography, should include a mix of low and medium density housing, designated in accord with adopted locational criteria. Design and development standards should assist in assuring privacy and open space in medium and high density residential areas and in establishing compatible relationships with nearby lower density residential areas. Generally, as the distance increases from shopping areas and employment centers, the density of residential development will decline.

Parks, schools and other institutional uses (public and semi-public) should be located with regard to accessibility and consideration of impacts on nearby land uses.

A variety of transportation modes ranging from pedestrian movement to transit corridors should provide for intra-community and inter-community movement of people, goods and services.

To increase identity, land uses should be designated and differentiated, wherever feasible, by natural features (e.g., slopes, watercourses, natural hazard areas, urban forest lands) and man-made features (e.g., transmission line easements, main highways, railroads, the Urban Growth Boundary). Natural features should be used to enhance community appearance and livability through careful development practices and preservation of those significant natural areas as identified through the community planning process.

Plans for incorporated cities should be considered in developing the overall pattern of communities, which include unincorporated areas.

The result of the application of this development concept will be the preparation of Community Plans which identify a number of communities which vary in population, area and degree of diversity.

It is recognized that due to the existing pattern of development, total independence and balance cannot be achieved in all cases and inter-community and intra-regional flows of goods and people will remain important. Likewise, it is recognized that although a balance of land uses and self-sufficiency is the objective in each community, this may not be achievable in all instances. Existing land uses, market factors and existing levels and patterns of development must be considered, as well as the availability of public facilities and services. For example, limitations are generally evident in established communities. Achieving overall community objectives of balance should be relatively easier in communities where patterns have not been determined by previous actions.

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such a community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise, the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

In summary, the overall objective in the urban portion of Washington County is to create a series of identifiable and independent communities where the opportunity exists for residents to have easy and energy-efficient access to work and shopping. Although the pure application of such a concept may not be achievable in all cases, it nonetheless serves as an organizing concept to guide the pre-preparation of community plans and to guide future public and private development decisions. This concept, when translated into specific land use designations, and coupled with the growth management strategy, will provide direction for the future of the county.

**GENERAL**

**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.**

Implementing Strategies

The County will:

- a. Establish procedures for monitoring demographic, economic, public facility, land use and environmental changes to insure the responsiveness of the Comprehensive Plan to current conditions.
- b. Initiate an overall review of each element of the Comprehensive Plan no later than five years after its adoption to determine if a legislative update of the Comprehensive Plan element is necessary. Based on direction from the Board of County Commissioners, the Planning Commission or the Director of Land Use and Transportation, this review may occur within two to five years of adoption. During the review process, comments shall be solicited from all affected parties including citizens through the local Citizen Participation Organization and/or the Committee for Citizen Involvement. A legislative update of the Comprehensive Plan element is necessary when findings show that one or more of the following conditions is present:
  1. Public needs or desires have changed and development has occurred or is projected to occur at a different rate than contemplated by the Plan;
  2. There has been substantial change in circumstances, including, but not limited to, the conditions, findings or assumptions upon which the Comprehensive Plan element was based, so that it does not comply with the Statewide Planning Goals;
  3. Previously acknowledged provisions of the Comprehensive Plan element do not comply with State Goals because of Goals or Administrative Rules subsequently adopted;
  4. The Comprehensive Plan element is inconsistent with a State agency plan or program relating to land use that was not in effect at the time the Comprehensive Plan element was acknowledged and the State agency has demonstrated that the plan or program:
    - a) Is mandated by State statute or Federal law;
    - b) Is consistent with the State Planning Goals; and

- c) Has objectives that cannot be achieved in a manner consistent with the Comprehensive Plan element; or
5. The County has not performed additional planning that:
- a) Was required in the Comprehensive Plan at the time of initial acknowledgment or that was agreed to by the County in the receipt of State grant funds for review and update; and
  - b) Is necessary to make the Comprehensive Plan comply with the State Planning Goals.

The Board of County Commissioners shall consider the findings of the overall review at a public hearing. If it is determined by the Board, based on findings, that a legislative plan update is appropriate, then the Board shall specify the scope of the update commensurate with the findings. A plan update may apply only to a portion of the planning area or plan text, or to a certain class of land uses.

The update process shall include the same basic phases as the initial preparation of the Comprehensive Plan element including:

- 1) Data collection and analysis;
  - 2) Alternatives preparation and analysis;
  - 3) Policy formulation and adoption; and
  - 4) Development and application of implementing strategies, regulations and standards.
- 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.

Map amendments that can be processed quasi-judicially shall not be considered in the legislative process unless it is pursuant to one of the four categories above.

It is recognized that certain portions of the Code are not "land use planning and zoning" provisions as defined by the Charter.

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;

Written notice of the hearing shall be provided at least ten (10) days prior to the hearing to a high growth 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) Inside the established boundaries of a high-growth school district; and
- 2) Impacts the residential density of the land.

- d. Open the Comprehensive Plan for amendments that consider compliance with the Goals and Objectives and Plans of the Metropolitan Service District on an annual basis. Such amendments or revisions may be considered more often if deemed necessary by the Board of County Commissioners.
- e. Establish in the Community Development Code procedures for quasi-judicial amendments to the Community Plan maps and the Future Development Areas Map, including the implementing tax maps. Notice and public hearing before a Planning Commission and other procedural mechanisms shall be provided in a manner similar to those provided in the Code for significant development action. In addition, quasi-judicial plan amendments:
  1. May be initiated by the owner of the subject parcel by filing an application, as provided by the Planning Director. The schedule for acceptance of requests for quasi-judicial map amendments shall be established by the Board of County Commissioners through a Resolution & Order.
  2. May be initiated by the Board, Planning Commission or Director at any time provided an application is filed no later than 60 days prior to the scheduled initial hearing date.

A fee for quasi-judicial amendments shall be established by Resolution and Order of the Board.

Notwithstanding any other provision, post-acknowledgment procedures mandated by the State shall control and be used when in conflict with the procedures established herein or in the Code;

- f. Approve a quasi-judicial plan amendment to the Primary Districts on the Community Plan Maps and/or the Future Development Areas Map, including the implementing tax maps, only if the Review Authority determines that the proponent has demonstrated that the proposed designation conforms to the locational criteria of the Comprehensive Framework Plan, and when applicable, the provisions of Policies 40 and 41; the Community Plan Overview and sub-area description and design elements; complies with the applicable policies, strategies and systems maps of the Transportation Plan; complies with the applicable regional functional planning requirements established by Metro; and demonstrates that the potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code.

Quasi-judicial and legislative plan amendments for property added to the Regional Urban Growth Boundary through an approved Locational or Minor Adjustment, to any plan designation other than the FD-10 or FD-20 Districts, shall include documentation that the land was annexed into the Urban Road Maintenance District, the Enhanced Sheriff Patrol District and, where applicable, the Tualatin Hills Park and Recreation District. Annexation into these districts shall be completed prior to the County's determination that a quasi-judicial plan amendment application is complete and prior to the County's adoption of a legislative plan amendment.

In addition, the proponent shall demonstrate one of the following:

1. 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;
2. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternative sites are limited to one of the following:
  - a) Size: suitability of the size of the alternative sites to accommodate the proposed use; or
  - b) Location: suitability of the location of the alternative sites to permit the proposed use.
3. The property was added to an Urban Growth Boundary.

4. A major change in circumstances affecting a significant number of properties in a community subarea or subareas. Events deemed to cause a major change in circumstances are limited to one of the following:
  - a) The construction of a major capital improvement (e.g., an arterial or collector, a sports arena or convention center, or a regional shopping center) which was unanticipated by the applicable community plan or other elements of the Comprehensive Plan.
  - b) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.
5. If an Institutional designation is sought, compliance with the applicable locational standards of the Code and that the site is needed to adequately serve the users of the proposed institutional use.
6. If removal of an Institutional designation is sought, demonstration that the subject site conforms to the location criteria for the proposed designation and that the proposed designation conforms with all the applicable plan elements and considerations described above, exclusive of subparts (1) through (6).

Plan amendment approvals may be conditioned by the Review Authority to protect the public from potential adverse impacts or ensure that public service demands, which may result, will be met. This shall not preclude application of the Growth Management Policies to development permit requests as provided in the Code.

- g. Comply with procedures established by the Metropolitan Service District for requesting amendments to the regional Urban Growth Boundary.
- h. Provide for quasi-judicial and legislative plan amendments to apply or remove the Historic and Cultural Resources Overlay District. An amendment to apply the Overlay District shall be based on a finding that a building, structure or object listed in the Washington County Cultural Resources Inventory is located on the property. (The "Goal 5 Conflicts and Consequences Analysis [ESEE] for Cultural Resources," an appendix to the Cultural Resources Inventory, may be used as findings to support use of the Overlay District as the means of protecting the resource.)

An amendment to remove the Overlay District shall be based on compelling evidence and findings as described in the Overlay District.
- i. Provide for legislative plan amendments to apply or remove the Mineral and Aggregate Overlay Districts (Districts A and B) when the requirements of the Comprehensive Framework Plan, the Transportation Plan, Section 379 of the Community Development Code and OAR 660-023-0180 are met.
- j. Provide for quasi-judicial and legislative plan amendments to apply or remove the Convenient Access to Transit Overlay District subject to compliance with the requirements of Section 380 of the Community Development Code.
- k. Provide for legislative plan amendments to apply or remove the State and Regional Park Overlay Districts; add uses, structures or roads not included in an approved State or Regional Master Plan; or change the location or size of structures, uses and roads not allowed by an approved Master Plan, when the applicant demonstrates:
  1. The request is consistent with the requirements of Section 383 of the Community Development Code; OAR 660-034; the Community Plan Overview and sub-area description and design elements; the applicable policies, strategies and systems maps of the Transportation Plan; and

for regional parks, the applicable regional functional planning requirements established by Metro;  
and

2. The potential service impacts of the designation will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code.
- i. Provide for legislative plan amendments to apply or remove the Airport Use and Safety Overlay Districts (Private and Public Use Airport Overlay Districts and the Private and Public Use Airport Safety Overlay Districts) when the request complies with ORS 836.600, OAR 660-013, the Comprehensive Framework Plan, the Transportation Plan, and when applicable, the Metro Regional Transportation Plan.
- m. Provide for quasi-judicial and legislative plan amendments to apply or remove the Interim Light Rail Station Area Overlay District pursuant to the requirements of Section 381 of the Community Development Code. A plan amendment shall be approved only if the Review Authority determines that the proponent has demonstrated that the request conforms to the criteria of Policies 18 and 40; the Community Plan Overview and sub-area description and design elements; the applicable policies, strategies and systems maps of the Transportation Plan; the applicable regional functional planning requirements established by Metro; and demonstrates that the potential service impacts of the request will not impact the built or planned service delivery system in the community. This is a generalized analysis that in no way precludes full application of the Growth Management Policies to development permits as provided in the Code.
- n. Require that the Comprehensive Framework Plan be applicable to the review of proposed Plan Amendments, but not to the review of development actions.
- o. Establish the Comprehensive Framework Plan as the broad policy document guiding the preparation and update of site-specific Community Plans. Community Plans shall be consistent with the Comprehensive Framework Plan.
- p. Establish the following principles for nonconforming uses and consideration of variances to the Plan:  

Nonconforming uses: Any use or activity deemed to be a nonconforming use to the Community Development Code, also shall be considered nonconforming to the Comprehensive Framework Plan and shall be regulated according to standards included in the Code.

Variances: The Community Development Code shall provide the same mechanism and standards for reviewing and approving requested variances to the Code and Community Plans. The applicant shall be required to demonstrate that literal interpretation of the requirement will cause unnecessary hardship and that the hardship does not result from actions of the applicant intended to avoid the standards of the Code, or from personal circumstances of the applicant or owners. The Code shall also include a process for granting limited hardship relief.
- q. Provide for amendments to the Transportation Plan based upon the implementing strategies under the Plan Monitoring Policy of the Transportation Plan.
- r. Provide for legislative plan amendments to apply or remove the Special Industrial Overlay District (S.I.D.) through the community planning process, the plan update process, or a quasi-judicial plan amendment when the policies and criteria set forth in the Comprehensive Framework Plan are met.
- s. Provide for quasi-judicial and legislative plan amendments which remove certain restrictions of the Special Industrial District (S.I.D.) as provided below:

Once the entire S.I.D. as designated by the Community Plan, has been developed to sixty-seven (67) percent of its potential and one thirty (30) acre parcel in Tier III remains vacant and cannot meet the

conditions set forth in 377-4.4 (C), the S.I.D. restrictions on that 30 acre parcel and remaining buildable vacant land within the S.I.D., may be removed, with the exceptions of the use provisions of the S.I.D., under the following conditions:

The plan amendment proposal shall address the need for large industrial lots. Need for large industrial lots shall include, at a minimum, a detailed examination and analysis of the following:

1. Demand for large lots: Analyze from a regional and countywide perspective the projected demand for large industrial lots and the current supply of large vacant industrial lots;
2. Absorption data and trends: Analyze large lot industrial land absorption data and trends in the region and county; such an analysis shall explicitly differentiate vacant land purchases from actual construction/use data;
3. Specific industrial sector locational and operational characteristics: Determine through examination and analysis if changes in technology, development patterns or other industry-based changes have altered real land requirements for the range of allowed uses in Tier III. Such an examination shall be based on a substantial and objective analysis of specific industrial sector locational and operational characteristics, both current and projected; and
4. Site Suitability: Analyze the suitability of the planning area and the specific site in: 1) meeting the identified current and projected specific industrial sector locational and operational characteristics, and 2) in meeting the projected demand for large industrial lots.

The Review Authority shall approve the Plan Amendment only if it finds there is no need for the last remaining 30 acre parcel, based on the criteria listed above.

- t. Provide for quasi-judicial and legislative plan amendments to apply or remove the Open Space/Bicycle Pathway Significant Natural Resource designation through the community planning process, the plan update process, or a quasi-judicial plan amendment.
  1. A plan amendment to remove a designation other than through the community planning process or the plan update process shall demonstrate:
    - a) 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; and
    - b) Compliance with Policy 18 of the Comprehensive Framework Plan.
  2. A plan amendment to add the designation shall demonstrate one of the following:
    - a) The subject site is an existing park, recreation site, golf course, cemetery, school play ground, powerline right of way or bicycle pathway; or
    - b) The subject site is a future park or bicycle pathway.
- u. 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 the criteria for school capacity as specified in Appendix "D".
- v. Apply the provisions of the Comprehensive Framework Plan, including its plan designations, only to properties inside an urban growth boundary. The provisions of the Rural/Natural Resource Plan, including its plan designations, shall be applied to unincorporated properties outside of an urban growth boundary.



### Summary Findings and Conclusions

The process for the development, adoption and implementation of the Urban Element of the Comprehensive Plan involves several steps, both to prepare the Plan and to provide for the ongoing update and review of the Plan over time to keep it current. The Comprehensive Plan is composed of the Comprehensive Framework Plan and site-specific Community Plans that are implemented by the Community Development Code and functional plans including Transportation and Capital Improvements.

The Comprehensive Framework Plan contains the broad policy directions that are the basis for the other Comprehensive Plan elements. The steps in the development of the Comprehensive Framework Plan (CFP) included: the collection of inventory data for the County Resource Document; the formulation, with citizen input, of a development concept for the urban portion of the County; the allocation of population and employment to Community Planning Areas based on this concept and on growth projected for the County; and the development of policies and strategies designed to guide the future growth of the County.

The CFP provides the policy framework for the preparation, review adoption and update of Community Plans for specific areas of the urban unincorporated portion of the County. These Community Plans reflect the Comprehensive Framework Plan policies and strategies as applied to specific situations for each Community Planning Area.

The Community Plans indicate the specific land uses, significant natural and cultural resources, and circulation systems, which have been determined as necessary to meet community needs. These plans are the product of direct citizen involvement in the program for their preparation. The Community Plans are composed of a Community Plan Map and Community Plan Text. The Community Plan Text includes General Design Elements, requirements which are applicable to the entire planning area; and Subarea Provisions, including Design Elements, and Area of Special Concern and Potential Park/Open Space/Recreation requirements, that are applied to specific lands in the planning area. The requirements and standards of the Community Plans are to be applied to development applications, including but not limited to land divisions and new development, as set forth in the Community Development Code.

Implementation of the CFP and Community Plans occurs when their provisions are incorporated into the preparation and review of land development proposals, including but not limited to land divisions and new development, through the application of the Community Development Code. The Unified Capital Improvements Plan, program and budget outlines capital improvement expenditures planned by the County and others related to the support structure necessary for future development. These implementation measures form the County's growth management effort.

The final step in the County's continuing planning program is to provide for periodic and systematic review and update of the Comprehensive Framework Plan, Community Plans, Community Development Code, and functional plans. Based on such reviews, these Plan elements may need to be revised and amended in response to changes in the economic and social environment of Washington County. As the County continues to grow, public needs and values may change and the Plan should reflect these changes. Throughout this planning process, citizen involvement is a necessary and essential component.

## **POLICY 2, CITIZEN INVOLVEMENT:**

**It is the policy of Washington County to encourage citizen participation in all phases of the planning process and to provide opportunities for continuing involvement and effective communication between citizens and their County government.**

### Implementing Strategies:

The County will:

- a. Provide information on planning issues and policies in a clear and understandable form.
- b. Seek and encourage continued citizen involvement through the Citizen Participation Organization (CPO) Program. The County will strengthen that program by:
  1. Offering support and technical assistance;
  2. Maintaining the Committee for Citizen Involvement (CCI) to assist in the evaluation and implementation of the citizen involvement program;
  3. Working with CCI and CPO members while developing the Community Plans by providing them the opportunity, information and assistance necessary for their involvement; and
  4. Providing opportunities for citizen involvement during the formulation, revision and amendment of the Comprehensive Plan and all its constituent parts, including the Comprehensive Framework Plan, Community Plans, Community Development Code, capital improvement plans, and functional plans (e.g., transportation, parks and recreation).
- c. Utilize an open process for selecting members to serve on the Planning Commission and other advisory committees by providing an opportunity for any citizen of the County to become aware of and apply for membership.

### Summary Findings and Conclusions

Comprehensive planning requires, and depends on, an informed citizenry. For the plan to reflect the needs and values of the citizens of Washington County, citizen participation is essential. This meaningful involvement is necessary throughout the planning process and is an integral part of the ongoing planning program.

Involvement of County citizens in the development of the three major pieces of the Comprehensive Plan - the Comprehensive Framework Plan, Community Plans, and the Community Development Code -- has been changed as work on the Plan progressed from broad policy discussions to site-specific community planning. This was done in order to make involvement more meaningful to the individual as well as to interest groups.

The Comprehensive Framework Plan (CFP) was developed by staff using information gained from County residents attending Town Hall meetings and Planning Department Open Houses, filling out questionnaires, and responding to a series of Comprehensive Plan Update newsletters. Once presented to the Planning Commission and the Board of County Commissioners, the CFP was the subject of numerous public hearings. The Board of County Commissioners adopted the CFP by Resolution & Order on June 8, 1982.

Citizen involvement is provided on a regular basis through Citizen Participation Organizations (CPO's) that were established in the County in 1974 with the intent of providing direct citizen access to the decision-making process. In order to meet the requirements of LCDC Goal 1, the Board of County Commissioners in 1975 designated the CPO leaders group as the Committee for Citizen Involvement (CCI). This Board action made the CCI responsible for evaluating Washington County's program and process for citizen involvement in planning. In 1980 the Board reaffirmed the County's commitment to the CPO program and set forth the philosophy, scope, purpose and structure of the program through adopting Resolution and Order No. 80-108 (included in the Appendix).

The program as it pertained to the community planning process was modified in June 1982 when the Board adopted the Revised Work Program Schedule for completion of the urban portion of the Comprehensive Plan. Under the modified program the responsibility for preparing plans was given to the County. The Board of County Commissioners Stated in the work program that LCDC Goal 1 would be addressed by seeking the assistance of citizens and CPO's at town hall meetings.

Through this modified program updated Community Plans have been prepared for Aloha-Reedville-Cooper Mountain, Bethany, Bull Mountain, Cedar Hills-Cedar Mill, Sherwood and West Union. The County informed the public of the start of the community planning process through the mailing of 35,000 newsletters to property owners inside the UGB in May 1982. Citizens have been provided numerous opportunities to be informed about the plans and to assist staff in developing the Community Plans, including a series of Town Hall meetings, Citizen Participation Organization meetings, newsletters, and individual contacts with the Planning Department staff.

In 1986, by adopting Resolution and Order No. 86-58 (included in the Appendix), the Board again affirmed the County's commitment to citizen participation in County government and declared its intent to broaden the scope of CPO activities to include advising and consulting with the Board on matters beyond Land Use Planning including housing, parks, open space and recreation, human resource delivery systems, water and sewage disposal systems, and other matters affecting the livability of the community. To reflect this broader scope of activities, and the CPO role as a vehicle for communication between governments and citizens, the acronym CPO was redefined as Citizen Participation Organization.

In 2001, the Board will consider a Resolution and Order that updates the CPO boundary map and establishes a process for the creation of new CPOs and the alteration of CPO boundaries. This Resolution and Order will then be included in the appendices.

### **POLICY 3, INTERGOVERNMENTAL COORDINATION:**

**It is the policy of Washington County to effectively coordinate its planning and development efforts with Federal, State, and other local governments and Special Districts to ensure that the various programs and activities undertaken by these bodies are consistent with the County Comprehensive Plan.**

#### Implementing Strategies

The County will:

- a. Coordinate planning activities with appropriate Federal, State regional and local government units, and with affected special service districts.
- b. Establish and maintain Urban Planning Area Agreements (UPAA's) which identify urban planning areas within which the County and cities have planning interests, and which identify processes for coordinating land use planning and development within the respective urban planning areas.
- c. Provide special service districts the opportunity to participate in the planning process.

#### Summary Findings and Conclusions

Planning in Washington County occurs within a larger context of regional, State and Federal planning. Three levels of government and several agencies are involved in policy development, program management, and the provision of services for the urban portion of the County. All of these activities, together with the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan.

Many of these activities transcend jurisdictional boundaries. Some of the problems and issues facing the County, especially those of air and water quality, solid waste, and transportation and housing needs, must be dealt with on a cooperative regional basis. The Federal and State governments have established statutory requirements that require regional planning and coordination with local governments.

Washington County comprises all or parts of 16 cities and 31 special districts. The following agencies which affect or are affected by the Urban Planning program and regulations. Consistent with LCDRC plan extension requirements, the County entered into Memorandums of Understanding with cities. The function of these memorandums was to record agreements reached between the County and cities regarding the opportunity and mechanisms for cities to participate in the preparation of various urban components of the Comprehensive Plan. Additionally, the County has sought the active participation of service providers during preparation of the Plan, particularly through requesting service provider review of and comments on Plan elements.

#### Cities

Beaverton, Hillsboro, Tigard, King City, Tualatin, Sherwood, Lake Oswego, Banks, Gaston, Forest Grove, Cornelius, North Plains, Wilsonville, Durham, Rivergrove and Portland.

School Districts

Banks School District  
Beaverton School District  
Forest Grove School District  
Gaston School District  
Hillsboro School District  
Lake Oswego School District  
Newberg School District  
Portland Public School District  
Scappoose School District  
Sherwood School District  
Tigard-Tualatin District  
Vernonia School District  
West Linn-Wilsonville School District  
Washington County Education Service District  
Portland Community College

Fire Districts

Washington County Fire District 2  
Banks Fire Protection District  
Cornelius Rural Fire District  
Forest Grove Rural Fire District  
Gaston Rural Fire District  
Tualatin Valley Fire & Rescue

Other Special Districts

Washington County Housing Authority  
Metropolitan Service District (Metro)  
Port of Portland  
Rivergrove Water District  
Raleigh Water District  
Tigard Water District  
West Slope Water District  
Tualatin Hills Park & Recreation District  
Tualatin Valley Water District  
TriMet  
Clean Water Services  
Soil & Water Conservation District  
Drainage District 7  
Drainage District 8

Federal Agencies

Soil Conservation Service, U.S. Dept. of Agriculture  
Bureau of Reclamation, U.S. Dept. of the Interior  
Bureau of Land Management, U.S. Dept. of the Interior  
U.S. Army Corps of Engineers  
Agricultural Stabilization and Conservation Service, U.S. Dept. of Agriculture.  
Farmer's Home Administration  
Bonneville Power Administration  
Housing & Urban Development

State Agencies

Dept. of Transportation  
Dept. of Fish & Wildlife  
Dept. of Forestry  
Dept. of Geology & Mineral Industries  
Dept. of Environmental Quality  
Dept. of Economic Development  
Dept. of Parks and Recreation  
Dept. of Water Resources  
State Engineer's Office  
Dept. of Land Conservation and Development

The Urban element of the Comprehensive Plan must comply with the regional planning elements adopted by the Metropolitan Service District (Metro). Metro has adopted the following plan elements which have either a direct or indirect effect on planning activities in the Urban area of Washington County:

- a. 2040 Growth Concept
- b. Urban Growth Management Functional Plan
- c. Regional Transportation Plan
- d. Regional Solid Waste Management Plan
- e. Housing Opportunity Plan

## NATURAL AND CULTURAL SETTING

### POLICY 4, AIR QUALITY:

**It is the policy of Washington County to support efforts to control emissions of air pollutants in the County and region, and attempt to limit the adverse impacts of air pollution resulting from development.**

#### Implementing Strategies

The County will:

- a. Assure that the Community Plan element of the Comprehensive Plan considers air quality impacts of alternative land uses.
- b. Cooperate and work with the State Department of Environmental Quality and the Metropolitan Service District to achieve regional air quality attainment goals through adopted regional control strategies. The County will require that major new sources comply with the Federal New Source Review Program.
- c. Comply with Department of Environmental Quality air quality standards and work with the DEQ and Metropolitan Service District to develop and implement State and regional air quality programs.

#### Summary Findings and Conclusions

The eastern, urbanizing part of Washington County sometimes exceeds air pollution standards for ozone, carbon monoxide, and total suspended particulates (TSP). There is an increasing trend for higher levels of TSP because of road dust, backyard burning, and fireplaces and wood stoves. Most of the carbon monoxide and ozone is caused by motor vehicle use. Better air quality will require attention to the existing and potential sources of air pollution.

Washington County lies within the Portland-Vancouver InterState Air Quality Maintenance Area (AQMA). This area is described in the Draft State Implementation Plan (SIP) for air quality, published jointly by the Department of Environmental Quality and the Metropolitan Service District in April 1979. The draft SIP shows that the entire AQMA is in non-attainment for meeting the recently revised Federal ambient air quality standards for ozone and is predicted to remain in non-attainment to at least 1987 unless additional control measures are undertaken. MSD and DEQ adopted a regional control strategy in July 1982 to bring the metropolitan area into attainment by 1987.

## **POLICY 5, NOISE:**

**It is the policy of Washington County to support efforts to control noise and attempt to limit the adverse impacts of noise.**

### Implementing Strategies

The County will:

- a. Investigate the feasibility of undertaking a study of noise problems in the unincorporated area, and if the study reveals serious noise pollution problems, will consider the feasibility of revising its existing noise regulations to control identified noise problems.
- b. Comply with Department of Environmental Quality noise standards.
- c. Include provisions in the Community Development Code to minimize adverse impacts of noise.
- d. Consider noise-generating sources and noise-sensitive land uses in the Community Plan elements of the Comprehensive Plan.
- e. Discourage the location of service facilities such as schools, hospitals, nursing homes, public assembly and high-density residential development within the year 2000 LDN55 and LDN 60 contours.
- f. Coordinate with the Department of Environmental Quality, Oregon Department of Transportation and the Port of Portland when establishing land use designations near airports.

### Summary Findings and Conclusions

Noise is a health hazard which is more serious than usually recognized. Noise is defined as unwanted sound and can result in loss of sleep, general discomfort and a reduction in the quality of life. Major sources include motor vehicle traffic, industrial operations, and rock quarries. Source reduction, buffering, and careful location of noise producing and noise sensitive activities are important methods of controlling this pollutant.



## **POLICY 6, WATER RESOURCES:**

**It is the policy of Washington County to support efforts to preserve and improve the quality of water resources.**

### Implementing Strategies

The County will:

- a. Limit the removal of natural vegetation along river and stream banks, particularly in locations identified as Significant Natural Areas in Community Plans.
- b. Regulate construction practices and stream channel improvements in accord with the drainage management program outline pursuant to Policy 27 of this Plan.
- c. Minimize the establishment of subsurface sewage disposal systems, e.g., septic tanks.
- d. Develop standards for connections to public drainageways to reduce volumes of chemicals and sediments reaching the stream systems.
- e. Comply with the May 17, 1974 Order of the State Engineer establishing and setting forth control provisions for the Cooper Mountain-Bull Mountain Critical Ground Water Area.
- f. Comply with Department of Environmental Quality water quality standards.

### Summary Findings and Conclusions

Pollution of the County's streams and groundwater results from increased runoff over impervious surfaces containing chemicals and sediments (e.g., streets, parking lots, roofs), and failing septic systems. Better water quality will require careful control of the location of septic systems, adequate treatment of sewage wastes, and control of construction practices causing soil erosion.

## **POLICY 7, LAND RESOURCES:**

**It is the policy of Washington County to prohibit new\* mineral resource extraction operations and expansion\* of existing operations within the Urban Growth Boundary unless it is demonstrated there are no economically feasible alternative sites outside the Urban Growth Boundary or unless it is necessary to properly reclaim the site and adjacent lands. The impacts of existing mineral resource extraction industries on adjacent land uses shall be minimized, and all mineral resource extraction sites will be reclaimed when exhausted.**

### Implementing Strategies

The County will:

- a. Utilize the Mineral and Aggregate Overlay District to protect identified mineral and aggregate resource sites and to reduce potential impacts of resource extraction on adjacent uses.
- b. Protect existing mineral and aggregate resource extraction sites located in the Industrial (IND) land use district. In determining whether existing sites should be expanded or new sites established, consideration shall be given to population growth, area or regional needs, proximity to the utilization area, fluctuations in the construction industry, adequate reclamation of the site and adjacent lands, and the quality and quantity of mineral and aggregate resources available at other identified sites.
- c. Require applications for expansion of existing or establishment of new mineral and aggregate resource extraction operations to identify all uses, including farm and forest uses, dwelling units, and significant natural and cultural resources, which may be adversely affected.
- d. Require new or expanded mineral and aggregate extraction operations to develop programs based on economic, social, environmental and energy consequences analysis, that will minimize any negative affects that expansion of existing or establishment of new mineral and aggregate extraction activities may have on surrounding affected uses.
- e. Require that all mineral and aggregate sites be reclaimed to a State allowing redevelopment of the site in accordance with the Plan.
- f. Request the Oregon Department of Geology and Mineral Industries to conduct (by January 1, 1985) a joint study with the County concerning optimal long-term aggregate resource areas.
- g. Prohibit the extraction of sand and gravel from the limited number of urban streambeds to protect fish and wildlife habitats and to prevent soil erosion and water pollution.

\* *The terms "new" or "expansion" in reference to mineral resource activities related to undertaking such activities on tax lots where such uses have not occurred or been permitted previously.*

### Summary Findings and Conclusions

Rock material resources are necessary for the construction industry. However, rock quarries can cause major adverse impacts on the major use of urban land - dwellings. Extension of residential uses to areas within the regional Urban Growth Boundary (UGB) will create increasing conflict with existing rock quarries both inside and adjacent to the UGB. Other sites for long-term production may be available beyond the urban area, but have not yet been investigated.

## **POLICY 8, NATURAL HAZARDS:**

**It is the policy of Washington County to protect life and property from natural disasters and hazards.**

### Implementing Strategies

The County will:

- a. Regulate new development in flood plain areas identified as being subject to flooding in the event of a 100 year flood (a flood with a 1% chance of occurrence in any year) as identified in the latest H.U.D. or Corps of Engineers flood area studies. Such regulations shall discourage new development in flood plains and alterations of existing identified flood plains. Modifications or additions to existing structures may be allowed subject to engineering requirements, which do not increase flood damage potential.
- b. The County's treatment of slopes shall be governed by the following guidelines:
  1. For slopes less than 20% there is a presumption that the slope is not a limiting factor in the development of a parcel for residential use.
  2. For slopes of 20% or greater there is a presumption that slopes may require an engineering analysis to demonstrate that specific slope and soils are adequate to allow development to proceed.
  3. For slopes 20% or greater there is a presumption that the slope and soils may cause the application of normal density to be restricted, with density credits and transfers to flatter areas and/or the use of larger lot sizes and reduced density.

Additionally:

1. The County will require that development on slopes over 20% receive extensive review prior to approval to assure public safety, limit the possibility of property damage, and avoid adverse impacts on the natural environment.

Where development on 20% slopes is determined to have potential adverse impacts, the intensity of development will be limited or clustered on safer lands.
  2. The County will require soils engineering and geologic studies for developments proposed on slopes of 20% or greater and areas identified as possibly being affected by a soil or geologic hazard. More detailed surface and subsurface investigations will be warranted if indicated by engineering and geologic studies as necessary to sufficiently describe existing conditions (e.g., soils, vegetation, geologic formation, drainage patterns) and where suitability may be lessened by proposed grading, filling or land clearing.
  3. Regulate the intensity of development on ungraded slopes over 20% with the intensity of development reduced as the degree of slope increases, unless it can be proven through a soil and geological analysis that the effects of development at the standard density would be minimal.
- c. In reviewing development proposals be sensitive to conditions which may pose a hazard to life or property and may attach conditions to the approval of such proposals to mitigate the potential hazard.

- d. Include provisions in the Community Development Code that allow density to be transferred from the unbuildable hazard area (e.g., flood plain and steep slope) portions of a tax lot to the buildable portions of the same tax lot or to an adjoining tax lot held under the identical ownership. Such a density transfer will be governed by the following rules:
  1. The holding capacity, as defined by the underlying land use district, of the unbuildable portion of the subject tax lot shall serve as the maximum density eligible for transfer to the buildable portion(s) of the subject tax lot or to the buildable portion(s) of an adjoining tax lot held under identical ownership;
  2. Except as provided below in No. 3, the buildable portion of the subject tax lot shall be eligible to receive a density transfer of up to 100% of the holding capacity of the buildable portion of the subject lot or to an adjoining tax lot of identical ownership subject to the density transfer limitations defined in 1 above; and
  3. The transfer of density from unbuildable hazard area portions of a tax lot to buildable portions of the same tax lot, or an adjoining tax lot held in the identical ownership, shall be subject to all relevant provisions of the development regulations.

#### Summary Findings and Conclusions

Floods and earth movements are the two major natural hazards in Washington County. Floods are natural processes whose size and potential destructive impacts can be increased as an area is urbanized. Property damage due to flooding can be reduced by regulating new development in flood plains and establishment of a drainage management program to deal with existing flooding problems. Earthquakes are the most severe earth movements. Minimizing the hazard from earth slides requires protection of areas with steep slopes. To regulate excavation and grading in unincorporated areas, the County has adopted Chapter 70 of the Uniform Building Code.

## **POLICY 9, ENERGY RESOURCES:**

**It is the policy of Washington County to conserve existing identified energy resources while encouraging development of renewable and alternative resources and implementation of new energy producing systems.**

### Implementing Strategies

The County will:

- a. Include solar access provisions in the Community Development Code.
- b. Investigate the possible adoption and implementation of a Wind Power Access Ordinance.

### Summary Findings and Conclusions

Washington County contains no known usable fossil fuels and now imports virtually all of its energy. Use of solar energy is increasing despite the current lack of legal protection for sunlight reaching individual properties. Small-scale wind power development may be possible at the highest elevations in the urban area, but there may be some adverse impacts on neighboring properties. There may be opportunities for generating energy from capital facilities (e.g., dams) built for other purposes.

**POLICY 10, BIOLOGICAL RESOURCES AND NATURAL AREAS:  
It is the policy of Washington County to protect and enhance significant natural areas.**

Implementing Strategies

The County will:

- a. Identify Significant Natural Resources and directions for their protection or development in the Community Plans. Those directions shall assure that the unique values of Significant Natural Resources can be examined and that all reasonable methods for their preservation can be pursued prior to development.
- b. Through the Community Development Code, review and regulate proposed activities in identified Significant Natural Resource areas. The review process shall adhere closely to provisions in applicable Community Plans, which direct the manner and extent to which the area shall be protected.
- c. Utilize the LCDC Goal 5 process described in Oregon Administrative Rule 660-16-25 to review Goal 5 resources during the five-year update of Community Plans.
- d. Support preferential taxation methods to encourage retention of significant natural areas as open space.
- e. Explore preservation of significant natural areas through fee simple purchase and encouragement of purchase by other concerned agencies and groups (i.e., THPRD, Nature Conservancy).
- f. Evaluate the potential for including specific natural areas and habitats within the County's or the Tualatin Hills Park and Recreation District's park and recreation system.
- g. Develop tree conservation standards to regulate the removal of or damage to trees and vegetation in identified Significant Natural Areas within the unincorporated urban area, in order to retain the wooded character and habitat of urban forested lands.
- h. Coordinate with the Clean Water Services to adopt or amend local standards, which ensure that fish and wildlife habitats are adequately protected and enhanced in compliance with local, regional, State and Federal requirements.

Summary Findings and Conclusions

Natural areas within the Urban Growth Boundary include stream corridors, adjacent riparian areas, and large wooded tracts. These areas are important as they provide fish and wildlife habitats, scenic value, and remnants of the natural landscape. Such areas as the Tonquin Scabland Geological Area are important for their ecological and scientific value. The relative value of these natural areas increases as surrounding land is converted from rural to urban uses.

The process and procedures used to analyze Biological Resources and Natural Areas (LCDC Goal 5) are specified in Oregon Administrative Rule 660-16-000 to 660-16-25. The documentation of this process is contained in the Resource Document. An overlap of Statewide planning goals was found to exist between Goal 5 resources and the following Goals: Forest Lands (Goal 4), Air, Water, and Land Resources Quality (Goal 6), Areas Subject to Natural Disasters and Hazards (Goal 7), and Recreational Needs (Goal 8). Ancillary strategies relating to Goal 5 may be found in sections of this Plan pertaining to the above Goals.



## **POLICY 11, CULTURAL RESOURCES:**

**It is the policy of Washington County to protect its historic and cultural resources.**

### Implementing Strategies

The County will:

- a. Include all cultural resources determined to be significant or important, in the manner specified by OAR 660-16-000, in its Cultural Resource Inventory. A resource will be included in the Inventory if it:
  1. Exemplifies or reflects special elements of the County's cultural, social, economic, political, aesthetic, engineering, architectural or archeological history;
  2. Is identified with persons or events significant in local, State or national history;
  3. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
  4. Is representative of the notable work of a builder, designer or architect;
  5. Retains physical integrity in original design, condition and setting; or
  6. Is included in the National Register of Historic Places.
- b. Comply with the requirements of OAR 660-16-005 by utilizing a general analysis identifying activities that could conflict with the preservation of inventoried cultural resources, and considering the economic, social, environmental and energy (ESEE) consequences of allowing the conflicting activity versus preserving resources in various generalized situations. The general conflicts and consequences analysis shall be the basis for the County's selection of a standard program, including regulations, to protect inventoried cultural resources. If an owner does not concur with the application of the standard program to a resource, however, the owner may, in a legislative or quasi-judicial plan amendment process, submit a site-specific analysis of the ESEE consequences for consideration, following criteria in the Code and OAR 660-16-005. This site-specific ESEE analysis may then be used as the basis for an alternative program decision, if the owner's evidence and findings are determined to be compelling.
- c. Utilize the Historic and Cultural Resource Overlay District contained in the Community Development for the management of significant cultural resources in the urban area of the County that are buildings and structures, unless an alternative decision is made after consideration of a site-specific analysis of ESEE consequences submitted by the resource owner.
- d. Evaluate the potential for including specific cultural resource sites within the County's or the Tualatin Hills Park and Recreation District's park and recreation system.
- e. Investigate the possibilities of receiving funding and tax benefits from the Federal, State and local levels in order to support cultural resource management.
- f. Coordinate and advise in cultural resource management efforts, using public and private resources.
- g. Where possible, assist with the restoration of buildings, which have been identified as having some historical or architectural significance.



- h. Coordinate and advise in efforts, using public and/or private resources, which would convert sound historic buildings and structures to alternate uses, which may prolong their life.
- i. Coordinate with State and Federal agencies in the implementation of historic and cultural resource management plans.
- j. Recognize and comply with applicable State and Federal statutes governing conservation and management of historic and cultural resources.

#### Summary Findings and Conclusions

The historic and prehistoric cultural heritage of Washington County is one of the most important in the Pacific Northwest, but remaining cultural resources, historic structures and sites have only been partially inventoried. Increased public awareness and protection will require completion of a comprehensive inventory and a more active role by the County in reviewing potential destructive projects. In 1984, the Washington County Museum's administrator supervised a comprehensive inventory of the County's cultural resources to identify sites, areas and structures and determine their relative importance for protection. Approximately 1,000 resources were surveyed with over 200 deemed to be worthy of inclusion on a preliminary inventory. In 1986, the Board of County Commissioners (Board) appointed a task force to evaluate the significance of the resources identified by the Museum as well as other resources that had been identified either prior to or after the completion of the inventory. The task force completed its analysis of the inventory in 1988, with public hearings held before the Planning Commission and Board in 1989 to consider the task force's recommendations. On June 13, 1989, the Board adopted by resolution and order (R&O 89-86) the Washington County Cultural Resources Inventory. The adopted inventory identifies 220 resources.

**POLICY 12, SCENIC RESOURCES:**

**It is the policy of Washington County to protect and enhance its outstanding scenic views, routes and features.**

Implementing Strategies

The County will:

- a. Identify Outstanding Scenic Resources and provide for their protection in the Community Plans. The Community Plans shall direct the manner and extent to which the area shall be protected.
- b. Through the Community Development Code, review and regulate proposed activities in areas of Outstanding Scenic Resources.
- c. Encourage scenic easements or other means of providing public access to sites with outstanding views.
- d. Work with private owners to improve the public's access to sites identified as having significant scenic views.

Summary Findings and Conclusions

Some urban parts of the County possess exceptionally beautiful settings or views. Such scenery may be unavailable to the general public unless special efforts are made to ensure visual or physical access if not ownership. An inventory of scenic resources in the urban area has been completed. A number of scenic views, routes, and features are excellent and, consequently, worthy to be considered for some form of protection or reservation for public access.

## URBANIZATION

### POLICY 13, REASONS FOR GROWTH:

**It is the policy of Washington County to establish a growth management system for the unincorporated areas within the UGB which promotes:**

- (1) Efficient, economic provision of public facilities and services;**
- (2) Infill development in established areas while preserving existing neighborhood character;**
- (3) Development near or contiguous to existing urban development where services are available;**
- (4) Parcelization of land such that future development at urban densities can take place;**
- (5) Development which is compatible with existing land uses;**
- (6) Agriculture use of agricultural land until services are available to allow development;**
- (7) Development in concert with adopted community plans; and**

#### Implementing Strategies

The County will:

- a. Permit growth to occur only in areas with adequate public services and facilities, as permitted under growth management strategies contained in the Comprehensive Plan. If development is permitted in areas with limited services, a minimum acreage of ten (10) acres should be imposed. Allow subsurface sewage disposal systems within the UGB where approved by the County on legally created lots of record, where CWS does not now serve. Prior to the issuance of a development permit, in such cases, the property owner will be required to sign a waiver of remonstrance against future formation of a Local Improvement District for sanitary sewers.
- b. Encourage infill development where such development will not adversely affect existing uses and where the capacity of existing public facilities and services will not be exceeded.
- c. Allow the continuation of existing farm and forestry uses within the urban unincorporated area.
- d. Assure that proposed land divisions are consistent with all current master facilities plans for roads, sanitary sewers, drainage, and water distribution facilities, as well as community and city plans. This will help assure that full development of the property can take place at planned urban densities.
- e. Designate land inside areas previously set aside as Specially Regulated Areas (SRAs) as urbanizable and considered available for urban development subject to the application of the County Growth Management policy and strategies. Prior to the availability of critical urban services in the SRAs, development will be permitted on lots of record but residential partitioning will be prohibited. Applications for development of lots of record within SRAs will be required to demonstrate that

location of new structures will not prevent development in accord with CFP and Community plans and relevant Urban Planning Area Agreements.

All SRA lands designated Industrial shall be subject to a 30-acre minimum lot size unless modified through the application of the Special Industrial District. Provisions of the Special Industrial District shall be included in the Community Development Code.

- f. Consistent with Policy 18, apply the FD-10 or FD-20 District to property added to a UGB. Maintain these designations until the planning requirements of Metro Title 11 are complete and adopted or the property has been annexed to a city.

### Summary Findings and Conclusions

Washington County is an integral part of the Portland Metropolitan area and as such shares in the growth and change experienced by the region as a whole. As in the past, Washington County and the region will continue to attract employment and population growth due to a good supply of buildable land, a skilled labor force, and the area's image as a "livable" community.

Growth in recent years has brought prosperity to Washington County residents and businesses while at the same time the pace of growth has often outstripped the ability of local jurisdictions--including the County--to adequately plan for and service new development except on a piecemeal basis.

In order to ensure that growth occurs in a manner that does not result in expensive, land consuming urban sprawl and to help protect agricultural lands from premature development, the Metropolitan Service District, with the participation of counties and cities, drew a 20 year Urban Growth Boundary (UGB) within the tri-county region. Buildable lands inside the UGB were intended to satisfy the demands of population and employment growth until the year 2000. Inside the UGB, Washington County includes over 17,800 acres of unincorporated buildable land; the County's urban area cities have an estimated 14,000 more buildable acres. The total available and buildable acreage may be in excess of the amount of land needed to meet the requirements of the twenty year forecasts of population and employment.

Actual growth in Washington County in recent years has far outstripped the level of growth anticipated in the UGB findings. Washington County population has already reached the level expected to be contained by the SRA (Specially Regulated Areas) policy. Therefore the SRA concept will be replaced by a growth management policy which treats all lands within the urban area in a uniform manner.

Washington County is required to include, as part of its Comprehensive Plan, acknowledgment of the regional Urban Growth Boundary and policy or strategy statements intended to carry out the intent of the UGB as provided in several Metro policy guidelines. In 1999 and 2002, Metro expanded the Regional Urban Growth Boundary. Metro's Urban Growth Management Functional Plan (UGMFP) limits the size of new parcels to 20 acres and requires local governments to restrict development on new urban lands until master planning has occurred. The FD-20 District will be applied to properties added to the Regional UGB through Metro's Major or Legislative Amendment processes in order to comply with Metro's 20 acre minimum lot area requirement. The FD-20 District will be maintained on new urban lands until Metro's Title 11 planning requirements for the areas have been completed and adopted. The above policies and strategies meet the above requirement, but more importantly, they establish some parameters for growth that will be used to guide the development and update of Community Plans.

## **POLICY 14, MANAGING GROWTH:**

**It is the policy of Washington County to manage growth on unincorporated lands within the UGB such that public facilities and services are available to support orderly urban development.**

### Implementing Strategies

The County will:

- a. Support the regional Urban Growth Boundary and procedures for its amendment as acknowledged by the Oregon Land Conservation and Development Commission.
- b. Categorize urban facilities and services into three categories: Critical, Essential and Desirable.
  1. Critical facilities and services are defined as: Public water, public sanitary sewers, fire, drainage, and access (Local and Neighborhood Route roads). Adopted urban service agreements address the following facilities and services that are identified as critical: public water, public sanitary sewers and storm water facilities, fire, and streets and roads. Urban service agreements address who are the long-term providers of these services and facilities. An inability to provide an adequate level of Critical services in conjunction with the proposed development will result in the denial of a development application.
  2. Essential facilities and services are defined as: Schools, Arterial (including State highways) and Collector roads, transit improvements (such as bus shelter and turnouts, etc.), police protection, street lighting and on-site pedestrian facilities in the public right-of-way. Adopted urban service agreements address the following facilities and services that are identified as essential: streets and roads, including street lighting and pedestrian improvements; and public water, public sanitary sewers and storm water facilities, fire, and streets and roads. Urban Service agreements address who are the long-term providers of these services and facilities. Failure to ensure the availability of an adequate level of all Essential services within five (5) years from occupancy may result in the denial of a development application. The Review Authority may condition the approval to limit the period of time to a period shorter than five (5) years depending upon the degree of impact that the proposal has on the inadequate facilities or services and the risks to public safety in the interim period.

The development application will be denied when the Essential facilities and or services cannot be ensured within the required time period unless the following findings of fact can be made. All exceptions to the public facility and service standards shall require a public hearing:

- a) The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the aforesaid five (5) year period;
- b) The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;
- c) The approval of the development application without the insurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and

- d) It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provision of the unacceptable facility(ies) and service(s).
3. Desirable facility(ies) and service(s) are defined as: Public mass transportation service, parks and recreation facilities, bicycle facilities and off-site pedestrian facilities. Adopted urban service agreements address the following desirable facilities and services: public mass transit, park and recreation facilities, which may include off-site pedestrian and bicycle facilities, on-street bicycle facilities via roads and streets. Urban service agreements address who are the long-term providers of these services and facilities. These are facilities and services that may be expected in a reasonable time frame from the occupancy of a development. Requiring new development to annex to a park provider is an acceptable way to promote the availability of park and recreation facilities. A development application may be conditioned to facilitate desirable facilities and services based upon specific findings.
- c. Rely upon standards established by the appropriate special service district and adopted County Standards as the measurement of acceptability for the service provided by the service provider. The information obtained from the service provider shall be treated as a rebuttable presumption as to the ability to provide an adequate level of the facility or service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider. Specific standards for implementation will be identified in the Community Development Code as well as acceptable methods for assuring availability of required public services and facilities.
- d. Require that the cost of providing the required County urban services for a particular land use proposal shall be borne by the applicant or benefited properties unless otherwise authorized by the Board of County Commissioners. Methods to assure needed improvements that address development impacts may include but are not limited to improvements by an applicant, planned capital improvements by a public agency, fees, and annexation to a park district.
- e. Apply the growth management standards to all new development actions as provided in the Community Development Code..
- f. Establish clear and objective criteria for the issuance of all development permits. These criteria will consider:
1. Consistency with the Comprehensive Plan and appropriate Community Plans,
  2. Adequacy of public facilities and services as required in the growth management strategy, and
  3. Consistency with development standards contained in the Community Development Code.
- g. Use, and encourage other public service providers to use, the following priority list to guide the investment of public monies in public facilities and services:
1. Solve existing health, safety and welfare problems.
  2. Facilitate infill development or new development which is contiguous to existing.
  3. Promote commercial and industrial economic development opportunities.
  4. Extend services to outlying, undeveloped areas designated for residential development in the Comprehensive Plan.

### Summary Findings and Conclusions

A healthy, livable urban environment is achieved in part through the provision of public facilities and services prior to or concurrent with development at a level adequate to serve the expected demand.

The major urban facilities and services that have been impacted the most by the demands of the County's growth are the County road system, police protection, schools, and park and recreation services. Providers of other services and facilities, such as sewers and water lines, have in general been able to keep pace with the rapid growth of recent years and still provide adequate service to existing customers.

The County needs to make sure that, despite cutbacks in general revenue sharing and Federal and State funding for capital facility construction, future growth does not occur without the necessary supporting services. This can be accomplished through managing growth, using adequate service availability as a key element in the development review process.

## **POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:**

**It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.**

### Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning.
- b. Continue to provide the following facilities and services as resources permit:

<u>Service</u>	<u>Portions of County Served</u>
Public Health	County-wide
Sheriff Patrol	County-wide (limited)
Assessment and Taxation	County-wide
Road Maintenance	County roads
Land Development Regulations	Unincorporated Areas Only
Solid Waste Collection System Management (franchising)	Unincorporated Areas Only
Solid Waste Disposal	Unincorporated Areas Outside UGB
Cooperative Library System	County-wide
Records and Elections	County-wide

- c. Consider being an interim provider of park land and recreation facilities either directly or through an intergovernmental agreement with a park and recreation provider when the provisions of Policy 33 are met.
- d. In conjunction with Washington County cities and special service districts and Metro, adopt urban service agreements that address all unincorporated and incorporated properties in the Regional Urban Growth Boundary consistent with the requirements of ORS 195.060 to 080. Urban service agreements shall identify which service providers will be responsible for the long-term provision of the urban services described below and the ultimate service area of each provider. Urban service agreements shall also identify the service provision principles for each of the following urban services.

Urban services that will be addressed in urban service agreements include:

- Fire Protection and Emergency Services
- Law Enforcement
- Parks, Recreation and Open Space
- Public Transit
- Sewer
- Roads and Streets
- Storm Water



- Water

1. In the Tigard Urban Service Area, the designated long-term providers of the urban services described above are:

<u>Service</u>	<u>Long-Term Provider</u>
Fire protection and emergency services	Tualatin Valley Fire and Rescue
Law enforcement	City of Tigard
Parks, recreation and open space	City of Tigard
Public transit	TriMet
Roads and streets	City of Tigard, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)
Sewer	City of Tigard and Clean Water Services
Storm water	City of Tigard and Clean Water Services
Water	City of Tigard, Tualatin Valley Water District and the Tigard Water District

2. In the Hillsboro Urban Service Area, the designated long-term providers of the urban services described above are:

<u>Service</u>	<u>Long-Term Provider</u>
Fire protection and emergency services	City of Hillsboro
Law enforcement	City of Hillsboro
Parks, recreation and open space	City of Hillsboro
Public transit	TriMet
Roads and streets	City of Hillsboro, Washington County (only roads in the county-wide road system), and the Oregon Department of Transportation (only roads in the state highway system)
Sewer	City of Hillsboro and Clean Water Services
Storm water	City of Hillsboro and Clean Water Services
Water	City of Hillsboro and Tualatin Valley Water District

- e. Establish a coordination system with all cities, special districts and private companies that now or will provide services to the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:
  - 1. Sanitary sewage collection and treatment,
  - 2. Drainage management,
  - 3. Fire protection,
  - 4. Water distribution and storage,
  - 5. Schools,
  - 6. Libraries,
  - 7. Utilities (electricity, telephone and cable communications, natural gas, etc.),
  - 8. Solid waste disposal,
  - 9. Roads and transportation facilities,
  - 10. Parks, recreation facilities, and open space,
  - 11. Police,
  - 12. Transit, and
  - 13. Street Lighting
  
- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
  - 1. Process for review of development proposals,
  - 2. Process for review of proposed service extension or facility expansion,
  - 3. Service district or city annexation,
  - 4. Planning of service extensions, new facilities, or facility expansions,
  - 5. Procedures for amending the agreement,
  - 6. Methods to be used to finance service and or facility improvements, operation and maintenance,
  - 7. Methods to be used to acquire and develop park land and recreation facilities.
  - 8. Standards to be used by the County and the service provider in assessing "adequate" service levels,
  - 9. Area or clientele to be served now and in the future,
  - 10. Consistency with Plan policies and strategies,

11. Coordination of capital improvements programs, and
  12. Cost effectiveness of service provision.
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.
  - h. Not oppose proposed annexations to a special service district:
    1. That are consistent with an urban service agreement; or
    2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

- i. Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by the City of Beaverton consistent with the Portland Urban Service Boundary, the City of Portland shall consent to annexation by Beaverton of that area south of SW Garden Home Road and west of Oleson Road that is currently in Portland.
- j. For the Raleigh Hills Center as shown on the acknowledged Metro 2040 Growth Concept Map, the affected jurisdictions of Beaverton, Portland, Washington County and Metro shall enter into an urban planning agreement to assure implementation of the Urban Growth Management Functional Plan provisions relating to town centers, including the establishment of town center boundaries and demonstration of target capacities for jobs and housing.
- k. Work with Citizen Participation Organizations to identify and describe specific concerns related to possible future annexations of land to cities which abut Community Planning Areas. These concerns shall be considered by the County during renegotiation of Urban Planning Area Agreements.
- l. Support incorporation of new communities provided that incorporation will result in the provision of services in the most efficient and cost effective manner and is not in violation of an already existing Urban Planning Area Agreement between the County and an affected city.
- m. Cooperate in the development, adoption, and implementation of a master plan for library services and facilities based on a survey of County library needs; and, develop a financial plan for operating library services in the County, with emphasis on the establishment of a multiple funding base, with the involvement of the Washington County Cooperative Library System Citizen Advisory Board, cities, community libraries, school districts, the Tualatin Hills Park and Recreation District, and citizens.
- n. Enter into intergovernmental agreements with high growth school districts that are consistent with state law, and that contain at a minimum the following items:
  1. An explanation of how objective criteria for school capacity in the District's school facility plan will be used by the County;
  2. School District involvement with the County's periodic review; and
  3. How the County will coordinate comprehensive plan amendments and residential land use regulation amendments with the District, including notice of hearing.

These intergovernmental agreements may be adopted by the Board of County Commissioners through Resolution and Order.

- o. Require developing properties not currently located within the service area of a park district that provides park and recreation services to annex to a park district when the following conditions are met:
  - 1. The property lies within an area identified for park and recreation service by a park district in an urban service agreement adopted pursuant to ORS 195.065; or, if no urban service agreement applies to the property, the property lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and
  - 2. The park district has adopted a Park Master Plan for the subject area, which provides the basis for the development of park and recreation facilities.
- p. Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.

### Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and coordination between service providers in developing plans and programming capital facilities has been limited.

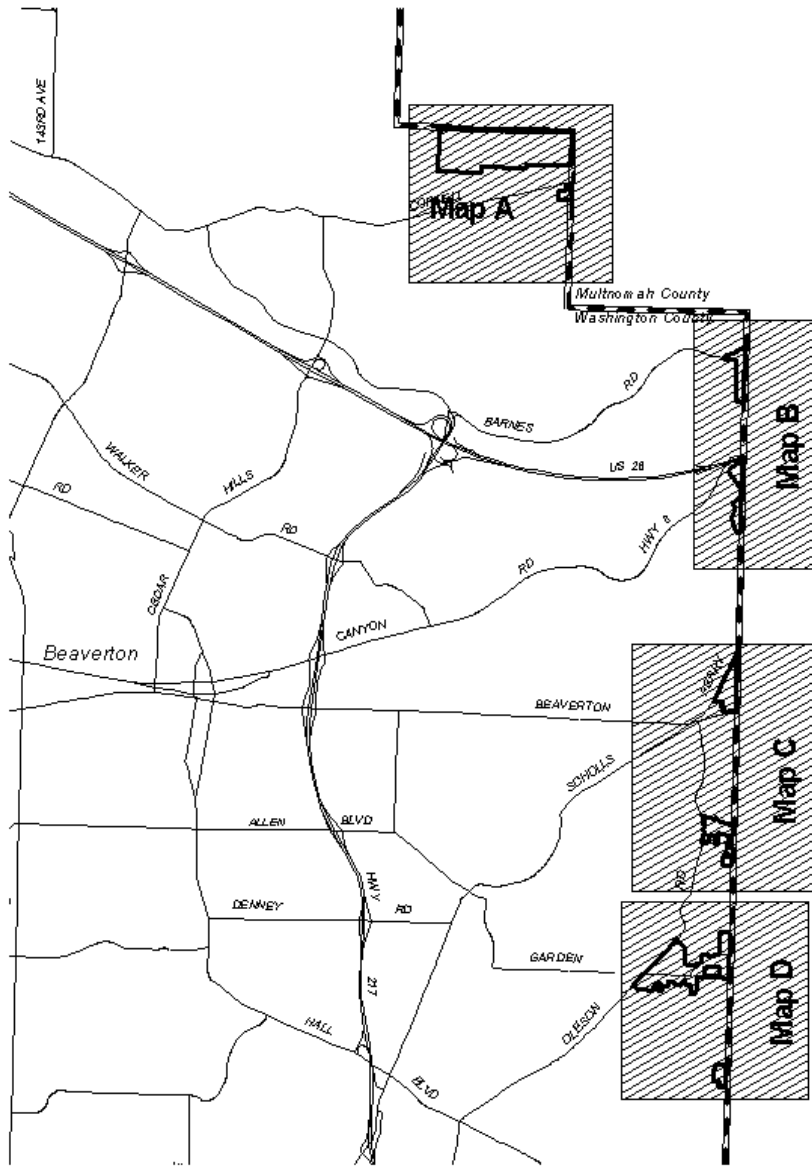
The County has the responsibility under State law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility--which will result in a better living environment for County residents--is the formal establishments of a strong coordination system between the County and all service providers and the adoption of urban service agreements.

In 1993 the State Legislature adopted Senate Bill 122 (codified as ORS 195), which requires local governments to work together to establish urban service boundaries and adopt urban service agreements. ORS 195.060 to 080 requires local governments to determine who will be the ultimate urban service providers of the following services: fire protection, parks, recreation, open space, sewer, streets, roads, and public transit. In addition to these services, Washington County local governments determined that law enforcement and storm water services should also be addressed. Urban service agreements identify the ultimate service area of each provider and identify the service provision principles for each urban service. Urban service agreements are applicable to land inside the Regional Urban Growth Boundary, including incorporated and unincorporated areas. Urban service boundaries have been adopted for Hillsboro, Portland and Tigard and urban service agreements have been adopted for Hillsboro and Tigard. Efforts to establish needed urban service agreements and designate urban service boundaries for other cities shall continue. Urban service agreements are a very important tool in ensuring that residents and businesses in the urban area receive all the services addressed in urban service agreements, as well as ensuring the timely and efficient provisions of public facilities and services within the County.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

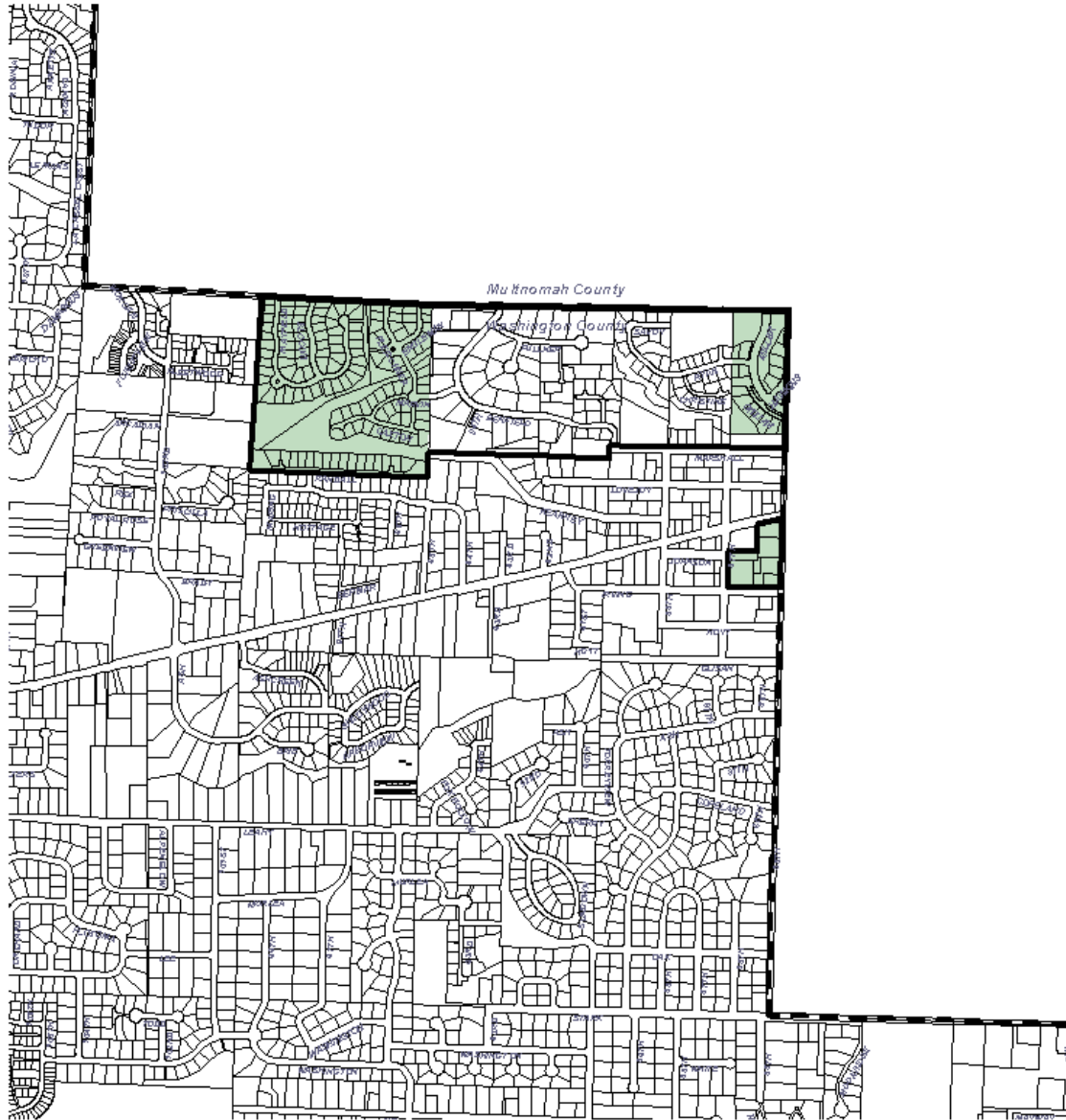
Requiring developing properties to annex to special service districts that provide park and recreation services helps to assure that such services are provided within a reasonable time frame.

### Portland Urban Service Area Index Map



Portland Urban Service Boundary  
Washington Co./Multnomah Co. Boundary

### City of Portland Urban Service Area Map A



Portland Urban Service Boundary




Washington Co./Multnomah Co. Boundary

City of Portland



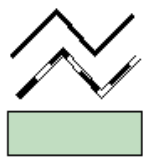
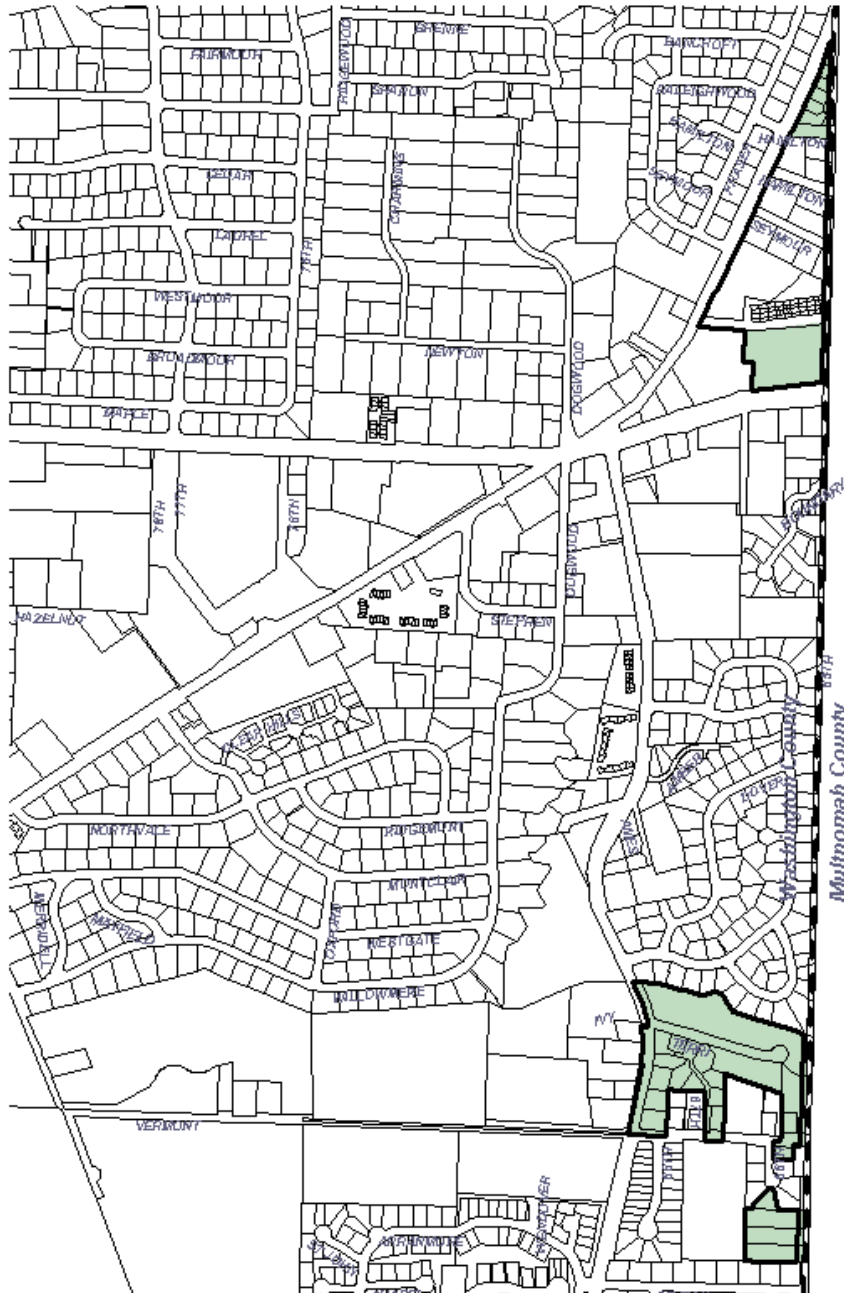
City of Portland Urban Service Area  
Map B



-  Portland Urban Service Boundary
-  Washington Co / Multnomah Co. Boundary
-  City of Portland



### City of Portland Urban Service Area Map C

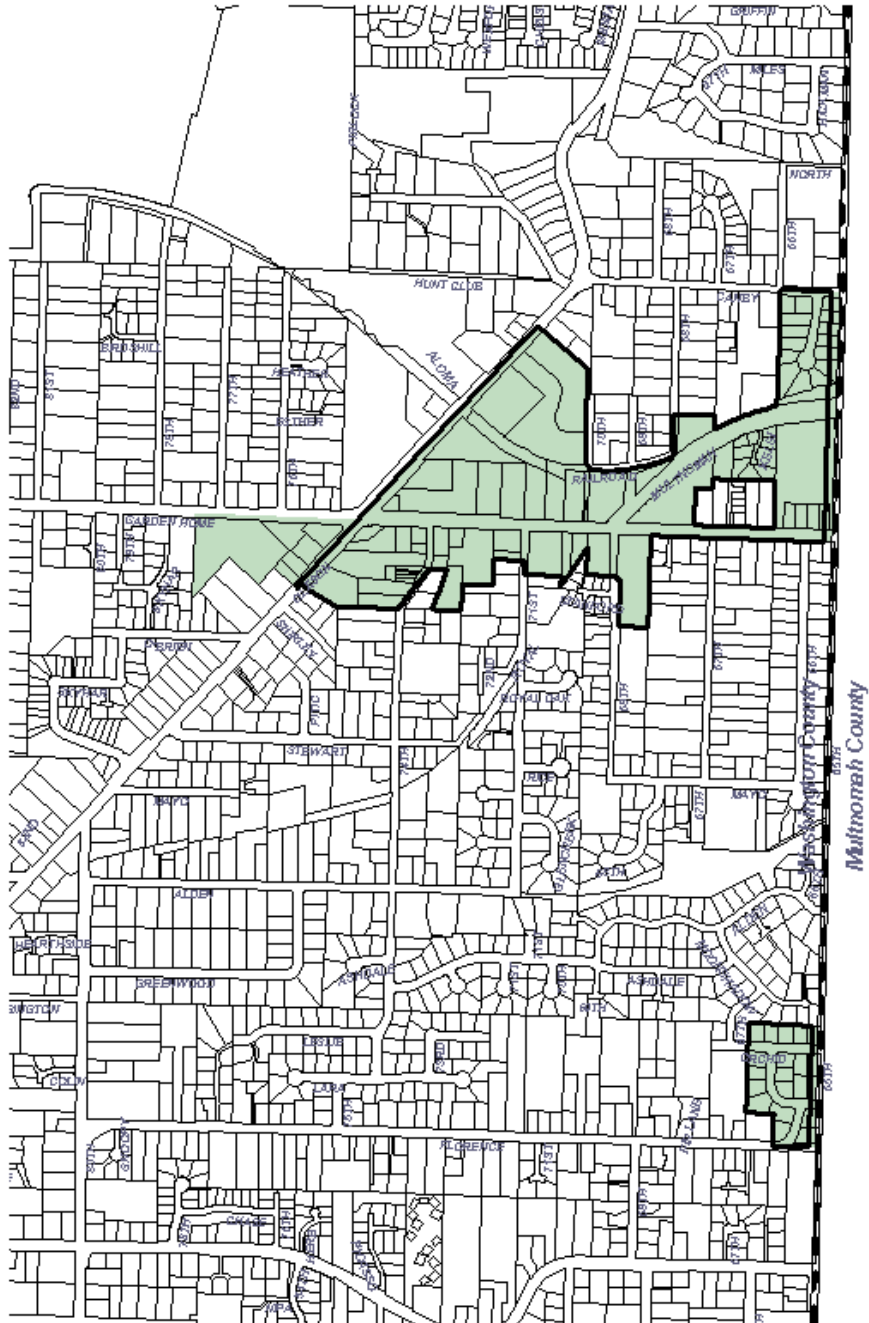


Portland Urban Service Boundary  
Washington Co./Multnomah Co. Boundary  
City of Portland



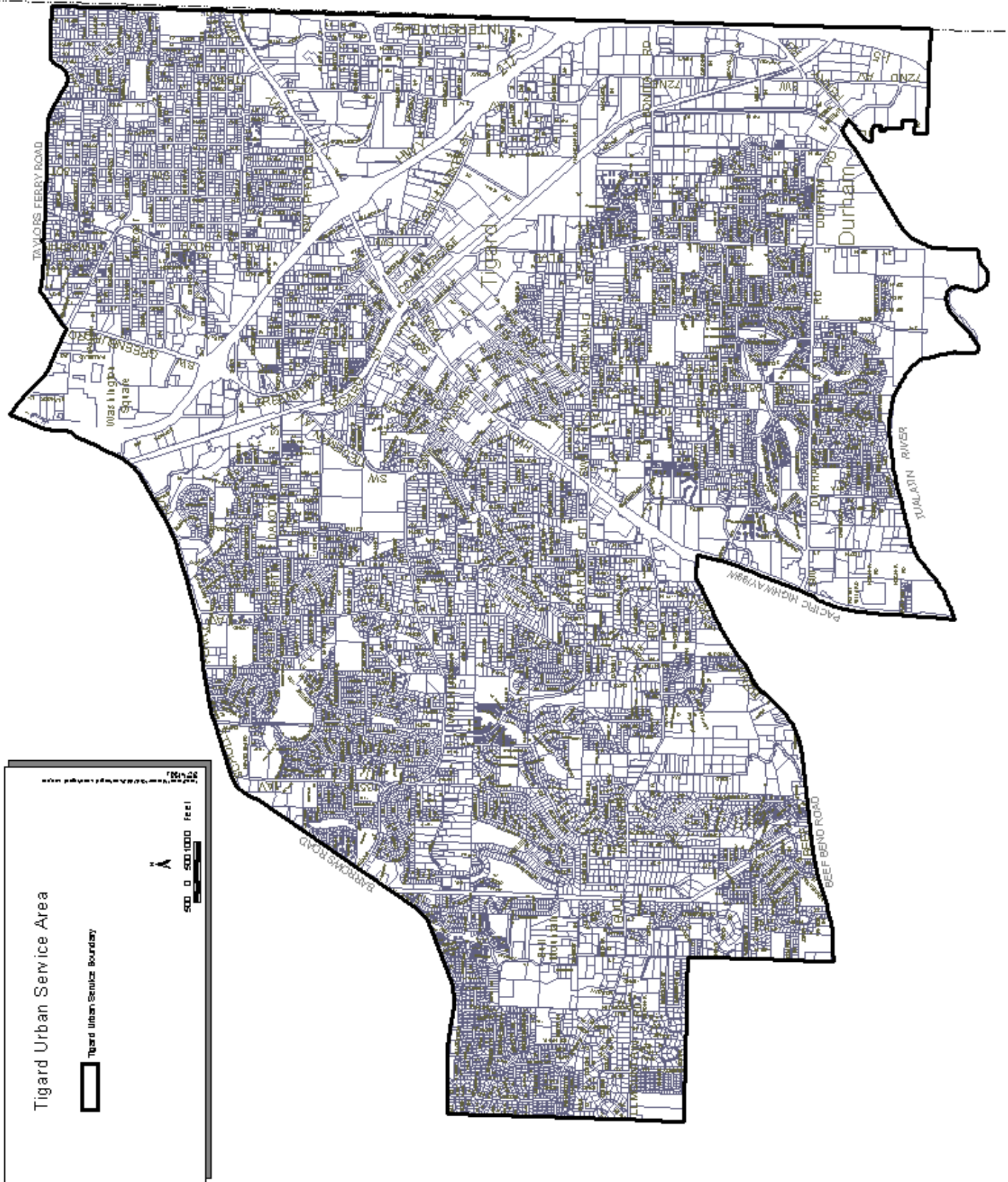


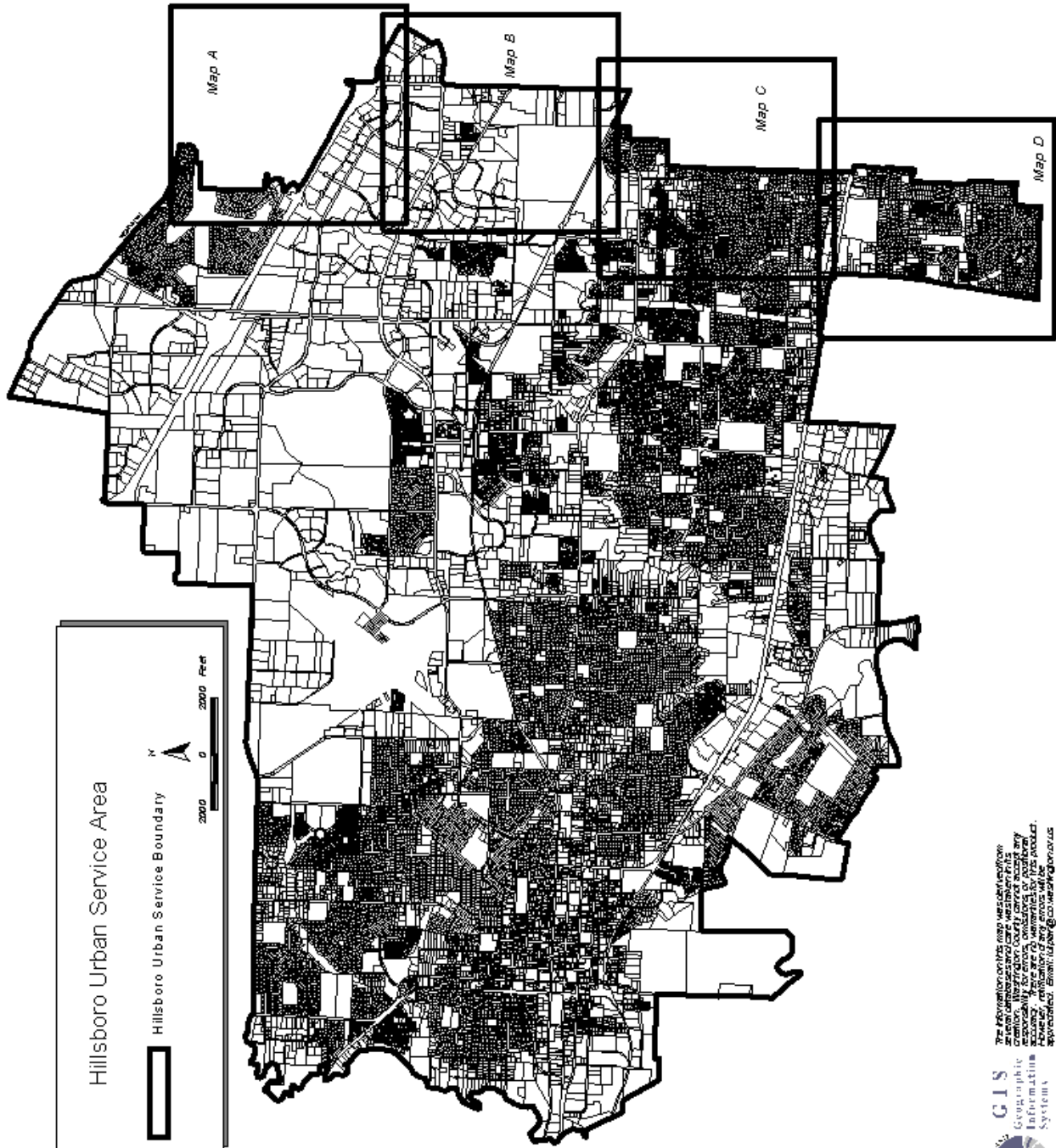
### City of Portland Urban Service Area Map D



Portland Urban Service Boundary  
Washington Co./Multnomah Co. Boundary  
City of Portland



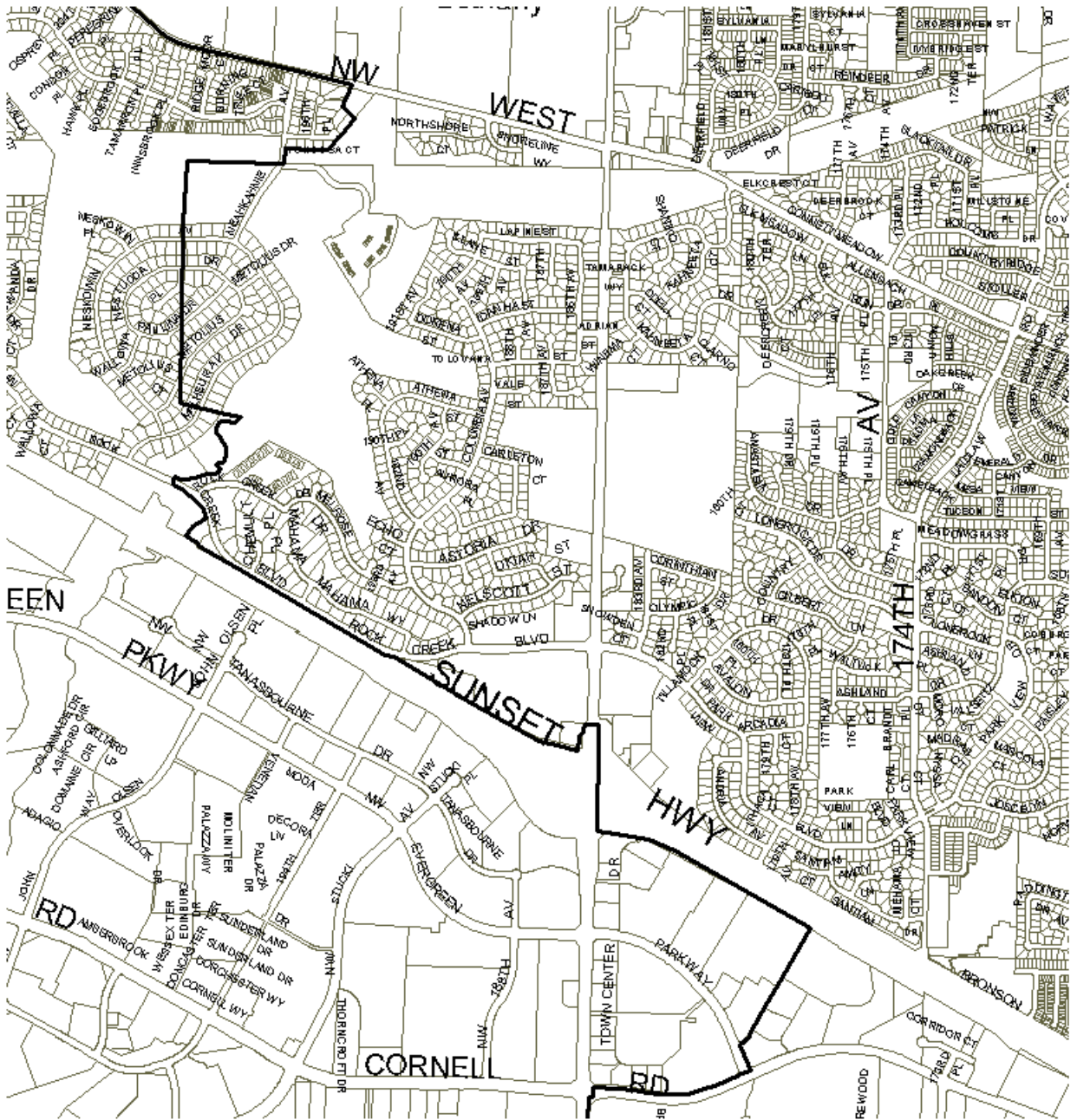




 GIS  
Geographic  
Information  
Systems

The information on this map was derived from  
aerial photography and other available data.  
Hillsboro County cannot accept any  
responsibility for errors or omissions in this product.  
Appalachian Regional Council  
s:\workspace\0204\040808 Hillsboro\_Use\_Map.aprx Date: 10/26/04



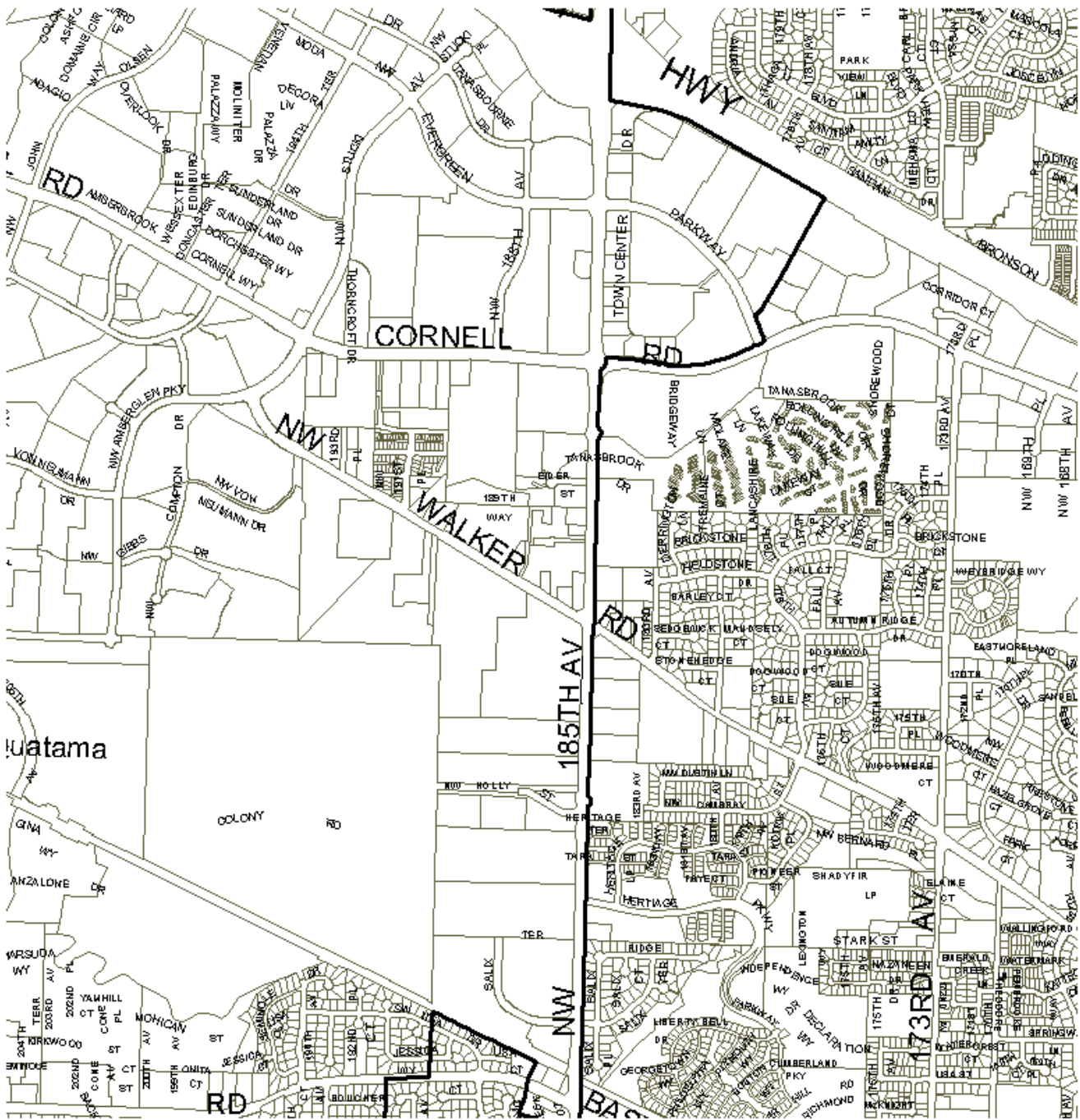


**Map A**  
**Hillsboro Urban Service Boundary**



— Hillsboro Urban Service Boundary

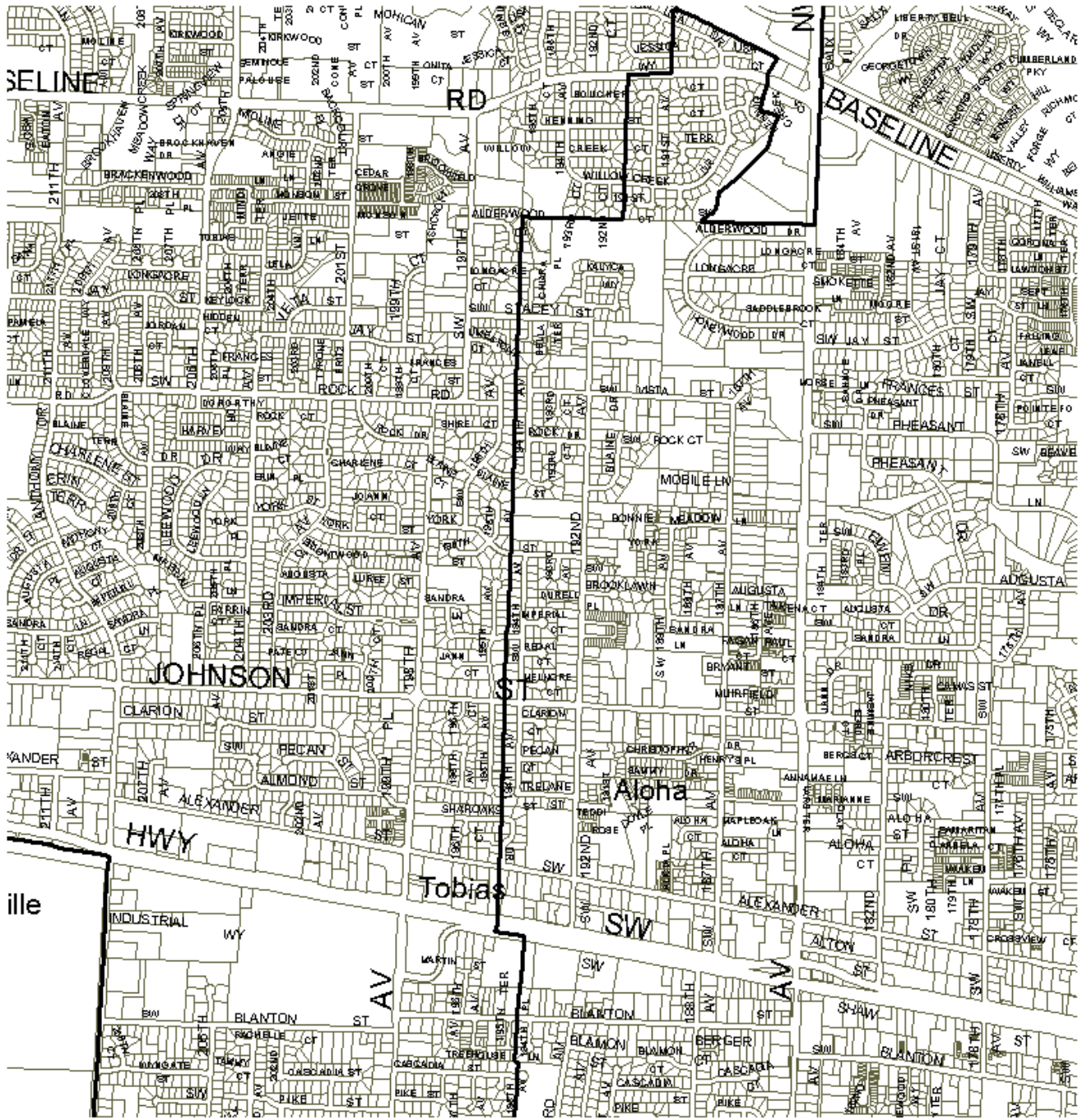
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# Map B Hillsboro Urban Service Boundary



— Hillsboro Urban Service Boundary



# Map C Hillsboro Urban Service Boundary



— Hillsboro Urban Service Boundary





## **POLICY 16, QUANTITY OF GROWTH:**

**It is the policy of Washington County that Community Plans be prepared, evaluated and updated using housing, employment and population allocations contained in the Comprehensive Framework Plan as the minimum necessary number of new housing units and new jobs which must be accommodated.**

### Implementing Strategies

The County will:

- a. Provide for each new planning area--those areas without a recently adopted community plan--numerical and written information regarding forecasted housing, employment, and population growth and recommendations regarding distribution of the area's remaining vacant lands to general land use categories. The planning for property added to the Regional Urban Growth Boundary shall be consistent with Metro's Urban Growth Management Functional Plan.
- b. Require that plans for the new planning areas use the information provided as the basis for designation of land uses to buildable lands.
- c. Evaluate recently adopted community plans, in part, using allocations from the CFP.

### Summary Findings and Conclusions

Washington County's share--including the cities--of regional growth projected between 1980 and the year 2000 is estimated to be about 138,000 persons, 75,000 homes, and 90,000 jobs; for the now unincorporated area of the County inside the UGB, these figures translate to approximately 90,000 people, 39,500 homes, and 38,800 jobs. In arriving at these estimates for the unincorporated area, projections of 20-year growth provided by city plans were subtracted from the total County projections.

The total holding capacity of the County's buildable lands is represented by the estimated number of homes and jobs that can be accommodated on those lands given certain assumptions about public rights-of-way, institutional needs, and housing and employment densities. Inside the UGB residential holding capacities are calculated using housing mix and density requirements established by Metro after an amount of land needed for economic development is removed. According to State rules, Washington County is required to provide in the Comprehensive Plan the opportunity for a new residential construction mix of 50:50 between detached and attached units and an average density for new residential construction of 8 units per net buildable acre in the urban unincorporated area.

Commercial and industrial holding capacities are estimated using assumptions about the typical number of employees per acre occurring in different activities and a percentage of land needed beyond that required for projected growth to provide market choice.

Using the assumptions briefly described above, the level of growth in the urban unincorporated area forecast for 1980-2000 will require the use of approximately 7,900 acres of the vacant buildable land supply inside the UGB; an additional amount of land will be required for institutional uses which are needed to support that residential and economic growth. Since the total supply of buildable land is now an estimated 17,826 acres, the amount of land that is probably not needed for growth is about 9,900 acres. These acres include both institutional lands and excess holding capacity for housing and economic development. (More exact information in vacant and available land will be developed as part of the community planning process, therefore these estimates are subject to change.)



Community plans for the urban unincorporated area need to include land use designations for every piece of property in the planning area, whether or not the property is thought to be needed in the next 20 years. Assignment of land use designations will require the careful use of locational criteria from the Comprehensive Framework Plan. However, this work must also be done such that the resulting network of community plans helps to meet regional requirements for implementing the UGB. For properties designated FD-20, the planning for these areas shall be consistent with Title 11 of Metro's Urban Growth Management Functional Plan. To assist community planning groups in this effort work has been done to translate countywide growth projections and housing supply and density requirements to each of the community planning areas. (These allocations are subject to change based on new information or decisions on options affecting the allocations.)

The process of allocating homes and jobs took in to account the amount and location of existing vacant lands in each area, topographic features, transportation accessibility, prevailing character of each area and surrounding communities. The three communities with already adopted plans--Raleigh Hills-Garden Home, Metzger-Progress, and Sunset West--are assured through the growth allocations that the housing and employment limits of their existing plans will not be exceeded. Preliminary results of the allocation process are shown in the following table. (A complete description of the methodology used will be included in the appendix of the final draft of the CFP.)

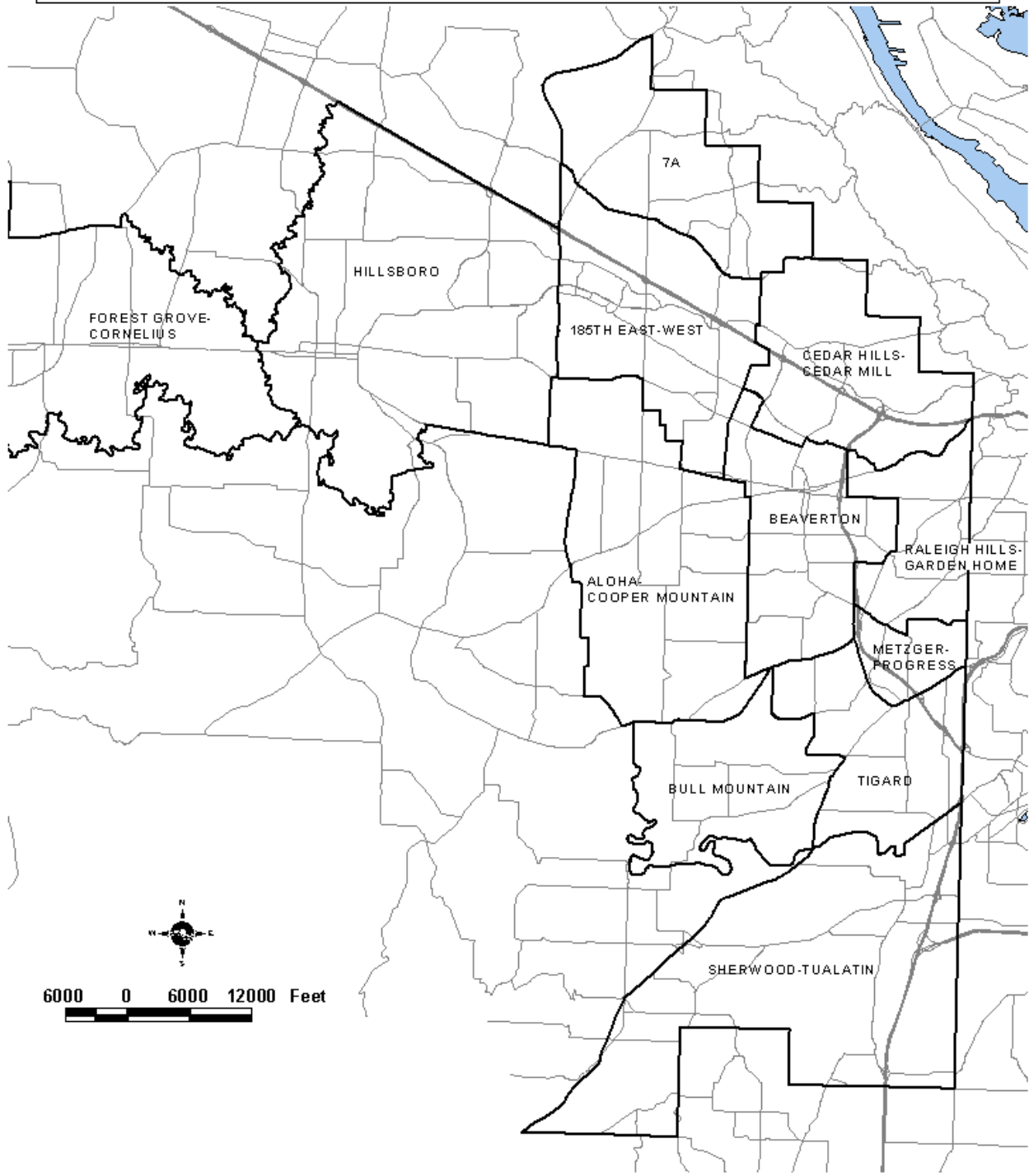
The County will use the combined set of Community plans for the urban unincorporated area to show in part that Metro and LCDC requirements for implementation of the Urban Growth Boundary are being met. New community plans will need to be developed using the growth allocations and underlying assumptions as a firm guide, while the work and commitments put into recently adopted Community plans will be respected.

**GROWTH ALLOCATION AREAS**                      **WASHINGTON COUNTY**

SOURCE: Washington County  
Department of Land Use and Transportation, 1986

*This map is compiled from original materials at different scales. For more details please refer to the source materials of the Washington County Department of Land Use and Transportation.*

**MAP 3**                      WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
MAY 1986



PRELIMINARY GROWTH AND LAND USE DISTRIBUTION  
 URBAN UNINCORPORATED WASHINGTON COUNTY

AREA	TOTAL BUILDABLE LAND (GROSS ACRES EXCLUDING STEEP SLOPES AND FLOOD PLAINS)	DISTRIBUTION OF UNITS AND EMPLOYEES TO ACRES	
<b>URBAN UNINCORPORATED WASHINGTON COUNTY</b>			
Total	14,882.9		
Low Density Residential	9,770.9	36,642 units	9,770.9 ac.
Medium Density Residential	2,748.4	39,579 units	2,748.4 ac.
Office	254.7	24,841 emp	254.7 ac
Retail	306.7	7,953 emp	306.7 ac.
Industrial	1,802.2	45,055 emp	1,802.2 ac.
<b>CEDAR HILLS-CEDAR MILL</b>			
Total	2,055.1		
Low Density Residential	1,337.9	5,017 units	1,337.9 ac.
Medium Density Residential	534.3	7,694 units	534.3 ac
Office	92.5	7,863 emp	92.5 ac.
Retail	92.5	1,900 emp	76.0 ac.
Industrial	14.4	360 emp	14.4 ac.
<b>RALEIGH HILLS-GARDEN HOME</b>			
Total	817.5		
Low Density Residential	748.7	2,808 units	748.7 ac.
Medium Density Residential	31.5	454 units	31.5 ac.
Office	22.6	4,339 emp	22.6 ac.
Retail	14.7	368 emp	14.7 ac.
Industrial	0	0	0
<b>METZGER-PROGRESS</b>			
Total	277.6		
Low Density Residential	220.6	828 units	220.6 ac.
Medium Density Residential	27.7	400 units	27.7 ac.
Office	12.9	1,870 emp	12.9 ac.
Retail	16.4	440 emp	16.4 ac.
Industrial	0	0	0
<b>BULL MOUNTAIN</b>			
Total	1,290.0		
Low Density Residential	1,285.0	4,818 units	1,285 ac.
Medium Density Residential	0	0	0
Office	0	0	0
Retail	5.0	125 emp	5.0 ac.
Industrial	0	0	0

AREA	TOTAL BUILDABLE LANDS (GROSS ACRES EXCLUDING STEEP SLOPES AND FLOOD PLAINS)	DISTRIBUTION OF UNITS AND EMPLOYEES TO ACRES	
<b>SHERWOOD</b>			
Total	996.0		
Low Density Residential	624.9	2,340 units	624.0 ac.
Medium Density Residential	100.0	1,440 units	100.0 ac.
Office	0	0	0
Retail	44.0	1,100 emp	44.0 ac.
Industrial	228.0	5,700 emp	228.0 ac.
<b>ALOHA-REEDVILLE-COOPER MT.</b>			
Total	3,012.0		
Low Density Residential	2,093.3	7,850 units	2,093.3 ac.
Medium Density Residential	819.3	11,798 units	819.3 ac.
Office	12.0	1,020 emp	12.0 ac.
Retail	57.3	1,433 emp	58.3 ac.
Industrial	30.1	753 emp	30.1 ac.
<b>BETHANY</b>			
Total	1,620.0		
Low Density Residential	1,247.4	4,436 units	1,183.0 ac.
Medium Density Residential	356.4	4,908 units	340.8 ac.
Office	0	0	0
Retail	16.2	250 emp	10.0 ac.
Industrial	0	0	0
<b>SUNSET WEST</b>			
Total	4,237.7		
Low Density Residential	2,137.8	8,017 units	2,137.8 ac.
Medium Density Residential	857.4	12,347 units	857.4 ac.
Office	114.7	9,749 emp	114.7 ac.
Retail	76.1	2,157 emp	76.1 ac.
Industrial	1,051.7	26,292 emp	1,051.7 ac.
<b>WEST UNIOIN</b>			
Total	478.0	0	0
Low Density Residential	0	0	0
Medium Density Residential	0	0	0
Office	0	0	0
Retail	0	0	0
Industrial	478.0	11,950 emp	478.0 ac.

County policy should direct the use of the growth and land use allocations and the set of guidelines which will accompany them in preparing and updating Community Plans. In doing so, Community Plans will be prepared which accommodate the growth that is projected and the resulting land use patterns will reflect the County's and the community's concern for fostering efficient development as well as a livable environment.

## **POLICY 17, QUALITY OF DEVELOPMENT:**

**It is the policy of Washington County to:**

- A. Locate development through the community planning process by considering land use compatibility, complementary scale, and overall community impacts; and, establish a clear and objective development review process which evaluates individual developments from a functional site design perspective.**
- B. Utilize a one map planning methodology with respect to a plan map and implementation mechanism. The Community Development Code (Development Regulations) shall be prepared using such an approach.**
- C. Develop the Community Development Code utilizing the following objectives:**
  - Allow master application form, one step permit**
  - Implement the Plan**
  - Standardize procedures for all land use actions**
  - Establish a two-tier review process for land use actions in transit oriented districts that has specific design standards and provide for a quicker review process and flexibility**
  - Reduce costs (public and private)**
  - Protect existing neighborhoods**
  - Allow flexibility in developing areas**
  - Include clear and objective standards and criteria to**
    - Add predictability**
    - Remove confusion**
    - Simplify requirements**
  - Allow consolidated review of multiple requests for the same site.**
  - Protect existing open space and recreational facilities.**

### Implementing Strategies

The County will:

- a. Continue and improve the design review process as part of its overall development regulations:

1. Based on clear and objective design criteria and standards, and
  2. Using an administrative procedure with an appeal process for Type I and Type II actions and certain Type III actions.
- b. Establish a two-tier process for the review of land use actions in transit-oriented districts that provides:
1. For an expeditious Type II review of actions that are consistent with clear and objective design standards,
  2. A Type III process to allow applications to vary from the specific design standards for transit oriented districts when compliance with broader design principles is demonstrated, and
  3. One appeal for each review procedure.
- c. Include clear and objective design criteria and standards in its development regulations which:
1. Preserve and enhance the amenities of the natural and the built environments,
  2. Maintain and improve the qualities of, and relationships between buildings and surrounding uses now and in the future,
  3. Ensure that individual development contributes to a quality environment for people using the development and the surrounding neighborhood, and
  4. Account for the climate, soil limitations, topography, flood plains and or drainageways, solar orientation and natural vegetation in the site design.
- d. Require design review criteria and standards which address:
1. Site layout, including such factors as: climate, energy conservation, privacy, topography, vegetation, flood plain and natural drainageways, special needs of the handicapped, and crime prevention techniques,
  2. Transit-oriented development, including but not limited to circulation, pedestrian streetscapes, parking areas and garages, open space, landscaping, signs, water quantity/ quality facilities, and density transitions,
  3. Private and common outdoor spaces,
  4. Parking and circulation,
  5. Access to site from adjacent rights-of-way, streets and arterials,
  6. Exterior lighting,
  7. Service and delivery areas,
  8. Outdoor storage,
  9. Landscaping and buffering,
  10. Building location, orientation, weight and mass,
  11. Retention of natural features,

12. Transit and pedestrian bike access, and

13. Signs: location, size, height and message.

- e. Include design standards in the Community Development Code related to: 1) infill development, 2) mobile home parks and mobile home subdivisions, 3) land divisions, and 4) transit-oriented development.
- f. Allow the review authority to impose conditions on a development proposal in order to meet clear and objective criteria for site design established by this Plan.
- g. Include in the Community Development Code site design data requirements for proposed residential, commercial, industrial, and institutional developments.

#### Summary Findings and Conclusions

The cumulative impacts of design decisions that are made during the community planning and subsequent land development processes define the character and attractiveness of a community.

A well-conceived development plan provides for the appropriate layout and design of proposed project improvements, including but not limited to: structures, vehicular parking and circulation areas; landscaping; outdoor recreation areas; signs and graphics; grading and fill; pedestrian access; and buffering and screening measures.

A program which 1) emphasizes and promotes functional, safe, innovative and attractive site development compatible with the natural and the built environment and 2) evaluates the design of new development in terms of its conformance with design policies contained in adopted community plans, will greatly contribute to improving community identity and pride and enhancing the quality of life for County residents and visitors.

Creating a review process in transit oriented districts that requires applications to meet a higher level of design standards, provides a more expeditious review of applications that follow specific design standards, and provides a process to allow applications to vary from the specific design standards when the application demonstrates compliance with broader general design principles through the Type III process will encourage development within these areas that is attractive and encourages the increased use of transit, walking, and biking.

## **POLICY 18, PLAN DESIGNATIONS AND LOCATIONAL CRITERIA FOR DEVELOPMENT**

**It is the policy of Washington County to prepare community plans and development regulations in accordance with land use categories and locational criteria contained in the Comprehensive Framework Plan.**

### Implementing Strategies

The County will:

- a. Utilize the land use classifications for the community planning program characterized in this section as plan designations. In determining the appropriate land use designations for community land, the location criteria should be utilized. Through the preparation of Community Plans the application of the plan designations may deviate from the general characterizations of those designations. Such deviations shall be characterized in the Community Plans.
- b. Incorporate the plan designations characterized in this section into the Development Code as land use districts. A precise definition of the use types permitted within each district and their development standards shall be contained within the regulations. These regulations will be developed, with citizen input, concurrently with the development of the Community Plans.
- c. Require that open space areas required as a condition of approval through a development action preceding the effective date of this ordinance shall remain as such and cannot be developed except as may be provided by the Community Development Code.

### Summary Findings and Conclusions

The basic building block for comprehensive planning is the land use scheme or pattern which provides for future population and employment growth. From this pattern public facilities and services are gauged and planned. In addition to the basic land uses of residential, commercial, and industrial, refinements within each major category are used to respond to community characteristics. Issues of compatibility, such as buffering, landscaping and access control will be addressed in the revised development regulation standards and through provision for appropriate administrative and public review procedures. In addition, these regulations will address the conditions under which certain uses or actions can be taken. All such regulations will be clear and objective.

Pursuant to Metro's Urban Growth Management Functional Plan, minimum and maximum densities have been established in all residential districts, including the Transit Oriented Residential Districts. With respect to residential plan designations the following density ranges shall apply:

R5	4 to 5 units per acre
R6	5 to 6 units per acre
R9	7 to 9 units per acre
R15	12 to 15 units per acre
R24	19 to 24 units per acre
R25+	20 to 100 units per acre
TO:R9-12	9 to 12 units per acre
TO:R12-18	12 to 18 units per acre
TO:R18-24	18 to 24 units per acre
TO:R24-40	24 to 40 units per acre



TO:R40-80 40 to 80 units per acre  
TO:R80-120 80 to 120 units per acre

### R5

*Characterization:* This district primarily includes detached residences at a density of four to five units per acre. Attached units are permitted in this district only through a Planned Development process. Manufactured dwelling parks and subdivisions are not permitted in the R5 district. A single manufactured home on a lawfully created parcel is permitted in the district. The Infill Policy (19) of the Comprehensive Framework Plan applies in this district.

*Location Criteria:* The R5 District shall be applied to areas in Community Plans selected for low residential densities which are designated Urban in the 1973 Washington County Comprehensive Framework Plan, as amended, and zoned RU-2, RU-4, or developed under the P-R district.

Generally, R5 areas should not be located on major traffic routes. If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include attached and detached residences (including manufactured dwellings), office and retail commercial, industrial, and institutional uses.

### R6

*Characterization:* This class of uses primarily includes detached residences and, with notice to surrounding property owners, attached dwellings and manufactured dwellings in manufactured dwelling parks and manufactured dwelling subdivisions. The R6 district is intended to provide the opportunity for innovative design at relatively low densities in developing residential areas in which no predominant urban character has been established. Residences in this district shall occur at a density of five to six units per acre. The Infill policy (19) of the Comprehensive Framework Plan shall apply in this district.

*Location Criteria:* The R6 district shall be applied to areas in community plans selected for the lowest residential densities which are not zoned RU-2, RU-3, RU-4, or developed under the PR zone, and which are designated Urban Intermediate by the 1973 Washington County Comprehensive Framework Plan, as amended.

Generally, R6 areas should not be located on major traffic routes. If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include detached and attached residences (including manufactured dwellings), retail and office, commercial, industrial and institutional uses.

### R9

*Characterization:* This class of uses includes detached and attached residences, mobile home parks, mobile home subdivisions, and appropriate accessory uses. These uses occur at a density of no more than 9 units per acre and no less than 7 units per acre. When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement.

*Location Criteria:* Residences in this class should generally be located close to, but not necessarily on, Collector and/or Arterial streets. They should be located away from intersections of Arterials and Collectors. This kind of location allows moderately good access to transit, reduces through traffic on local streets, and mitigates noise and air pollution impacts. If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include detached and attached residences, retail commercial, office commercial, and industrial uses.

#### R15

*Characterization:* This class of uses includes attached residences, mobile home parks and subdivisions and detached residences, and appropriate accessory uses. These uses will occur at a density of no more than 15 units per acre and no less than 12 units per acre. When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement.

*Location Criteria:* Residences in this class should be located on or near Neighborhood Routes and Arterials both to allow ready access to transit and discourage the use of local streets for through traffic. If residences are located at or near Collector-Arterial intersections, construction and design features to buffer the impact of noise and air pollution must be provided. This class of uses should not be located at the intersection of two Arterials unless particular care is taken to minimize potential environmental impacts.

If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include detached and attached residences, retail commercial, office commercial, and industrial uses, and mobile home parks and mobile home subdivisions.

#### R24

*Characterization:* This class of uses includes attached residences, mobile home parks and subdivisions and detached residences in conjunction with Planned Developments, and appropriate accessory activities. These uses occur at a density of no more than 24 units per acre and no less than 19 units per acre. When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement.

*Location Criteria:* Residences in this class should be located on or near Collectors and Arterials. Through traffic access to residences in this district should not be provided from local streets. Locations on or near Transit Streets are desirable for these uses. Location of residences at or near Collector-Arterial and Arterial-Arterial intersections will require use of construction design techniques to reduce potential visual, noise, and air pollution impacts on occupants. If appropriate design features can protect the area from adverse impacts, adjacent land uses may include detached and attached units, mobile home parks and mobile home subdivisions, retail commercial, office commercial, and industrial uses.

#### R25+

*Characterization:* This class of uses includes detached and attached residences, as well as mobile home parks and subdivisions in conjunction with Planned Developments and appropriate accessory uses. These uses may occur at densities of 25 units or more per acre and no less than 20 units per acre. When allowed by a legislative or quasi-judicial plan amendment, assisted living units, that are part of a mixed-use residential development, may be used to satisfy the minimum density requirement.

*Location Criteria:* Residences in this class should be located close to or within major employment or shopping areas. Measures should be incorporated in the project design to reduce potential adverse impacts of such locations on occupants. These uses should be located on or near Collectors or Arterial streets and Transit Streets. Through traffic access shall not be provided from local streets. If appropriate design features can protect the area from potential adverse impacts, adjacent land uses may include detached and attached residences, mobile home parks and mobile home subdivisions, retail commercial, office commercial, and industrial uses.

#### Neighborhood Commercial (NC)

*Characterization:* This district provides for small to medium-sized shopping facilities, including food markets, up to 35,000 square feet in gross floor area, and limited office use. Food markets with between 35,000 and 50,000 square feet in gross floor area may be allowed in the district consistent with quasi-judicial public review procedures and criteria established in the Community Development Code.

The intent is to provide for the shopping and service needs of the immediate urban neighborhood and as such should be readily accessible by car and foot from the surrounding neighborhoods. The scale, operation and types of uses permitted in this district are in keeping with the neighborhood character and the capacity of public facilities and services. The principal tenant is likely to be a food market.

*Location Criteria:* The precise location of these uses should be jointly determined by market factors and the community planning process. Generally, they should be located at Collector and or Arterial intersections and at intervals a mile apart. These uses may be grouped on sites of up to 10 acres.

#### Community Business (CBD)

*Characterization:* Commercial centers in this district are intended to provide the community with a mix of retail, service and business needs on a medium to large scale within a mixed use planned development. Medium and high density residential uses, as well as various office and institutional uses, may be permitted. As the need for regional shopping centers is adequately provided for in existing or planned facilities, the location of any new regional scale shopping centers or major department stores larger than 50,000 square feet, must undergo public review and demonstrate need. Commercial activities within this district occur almost entirely within enclosed buildings.

*Location Criteria:* The exact location of CBD sites should be jointly determined by market factors and the community planning process with consideration of existing land use patterns. Generally, a Community Business District location should be at an Arterial intersection and on a transit route. The distance between a Community Business District and any other commercial center should be between 2 and 5 miles depending on market area and population density.

#### General Commercial (GC)

*Characterization:* This district is intended to provide for uses which serve the traveling public and to provide for those commercial establishments which require large sites, a high degree of visibility and controlled auto access off major streets. This district recognizes the existing commercial development pattern of some areas in the County while discouraging the future growth of the strip commercial land use pattern. This is to be accomplished by limiting access and narrowing the permitted use list to truly auto or tourist oriented activities.

*Location Criteria:* Limited to existing locations or areas specifically designated in the community planning process.

#### Office Commercial (OC)

*Characterization:* The purpose of this district is to provide for office complex development to house professional, institutional, medical, dental, governmental and other office business uses. The intent is to accommodate increasing office space needs in organized complexes, ranging in size and intensity from small to high rise development, depending on site characteristics. Office commercial developments are employee intensive. Certain accessory commercial uses to serve the employees of the complex and high-density residential uses may be permitted through a Planned Development process.

*Location Criteria:* This district may be used to buffer commercial and residential, commercial and industrial or residential and industrial uses. The precise location of these uses should be determined by the community planning process taking into account the population and employment projections. Generally, office commercial uses should be located at Collector and Arterial intersections for visibility and auto access. The availability of pedestrian and transit access is also of great importance.

#### Industrial

*Characterization:* The intent of this district is to provide sites for all types of industrial uses, to recognize and regulate existing industrial sites, and to provide the regulatory framework for future industrial

development. Low impact, light manufacturing uses are permitted outright while those with hazardous, noxious, unsightly or other potential negative impacts may be permitted with more extensive review and conditions to minimize potential conflicts with surrounding uses.

While the main intent of this district is to provide for industrial uses with minimal commercial use of industrially designated lands, a mix of office, retail commercial, and light industrial uses may be permitted through an industrial park procedure.

*Location Criteria:* Generally the industrial district should be applied to relatively flat areas, with few different ownerships (and full urban services). Adequate access to a major highway, public transportation facilities and, in some cases, rail should be considered, as well as proximity to the labor market. The location should allow integration of the facility into the community while minimizing land use conflicts. Special light industrial uses have more particular needs, which can be met through industrial park type development.

#### Special Industrial District (SID)

*Characterization:* The purpose of the Special Industrial District Overlay is to permit development through a process which allows the market to demonstrate the actual demand for various parcel sizes over time while preserving large lots for potential single large industrial users. The overlay is to be applied to large acreage industrial sites with few ownerships or limited land assembly problems, with few if any development constraints, which are suitable for large concentrations of specialized light industrial activities and related uses.

These specialized types of industry have the following characteristics:

1. Have relatively large numbers of employees per acre as well as large numbers of employees per firm.
2. Utilize highly skilled and technical labor in the manufacture or assembly of final products of small unit size or research-type development in office based atmosphere. Precision is often of such importance that these industries do not tolerate noise, pollution, substantial emissions or vibration usually associated with heavy industrial uses.
3. Require locations near major thoroughfares.

*Location Criteria:* The criteria used in determining suitable locations for such uses in the community planning process are as follows:

1. A minimum site size of fifty (50) acres and preferably site sizes of 100 to 200 acres or more.
2. Vacant buildable land as determined by the availability of services to or on the site and available service capacity to meet the needs of industrial development of the site. Any pre-existing development on the site must be compatible with the uses and intent of this district.
3. Little, if any, natural constraints such as:
  - a) Slope in excess of 5%
  - b) Flood plain
  - c) Unsuitable soils
4. Few separate ownerships and large contiguous lots which are not platted or subdivided into small parcels.
5. Access to an arterial.

6. Compatible and preferred surrounding land uses as listed below in order of preference:
  - a) High technology uses, industrial parks and campus industrial development
  - b) Light industrial
  - c) Forest, rural
  - d) Suburban residential
  - e) Commercial - services and offices

Application of Overlay:

1. Within the Industrial District, a contiguous area of largely undeveloped land of 50 or more acres may be designated "Special Industrial District" (SID) on the community plan map. Areas are considered contiguous even if separated by streets, roads, easements and natural features.
2. The SID overlay may be applied through the community planning process or through a plan amendment process may be initiated by the County or property owners.
3. Upon consideration of the application of a Special Industrial District Overlay to a particular piece of property, the location criteria and policies of this Plan shall be considered.

Future Development 20 Acre District (FD-20)

*Characterization:* The FD-20 District shall be applied to land added to the Regional UGB by Metro during or after June 1999 through a Major or Legislative Amendment. The FD-20 District is intended to protect and retain for future urban density development lands which are predominantly in limited agricultural, forest or residential use. Pursuant to Section 3.07.1110.C. of Metro's Urban Growth Management Functional Plan (UGMFP), the minimum lot area for the creation of new parcels shall be 20 acres. These properties shall remain FD-20 until any appeals regarding the Metro UGB amendment have been finalized and the planning requirements of Title 11 of Metro's UGMFP have been completed and adopted by ordinance.

Future Development 10 Acre District (FD-10)

*Characterization:* The FD-10 District is applied to the unincorporated portions of some city active planning areas for cities that are the only available source of urban services. After June 1999, this District may not be applied to properties added to the Regional Urban Growth Boundary through a Major or Legislative Amendment due to Metro's minimum parcel size requirement of 20 acres. The FD-10 District is intended to protect and retain for future urban density development those lands within adopted city urban growth boundaries which are predominantly in limited agricultural, forest, or residential use, and recognizes the desirability of encouraging and retaining such limited interim uses until such lands are annexed to the City for urban level development. The FD-10 designation applies only to lands added to the urban growth boundaries surrounding Banks, Gaston and North Plains and to lands added to the Regional UGB through a Locational or Minor Adjustment.

*Location Criteria:* The FD-10 District shall be applied to unincorporated portions of the active planning areas of those cities that are the only available source of urban services within the unincorporated active planning areas. After June 1999, the FD-10 District shall only be applied to the unincorporated portions inside the urban growth boundaries of the cities of Banks, Gaston and North Plains. The FD-10 District may be applied to properties added to the Regional Urban Growth Boundary through a Locational or Minor Adjustment. The Future Development Areas Map in Policy 41 identifies the FD-10 properties within unincorporated Washington County.

### Institutional (INST)

*Characterization:* This class of uses includes publicly owned facilities and lands (e.g., parks, schools, public open space, government offices), lands owned by utilities (power line easements), and uses serving the general public (e.g., hospitals and religious institutions).

*Location criteria:* Due to the diverse nature of these uses, an optimal location cannot be defined for the class. Instead, as these uses are needed, their location should be reviewed and determined through special studies or plans and the community planning process.

### Interim Light Rail Station Area Overlay District

*Characterization:* The intent of this overlay district is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately a one-half mile radius of planned westside light rail transit station sites pending the development and adoption of site specific station area plans. The purpose of this overlay district is to limit development during this interim period to that which has a sufficient (1) density of employees, residents or users, (2) number of trips serviceable by transit and (3) pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in westside light rail transit. *In the event of a conflict between the standards of this overlay district and the standards of other provisions of the Community Development Code, the standards of this overlay district shall control.*

*Location Criteria:* The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps.

In identifying areas subject to this district, consideration shall be given to parcel size, ownership patterns, the existing transportation network, existing development patterns, development and redevelopment opportunities, the ability of pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in westside light rail transit.

### Transit Oriented Districts

The land use districts described below are intended for application in station communities and town centers, and along main streets and corridors, as defined by the Metro 2040 Growth Concept. The land use and design provisions of these districts shall direct and encourage development that is transit oriented. Transit oriented development generally has the following characteristics:

- designed to encourage people to walk;
- contains a mix of land uses;
- density consistent with the type of transit service provided to the area;
- interconnected to the street system;
- includes narrowed neighborhood streets; and
- designed to accommodate transit stops and access.

Each of the following transit oriented district addresses these characteristics through its land use and design provisions:

#### Transit Oriented Residential District, 9-12 units per acre (TO:R9-12)

The TO:R9-12 District is a transitional district between existing low density subdivisions and higher density residential districts closer to LRT stations, regional and town centers and primary bus routes. Dwelling units in this district would be limited to single-family residences, duplexes, triplexes, fourplexes and townhouses. The minimum density in the district is 9 dwelling units per acre and the maximum density is 12 dwelling units per acre. Group residences such as nursing homes are allowed if located and designed to be compatible with surrounding residences, and if they have a minimum floor area ratio (FAR) of 0.35.

Transit Oriented - Residential District, 12-18 units per acre (TO:R12-18)

The TO:R12-18 District is generally applied to property beyond one-quarter mile of LRT stations, in regional and town centers, and along designated main streets and corridors. Developments in the district could include duplexes, triplexes, fourplexes, townhouses and rowhouses, and low rise apartments (1-3 stories). Single family residences may also be developed in the district on small lots, as long as the minimum density standard is met. The required minimum density for development in the district is 12 dwelling units per acre. The maximum allowed density is 18 dwelling units per acre.

As with the TO:R9-12 District, group residences such as assisted living apartments and nursing homes are allowed if located and designed to be compatible with surrounding residences. For such developments, the minimum FAR is 0.5.

Transit Oriented Residential District, 18-24 units per acre (TO:R18-24)

The TO:R18-24 District is generally applied to property beyond one-quarter mile of LRT stations, in regional and town centers, and along designated main streets and corridors. Developments in the district could include duplexes/triplexes/fourplexes, townhouses and rowhouses, and apartments. Single family residences may also be developed in the district on small lots, as long as the minimum density standard is met. The required minimum density for development in the district is 18 dwelling units per acre. The maximum allowed density is 24 dwelling units per acre.

Group residences such as nursing homes are allowed if located and designed to be compatible with surrounding residences. For such developments, the minimum FAR is 0.5.

Transit Oriented Residential District, 24-40 units per acre (TO:R24-40)

The TO:R24-40 District would be applied generally to properties within one-quarter mile of a LRT station, as well as along designated main streets and corridors, and in regional and town centers. With a minimum density of 24 dwelling units per acre and a maximum density of 40 dwelling units per acre, residential units in the district could include townhouses/rowhouses and low and mid rise apartments.

Local-serving retail uses may be conditionally allowed as secondary uses in the TO:R24-40 District if oriented to serving adjacent residences and if located on the first floor of a multi-story building. Up to 10% of the total floor area of a project in this district, not exceeding 10,000 gross square feet, may be used for local-serving retail uses if these conditions are met.

For mixed use projects in the TO:R24-40 District, the minimum FAR is 0.65.

Transit Oriented Residential District, 40-80 units per acre (TO:R40-80)

The TO:R40-80 District is intended for application to sites located within one-quarter mile of a transit center and possibly within designated regional and town centers, if needed services and facilities, including transportation facilities, have or will have adequate capacity and the density is compatible with adjacent land uses. With a minimum density of 40 dwelling units per acre and a maximum density of 80 dwelling units per acre, residential units in the district could include townhouses, rowhouses and apartments.

Office uses of various kinds would be allowed if located to allow shared parking with residences, limited to 50% of the total floor area of a mixed-use project or as specified in the applicable community plan. Retail uses may be allowed if oriented to serving adjacent residences and offices, and if located on the first floor of a multi-story building. Up to 10% of the total floor area of a mixed use project in this district, not exceeding 10,000 gross square feet, may be used for local-serving retail uses if these conditions are met.

For mixed use projects in the TO:R40-80 District, the minimum FAR is 1.0.

Transit Oriented Residential District, 80-120 units per acre (TO:R80-120)

The TO:R80-120 District is intended for application to sites located within one-quarter mile of a transit center and a regional center. With a minimum density of 80 dwelling units per acre and a maximum density of 120 dwelling units per acre, residential units in the district could include townhouses, rowhouses and apartments.

Office uses of various kinds would be allowed if located to allow shared parking with residences, limited to 25% of the total floor area of a mixed use project. Retail uses may be allowed if oriented to serving adjacent residences and offices, and if located on the first floor of a multi-story building. Up to 10% of the total floor area of a mixed use project in this district, not exceeding 10,000 gross square feet, may be used for local-serving retail uses if these conditions are met.

For mixed use projects in the TO:R80-120 District, the minimum FAR is 1.0.

Transit Oriented - Retail Commercial District (TO-RC)

The TO-RC District is primarily intended to provide the goods and services needed by people living and working in or near LRT station communities, regional and town centers, main streets and corridors. Uses in the district must be pedestrian oriented in design and function. Auto-oriented uses, such as motor vehicle service stations, may be allowed if appropriately designed, and in compliance with minimum FAR standards. Retail uses that market primarily to an area larger than a station community may also be allowed if located at least one-quarter mile from an LRT station or in a town center, or along a main street or corridor. Hotels, apartments, and town houses are also allowed on the upper floors of a building with first floor retail commercial uses.

In a station community, the minimum FAR in the TO-RC District is 0.5 within one-quarter mile of an LRT station, 0.35 between one-quarter mile and one-half mile from an LRT station, and 0.25 beyond one-half mile from an LRT station.

Transit Oriented - Employment District (TO-EMP)

The TO-EMP District may be applied to properties in station communities, regional and town centers, and along main streets and corridors. The TO-EMP District is intended to be predominantly for employment related activities. Manufacturing, research and development, and offices are allowed, as well as commercial uses, service businesses, indoor recreational facilities, service stations, and hotels, if supportive of other uses within the same development. Supporting uses can occupy no more than 25% of the total floor area in a TO-EMP District development. In a station community, the minimum FAR for development in the district is 0.5 within one-quarter mile of an LRT station, and 0.35 beyond.

Development in this district must be designed to support and encourage non-auto travel, whether for trips within an industrial campus or to off-site destinations. Public access within an employment area may be limited for security purposes.

Transit Oriented - Business District (TO-BUS)

The TO-BUS District may be applied to properties in station communities, regional and town centers, and along main streets and corridors. The TO-BUS District is intended to be a mixed-use district, primarily for office uses, but with residences and retail also present, possibly with institutional uses such as churches, post offices and libraries.

On properties specified in a community plan the amount of development dedicated to certain uses may be specified.

In a station community, the minimum FAR for development in the district is 1.0 within one-quarter mile of a transit center, and 0.5 in all other locations.



## **POLICY 19, INFILL**

**It is the policy of Washington County to provide regulations for developing vacant bypassed lands of two acres or less in areas designated R5 and R6. The intent of such regulations shall be to ensure that new development is consistent with the density requirements of each district, and is compatible with the character of existing developments by establishing a review process and criteria which emphasize building orientation, privacy, lot size, buffering, access, and circulation. Application of the review criteria shall not preclude development to the density allowed by each district.**

### Implementing Strategies

The County will:

- a. Prepare development regulations with respect to the Infill Policy, which addresses the following considerations:
  1. Notification of surrounding properties,
  2. Full parcelization of the subject property,
  3. Access, including private access drives built to standards appropriate to the needs of the infill development,
  4. Creation of flag lots,
  5. Lot area,
  6. Development design, particularly with regard to privacy, buffering, and building orientation, and
  7. Density requirements of each of district.

### Summary Findings and Conclusions

Urban unincorporated Washington County is a varied physical landscape ranging from mature suburban neighborhoods on rolling hills in the eastern portion of the county to newer urban and suburban-level development clustered on the flat Tualatin Valley floor. The Countywide Development Concept discussed earlier recognizes this pattern.

Within more urbanized areas developable land still remains. Where such land is found in the midst of existing low density neighborhoods, particularly on small lots, the prospect of future "infill" development raises concerns among surrounding residents and challenges to the community-at-large. Infilling on bypassed land is desirable because existing public facilities such as sewers can be more fully utilized and public services such as police patrol and public transit can be provided more efficiently and economically. Infilling on smaller land parcels is also an important element in helping the County to implement the housing and density requirements of Metro's Urban Growth Management Functional Plan that are applicable to the County, including the minimum density requirement. Infilling is undesirable when existing residents lose privacy, access to and from infill developments is haphazard, and the concerns of affected residents are not sought before the development takes place. The challenge, then, is to establish a process through which the density requirements are met while addressing design, access, and other concerns of affected neighbors.

## URBAN AREA ECONOMY

### POLICY 20, URBAN AREA ECONOMY:

**It is the policy of Washington County to encourage and participate in activities which strengthen the local economy through:**

- (1) Retention and expansion of existing businesses and industry;**
- (2) Provision of diverse employment opportunities;**
- (3) Education and training of the local labor force; and**
- (4) Continued diversification of the County's economic base.**

#### Implementing Strategies

The County will:

- a. Clarify and streamline the development review process in the Community Development Code. Development standards will take into account the availability of technology which can mitigate possible negative impacts of business and industrial uses, impact which can affect the location and conduct of those uses.
- b. Help create a healthy climate for economic development by designating an adequate amount of serviced commercial and industrial land to ensure choice in the regional market place. The supply will be subject to periodic review to ensure that the economy is not harmed due to the fact that there is not enough land or that the size and location of remaining land does not meet market needs.
- c. Take advantage of Federal and State programs, which may become available for construction of public facilities and services or for other assistance needed to support economic development in the County.

Specific County actions will include continued participation in the Federal Community Development Block Grant program.

#### Summary Findings and Conclusions

The County's economic future is optimistic because of the availability of a good supply of land and labor although service development and maintenance cost data may be inhibiting factors. Washington County may need to undertake public sector activities to attract business and industrial development. The County can assist in economic development by assuring an adequate supply of serviced industrial and commercial land. In addition, the county can help by making sure that land available for business and industrial development is properly located and accounted for in facilities planning and that the development review process is clear, consistent, and does not cause undue delay before decisions are made.

## URBAN AREA HOUSING

### POLICY 21, HOUSING AFFORDABILITY:

**It is the policy of Washington County to encourage the housing industry to provide an adequate supply of affordable housing for all households in the unincorporated urban County area.**

#### Implementing Strategies

The County will:

- a. Provide for an average overall density for new housing constructed in the urban unincorporated area of at least 8 units per net buildable acre.
- b. Streamline the development review process to reduce the regulatory costs associated with land development, while improving the quality of review.
- c. Through a regulatory process in the Community Development Code, permit the creation of a second dwelling unit within detached dwellings where the structural characteristics are deemed by the Planning Director to allow such an adaptation and where such a change will not adversely affect the neighborhood.
- d. Review design and development standards for residential projects as part of an effort to reduce unnecessary housing costs while maintaining housing and neighborhood quality.
- e. Review the utilization of residential planned densities on a periodic basis to determine if any Plan changes are required. Large housing projects for the elderly may include accessory convenience commercial uses. Appropriate standards shall be included in the Community Development Code.
- f. Encourage compatible development in partially developed residential areas to make optimal use of existing urban service facility capacities and maximize use of the supply of residential land.
- g. Assist State and local public housing agencies in the development of affordable housing opportunities throughout Washington County by continuing to fund the Department of Housing Services (DHS) and the Office of Community Development (OCD).
  1. DHS administers federal housing programs to fund affordable housing projects, provides rental assistance to low income households and affordable housing opportunities for low and moderate income households, and partners with local jurisdictions, non-profit corporations and private developers to develop other affordable housing opportunities. Further, DHS owns and manages affordable housing throughout Washington County.
  2. OCD manages, on behalf of the County and participating city consortium members the Community Development Block Grant (CDBG) and the Washington County HOME Consortium Grant programs. CDBG funds can finance housing projects that benefit low and moderate income persons; while HOME Consortium Grant funds can finance housing projects that serve low-income households and/or support Community Housing Development Organizations through operating grants.

- h. Encourage the housing industry and both public and private housing agencies to build a sufficient number of new affordable housing units within unincorporated Washington County to meet Metro's voluntary affordable housing production goal.
- i. Periodically assess the feasibility of establishing a voluntary inclusionary housing program and a transfer of development rights program to improve the opportunities for affordable housing within Washington County.

#### Summary Findings and Conclusions

Housing prices have escalated dramatically over the last several years. Though the median household income in Washington County is the highest of any county in the State (income for some population sub-groups in the County is significantly lower), there is abundant evidence that dwellings are being priced out of the financial reach of many county households. A very substantial household income level is now necessary to afford the purchase of a standard detached home.

The amount of income needed to purchase an attached dwelling will vary, depending on the quality of the dwelling, but it too can be substantial and beyond the reach of county households.

Many families require two wage earners to pay housing and other costs. These same costs often require families to have fewer children, thereby lowering the average household size.

Households unable to buy a home have to stay in the rental market. Rental housing can now be afforded by the majority of County households, but the affordability of rental housing may also decrease in the future, unless investors are given incentives to construct new rental housing to satisfy the demand created by a growing population. Without additional rental housing, renters will face stiffer competition for existing units; those who cannot afford to become homeowners will be forced to pay an even higher proportion of their incomes for rent. This situation could be exacerbated by the present phenomenon of conversion of apartments to condominiums, which decreases the existing stock of rental units.

Federally funded housing programs administered through the Housing Authority of Washington County to assist low and moderate income households and other target groups, reduce the gap between the kinds of housing they can afford and what they need. Unfortunately, the demands for assistance exceed the supply of assistance money available.

Factors that contribute to the cost of a home include land costs, building costs (labor, materials, financing) and regulation costs. Land, regulation and financial costs in particular have been increasing faster than the rate of inflation. Land costs can be decreased by increasing the amount of serviced buildable land available for residential development, and developing the land that is available at higher densities. Regulation costs can be reduced by simplifying application procedures; clarifying regulations, reducing unnecessary paper work; allowing multiple permit applications; expediting the approval process through greater reliance on administration decisions, and revising some development standards. Financing costs are generally beyond the control of County government but, by financing certain public improvements through public bond sales rather than fees imposed on development, the cost of purchasing dwellings, which must be financed through the private mortgage market in most cases, could be reduced.

Construction costs can be reduced by building smaller units, using innovative construction techniques including off-site assembly, and utilizing less expensive alternative materials when appropriate.

## **POLICY 22, HOUSING CHOICE AND AVAILABILITY:**

**It is the policy of Washington County to encourage the housing industry to make a variety of housing types available, in sufficient quantities, to the housing consumer.**

### Implementing Strategies

The County will:

- a. Designate a sufficient amount of land in the Community Plans to allow at least 50% of the housing units constructed over the next 20 years to be attached units.
- b. Allow for the construction of a variety of housing types on all land planned for residential use, except where specifically limited by ordinance, as long as density limits are not exceeded and development standards are complied with.
- c. Designate through the community planning process, an adequate amount of land in each unincorporated urban community to allow for the widest possible range of housing types and density levels, consistent with the Comprehensive Framework Plan.
- d. Support the provision of needed mobile home sites in mobile home parks and mobile home subdivisions throughout the County.
- e. Allow by right in all residential districts housing projects designed to meet the needs of special groups (the elderly, handicapped and migrant workers), as long as all development standards are complied with.

### Summary of Findings and Conclusions

The size of the average American household is decreasing, as its character and lifestyle is changing. The trend toward smaller households is clearly evident in Washington County, where the average household size has declined from 3.01 in 1973 to 2.53 in 1980, according to Federal census statistics. The changing character and lifestyle of households results from more single parents, working wives and mothers, and a common desire for more time for leisure activities. The practical effects of these changes are twofold: 1) more dwelling units are required to shelter a given population; and 2) smaller units requiring less maintenance time are in demand. At the same time, a strong preference exists for housing with characteristics of the traditional homes (privacy, space). As a result of this situation and affordability considerations, a variety of housing types in addition to detached homes are now and will continue to be in demand, including attached units, apartments, condominiums and mobile homes.

The Comprehensive Plan must respond to the increased demand for all types of housing including housing for the elderly, handicapped and migrant workers, and designate sufficient land area and identify suitable locations for the various types and densities of residential development. Otherwise, the price or rent of available units will increase unnecessarily and many people will be forced to live in shelter unsuitable to their needs.

## **POLICY 23, HOUSING CONDITION:**

**It is the policy of Washington County to encourage the maintenance and rehabilitation of the existing housing stock in unincorporated areas.**

### Implementing Strategies

The County will:

- a. Continue to support and, where appropriate, participate in existing housing rehabilitation programs.
- b. Enforce building code provisions and other County regulations relating to maintenance of existing structures.
- c. Consider the adoption of a housing code to assure safe and healthy housing conditions, if such a code is deemed to be useful.
- d. Encourage local lending institutions to offer rehabilitation loan programs at reasonable interest rates.
- e. Consider deferring increased property tax assessments due to housing rehabilitation.
- f. Consider taxing the value of improvements at a lower rate than land value.
- g. Encourage the housing industry, public and private housing agencies, and individual homeowners to preserve and maintain existing, viable affordable housing units within Washington County. The County will continue to promote the retention of affordable housing in Washington County by:
  1. Administering the Community Development Block Grant Program and the HOME Investment Partnerships Program for Washington County through the Office of Community Development in order to aid in housing rehabilitation and the construction of affordable housing throughout Washington County.
  2. Supporting Washington County's low and moderate-income homeowners with home repairs through continued administration of the County's Housing Rehabilitation Program managed by the Office of Community Development and funding of low-interest housing rehabilitation loans and grants.
  3. Administering the American Dream Downpayment Initiative through the Office of Community Development in order to assist low-income households achieve homeownership by providing down payment and closing cost assistance.

### Summary Findings and Conclusions

The majority of the County's housing stock was built during the last twenty years and is generally in good condition. The need for repair and weatherization is higher for dwellings occupied by low and moderate income households, especially those renting their dwellings. The need for repair is also very high among mobile and/or manufactured housing in parks where the homeowners do not own the land.

Housing repair needs seem to be relatively more frequent in Cornelius, Hillsboro, Aloha, North Plains, older sections of Sherwood, Gaston and unincorporated rural communities such as Timber, Manning and Buxton. Throughout the County, roof, heating and plumbing repairs are the most often reported needs by all households.

Washington County's Office of Community Development (OCD) operates two programs to assist low and moderate-income families and senior households, and the disabled with housing rehabilitation and repair. The Washington County Community Action Organization (WCCAO) administers a weatherization program funded by the Federal Department of Energy for low-income households. Because of the existing level of need, the expansion of existing programs appears warranted.

The Housing Authority of Washington County operates two programs to improve the housing condition of rental properties -- moderate rehabilitation and substantial rehabilitation -- both funded through the Federal Department of Housing and Urban Development.

## **POLICY 24, HOUSING DISCRIMINATION:**

**It is the policy of Washington County to encourage and support equal access to quality housing throughout the County of all people.**

### Implementing Strategies

The County will:

- a. Continue to support Housing Authority efforts to reduce housing discrimination in the County.

### Summary of Findings and Conclusions

There are basically two kinds of housing discrimination in the County. Discrimination motivated by bigotry and discrimination motivated by economic concerns. The former type is not prevalent in the County, but the latter affects certain ethnic groups and household types.

Some ethnic groups have a reputation among landlords of overcrowding and abusing housing units. Therefore, landlords frequently prefer not to rent to them. Landlords also often prefer not to rent to families with children for the same reason. Families with low incomes have the additional reputation of being unable to pay rent on time, making discrimination against them even more prevalent. Welfare recipients and the mentally handicapped are also discriminated against because landlords often fear they will not pay their rent.

The Washington County Housing Authority is attempting to develop understanding and better relations between landlords and tenants and others involved in the housing industry through counseling and workshops on fair housing as well as information disseminated through the local media, including media aimed at minority groups. The overall approach is mediation rather than confrontation, although the Housing Authority does inform HUD of all discrimination complaints it receives, and Legal Aid is sometimes asked to represent people who have a valid complaint. This approach seems to be succeeding, as complaints are declining. Landlords generally find that people who have been through the Housing Authority workshops are good tenants.

Discrimination against families with children still remains as a major problem. Although current State law prevents landlords from discriminating against renters on the basis of race, sex, religion and age, it does not prohibit discrimination against families with children.

There also appears to be a problem in handling complaints of landlord neglect of housing maintenance. At the present time the only recourse in such an event is action by the local legal aid group. No mediation service is available. In some of these cases increased enforcement efforts by the County Health Department might be helpful.



## **PUBLIC FACILITIES AND SERVICES**

### **POLICY 25, SANITARY SEWERAGE COLLECTION AND TREATMENT:**

**It is the policy of Washington County that whenever feasible all areas within the Urban Growth Boundary (UGB) be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan.**

#### Implementing Strategies

The County will:

- a. Designate the Clean Water Services (CWS) as the agency with principal responsibility in the County for planning and operation of all sewage treatment facilities in the County and for sewage collection in unincorporated areas, as designated in the regional Wastewater Treatment Management ('208') Plan.
- b. Encourage adjustments in the CWS boundary to enable the agency to eventually serve all unincorporated areas within the Urban Growth Boundary.
- c. Allow subsurface sewage disposal systems within the UGB where approved by the County on legally created lots of record, where CWS does not now serve and or does not plan to serve in the future. Prior to the issuance of a development permit, in such cases, the property owner will be required to sign a waiver of remonstrance against future formation of a Local Improvement District for sanitary sewers.
- d. Require properties with on-site disposal facilities to connect to the sewer network once sewer service becomes available.

#### Summary of Findings and Conclusions

A good sanitary sewage collection and treatment system is an essential prerequisite to urban level development. Soils in much of Washington County's urban area are generally unsuitable for septic system disposal methods and would preclude the level of urbanization forecast for the County without the presence of the well planned and managed waste collection and treatment system run by the Clean Water Services (CWS). This strong sewerage program has, in recent years, contributed to Washington County's comparative advantage over neighboring jurisdictions in capturing industrial growth and has made possible the accommodation of thousands of new residents without creating significant health hazards. While most of the cities manage sewage collection networks within their boundaries, all sanitary wastes in the Urban area are treated at CWS facilities.

Metro maintains the region's 208 Waste Treatment Plan (the 208 Plan), in cooperation with local jurisdictions, as part of its responsibilities under the Federal Clean Water Act. In the Plan, CWS is slated to continue its principal role in providing sewerage services to the urban area of Washington County. Policies and strategies in the Comprehensive Plan can accomplish the required acknowledgment of the 208 Plan, recognize CWS's role, and take into account situations inside the Urban Growth Boundary where development might be allowed to take place without connecting the CWS lines.

## **POLICY 26, WATER SUPPLY AND DISTRIBUTION:**

**It is the policy of Washington County that all residences and businesses be served with an adequate supply of potable water for consumption and fire suppression purposes.**

### Implementing Strategies

The County will:

- a. Work with all water providers, fire districts, and with the Watermaster and the State Engineer's office, as appropriate, to ensure that:
  1. Water service is available to new development at sufficient pressures for domestic consumption and fire suppression purposes;
  2. In areas identified by the State Engineer's office as "critical groundwater areas," the water demands of new development do not jeopardize supplies of groundwater to existing users;
  3. Extension of water distribution facilities are coordinated with the provision of other public facilities as such as sanitary sewers and drainage facilities; and
  4. Sources of future water supply are studied and, if located inside the County, protected from detrimental development.

### Summary Findings and Conclusions

Water is supplied to individual homes and businesses in the County through the distribution systems of seven water districts and ten cities. Three cities, Banks, Sherwood, and North Plains, rely solely on groundwater drawn from city wells.

With a few minor exceptions, there are no problems or deficiencies with the supply, storage or distribution of water in the County. All water providers have plans for improvement and expansion of their distribution networks and have addressed the question of future water supply.

Most providers have interties with adjacent systems for emergency back-up purposes; those which do not have such links, now have plans to do so in the future. This will be especially important for those systems which are reliant on a single source or supply or which rely on wells in "critical groundwater areas".

Policy and strategies for water supply and distribution should simply state the County's intent that water be available to all residences and businesses and describe the desired ends of coordination between the County and water service providers.

## **POLICY 27, DRAINAGE MANAGEMENT:**

**It is the policy of Washington County that drainage be managed Countywide through a system which coordinates the activities of County agencies, local jurisdictions and special districts, and addresses both the water quality and quantity aspects of drainage management.**

### Implementing Strategies

The County will:

- a. Coordinate with the Clean Water Services in the implementation of the countywide Surface Water Management Plan and applicable Federal, State and regional requirements related to drainage management.
- b. Protect and maintain natural stream channels wherever possible, with an emphasis on non-structural controls when modifications are necessary.

### Summary Findings and Conclusions

Washington County, in conjunction with the Clean Water Services, regulates stormwater runoff and drainage for the unincorporated area.

Countywide drainage management plans are being implemented for the major creek basins in the urban area of the County.

In view of the wide range of techniques that can be used to regulate drainage and runoff, the countywide system should be built around the desired results of prevention of property damage, minimal capital investment, low maintenance costs, and preservation of water quality in receiving streams.

At the same time, management techniques applied in the urban areas of the county must be different than those used in the Rural/Natural Resource area, simply because land use patterns and densities and resultant drainage situations are dissimilar.

### **POLICY 28, SOLID WASTE MANAGEMENT:**

**It is the policy of Washington County to work with the Metropolitan Service District (Metro) in the preparation and implementation of the Regional Solid Waste Management Plan including the siting of future sanitary landfills and transfer stations. The County will cooperate with Metro in these activities while assuring compatibility of such programs with County policies.**

### **POLICY 29, SOLID WASTE MANAGEMENT:**

**It is the policy of Washington County to encourage those activities which reduce the amount of wastes which need to be disposed at sanitary landfills.**

#### Implementing Strategies

The County will:

- a. Encourage franchised solid waste collectors to expand the opportunities for recycling of waste materials by individual households and businesses.
- b. Recognize Metro's responsibility and authority to prepare and implement the Regional Solid Waste Management Plan, and will participate in its preparation and implementation as necessary.
- c. Provide appropriate land use designations and clear and objective development standards for planned solid waste facilities identified in the Regional Solid Waste Management Plan.

#### Summary of Findings and Conclusions

Metro has been designated with the primary responsibility of finding a solution to the disposal of solid wastes, which is a regional problem. Metro maintains a regional solid waste management plan which is used to guide activities such as the search for new regional landfills and planning of solid waste transfer stations, resource recovery plants, and recycling programs.

Collection of solid wastes in unincorporated Washington County is handled by private firms operating under mutually exclusive franchises granted by the Board of Commissioners.

Recycling of solid wastes in Washington County, as in the rest of the region, is coordinated by Metro. Inside the County there is one privately owned full-time recycling center. A number of non-profit groups accept various types of recyclable materials on a more or less regular basis. Collectors franchised by the County also accept bundled paper for recycling from individual customers.

County policies and strategies regarding the solid waste management must include recognition of Metro's primary role in planning and coordinating solid waste disposal for the region and provisions which will help achieve the regional objectives of reducing the amount of wastes that need to be disposed of in sanitary landfills. At the same time, the County needs to mitigate possible adverse impacts which may be associated with the siting of any solid waste disposal facilities within the unincorporated portion of the County.

## **POLICY 30, SCHOOLS:**

**It is the policy of Washington County to coordinate with school districts and other educational institutions in planning future school facilities to ensure proper location and safe access for students.**

### Implementing Strategies

The County will:

- a. Include as an element of the Resource Document of the Comprehensive Plan, the School Facility Plans adopted by high growth school districts pursuant to ORS 195.110. The County will also provide notice to the affected high growth school district when considering a plan or land use regulation amendment that affects school capacity.
- b. Include in the Community Development Code the opportunity for school districts to review and comment on all development proposals subject to the growth management standards.
- c. Include in the Community Development Code clear and objective criteria regarding the location and design of educational facilities. Such criteria will address pedestrian, bicycle and vehicle access, the means to ensure compatibility of the facility with surrounding uses and consistency with the applicable Community Plan.
- d. Encourage the re-use of school buildings when such facilities are removed from use by the school district.

### Summary Findings and Conclusions

The public elementary and secondary school system in the County is operated by seven school districts, which are coordinated by the Washington County Educational Service District. While a number of individual school facilities in some districts are now at or near capacity, other districts are expecting stabilization or decline in enrollment. All districts have made efforts to estimate the need for new facilities and to secure sites for future development.

Higher education and vocational training is offered in the county through a significant number of public and private institutions, including Portland Community College, Pacific University, the Oregon Graduate Center, the Oregon Regional Primate Center, and the St. Vincent Hospital nursing program. Advanced education and training programs are key contributors to the quality of life in Washington County.

Provision of adequate public school facilities, where and when they are needed, depends in part on the kind and quality of information school districts and the County use in their planning activities. School districts need to be aware of the County's plan for future land uses and any other land development or other matters which affects the operation of school facilities. In turn, the County needs to keep abreast of the plans of each of the seven districts and educational institutions operating in the County in order to assure that these facilities are properly located and have safe transportation and pedestrian access.

In 1994, the Beaverton School District adopted a school facility plan (plan) to comply with ORS 195.110 and in 2002 adopted an updated school facility plan. The update was in response to the periodic review requirements of ORS 195.110. The update was also necessary to address the additional elements added to ORS 195.110 by House Bill 3045 (HB 3045). HB 3045 was passed by the Oregon Legislature during the 2001 Oregon Legislative Session. The 2002 plan contains up-to-date data on existing school facilities, projected enrollment growth, projected site needs, and population projections by school age

group to the year 2020. One of the conclusions made in the updated plan is that continued analysis is needed in order to refine the method of objectively determining school capacity. One reason being is that demographics are constantly changing. In addition, housing types are also changing and need to be accurately reflected in the refined methodology. Therefore, the District proposes to retain the objective criteria for determining school capacity adopted by the 1994 plan, with a few exceptions. First, the District no longer calculates district-wide ceiling capacity. Second, the reference to "alternative" or "options" schools was removed from Appendix D. The District has determined that "options schools" do not provide general education capacity since enrollment in those programs is based on student and parent election to participate. The District will apply the updated and more reliable gross square footage figures resulting from the initial analysis to the modified objective criteria. As a result, school capacity calculations based upon the updated gross square footages will be more accurate than those based upon the previous gross square footages.

The County will continue to evaluate all legislative or quasi-judicial comprehensive plan amendments which will impact the planned density of residential land in the District, and all residential land use regulation amendments, to determine their impact on District-wide school capacity. This evaluation will be performed in accordance with the methodology established in Appendix "D".

## **POLICY 31, FIRE AND POLICE PROTECTION**

**It is the policy of Washington County to work closely with appropriate service providers to assure that all areas of the County continue to be served with an adequate level of fire and police protection.**

### Implementing Strategies

The County will:

- a. Require in the Community Development Code that:
  1. New developments are designed to permit access and maneuvering by fire, police and other emergency vehicles;
  2. Water service is available to new developments at sufficient pressures for both domestic consumption and fire protection purposes; and
  3. The appropriate fire district and the County Department of Public Safety have the opportunity to review and comment on all development proposals subject to the growth management standards.

### Summary Findings and Conclusions

The public safety service delivery system in the urban area includes: 1) the recently-instituted "911" emergency telephone system; 2) law enforcement by the County Department of Public Safety and the Oregon State Patrol; and 3) fire protection by 10 fire districts and municipal departments.

Washington County provides police protection services through the Department of Public Safety to the unincorporated area and, on a contract basis, to the cities of Tualatin and King City. Currently, the Department employs 0.8-sworn officers per thousand population served, which is less than the national standard of 1.8 per thousand. Lack of funding for additional deputies, support personnel, and equipment has limited the level of law enforcement provided to the Department's service area.

The Department of Public Safety also manages the County jail, located in Hillsboro. Because of the relatively small size of this facility, presentenced and sentenced offenders frequently must be housed together. To alleviate this problem, the County is working with surrounding counties toward the joint design, financing, and construction of a larger, regional jail facility.

Ten separate special districts and municipal departments provide fire protection service throughout the county. Each entity currently meets minimal national fire protection standards, though the level of service is generally higher inside cities and the urban unincorporated areas. Most fire protection agencies have mutual aid agreements with adjacent jurisdictions.

Patrol coverage and fire department response times are affected significantly by budget limitations. These concerns are compounded by the scattered sprawl land use pattern in the urban area and other land use factors such as: residential cul-de-sacs; dead end streets; roads in poor condition; scattered residences; unlit areas; hidden doorways in apartment complexes; and, the lack of house or box numbers.

Coordination between the fire districts serving unincorporated areas, the Oregon State Patrol, the County departments of Public Safety, Public Works, and Planning is important in order to ensure that new development is designed to allow sufficient access and maneuvering by fire and emergency vehicles. Early involvement of the fire protection and law enforcement agencies in the review of proposed development will enable them to plan for the increased service demands.





## TRANSPORTATION

### POLICY 32, TRANSPORTATION:

**It is the policy of Washington County to regulate the existing transportation system and to provide for the future transportation needs of the County through the development of a Transportation Plan as an Element of the Comprehensive Plan.**

#### Implementing Strategies

The County will:

- a. Combine the transportation features of the urban and rural areas in a single countywide Transportation Plan. The Transportation Plan will address the major roadway system (i.e. non-local roads) and designate roads and streets that are part of the major system. The Community Plans and the Rural/Natural Resource Plan will address the local road system and designate the streets and roads that are not part of that system.
- b. Specify the necessary transportation improvements, maintenance, and reconstruction activities needed to carry out the Comprehensive Plan in the Transportation Plan.
- c. Implement the Transportation Plan capital improvements and maintenance programs through a combination of public expenditures, private development actions and the assessment of impact fees.
- d. Specify in the Community Development Code the standards and requirements of the Transportation Plan that are applicable to development applications.
- e. In cases of direct conflict between the Transportation Plan and a Community Plan or the Rural/Natural Resources Plan regarding functional classification and/or location of a proposed road, the Transportation Plan shall take precedence.
- f. The addition of new roads or streets to the major roadway system will be designated through the Transportation Plan unless specified otherwise by the Transportation Plan. New neighborhood routes may also be designated through the development review process. New local streets or roads will be designated through the development review process or by amendments to the Community Plans or the Rural/Natural Resources Plan.
- g. Amendments to the Community Plans shall be consistent with the applicable policies and strategies of the Transportation Plan.

#### Summary Findings and Conclusions

The transportation system and planning for that system must go beyond meeting daily travel demands. Transportation planning must recognize that transportation systems have significant impacts on the physical, social and economic characteristics of the areas they serve. In order to have an integrated and consistent plan for transportation, the transportation needs for the urban and rural areas are combined in a single document.

The Transportation Plan is a comprehensive analysis and identification of transportation needs associated with the support and implementation of the development patterns described in the Community Plans and the Rural/Natural Resource Plan.

Prepared from both the county-wide and community planning area perspectives, the Transportation Plan addresses the major roadway system, transit, pedestrian and bicycle transportation issues and focuses on specific and system requirements. The Transportation Plan designates the major roadway system and each road or street is provided a classification indicative of its existing or planned function, right-of-way, alignment and structural dimensional standards. Changes to the major roadway system are made through amendments to the Transportation Plan. New neighborhood routes may also be designated through the development review process.

The local street system is designated on the Community Plans and the Rural/Natural Resource Plan. New local streets and special area local streets are identified through the development review process or by amendments to the Community Plans or the Rural/Natural Resource Plan.

The Comprehensive Framework Plan, in combination with the Community Plans and the Rural/Natural Resource Plan, will define the location and level of demand the transportation system will be expected to accommodate. The policies and strategies of the Transportation Plan are aimed at defining the role transportation services will play in shaping the county's urban and rural areas. A major factor in determining the timing and sequence of growth will be the availability of an adequate transportation system.

## RECREATION

### **POLICY 33, QUANTITY AND QUALITY OF RECREATION FACILITIES AND SERVICES:**

**It is the policy of Washington County to work to provide residents and businesses in the urban unincorporated area with adequate park and recreation facilities and services and open space.**

#### Implementing Strategies

The County will:

- a. Work with cities, special districts and the public to identify the long-term service providers of park, recreation and open space services. The County recognizes park districts and cities as the appropriate long-term providers of these park, recreation, and open space services. If an urban service agreement does not apply to an area, the County may identify the long-term service provider to the area:
  1. When the area lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and
  2. After consulting with local governments that provide or declare an interest in providing service to the area prior to identifying the service provider.
- b. If an urban service agreement applies to an area without services, encourage and support the park and recreation providers to adopt an annexation plan(s) or other annexation strategies so that properties without a current park and recreation provider will be provided service. The County recognizes annexation plans and other types of annexation methods provided for under state law as appropriate ways to bring unserved properties into the boundaries of park and recreation providers. Annexation shall be consistent with the requirements of state law and the applicable urban service agreement. However, if an urban service agreement does not apply to an area and the County has identified the long-term provider pursuant to Implementing Strategy a. above, the County shall encourage and support the park and recreation provider to the area to develop an annexation strategy for the area.
- c. Consider being an interim provider of park land and recreation facilities to one or more urban unincorporated area(s) until the area(s) is annexed into the boundary of a designated park and recreation provider. Potential funding sources for County acquisition of park land and provision of recreation facilities include but are not limited to fees; federal, state and regional funding; grants; and property taxes.
- d. Serve as an interim provider of park land and recreation facilities to one or more unincorporated areas if the Board finds that:
  1. The long-term park and recreation provider to the area has been identified;
  2. The identified park and recreation provider does not have adequate funding to purchase needed park land or provide needed recreation facilities in the area outside of its current boundary; and

3. The identified park and recreation provider has committed to place an annexation plan on the ballot. However, if an urban service agreement does not apply to an area, the Board may serve as an interim provider of park land and recreation facilities to the area when the identified service provider has committed to develop an annexation strategy for the area.
- e. Work with park districts and city park and recreation providers to develop park master plans and funding priorities for park, recreation and open space services for urban unincorporated areas.
- f. Designate the off-street trail system in the Transportation Plan.
- g. Continue the Metzger Park Local Improvement District (LID) for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park.
- h. Encourage Metro and appropriate state and federal agencies to establish or expand facilities in the County.
- i. Work with all public agencies providing park, recreation and open space services within the County to ensure that opportunities for citizen participation in park and recreation and open space decisions are provided.
- j. Coordinate with private recreation providers in the planning of park and recreation facilities and services for the urban unincorporated area.
- k. Review all lands owned by the County and other local public agencies (for example, Clean Water Services, water districts) for potential open space or recreational use.
- l. Designate existing parks, recreation sites, golf courses, cemeteries, school play-grounds, powerline rights-of-way, and bicycle pathways; and future park or bicycle pathway sites as Open Space in the Community Plans (light green designation on the Significant Natural Resource Map).

#### Summary Findings and Conclusions

Throughout its history, the County has not been a park and recreation provider but has relied instead on the Tualatin Hills Park and Recreation District (THPRD) and cities to provide these services. The only parks the County maintains are Metzger Park and Hagg Lake. Metzger Park was donated to the County and its operation and maintenance is funded through a local improvement district comprised of property owners in the Metzger area. The County operates and maintains Hagg Lake, which is owned by the United States Bureau of Reclamation.

THPRD, the largest park and recreation provider in Washington County, is the only provider of park, recreation and open space services to urban unincorporated Washington County. Unincorporated properties located outside of THPRD's boundary are not provided with park and recreation services, with the exception of the Metzger area which funds Metzger Park. As development occurred in urban unincorporated Washington County, park land was not acquired because these areas were not served by a park and recreation provider and the County did not have funding to acquire park or open space land. Sustained, rapid levels of development since the 1980s also outpaced the capability of THPRD to provide the level of services called for in its master plans. THPRD's financial constraints also precluded it from acquiring future park land in areas outside its current boundary but within its ultimate service area. The same dilemma was faced by cities that are the designated park and recreation providers to parts of urban unincorporated Washington County, including Hillsboro and Tigard.

In 1995, Washington County, THPRD, cities, special service districts, and Metro began to develop urban service agreements for all territory within the Regional Urban Growth Boundary. The urban services

legislation adopted by the State Legislature in 1993, Senate Bill 122, requires local governments to identify the long-term service providers of a number of urban services, including parks, recreation, and open space. The result of this planning effort will be urban service agreements that include the designation of the long-term providers of park, recreation and open space services for specific geographic areas of urban Washington County. Early in this planning process, local governments and the public determined that THPRD and cities were the appropriate long-term park and recreation providers and not the County. The long-term park and recreation providers that have been designated to serve almost all of urban unincorporated Washington County are THPRD and the cities of Hillsboro and Tigard.

The County, THPRD and city park and recreation providers recognize the importance of providing services to unincorporated areas without a parks provider due in part to the increased public demand for park and recreation services and the lack of parks and recreation facilities in these areas. For example, in the Bethany area significant portions of the area have developed outside of THPRD, resulting in little or no park land in large sections of the area. The same conditions exist in the Bull Mountain area due to development occurring outside the City of Tigard, the designated park and recreation provider to that area.

The County, THPRD and cities agree these unserved areas must be annexed to their applicable park and recreation provider so that appropriate services can be provided to these areas. The County will continue to work with THPRD and the cities to develop annexation strategies to bring these areas into the boundary of the applicable park provider using the annexation measures provided for by state law. Annexation measures include, but are not limited to, single or double majority annexation ballot measures and annexation plans. The County believes that annexation plans, provided through Senate Bill 122, are an appropriate method to bring unserved areas into the boundaries of park providers because they provide a thoughtful, comprehensive and systematic way to ensure all urban properties are provided with park, recreation and open space services. Other annexation methods can result in scattered and piecemeal annexations that may not be conducive to efficient and effective service provision. Annexation plans also provide the public with the best opportunity to participate in the planning process that will determine how to serve these areas and what effect the proposed annexation may have upon residents and businesses currently served by the provider. Annexation plans also guarantee voters in the area proposed to be annexed and voters currently in the boundary of the park provider each have a say about whether or not the subject area(s) should be annexed because both sets of voters are required to vote on an annexation plan. However, when an annexation plan cannot be used, other annexation methods should be used to add properties to their park provider so they will be served. In those instances, particularly when an urban service agreement does not apply to an area, the County shall encourage and support the identified provider to develop an annexation strategy using other annexation methods so that service will be provided to all properties in the area.

Due to inadequate park and recreation facilities, the dwindling supply of land in unserved areas, the lack of funding by the designated long-term park and recreation providers to acquire or improve park land outside of their current boundaries, the County should consider being an interim provider of park land and recreation facilities in those areas until they can be annexed into the boundary of the appropriate provider. As an interim provider, the County would purchase property for future development as park land. The County could also develop park land and recreation facilities on an interim basis by contracting for development and construction services with the appropriate long-term park and recreation provider. Upon annexation to the appropriate park and recreation provider, the County would be able to transfer to the provider any properties the County has acquired or any unspent revenue it has designated for the annexed area.

Potential funding sources the County could consider include but are not limited to existing property taxes; federal, state and regional funding; fees; a park serial levy; land donations; and voluntary contributions.

Lands currently in public ownership but lacking recreation improvements may offer a potential for reducing the existing deficit of available park lands. The County and other local public agencies, such as

Clean Water Services and water districts, should also review properties in their ownership for potential recreational use prior to selling them.

## **POLICY 34, OPEN SPACE AND RECREATION FACILITIES LOCATION:**

**It is the policy of Washington County to encourage the location of parks, open space and recreation facilities so as to define and implement the County-wide development concept, County policies and Community Plans.**

### Implementing Strategies

The County will:

- a. Identify potential future park and recreation areas in the areas in Community Plans. In addition to these areas, the County also recognizes proposed park and recreation areas identified on the adopted Master Plans of park and recreation providers as potential park and recreation sites.
- b. Notify the Tualatin Hills Park and Recreation District (THRPD) or other appropriate service providers when a development application is accepted for a site, which includes a potential park and recreation area identified in a Community Plan. In the absence of a service provider, the County shall attempt to secure the desired area for the intended use.
- c. Give priority to the preservation of lands with:
  1. Significant natural features, urban forests, scenic views, natural hazards, or significant fish and wildlife habitats;
  2. The potential for linkage into open space corridors especially for trail systems (hiking, jogging, bicycling, horseback riding);
  3. Characteristics that would lend the property to active recreation opportunities;
  4. Access to streams and rivers, particularly the Tualatin River;
  5. Easy access by pedestrians, bicyclists, transit riders, and those with limited mobility and finances;
  6. Close proximity to existing or planned higher density population areas; and
  7. Value in defining the edges or boundaries of communities.
- d. Consider future acquisition and development programs, which take into account:
  1. Areas of substantial need;
  2. How well a site meets the relative recreation needs of the service area;
  3. The suitability of environmental conditions;
  4. Fiscal feasibility;
  5. Threat of loss of a valuable resource;
  6. Opportunity for cooperative project; and

7. Commitment of the long-term park and recreation provider to develop an annexation plan or develop an annexation strategy for its long-term service area.
- e. Designate existing parks, recreation sites, golf courses, cemeteries, school play-grounds, powerline rights-of-way, and bicycle pathways; and future park or bicycle pathway sites as Open Space in the Community Plans (light green designation on the Significant Natural Resource Map).

### Summary Findings and Conclusions

Park and open space areas have significant value to residents and play a vital role in ensuring balanced neighborhoods and communities by providing a variety of passive and active recreational uses and open space. Existing parks, recreational facilities, and open space areas are integral parts of the built urban environment that contribute to the health, safety and general welfare of the public. The supply of potential suitable park and recreation sites and open space areas in urban Washington County is limited. Therefore, existing park and recreation sites and open space areas should be protected and maintained. The conversion of potential suitable sites to park and recreation sites with appropriate recreation facilities is contingent upon securing funding for land acquisition and improvements.

One example of a potential recreation resource is the streams and rivers of Washington County. Specifically, the Tualatin River offers the potential for a wide variety of water-based recreational activities. The utilization of the Tualatin River for such water-based recreational activities is currently restricted by its limited access to the public.

The County, through the 1973 Comprehensive Framework Plan, and THPRD, through THPRD's Master Plans, have recognized the importance of providing a broad range of open space and recreational opportunities for their constituents. For example, both jurisdictions recognize the importance and recreational benefits of providing pathways along streams and utility easements. Likewise, both jurisdictions have identified the need to locate parks in proximity to school sites in order to maximize opportunities for recreational use.

Some aspects of the THPRD planning and implementation process may benefit from the County's analysis, during the comprehensive planning process, of certain types of recreational and open space opportunities. Two examples are the identification of significant natural areas and significant scenic views.

In the future, County plans and policies, in combination with the plans and policies of park and recreation providers, should be used as guides in locating open space, parks, and recreation facilities to ensure that siting reflects comprehensive planning priorities.

Non-urban recreation sites and facilities are used extensively by urban residents. Consequently, the Recreation section of the Rural/Natural Resource element is an indispensable complement to the Recreation section of the Urban Plan.



## ENERGY CONSERVATION

### POLICY 35, RESIDENTIAL CONSERVATION:

**It is the policy of Washington County to encourage a reduction in residential energy consumption and increase opportunities for production of energy from alternative sources.**

#### Implementing Strategies

The County will:

- a. Encourage utilities and banks to offer low-interest weatherization loans to finance the cost of installing energy-conserving materials and features in residential structures.
- b. Encourage and support conservation tax credits for new homes, which meet clear and objective energy efficiency standards.
- c. Study building codes for new homes and, if desirable, suggest revisions by the appropriate agency.
- d. Encourage clustering and common-wall dwelling types that reduce the amount of outside wall surface per dwelling unit.
- e. Locate high-density housing in proximity to labor-intensive industries.
- f. Permit the siting of residences on lots to provide maximum solar exposure.
- g. Encourage use of site development and building techniques that make use of natural elements for heating and cooling (south facing windows, landscaping, etc.) in new residential developments.
- h. Support mixed use developments that can demonstrate energy savings over conventional projects.
- i. Allow residents of homes to establish home occupations which shall not create traffic and parking problems and which shall meet the home occupation standards in the Community Development Code.

#### Summary Findings and Conclusions

Transportation and residential uses account for nearly half of total energy consumption. The other half is consumed by the industrial, commercial and governmental sectors.

Low density housing, separated from places of work, shopping, and recreation has had an adverse impact on the current energy crisis.

Mass transit systems can have a major positive influence upon energy consumption but require higher density corridors and activity modes to be effective.

Reducing the number of exposed walls and roofs can cut energy consumption by minimizing heating or cooling loss. However, weatherization and insulation of existing and new dwellings would also substantially reduce energy consumption for home heating and cooling.

Site design of residential developments can affect energy consumption and production through such factors as the orientation to the sun for solar heating and the amount of energy embodied in such structures as street pavement.

Housing and its location and density within the urban area can have a significant impact upon future rates of energy consumption and production. In view of past and impending energy shortages and escalating costs, methods of addressing energy concerns must receive high priority in the Countywide planning effort.

## **POLICY 36, COMMERCIAL CONSERVATION:**

**It is the policy of Washington County to encourage energy-saving building practices in existing and future commercial structures.**

### Implementing Strategies

The County will:

- a. Encourage cluster development of mixed uses, with a variety of commercial, office, residential uses, to promote energy conservation and to allow more efficient centralized energy systems.
- b. Discourage strip-commercial development and other scattered office-commercial development.
- c. Revise County sign regulations as necessary in part to promote energy conservation in advertising.

### Summary Findings and Conclusions

Commercial development in centers (as opposed to strip commercial development), could help reduce energy consumption through common wall construction and central heating. Additionally, significant energy savings could be achieved through a reduction of vehicle miles traveled for commercial purposes.

The size, design, construction, and landscaping of commercial facilities could have significant impact upon the energy consumption pattern of the County. Energy saving building practices in commercial structures and clustered developments are essential in terms of promoting energy conservation.

## **POLICY 37, INDUSTRIAL CONSERVATION:**

**It is the policy of Washington County to encourage energy-saving building practices in existing and future industrial structures.**

### Implementing Strategies

The County will:

- a. Encourage labor-intensive, low-energy using industries to locate in the county.
- b. Encourage cogeneration and reuse of industrial waste heat from manufacturing processes for space heating and other uses.
- c. Encourage industrial cluster developments, and mixed-use commercial-industrial centers which are conducive to joint energy efficient space heating and cooling systems.

### Summary Findings and Conclusions

The industrial sector accounted for approximately 36% of the Tri-County energy consumption in 1975. Almost half of this energy was supplied by natural gas, followed by electricity and oil.

Manufacturing, space heating, lighting and other industrial related energy uses combined to make the industrial sector the region's largest power consuming group.

The types of industries which locate in a particular area impact not only the local economy, but also the availability of energy.

Many industrial processes generate significant amounts of waste heat, which could be reused for purposes other than manufacturing.

The size, design, and landscaping of industrial facilities (including parking) can have significant impacts upon energy consumption. To encourage reduced energy consumption, energy-saving building standards and industrial cluster developments need to be incorporated in the County's land development approval process.

## **POLICY 38, TRANSPORTATION CONSERVATION:**

**It is the policy of Washington County to establish a balanced and an efficient transportation system which implements the land use plan and is designed to minimize energy impacts.**

### Implementing Strategies

The County will:

- a. Support planning for and provision of alternative modes of transportation including walking, bicycling, mass transit, carpooling, vanpooling, and ride sharing as a means of conserving energy.
- b. Re-examine its road standards to determine the appropriateness and need for current specifications for width of pavements.
- c. Encourage new and existing major governmental, business and industrial employers to provide ride pools and vans for commuting transport of employees to and from work.
- d. Grant parking priority to carpooling, vanpooling and ride-sharing employees of the County.

### Summary Findings and Conclusions

The transportation sector accounted for 27% of energy consumed in the Portland metropolitan area in 1975.

The private automobile consumes about 75% of all petroleum used in transportation in the Portland area.

An improved relationship between land uses and transportation is essential in terms of decreasing reliance on the automobile and improving the potential for utilizing alternative modes of transportation.

Significant savings of energy can be achieved if transportation services are provided in a more efficient manner and alternative forms and programs are offered to reduce dependence on the private automobile.

## **POLICY 39, LAND USE CONSERVATION:**

**It is the policy of Washington County to develop land use strategies which take advantage of density and location to reduce the need to travel, increase access to transit, increase the use of alternate modes of transportation, including transit, and permit building configurations which increase the efficiency of heating and cooling residences.**

### Implementing Strategies

The County will:

- a. Limit low-density sprawl development, and create a multi-centered land use pattern in the preparation of Community Plans to decrease travel needs.
- b. Encourage infilling of passed-over vacant land and revitalization of older areas, especially where a major transportation corridor is close by.
- c. Plan for higher density urban development in areas with convenient access to public transportation.
- d. Encourage close locational relationships between living, working, shopping, and recreation areas in accord with the development concept.
- e. Encourage development of compact communities containing a range of commercial and residential uses.
- f. Encourage the efficient use of land and promote non-automobile trips by:
  1. Adopting Parking Maximum Designations and minimum and maximum parking standards based upon the frequency and location of transit service consistent with Title 2 (Regional Parking Policy) of the Metro Urban Growth Management Functional Plan;
  2. Annual monitoring and forwarding of data to Metro regarding:
    - a) The number and location of newly developed parking spaces; and
    - b) A demonstration of compliance with the minimum and maximum parking standards, including the application of any variance to Metro's Title 2 regional standards; and
  3. Reviewing and updating the Parking Maximum Designations every three (3) years to account for changes in the frequency and location of transit service.
- g. Support planning for alternative modes of transportation as a means of conserving energy.

### Summary Findings and Conclusions

Land use policies affect energy use in two primary ways. They influence the amount of travel through the arrangement of land uses and they determine the number and design of buildings, which can be built in a given area.

Low-density development and suburban sprawl tend to increase the distance which people must travel to work and shop. In areas served by frequent transit service, a more compact urban form can be encouraged by providing less parking and still allowing accessibility and mobility for all modes, including automobiles.

Land use also determines density, which in turn has a very important effect on whether or not mass transit will be effective.

Land use policies also influence energy use through site requirements. Certain landscaping, street width, building orientation and auxiliary requirements (e.g., height limits for structural additions) has a significant impact on total energy use.

Land use policies affect energy use in a number of ways. In light of existing conditions, it is necessary that the County encourage land use patterns which decrease consumption of fuel for transportation and the heating and cooling of buildings by making energy conservation a critical element in assessing land use decisions.

## REGIONAL PLANNING

### POLICY 40, REGIONAL PLANNING IMPLEMENTATION:

**It is the policy of Washington County to help formulate and locally implement Metro's regional growth management requirements in a manner that best serves existing and future residents and businesses.**

#### Implementing Strategies

The County will:

- a. Participate in regional growth management and transportation planning efforts to help build better communities.
- b. Implement regional growth management requirements through a process that includes opportunities for citizen involvement.
- c. Identify the 2040 Growth Concept Design Types characteristics that generally represent the form of future development.
- d. Adopt a map that identifies the general location of the 2040 Growth Concept Design Types.
- e. Require applicants proposing plan map amendments to demonstrate that their proposal is consistent with the applicable 2040 Growth Concept Design Type.
- f. Plan amendment approvals may be conditioned by the Review Authority in a manner that will promote excellence of urban design. Good design involves both building and site design and their relationship to neighboring uses in order to: ensure a sense of place and personal safety; create a development pattern conducive to face to face community interaction; and, encourage multi-modal means of transportation.

#### Design Type Characteristics

- **Regional Centers:** Regional Centers generally will be the most intensively developed areas that include a wide range of uses that serve the broader community. These areas will include opportunities for commercial, residential and mixed-use development. The various permitted uses will work together to create a lively, prosperous focal point that serves as a place to live, work, shop and recreate with less reliance on the automobile than might be found elsewhere in the community. Regional Centers will be destination points for public transit that serve these centers of more intensive development. Wide sidewalks and amenities such as street trees and benches will make these areas "pedestrian-friendly." Regional Centers will include multiple story retail commercial, services and offices placed close to public sidewalks.
- **Town Centers:** Town Centers generally are areas designed to function as the heart of surrounding neighborhoods. The objective is to shape future growth in such a way that each town center becomes, over time, a more compact node of multiple activities. Primary uses permitted in the Town Centers are local retail commercial, services, and office uses. Also, mixed-use developments (residential above retail stores or commercial services or offices), multi-family housing, condominiums, rowhouses and some institutional uses will be components of Town Centers. This mixing of land uses and activities will allow residents, employees, and business customers to move between uses. Therefore, Town Centers will be "pedestrian-friendly" with wide sidewalks, and amenities such as street trees and benches. The scale of retail commercial, services and offices uses in Town Centers will primarily be multiple story buildings



placed close to public sidewalks. Town Centers will be well served by public transit that serve these centers of more intensive development.

- **Town Center--Area of Interest:** A Town Center Area of Interest is a general area within which a Town Center Plan may or may not be adopted at some future date. Until a future decision is made regarding development of a Town Center Plan, future plan amendments within 360 feet of the centerline of a Corridor shall be consistent with a Corridor design type. Areas greater than 360 feet shall be consistent with the Neighborhood design type.
- **Station Communities:** Station Communities generally include areas that are adjacent to, or within easy walking distance of light rail stations. Along with the Regional Centers and Town Centers, Station Communities are home to the most intensive land uses. These areas are designated for higher density, transit supportive uses. The primary uses include retail and service businesses, offices, mixed-use projects, higher-density housing, and rowhouses. Station communities will have wide sidewalks and "street-side" facilities to make these areas "pedestrian friendly." Station Communities will evolve into higher intensity areas that are focal points of public transit.
- **Main Streets:** Main Streets generally serve surrounding neighborhoods with retail commercial, services and office uses. Mixed-use developments (dwellings located above commercial uses), multi-family and institutional uses are also permitted consistent with this design type. The scale and character of new development is intended to be similar to a traditional "Main Street" environment. This includes a mix of multi-story buildings placed close to sidewalks, with parking lots behind or to the side of buildings.
- **Transit Corridors:** Transit Corridors generally include areas along transit routes that have or will have frequent service. Transit Corridor development will include a mix of complementary land uses, including rowhouses, duplexes, apartments, office or retail buildings, institutional uses and mixed commercial and residential uses. Commercial and offices uses will be allowed at specific points along the Transit Corridors and not in a linear matter that promotes strip commercial development and traffic congestion. Collectively, these land uses will generate increased pedestrian and transit ridership. Therefore, these areas will feature a high-quality pedestrian environment with wider sidewalks and pedestrian amenities. Transit Corridors will evolve into environments that provide for walking, cycling and transit. Mixed-use development will enhance the vitality of businesses since they can provide services for employees during the day and goods and services to area residents during the evening.
- **Neighborhoods:** New residential neighborhoods generally will be developed at densities of four to six units per acre. Future residential developments within neighborhoods will be slightly more compact than subdivisions created prior to the late 1990's. "Infill" development is anticipated on sites that were previously overlooked and on underutilized larger lots. Some institutional uses and limited neighborhood commercial activities may be appropriate in neighborhoods.
- **Employment Areas:** Employment Areas are designed to provide the community with locations for jobs. Primary uses include firms that fit the niche between commercial retail/services and industrial. New commercial development will be limited to uses that are of a size and nature that serve the Employment Area workers and do not compete with Centers, Main Streets or Corridor commercial developments.
- **Industrial Areas:** Industrial Areas are set aside primarily for industrial activities with limited supporting uses.

#### Summary of Findings and Conclusions

In 1992, the voters in the Portland metropolitan area gave Metro the authority to lead regional growth management activities. Metro's Region 2040 program was the first step in the process to outline and evaluate various development options for region growth over a 50-year time period. The product of this effort was the development of the Metro 2040 Growth Concept and the 2040 Growth Concept Map. The

Growth Concept and Map define the desired form for regional growth and development within the Portland metropolitan area. The Growth Concept integrates both land use and transportation planning.

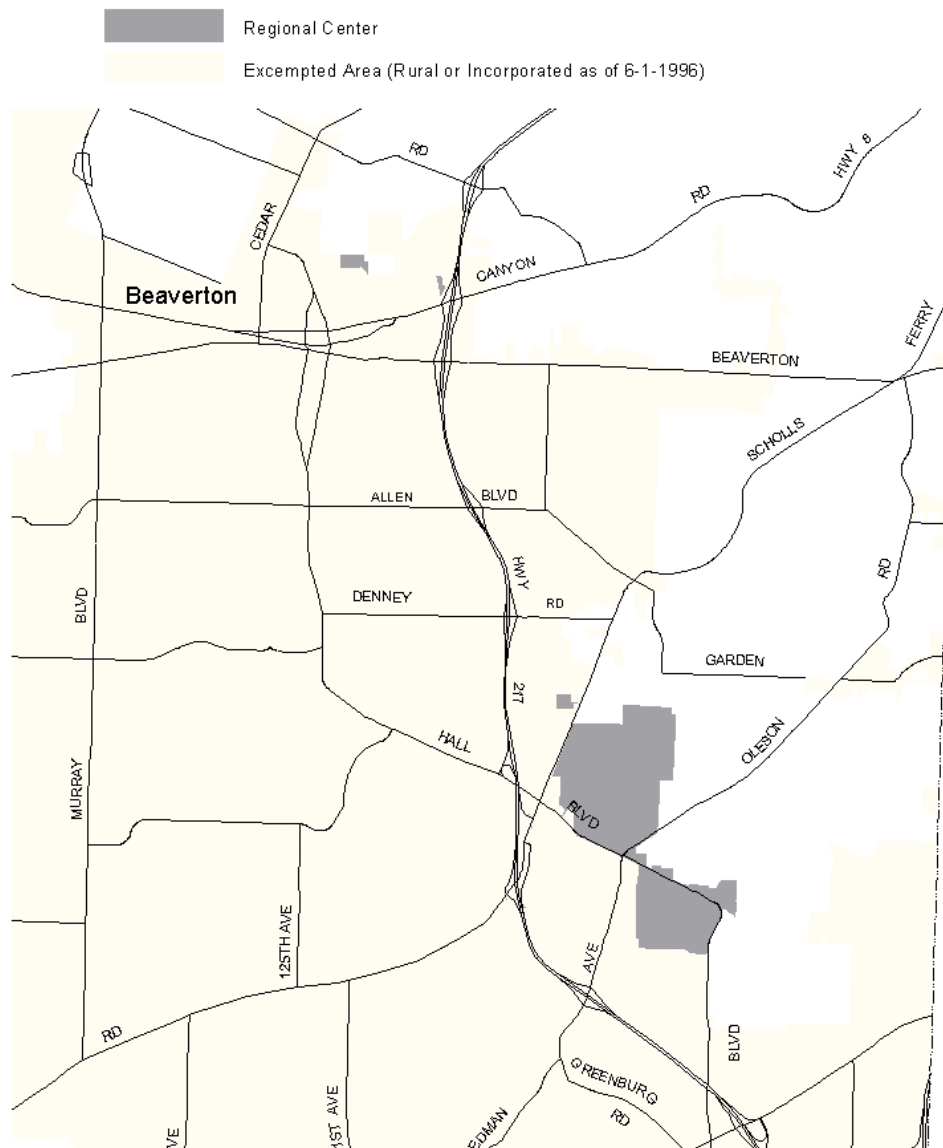
In December 1995, the Metro Council updated the Regional Urban Growth Goals and Objectives to incorporate the 2040 Growth Concept. In November 1996, the Metro Council adopted the Urban Growth Management Functional Plan (UGMFP). This plan is designed to make possible implementation of the Growth Concept at the local government level. The UGMFP includes specific growth management measures that each local government must incorporate into their comprehensive plan and implementing land use ordinances.

Washington County conducted a multi-year effort to amend the Comprehensive Framework Plan, the Community Plans and implementing land use ordinances to meet the land use and transportation requirements of the UGMFP. One of the requirements is to adopt a Design Type Boundary Map. The Washington County 2040 Design Type Boundary Map indicates the location of the design types. The boundaries of each design type are in locations that are generally the same as shown on Metro's 2040 Growth Concept Map.

### The Washington County 2040 Design Type Boundary Map

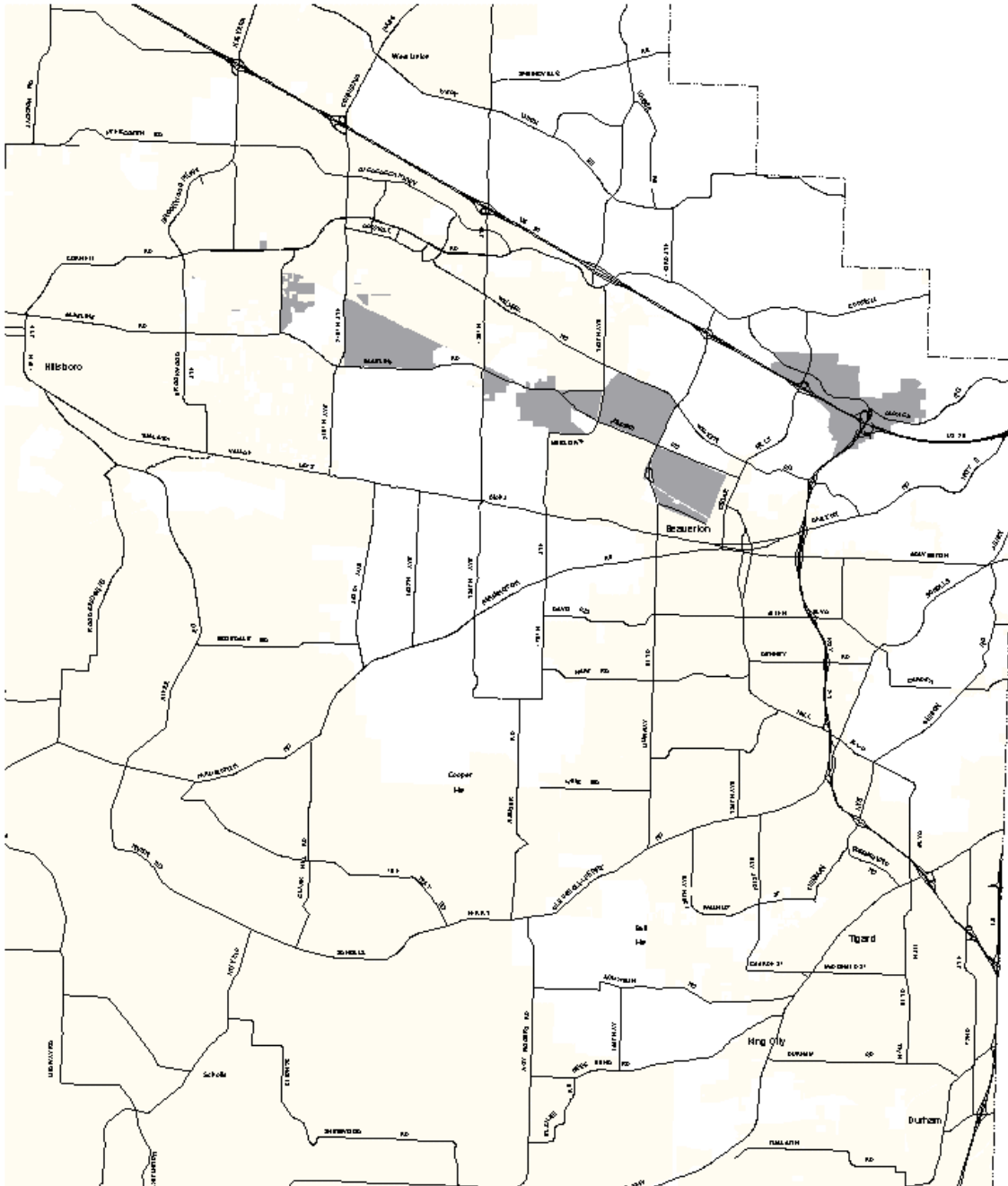
#### Washing

The Comprehensive Framework Plan is amended by adding the following map entitled "Regional Center Boundaries."

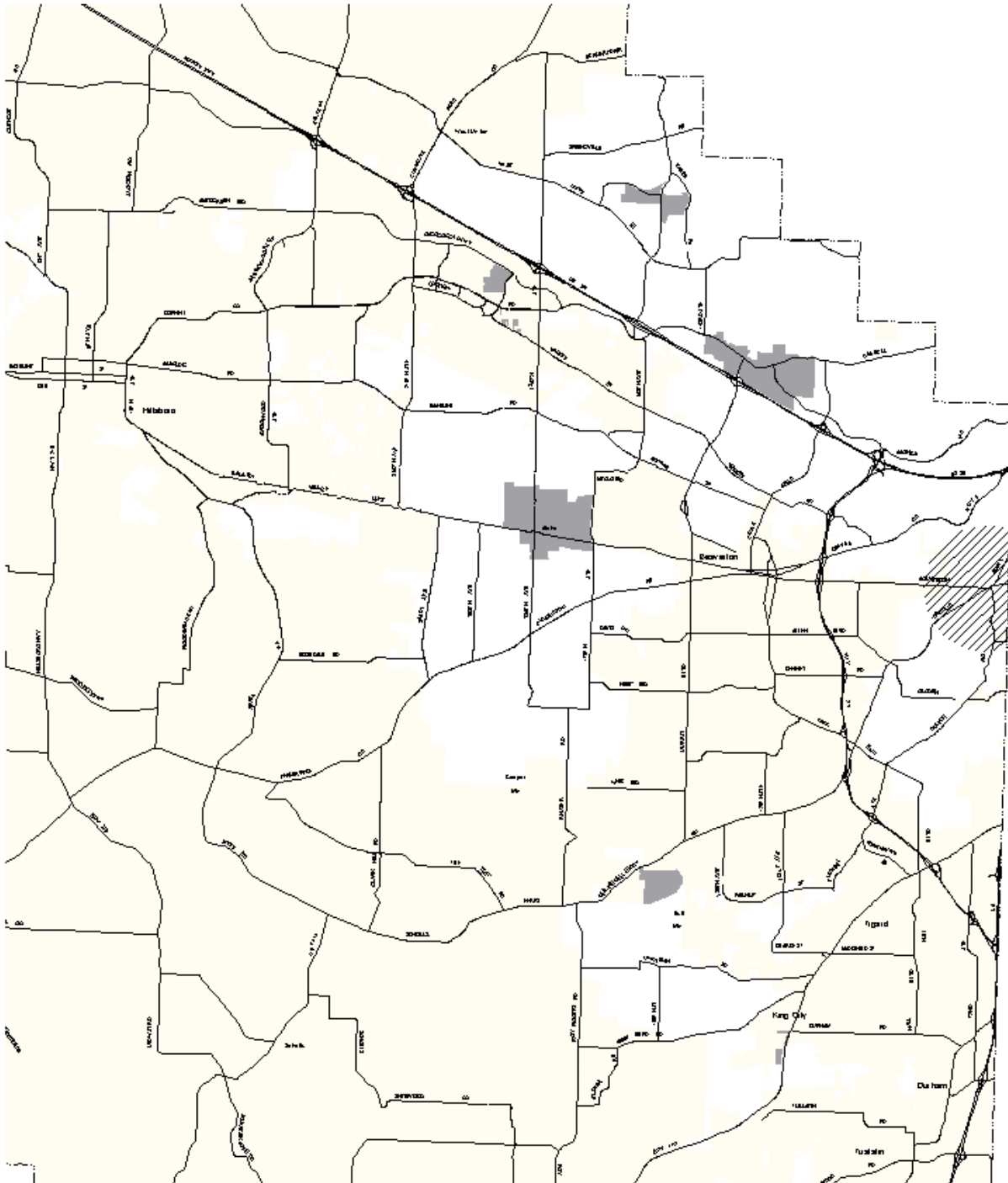
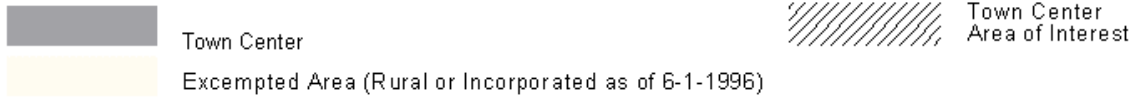


The Comprehensive Framework Plan is amended by adding the following map entitled "Station Communities Boundaries."

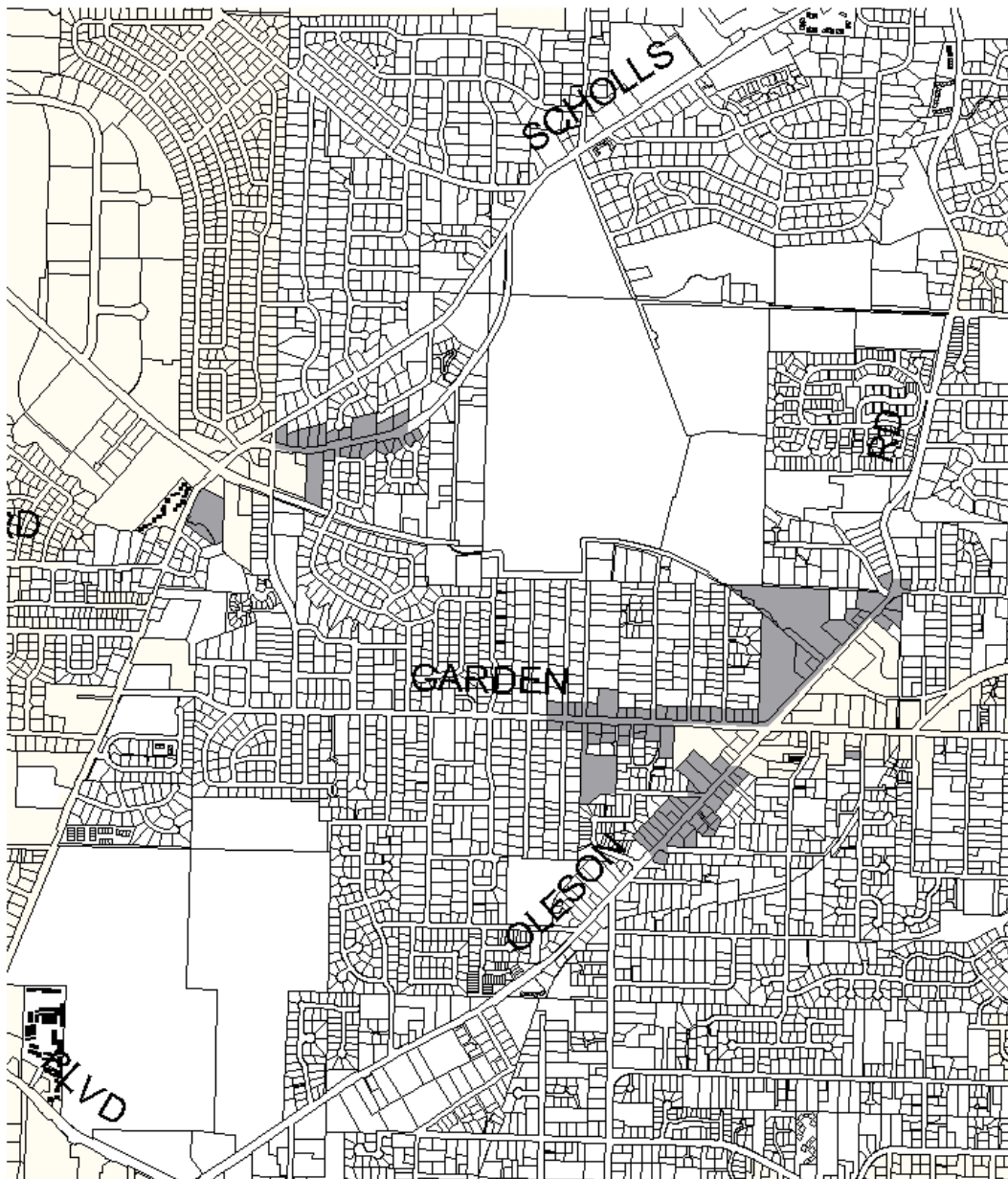
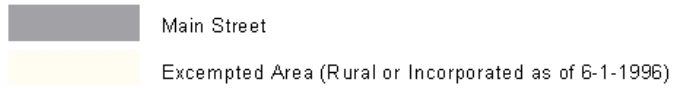
- Station Community
- Exempted Area (Rural or Incorporated as of 6-1-1996)



The Comprehensive Framework Plan is amended by adding the following map entitled "Town Center Boundaries."

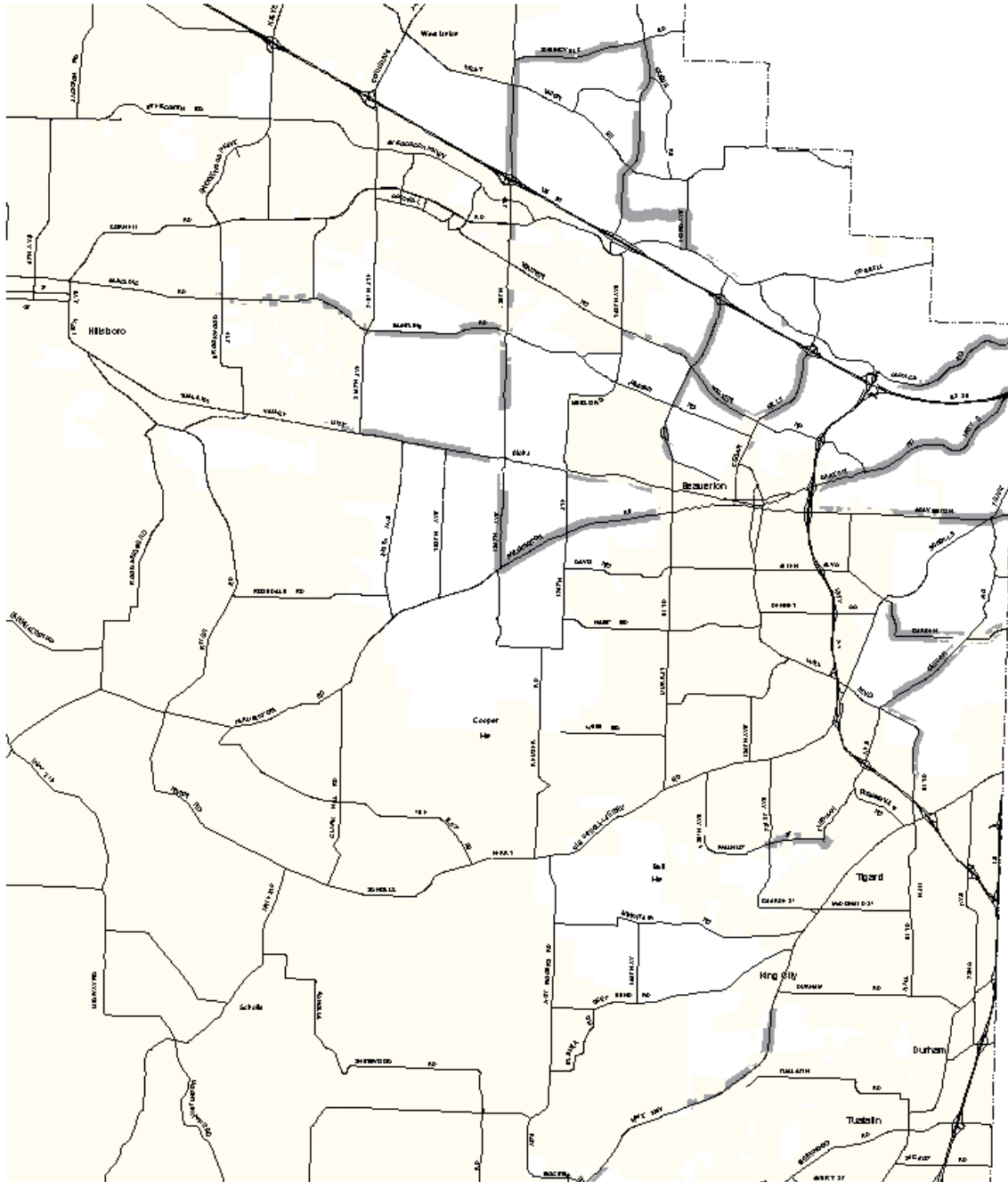


The Comprehensive Framework Plan is amended by adding the following map entitled "Main Street Boundaries."





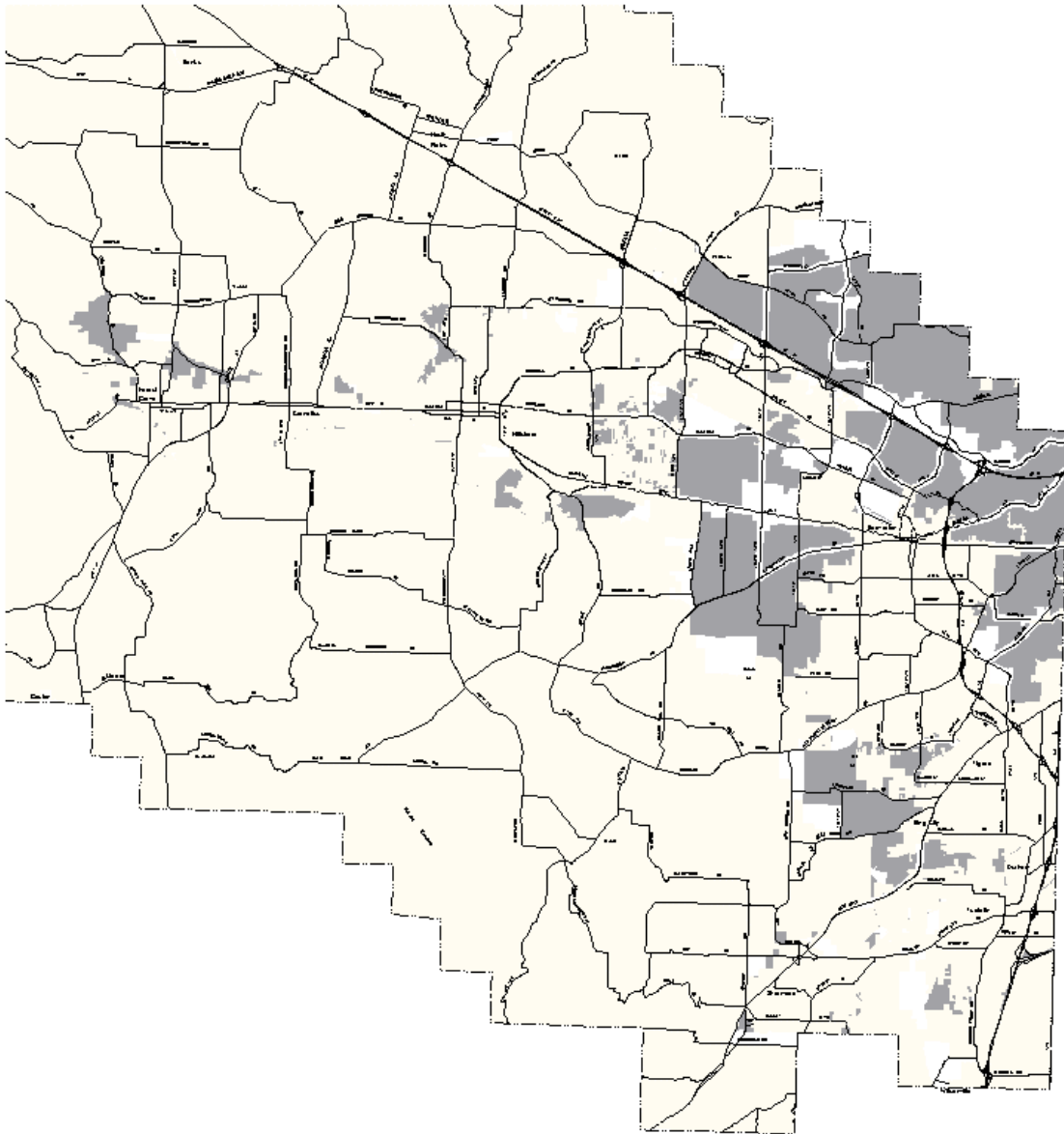
The Comprehensive Framework Plan is amended by adding the following map entitled "Transit Corridor Boundaries."

- Transit Corridor (Corridors are 360 feet from the centerline of the road)
- Exempted Area (Rural or Incorporated as of 6-1-1996)





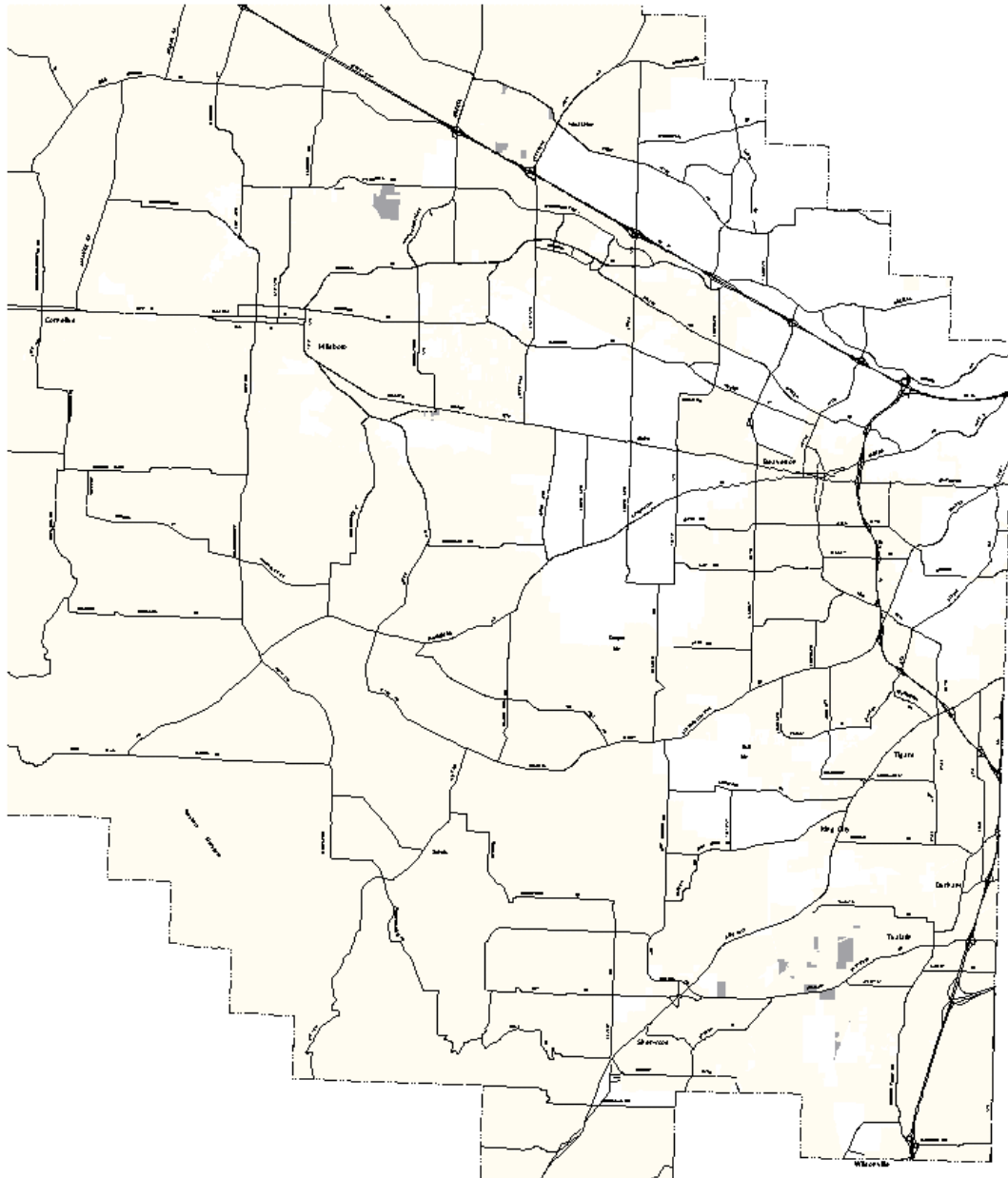
The Comprehensive Framework Plan is amended by adding the following map entitled "Neighborhood Boundaries."

-  Neighborhood Boundaries (Neighborhoods cover the area not included in any other design type)
-  Exempted Area (Rural or Incorporated as of 6-1-1996)





The Comprehensive Framework Plan is amended by adding the following map entitled "Industrial Area Boundaries."

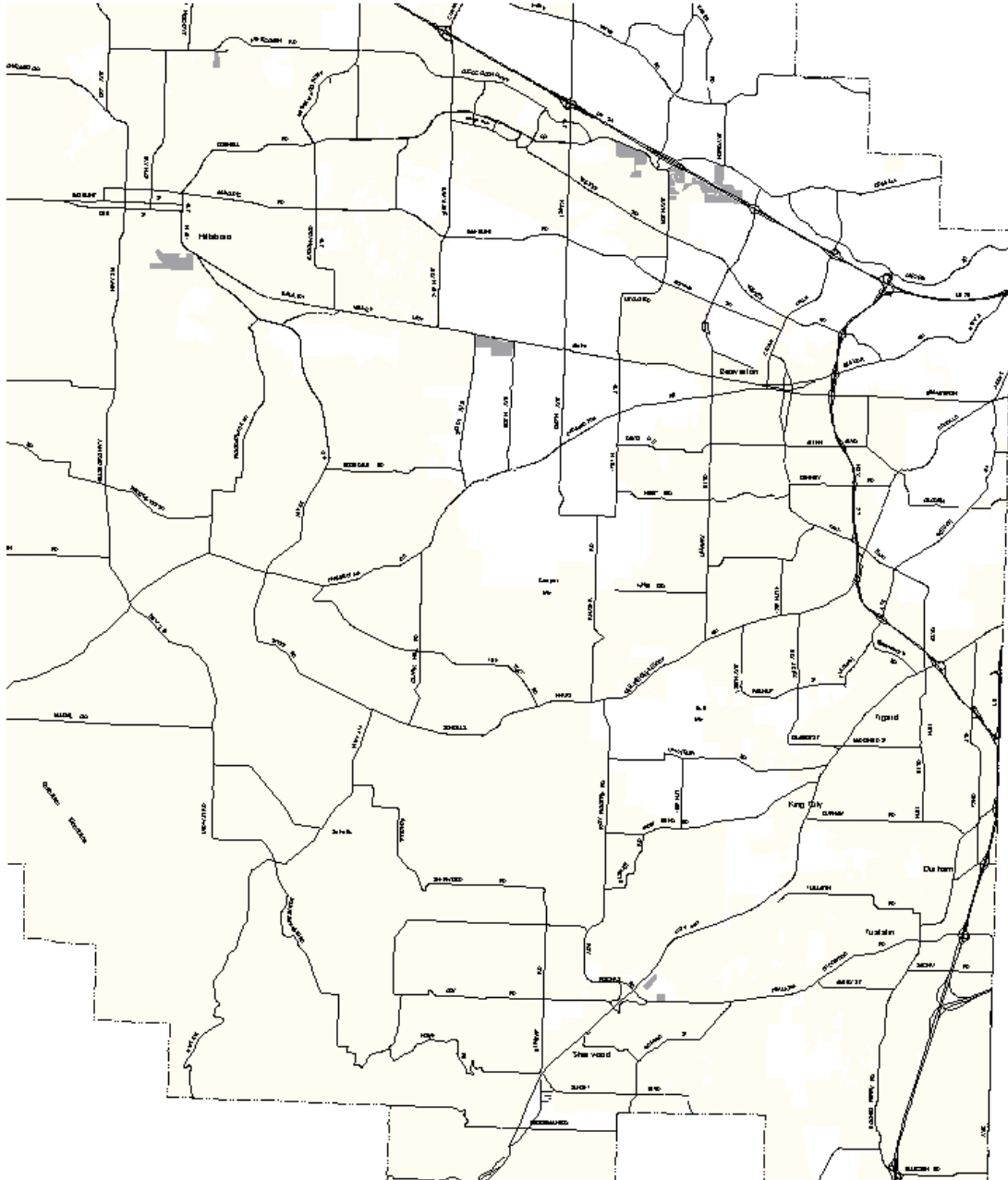
-  Industrial Area
-  Exempted Area (Rural or Incorporated as of 6-1-1996)





The Comprehensive Framework Plan is amended by adding the following map entitled "Employment Area Boundaries."

-  Employment Areas
-  Exempted Area (Rural or Incorporated as of 6-1-1996)



## **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:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable Community Plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until all appeals regarding the UGB expansion have been finalized and, when applicable, the planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a Locational or Minor Adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.
- b. Require that land added to the Regional UGB be added to a Community Plan and/or the Future Development Areas Map when applying any urban land use designation through a quasi-judicial or legislative plan amendment.
- c. Continue to apply the Significant Natural Resource designations on the Rural/Natural Resource Plan to properties designated FD-10 or FD-20.
- d. Apply the following Areas of Special Concern to the Future Development Areas Map:
  1. Area of Special Concern 1 is comprised of approximately 60 acres of land located west of Highway 47 and north of Hartford Drive. The property included in this Area of Special Concern is illustrated on the Future Development Areas Map. This property was added to the UGB by Metro Ordinance 02-985A in December 2002.

The master planning process and development applications within this Area of Special Concern are subject to the following development criteria:

- a) No urbanization may occur in this area until the alignment of the David Hill Extension with the Highway 47 bypass is determined and adopted as part of the City of Forest Grove's Transportation Plan.
  - b) New commercial retail uses are prohibited.
2. Area of Special Concern 2 is comprised of approximately 252 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties included in this Area of Special Concern are illustrated on the Future Development Areas Map. These properties were added to the UGB by Metro Ordinance 02-990A in December 2002.

The master planning process and development applications within this Area of Special Concern are subject to the following development criteria:

- a) This site is designated as a Regionally Significant Industrial Area by Metro.

- b) Future lot/parcel reconfigurations must result in: 1) at least one parcel that is 100 acres or larger, and 2) at least one parcel 50 acres or larger.
  - c) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map. These properties were added to the UGB by Metro Ordinance 02-969B in December 2002.

The master planning process and development applications within this Area of Special Concern are subject to the following development criteria:

- a) This site is designated as a Regionally Significant Industrial Area by Metro.
  - b) Future lot/parcel reconfigurations shall result in the largest practicable parcel.
  - c) New commercial retail uses are prohibited.
- e. Require that land added to the Regional Urban Growth Boundary (UGB) be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD), and when appropriate, the Tualatin Hills Park and Recreation District (THPRD) prior to placing any urban plan designation on the property, with the exception of the FD-10 and FD-20 Districts. Annexation into URMD and ESPD, and when appropriate, THPRD, shall be completed before the County determines that a quasi-judicial plan amendment application for any plan designation, except FD-10 and FD-20 is complete. For legislative plan amendments for any plan designation, except FD-10 and FD-20, the subject properties shall be required to annex into URMD and ESPD, and when appropriate, THPRD, prior to preliminary or final approval of any development application.

#### Summary Findings and Conclusions

The development and use of urban land requires more services than rural land due to the higher development intensity that takes place in urban areas. The County created the Urban Road Maintenance District and the Enhanced Sheriff Patrol District to address expanded road maintenance and public safety needs of urban residents living in unincorporated Washington County. The Tualatin Hills Park and Recreation District was established to provide County residents in the Beaverton area with park and recreation facilities and services. Implementing Strategy "e" ensures that newly added urban land that is not planned for annexation and development within a city will be served by URMD and ESPD. Implementing Strategy "e" also ensures that all new urban lands that are designated to be served by THPRD will be annexed into that district.

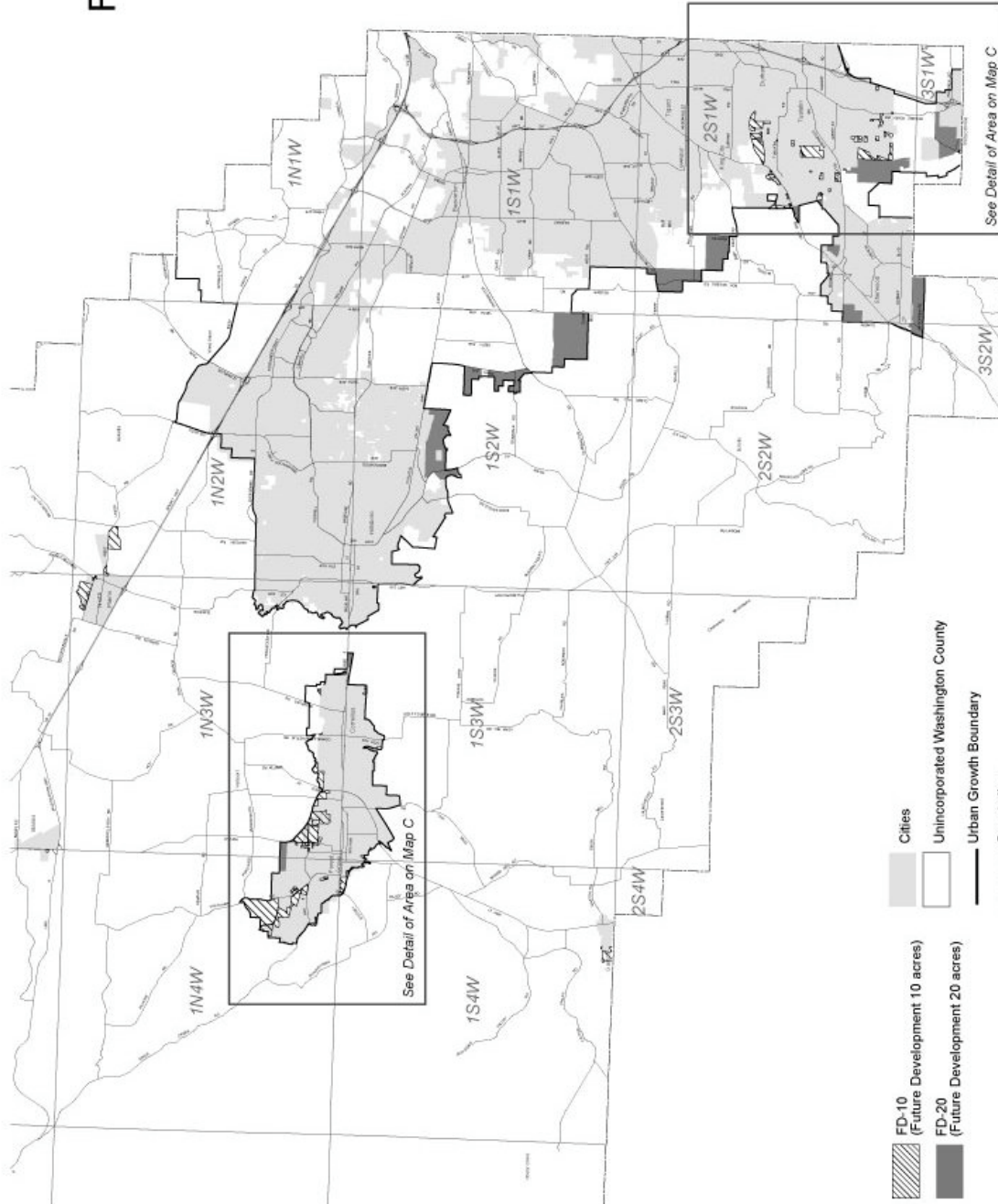
Prior to 1999, the FD-10 District was applied to properties that were intended to be planned, developed and annexed by a city rather than the County to ensure that limited development will occur while the land is located within unincorporated Washington County. For lands in this situation, the County does not require that they be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) or the Tualatin Hills Park and Recreation District (THPRD).







In 1999 and 2002, Metro expanded the Regional Urban Growth Boundary. Metro's Urban Growth Management Functional Plan (UGMFP) limits the size of new parcels to 20 acres and requires local governments to restrict development on new urban lands until master planning has occurred. The FD-20 District will be applied to properties added to the Regional UGB through Metro's Major or Legislative Amendment processes in order to comply with Metro's 20 acre minimum lot area requirement. The FD-20 District will be maintained on new urban areas until the Title 11 requirements of Metro's UGMFP have been completed and adopted. Properties designated FD-20 are not required to annex into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) and the Tualatin Hills Park and Recreation District (THPRD).

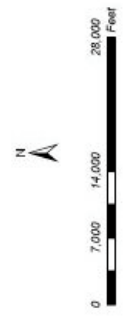
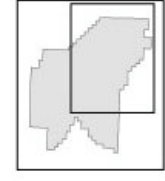
# MAP A Future Development Areas

\*Refer to ORD 637 for tax/lot-level detail for the City of North Plains area.

\*Refer to B-Engrossed ORD 615 for tax/lot-level detail for other areas within the County.



-  FD-10 (Future Development 10 acres)
-  FD-20 (Future Development 20 acres)
-  Cities
-  Unincorporated Washington County
-  Urban Growth Boundary
-  County line

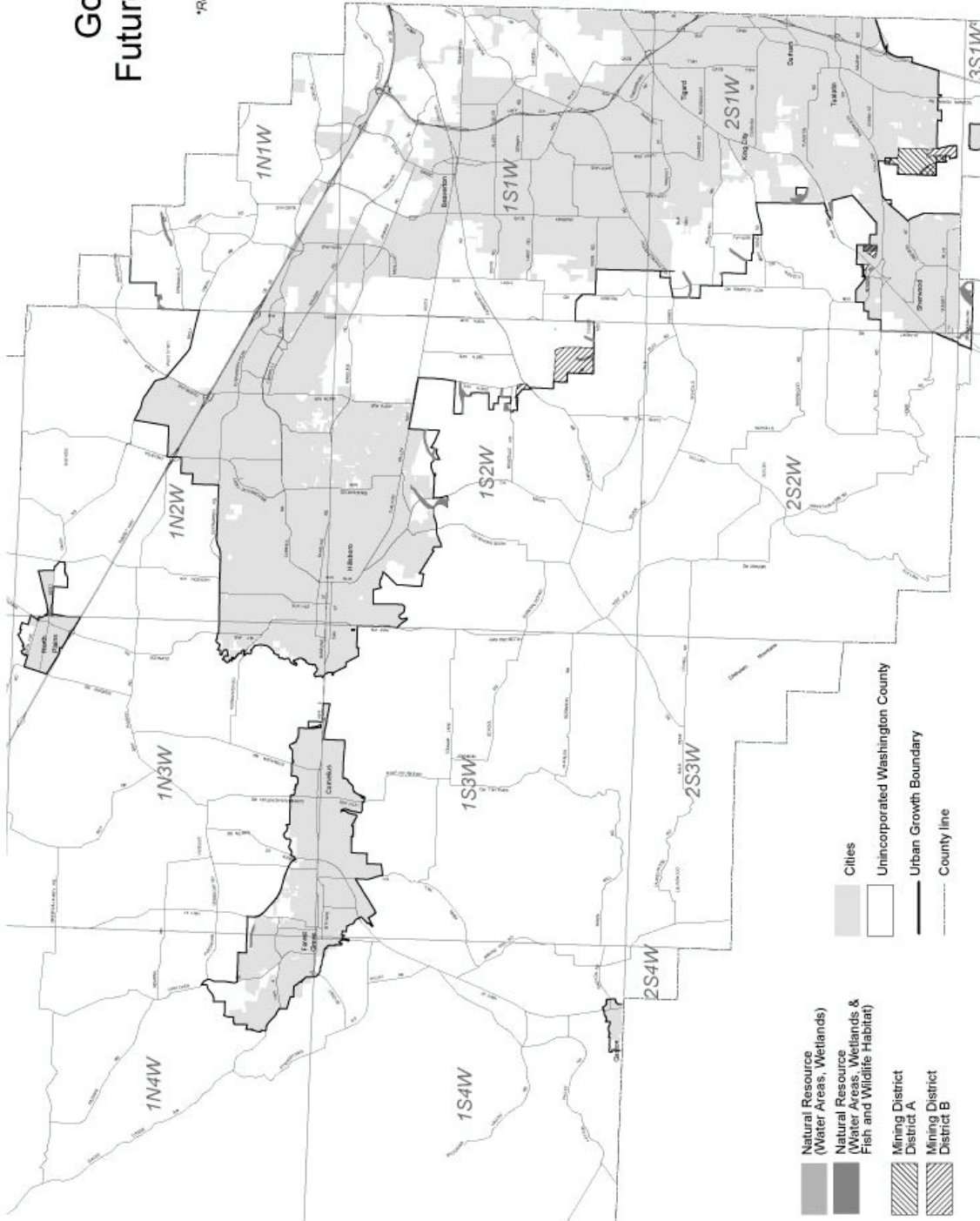


This information is provided for informational purposes only. It is not intended to be used as a substitute for professional engineering or architectural services. The user of this information is advised to consult with a professional engineer or architect for any project. Accuracy is not warranted for the project. However, the user of this information is advised to consult with a professional engineer or architect for any project.

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# MAP B Goal 5 Resources for Future Development Areas

\*Refer to ORD 637 for taxlot-level detail for the City of North Plains area  
 \*Refer to B-Engrossed ORD 615 for taxlot-level detail for other areas within the County



- Natural Resource (Water Areas, Wetlands)
- Natural Resource (Water Areas, Wetlands & Fish and Wildlife Habitat)
- Mining District District A
- Mining District District B
- Cities
- Unincorporated Washington County
- Urban Growth Boundary
- County line

0 6,000 12,000 24,000 Feet

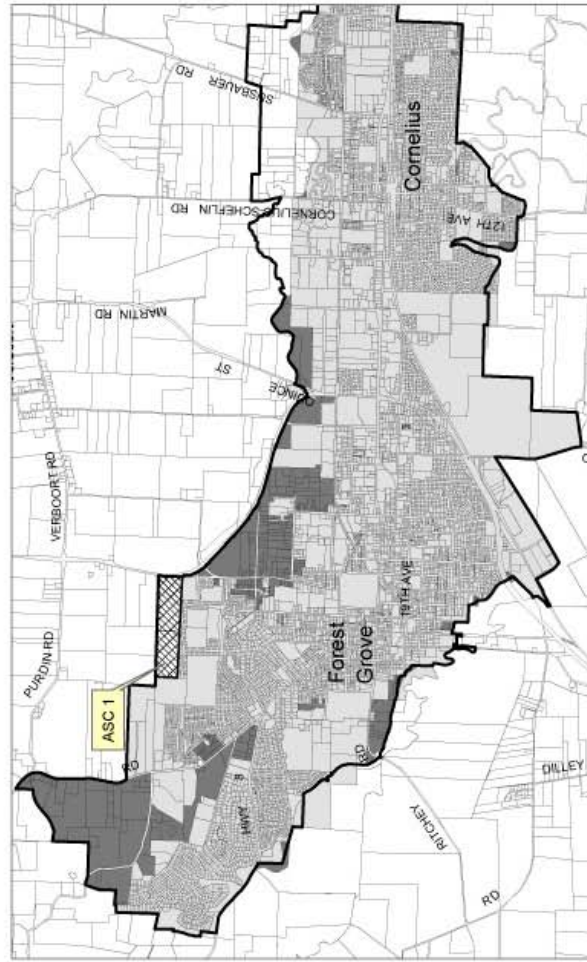
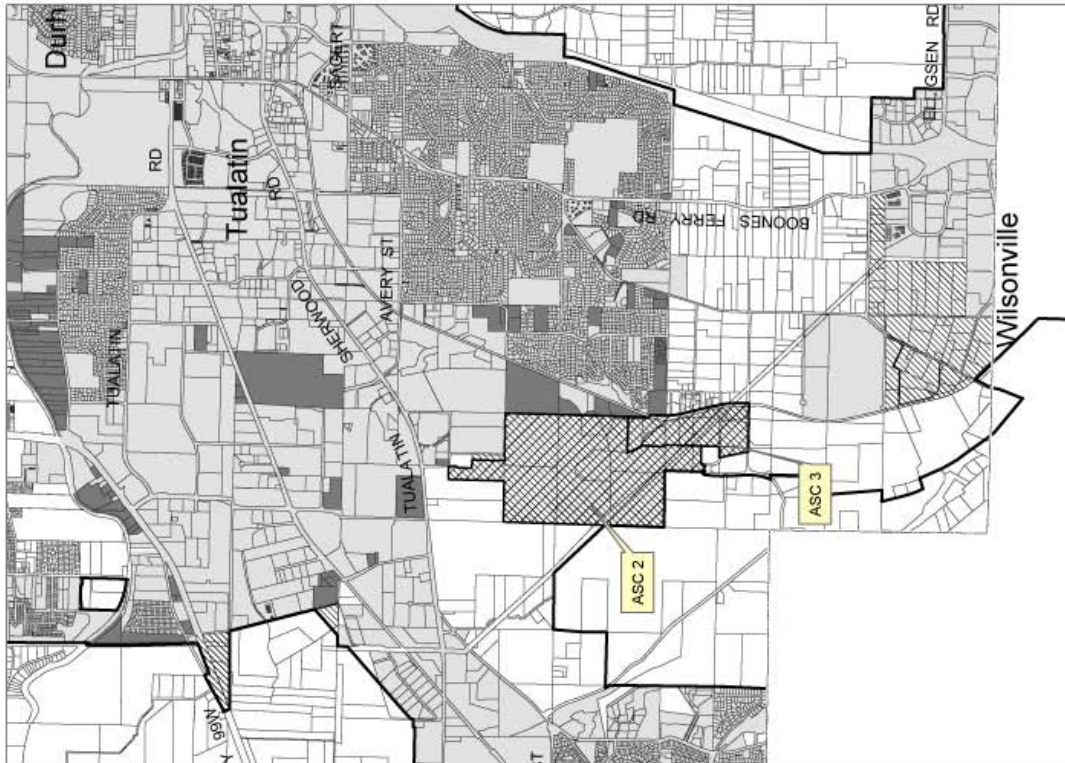
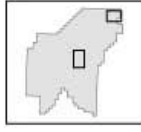
The accuracy of this map was checked from aerial photography and other available data. The City of North Plains is not responsible for any errors or omissions that may appear hereon. Accuracy is not guaranteed for any use other than that for which it was prepared.

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# MAP C

## Future Development Areas Detailed Areas



FD-10 (Future Development 10 acres)  
 FD-20 (Future Development 20 acres)  
 ASC #  
 Area of Special Concern

Cities  
 Unincorporated Washington County  
 Urban Growth Boundary  
 County line

This is provided as a guide only and does not constitute a contract. The City of Wilsonville, Oregon, is not responsible for any errors or omissions in this map. For more information, please contact the Planning Department at (503) 261-1000.

Washington County, Oregon  
 Planning Department  
 1000 Washington County Courthouse  
 Wilsonville, Oregon 97150  
 Phone: (503) 261-1000  
 Email: planning@co.wa.or.us

## **POLICY 42, AIRPORTS:**

**It is the policy of Washington County to protect the function and economic viability of existing public use airports, while ensuring public safety and compatibility between airport uses and surrounding land uses for public use airports and for private use airports identified by the Oregon Department of Aviation (DOA).**

### Introduction

Changes in state law passed in 1995 and 1997 require local jurisdictions to adopt an airport planning program for certain airports described in ORS 836.600 *et. seq.* The Aeronautics Division of the Oregon Department of Transportation (now the Department of Aviation) and the Department of Land Conservation and Development together developed Airport Planning Rules (OAR 660-013) and identified certain public and private use airports that would be subject to these rules, based on the parameters set forth in the statute. The DOA manages the list of identified airports, which is subject to amendment through a review and decision process by the state Aviation Board, pursuant to OAR 738-090. Procedures for amendment of the state airport list include public notice procedures. As necessary, the County will initiate Comprehensive Plan amendment proceedings to remain current with the DOA list of airports.

Policy 17 of the 2020 Transportation Plan identifies and outlines transportation-related policies for the County's three public use airports. The Rural/Natural Resource Plan and the Comprehensive Framework Plan for the Urban Area each outline land use related policies that address only those airports within the Washington County jurisdiction that are identified by the DOA list, with the addition of Skyport, a small public use facility located north of Cornelius.

Policy 42 outlines implementing strategies which, in part, set forth Airport Overlay Districts to regulate safety concerns, land uses and land use compatibility issues on airport properties and within surrounding areas. These are structured to address state-recognized airports in two categories, generally referred to herein as Public Use Airports and Private Use Airports. Where the Airport Overlay Districts are concerned, references to airports and airport facilities generally includes heliports as well.

Several other airport facilities exist throughout the County that are not part of this airport planning program and thus not recognized by the established Airport Overlay Districts. In general, these include personal use airports, heliports and agriculturally related landing strips. With the exception of agriculturally related landing strips, these facilities are regulated as special uses in specified land use districts pursuant to standards outlined in the Community Development Code. Where personal use facilities are concerned, the Community Development Code makes a distinction between the terms airport and heliport, as they are not permitted equally in all land use districts.

Outside the UGB, land use districts which allow personal use airports as a special use generally include all rural districts except rural commercial (RCOM) and rural industrial (RIND); inside the UGB, personal use airports are only permitted in the industrial (IND) district. Outside the UGB, land use districts which allow personal use heliports as a special use include the rural residential districts (AF-5, AF-10 and RR-5), and the special industrial overlay district (SID). Urban land use districts that permit personal use heliports include all residential districts (R-5, R-6, R-9, R-15, R-24, and R-25+), the commercial and business districts with the exception of the neighborhood commercial district (allowed in OC, CBD, and GC districts), and the industrial district (IND).

Implementing Strategies:

The County will:

- a. Adopt and implement Airport Overlay Districts consistent with LCDC Airport Planning Rules and ORS Chapter 836 in order to:
  1. Protect public use airports by regulating land uses in designated areas surrounding the Portland-Hillsboro and the Stark's Twin Oaks airports based on adopted airport master plans or evidence of each airport's specific level of risk and usage. Prevent the installation of airspace obstructions, additional airport hazards, and ensure the safety of the public and guide compatible land use. Limit uses in specific noise impact and crash hazard areas that have been identified for each specific airport. To a lesser degree, protect the function and economic viability of the Skyport airport, which was not identified pursuant to ORS 836.600 but which the County recognizes as an established privately owned public use airport and thus requiring regulatory measures to promote safety.
  2. Protect privately owned, private use airports identified by the DOA. Each airport's specific level of risk and usage shall be used to guide the continued safe aeronautical access to and from these airports, considering the type of aircraft approved to use the field.
- b. Recognize the Portland-Hillsboro airport as the major aviation facility in Washington County and an airport of regional significance. To promote its operation, the County shall coordinate with the City of Hillsboro to help ensure compatibility with surrounding land uses. The Comprehensive Plan will be updated to reflect any necessary changes resulting from this process.
- c. Work with airport sponsors to coordinate with the Federal Aviation Administration (FAA) in promoting FAA-registered flight patterns and FAA flight behavior regulations in order to protect the interests of County residents living near airports;
- d. Maintain geographic information system (GIS) mapping of the Airport Overlay Districts and provide timely updates;
- e. Participate in and encourage the adoption of master plans for all public use airports and, at a minimum, an airport layout plan for the remaining DOA recognized airfields in Washington County;
- f. Discourage future development of private landing fields when they are in proximity to one another, or where they are near other public airports and potential airspace conflicts are determined to exist by the FAA or the DOA.

Summary Findings and Conclusions:

In Washington County, the LCDC Airport Planning Rules apply to the following facilities, which are included in the County's airport planning program.

1. Public Use Airports – Publicly Owned:
  - a. Portland-Hillsboro
2. Public Use Airports – Privately Owned:
  - a. Stark's Twin Oaks Airpark
3. Private Use Airports – Privately Owned (recognized by DOA as having 3 or more based aircraft in 1994):
  - a. Apple Valley (1/2 mile S of Buxton)



- b. Meyer's Riverside (2 miles SW of Tigard)
- c. North Plains Gliderport (2 miles W of North Plains)
- d. Olinger Strip (3 miles NW of Hillsboro)
- e. Providence St. Vincent Medical Center Heliport (2.5 miles NE of Beaverton)
- f. Sunset Airstrip (1 mile SW of North Plains)

In addition to the above, the Skyport Airport (located 3 miles N of Cornelius) is a privately owned public use facility that was not identified by the DOA because of its relatively small size and low level of activity. However this facility has been included in the County's airport planning program because of its status as a public use airport. The level of protection provided for this facility is similar to that required for the privately owned private use airports identified in List 3, above.

The Portland-Hillsboro Airport, owned by the Port of Portland, is located within the city limits of Hillsboro. However land use and noise impact areas associated with this airport affect County lands. The County's planning efforts for the Portland-Hillsboro airport therefore will be coordinated with the City of Hillsboro after the current (2003) master plan update process is complete.

LCDC's Airport Planning Rules prescribe different levels of protection for the listed airports, depending on the nature of use and the size of the facility. In general, state requirements are applied to facilities within the County's jurisdiction through the application of Airport Overlay Districts to regulate land uses. There are two sets of overlays: one set applies to Public Use Airports (Portland-Hillsboro and Stark's Twin Oaks), and one set applies to Private Use Airports, including all of those identified in List 3, above. For each airport category (public and private), the overlay district set consists of 1) a land use overlay district to regulate airport related land uses at the airport site, and 2) a safety and/or land use compatibility overlay district to mitigate land uses and height of structures and objects on properties immediately surrounding airports. For the Private Use Airports, the protection of the safety overlay district is limited to graduated height restrictions along approach corridors. For the Public Use Airport (i.e., Stark's Twin Oaks), the second overlay district is more elaborate and mitigates land uses and safety hazards in a broader area surrounding the airport. This overlay includes boundaries to identify areas subject to noise impacts, bird strike hazards, and protection measures for imaginary surfaces for airborne aircraft.

## **APPENDIX A**

Glossary

## GLOSSARY

### PREFACE

Unless the context requires otherwise, as used in this 1983 Plan text, the following words and phrases have the meaning prescribed in this Glossary.

In case of controversy regarding a word or phrase used in this text which is not defined in this Glossary, the word or phrase may be defined by a Resolution and Order adopted by the Board of Commissioners.

ACKNOWLEDGMENT: An official order of LCDC formally recognizing that the Comprehensive Plan and other implementing ordinances or regulations adopted by a local government are in compliance with the statewide planning goals.

AGRICULTURAL LAND: Is land of predominantly Class I, II, III and IV soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural land.

CITIZEN PARTICIPATION - CPO: A citizen organization established by the Board of County Commissioners to serve as a vehicle for communication between governments and citizens on matters affecting the livability of the community. CPO leaders and representatives comprise the County's Committee for Citizen Involvement (CCI).

COMMUNITY PLANS: The Rural/Natural Resource Plan Element provides the specific land use designations and detailed policy direction considering community needs and desires and therefore constitutes the "Community Plan" for the area contained within the Rural/Natural Resource planning area.

COMPREHENSIVE PLAN: A generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county or special district that interrelates all functional natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use.

CULTURAL AREA: Sites characterized by evidence of an ethnic, religious, or social group with distinctive traits, beliefs and social forms.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, condominium or townhouse conversions, land division, establishment or termination of a right of access,

storage on the land, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing. Within the context of this definition, the use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products, or customary agricultural or forest management practices are exempted from the term "development."

FARM USE (As defined by ORS Chapter 215): The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for people's use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321 except land used exclusively for growing cultured Christmas trees, as defined in ORS 215.203(3).

FLOOD PLAIN: The area adjoining a stream or river that is subject to regional flooding.

100-Year Flood - the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, rapid snowmelt, natural stream blockages, or combinations thereof.

Floodway - the normal stream channel and the adjoining area of the natural flood plain needed to convey the waters of a regional flood while causing less than a one-foot increase in upstream flood elevations.

Flood Fringe - the area of the flood plain lying outside of the floodway but subject to periodic inundation from flooding.

FOREST LANDS: Are 1) lands composed of existing and potential forest lands which are suitable for commercial forest uses; 2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; 3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; and 4) other forested land in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

FOREST USES: Are 1) the production of trees and the processing of forest products; 2) open space, buffers from noise and visual separation of conflicting uses; 3) watershed protection and wildlife and fisheries habitat; 4) soil protection from wind and water; 5) maintenance of clean air and water; 6) outdoor recreational activities and related support services and wilderness values compatible with these uses; and 7) grazing land for livestock.

GOALS (LCDC): The mandatory statewide planning standards adopted by LCDC pursuant to ORS 197.005 to 197.430.

GUIDELINES (LCDC): Suggested approaches designed to aid cities and counties in the preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines are advisory and do not limit State agencies, cities, counties and special districts to a single approach.

HIGH GROWTH SCHOOL DISTRICT: A school district that has an enrollment of over 5,000 students and had an increase in student enrollment of six percent or more over the three most recent school years, based on certified enrollment numbers submitted to the Department of Education during the first quarter of each new school year.

HISTORIC RESOURCES: Historic resources (including prehistoric)--those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past.

IMPLEMENTATION STRATEGY: A specific course of action or standard suggested for implementing the plan policies. Some strategies will be carried out upon adoption of the plan and implementing ordinances, while others will be undertaken as funding and other resources are available.

LAND USE ACTION: A decision by the approving authority for a legislative, quasi-judicial or administrative land use request, excluding the issuance of a building permit by right.

LAND USE DECISION: A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

- a. the goals;
- b. a comprehensive plan provision;
- c. a land use regulation; or
- d. a final decision or determination of a state agency other than the (LCDC) Commission with respect to which the agency is required to apply the goals of ORS 197.015(1J).

LAND USE REGULATION: Any local government development code, land division ordinance adopted under ORS 92.044 to 92.046 or similar ordinance establishing standards for implementing a comprehensive plan. "Land use regulation" does not include small tract zoning map amendments, conditional use permits, individual annexations, variances, building permits and similar administrative type decisions.

METROPOLITAN SERVICE DISTRICT - METRO: The regional agency in the three-county Portland metropolitan area which is responsible for establishing a regional Urban Growth Boundary and other regional policies as well as having authority for provision of services of a regional nature.

MINERAL AND AGGREGATE RESOURCES: Lands with geologic deposits substantial enough to be valued if mining were to occur.

MITIGATION: The means of reducing the impacts of a proposed development and/or offsetting the loss of habitat values resulting from development. In Big Game Range mitigation may include, but is not necessarily limited to, requiring: 1) clustering of structures near each other and roads, controlling location of structures on a parcel to avoid habitat conflicts, minimizing extent of road construction to that required for the proposed use; and, 2) replacing unavoidable loss of values by reestablishing resources for those lost, such as: forage for food production, escape or thermal shelter. In other areas of significant wildlife value, such as wetlands, riparian vegetation and special bird nesting sites, maintenance and enhancement of remaining habitat, setbacks and restoration of damage and avoiding damage would be appropriate.

MOBILE HOMES: Structures with a Department of Housing and Urban Development (HUD) level certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards (42 U.S.C., 5401 et seq).

NON-POINT SOURCE POLLUTION: Pollution that does not come from one specific source such as a pipe or chimney. An example of non-point source pollution would be run-off from agricultural fields and forestry areas or impervious surfaces.

POLICY: A specific statement identifying a course of action or County position designed to guide individual decisions and implementation of the plan.

PERIODIC REVIEW: The review of an acknowledged comprehensive plan and land use regulations by a local government in accordance with the schedule for plan review and revision adopted as a part of the acknowledged comprehensive plan.

PRODUCTIVITY: Yielding or furnishing results, benefits or profits as measured by consideration of the following: soil types; types of crops which can be grown on the parcel; size of the acreage in regard to the two previous criteria; availability of water; availability and cost of labor if required; whether the operation can meet the USDA definition of a productive farm unit; and management skills of the operator.

RURAL LEVEL SERVICES: The level of public facilities and services appropriate for and limited to the needs and requirements of the Rural/Natural Resource area to be served. Generally, greater reliance is placed on providing on-site facilities to satisfy the needs for water, sewage disposal, drainage, etc., as opposed to the more capital-intensive facilities required to support urban-level densities.

RURAL/NATURAL RESOURCE AREA: The portion of Washington County that is outside acknowledged Urban Growth Boundaries.

SCHOOL FACILITY PLAN: A plan prepared by a high growth school district in cooperation with the County which identifies school facility needs based on population growth projections and land use designations contained in a City or County comprehensive plan and includes objective criteria for determining school capacity. ORS 195.110 (2) defines a high growth school district as any school district that has an enrollment of over 5,000 students and had an increase in student enrollment of six percent or more during the three most recent school years, based on certified enrollment numbers submitted to the Department of Education during the first quarter of each new school year. School Facility Plans shall be included in the Resource Document element of the Comprehensive Plan and may be adopted by Resolution and Order. The School Facility Plan shall include but not be limited to the following elements:

- a. Population projections by school age group;
- b. Identification by both the City and County and the school district of desirable school sites;
- c. Physical improvements needed to bring existing schools up to the school district's minimum standards;
- d. Financial plans to meet school facility needs;

- e. An analysis of:
  - 1. The alternatives to new school construction and major renovation, and
  - 2. Measures to increase the efficient use of school sites including, but not limited to, multiple-story buildings and multi-purpose use of sites;
- f. Five-year capital improvement plans;
- g. Site acquisition schedules and programs; and
- h. Based on the elements included in the school facility plan under this subsection and applicable laws and rules, an analysis of the land required for the five-year period covered by the plan that is suitable as a permitted use for school facilities inside the Urban Growth Boundary (UGB).

If a school district determines that there is an inadequate supply of suitable land for school facilities for the five year period covered by the plan, the city or county, or both, and the school district shall cooperate in identifying land for school facilities including, but not limited to:

- a. Adoption of appropriate plan designations;
- b. Aggregation of existing lots or parcels in separate ownership;
- c. Addition of one or more sites designated for school facilities to the UGB; and
- d. Petition Metro to add one or more sites designated for school facilities to the UGB pursuant to applicable law and rules.

SIGNIFICANT NATURAL AREAS: Areas which, in their existing condition, are especially important for their uniqueness, scientific value, educational opportunities, or general ecological role relative to other natural areas of Washington County or the surrounding region.

SPECIAL DISTRICT: Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268, or an association of local governments performing land use planning functions under ORS 197.190, authorized and regulated by statute, and including but not limited to: water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, park and recreation districts, school districts, hospital districts, mass transit districts, and sanitary districts.

URBAN AREAS: The portion of Washington County within the acknowledged Urban Growth Boundaries.

URBAN GROWTH BOUNDARY - (UGB): The legally defined boundary established by METRO, Washington County and appropriate incorporated cities, and acknowledged by LCDC which identifies and separates urbanizable land from rural and natural resource land.

## **APPENDIX B**

Resolution and Order 80-108  
Creation of Washington County Citizen Participation Organizations



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IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Recognizing        )  
Certain Community Planning        )               RESOLUTION AND ORDER  
Organizations and Setting         )  
Forth Their Program.                )               NO. 80-108

This matter having come on regularly before the Board at its meeting of April 15,  
1980; and

It appearing to the Board that the document entitled "Community Planning  
Organization Resolution and Order Final Draft" in Exhibit "A" attached hereto as well as  
the map entitled "Washington County Community Planning Organization Boundaries" in  
Exhibit "B". attached hereto, both Exhibits "A" and "B" being incorporated by reference  
herein, should be adopted by this Board pursuant to Goal #1 of the Oregon Land  
Conservation and Development Commission; and

It appearing to the Board that the document entitled "Proposed Addendum to :  
Community Planning Organization Resolution and Order Final Draft" in Exhibit "C"  
attached hereto and by this reference incorporated herein should be adopted by this Board  
as an interim amendment to Exhibit "A" attached hereto for the reasons delineated in said  
Exhibit "C" now, therefore, it is hereby

RESOLVED AND ORDERED that Exhibits "A" and "B" attached hereto and by  
this reference incorporated herein shall be known as the "Community Planning  
Organization Resolution and Order" and is hereby adopted by this Board; and it is  
further

1 | RESOLVED AND ORDERED that Exhibit "C" attached hereto and by this  
2 reference incorporated herein, is hereby adopted by this Board as an amendment to said  
3 Exhibit "A" and is intended by this Board as an interim amendment for the reasons stated  
4 in said "Exhibit "C".

5 DATED this 15<sup>th</sup> day of April, 1980.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 3 VOTES AYE

9   
10 Chairman

11   
12 Recording Secretary

## COMMUNITY PLANNING ORGANIZATION

### RESOLUTION & ORDER

#### FINAL DRAFT

It is the intent of this Resolution and Order to formally recognize certain Community Planning Organizations (hereafter referred to as CPOs) as Washington County's vehicle of compliance with the citizen involvement provisions of the Oregon Land Conservation and Development Commission Goal #1, the Washington County Comprehensive Framework Plan and the Washington County Community Development Ordinance. This Resolution and Order further sets forth the philosophy, basic considerations, purpose, scope, and structure of the CPO program as well as defining the roles of the CPO, the Planning Department, the Community Development Coordinator and the Committee for Citizen Involvement. Furthermore, provisions are made for formal formation and recognition of CPOs. This Resolution and Order supersedes Minute Orders #74-84 and 74-217.

#### I. INTRODUCTION

##### A. Program Philosophy

Community Planning Organizations are based upon the philosophy of self-determination and participation by as many members of the community as possible, and that direct citizen involvement in decisions affecting the quality of their lives is fundamental to the success of community development.

Planning activities may begin with land use decisions but often extend to other areas, including but not limited to roads, schools, parks, etc. Self-determination and participation by as many members of the community possible, without relying on government for direction and leadership, will:

1. Give rise to creative approaches toward community development;
2. Provide citizen groups with direction and leadership;
3. Encourage and strengthen interaction among community residents;
4. Channel citizen participation toward a community-wide effort; and
5. Permit each CPO to define its own priorities, scope of activities and degree of participation and to meet minimum requirements as outlined under Section II A 3 or this Resolution and Order.

##### B. Basic Considerations in Developing the Community Planning Organization Program

1. Planning is a process which can be understood and executed citizen organizations.
2. Citizens are responsible.

3. Citizens require a vehicle for their involvement in the county government decision-making process.
4. Citizen participation is vital to the democratic process. Thorough discussion is necessary to the resolution of issues and the charting of action-oriented programs.
5. CPOs are capable of self-organization, establishing necessary communications systems, developing planning expertise, researching and forming a rational basis for the support of community proposals and programs.
6. Not all citizens desire to be continuously involved in the planning process, but rather desire a structure in which they can enter the system on issues of particular interest to them.
7. The CPO structure offers a maximum opportunity for citizen participation in the community planning process.
8. CPOs will provide a base for participation in activities other than planning that affect the lives of citizens in the County.

C. Program Goals

1. To achieve genuinely creative citizen participation in the community planning process.
2. To make visible to the citizens the actions of government and of proposed developments.
3. To provide a means of communication whereby citizens can communicate proposals and recommendations to all governmental decision-making bodies and whereby such bodies can communicate proposals and recommendations to citizens.
4. To provide a forum for citizen participation in which government agencies and special interests cannot control citizen proposals or recommendations, while still encouraging interaction between citizens and county agencies; and
5. To provide a citizen involvement base in which persons can participate in activities other than planning which affect the lives of citizens in the county.

II. PURPOSE, ROLE, ACCOUNTABILITY, and SCOPE OF CPOs, COMMUNITY DEVELOPMENT COORDINATOR, PLANNING DEPARTMENT STAFF, AND COMMITTEE FOR CITIZEN INVOLVEMENT

A. Community Planning Organizations

1. Purpose:

To provide a structure to facilitate effective citizen involvement in the environmental, social, economic and aesthetic development of their communities. To assist in the development and review of the County Comprehensive Plan. To prepare individual community plans and to participate in special projects and community studies.

2. Role:

The role of the Community Planning Organization will be determined by each individual CPO.

3. Accountability and Recognition

The following Community Planning Organizations are hereby formally recognized in organization and structure by the Washington County Board of County Commissioners within the existing boundaries of the attached map entitled Exhibit "B", incorporated by this reference herein.

1. CEDAR HILLS - CEDAR MILL
3. GARDEN HOME - RALEIGH HILLS
4. BULL MOUNTAIN - TIGARD - METZGER
5. SHERWOOD - TUALATIN
6. COOPER MOUNTAIN - ALOHA
7. SUNSET WEST
8. NORTH PLAINS
10. LAUREL - BLOOMING - SCHOLLS
11. GASTON
13. VERBOORT - ROY
14. BANKS - TIMBER

Future recognition of CPOs will require:

- a. Bylaws (available to the public at each general membership meeting);
- b. Elected officers;
- c. Recorded minutes of general membership meetings; and
- d. At least one general membership meeting per year.

Recognition will be reviewed annually by the Washington County Board of Commissioners based upon the aforementioned criteria.

The Board of County Commissioners shall be kept informed of duly elected officers by individual CPOs.

County decision-makers shall receive all requests, proposals, reports and recommendations submitted by Community Planning Organizations, county agencies and others and they will give equal consideration to all evidence presented in evaluating and reaching a decision on any given item.

4. Scope:

CPOs will assist in the development of long-range community plans amplifying the Washington County Comprehensive Framework Plan by engaging in the following types of activities:

- a. Compiling community background data, developing a community profile and identifying unmet needs and unresolved issues.
- b. Identifying community goals, policies, and criteria relative to needs and issues while recognizing and evaluating environmental, social, economic, political, jurisdictional, aesthetic and design factors.
- c. Evaluating and making recommendations to the decision-making body relative to detailed community plans.
- d. Monitoring adherence by applicants to conditions attached to all approved land use applications.

CPOs will review and make recommendations to decision-makers by engaging in the following types of activities:

- a. Review existing, as well as proposed, land development ordinances.
- b. Make recommendations on capital improvement priorities and expenditures.
- c. Make recommendations to appropriate decision-makers on planning activities at the local, regional and state levels.
- d. Review and make recommendations on all amendments to the Washington County Comprehensive Plan.
- e. Review and make recommendations on all proposed zone changes, subdivisions, variances, minor partitions and conditional use applications.
- f. Review and make recommendations on intended uses of land even when the application is in compliance with zone or plan designations.

CPOs may engage in special studies by preparing detailed reports/presentations on issues of community concern including, but not limited to, the impact of housing, the desirability of dedicating park or school sites, drainage, local and regional transportation, public services, energy, waste management, recreation and development and/or preservation of natural resources. CPOs will be available as a citizen base for other activities which affect the lives of citizens of the county.

B. Community Development Coordinator

1. Purpose:

To serve as liaison between CPOs, the planning department staff and others, and to coordinate and initiate activities as required.

2. Role:

The community development coordinator will be an objective and impartial person committed to the success of the citizen planning effort rather than to the implementation of government proposals.

3. Accountability:

The community development coordinator will be accountable to Oregon State University Extension Service; thereby maintaining a vital coordinating role.

4. Scope:

The activities of the community development coordinator include, but are not limited to, those activities delineated in the Washington County Comprehensive Plan as follows:

- a. Maintains essential communications link among all persons and agents involved in the planning process, citizens, community and neighborhood planning organizations, planning department, developers and decision-making bodies.
- b. Coordinates the entire community planning program involving CPOs.
- c. Conducts educational workshops on effective "citizen" techniques in communicating with governmental agencies, developers, and others, and on other areas of interest.
- d. Assists in resolving issues.
- e. Assists committees in publicizing progress, current or proposed activities.
- f. Edits and distributes a newsletter on activities to all CPO members, city and county officials, and others.
- g. Reviews and evaluates actions and progress.
- h. Promotes internal information exchanges among individual CPOs. Solicits information from citizens concerned about county government activities.

5. Clarification of the community Development Coordinator's Scope:

Due to Washington County's current financial situation and in consideration of the Extension Service's additional program responsibilities (as described in the Washington County Long-Range Extension Report 1980), the scope of the Community Development Coordinator (as an O.S.U. Extension Agent and as outlined in Section II. B. 1-4.) is hereby modified.

The Community Development Coordinator shall only coordinate those CPOs that are considered active. CPOs shall be considered active if they met the criteria specified in Section II. A. 3. a.-c. of this Resolution and Order. Active CPOs shall be determined by the Coordinator within six months of passage of this resolution and order.

The Community Development Coordinator's responsibilities shall be as follows:

- a. Maintains essential communications link between interested citizens, Community Planning Organizations, the Washington County Planning Department and local, state and regional governmental bodies. Promotion of internal information exchanges may include occasional visits to CPOs.
- b. Conducts educational programs on effective "citizen" involvement techniques and land use planning at the request of Washington County, CPOs or the CPO Leaders' Group.
- c. Assists in resolving CPO related issues.
- d. Edits and distributes a newsletter to all active CPO members, city and county officials and others.
- e. Maintains limited mailings for active CPOs provided:
  - (1) CPOs meet appropriate established guidelines.
  - (2) Washington County provides appropriate secretarial backup.
- f. Works with CPO Leaders' Group.

The Extension Agent's activity with the CPO program shall not exceed 50 percent of the agent's programmed time.

Additional citizen coordination activities outside active CPO areas shall be borne by Washington County.

Coordination responsibilities as outlined by this section shall be reviewed by Washington County, the CPO Leaders' Group and the Extension Service on a semi-annual basis.



C. Planning Department

1. Purpose:

To provide information, opinions, and conclusions to Community Planning Organizations about proposed land use activities, including administrative variances, within their boundaries (\*See Section 2104 Washington County Community Development Ordinance), and to serve as a resource agency for local planning efforts.

2. Role:

The planning department will implement programs assigned to it by the Board of County Commissioners; will provide reasonable resource information; and will provide professional expertise and assistance upon request of the CPO (and with the approval of the Board of County Commissioners).

3. Accountability:

The planning department is accountable to the Board of County Commissioners and the public interest of the county as prescribed by law.

4. Scope of Activities:

- a. Provide information on current and future planning activities as applications and preapplications are filed.
- b. Provide a copy of the staff report on all given applications to the affected CPO at the same time that such report is made available to the applicant, Planning Director, Hearings Officer, Planning Commission or Board of County Commissioners as applicable.
- c. Provide technical data as needed.
- d. Implement adopted planning programs as follows:
  - 1) Land use policy
    - a) Update and re-evaluate the Comprehensive Framework Plan,
    - b) Assemble database,
    - c) Analyze data,
    - d) Make projections and forecasts,
    - e) Prepare plans,
    - f) Refine and assist with the adoption of plans, and
    - g) Develop and combine community plans into the Comprehensive Framework Plan.
  - 2) On-going Activities

- a) Develop a trend monitoring system,
- b) Develop and implement capital improvement programs,
- c) Design review, zoning, subdivision and housing project proposals,
- d) Research economic, population, transportation, environments, housing, open-space, recreational and natural resource regulations, etc.,
- e) Engage in environmental assessment procedures,
- f) Provide technical and financial aid to the CPO program to ensure its continued existence as a structure to facilitate citizen involvement,
- g) Seek CPO and special interest group input on county activities through a publicity program that informs citizens of county government activities, and
- h) Assist in seeking funds to promote and expand citizen involvement.

3) Administrative

- a) Administer and implement ordinances, and
- b) Design and conduct educational and public information programs.

D. Committee for Citizen Involvement (CPO Leaders' Group)

1. Purpose:

The purpose of the Committee for Citizen Involvement (CCI) is:

- a. To be dedicated and committed to the success of citizen participation in the governmental decision making process;
- b. To assist Washington County government in complying with LCDC Goal #1 by developing a citizen involvement program that insures the opportunity for citizens to be involved in phases of the planning process;
- c. To evaluate the citizen involvement process;
- d. To encourage and promote the expansion of the CPO program;
- e. To provide a direct line of communication between citizens and county government; and
- f. To serve as the officially recognized citizens advisory committee which is broadly representative of geographic areas and interests related to land use decisions.

2. Role:

The CCI will assist Washington County government with the development of a program that enhances and promotes citizen participation in the government decision making process. It will assist county government with the implementation of the citizen involvement program and will evaluate the system being used for citizen involvement. It will also serve as an advisory group of CPO elected leaders and/or representatives. The CCI shall not interfere with the internal policies, actions or activities of individual CPOs. It will not review or pass judgment on the individual actions of CPOs. The CCI has no intention of disrupting the essential link of direct contact between government or private entities and the individual CPOs.

3. Accountability:

The CCI will be accountable to the CPOs they represent.

4. Scope of Activities:

- a. To meet regularly.
- b. To devise a system for a continuous opportunity for citizen involvement.
- c. To act as a forum for the exchange of ideas among CPO leadership, membership, and interested parties.
- d. To promote communications among the CPOs, county, state and regional governments.
- e. To provide support for the CPOs including informational, educational and promotional assistance.
- f. To evaluate the Washington County Community Planning Organization Program and the entire citizen involvement process.
- g. To provide for continuity of citizen participation and of information that enables citizens to identify and comprehend issues.
- h. To assure that technical information is available in an understandable form.
- i. To assure that citizens receive a response from policy makers.

III. STRUCTURE OF COMMUNITY PLANNING ORGANIZATIONS AND OF THE COMMITTEE FOR CITIZEN INVOLVEMENT

A. Community Planning Organizations

1. Membership:

Membership in an individual CPO is open to all citizens of voting age who either reside, own land, or own or operate businesses within the boundaries of the individual CPO.

2. Bylaws:

Each CPO shall adopt bylaws describing its organization, providing for election of officers and requiring the keeping of minutes of general membership meetings.

3. Recognition:

CPOs will be formally recognized by the Board of County Commissioners in accordance with the requirements set forth in Section II A 3 of this Resolution and Order.

4. Boundaries:

Each CPO will affirm boundaries. When desirable, an area may be divided into smaller units through a system of subcommittees, which may lead to neighborhood organizations. When two or more CPOs have a dispute over boundaries, responsibility for resolving the problem rests with the groups under the auspices of the CCI. Any alterations to boundaries, upon approval by the CCI, shall be forwarded to the County Commissioners for their review, approval and inclusion in the public record.

5. Funding:

The charging of dues to members shall not be required. Voluntary dues, contributions, grants or subscriptions to newsletters may be used as sources of income.

6. Meetings:

Meeting schedules and locations shall be determined by the individual CPO.

B. Committee for Citizen Involvement

1. Membership:

Two representatives from each CPO in Washington County shall make up the membership of the CCI. These representatives may be selected or appointed by any method approved by the individual CPOs. The term of each representative will be as determined by each CPO.

2. Statement of Purpose:

The CCI shall compose and adopt a Statement of Purpose detailing its structure, organization and function.

3. Meetings:

Regular meetings shall be held at times and locations specified in the aforementioned statement of purpose.

IV. COUNTY SERVICES FOR COMMUNITY PLANNING ORGANIZATION AND THE COMMITTEE FOR CITIZEN INVOLVEMENT

To maximize and encourage citizen involvement in county government the county will, to the best of its ability, provide the following services to CPOs and the CCI:

- A. The County will provide technical assistance and financial aid to the CPO program to ensure its existence as a structure to facilitate citizen involvement.
- B. The County will seek funds from local, state and federal sources to promote and expand citizen involvement.
- C. The County shall initiate and maintain a program to actively publicize the program through the county.
- D. The County shall assist in the reproduction and mailing of newsletters and other printed materials when supplied by CPOs of the CCI.
- E. The County shall provide timely notification to CPOs and the CCI of relevant and pertinent meetings, hearings, elections, etc.
- F. The County shall provide information on studies, reports and land use preapplications and applications.
- G. The County shall assist and participate in educational efforts related to citizen participation and the planning process.
- H. The County shall maintain up-to-date lists of CPO and CCI members as well as their principal officers.

Adopted  
Washington County Committee  
for Citizen Involvement  
June 21, 1979  
Amended January 17, 1980  
Amended February 21, 1980

**NOTE: Exhibit B has been microfilmed and may be viewed in the Department of Assessment and Taxation, whereas the content of Exhibit C has been incorporated herein (Exhibit A).**



## **APPENDIX C**

Resolution and Order 86-58 (with Exhibit A)  
Washington County Citizen Participation Organizations Policy and Implementation

1 It appearing to the Board that Exhibit "A" attached hereto and identified as

2 CITIZEN PARTICIPATION

3 IN

4 WASHINGTON COUNTY, OREGON

5 POLICY

6 AND

7 IMPLEMENTATION

8 Addresses the need for citizen participation and the manner in which it may be utilized;

9 and

10 It appearing to the Board that the attached Citizen Participation Policy is the  
11 product of a process that included contribution from many interested citizens and groups;

12 and

13 It appearing to the Board that the Washington County Community Development  
14 Code and Board Resolution and Order No. 80-108 provide for citizen participation in  
15 matters of land use planning, including the establishment of Community Planning  
16 Organizations and the Committee for Citizen Involvement and nothing in this Resolution  
17 and Order is intended to repeal, deter or impede the intent of citizen involvement as  
18 stated therein; now, therefore, it is

19 RESOLVED AND ORDERED that the attached Citizen Participation Policy is  
20 hereby adopted as the policy of Washington County to ensure opportunities for the  
21 citizens of Washington County to contribute to the decision-making process of their  
22 County government; and it is further



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RESOLVED AND ORDERED that the County administration of Washington  
County provide copies of this Resolution and Order and Citizen Participation Policy to all  
Washington County Departments and any requesting citizen.

DATED this 3<sup>rd</sup> day of June, 1986.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

  
CHAIRMAN

  
RECORDING SECRETARY

	AYE	NAY	ABSENT
HAYS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KILLPACK	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MEEK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MYLLENBECK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Citizen Participation  
in  
Washington County, Oregon

Policy  
and  
Implementation

May 6, 1986

## Philosophy of Citizen Participation

Citizen participation in county government improves the decision-making process, democratizes and humanizes political and social institutions, increases the responsiveness of governmental institutions, generates a greater variety of information and alternatives to citizens, public officials and elected officials, and enhances individual and group awareness and civic responsibility.

## Policy Statements

It is the policy of the Washington County Board of County Commissioners to provide opportunities for public policy formulation and implementation through a variety of processes and organizations, including, but not limited to: public hearings; advisory committees; task forces; public surveys; direct access to elected and appointed officials; Citizen Participation Organizations; Neighborhood Associations; Town Hall Meetings; and the Committee for Citizen Involvement (CCI).

## Commitment of Government

1. The County Board of Commissioners shall endorse a variety of mechanisms and timely opportunities to permit citizens to be heard, to develop a sense of responsible citizenship, and to participate in the formulation and implementation of public policy.
2. The County Board of Commissioners shall make available agendas, plans, policies and educational programs to facilitate citizen involvement.
3. The County Board of Commissioners shall encourage participation by citizens representing diverse interests and backgrounds.
4. The County Board of Commissioners shall satisfy State, Federal and self-imposed requirements of advisory bodies or citizen participation.
5. The County Board of Commissioners or its agent shall provide notice to citizens of any proposed action which impacts their homes, neighborhoods, work places or properties.
6. Written or formal requests of the Board of Commissioners or its agent shall receive timely response and feedback by the Board or its agent.
7. Formalized results of workshops, surveys, town hall meetings, and studies shall be made available to the public.

## The Commitment of Citizenry

With the enjoyment of "government by the people" comes a responsibility of the citizenry to that governmental process. A commitment of involvement, examination of the issues, and the sharing of information and resources strengthens the bond between citizen and government.

## Criteria for Vehicles of Citizen Participation

The forms of citizen participation are varied. Effective forms of citizen participation should:

1. Be available to citizens county-wide
2. Be appropriately staffed (per budgetary constraints and availability of key personnel)
3. Be easily identifiable as per charge or purpose
4. Be reviewed for effectiveness
5. Meet the needs of the County Board of Commissioners
6. Meet the needs of citizenry (ability to impact policy formulation and implementation, allows individual to voice opinion/position and contribute information).

### Vehicles of Citizen Participation

#### Public Hearings:

1. Purpose:

- a. To obtain information from the public.
- b. To assure access to information in the creation of public policy.
- c. To provide a forum for opposing parties to reach accommodation.

2. Scope of Activities:

In local government, there are essentially two types of public hearings:

- a. Legislative. Conducted to determine facts and opinions concerning the creation of policy.
- b. Quasi-judicial. Conducted as a procedure on land-use issues when policy is being applied to an individual circumstance.
  - (1) On the record. Testimony in this quasi-judicial hearing is limited to those persons who participated in the original action being appealed, and no new information can be introduced.
  - (2) Partial de novo. Same as (1) above, but new information may be presented in a limited area.
  - (3) De Novo. Conducted as a completely new hearing; no limitations on who may testify or on the information to be presented.

3. Accountability:

- a. Formal notification will state the type of hearing, the time and place of hearing, a brief statement of procedures, and the subject matter.

- b. The Chairman shall begin a public hearing with a brief description of the hearing and its purpose, and any public hearing rules to be applied to the hearing.
- c. The Chairman shall close the hearing with a statement of follow-up procedures, including when and how action will be taken, with further discussion limited to the Commissioners and Counsel, only.
- d. Notification of results.
- e. Appeal notice shall be sent to participants of original action and related CPO.

Town Hall Meetings:

- 1. Purpose:
  - a. An informal forum for presentation of information by elected or appointed officials.
  - b. An opportunity for informal dialogue between citizens and elected or appointed officials.
- 2. Procedures:
  - a. Town hall meetings should be kept to a single issue or topic.
  - b. Town hall meetings should be given as much public notice and advance publicity as possible.
  - c. The siting of town hall meetings should be consistent within each Commissioner's District.
  - d. Procedural rules shall be announced at the beginning of the meeting (e.g. timing of staff presentation, speaking time limits, methods of submitting information, etc.).
  - e. Minutes shall be taken, if requested prior to the meeting date.

Advisory Committees:

- 1. Purpose:
  - a. To satisfy state and/or federal requirements (e.g., community action program advisory committees, LCDC Citizen Involvement Committee).
  - b. To obtain "functional expertise". Committees may be charged with the responsibility to become "experts" on a particular subject in order to advise the Board of County Commissioners (e.g., advisory committees for roads, weed control, etc.). Such committees are usually standing committees and continue to exist until terminated by the Board of County Commissioners.
  - c. To improve communication with various segments of the county's constituency (e.g. a city Mayors/Managers Advisory Board).

- d. To conduct in-depth studies of special issues and to serve as a sounding board for various proposals for county action. These are generally disbanded when their mission is accomplished.

2. Role:

- a. Members of advisory committees will be appointed for two-year terms (unless otherwise stipulated by statute), with an optional two-year reappointment.
- b. Membership will reflect individual interest in the committee's charge, expertise, geographic location, balance of viewpoints, and civic concern. The total membership should, where possible, reflect a balance of appointments by all five county commissioners.

3. Accountability:

Advisory committees are established by action of the Board of Commissioners, and each enactment shall contain the following designations:

- a. A statement of the type of the committee (e.g. task force, standing committee).
- b. A description of its mission or charge and its name.
- c. Definition of the number of members and a description of the method to be used for appointment.
- d. Unless a standing committee, a statement of the maximum duration of the committee.
- e. A definition of the resources available to the committee (e.g. Board liaison, staff support, budget).
- f. A statement of the rules, regulations or by-laws applicable to the committee, including any applicable statutes.

4. Appointment Process:

Board of Commissioners will solicit appointment nominations from the general citizenry, the CCI, CPOs, city governments and other organizations.

Committee for Citizen Involvement:

1. Purpose:

The purpose of the Committee for Citizen Involvement (CCI) is:

- a. To serve as the officially recognized citizen participation resource committee, which is representative of geographic areas and interests.
- b. To be dedicated and committed to the success of citizen participation in the government decision-making process.

- c. To evaluate citizen involvement process.
- d. To encourage and promote the expansion of the CPO program.
- e. To provide a direct line of communication between citizens and county government; and
- f. To assist the County Board of Commissioners in complying with LCDC Goal #1 by developing a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

2. Role:

- a. The County Board of Commissioners with the assistance of the CCI will develop a program that enhances and promotes citizen participation in the government decision making process.
- b. The CCI will assist county government with the implementation of the citizen involvement program.
- c. The CCI will also serve as an advisory group of CPO elected leaders and/or representatives.
- d. The CCI shall not interfere with the internal policies, actions, or activities of individual CPOs.
- e. The CCI will not review or pass judgment on the individual actions of CPOs.
- f. The CCI will not disrupt the essential link of direct contact between government or private entities and the individual CPOs.

3. Accountability:

- a. The CCI will be accountable to the CPOs they represent.
- b. The CCI will be accountable to the Board of Commissioners.

4. Scope of Activities:

- a. To meet regularly.
- b. To devise a system for a continuous opportunity for citizen involvement.
- c. To act as a forum for the exchange of ideas among CPO leadership, membership, and interested parties.
- d. To promote communications among the CPOs, county, state and regional governments.
- e. To provide support for the CPOs including informational, educational, and promotional assistance.

- f. To evaluate the Washington County Citizen Participation Organization Program and the entire citizen involvement process.
  - g. To provide for continuity of citizen participation and of information that enables citizens to identify and comprehend issues.
  - h. To prepare an annual report on Washington County citizen participation. NOTE: Board of Commissioners shall make a written response to this report within 90 days of its receipt.
5. Membership:
- a. Will consist of two representatives from each recognized CPO in Washington County and 2 alternates shall make up the membership of the CCI. These representatives may be selected or appointed by any method approved by the individual CPOs.
  - b. The term of each representative will be as determined by each CPO.

Citizen Participation Organization:

1. Purpose:
- a. The Board recognizes the following CPOs: #1, #3, #4, #4 Bull Mountain, #6, #7, and #8 as of the date of this document. (See Appendix "B") *[called Attachment 2]*
  - b. In the most general sense, the Citizen Participation Organization is a large, representative group of citizens united by geographic location, and organized to work on matters affecting their community.
  - c. CPO boundaries may include incorporated cities. An individual's membership and participation is to be based upon residence within the CPO boundaries, whether within an incorporated or unincorporated area. For information distribution to cities, see the Note on page 13. *[Page A-9]*
2. Role:
- a. The CPO through the support given it by the County Board of Commissioners, will be an important vehicle for increased citizen participation, better public relations, and a more knowledgeable citizenry. The success of the enhanced program is directly tied to the continuation of the office of Community Resource Development, an OSU Extension Service program. Please see Appendix "A" *[called Attachment 1]* for more detail.
3. Accountability:
- a. In order to be officially recognized by the County Board of Commissioners, a community organization must accept as members all citizens of voting age living within the CPO boundaries, and all individuals owning properties or businesses within the CPO boundaries.
  - b. And, except as otherwise provided,



1. Adopt bylaws which reflect items 2 through 10;
  2. Elect officers annually;
  3. Record minutes of general membership meetings;
  4. Hold at least one general membership meeting per year;
  5. Maintain open records of meeting attendance (Keep attendance);
  6. Notify the Board of newly elected officers;
  7. Provide public agendas of each meeting;
  8. Affirm the boundaries of the CPO. When desirable, an area may be divided into smaller units through a system of subcommittees. When two or more CPOs have a dispute over boundaries, responsibility for resolving the problem rests with the groups under the auspices of the CCI. Any alterations to boundaries, upon approval of the CCI, shall be forwarded to the County Board of Commissioners for their review, approval and inclusion in the public record;
  9. Not charge dues;
  10. Adopt criteria for democratic voting; and
  11. Provide a forum for accommodation of neighborhood concerns.
4. Scope of Activities:
- a. Advise and consult with the County Board of Commissioners on matters affecting the livability of the community. Such matters would include, but not be limited to planning, housing, parks, open space and recreation, human resource delivery systems, traffic and transportation systems, water and sewage disposal systems and other matters affecting the livability of the community.
  - b. Be informed and familiar with the views and opinions of the people of the community and be able to give an accurate presentation of those views.
  - c. Keep the Board informed of any changes in its By Laws, its officers and Board members, and the name and address of its representative for receipt of notices and other communications.
  - d. Serve as a vehicle for communication between governments and citizens:
    - 1) provide a known meeting place for Board communication with citizens;
    - 2) provide a place for legislators to meet with citizens;
    - 3) respond to notices, agendas and minutes, and land use matters of every description including design review; and

- 4) take full and efficient advantage of budgeted staff assistance.
  - e. Comments by community organizations on any matter of county government will be recognized, received and reviewed by the Board of Commissioners.
5. Neighborhood Associations:

The County Board of Commissioners may recognize a Neighborhood Organization or Association within the County when in compliance with the respective section in the County's Development Code. Neighborhood Association will work within and be a substructure to the Citizen Participation Organization program.

6. County Responsibility:
- a. Provide recognized organizations with copies of the agendas and minutes of work sessions and meetings of the Board of County Commissioners, and agendas and minutes of the Planning Commission and Hearings Officer.
  - b. Provide as established in the budgetary process, certain support services and financial aid to the CPO program to ensure its existence as a structure to facilitate citizen involvement.
  - c. Seek funds from local, state and federal sources to promote and expand citizen involvement.
  - d. Initiate and maintain a program to actively publicize the citizen participation program throughout the county.
  - e. Assist OSU Extension, when necessary and within budgetary constraints, in the reproduction and mailing of newsletters and other printed materials when supplied by the CPOs or the CCI.
  - f. Provide timely notification to the CPOs and CCI of relevant and pertinent meetings, hearings, elections, studies, reports and land use preapplications and applications, etc.
  - g. Assist and participate in educational efforts related to citizen participation in government and planning process.
  - h. Notify organizations of any other proposals seriously contemplated by Washington County which would apply specifically to that area and which would make major change in the livability of the community.
  - i. Provide, subject to budgeting and time limitations, staff assistance for liaison and informational purposes.
  - j. Provide workshops on specific County-related subjects when there is sufficient interest to warrant the staff time.
  - k. Review recognition of each organization every two years.

- I. Provide notice of budget preparation to the CCI for review of support services being made available to the citizen participation effort.

NOTE: For purposes of information distribution and notification of opportunities for citizen participation, the County will send such information as is distributed to CPOs to the offices of the Mayors of our incorporated cities for appropriate distribution. Organized Neighborhood Planning Organizations within city units may be recognized by the Board of Commissioners as direct recipients of such information.

## Attachment 1

### Role of Community Resource Development Program

The success of Washington County's citizen involvement policy and program is heavily dependent upon the continuation of Oregon State University Extension Service's Community Resource Development (CRD) Program. As noted in the section on Citizen Participation Organizations, the CRD Extension Agent was instrumental in development of a program of citizen participation in community planning as an integral part of the Comprehensive Land Use Plan. As that planning effort is expended into a more generalized community involvement/citizens participation format, it would be desirable that the Extension Service expand the CRD agent's role.

As an information source on advisory committee memberships and task forces, the CRD agent would be notified upon committee vacancies or upon the creation of special task forces. These would be communicated to the membership of the CPOs. Anyone interested in applying would contact the Agent for a copy of the committee's charge, current membership, and an application form. Additional information would be available from the Commissioner acting as liaison to the committee or task force.

As a resource on processes or procedures employed by the County, the CRD agent would be of value to all "first-timers". What to expect at a public hearing; how to effectively testify before the Board of Commissioners, Hearings Officer, or Planning Commission; how to prepare a case for the Board of Education; where to look for information on appeals procedures; how to request a Neighborhood Watch Program; etc. Although many of the processes may involve land-use issues, the Board would encourage the CRD agent to expand into other areas such as, but not limited to: Public Health and Safety, Elections, and Assessment and Taxation.

Proposed role and duties of the Community Resource Development Agent:

- a. Maintain essential communications link between interested citizens, CPOs, local, state and regional governmental bodies. Promotion of internal information exchanges may include occasional visits to CPOs.
- b. Conducts educational programs on effective "citizen" involvement techniques at the request of Washington County, CPOs or CCI.
  - c. Assist in resolving CPO related issues.
- d. Edits and distributes a newsletter to all active CPO members, city and county officials and others.
  - e. Maintains limited mailing for active CPOs provided:
    - 1) CPOs meet appropriate established guidelines.
    - 2) Washington County provides appropriate secretarial backup.

- f. Works with CCI in a coordinating capacity.
- g. CRD Agent's role may be further expanded to better implement the goals and objectives of the total citizen participation program upon appropriate agreement between the Board of Commissioners and OSU Extension Service. Is not an advocate for or against policies, rules and/or regulations planned, approved or adopted by the Board of Commissioners.

## Attachment 2

### Definitions

- "make available": Items such as special reports, studies, Planning Commission agendas, and materials that enhance the weekly agenda of the Board of Commissioners, shall be distributed in a series of drop locations.
- "in a timely manner": Material distribution shall coincide with the distribution schedule to the Board of Commissioners, unless materials are of a restricted nature.
- "meets the need": Requirements by statute or ordinance; sources of local or specialized information; analysis of attitudes and priorities.
- CPO: Citizen Participation Organization
- CCI: Committee for Citizen Involvement
- NPO: Neighborhood Planning Organizations.

## **APPENDIX D**

Criteria for School Capacity

## APPENDIX D

### BEAVERTON SCHOOL DISTRICT OBJECTIVE CRITERIA FOR SCHOOL CAPACITY

1. Existing district-wide school capacity is a measure of student capacity of the permanent school buildings plus the adjusted portable classroom capacity for the existing number of portables used by the district. Changes in the number of portables placed at each school as well as area devoted to Special Education programs changes the district's overall school capacity. The district has agreed to provide Washington County with an annual official school capacity table. Existing capacity is measured by utilizing the following methodology:

- a) Determine the existing capacity for each individual school facility by school type using the following formula:

$$\text{INDIVIDUAL SCHOOL CAPACITY} = [(GSFB - SE) / SFS] + [(EP * STR) * CFF]$$

where:

GSFB =	Gross square footage of building
SE =	Special Education square footage
SFS =	Square footage per student factor 100 sq. ft. elementary 128 sq. ft. middle school 141 sq. ft. high school
EP* =	Existing number of portables per school site
STR =	Students per portable classroom 24 elementary 26 middle and high school
CFF =	Core facility factor 0.80 elementary, middle 0.88 high

- b) Determine the existing district-wide capacity for each school type by using the following formula:

$$\text{EXISTING CAPACITY BY SCHOOL TYPE} = \text{SUM OF ISC BY SCHOOL TYPE}$$

where:

ISC	=	Individual School Capacity
SCHOOL TYPE	=	Elementary (K-5) Middle School (6-8) High (9-12)

APPENDIX D-3

- c) Determine the planned school facility needs for the planning horizons by using the following formula:

**PLANNED SCHOOL FACILITY NEEDS = ECST + ADDITIONAL NEEDED SCHOOL CAPACITY BY SCHOOL TYPE FOR THE PLANNING HORIZON BASED ON SCHOOL AGE POPULATION PROJECTIONS**

where: ECST = Existing Capacity by School Type

2. When considering the impact on existing district-wide school capacity by school type for any legislative or quasi-judicial comprehensive plan amendment which will impact planned density of residential land or a residential land use regulation amendment, the following methodology shall be used:
- a) Determine the increase or decrease in residential units using the maximum density allowed by both the existing and proposed land use district and/or land use regulation.
- b) Convert the difference between the number of units allowed to students per school age group using the following tables:
- i.) Single-family Dwellings
    - 0.4 elementary students per dwelling (K-5)
    - 0.17 middle school students per dwelling (6-8)
    - 0.14 high school students per dwelling (9-12)
  - ii.) Multi-family Dwellings
    - 0.08 elementary students per dwelling (K-5)
    - 0.03 middle school students per dwelling (6-8)
    - 0.03 high school students per dwelling (9-12)

These student conversion factors may be modified based on more current or specific information provided by the school district.

- c) Convert the difference in student impact to additional or less square footage per school type by using the Square Foot per Student Factor (SFS) found in 1.a. above.



## **APPENDIX E**

Resolution and Order 01-75  
Washington County Citizen Participation Organizations Boundary Change Procedures

Washington County  
Citizen Participation Organizations  
Boundary Change Procedure

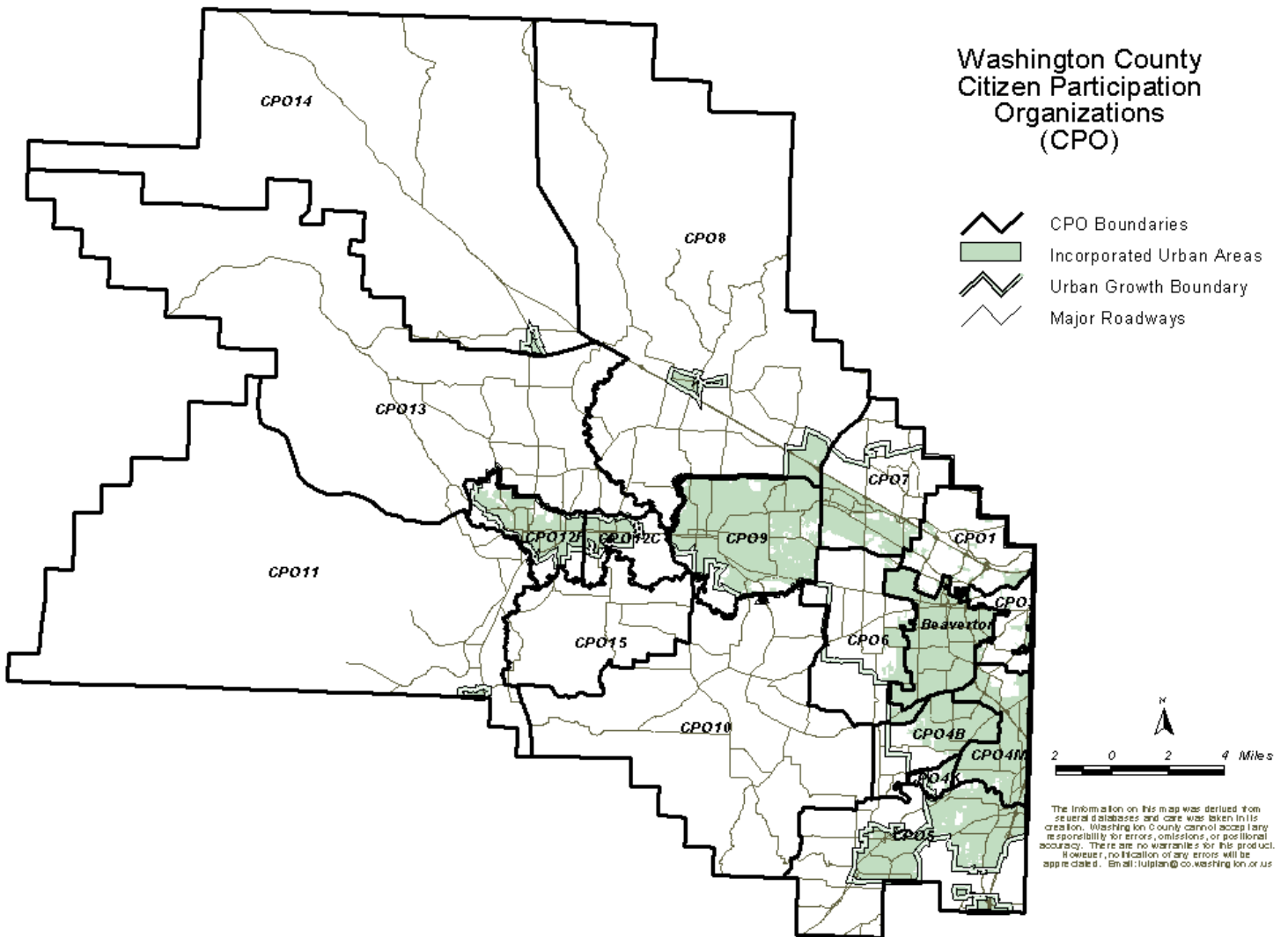
**SECTION 1. INTENT**

- A. It is the intent of these provisions to set forth a procedure for the creation of new Citizen Participation Organizations (CPOs) and the alteration of existing CPO boundaries.
- B. The boundaries shown on the "Citizen Participation Organizations" map, Exhibit "A", shall remain in effect until changed by the Board of County Commissioners or as authorized by the Board under the procedure described in Section 2 that follows.

**SECTION 2. CPO BOUNDARY CHANGES**

CPOs may propose the creation of a new or the alteration of existing CPO boundaries. The following procedure shall be followed when one or more CPO proposes to create a new CPO or alter CPO boundaries:

1. The proposed CPO boundaries shall be clearly identified on a map that shows streets and street names.
2. The proposed boundaries shall be reviewed at a regularly scheduled CPO meeting to allow open discussion of the proposal. If the proposal would change the boundaries of two or more CPOs the proposal shall be considered at a regular meeting by each of the affected CPOs unless a joint meeting of all the affected CPOs is conducted.
3. The Committee for Citizen Involvement (CCI) shall then review the proposed CPO boundaries at a regularly scheduled meeting.
4. The CCI shall prepare a recommendation on the boundary proposal and notify the affected CPO(s).
5. The CCI shall then forward their recommendation to the County. The CCI shall submit a map that clearly indicates the proposed CPO boundary changes and a narrative that describes the reasons why the boundary changes are or are not needed and if applicable, why the CCI's recommendation differs from that proposed by the CPO(s).
6. The board of County Commissioners shall conduct a public hearing on the proposed CPO boundaries and shall approve, modify or deny the request.
7. Following a Board decision, which modifies the CPO boundaries, the County will then prepare a new Citizen participation Organizations map and provide copies to the CCI, all active COUNTY CPOs, and all County departments.



# **BULL MOUNTAIN COMMUNITY PLAN**

Volume X of the Washington County Comprehensive Plan

## **THE RELATIONSHIP OF COMPREHENSIVE PLAN ELEMENTS**

The Bull Mountain Community Plan is one of a number of planning elements which in total comprise the Washington County Comprehensive Plan. The intent of this section is to provide the reader of the Bull Mountain Community Plan with a basic understanding of its relationship to the various other Comprehensive Plan elements.

In general, the Bull Mountain Community Plan is an area and site specific application of County Comprehensive Planning policy and a description of community development activities envisioned for the Planning Area. Implementation of the Bull Mountain Community Plan is guided primarily by other Plan elements such as the Community Development Code, the Transportation Plan and the Unified Capital Improvement Plan.

### **PLANNING CONTEXT**

The preparation of the Bull Mountain Community Plan represents a continuation of the County's long-standing involvement in comprehensive planning. In fact, the Bull Mountain Community Plan represents an update and rigorous re-examination of previous plans. The periodic updating of plans is necessary to ensure that the various plans respond to the current and anticipated circumstances of the County and the Planning Area. In addition to responding to local concerns, these plans respond to the planning concerns and requirements of the region and the state.

The County subscribes to the fundamental planning principle of creating plan elements through a public planning process which provides ample opportunity for citizen participation. Such a public planning process utilizes factual information and consideration of alternative courses of action which take into account social, economic, energy and environmental concerns.

The following are elements of the Washington County Comprehensive Plan:

- Comprehensive Framework Plan
- County Resource Document
- Community Plans
- Community Plan Background Documents
- Community Development Code
- Transportation Plan

Subsequent to the adoption of these plan elements, the county will begin work on the Unified Capital Improvement Plan.

### **COMPREHENSIVE FRAMEWORK PLAN**

The Comprehensive Framework Plan is a policy document. Its function is to articulate the county's policy regarding the broad range of comprehensive planning and community development matters. Additionally, the Comprehensive Framework Plan contains strategies which are intended to guide the implementation of each policy directive.

A major function of the Comprehensive Framework Plan policies is to provide specific direction and parameters for the preparation of community plans, functional plans and implementing mechanisms.

Two central provisions of the Comprehensive Framework Plan have particular importance in guiding the preparation of community plans and implementing the community plans respectively. These provisions are a county-wide development concept and the urban growth management policies.

The county-wide development concept prescribes the creation of a series of distinct, balanced, relatively self-sufficient and diverse communities throughout the urban portion of Washington County. It is this concept which is the beginning point for organizing land uses at the community level.

The County's urban growth management policies require urban development to be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water and a balanced urban-level transportation system are the primary urban services considered.

## **COMMUNITY PLAN**

The unincorporated portion of the County within the metropolitan area regional Urban Growth Boundary and outside of city planning areas is divided into a number of Community Planning Areas. The Bull Mountain Community Planning Area is one such planning area.

The policies and plan designations of the Comprehensive Framework Plan are applied in a site-specific manner to the Community Planning Area. The result of this application is a Community Plan, composed of a Community Plan Map and Community Plan Text.

The Community Plan Map portrays a land use designation for each parcel of land in the planning area.

The Community Plan Text provides a written description of the Community Plan Map in order to specify the intent of the mapped designations. Additionally, the Community Plan Text includes Community Design Elements, which are written prescriptions for particular areas or sites which shall be adhered to as the plan is implemented. For certain areas specified by the Community Plan, the concept of Area of Special Concern is applied.

The designation of Area of Special Concern where applied to one or a combination of several parcels of land, denotes the presence of certain design opportunities or constraints. In such cases, the Community Plan Text includes specific language which identifies and addresses the design opportunities or constraints. Usually land is designated as an Area of Special Concern when parcelization and/or varied ownership requires that the area be considered as one unit during development. In some cases, the Community Plan requires an Area of Special Concern to develop through a mandatory Master Planning-Planned Development process, which provides a more flexible approach to addressing the potential design opportunities and/or constraints.

The Master Planning-Planned Development requirement is intended to provide the open space, density transfers and design flexibility necessary to achieve the dual objectives of preserving significant natural features or achieving the design objectives of the design elements and encouraging development of a variety of housing types at the density permitted by the district. As provided in the Development Code, conditions of approval shall not unduly increase the cost of needed housing beyond the minimum necessary to meet the provisions of this Plan. Densities shall not be restricted to less than that authorized by the development standards.

The prescriptions of the Community Plan are augmented and implemented by the Community Development Code, the Transportation Plan and the Unified Capital Improvement Plan. Standards and requirements of the Community Plan and the Transportation Plan that are applicable to development applications, including but not limited to new development and land divisions, are specified in the Development Code.

An inventory and discussion of natural resources is contained in Chapter I of the Resource Document. The determination of significance, as specified in the Oregon Administrative Rules and Statewide Planning Goal 5, is explained in the Resource Document, and shown graphically as part of this Community Plan.

The Significant Natural Resources Map shows the location of the significant Goal 5 resources in the planning area.

An identification of neighborhood park-deficient areas has been made based on a 1/2 mile service area radius from existing park or school playground sites. Those portions of the planning area not within this service area are generally regarded as park-deficient. On this Significant Natural Resources Map, a "P" has been placed in the general locale where a neighborhood park could serve the deficient area. The letter indicators are not site-specific, but do reflect the number of neighborhood park facilities needed to serve the deficient area on a service area basis.

### **COMMUNITY DEVELOPMENT CODE**

The chief function of the Code is to assist in the implementation of the various community plans and the Comprehensive Framework Plan. The Code is intended to achieve certain streamlining objectives necessary to ensure ease of operation, certainty, flexibility when conditions warrant and responsiveness to public concern.

The Code contains specific procedures and development standards necessary to assist in the implementation of the community plans. The Code addresses issues such as allowed uses, density, dimensional requirements, public facility requirements, land division requirements, changes in use and aesthetic concerns. The Code also sets forth processes and procedures for review of specific development proposals, including public notice requirements. The Code also sets forth the standards and requirements of the Community Plan and the Transportation Plan that are applicable to development applications, including but not limited to new development and land divisions.

### **TRANSPORTATION PLAN**

The Transportation Plan is a comprehensive analysis and identification of transportation needs associated with the implementation of the development pattern described in the community plans and the Rural/Natural Resource Plan.

Prepared from both the county-wide and community planning area perspectives, the Transportation Plan addresses the major roadway system, transit, pedestrian and bicycle transportation issues and focuses on specific and system requirements. The Transportation Plan designates the major roadway system and each road or street is provided a classification indicative of its existing or planned function, right-of-way, alignment and structural dimensional standards. Changes to the major roadway system are made through amendments to the Transportation Plan. New neighborhood routes may also be designated through the development review process. Standards and requirements of the Transportation Plan that are applicable to development applications, including but not limited to new development and land divisions, are specified in the Development Code.

The local street system is designated on the community plans and Rural/Natural Resource Plan. New local streets and special area local streets are identified through the development review process or by amendments to the community plans or the Rural/Natural Resource Plan. The community plans also address local street and pedestrian connectivity and specific transit issues, such as identifying major bus stops.

In the event there is a conflict between the requirements of the Transportation Plan and the requirements of this community plan, the requirements of the Transportation Plan shall control.

### **UNIFIED CAPITAL IMPROVEMENT PLAN**

Following the adoption of the Washington County Comprehensive Plan, the County will embark on a second phase of planning which will include the preparation of a Unified Capital Improvement Plan. The Unified Capital Improvement Plan will be coordinated with all urban service providers and will be the

mechanism which the County will rely upon to direct future urban investments in public facilities and services in the urban portion of the County.

## **BACKGROUND SUMMARY**

### **PLANNING AREA**

The Bull Mountain Community Planning Area is located in southeastern Washington County approximately ten miles southwest of Portland's central business district. It includes the unincorporated area south of SW Scholls Ferry Road, west of the Tigard Urban Planning Area, west and south of King City, north of the Tualatin River, and east of the regional Urban Growth Boundary.

This area encompasses approximately 3.4 square miles and contains a 1980 population of an estimated 2,158 residents.

An earlier Plan of Development for the area is more than 20 years old, having been adopted in 1961. That plan designated all of the area for low density residential uses except for a small amount of highway commercial next to Pacific Highway near the Tualatin River. In 1977, two different sets of interim development policies and land use designations were proposed for most of the area by the Community Planning Organization and the Washington County Planning Department, but neither was adopted. This Bull Mountain Community Plan replaces and supercedes those plans and all other previous plans.

### **LAND USE**

The Bull Mountain Community Planning Area is largely undeveloped at this time. Some large lot residential subdivisions are scattered along the crest of the mountain off Bull Mountain Road; a few more exist along SW 150th Avenue and at the foot of the north slope around Fern Street. Mobile homes and multi-family dwellings are located south of Fischer Road. The only commercial activity in the Planning Area is located along Pacific Highway southeast of King City. There is no industrial activity. Most of the area - almost 90 percent of the buildable land - consists of farms, forests, vacant land and rural homes.

A total of 1,290 acres of land are vacant and buildable, i.e., undeveloped, excluding powerline easements, and not in floodplain or steep slope.

### **NATURAL FEATURES**

Land in the Area consists of Bull Mountain, a steep sloped, flat topped landform which rises over 700 feet from the Tualatin Valley floor, and the gently sloped lowland to the north and south of the mountain.

Sedimentary formations and Columbia river Basalt underlie the Planning Area. A fault line extends along the northern base of the mountain from the southwest to the northeast. Slopes exceed 20% over large areas on the north and south sides of the Bull Mountain.

The upland soils on Bull Mountain are predominantly of the Cascade-Kinton association. Soils of the lower valley terraces include several types, mainly Quatama, Aloha, Woodburn and Hillsboro. The surface layers in both areas are only moderately permeable. Underlying the surface soils in much of the area is a very firm and brittle layer of soil called fragipan which is characterized by slow permeability. Septic tanks can fail in these types of soil.

The mountain has a number of steep, narrow canyons containing small, mostly seasonal streams. Waterways on the north side of the mountain are tributaries to Summer Creek, while those on the south side flow to the Tualatin River. Winter flooding occurs along these waterways. Drainage problems are reported most often on the south side during the rainy season. Three ponds are also located on the mountain.



Within the Planning Area, there are more than a dozen wooded areas of at least 5 acres in size. Large portions of the north side of the mountain contain continuous forest. Some large old growth trees are found there. These wooded areas, especially riparian zones along waterways, are important wildlife habitats. The Tualatin River is an important wildlife habitat too, as well as a resource for a moderate amount of fishing and other recreation.

Groundwater found in the underlying Columbia River Basalt was withdrawn at an excessive rate during the 1960's, causing a decline in the water table of as much as 8-10 feet per year. State designation of the area as a "critical groundwater area" in 1974 brought a moratorium on new wells and limitations on pumping from municipal wells.

## **TRANSPORTATION**

The primary roadways serving this area include Highway 99W, Scholls Ferry Road, Beef Bend and Bull Mountain Roads. A new connection between Murray Boulevard and Highway 99W along Walnut and Gaarde has been identified and is being improved, and improvements to Roy Rogers Road, a major north-south Arterial connection, have been completed. Improvements have also been made to Bull Mountain and Beef Bend Roads, and to Fischer and 131<sup>st</sup> east of the planning area.

Transit service is provided along a radial route from downtown Portland on Highway 99W, as well as from Washington Square, with connections north to Beaverton's transit center and Westside Light Rail. Tri-Met buses line operate along Highway 99W and northeast of the planning area along 121<sup>st</sup> Avenue and Walnut Street.

Bikeway and sidewalk improvements have been completed as part of major roadways projects in and near the Bull Mountain area during recent years (e.g. Roy Rogers Road and portions of Bull Mountain and Beef Bend Roads). Future bikeway and pedestrian projects will be completed, either as part of larger projects or stand-alone projects, as the Transportation Plan priorities direct and as resources allow. The Transportation Plan calls for bicycle and pedestrian routes on Arterials and Collectors in the planning area.

## **SERVICES**

Sewer Service to the Bull Mountain area is provided by the Clean Water Services (CWS). The areas south of Beef Bend Road, on the eastern edge of the Planning Area along Bull Mountain Road and on the north in the vicinity of 135th Avenue and Scholls Ferry Road have or shortly will have access to CWS sewers. Sewer service to the rest of the area depends on development interest and the formation of Local Improvement Districts to finance extensions of major lines. Pumping will be necessary on the western portion of the mountain.

Water service for the Planning Area is available from the Tigard Water District. The District has sufficient storage and distribution capacity to meet year 2000 requirements for the entire area. Lines can be readily extended to areas within the District which currently do not have service. Since water must be pumped to the top of the mountain, emergency storage in the event of a prolonged electric power outage is a concern. The primary long term source of water will continue to be the Clackamas River via the City of Lake Oswego with a backup supply from Portland's Bull Run system.

Storm drainage in the Planning Area is currently handled by natural stream channels. Some drainage problems have been noted during the rainy season, particularly on the south face of the mountain along Beef Bend Road. Winter flooding also creates drainage problems along the Tualatin River and Summer Creek. Urbanization will pose additional drainage management problems in certain areas if care is not taken to design developments to incorporate local topography and soils in the treatment of runoff. The location and sizing of drainage management facilities will need to be based upon basin-wide studies and plans.

The Tualatin Rural Fire Protection District serves most of the Area. This District has stations on Pacific Highway south of King city and in downtown Tigard. The northwest portion of the Planning Area is within Washington County Fire District #1, which has a station at the corner of 175th Avenue (Reusser Rd.) and Wier Road. The fire insurance rating is Class 3 for the areas currently serviced, i.e., with fire hydrants, by the Tigard Water district, but is Class 8 for the remainder of the Area.

The Bull Mountain area is served by Tigard School District 23J and Beaverton School District #48, but no schools are located within the Planning Area.

There are no public parks or recreation facilities within the Planning Area. The City of Tigard to the east and the Tualatin Hills Park and Recreation District to the north do have parks and recreation facilities that are accessible to Bull Mountain residents. Park deficient areas (over 1/2 mile radius from existing parks) are shown on the Significant Natural Resources Map.

## **COMMUNITY PLAN OVERVIEW**

The development approach planned for the Bull Mountain Area is intended to ensure the careful and deliberate growth of a distinct residential community. In concept, the community is intended to be supportive of and dependent upon nearby retail and employment centers in Tigard, Beaverton, and, to a lesser extent, other centers in the Portland Metropolitan area. The Bull Mountain Area is not intended to be developed as an independent or self-sufficient community, mainly because of its 1) rugged and scenic terrain, 2) proximity to existing and planned shopping and employment centers, 3) lack of bisecting Arterial roadways, 4) history of residential development, and 5) location on the edge of the Urban Growth Boundary. Rather, Bull Mountain is to be developed as a distinctive residential environment in a naturally fortunate setting with development opportunities for a variety of housing options.

The development pattern begins with medium density housing along Collector and Arterial roads at the foot of Bull Mountain where appropriate. Residential densities, as planned, decrease gradually up Bull Mountain with the greater part of the summit and surrounding ridges designated at the County's lowest urban residential density. Neighborhood commercial uses are planned at the foot of the land form to serve the convenience shopping and service needs of the future population.

Implicit throughout the Bull Mountain Community Plan is the assumption that policies in the Comprehensive Framework Plan will be implemented through the Community Development Code, the Unified Capital Improvements Plan, the Transportation Plan and other functional plans. This is particularly important with regard to the county policies on public facilities, which mandates the provision of adequate services before development is permitted. The purpose of the Bull Mountain Community Plan is to ensure the high quality of life currently found in the Bull Mountain Community Plan Area is maintained and enhanced as development of the area occurs.

## **COMMUNITY DESIGN**

Major development concerns, community design considerations and the land use prescriptions created to address them are enumerated as Community Design Elements in this section of the Plan. The Community Design elements are central to the Community Plan. They protect what is unique about the Bull Mountain Community Planning Area and at the same time connect its land uses with the surrounding metropolitan community.

Those Community Design Elements which apply to the whole Planning Area are first listed. Then the land uses planned for Bull Mountain are characterized by subarea and design elements specific to each subarea are presented. Bull Mountain subareas include the Summit and Slopes, the Southern Lowlands,

the Northwestern Lowlands, and the Northern Triangle. All of the design elements in this Plan, both general to the Planning Area and site-specific shall guide land use in the Bull Mountain Area.

Areas of Special Concern are also defined in this Community Plan. Some sites within the Planning Area present special resources, opportunities or problems to the Bull Mountain Community. In such cases, a creative site design approach is required to assure resolution of development conflicts and/or assure consideration of important amenities, such as proper circulation and open space. Special prescriptions for analysis or design, as well as directions for the public review process are given where these special areas are noted. The Areas of special Concern are mapped and numbered on the Community Plan Map.

At the time of the first major update of the Bull Mountain Community Plan, the County will consider and evaluate policies which may allow interim development in the Bull Mountain Community Plan Area.

### **GENERAL DESIGN ELEMENTS:**

1. In the design of new development, floodplains, drainage hazard areas, streams and their tributaries, riparian zones and wooded areas, steep slopes, scenic features, and powerline easements and right-of-way shall be:
  - a. used to accent, define, or separate areas of differing residential densities and differing planned land uses;
  - b. preserved and protected to enhance the economic, social, wildlife, open space, scenic, recreation qualities of the community; and
  - c. where appropriate, interconnected as part of a park and open space system.

This design element shall not be construed or interpreted to require the non-voluntary dedication of property for open space, scenic or recreation use. Such property will either be a) purchased by the public at a fair market value, or b) at the volition of the property owner, dedicated to the public for such use. The provision of open space may be a condition of certain development actions; the initiation of such development requests is at the volition of the property owner and the acceptance of any condition regarding open space is at the discretion of the property owner.

2. Master Planning - Primary Use or Planned Development procedures and standards shall be required for development on land which includes a Significant Natural Resource as a means of protecting the resource while accommodating new development. An exception to this requirement shall be allowed if all of the Significant Natural Resource site is retained as open space. Public dedication of this open space is not required, but is encouraged. A density transfer from the resource area to the buildable portion shall be allowed for any Significant Natural Resource Site as specified in the Community Development Code.
3. Trees located within a Significant Natural Resource area shall not be removed without a development permit for tree removal having first been obtained, as provided for within the Community Development Code. A permit shall not, however, be required for tree removal from powerline rights-of-way, public parks and playgrounds.
4. Significant historical and cultural resources shall not be altered, defaced, demolished or relocated without first obtaining a development permit as provided for in the Historic and Cultural Management Overlay District contained in the Community Development Code.
5. All new subdivisions, attached unit residential development, and commercial development shall provide for pedestrian pathways which allow public access through, or along, the development and connect with adjacent developments and/or shopping areas, schools, public transit, parks and recreation sites.

6. Noise reduction measures shall be incorporated into all new residential developments located adjacent to Arterials, Collectors, and rock quarries. Noise reduction alternatives include vegetative buffers, berms, walls, set backs and structural design techniques, such as the orientation of windows away from the noise source and insulation.
7. Neighborhood commercial land shall be used to provide principally for the shopping and service needs of the residents of the Community Planning Area. Only those Commercial uses which do not depend on regional or sub-regional markets for their support will be allowed. Strip commercial development along trafficways will not be allowed.
8. Where the impact of noise and lighting associated with commercial uses adjacent to residential areas does not meet the standards in the Community Development Code, the commercial development shall be subject to limited hours of operations.
9. Consistent with the county growth management policies, new development within the Planning Area, with the exception of construction of a detached residence on a lot of record, shall be required to connect to public water and sewer service. The provision of sanitary sewer service on Bull Mountain will be analyzed during the preparation of the County Unified Capital Improvement Plan.
10. New development shall dedicate right-of-way for road extensions and alignments indicated on Washington County's Transportation Plan or the Bull Mountain Community Plan. New development shall also be subject to conditions set forth in the County's growth management policies during the development review process.
11. The County shall emphasize non-auto (transit, bicycle, and pedestrian) measures as an interim solution to circulation issues. These measures shall be used to facilitate access to transit centers.
12. In the design of road improvements that are required of new developments to meet the County's growth management policies, pedestrian/bicycle pathways identified in the County's Transportation Plan shall be included.
13. New access onto Arterials and Collectors shall be limited. Shared or consolidated access shall be required when new development or redevelopment is proposed along Arterials and Collectors, as detailed in the Community Development Code.
14. Bicycle parking facilities shall be required as a part of all commercial, industrial and institutional developments. Residential developments which have parking lots of 20 or more spaces shall provide bicycle parking facilities.
15. Coordinate with the City of Tigard for the planning and provision of park and recreation facilities and services.
16. Open space shall be used for a variety of recreational activities, the protection of wildlife habitat or aesthetic purposes, such as scenic views.
17. Review of land partitioning and structural development proposals for areas within one half mile of rock quarries (existing and proposed) shall include 1) measurements of noise anticipated from such development and 2) appropriate mitigation measures which ensure that the future land uses meet Oregon Department of Environmental Quality noise standards. Conditions to development, such as requirements for berms, walls and other noise buffers shall be applied to the approval of new development when appropriate.

18. The required amount of parking for development shall be determined by the Parking Maximum Designations and the standards of the Community Development Code.

## **SUBAREAS**

### **SUMMIT AND SLOPES**

The land form between SW Beef Bend Road and Scholls Ferry Road is designated primarily for low density residential use at a maximum of 6 units per acre. The exceptions are at the edges on the south, north, and northwest along major roadways. Low densities are planned on the Bull Mountain summit and slopes mainly because of the dominance of steep slopes and the established pattern of low density residential development. This low density designation extends from the Fern Street development and the eastern edge of the Planning Area, where it is contiguous to a similar land use designation in the City of Tigard, to the southwest edge of the Planning Area at the Urban Growth Boundary.

An area of approximately 30 acres served by Hawk Ridge Road is designated for a maximum of 5 units per acre, consistent with the locational criteria for R-5.

Almost 20 acres at the foot of the mountain on Beef Bend Road are designated for medium density housing at a maximum of 15 units per acre. Consistent with adopted locational criteria, this medium density designation takes advantage of the good access inherent in its frontage on a Collector street. Additionally, this density offers the area's primary amenity -- a scenic view of the Tualatin Valley -- to a larger proportion of the County's population than would be offered by a low density housing designation. Buffered from lower housing densities by a stream bed and steep slopes on the west and a power line easement on the east, the area is within walking distance of planned neighborhood commercial services and a potential transit stop at 131st and Beef Bend Road.

### **Design Elements:**

1. The residential character of this subarea is to be protected. Improvement of roadways should be done in a manner which does not encourage excessive through traffic. The extension of Roshak Road to Scholls Ferry Road, for instance, should not encourage Bull Mountain Road to take the place of Beef Bend Road and Scholls Ferry Road for east-west through traffic. Also, a proposed Neighborhood route between 132nd Avenue and Bull Mountain Road should not be aligned with 133rd Avenue south of Bull Mountain Road. A direct route might encourage north-south through traffic over Bull Mountain. For similar reasons, all the roads planned for improvement or connection to Bull Mountain Road within the Planning Area should be constructed as neighborhood routes or local streets following the topography generally and not directly aligned with other major roadways.
2. Hillside building techniques and foundation designs such as stilts, stepped foundations, etc., shall be used to minimize the alteration of existing slopes over 20 percent. Detailed site plans, elevations and sections shall be required showing all structures, foundations, and techniques proposed for hillside construction. These, as well as other site plan requirements for building on steep slopes, as defined in the Community Development Code, are intended to ensure that development activities do not increase the potential for earth movements such as landslides or land failures in the steeply sloped subarea.
3. No grading, filling, clearing, or excavation of any kind shall be initiated on steep slopes until a grading plan, as defined in the Community Development Code, is approved. Borrowing to obtain fill material shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan, or imported from outside the hillside area.
4. Removal of natural vegetation shall be minimized, existing vegetation protected and destroyed vegetation replaced. This is required in order to conserve important natural areas, decrease the

potential for erosion, decrease the amount of surface water runoff and help prevent earth movement in hazardous areas. A slope stabilization and revegetation plan, which includes a schedule for revegetation after areas have been cleared, shall be included with the required grading plan. Revegetation shall be completed before October 15 of the year of construction, or a temporary treatment shall be required sufficient to prevent erosion prior to the rainy season.

5. Because trees are such an important natural and scenic resource on Bull Mountain, development in areas of standing trees shall be designed to minimize the number of trees to be cut. At the time of development, no more than fifty percent of the mature standing trees (six inch diameter or greater) shall be removed from any parcel. Development design and clearing for structures shall provide for maximum retention of old growth trees. Prior to development, the harvesting of forest tree species for their commercial value shall be in accord with the Oregon Forest Practices Act. The slope stabilization and revegetation plan shall indicate the mature trees planned for removal and describe the replacement programs. Replacement trees must be of at least 1-1/2 inch diameter.
6. Streams, seasonal waterways and immediately adjacent riparian zones, as defined in the Community Development Code, shall be preserved in their natural condition including topography and vegetation. Where roads are required, bridges shall be the preferred means of crossing streams and waterways rather than infill and piping or channelization of waterflow.
7. Use of powerline easements for farm operations, open space, and wildlife habitat shall be encouraged as appropriate in this subarea.
8. Part of the subarea along Beef Bend Road, which is designated for medium density residential uses at a maximum of 15 units per acre, is **Area of Special Concern 1**. Development within this area shall take into account the need for limited access onto Collector roads by planning a traffic circulation system which reaches all the parcels within this area and includes no more than three access points to Beef Bend Road. The easternmost access shall be a public street which will ultimately connect to a local road system to the north and west as determined through a traffic study of the site and surrounding area, which shall consider traffic safety and circulation issues, reviewed through development. Connection to the east by a future public connection shall also be determined through development review. No development application for the easterly portion of Area of Special Concern No. 1 shall be submitted until this traffic study is accepted.

Development within Area of Special Concern No. 1 shall include landscaped or natural buffers at borders held in common with lower density residential uses. Development shall also present a visually appealing view from Beef Bend Road. This presentation includes a minimum of signage, building height variation which generally follows the topography, preservation of natural vegetation and landscaping along the road. In addition, direct pedestrian access to Beef Bend Road shall require as part of development in the Area, as well as a pedestrian way along Beef Bend Road for access to the Neighborhood Commercial site at SW 131<sup>st</sup> Avenue.

Drainage management in the watersheds affected by development in this Area of Special Concern shall be improved as a result of development in the Area.

9. An area including about 36 existing land parcels south of Scholls Ferry Road between Sunrise Lane and the BPA powerline easement is **Area of Special Concern 2**. Future land partitions shall be designed and reviewed for location and orientation as they affect circulation in the Area according to the Master Planning-Planned Development provisions of the Community Development Code. A general circulation plan for the Area shall be provided which minimizes 1) crossing of the canyons, and 2) access onto Sunrise Lane. Legal access to property in this area shall be consolidated whenever possible in order to encourage a development pattern which better conforms to the rugged topography.

For this part of the Plan, participation in the study by responsible and interested agencies such as Oregon Department of Fish and Wildlife, the Tualatin Hills Park and Recreation District, individual citizens and citizen groups shall be sought. Critical natural sites shall be identified and surveyed. If the findings warrant, a plan for public and private use and protection shall be prepared and include agency role identification and financing strategies. Should the adopted study include provision for public use of lands, public acquisition of such land will either a) purchase at fair market value, or b) acquired through voluntary property owner donation/dedication to an appropriate public entity.

The County-wide Park and Recreation Master Plan shall be prepared prior to the Adoption of the first major update of the Bull Mountain Community Plan. In the interim, prior to the preparation and adoption of the County-wide Park and Recreation Master Plan, development is permitted consistent with all other provisions and requirements of the Comprehensive Plan.

### **NORTHWEST LOWLAND**

This subarea includes the predominantly undeveloped northwest corner of the Planning Area. Medium density housing at a maximum of 15 units per acre is planned for the relatively flat land along the Scholls Ferry Road, from the western boundary of the Planning Area to an area of steep terrain just west of Sunrise Lane. Compatible with planned densities north of Scholls Ferry Road, the medium density housing will offer good access to employment, shopping and other activities via Scholls Ferry Road and Murray Boulevard. Medium density housing development will be especially supportive of future transit service along Scholls Ferry Road and a neighborhood commercial center planned on its north side. Such development might also promote an earlier extension of sewer services to the west portion of the Planning Area than might occur without such densities.

Approximately 1,000 feet south of Scholls Ferry Road and extending further south approximately 1,000 feet into the steeper slopes is an area planned for low medium residential uses at a maximum of 6 units per acre. This development is intended to act as a transition from the medium densities on Scholls Ferry Road to the low densities on the mountain summit and slopes. The low medium densities also offer an opportunity for small lot and attached housing in a scenic area which is not readily available in the County. Access to employment and shopping and other services is intended to be to the north and east along the existing Arterials.

#### **Design Elements:**

1. This entire subarea is **Area of Special Concern 4** as noted on the Community Plan Map. All development within this subarea shall include provisions for adequate pedestrian and vehicle access to Scholls Ferry Road and pedestrian improvements along Scholls Ferry Road.

These improvements shall include a pedestrian path along Scholls Ferry Road and an attractively designed transit stop and pedestrian shelter. A safe walkway will be required across Scholls Ferry Road at the Old Scholls Ferry Road intersection to connect the subarea with a neighborhood commercial center planned on the northeast corner of that intersection.

Development within this Area of Special Concern shall include natural or landscaped buffers where it borders lower density residential uses. Buffers intended to minimize noise shall be planned between development in the Area and the activities generated by Progress Quarry just north of Scholls Ferry Road. Development shall also present a visually appealing view from Scholls Ferry Road. This includes a minimum of signage, building heights which generally follow the topography, preservation of natural vegetation and landscaping along the road.

## **NORTHERN TRIANGLE**

High medium residential uses at a maximum of 24 units per acre are planned for this triangular shaped subarea of the Planning Area. Largely undeveloped, the subarea is bordered on two of three sides by Scholls Ferry Road and SW 135th Avenue. Low density development along SW Fern Street and SW Walnut Street forms the southern boundary. The high medium densities take advantage of good transportation access in most directions and provide proximity to business districts in Beaverton and Tigard.

A road connection shall be constructed as an Arterial between Scholls Ferry Road and SW 135th Avenue in the general location shown on the Community Plan Map. Specific alignment will be determined at a later date. This connection is to be part of the extension of Murray Boulevard southeast to Pacific Highway (99W).

A Neighborhood Commercial center is planned on the northwest corner of the intersection of SW 135th Avenue and the recommended Murray Boulevard Extension. This commercial area shall be from 2-4 acres in size; the site size and shape will depend largely on the alignment of the recommended Murray Boulevard Extension.

Low medium residential densities at a maximum of 9 units per acre are designated south of the recommended Murray Boulevard extension connection as a transition from the area of major activity just described to the existing low density residential area around SW Fern Street and SW Walnut Street.

### **Design Elements:**

1. Developments within this Subarea shall be reviewed and designed in light of the recommended Murray Boulevard extension. Locations, land use and design conditions may be placed on development proposals in order to allow the future construction of this road.
2. Orientation of pedestrian activity shall be designed in a manner which takes advantage of future transit availability. This may include directing the orientation of buildings adjacent to Scholls Ferry Road toward that road, designing pedestrian paths on the road frontage and locating parking areas back and away from the major road.
3. The alignment and structure of the recommended Murray Boulevard extension shall be designed to minimize adverse impacts on significant natural resources and surrounding planned residential uses.
4. The area designated for low medium density housing between the recommended Murray Boulevard extension and the low density housing facing Fern Street and Walnut Street is **Area of Special Concern 5**.
5. This special area shall be designed and reviewed under the Master Planning-Planned Development process. Careful attention shall be given to designing the area as a transition from the medium density housing on the north to low density housing on the south.

Development in this Area of Special Concern is already buffered from Scholls Ferry Road and the Progress Quarry by a powerline easement. Nevertheless, development should be oriented to the Area's interior to protect residents from the potential impacts of the recommended Murray Boulevard extension and quarry activity. A minimum number of direct access points shall be planned onto the Murray Boulevard extension.

6. An area including thirteen existing land parcels between Scholls Ferry Road and 135th Avenue and encompassing part of Summer Creek is **Area of Special Concern 6**. The partitioning of land and building of any structures within this Area shall be designed and reviewed for location and



orientation as they affect circulation according to the Master Planning-Planned Development provisions of the Community Development Code. A general circulation plan for the Area shall be provided which minimizes 1) crossing of Summer Creek and 2) access onto Scholls Ferry Road and 135th Avenue.

## **SOUTHERN LOWLANDS**

The Southern Lowlands subarea is south of SW Beef Bend Road and King City, west of Pacific Highway and King City, north of the Tualatin River and east of the Urban Growth Boundary. This area is characterized by gently rolling lowlands and several existing medium density developments including a mobile home park south of Fisher Road and condominiums just north of the river. Adjacent King City has an average housing density of approximately 9.6 units per acre.

The Community Business District designated along Pacific Highway east of King City is the same as planned for the adjacent area by King City. Other land use designations contiguous to King City's borders are designed to be compatible with the adjacent densities within the City limits.

South of Fischer Road, along Pacific Highway, high medium residential densities at a maximum of 24 units per acre are designated for an area which includes some scattered commercial and residential uses. This is planned to reduce congestion caused by strip commercial development on Pacific Highway. It is intended that the immediate commercial needs of residents and visitors be served by nearby commercial activity in King city, south of the Tualatin River, and in the neighborhood commercial center planned at SW 131st and Beef Bend Road.

Residential development is planned at medium densities of a maximum 15 units per acre further west along Fischer Road and 131st Avenue. Lower medium residential densities at a maximum 9 units per acre are designated for the inner sections of the subarea near the Tualatin River and adjacent to the low medium density development in King City.

A small, approximately 2 acre neighborhood commercial site is planned at the corner of SW 131st Avenue and Beef Bend Road to serve these planned residential areas and development north of Beef Bend Road on the Bull Mountain slopes.

In recognition of an existing use, approximately one-half acre adjacent to Pacific Highway south of Fischer Road is designated Community Business District. This designation is the result of unique historical circumstances and shall not be used to justify additional commercial designations in the vicinity.

South of Beef Bend Road, between SW 131<sup>st</sup> Avenue and the BPA powerline right of way, is an area of approximately 89 acres that is designated FD-10. This area, known as Urban Reserve Area 47, was brought inside the UGB by Metro in December 1998. The FD-10 designation reflects provisions of the Washington County-King City Urban Planning Area Agreement (UPAA), which assigns responsibility for comprehensive planning and ultimate urban development of this area to King City.

### **Design Elements:**

1. Medium density (R-15) residential development in this subarea shall be designed to provide safe pedestrian access to potential transit stops on Fischer Road and 131st Avenue and the neighborhood commercial site planned at SW 131st Avenue and Beef Bend Road. The perimeter of the R-9 and R-15 density residential developments shall be designed and landscaped for compatibility with contiguous lower density developments.
2. Neighborhood commercial uses are planned for approximately 2-3 acres of land at the intersection of Beef Bend Road and SW 131st Avenue. An area southeast of this intersection, comprising approximately 11 acres of land, is **Area of Special Concern 7**. Development within this area is to be planned and reviewed under the Master Planning-Planned Development provision in the

Community Development Code. However, the area may be included as part of a larger Planned Development proposal in which the commercial uses may be mixed with other uses, such as recreation facilities for surrounding residents.

This small neighborhood commercial center at SW 131st and Beef Bend Road is intended to serve the everyday convenience shopping and service needs of residents in the subarea as well as residents living on the south slopes of Bull Mountain. Uses such as a grocery store, drug store, and laundromat are intended. The center shall be designed to attract pedestrian use and shall include a covered waiting area for transit users.

3. No development along Pacific Highway shall be oriented toward or accessed from Pacific Highway directly. Such development shall also be buffered from the highway with landscaping and present a visually appealing view from the highway.
4. All of the land from approximately 600 feet south of Fischer Road to the Tualatin River between Pacific Highway 99 to 131st Avenue comprises **Area of Special Concern 8**. Development within this area is to be planned and reviewed under the Master Planning-Planned Development provisions in the Community Development Code in order to adequately treat the 100 year floodplain of the Tualatin River. Densities calculated from unbuildable land may be transferred according to the Community Development Code.

Above all, in this Area of Special Concern, the Tualatin River and its floodplain shall be retained in its natural condition, including topography and vegetation. Development along the Tualatin River shall provide for public access to the river and shall dedicate to the public, whenever possible, a pedestrian/bike path along the river connecting a Tualatin River pathway system and a potential community park.

The developer shall be required to present a plan addressing the following issues and providing for appropriate solutions:

- a) types and intensity of recreational, educational and open space uses;
  - b) public pathway system including access to the river and views of the river;
  - c) protection of significant features, including existing vegetation;
  - d) park site identification;
  - e) plan for public dedication or acquisition.
5. The approximately 89 acres of land that comprise Urban Reserve Area 47, located south of Beef Bend Road and west of SW 131<sup>st</sup> Avenue, is **Area of Special Concern 9**. This area was added to the UGB by Metro in December 1998 by Metro Ordinance No. 98-779D. Accordingly, the Washington County-King City Urban Planning Area Agreement (UPAA) was amended to assign comprehensive planning and development responsibilities for this area to King City. In accordance with the provisions of the UPAA, King City will be responsible for adopting urban plan and zoning designations for the area. The urban designations will not become effective and development of the land in the area pursuant to the designations will not occur until the land has been annexed to King City. Because King City is responsible for comprehensive planning and subsequent development for the area, the FD-10 designation was applied to this area so that development to ultimate urban densities will occur when the land is annexed to the City. In accordance with the provisions of Metro Ordinance No. 98-779D, the southern boundary of Area of Special Concern 9 is the FEMA 100 year flood plain elevation of 129 feet.

## **WESTERN SLOPES**

In 2002, Metro added to the Regional Urban Growth Boundary (UGB) the area referred to herein as the Western Slopes Subarea. The subarea is approximately 485 acres in size. The subarea is bordered to

the north by Scholls Ferry Road. Roy Rogers and Bull Mountain Roads cross the northern portion of the area.

The predominant use of this subarea is agricultural with limited single family residences. This area is designated Future Development - 20 Acres (FD-20) and will maintain this designation until the planning for this new urban area is complete. The planning for this area shall be consistent with the requirements of the Comprehensive Plan and Title 11 of Metro's Urban Growth Management Functional Plan.

## **TRANSPORTATION**

Primary descriptions of Washington County's transportation system policies, strategies, facilities and services, including those serving the Bull Mountain area, are contained in the adopted Washington County 2020 Transportation Plan.

Both the county-wide development concept and location criteria for land uses assumed the transportation system as a primary factor in determining composition, orientation, and intensity of specific land uses. For example, commercial and medium to high density residential uses are encouraged to locate adjacent to or close to Collector or Arterial roads. Similarly, increasing costs or roadway improvements were a factor in the self-sufficient, balanced land use concept of development adopted by the County.

In the Bull Mountain Planning Area, existing and potential transportation routes are an important factor in determining its development concept, internal circulation and land use location. Bull Mountain Road, Beef Bend and Walnut Street serve most of the traffic generated by development within the area. Other Collector and Arterial roads are located on the perimeter of the planning area and serve to move traffic back and forth between nearby shopping and employment centers and the concentrations of housing planned at the foot of Bull Mountain.

### **ROADS**

The Washington County 2020 Transportation Plan prescribes significant improvements and changes to the existing road system in the Bull Mountain area. These include widening and rebuilding roads to a standard appropriate to their designated functional classifications, and connecting, extending or realigning certain roads as prescribed in the Washington County 2020 Transportation Plan. These improvements and changes are intended to respond to existing deficiencies in the road system and changes in the traffic flows that are projected to occur.

Roadway projects identified as needed during the next 20 years are listed in the Washington County 2020 Transportation Plan's Technical Appendix.

### **TRANSIT**

Transit service must become an important part of the planning area's transportation system. Improvements to the road system will be insufficient to accommodate anticipated employment and population growth unless transit service is expanded and ridership increases. The plan assumes that public transit service to the community will be improved generally, with greater frequency of service and better intra-community and inter-community access.

Transit policies, strategies, facilities and services are identified in the Washington County 2020 Transportation Plan. These are implemented over time by TriMet in coordination with regional and local governments and service providers, including Washington County, as resources and priorities direct.

### **PEDESTRIAN/BICYCLE PATHWAYS**

The plan assumes eventual development of all pedestrian and bicycle facilities identified in the Washington County 2020 Transportation Plan. Generally, the Plan calls for bikeways along all Arterial and Collector roads in the area, as well as along major streams and in power line easements. The timing

of pathway development will be determined by the availability of resources and the application of plan implementation priorities, as identified in the Transportation Plan.

## **LOCAL STREET CONNECTIVITY**

Local streets should provide routes for local trips to help keep through trips on Collector and Arterial streets. The aggregate effect of local street design impacts the effectiveness of the Arterial and Collector system when local travel is restricted by a lack of connecting routes, and local trips are forced on to the Arterial or Collector network. To ensure that the local street system will provide a connected network that will support local travel needs, lands that have been determined to be of sufficient size and that are candidates for development or redevelopment, are identified on the Local Street Connectivity Map. The Local Street Connectivity Map indicates where, as part of development: 1) Local streets are required to connect to the existing system; and 2) Where it is impracticable to provide a local street connection based on criteria in the Community Development Code, bicycle and pedestrian accessways are required instead. For the purposes of these standards, an 'accessway' is defined as any off-street way which is intended for the primary use of pedestrians and/or bicycles.

## **Review Standards for Development on Lands Designated on the Local Street Connectivity Maps**

The following review standards shall be used to: 1) meet Metro's street connectivity requirements; 2) provide a generally direct and uncircuitous pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and 3) ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of this section.

1. In the event of a conflict between the standards in this section and the Local Street Connectivity Maps, the more specific Community Plan elements shall control.
2. For residential, office, retail, and institutional development on lands as shown on the Local Street Connectivity Maps, on-site streets shall be provided which meet the following standards:
  - A. Block lengths for local streets and Collectors shall not exceed five hundred and thirty (530) feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Section 2.D. are met.
  - B. The total length of a perimeter of a block for local and Collector streets shall not exceed eighteen hundred (1,800) feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 2.D. or Sections 4 or 5 are met.
  - C. Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impracticable due to the provisions of Section 2.D., or application of Sections 4 or 5.
  - D. The Review Authority may modify the review standards of Section 2.A., B., or C. (above) or Section 3 (below) based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to one or more of the following:
    - (1) Topography, although grades that may be too steep for a street are not necessarily too steep for an accessway;
    - (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;

- (3) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
  - (4) Abutting undeveloped or underdeveloped property is not designated with an urban residential district, the FD-10 District or an urban reserve area;
  - (5) Arterial access restrictions; or
  - (6) Railroads.
- E. Streets shall connect to all existing or approved stub streets which abut the development site.
- F. When cul-de-sacs are allowed under 2.D., they shall be limited to two hundred (200) feet and no more than twenty-five (25) dwelling units unless impracticable.
3. For residential, office, retail, and institutional development on lands as defined on the Community Plan Local Street Connectivity maps, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:
- A. For blocks abutting an Arterial or Collector, when block lengths exceed five hundred and thirty (530) feet, an accessway shall be provided to connect streets for every three hundred and thirty (330) feet of frontage or portion thereof;
  - B. Accessways to connect with all existing or approved accessways which abut the development site;
  - C. Accessways to provide direct access to abutting pedestrian oriented uses and transit facilities which are not served by a direct street connection from the subject property. Accessways to provide future connection to abutting underdeveloped or undeveloped property which is not served by a direct street connection from the subject property and which is not designated as Industrial or General Commercial land where the abutting property line exceeds one hundred (100) feet. Where the abutting property line exceeds four hundred (400) feet, additional accessways may be required by the Review Authority based on expected pedestrian demand. The Review Authority may reduce the number of required accessways to abutting properties if: a) such a reduction results in spacing of streets and/or accessways of three hundred and thirty (330) feet or less, and b) reasonably direct routes are still provided for pedestrian and bicycle travel in areas where pedestrians and bicycle travel is likely if connections are provided.
  - D. Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use;
  - E. Accessways may be required to stub into adjacent developed property if the Review Authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and the adjacent developed property attracts a greater than average level of pedestrian use.
4. The Review Authority may modify the dimensional standards in this section based on findings that these standards conflict with other adopted public facilities standards or traffic safety concerns identified through the development review process and provided that the modification is the minimum necessary to address the constraint.

5. Modification of Standards For an Alternate Design Through a Quasi-Judicial Public Hearing Procedure

The Review Authority may approve a modification to the circulation analysis review standards through a Quasi-Judicial Public Hearing procedure based on findings that:

- A. The applicant has submitted an alternate design which serves the purpose of providing safe, convenient and direct pedestrian and bicycle access and access to transit consistent with the standards of the Transportation Plan, the Community Plans, and the Transportation Planning Rule (OAR 660-12); and
- B. The development's proposed circulation analysis for pedestrian, bicycle and access to transit meets the following criteria:
  - (1) Does not preclude abutting property from meeting the review standards of Section 2 or 3, above;
  - (2) Provides streets or accessway connections to all existing or approved stub streets or accessways which abut the site;
  - (3) Provides Arterial accessways as required by the standards above;
  - (4) Provides a street and pedestrian/bicycle circulation system design which is compatible with the design of the street and pedestrian/bicycle system of abutting developed property;
  - (5) Provides safe, convenient and generally direct access to transit and nearby pedestrian oriented uses; and
  - (6) Walking distances on pedestrian ways within and from the new development are not increased from what would be developed under the requirements of Section 2 or 3, above.

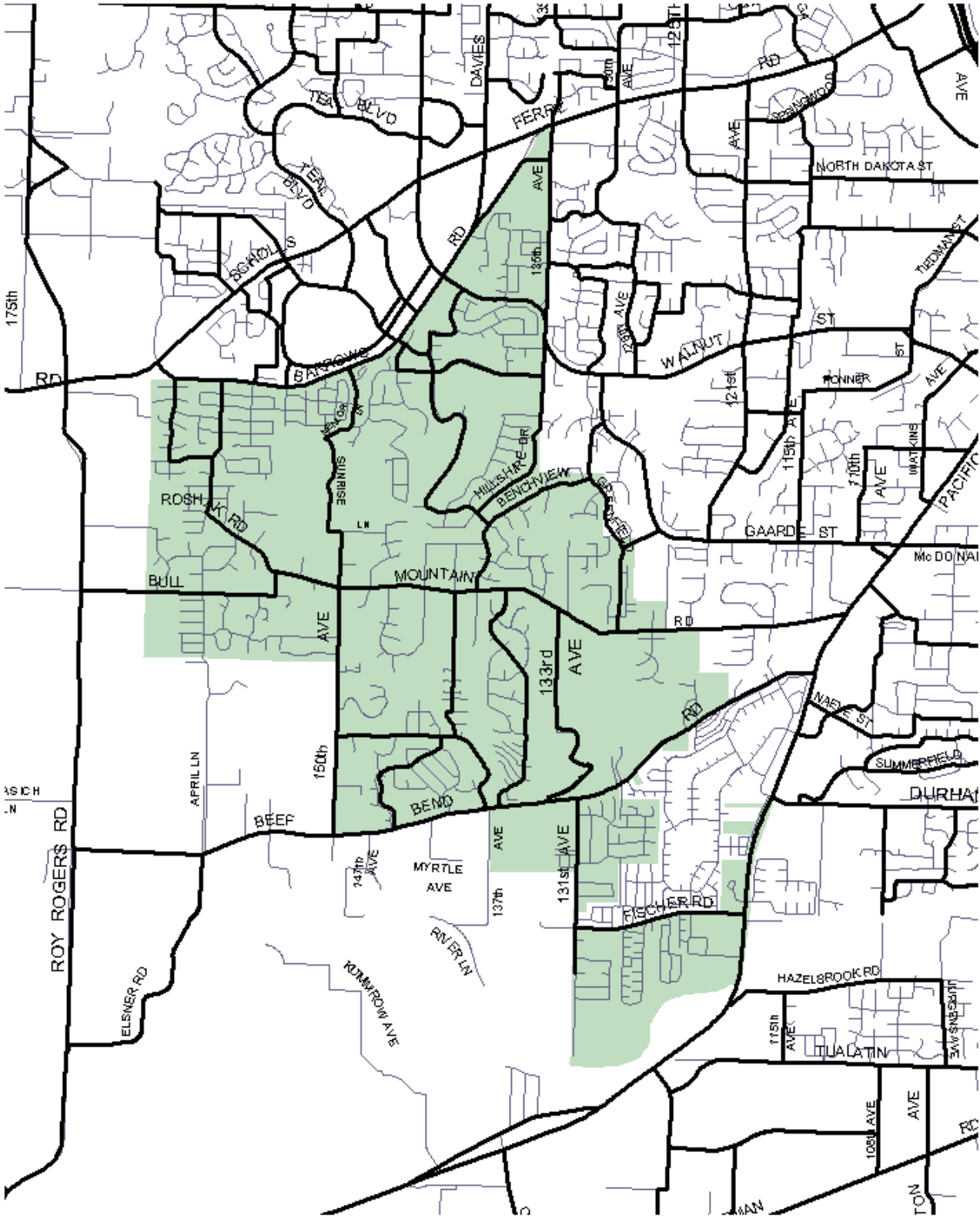
### **PEDESTRIAN CONNECTIVITY AREAS**

Pedestrian connectivity areas are areas where pedestrian facilities are needed to improve local pedestrian connectivity. These are areas where the pedestrian facilities will connect neighborhoods and/or provide a more direct route for pedestrians to use. Each pedestrian connectivity area identifies the locations that are to be connected. The appropriate types of pedestrian facilities within these areas are sidewalks along streets, accessways, off-street trails, off-street pathways, or a combination of these facilities.

The pedestrian connectivity areas in this plan and their purpose are described below.

- The Baker Lane/Sunrise Lane Area: Connect this area by providing pedestrian facilities between SW Baker Lane and SW Sunrise Lane.

For pedestrian connectivity areas with shaded parcels, the entirety of each parcel where the pedestrian facility may be provided across is shown. For other pedestrian connectivity areas, a particular type of facility and its location is identified. Through the development review process, the appropriate type of facilities to be provided in these areas and their location will be identified, except in those areas where a specific facility is shown. The required pedestrian facilities shall be constructed as part of the development of the affected properties.



- Community Plan Boundary
- Local Street
- Non-local streets and non-special area local streets. The transportation functional classification for these streets and roads is designated in the Transportation Plan.

**Transportation Functional Classification Map**



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## Distribution of Planned Land Uses

Land Use Districts		Acres	Percentage
Residential 5	R-5	26.65	1.78%
Residential 6	R-6	1,091.46	72.96%
Residential 9	R-9	192.74	12.88%
Residential 15	R-15	148.12	9.90%
Residential 24	R-24	15.13	1.01%
Residential 25+	R-25+		0.00%
Transit Oriented Residential 9-12	TO:R9-12		0.00%
Transit Oriented Residential 12-18	TO:R12-18		0.00%
Transit Oriented Residential 18-24	TO:R18-24		0.00%
Transit Oriented Residential 24-40	TO:R24-40		0.00%
Transit Oriented Residential 40-80	TO:R40-80		0.00%
Transit Oriented Residential 80-120	TO:R80-120		0.00%
Office Commercial	OC		0.00%
Neighborhood Commercial	NC		0.00%
General Commercial	GC		0.00%
Community Business District	CBD	3.71	0.25%
Transit Oriented Retail Commercial	TO:RC		0.00%
Transit Oriented Business District	TO:BUS		0.00%
Transit Oriented Employment District	TO:EMP		0.00%
Industrial	IND		0.00%
Institutional	INST	18.19	1.22%
Total		1496.00	100.00%

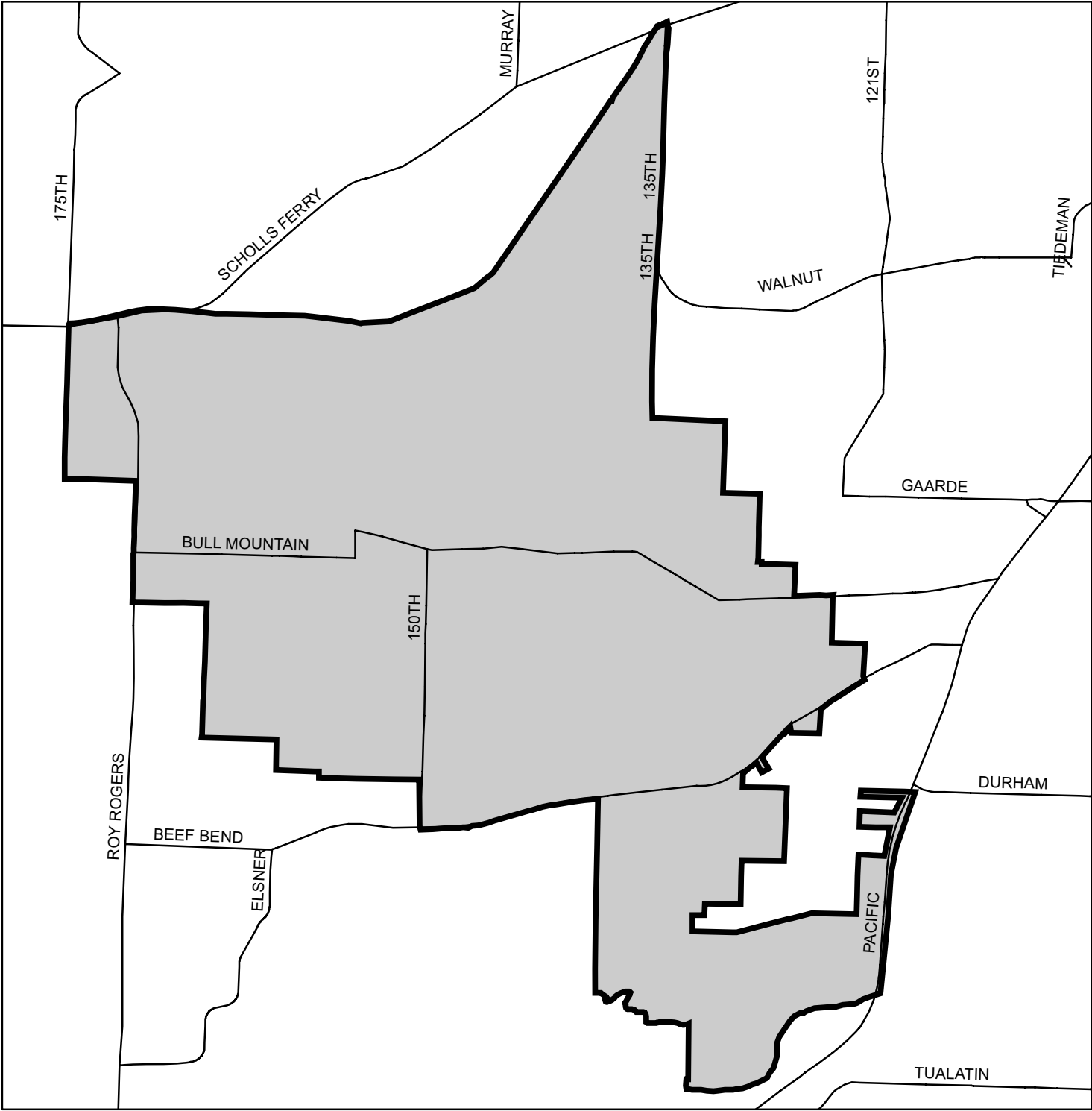


The following provisions are applicable to the land use maps:

The land use designation for public rights of way and bodies of water is based upon the land use designation of the property in the community plan boundary adjacent to the right of way or body of water as described below:

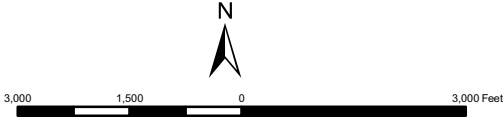
1. When a public right of way or a body of water forms the community plan boundary, the land use designation of the adjacent property within the community plan shall be the land use designation for that right of way or body of water.
2. For all other rights of way and bodies of water, the land use designation of the properties adjacent to each side of the right of way or body of water shall be applied to the centerline of the right of way or body of water.

# Bull Mountain Community Plan

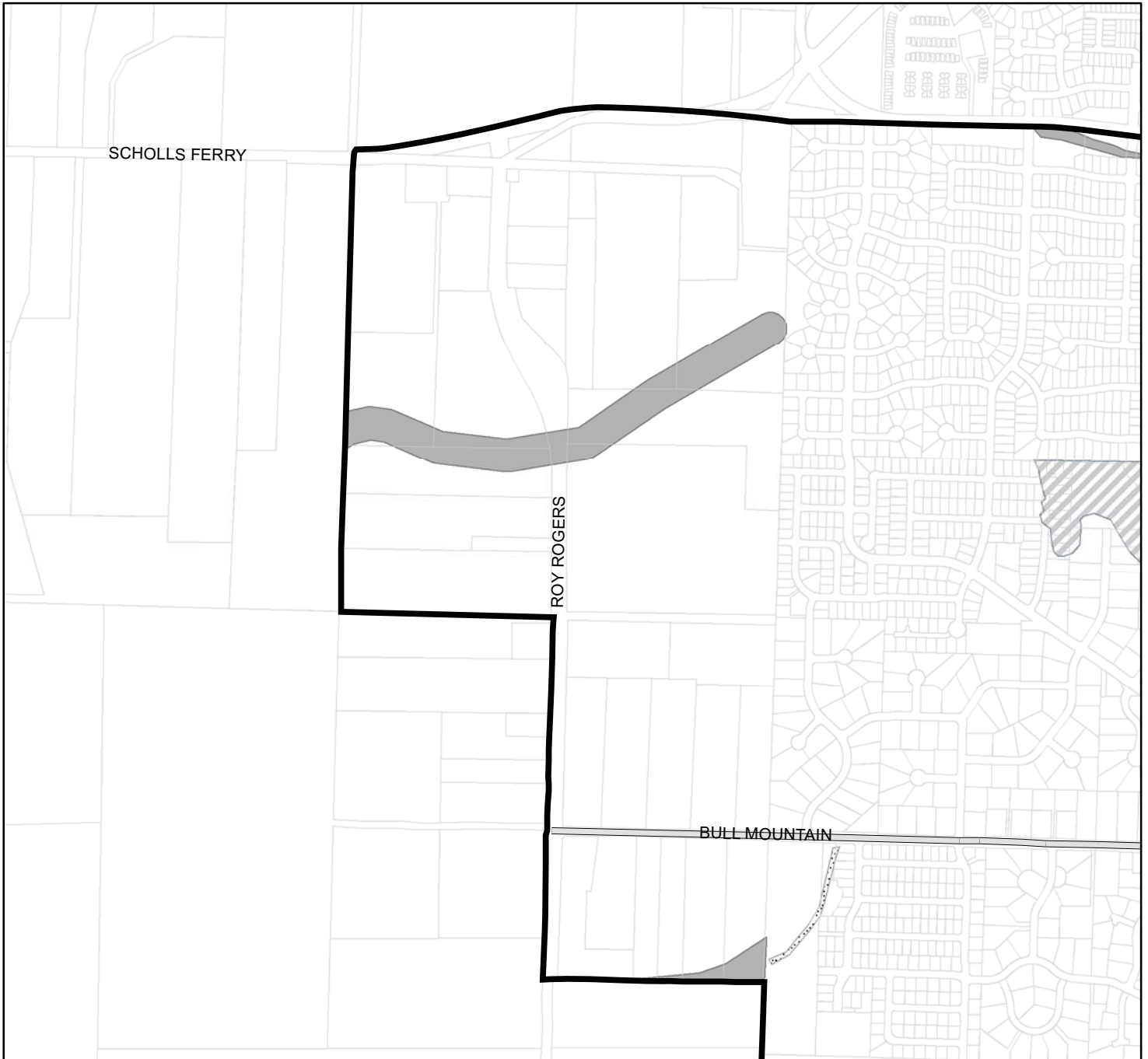


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 Bull Mountain Community Plan Boundary







Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

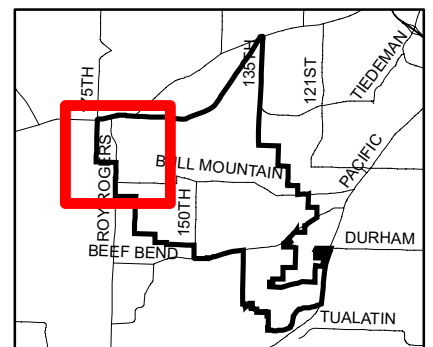


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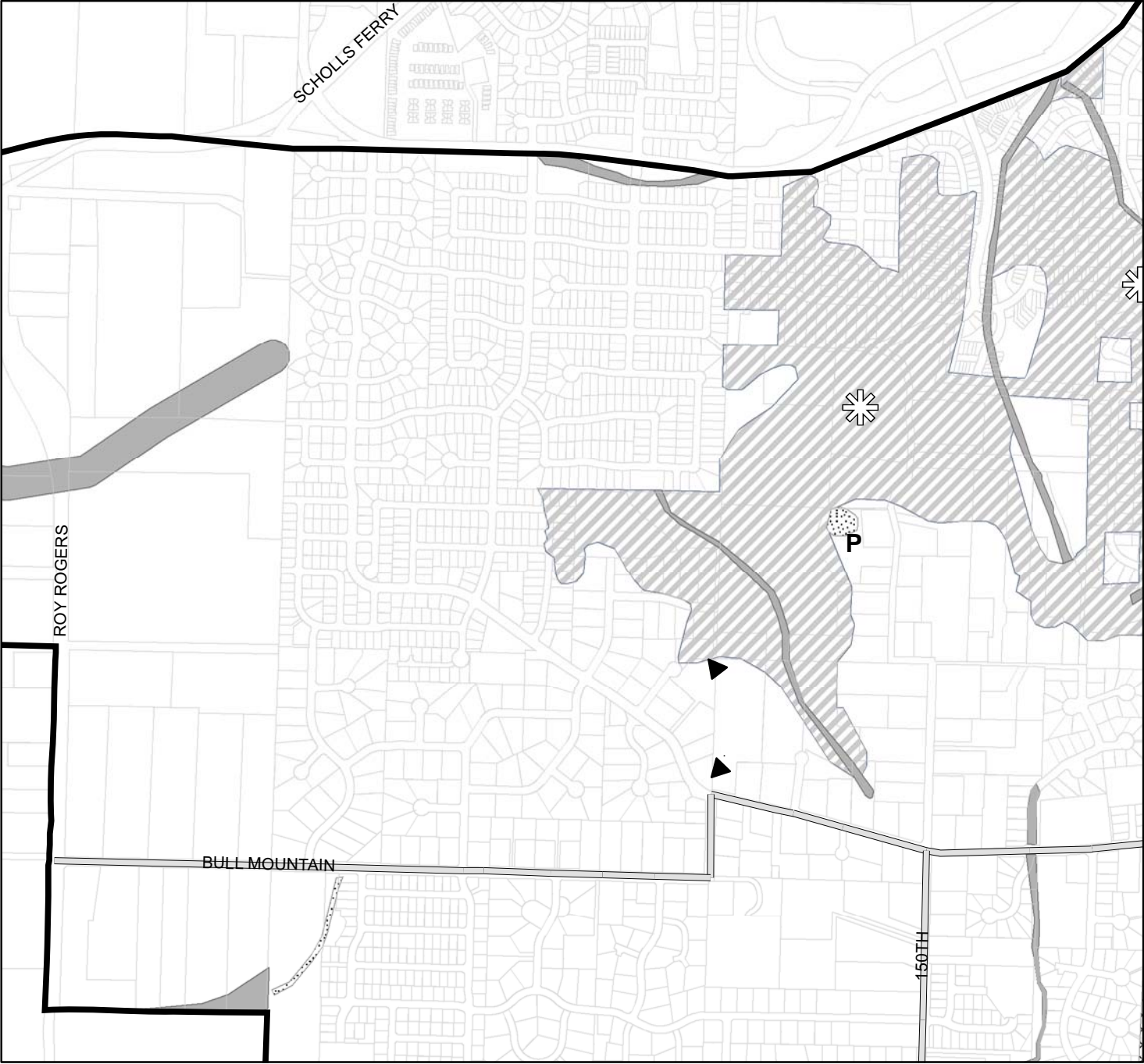
**SIGNIFICANT NATURAL RESOURCES MAP 1**

-  Water Area/Wetland/  
Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
-  Park Deficient Area







Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

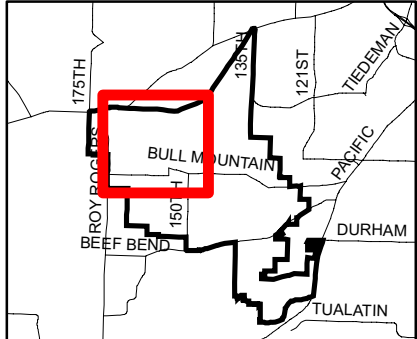


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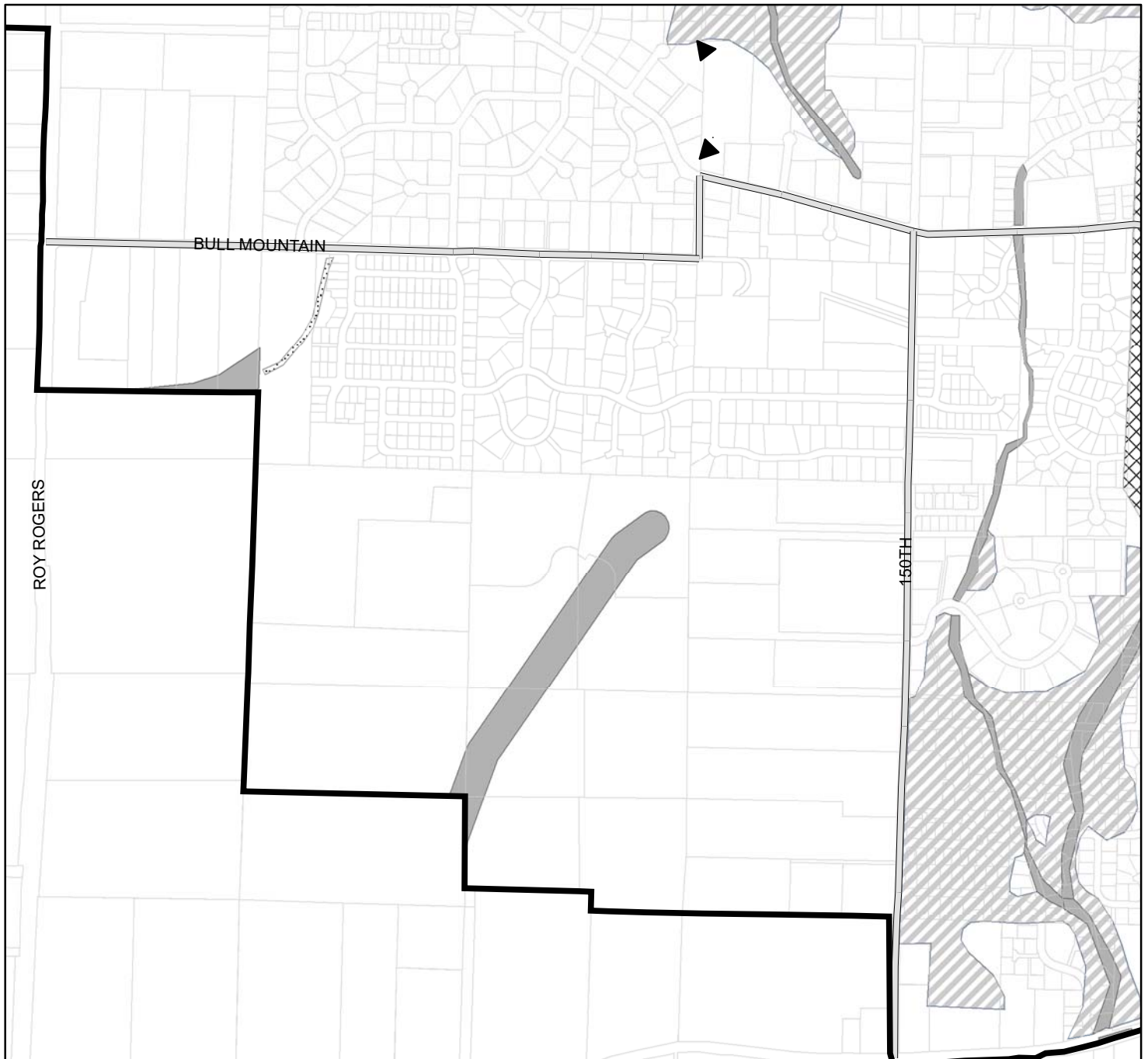
**SIGNIFICANT NATURAL RESOURCES MAP 2**

-  Water Area/Wetland/  
Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
-  Park Deficient Area







Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

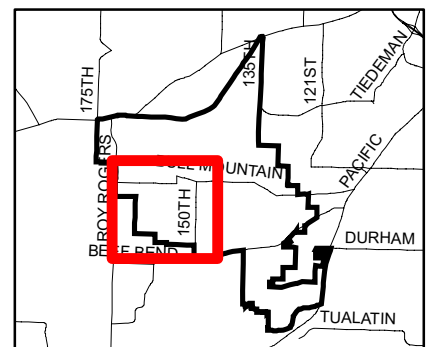


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**SIGNIFICANT NATURAL RESOURCES MAP 3**

-  Water Area/Wetland/  
Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
-  Park Deficient Area








Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

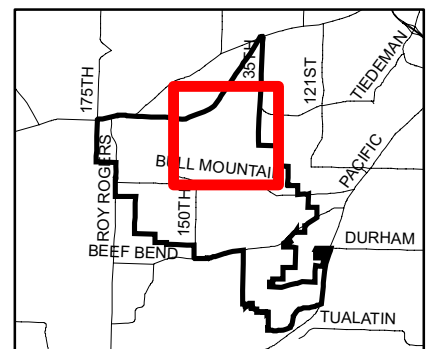


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**SIGNIFICANT NATURAL RESOURCES MAP 4**

-  Water Area/Wetland/  
Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
- P** Park Deficient Area






Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

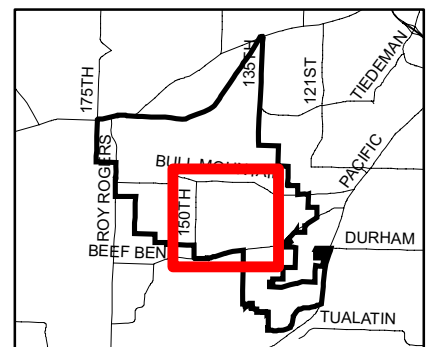


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**SIGNIFICANT NATURAL RESOURCES MAP 5**

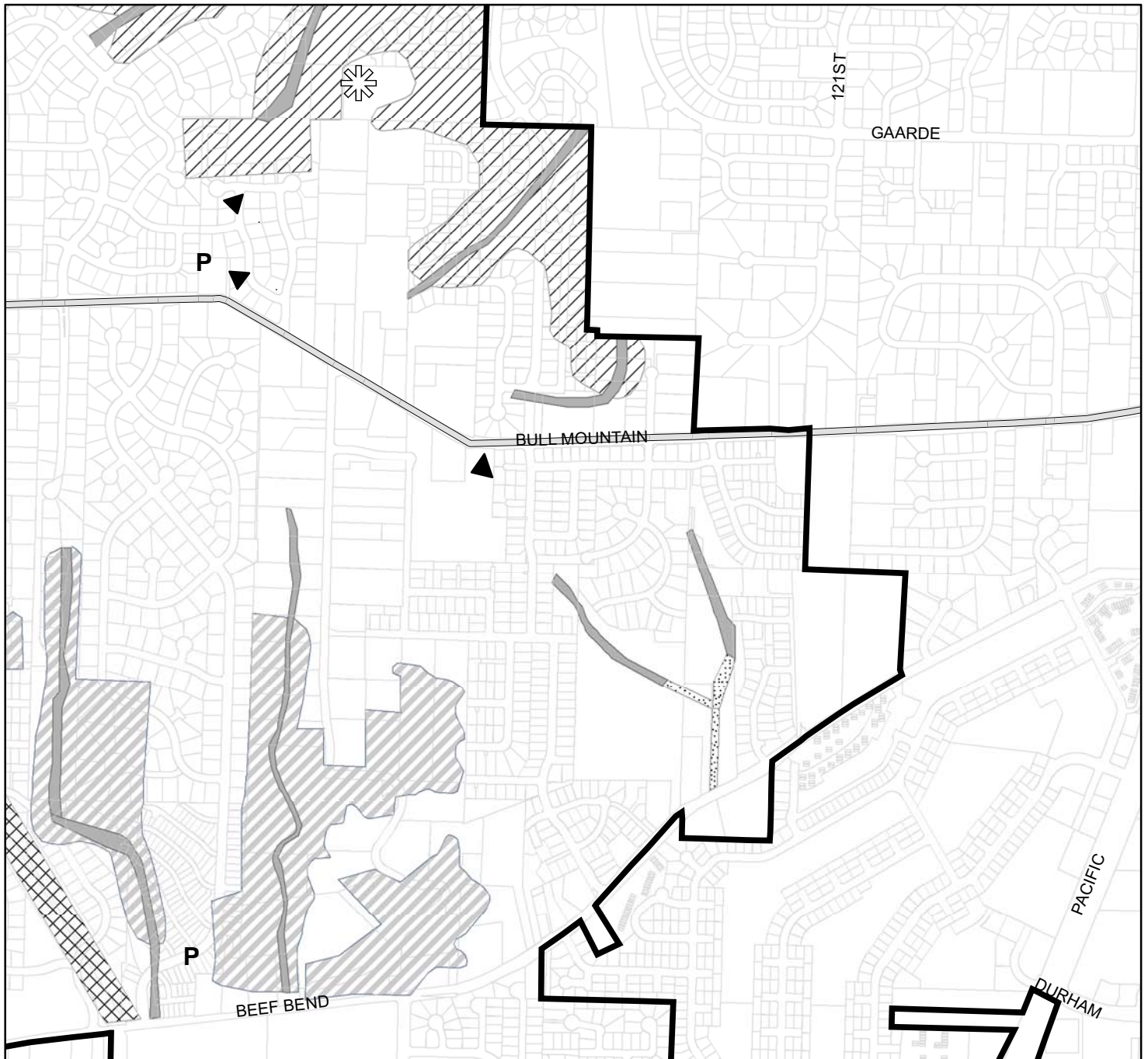
-  Water Area/Wetland/  
Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
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-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
- P** Park Deficient Area









Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

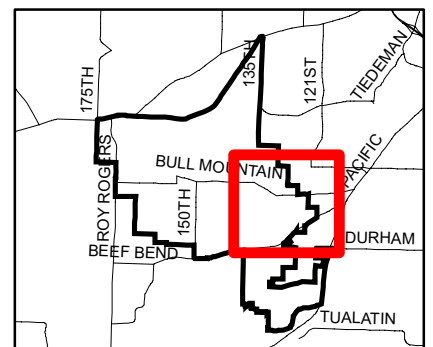


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**SIGNIFICANT NATURAL RESOURCES MAP 6**

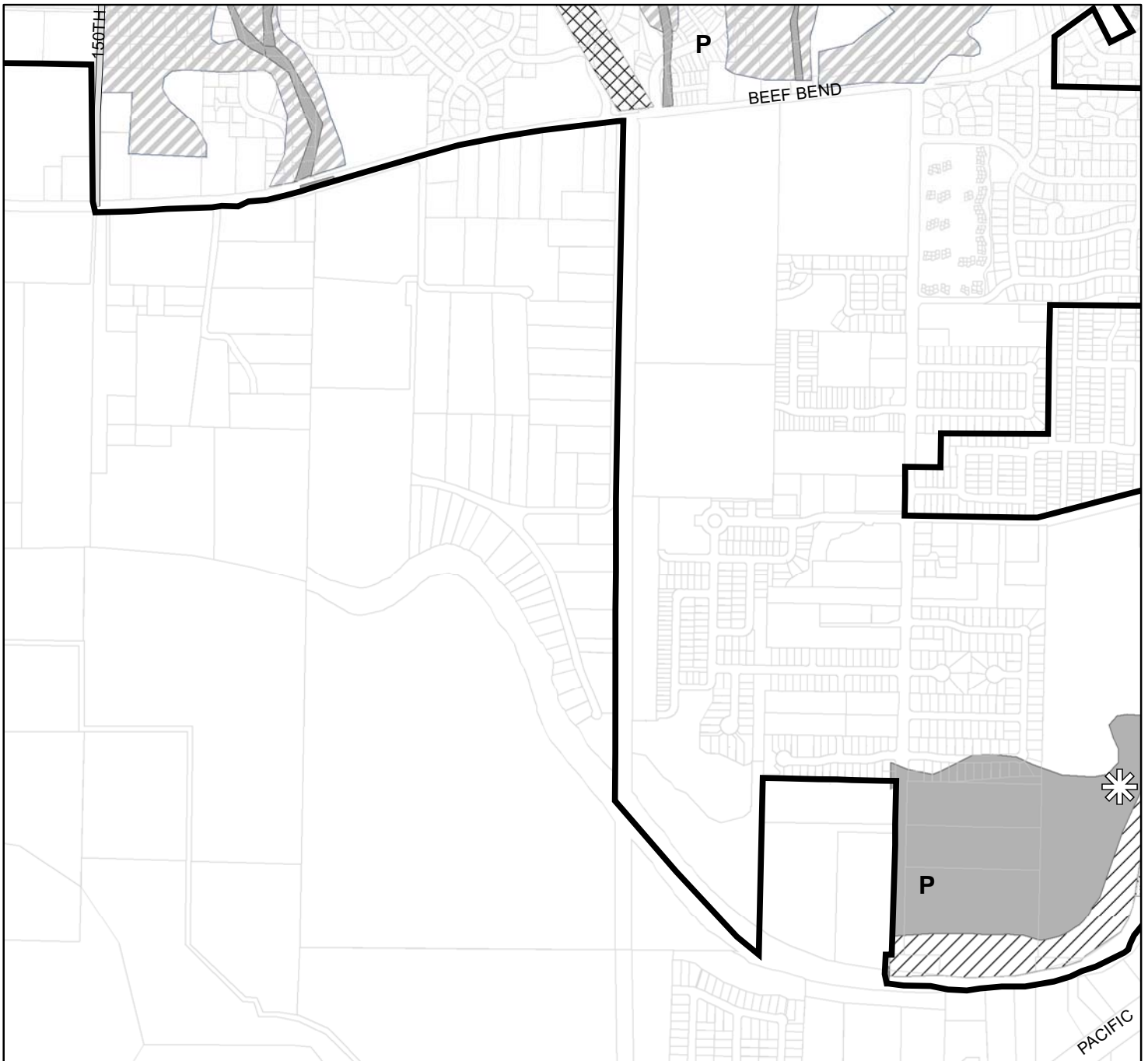
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Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
-  Park Deficient Area









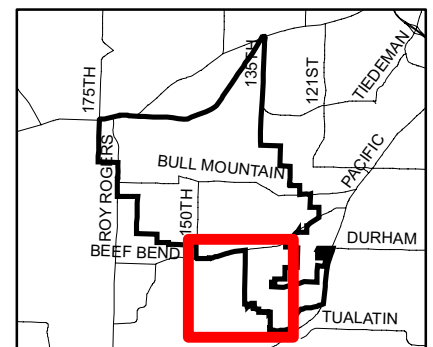
Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources



**SIGNIFICANT NATURAL RESOURCES MAP 7**

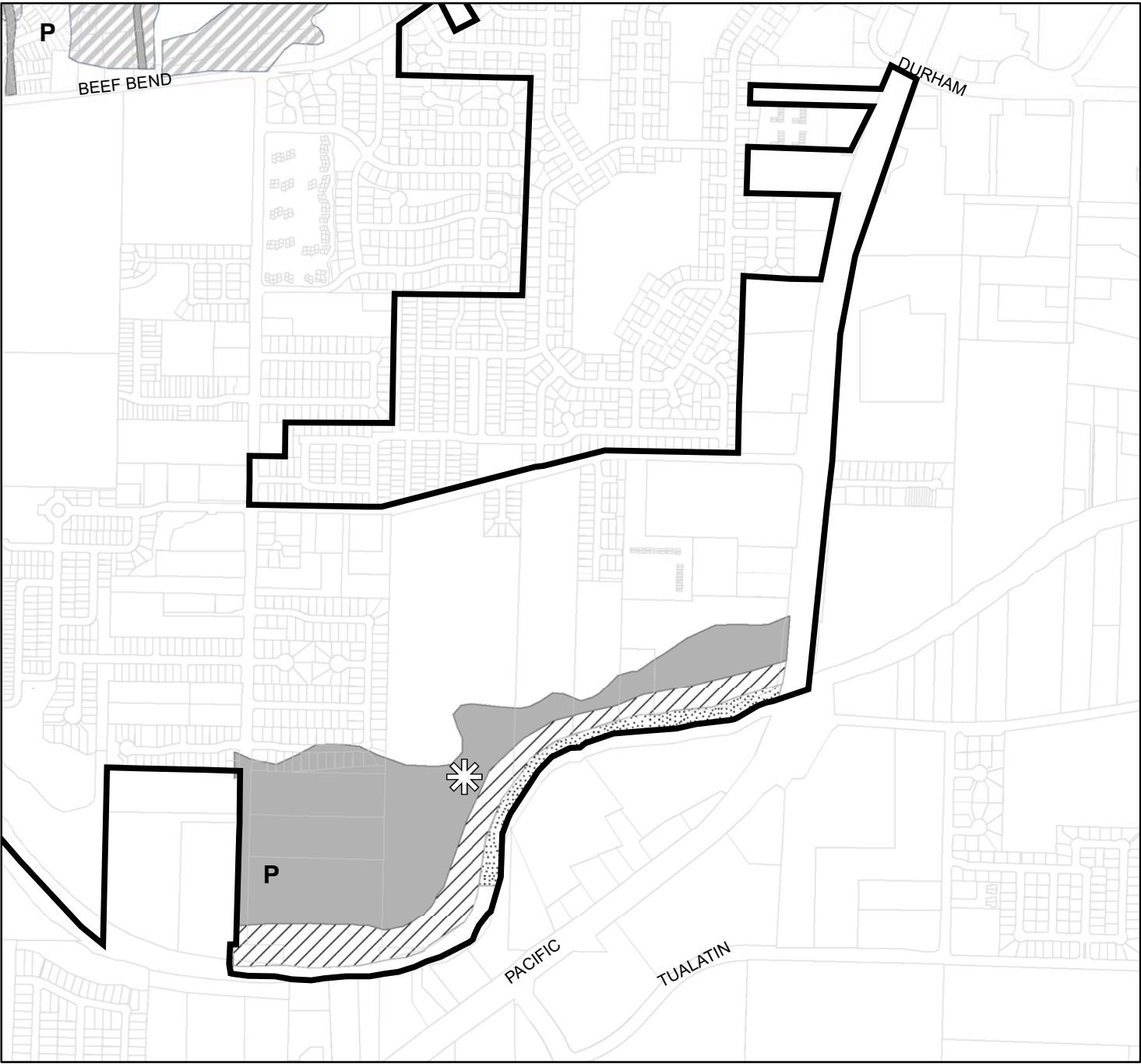
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Fish & Wildlife Habitat
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-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary

-  Scenic Route
-  Scenic Features
-  Scenic Views
-  Park Deficient Area



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



Bull Mountain Community Plan  
 Significant Natural and  
 Cultural Resources

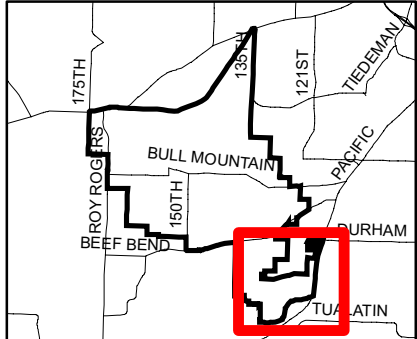


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**SIGNIFICANT NATURAL RESOURCES MAP 8**

-  Water Area/Wetland/  
Fish & Wildlife Habitat
-  Water Area and Wetland
-  Wildlife Habitat
-  Significant Natural Area
-  Open Space
-  Community Plan Boundary


-  Scenic Route
-  Scenic Features
-  Scenic Views
-  Park Deficient Area



# Bull Mountain Community Plan Land Use Districts

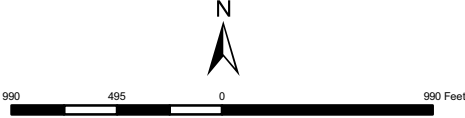
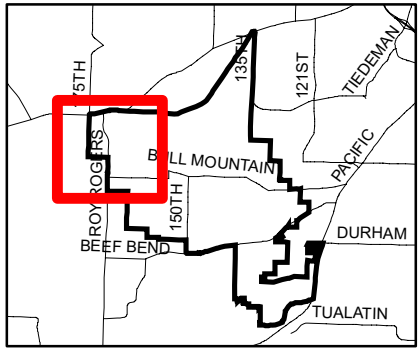


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-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

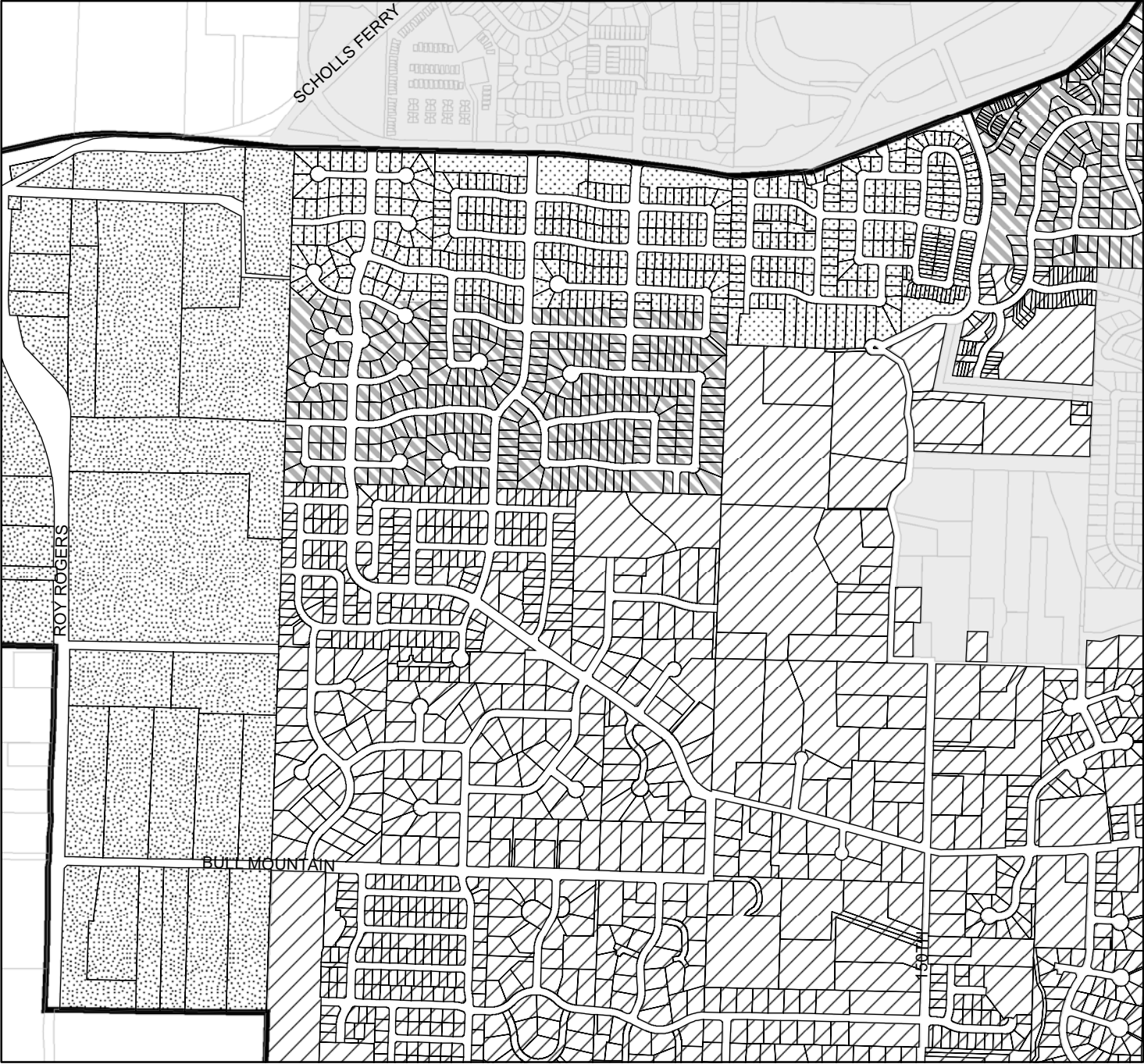
 Community Plan Boundary


## LAND USE MAP 1





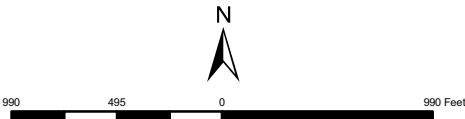
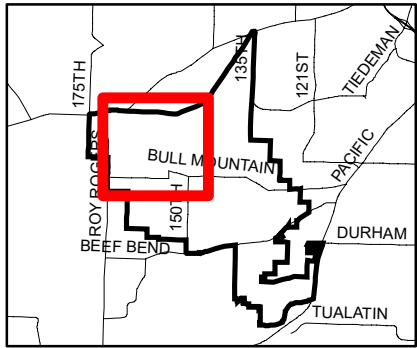
# Bull Mountain Community Plan Land Use Districts



-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

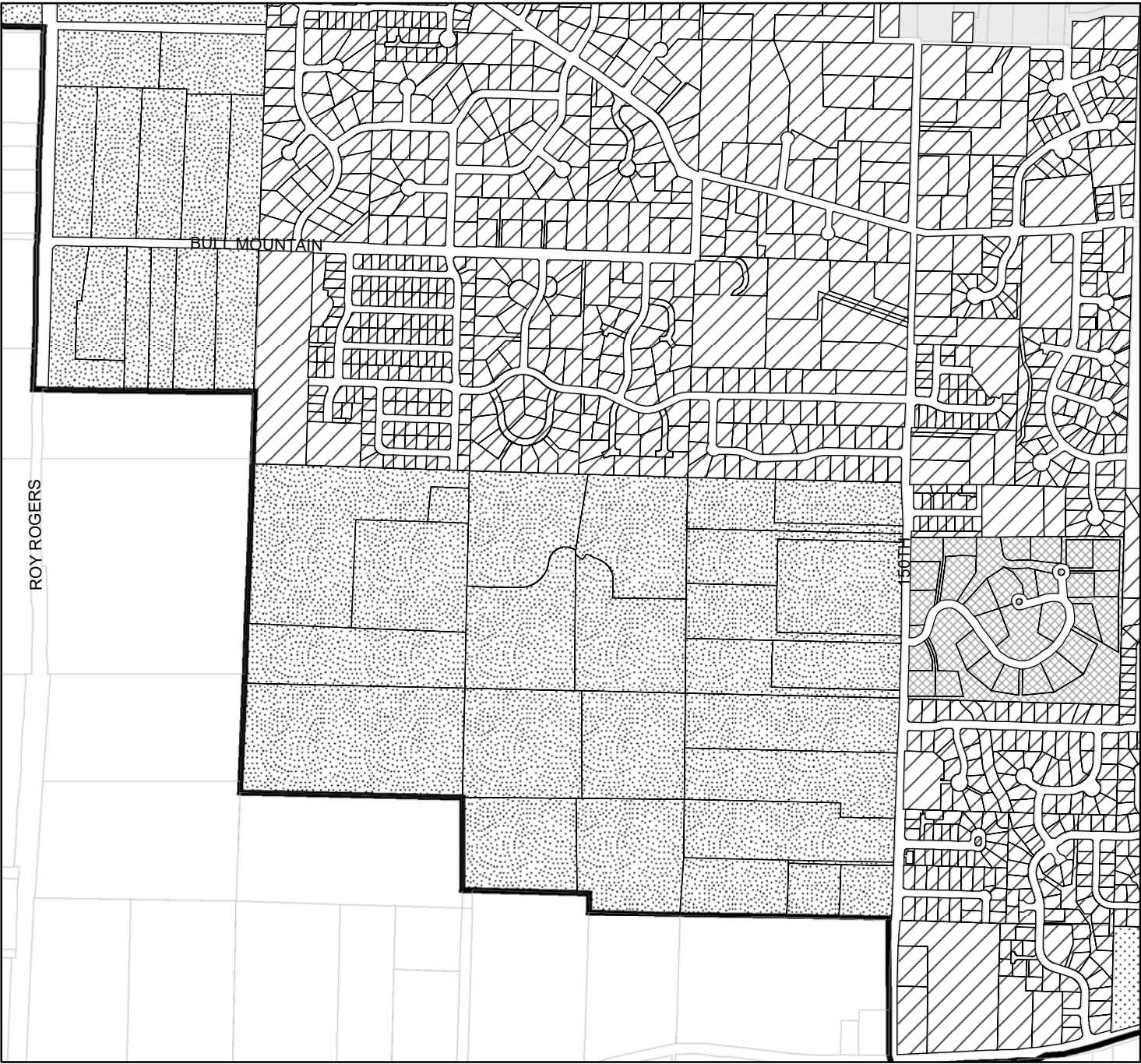
 Community Plan Boundary

## LAND USE MAP 2





# Bull Mountain Community Plan Land Use Districts

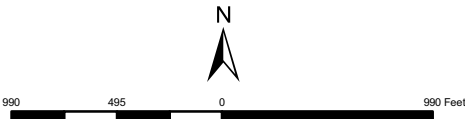
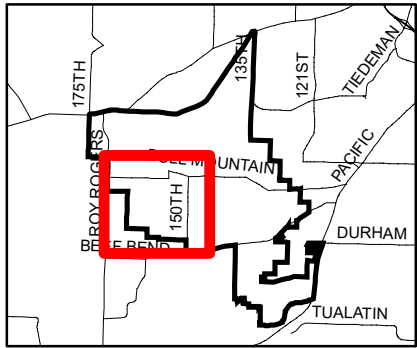


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-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

 Community Plan Boundary

## LAND USE MAP 3



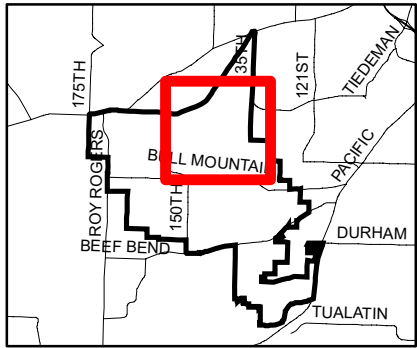
# Bull Mountain Community Plan Land Use Districts



-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

 Community Plan Boundary

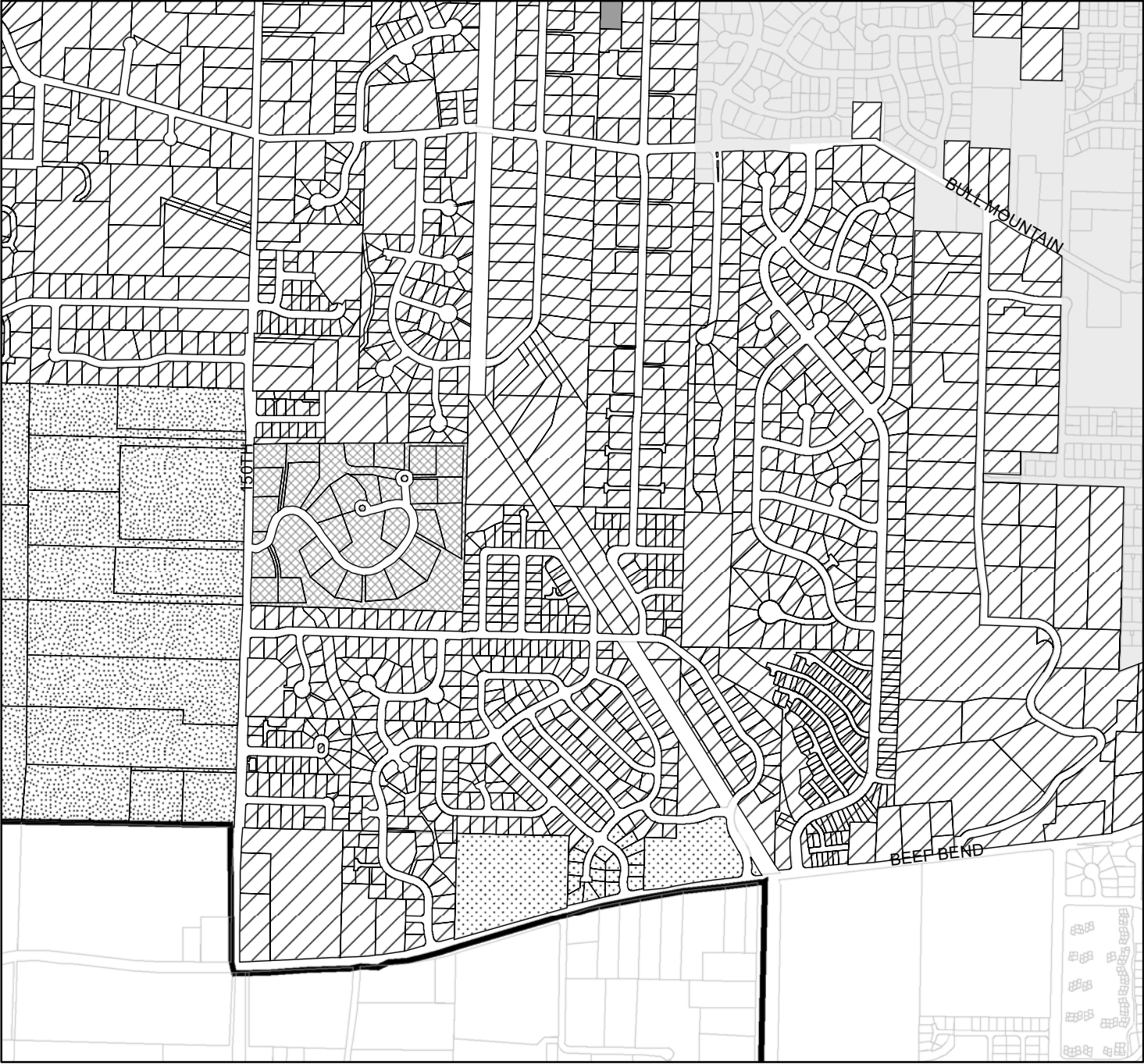
## LAND USE MAP 4



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# Bull Mountain Community Plan Land Use Districts

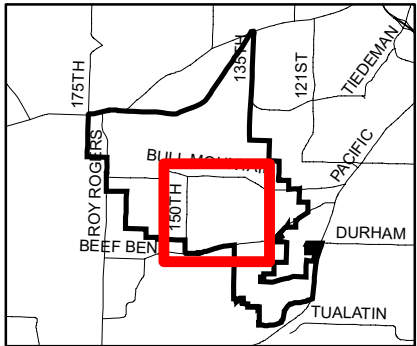


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-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

 Community Plan Boundary






## LAND USE MAP 5




# Bull Mountain Community Plan Land Use Districts

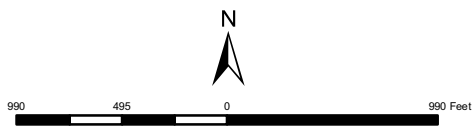
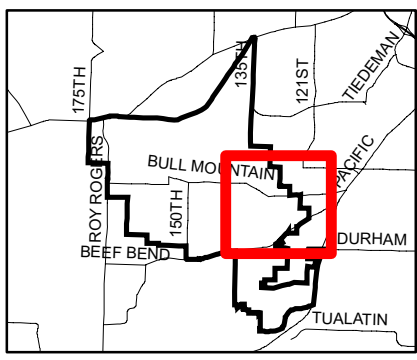


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-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

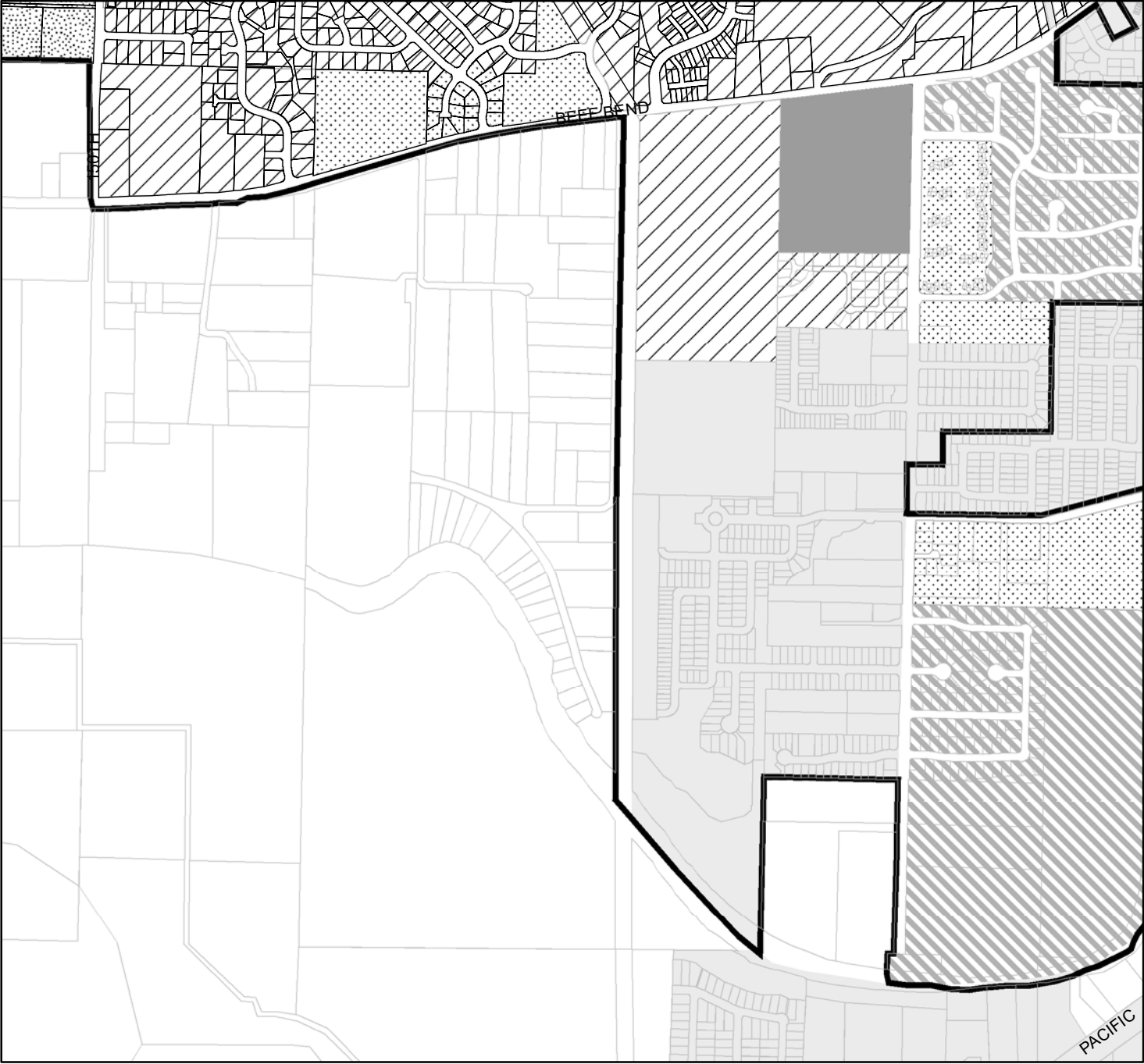
 Community Plan Boundary

## LAND USE MAP 6






# Bull Mountain Community Plan Land Use Districts

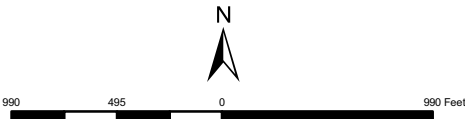
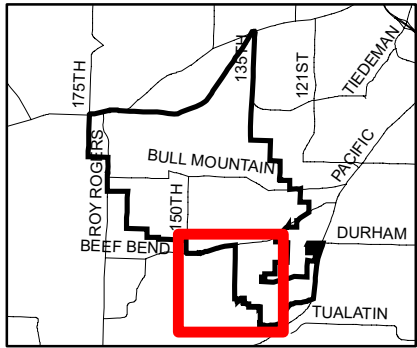


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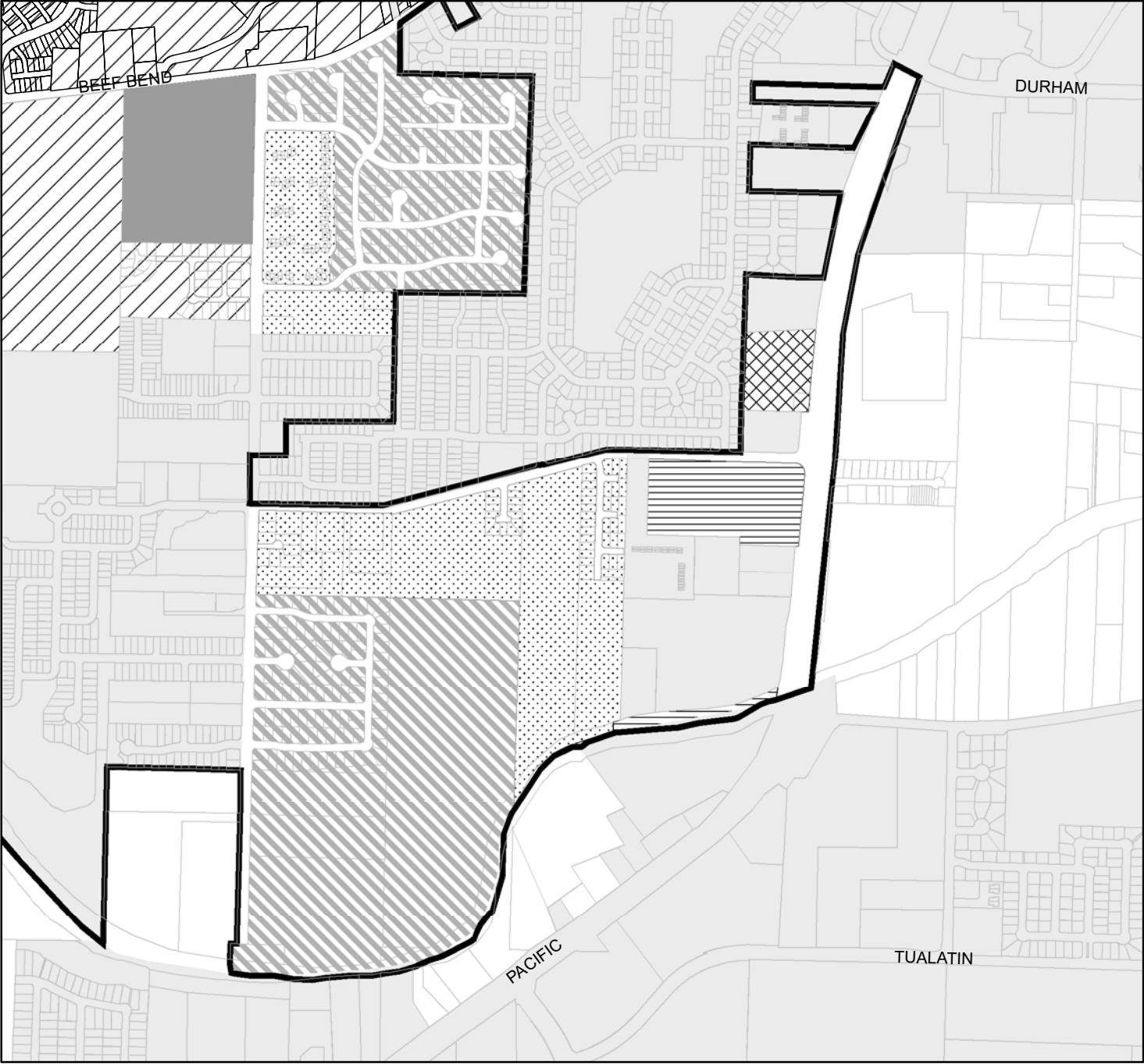
-  R5
-  R6
-  R9
-  R15
-  INST
-  FD20
-  City Jurisdiction

 Community Plan Boundary









## LAND USE MAP 7





# Bull Mountain Community Plan Land Use Districts

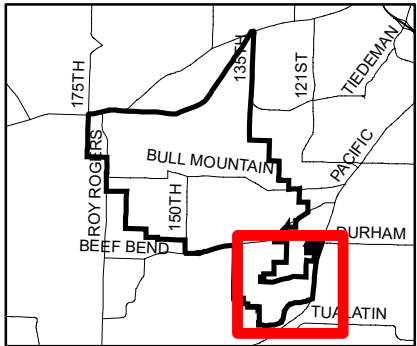


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-  R5
-  R6
-  R9
-  R15
-  R24
-  CBD
-  INST
-  FD20

-  City Jurisdiction
-  Community Plan Boundary

## LAND USE MAP 8



# **WEST TIGARD COMMUNITY PLAN**

Volume XVII of the Washington County Comprehensive Plan

## **THE RELATIONSHIP OF THE WEST TIGARD PLAN TO THE CITY OF TIGARD COMPREHENSIVE PLAN**

The West Tigard Planning Area has been identified as part of the City of Tigard "Active Planning Area." Under the active planning concept, a City accepts planning responsibilities for areas outside of its corporate limits because the City feels the area will ultimately have to annex in order to receive urban services for development. Although most of the West Tigard Planning Area will have to rely on the City for urban services, some portions may be able to obtain the services for urban development required by the County urban development required by the County urban growth management policies through service districts other than the City. Because of this possibility for development in both the City and the County, Washington County has agreed to adopt a plan for this area, which is consistent with the comprehensive plan developed and adopted by the City of Tigard.

The location of the West Tigard Area within the Tigard Urban Growth Boundary reflects the close social and economic interrelationship between this Area and the City, and also recognizes the City's role and responsibility as the employment and housing focus for the surrounding area. For these reasons, Tigard's planning efforts have traditionally included the West Tigard Area.

Development of properties within the West Tigard Planning Area that are annexed to the City will be regulated by the Tigard Comprehensive Plan and its implementing ordinances:

The Tigard Comprehensive Plan, Volume 2: Findings, Policies and Implementation Strategies addresses the fourteen applicable goals of the Land Conservation and Development Commission. All land use actions in the City must conform to the Tigard Comprehensive Plan.

The Tigard Comprehensive Plan, Volume 3: Community Development Code provides standards for development, procedures for land use applications, and sections regulating the floodplain and significant natural resources. The Development Code also regulates the division of land and sets standards for the construction of public facilities such as roads and sidewalks.

The adoption of this plan means that there are two comprehensive plans for the West Tigard Planning Area...one by the City of Tigard and one by Washington County. Since the City and the County do not use the same land use districts, the two Plan Maps are not identical. However, the Plan Maps are consistent with one another. For example, if the City of Tigard Plan Map designates a property Medium Density Residential (6-12 units/acre) the Washington County Plan Map designates the same property Residential 9 (R9, up to 9 units per net acre). The type of development allowed on any specific parcel of land is nearly identical under both plan maps.

The West Tigard Planning Area remains under the jurisdiction of the Washington County Plan until it is annexed to the City. As long as property remains unincorporated, existing and proposed development will be subject to the provisions of the Washington County Comprehensive Plan elements, including the Community Development Code. Coordination between the City and the County on such matters as planning, urban service provision and annexation is addressed in the Washington County-Tigard Urban Planning Area Agreement.

## **THE RELATIONSHIP OF THE COMPREHENSIVE PLAN ELEMENTS**

The West Tigard Plan is one of a number of planning elements, which in total comprise the Washington County Comprehensive Plan. The intent of this section is to provide the reader of the West Tigard Plan with a basic understanding of its relationship to various other Comprehensive Plan elements.

In general, the West Tigard is an area and site specific application of County Comprehensive Planning Policy and a description of community development activities envisioned for the Planning Area. Implementation of the West Tigard Plan is guided primarily by other plan elements such as the Community Development Code, the Transportation Plan, the Unified Capital Improvement Plan, and the Urban Planning Area Agreement.

### **PLANNING CONTEXT**

The preparation of the West Tigard Plan represents a continuation of the County's longstanding involvement in comprehensive planning. In fact, the West Tigard Plan represents an update of the Washington County plan for the area. This updating ensures that the various plans respond to the current and anticipated circumstances of the area and the region. In addition to responding to local concerns, these plans respond to the planning concerns and requirements of the region and the state.

Elements of the West Tigard Plan have been created through a public planning process, which provides ample opportunity for citizen participation. Such a public planning process utilizes factual information and consideration of alternative courses of action which take into account social, economic, energy and environmental concerns. In the case of the West Tigard Plan, this process was conducted by the City of Tigard.

The following are elements of the Washington County Comprehensive Plan:

- Comprehensive Framework Plan
- County Resource Document
- Community Plans
- Community Plan Background Documents
- Community Development Code
- Transportation Plan
- Urban Planning Area Agreements

Subsequent to the adoption of these plan elements, the County will begin work on the Unified Capital Improvement Plan.

### **COMPREHENSIVE FRAMEWORK PLAN**

The Comprehensive Framework Plan is a policy document. Its function is to articulate the County's policy regarding the broad range of comprehensive planning and community development matters. Additionally, the Comprehensive Framework Plan contains strategies, which are intended to guide the implementation of each policy directive.

A major function of the Comprehensive Framework Plan policies is to provide specific direction and parameters for the preparation of community plans, functional plans and implementing mechanisms.

Two central provisions of the Comprehensive Framework Plan have particular importance in guiding the preparation of community plans and implementing the community plans, respectively. These provisions are a countywide development concept and the urban growth management policies.

The countywide development concept prescribes the creation of a series of distinct, balanced, relatively self-sufficient and diverse communities throughout the urban portion of Washington County. It is this concept which is the beginning point for organizing land uses at the community level.

The County's urban growth management policies require urban development to be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water and a balanced urban-level transportation system are the primary urban services considered.

## **COMMUNITY OR AREA PLANS**

The unincorporated portion of the County within the metropolitan area regional Urban Growth Boundary and outside of city planning areas is divided into a number of Community Planning Areas. The Sherwood Community Planning Area is one such planning area.

The policies and plan designations of the Comprehensive Framework Plan are applied in a site specific manner to the Community Planning Area. The result of this application is a Community Plan, composed of a Community Plan Map and Community Plan Text.

The Community Plan Map portrays a land use designation for each parcel of land in the planning area.

The Community Plan Text provides a written description of the Community Plan Map in order to specify the intent of the mapped designations. Additionally, the Community Plan Text includes Community Design Elements, which are written prescriptions for particular areas or sites, which shall be adhered to as the plan is implemented. For certain areas specified by the Community Plan, the concept of Area of Special Concern is applied.

The prescriptions of the Community Plan are augmented and implemented by the Community Development Code, the Transportation Plan and the Unified Capital Improvement Plan. Standards and requirements of the Community Plan and the Transportation Plan that are applicable to development applications, including but not limited to new development and land divisions, are specified in the Development Code.

An inventory and discussion of natural resources is contained in Chapter 1 of the Resource Document. The determination of significance, as specified in the Oregon Administrative Rules and Statewide Planning Goal 5, is explained in the Resource Document, and shown graphically as part of this Community Plan.

The Significant Natural Resources Map shows the location of the significant Goal 5 resources in the planning area.

An identification of neighborhood park deficient areas has been made based on a 1/2 mile service area radius from existing park or school playground sites. Those portions of the planning area not within this service area are generally regarded as park deficient. On this Significant Natural Resources Map, a "P" has been placed in the general locale where a neighborhood park could serve the deficient area. The letter indicators are not site specific, but do reflect the number of neighborhood park facilities needed to serve the deficient area on a service area basis.

### **COMMUNITY DEVELOPMENT CODE**

The chief function of the Code is to assist in the implementation of the various community plans and the Comprehensive Framework Plan. The Code is intended to achieve certain streamlining objectives necessary to ensure ease of operation, certainty, flexibility when conditions warrant and responsiveness to public concern.

The Code contains specific procedures and development standards necessary to assist in the implementation of the community plans. The Code addresses issues such as allowed uses, density, dimensional requirements, public facility requirements, land division requirements, changes in use and aesthetic concerns. The Code also sets forth processes and procedures for review of specific development proposals, including public note requirements. The Code also sets forth the standards and requirements of the Community Plan and the Transportation Plan that are applicable to development applications, including but not limited to new development and land divisions.

### **TRANSPORTATION PLAN**

The Transportation Plan is a comprehensive analysis and identification of transportation needs associated with the implementation of the development pattern described in the community plans and the Rural/Natural Resource Plan.

Prepared from both the county-wide and community planning area perspectives, the Transportation Plan addresses the major roadway system, transit, pedestrian and bicycle transportation issues and focuses on specific and system requirements. The Transportation Plan designates the major roadway system and each road or street is provided a classification indicative of its existing or planned function, right-of-way, alignment and structural dimensional standards. Changes to the major roadway system are made through amendments to the Transportation Plan. New neighborhood routes may also be designated through the development review process. Standards and requirements of the Transportation Plan that are applicable to development applications, including but not limited to new development and land divisions, are specified in the Development Code.

The local street system is designated on the community plans and Rural/Natural Resource Plan. New local streets and special area local streets are identified through the development review process or by amendments to the community plans or the Rural/Natural Resource Plan. The community plans also address local street and pedestrian connectivity and specific transit issues, such as identifying major bus stops.

In the event there is a conflict between the requirements of the Transportation Plan and the requirements of this community plan, the requirements of the Transportation Plan shall control.

## **UNIFIED CAPITAL IMPROVEMENT PLAN**

Following the adoption of the Washington County Comprehensive Plan, the County will embark on a second phase of planning which will include the preparation of a Unified Capital Improvement Plan. The Unified Capital Improvement Plan will be coordinated with all urban service providers and will be the mechanism, which the County will rely upon to direct future urban investments in public facilities and services in the urban portion of the County.

## **BACKGROUND SUMMARY**

### **PLANNING AREA**

The planning area consists of the remaining unincorporated lands in the City of Tigard "Active Planning Area". These lands lie generally west of the corporate limits of Tigard, the majority within a wedge roughly bounded by SW Walnut St. to the north, SW Beef Bend Rd. to the south, and the Tigard Urban Growth Boundary to the west. Other smaller areas are located east of King City and north of the Tualatin River; along SW Scholls Ferry Rd; west of the Durham city limits; and adjacent to Highway 217.

### **LAND USE**

As of March 1984 the planning area totaled approximately 775 acres (not including street rights-of-way) of which 381 acres were vacant and undeveloped.

Existing land use in the planning area is primarily single-family residential and agricultural. Lands south of Walnut Street and generally east of SW 121<sup>st</sup> Avenue are developed as single-family subdivisions with most lots ranging between 10,000 and 20,000 square feet in size. Other areas are developed as large-lot single-family with lot sizes ranging between 0.5 and 5.0 acres in size. There are 17 lots over 5.0 acres, the largest being 30.0 acres. Most of these larger lots are in agricultural or forest use.

Five different geological formations and deposits can be found in the West Tigard Planning Area. Columbia River Basalt underlies the entire area but is exposed only on the slopes of Bull Mountain. This basalt formation is overlain by the Helvetia Formation, a wind deposited, unconsolidated soil; and the Willamette Silt, Lacustrine Sand and Young Alluvium, all water deposited, unconsolidated soil formations.

Slopes exceeding 20 percent occur on the north and east slopes of Bull Mountain adjacent to seasonal streams. Portions of the planning area are subject to periodic flooding between mid-November and mid-March, particularly along the Tualatin River, Summer Creek and its tributaries. The intermittent streams, which drain mainly south, and north from the summit of Bull Mountain are also subject to localized flooding along their courses during winter storms.

Abundant rainfall and a mild climate support a variety of trees and other vegetation in the planning area. Most of the vegetation is located in scattered wood lots and along streams. Of special importance are two wooded sites totaling approximately 35 acres located south of Walnut Street and west of 135<sup>th</sup> avenue.



The planning area presently harbors a variety of fish and wildlife species, especially in the riparian areas along streams and the Tualatin River.

Many of the area's soils are characterized by a high water table, which lies within a few feet of the surface during winter months. Other area soils have low bearing strength and/or potential for shrinking and swelling. These conditions may limit development potential in some areas.

## **TRANSPORTATION**

Arterial roadways serving the West Tigard planning area include Highway 99W, Scholls Ferry, Beef Bend and Durham Roads and Gaarde Street. Collectors include Bull Mountain Road, 135<sup>th</sup> Avenue, Walnut Street, and 121<sup>st</sup> Avenue.

A roadway connection between Murray Boulevard and Highway 99W along Walnut and Gaarde is in the process of being improved. Improvements to Roy Rogers Road, a north-south Arterial west of the planning area, have been completed, as have improvements to Durham Road.

Transit service is provided along a radial route from downtown Portland on Highway 99W, as well as from Washington Square, with connections north to Beaverton's transit center. TriMet buses operate frequently along Highway 99W. Less frequent service is available along Hall Boulevard, 72<sup>nd</sup> and 121<sup>st</sup> Avenues and Walnut Street.

## **PUBLIC FACILITIES AND SERVICES**

The planning area lies within the boundaries of the Clean Water Services (CWS). Most of the planning area is not served with sanitary sewer lines. However, much of the area can be served in the future by extending existing CWS and City of Tigard trunk and collector lines.

Much of the planning area is served by the Tigard Water District at this time. Areas that are not presently receiving direct service are located adjacent to or in close proximity to water lines six inches or greater in diameter. The Tigard Water District anticipates no problems serving the undeveloped parcels in the future.

The majority of the planning area lies within the Tualatin Rural Fire Protection District. The exceptions are properties in the north and northwest portions of the planning area which are served by Washington County Fire District #1. Fire stations are located on Pacific Highway south of Fisher Road, in downtown Tigard on Commercial Street, on Ruesser Road near Wier Road on Cooper Mountain, and in Metzger on Scholls Ferry Road near Hall Boulevard.

There are no existing public park/recreation sites within the planning area. The closest facilities are located inside the Tigard city limits. Within the incorporated boundaries of Tigard, the City currently owns 92.72 acres of park land. Residents of the community also have access to the Tualatin Hills Park and Recreation District (THPRD) sites to the north and other regional facilities.

The residents of the planning area are served by Tigard School District 23J and Beaverton School District 48. The Tigard school system, which serves most of the planning area, is composed of nine elementary schools, two intermediate schools, and one high school. Residents in the extreme northern portion of the planning area reside in Beaverton School

District 48 and are within the attendance boundaries of two elementary schools, one intermediate school, and one high school.

Natural gas, electricity, telephone, cable television and solid waste disposal are provided by private companies.

## COMMUNITY PLAN OVERVIEW

The West Tigard Plan has the following features:

1. There are a total of 775 acres (not including street right-of-way) in the planning area. Of the total acreage, over 381 acres are vacant and buildable. The vacant land is designated as follows:

<u>Designation</u>	<u>Vacant Acres</u>
R-5	134.70
R-6	121.18
R-9	40.41
R-24	79.13
R-25+	3.30
OC	2.69

2. The land uses in the West Tigard Plan are a direct translation of the designations contained in the City of Tigard Comprehensive Plan. As a result, the overall housing densities allowed under both plans are very similar (10.02 units/acre in the County Plan, 9.69 units/acre in the City Plan).
3. The County and City Plan designations correspond in the following manner:

<u>County Designation</u>	<u>City Designation</u>
R-5 R-6	Low Density (1-5 units/acre)
R-9	Medium Density (6-12 unit/acre)
R-24	Medium-High Density (13-25 units/acre)
R-24+	High Density (20-40+ units/acre)
OC	Professional Office (C-P)
IND	Light Industrial (I-L)

4. The plan recognizes and sometimes uses streams, flood-prone areas, and major streets as buffers between different land uses and residential densities.
5. Implicit throughout the plan is the assumption that the policies in the Washington County Comprehensive Plan or the Tigard Comprehensive Plan will be implemented. This is particularly important with regard to policies in both plans, which mandate the provision of adequate urban services prior to urban level development. Adherence to these policies is essential to creating the desired development pattern intended by the Plan and to preserving the livability of the planning area over time.
6. The application of the Plan designations to the West Tigard Plan Map conforms to the locational criteria in the Washington County Comprehensive Framework Plan. These criteria essentially say that the appropriate use for property is determined by (1) its proximity to major traffic routes, street intersections and transit service; and (2) compatibility with adjacent land uses.

## **COMMUNITY DESIGN**

This section addresses concerns relating to the design of development in the West Tigard Planning Area.

### General Design Elements

1. In the design of new development, flood plains, drainage hazard areas, streams and their tributaries, riparian and wooded areas, steep slopes, scenic features, and powerline easements and rights-of-way shall be:
  - a. used to accent, define, or separate areas of differing residential densities and differing planned land uses;
  - b. preserved and protected to enhance the economic, social, wildlife, open space, scenic, and recreation qualities of the community; and
  - c. where appropriate, interconnected as part of a park and open space system.
2. Master Planning-Primary Use or Planned Development procedures and standards shall be required for development on land which includes a Significant Natural Resource as a means of protecting the resource while accommodating new development. A density transfer from the resource area to the buildable portion shall be allowed for any Significant Natural Resource site as specified in the Community Development Code.
3. Open space shall be utilized for park and recreation facilities or passive recreation and dedicated to the appropriate recreation service provider whenever feasible.
4. Trees located within a Significant Natural Resource area shall not be removed without a development permit for tree removal having first been obtained, as provided for within the Community Development Code. A permit shall not, however, be required for tree removal from powerline rights-of-way, public parks and playgrounds, or mineral and aggregate sites.
5. All new subdivisions, attached unit residential developments, and commercial developments shall provide for pedestrian/bicycle pathways which allow public access through or along the development and connect adjacent developments and/or shopping areas, schools, public transit, and park and recreation sites.

6. In the design of road improvements that are required of new developments to meet the County's growth management policies, pedestrian/bicycle pathways identified in the County's Transportation Plan shall be included.
7. The County shall emphasize non-auto (transit, bicycle, and pedestrian) measures as an interim solution to circulation issues. These measures shall be used to facilitate access to transit centers.
8. Bicycle parking facilities shall be required as a part of all commercial, industrial and institutional developments. Residential developments which have parking lots of 20 or more spaces shall provide bicycle parking facilities.
9. Noise reduction measures shall be incorporated into all new developments located adjacent to Arterial or Collector streets. Noise reduction alternatives will include vegetative buffers, berms, walls and other design techniques such as insulation, set backs, and orientation of windows away from the road.
10. Where the impact of noise and lighting associated with commercial development does not meet the standards in the Community Development Code, the commercial development shall be subject to limited hours of operation.
11. New development within the Planning Area shall be connected to public water and sewer service, except as specified in the Community Development Code.
12. New development shall, when determined appropriate through the development review process, dedicate right-of-way for road extensions and alignments indicated on Washington County's Transportation Plan or the Tigard Transportation Plan. New development shall also be subject to conditions set forth in the county's growth management policies during the development review process.
13. New access onto Arterial and Collector streets shall be limited. Shared or consolidated access shall be required prior to the issuance of a development permit for land divisions or structures located adjacent to these facilities, unless demonstrated to be unfeasible.
14. Review of land partitioning and structural development proposals for areas within one half mile of rock quarries (existing and proposed) shall include 1) measurements of noise anticipated from such development and 2) appropriate mitigation measures which ensure that the future land uses meet Oregon Department of Environmental Quality noise standards. Conditions to development, such as requirements for berms, walls and other noise buffers shall be applied to the approval of new development when appropriate.

## **TRANSPORTATION**

Primary descriptions of transportation system policies, strategies, facilities and services, including those serving the West Tigard area, are contained in the adopted Washington County and City of Tigard Transportation Plans.

## **ROADS**

The Washington County and City of Tigard Transportation Plans prescribe improvements and changes to the existing road system in the West Tigard planning area in order to support anticipated growth. Improvements include widening and rebuilding roads to standards appropriate to their designated functional classifications, and connecting, extending or realigning certain roads as prescribed in the two jurisdictions' transportation plans. These improvements and changes are intended to respond to existing deficiencies in the road system and changes in the traffic flows that are projected to occur during the next 20 years.

## **TRANSIT**

Transit service must become an important part of the planning area's transportation system. Improvements to the road system will be insufficient to accommodate anticipated employment and population growth unless transit service is expanded and ridership increases. The Washington County and City of Tigard Transportation Plans and the West Tigard Community Plan assume that public transit service to the area will be improved generally, with greater frequency of service and better intra-community and inter-community access. The plan assumes that bus service will be provided to properties along Arterials and Collectors that are planned for higher intensity uses when or soon after they are developed.

Washington County transit policies and strategies and planned facilities and services, including those for the West Tigard area, are identified in the Washington County 2020 Transportation Plan. It is assumed that TriMet will implement transit services over time in coordination with regional and local governments and service providers, including Washington County and the City of Tigard, as resources and priorities direct.

## **BICYCLE AND PEDESTRIAN PATHWAYS**

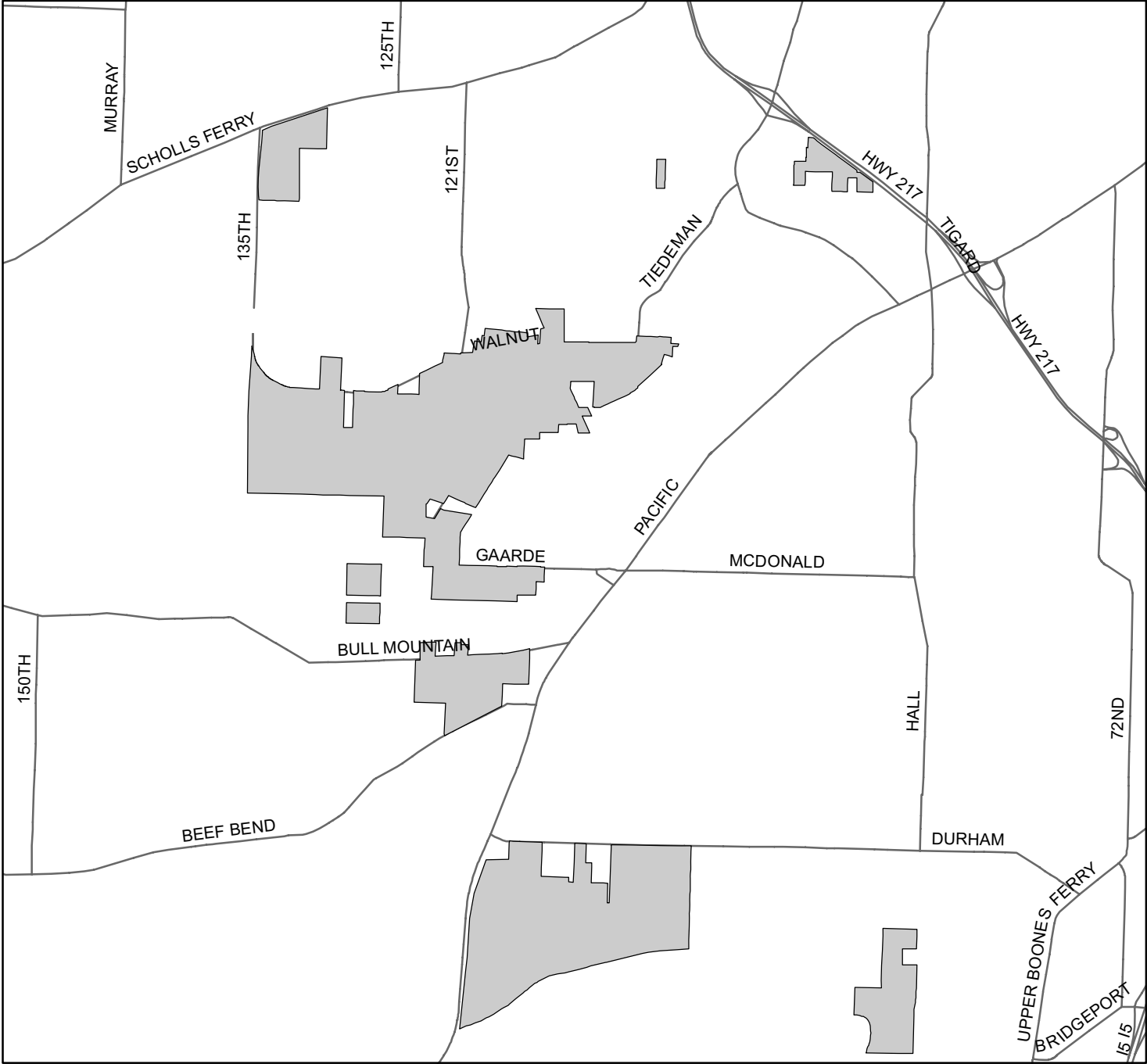
The plan assumes eventual development of all pedestrian and bicycle facilities in the area as identified in the Washington County 2020 Transportation Plan and/or the Tigard Comprehensive Plan. Generally, these plans call for bikeways along Arterial and Collector roads in the area, as well as along major streams and in power line easements. The timing of pathway development will be determined as the application of County and City priorities direct and as available resources allow.

The following provisions are applicable to the land use maps:

The land use designation for public rights of way and bodies of water is based upon the land use designation of the property in the community plan boundary adjacent to the right of way or body of water as described below:

1. When a public right of way or a body of water forms the community plan boundary, the land use designation of the adjacent property within the community plan shall be the land use designation for that right of way or body of water.
2. For all other rights of way and bodies of water, the land use designation of the properties adjacent to each side of the right of way or body of water shall be applied to the centerline of the right of way or body of water.

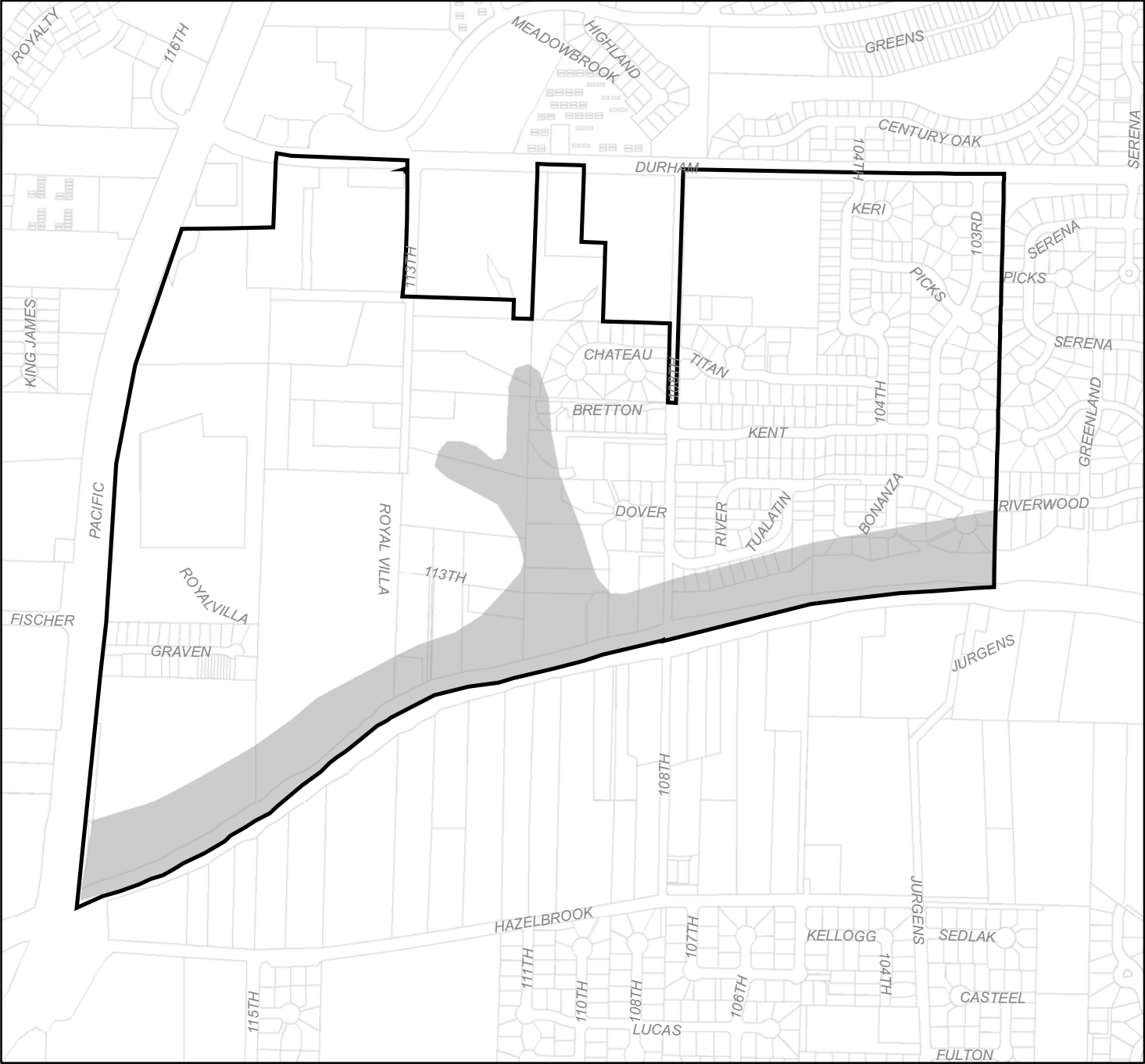
# West Tigard Community Plan




West Tigard Community Plan Boundary

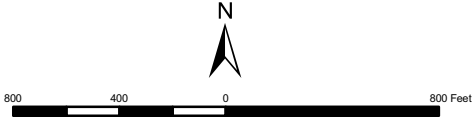


# West Tigard Community Plan Significant Natural and Cultural Resources Map



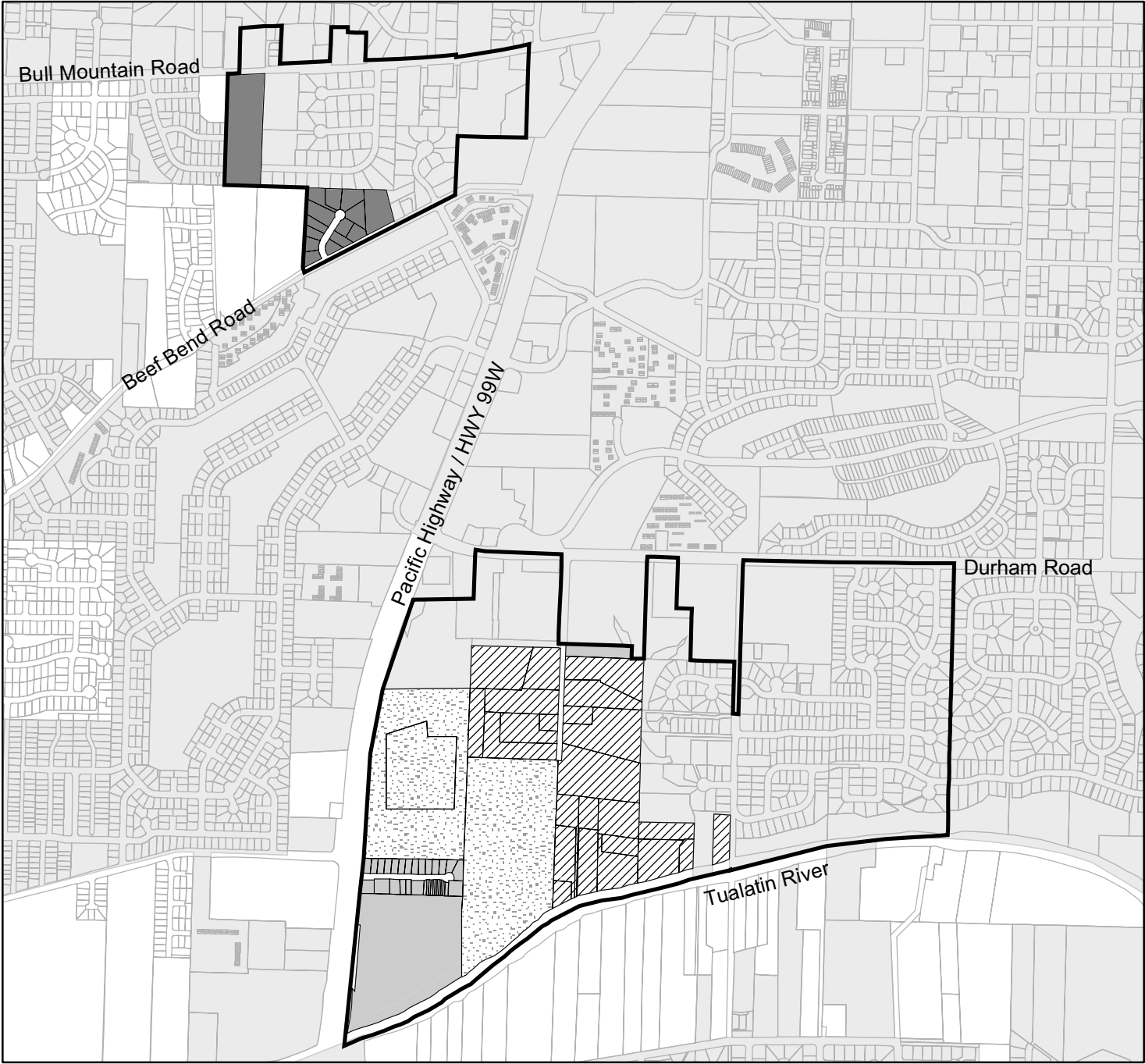
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

-  West Tigard Community Plan Boundary
-  Water Area/Wetland/  
Fish & Wildlife Habitat





# West Tigard Community Plan Land Use Districts Map



-  R5
-  R6
-  R9
-  R24
-  City jurisdiction
-  West Tigard Community Plan Boundary



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# **Community Development Code**

Volume IV of the Washington County Comprehensive Plan

*ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS*

**101 TITLE AND STRUCTURE OF CODE**

**101-1 Title**

This Code shall be known as the Washington County Community Development Code.

**101-2 Structure of Code**

- 101-2.1 This Code is comprised of seven articles which contain specific standards that regulate specific aspects of development and the development process.
- 101-2.2 Article I, Introduction and General Provisions, describes the general applicability of this Code and contains definitions applicable to this Code.
- 101-2.3 Article II, Procedures, sets forth the procedures to be used for reviewing and decision making for development proposals. In addition to Article II, Article VII, Public Transportation Facilities, specifies procedures to be used for reviewing and decision making for development proposals for public transportation facilities.
- 101-2.4 Article III, Land Use Districts, contains the primary and overlay land use districts which establish the primary uses permitted in each district. In addition to Article III, uses/development are also permitted by Article VI, Land Divisions and Property Line Adjustments; and Article VII, Public Transportation Facilities.
- 101-2.5 Article IV, Development Standards, contains development standards that are applicable to uses permitted by Article III and Article VI. Standards in Article IV are only applicable to uses authorized by Article VII when expressly stated in Article VII. The review of Type II and III uses subject to Article IV is through a two-step approval process, consisting of preliminary review and final review.
- 101-2.6 Article V, Public Facilities and Services, sets forth public facility and service requirements that are applicable to development permitted by Articles III and VI.
- 101-2.7 Article VI sets forth the standards that are applicable to property line adjustments, partitions and subdivisions. These development actions are also subject to specific standards in Article IV.
- 101-2.8 Article VII, Public Transportation Facilities, establishes the public transportation facilities permitted in each district, sets forth the procedures for reviewing and decision making for development proposals for public transportation facilities authorized by the Transportation Plan, and sets forth the development standards that are applicable to these uses. In addition to the development standards in Article VII, specific standards in Articles III and IV are applicable to public transportation facilities when required by Article VII.

*ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS*

**102 PURPOSE**

The purpose of this Code is to implement the Washington County Comprehensive Plan through the adoption and coordination of planning and development regulations which provide for the health, safety and general welfare of the citizens of Washington County. Standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan that are applicable to development applications, including but not limited to urban land divisions, are specified in this Code.

**103 SCOPE**

Land within the unincorporated portion of Washington County may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as the Comprehensive Plan and this Code permit. The provisions of this Code, including standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan that development applications are required to comply with, apply to any person developing or using land or a structure, and to the person's successor(s) in interest.

**104 CONSISTENCY WITH PLAN AND LAWS**

104-1 All use or development of land or structures in unincorporated Washington County shall comply with the Washington County Comprehensive Plan, the Washington County Charter, and applicable Regional, State, Federal and Local laws. Determination of compliance with Regional, State, Federal or Local laws shall be made by the applicable Regional, State, Federal or Local authority responsible for administering the subject law(s). A determination of compliance with such law shall not be a standard or condition of approval, except that proof that mandatory permits have been obtained may be required by specific standards of this Code or as a condition of approval imposed by the Review Authority. Nothing in this Code shall relieve a use or development from compliance with other applicable laws except as provided herein.

104-2 Unless otherwise specified, the provisions of this Code shall be held to be minimum requirements. Where this Code imposes greater restrictions than are imposed or required by other provisions of law or by other rules or regulations, the provisions of this Code shall control.

**105 SEVERABILITY**

105-1 If any portion of this Code is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Code.

105-2 The Comprehensive Plan mandates the implementation of a stream-lined process that allows for a master application and consolidated review of all issues relating to a

*ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS*

proposed development. To accomplish this goal, this Code includes provisions similar to those which formerly appeared in separate ordinances and which are not “planning” or “zoning” regulations as meant by Chapter X of the Washington County Charter. Examples include the establishment of fees for development actions, technical standards for drainage and roads, and nuisance control. These provisions are included for purposes of convenience and efficiency only and remain distinct and separate from the “zoning” and “planning” provisions of this Code for purposes of Chapter X. To the extent that regulations have not been deemed to be encompassed by Chapter X, similar regulations herein shall be severable and are subject to the notice and enactment procedures of Chapter V of the Charter exclusively.

**106 DEFINITIONS**

**106-1** The definitions contained in this Code are used as follows:

106-1.1 Words used in present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

106-1.2 The term “shall” is always mandatory and the word “may” is permissive.

106-1.3 Any word or term not herein defined shall be used as defined by “Webster’s Third New International Dictionary”, copyright 1993, located in the Washington County Law Library.

106-1.4 Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein. Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in the OAR.

**106-3** Access The right to cross between public and private property, allowing pedestrians and vehicles to leave or enter property.

**106-5** Accessory Building or Structure A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use (An Accessory Dwelling Unit is not considered an Accessory Building or Structure, see definition for Single Family Accessory Dwelling Unit, Section 106-194).

**106-7** Adult Bookstore An establishment having at least fifty (50) per cent of its merchandise items, books, magazines, other publications, films or video tapes which are for sale, rent or viewing on the premises and which are distinguished or characterized by their emphasis on matters depicting the specified sexual activities or specified anatomical areas defined herein.

**106-9** Adult Motion Picture Theater An establishment used primarily for the presentation of motion pictures or video tapes having as a dominant theme material distinguished or characterized by an emphasis on matters depicting specified sexual activities or specified anatomical areas as defined herein.

ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS

**106-10** Airport The strip of land used, or intended for use, for taking off and landing aircraft, together with all adjacent land and water area used, or intended for use, in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Public Use Airports are open to the flying public considering performance and weight of the aircraft being used; facilities may or may not be attended or have services available.

Private Use Airports, as referenced in this Code, have restricted access, except for aircraft emergencies, based upon prior arrangements made with the airport sponsor. An example of a private use airport is a residential airstrip that is collectively owned, operated and utilized by adjacent residents.

Personal Use Airports, as reference in this Code, are restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airport.

- 106-10.1 Aircraft Any contrivance used or designed for navigation of or flight in the air, but does not mean a one-person motorless glider which is launched from the earth's surface solely but the operator's power.
- 106-10.2 Airport Direct Impact Area The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone (RPZ) and approach surface.
- 106-10.3 Airport Elevation The highest point of an airport's usable runway, measured in feet above mean sea level.
- 106-10.4 Airport Imaginary Surfaces Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface. Imaginary areas for public use airports with instrument approaches are defined by the primary surface, runway protection zone (RPZ), approach surface, horizontal surface, conical surface and transitional surface.
- 106-10.5 Airport Noise Impact Boundary Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 LDN.
- 106-10.6 Airport Sponsor The owner, manager, or other person or entity designated to represent the interests of an airport.
- 106-10.7 Approach Surface A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway.
- A. For private use airports with only visual approaches, the inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 450 feet for that end. The approach surface extends for a

ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS

horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.

In the case of North Plains Gliderport, the approach surface is applied only to the eastern end of the runway and extends for a horizontal distance of 5,000 feet, at a slope increment of 40 feet outward for each one foot upward.

- B. For utility runways at public use airports having only visual approaches, the inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways.

106-10.8 Conical Surface A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

106-10.9 Department of Aviation The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

106-10.10 FAA The Federal Aviation Administration.

106-10.11 FAA's Technical Representative As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.

106-10.12 Heliport An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

106-10.13 Horizontal Surface A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designed as utility.

106-10.14 Obstruction Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.

106-10.15 Other than Utility Runway A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

106-10.16 Primary Surface A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 200 feet for private use runways, and 250 feet for utility runways having visual approaches.

ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS

- 106-10.17 Public Assembly Facility A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
- 106-10.18 Runway A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- 106-10.19 Runway Protection Zone (RPZ) An area off the runway end used to enhance the protection of people and property on the ground. An RPZ is required for all runways at public use airports identified by the Department of Aviation. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end.
- For the runway at Stark's Twin Oaks Airpark (exclusively serving small aircraft with visual only approach), the outer width of each RPZ is 450 feet. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet for utility runways of public use. (Note: RPZ dimensions are specified by airport type in OAR 660, Division 13, Exhibit 4.)
- 106-10.20 Significant As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
- 106-10.21 Transitional Surface Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces.
- 106-10.22 Utility Runway A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- 106-10.23 Visual Runway A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.



*ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS*

- 106-10.24 Water Impoundment Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.
- 106-11 Alley A street or road primarily intended to provide secondary access to the rear or side of lots or buildings and not intended for normal through vehicular traffic.
- 106-13 Alteration A change or modification in use of a structure or a parcel of land; or addition or modification in construction of a structure. Alterations to nonconforming uses or structures are governed by Section 440.
- 106-15 And/or For the purposes of this Code “and/or” means, and something, or something, or any combination thereof.
- 106-17 Appearance of Record One or more of the following: an oral statement made at the hearing sufficiently identifying the speaker; a written statement giving the name and address of the maker of the statement and introduced into the record prior to or at the public hearing (A person’s name and address on a petition introduced into the record constitutes an appearance of record); any signed comments submitted to the Planning Director for review during the comment period for Type II actions.
- 106-19 Applicant The person in whose name a development proposal is pursued. For purposes of this Code, applicant includes any person authorized to represent the applicant.
- 106-21 Average Daily Traffic (ADT) The average number of vehicles passing a specified point during a twenty-four (24) hour period, as specified for a particular use generator by the Institute of Transportation Engineers or as determined by other documented traffic engineering studies as approved by the Director.
- 106-22 Base Flood See Regional Flood, Section 106-175.
- 106-23 Basement That portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjacent ground. This shall not be deemed a story unless the ceiling is six (6) feet or more above the grade.
- 106-25 Board Unless otherwise specified, Board shall mean the Board of County Commissioners of Washington County.
- 106-27 Building Any structure having a roof supported by columns or walls and used for housing or enclosure of persons, animals, chattels or property of any kind.
- 106-29 Business Employment of one or more persons for the purpose of earning a livelihood.
- 106-31 Canopy Tree Any plant material having the capability of growth that will produce vegetative canopy above a trunk not less than ten (10) feet high.

ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS

**106-33** Change in Use A change in tenant or activity occupying a parcel of land, a premise or structure, which creates a change in vehicular trip generation activities, as defined by the Institute of Transportation Engineers, which changes the parking classification as set forth in Section 413, or which changes the occupancy classification as defined by the Uniform Building Code.

**106-34** Commercial Activities in Conjunction with Farm Use Commercial activities are limited to providing products and services essential to the practice of commercial agriculture.

A commercial activity in conjunction with farm use includes, but is not limited to, processing facilities which convert harvested agricultural crops from their natural state into new products, i.e., drying, freezing, canning, etc. In addition, the preparation and storage of a product which includes significant amounts of agricultural crops not raised by the operator of the storage facility shall also be considered a commercial activity. The storage, sale and application of farm chemicals used in conjunction with the growing of farm crops necessary to serve nearby farm uses shall also be considered a commercial activity subject to meeting the following standards:

- A. The chemicals shall be limited to those used in conjunction with the growing of farm crops; chemicals used only for other uses, such as forest uses, cannot be stored, sold or applied; and
- B. The sale of farm chemicals shall be limited to quantities purchased by operators of commercial farm enterprises which contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm markets.

**106-35** Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.

**106-36** Community Plans Plans which provide specific land use designations on property within the unincorporated urban area of the County and also provide detailed policy direction to guide development based upon community needs and desires. Previous Plans of Development are not included in this definition.

**106-37** Compatible Capable of existing together in harmony; capable of orderly, efficient integration and operation with other elements in a system considering building orientation, privacy, lot size, buffering, access, and circulation.

**106-39** Compliance Permit A permit required prior to occupying a site approved through Development Review. To receive a compliance permit, a developer shall construct or install the required improvements or shall provide the County with an approved assurance that all improvements will be carried out in accordance with the terms of the Development Review Approval.

ARTICLE I: INTRODUCTION AND GENERAL PROVISIONS

- 106-41** Comprehensive Framework Plan (CFP) This document provides a framework of policies and strategies to be used as the basis for more specific planning activities, functional elements (e.g., transportation, housing, solid waste), Community Plans, regulatory ordinances and capital improvement programs. The CFP, together with the Resource Document, Community Development Code and these more specific plans comprise the County's Comprehensive Plan.
- 106-43** Comprehensive Plan A generalized coordinated land use map and policy statement of the County that interrelates all functional and natural systems and activities relating to the use of the land, including, but not limited to, the Comprehensive Framework Plan which includes the following components: the individual Community Plans, the Rural Natural Resource Plan, the Community Development Code, and the Transportation Plan.
- 106-44** Cultural Resource Any site, structure, object, district or building which demonstrates national, State or local historic, architectural, archaeological or cultural significance.
- 106-45** Cubic Foot Per Acre Per Year The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- 106-46** Cubic Foot Per Tract Per Year The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- 106-47** Day Unless otherwise specifically stated, day shall mean calendar day (a 24 hour period of time).
- 106-48** Day Care Facility A facility operated by an agency, organization or individual providing care for six or more children or adults during a part of the 24 hours of a day. A day care facility does not include:
- A. A nursery school (see Section 430-121);
  - B. A facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion;
  - C. A facility operated by a school district, political subdivision of the State of Oregon or a governmental agency;
  - D. A residential facility licensed under ORS 443.400 to 443.445;
  - E. Baby-sitters; or

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- F. A family day care provider (see Section 430-53.2 and 53.6).
- 106-49** Deed Restriction A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or Washington County, and designated to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.
- 106-51** Demolish To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.
- 106-53** De Novo Hearing A new hearing conducted in a similar manner to an initial hearing. The record, findings, and conclusions below may be disregarded. A limited de novo hearing is one in which the Review Authority hears specific issues in the same manner as an initial hearing. The other issues are reviewed based on the record of the prior Review Authority.
- 106-55** Density The intensity of residential land uses per acre, stated as the number of dwelling units per gross acre.
- 106-57** Development Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of land or a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.
- 106-58** Development Permit The Director's or Hearings Officer's written approval shall be the Development Permit for any Type I, Type II, or Type III decisions. A "permit" issued by the building official authorizing performance of a specified activity is a Type I development permit.
- 106-59** Development Review The process of reviewing a proposed development action for conformance with this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. Development review may be processed through a two step process consisting of a preliminary review and a final review. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.
- 106-60** Development Site A lot or parcel or combination of lots or parcels upon which any development, as defined by Section 106-57, occurs.
- 106-61** Dimensional Standard
- A. A numerical measurement for a distance or area standard of this Code, such as a setback, lot depth or width, building height, lot area, sign area; or
  - B. A percentage of a distance or area measurement of this Code, such as maximum lot coverage or minimum required area for landscaping.

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- 106-62** Director The person appointed by the Board of County Commissioners who is given the responsibility for administering this Code, or a designated representative appointed by the Director.
- 106-63** Drainage Hazard Area Those areas subject to flooding as the result of a twenty-five (25) year storm based upon the Intensity-Duration-Frequency curve of the Columbia Region Association of Government Drainage Plan.
- 106-64** Drainage Master Plan A comprehensive, basin-wide plan for the provision of the major elements of a storm water drainage system including pipes, culverts, ditches, detention ponds and natural water courses to accommodate the ultimate level of development provided by the Comprehensive Framework Plan, which includes the Rural/Natural Resource Plan and Community Plans.
- 106-65** Drainageway The normal stream or drainage channel needed to convey the waters of a twenty-five (25) year storm.
- 106-67** Drainage Right-of-Way or Easement The lands dedicated or granted by easement to the public for the installation of storm water sewers, detention or retention basins or drainage ditches, or for preservation of a natural or man-made stream or water course which provides for the flow or temporary storage of water therein to safeguard the public against flood damage.
- 106-69** Dwelling A building (not including a tent or teepee) or portion thereof intended for residential occupancy, but not including hotels, motels or boarding houses.
- 106-69.1 Dwelling Unit A single unit providing complete, independent living facilities for one or more persons which generally includes permanent provisions for living, sleeping, eating, cooking and sanitation.
- 106-69.2 Dwelling Unit (Attached) Two or more dwelling units with a common building wall or ceiling on individual lots or on a single lot, including "Residential Facility" as defined in ORS 197.660.
- A. A duplex is a structure that contains two primary dwelling units. The units shall share either a common building wall or a common floor/ceiling. The land underneath the units may or may not be divided into individual lots. The common building wall shall be shared for at least fifty (50) percent of the length of the side or rear of the unit. When the two units are attached by a common building wall between attached garages, the common garage building wall shall be shared the entire length of the garages.
- B. A single family attached dwelling unit is an attached unit that shares one (1) or more common building walls with two (2) or more dwelling units and has access from the ground floor. A single family attached unit does not share a common floor/ceiling with another dwelling unit. The common building wall must be shared for at least fifty (50) percent of the length of the side or rear of the unit. When single family attached dwellings are attached by a common building wall between attached garages, the common building wall shall be shared the entire length of the garages. The land underneath the units may or may not be divided

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into individual lots. A single family attached unit is also known as a rowhouse or townhouse; and

- C. A multi-family dwelling structure contains three (3) or more dwelling units that share a common floor/ceiling with one (1) or more units. The units may also share common building walls. The land underneath the structure is not divided into separate lots. Multi-dwelling structures include structures commonly known as garden apartments, apartments, and condominiums.

**106-69.3** Dwelling Unit (Detached)

- A. Inside the UGB, a single dwelling unit, excluding a manufactured dwelling, which is not attached to any other dwelling unit, on a lot or parcel.
- B. Outside the UGB, a single dwelling unit, including a manufactured dwelling, which is not attached to any other dwelling unit, on a lot or parcel.

**106-71** Easement A right held by a person, or the public, to use the land of another.

**106-71.1** Easement for Public Travel An area that is reserved for the physical placement of a transportation facility, such as, but not limited to a sidewalk, accessway, greenway, private street, or private drive. When an easement is reserved for multiple uses, such as a sidewalk and a public utility easement, the easement for public travel shall be only that area within the easement reserved for public travel.

**106-73** Eating and Drinking Establishment Any establishment which is required to have an Oregon State Health Division Restaurant license or Oregon State Liquor License.

**106-75** Effective Vehicular Barrier A fence or barrier consisting of wood, metal, masonry, boulders, earth berms or natural features arranged in such a way as to provide an effective barrier for vehicular traffic.

**106-77** Elderly Household One (1) or two (2) person households headed by a person sixty-two (62) years of age or older.

**106-78** Family Day-Care Provider A day-care (child care) provider who regularly provides day care (child care) in the provider's home in the family living quarters to fewer than thirteen (13) children, including children of the provider, regardless of full-time or part-time status.

**106-79** Farm Use As defined by Oregon Revised Statutes

**106-81** Fence (Sight Obscuring) A fence consisting of wood, metal, masonry, landscaped berm or natural feature arranged in such a way as to obstruct vision at the time of installation.

**106-83** Flood Plain The flood-hazard area adjoining a stream or drainageway feature that is subject to inundation by a regional flood including the floodway and floodway fringe.

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- 106-85** Floodway The channel of a river or other watercourse and the adjacent land areas as designated on the adopted maps that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 106-87** Floodway Fringe The area of the flood plain, lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area.
- 106-88** Food Market A retail establishment (e.g., grocery store) which sells to the public staple foodstuffs (e.g., flour, cereal, canned foods); beverages; meats; and other foods (e.g., fruit, vegetables, dairy products, baked goods, and deli foods); incidental household supplies used in or around the home (e.g., cleaning items, paper napkins, matches); and personal items used in the home (e.g., magazines, health and beauty aids, school supplies, greeting cards). Food markets may provide accessory deli seating. The sale of other non-foodstuffs (e.g., floral items, pharmaceuticals), or the provision of financial or personal services (e.g., video rental, photographic reproduction), are permitted provided the combined maximum floor area devoted to these uses does not exceed twenty (20) percent of the building floor area devoted to retail sales (e.g., does not include storage areas).
- 106-89** Forest Lands As defined by the Statewide Planning Goals and the Forest Practices Act (ORS 527.610-730 and 527.990).
- 106-91** Forest Uses As defined by the Statewide Planning Goals and the Forest Practices Act (ORS 527.610-730 and 527.990).
- 106-93** Frontage The portion of a lot or parcel which abuts a street or road.
- 106-95** Ground Cover Any low shrubs, grasses or herbaceous plants planted so as to have the capability to completely cover the ground.
- 106-97** Ground Level (Existing) The contour of the ground surface before grading.
- 106-99** Hearing Below The prior hearing.
- 106-101** Height The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
- 106-101.1** Height (Maximum Building Height) The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and edge of a gable, hip or gambrel roof; provided however, that where buildings are set back more than the required setback from the street line the height of the building shall be measured from the building grade. The building grade shall be the average of the finished ground level at the center of the walls of a building.
- 106-103** Industrial The use of land or structures to treat, process or manufacture materials into products.

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- 106-105** Industrial Park Any planned industrial development which occurs on a single lot or parcel or contiguous lots or parcels designed as a coordinated environment for a variety of industrial and industrially related activities, having a master development plan, approved through a planned development procedure, that ensures internal compatibility as well as compatibility with adjacent uses which occur on a parcel or contiguous parcels under single ownership or development control.
- 106-107** Land Division The division of a lot or parcel into two or more new lots or parcels through a partition or subdivision.
- 106-109** Lot A unit of land that is created by a subdivision of land. Lot includes parcel unless the context provides otherwise.
- 106-111** Lot Area (Lot Size) The total area within the boundaries of a lot or parcel, except as may be provided in Article III.
- 106-113** Lot Line The lines bounding a lot as defined herein.
- 106-113.1 Front Lot Line For interior lots, a line separating the lot from the street right-of-way. For corner lots, the line separating the narrowest frontage from the street right-of-way.
- 106-113.2 Rear Lot Line The line which divides one lot from another opposite from the front lot line. For irregular or triangular lots, the rear lot line shall be a line ten (10) feet in length, within the lot, parallel to and at the maximum distance from the front lot line.
- 106-113.3 Side Lot Line For interior lots, the line separating one lot from the abutting lot(s) fronting on the same street. For corner lots, a line separating the longest frontage of the lot from the street.
- 106-115** Lot of Record (Rural - in the AF-10, AF-5, RR-5, R-COM, R-IND and MAE Districts. This definition does not apply in the EFU, EFC, or AF-20 Districts.)

Any lot or parcel lawfully created by a subdivision plat of record in the Ex Officio County Clerk's Office, or by deed or sales contract and of record in the Deed or Miscellaneous Records of Washington County, which is eligible to receive a building permit for any use permitted, if such permit would have issued but for the minimum lot size provisions of the district, regardless of whether or not contiguous tax lots are in the same ownership. Each tax lot lawfully created by a deed or sales contract prior to the effective date that the District is applicable to the subject property, shall be deemed a lot of record. When a tax lot consists of two (2) or more noncontiguous lots or parcels created as a result of a lawful partition by deed or sales contract prior to the effective date that the district is applicable to the subject property, each noncontiguous lot or parcel shall be considered a lot of record. A lot of record does not authorize development of a lot or parcel which does not comply with the requirements of a "parcel" as defined by Section 106-151.

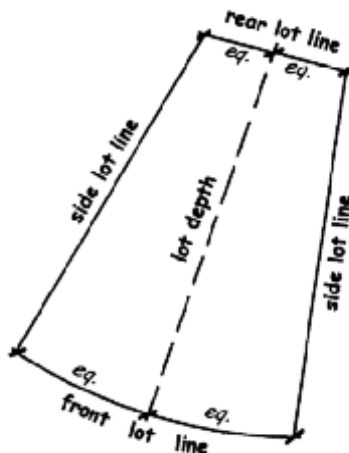


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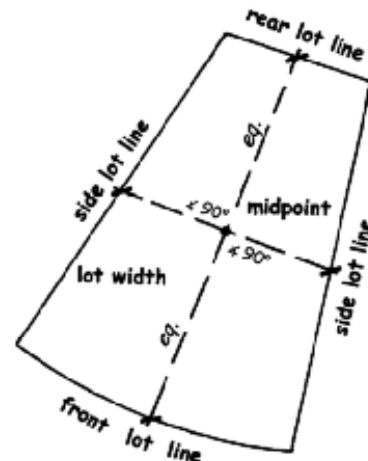
**106-117** Lot of Record (Applicable to all the urban districts) Any lot or parcel created by a lawful sales contract or deed and of record prior to March 26, 1984, the effective date of this Code. Two or more such lots or parcels which are contiguous and under identical ownership of record on the effective date of this Code shall be deemed separate lots of record only if the creation of the lot(s) or parcel(s) was approved by the County under a County Partitioning or Subdivision Ordinance. A lot of record does not authorize development of a lot or parcel which does not comply with the requirements of a "parcel" as defined by Section 106-151.

**106-119** Lot Depth The perpendicular distance measured from the midpoint of the front lot line to the midpoint of the opposite lot line. See Figure No. 1.

Section 106-119  
Figure No. 1



Section 106-121  
Figure No. 1



**106-121** Lot Width The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure No. 1.

**106-123** Manufacturing The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose.

**106-129** Mitigation Reducing the impacts of a proposed development and/or offsetting the loss of habitat values resulting from development. In fish, wildlife, and big game range areas, mitigation may include, but is not necessarily limited to, requiring: 1) clustering of structures near each other and roads, controlling location of structures on a parcel to avoid habitat conflicts, minimizing extent of road construction to that

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- required for the proposed use; and, 2) replacing unavoidable loss of values by reestablishing resources for those lost, such as: forage for food production, escape or thermal shelter. In other areas of significant wildlife value, such as wetlands, riparian vegetation and special bird nesting sites, maintenance and enhancement of remaining habitat, setbacks and restoration of damage and avoiding damage would be appropriate.
- 106-131** Manufactured Dwelling
- 106-131.1 Residential Trailer A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- 106-131.2 Mobile Home A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- 106-131.3 Manufactured Home A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- 106-131.4 Does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450, any unit identified as a recreational vehicle by the manufacturer or a modular home.
- 106-133** Manufactured Dwelling Park A lot or parcel of land under single ownership on which two (2) or more manufactured dwellings are occupied as residences. The manufactured dwelling sites usually are rented or leased.
- 106-135** Manufactured Dwelling Subdivision A subdivision designed and approved for the sale of lots on which to place manufactured dwellings.
- 106-137** Manufactured Dwelling Space A plot of land within a manufactured dwelling park designed to accommodate one (1) manufactured dwelling.
- 106-139** Noise Sensitive Use A structure or use normally used for sleeping, or normally used as a school, church, hospital or public library. Structures or property used in industrial or agricultural activities are not "noise sensitive" unless they meet the above criteria in more than an incidental manner.
- 106-141** Nonconforming Use A structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan.

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- 106-143** Office A room or building in which a person transacts business, a profession or similar activities. Such activities normally include administration, bookkeeping, record keeping, sales meetings and preparation for or follow-up after a sale, correspondence or other similar activities. Products or merchandise are not to be stored or manufactured in an office, although mail, telephone and incidental walk-in sales may be made in an office.
- 106-145** Occupancy Permit (Certificate of Occupancy) The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, "occupancy permit" includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.
- 106-147** Overlay District A supplementary district placing special restrictions or allowing special uses of land beyond those required or allowed in the Primary District.
- 106-149** Owner The legal owner(s) of record as shown on the tax roles of the County, or where there is a recorded land sales contract in force, the purchaser thereunder.
- 106-151** Parcel As defined by Oregon Revised Statutes 215.
- 106-152** Partition As defined by Oregon Revised Statutes 215.
- 106-153** Partition Land As defined by Oregon Revised Statutes 92.
- 106-155** Pedestrian Way A publicly owned or dedicated and accepted way designated for public use by pedestrian traffic.
- 106-157** Performance Contract A contract between the owner and the County for installation or construction of improvements and the security given in addition thereto prior to final plat approval to insure such construction or installation, all in accordance with Articles V and VI.
- 106-159** Person An individual, firm, partnership, corporation, company, association, syndicate, organization, or any legal entity, and including a trustee, a receiver, assignee, or other similar representative thereof.
- 106-161** Planned Development An integrated, coordinated development of land, normally involving increased flexibility in use and design standards, with special incentives or restrictions on development.
- 106-163** Planning or Development Action An action by the County that concerns the adoption, amendment, or application of the Comprehensive Plan or this Code.
- 106-165** Plat Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, partition or replat.
- 106-167** Preliminary Plat Means a map and plan of a proposed subdivision, in the form required by Article VI.

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- 106-169** Primary District A land use district as designated on the Community Plan Map, (i.e., R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, FD-20, FD-10, NC, OC, CBD, GC, IND, INS, TO:RC, TO:BUS, TO:EMP, EFU, EFC, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND, MAE).
- 106-171** Primary Use The main use to which the premises are devoted and the principal purpose for which the premises exist.
- 106-172** Property Line Adjustment The relocation of a common property line between two abutting properties.
- 106-173** Quorum The minimum number of members of a body who must be present for the valid transaction of business. In all cases, except the Land Use Ordinance Advisory Commission, a quorum shall consist of a majority of the active members. For purposes of opening a meeting or hearing and continuing the matter to a time and date certain, a majority of those members in attendance shall constitute a quorum.
- 106-174** Terms Relating to Receiving and Transmitting Antennas, Communication and Broadcast Towers
- 106-174.1 Antenna A device for transmitting or receiving radio frequency (RF) signals or electromagnetic radiation, such as digital and analog signals, radio frequencies, broadcast signals, such as television and radio signals, and other communication signals. Antennas are typically mounted on a supporting tower, pole or mast, building or other suitable structure. Types of antennas include directional antennas, such as panel antennas, microwave dishes, and omni-direction antennas, such as whip antennas, but not domestic satellite dishes. Additionally, some antennas operate as both transmitting and receiving devices.
- 106-174.2 Base (or Primary Station) The primary sending and receiving site in a wireless service provider's telecommunication network and generally consisting of one or more antennas mounted on a communication tower.
- 106-174.3 Broadcast Tower A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission of radio or television signals. The actual broadcast tower itself may also function as the antenna, (i.e., for AM broadcast radio) if part of the apparatus is necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission. Broadcast towers are often sited within a non-staffed broadcast facility for the transmission of radio or television signals.
- 106-174.4 Communication Tower A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission and/or receiving of radio frequency (RF) signals or electromagnetic radiation to provide wireless telecommunication service, including wireless Internet service.. Communication towers are often sited within a non-staffed wireless telecommunication facility for the transmission of radio frequency (RF) signals. Said facility usually consists of an equipment shelter, cabinet or other enclosed

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structure housing electronic equipment, a communication tower, and antennas, including repeaters and microcells, or other transmission and reception devices used to provide cellular, specialized mobile radio and personal communication services (PCS) services.

- 106-174.5 Equipment Shelter An enclosed structure or cabinet usually placed at or near the base of the communication tower within which are housed electrical and other equipment necessary for the operation of the facility. Cables connect the shelters to the antenna(s).
- 106-174.6 Federal Aviation Administration (FAA) The FAA, a division of the United States Department of Transportation, was established by the Federal Aviation Act of 1958, and is primarily responsible for the advancement, safety and regulation of civil aviation.
- 106-174.7 Federal Communications Commission (FCC) The FCC is an independent government agency that was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.
- 106-174.8 Microcell A low power facility used to provide increased capacity to wireless telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility. (See also "Repeater")
- 106-174.9 Non-Residential Districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INS, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND and MAE Land Use Districts.
- 106-174.10 Oregon Department of Aviation (ODA) The state agency that is responsible for developing aviation as an integral part of Oregon's transportation network; creating and implementing strategies to protect and improve Oregon's aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing commercial air service and general aviation in Oregon.
- 106-174.11 Radio Frequency Emission Electromagnetic radiation that is of low photon energy unable to cause ionization and is generated by a transmitting antenna.
- 106-174.12 Radio Frequency Engineer An engineer specializing in electrical or microwave engineering, licensed in the state of Oregon, with a degree in engineering, and experience to perform and certify radio frequency radiation measurements.
- 106-174.13 Receiving Antenna A device that only receives nonionizing electromagnetic energy and does not emit radio frequency energy.
- 106-174.14 Repeater A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from the base or primary station.

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- 106-174.15 Replacement Tower A new communication or broadcast tower capable of supporting co-located antennas that is intended to replace an existing tower that is not capable of supporting co-located antennas. A replacement tower has the same height and base diameter, and same site improvements as the existing tower.
- 106-174.16 Residential Districts: R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5 Land Use Districts.
- 106-174.17 Site A parcel or portion of, which is owned or leased by one or more broadcast or wireless telecommunications providers and upon which a broadcast or communication tower and required site improvements, including landscaping, are located. With the exception of site access, these sites are usually fenced off from the remainder of the parcel.
- 106-174.18 Speculation or "Spec" Tower A tower for the purpose of providing location mounts for future antennas without a binding contractual commitment by a service provider to locate an antenna upon the tower at time of the original application submittal.
- 106-174.19 Stealth Design The design of new antennas or towers in a manner that camouflages, conceals, or disguises the facilities as described in Sections 430-109.3 and 430-109.6. The direct results of applying "stealth" technology are broadcast and communication towers designed in an aesthetically pleasing and acceptable manner typically. "Stealth" facilities are generally not easily discernible or easily noticeable.
- 106-174.20 Telecommunication Facility All equipment, including antennas for the transmitting and/or receiving of radio frequency signals or electromagnetic radiation (i.e., wireless telecommunication service and wireless Internet/'Wi-Fi'), broadcast signals (i.e., radio and television), and other communication signals, tower, accessory equipment, and improvements, such as landscaping, fencing and parking areas, located on the site.
- 106-174.21 Telecom Hotel A building or structure designed to warehouse telecommunications equipment, including utility hookups and connections to fiber-optic networks. Telecom hotels generally require thousands to hundreds of thousands of square feet, but relatively few employees.
- 106-174.22 "Top-Hat" Antenna Array A horizontal platform or enclosed framework of metal supports attached to a communication tower, or other building or structure, that is generally triangular or square in shape on which antennas are mounted. This type of antenna array is used to facilitate the transmission or reception of an omnidirectional or 360-degree signal.
- 106-174.23 Tower (e.g., broadcast and communication) types include:
- A. "Guyed tower" A tower that is permanently connected to the ground by cables (guy wires).

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- B. "Lattice tower" A self-supporting multiple-leg tower comprised of an open framework of either structural steel or diagonal cables or a combination thereof.
- C. "Monopole" A self-supporting, single, upright pole and requiring no guy wires or diagonal cables to stabilize the structure. Monopoles are typically constructed of wood or steel.

106-174.24 Transmitting Antenna A device that emits and may receive nonionizing electromagnetic energy.

106-174.25 Uses Accessory to an Antenna A use that is customarily incidental to a receiving or transmitting antenna and is generally situated on the same property as the antenna, such as an equipment shelter.

106-174.26 Visually Subordinate The relative visibility of a broadcast or communication tower where the tower does not noticeably contrast with the surrounding built or natural landscape. Visibly subordinate towers may be partially visible, but not visually dominate in relation to their immediate surroundings.

**106-175** Recreational Vehicle Any vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed for human occupancy and to serve as temporary living accommodations for recreational, camping, travel or emergency purposes. Pursuant to OAR 918.525.0005(35), recreational vehicles include camping trailers, camping vehicles, motor homes, park model trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational use and any vehicle converted for partial use as a recreational vehicle. Recreational vehicle does not include a special use vehicle which is capable of providing eating or sleeping facilities unless the vehicle also is equipped with a holding tank, and liquid petroleum gas or a 110 to 240 volt electrical system used in conjunction with the eating or sleeping facilities.

106-175.1 Park Model Recreational Unit, or Park Model Trailer A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis. Designed to provide recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances. Pursuant to OAR 918.525, park model units greater than 320 square feet when in set-up mode may be dual labeled by the manufacturer as both a park trailer recreational vehicle and a manufactured home.

**106-176** Regional Flood (Base Flood) Inundation during periods of higher than normal stream or drainage flow that has a one (1) percent chance of occurrence in any single year (100 year flood).

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- 106-177** Regional Shopping Center A planned commercial center intended as a coordinated environment to serve shoppers at a regional level, developed with a comprehensive development plan for a parcel or adjacent parcels of land under single ownership or development control. A regional shopping center includes two or more major department stores which serve as anchor tenants and a variety of office, commercial, retail and related activities generally sharing common parking facilities. A major department store has over 50,000 square feet of floor area. A junior department store has less than 50,000 square feet.
- 106-179** Residential Home A residential treatment or training or an adult foster home licensed by or under the authority of the Department of Human Services, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
- 106-181** Review Authority Any person or body empowered pursuant to this Code to review development proposals and grant an approval or denial.
- 106-183** Right-of-Way The area between the platted boundary lines of a street or public easement. Where not platted, the boundary lines of the street or public easement.
- 106-185** Riparian Corridor (Water Areas and Wetlands) This term shall have one of the following two meanings:
- (1) For areas that have not been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996), riparian corridor shall mean the area, adjacent to a water area, which is characterized by moisture-dependent vegetation, compared with vegetation on the surrounding upland, as determined by a qualified botanist or plant ecologist, or in no case less than a ground distance of twenty-five (25) feet on either side of the channel. Where, in its existing condition, a wetland or watercourse has no discernible channel which conveys surface water runoff, the riparian zone shall be measured from the center of the topographic trough, depression or canyon in which it is located.
  - (2) For areas that have been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996), riparian corridor shall mean a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary, or the definition of the term used in OAR 660, Division 23. The boundary of a riparian corridor having this meaning shall be defined pursuant to OAR 660-23-090.
- 106-187** Roadway The portion or portions of a street right-of-way developed for vehicular traffic.



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- 106-189** Rural Area The land area located in Washington County which is outside an acknowledged Urban Growth Boundary.
- 106-190** School, Commercial A facility where instruction is given to students in arts, crafts, or trades operated as a commercial enterprise as distinguished from public or private schools endowed and/or supported by taxation.
- 106-191** School, Nursery (Preschool) A school offering instruction or guided activity to preschool children for four (4) hours or less during a day. A facility providing care to preschool children for more than four (4) hours during a day is a day care facility (see Section 430-53.2).
- 106-192** Site Grading or Clearing Any site grading, excavation, fill, dredging or clearing except those excluded by Sections 201-1 and 410 or 407-3.2.
- 106-193** Sign A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign shall be considered to be a sign.
- 106-193.1 Electric Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- 106-193.2 Incidental A sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names, price signs or services rendered.
- 106-193.3 Flashing Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving, illuminated sign shall be considered a flashing sign.
- 106-193.4 Freestanding A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.
- 106-193.5 Ground Mounted A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.
- 106-193.6 Integral A sign carved into stone, concrete or similar vehicular material or made of bronze, aluminum or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the structures.

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- 106-193.7 Marquee A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.
- 106-193.8 Outdoor Advertising A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- 106-193.9 Projecting A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 106-193.10 Roof A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.
- 106-193.11 Temporary A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and intended to be displayed for a limited period of time.
- 106-193.12 Wall Flat A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
- 106-194** Single Family Accessory Dwelling Unit A second dwelling unit which occupies the same lot with a detached single family dwelling unit and that is subordinate to the primary dwelling. The accessory dwelling unit may be located within, attached to, or detached from the primary detached single family dwelling unit. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.
- 106-195** Solid Waste
- 106-195.1 Mixed Solid Waste Means solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.
- 106-195.2 Source Separated Recyclables Means, at a minimum, recyclable materials designated "principle recyclable materials" by the State Environmental Quality Commission under ORS 459A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, office paper, and tin cans (OAR 340-60-030).
- 106-195.3 Residual Mixed Solid Waste Means useless or discarded material commonly disposed of by residential and non-residential generators after some level of source separation and recycling has occurred.
- 106-195.4 Storage area Means the space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days.

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- 106-196** Specified Anatomical Areas Uncovered or less than opaquely covered, post-pubertal human genitals, pubic areas, post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state.
- 106-197** Specified Sexual Activities Human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, flagellation, torture or bondage either real or simulated.
- 106-199** Story That portion of a building included between a floor and the ceiling next above it, exclusive of a basement.
- 106-201** Street Plug or Reserve Strip A strip of land located between a subdivision and other property and not dedicated to public use, but conveyed to the County for the purpose of giving the County control over development of adjacent property.
- 106-203** Street Tree Any plant material located adjacent to a public street, having the capability of growth that will produce a vegetative canopy above a trunk not less than ten (10) feet high.
- 106-205** Structure Anything which is built, erected or constructed and located on or under the ground, or attached to something fixed to the ground. Structures include, but are not limited to, buildings, towers, walls (includes retaining walls), fences more than six feet in height, billboards, and utilities. Structures do not include paved areas.
- 106-207** Subdivide Land As defined by Oregon Revised Statutes 92.
- 106-209** Subdivision As defined by Oregon Revised Statutes 92.
- 106-211** Urban Unincorporated Area The land area located in Washington County which is within the acknowledged Urban Growth Boundaries and outside of city limits.
- 106-213** Urban Growth Boundaries (UGB) The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, which identify and separate urbanized land from rural and natural resource land.
- 106-214** Vanpool/Carpool Two (2) or more people who share the use and/or cost of a van or car for transportation to and from a destination.
- 106-215** Vegetated Corridor Lands that are located within the Clean Water Services boundary and are defined in the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. Vegetated corridors are generally preserved and maintained lands intended to protect the water quality functions of water quality sensitive areas.
- 106-216** Warehouse A structure or part of a structure used for storing goods, wares or merchandise, whether for the owner or for others.

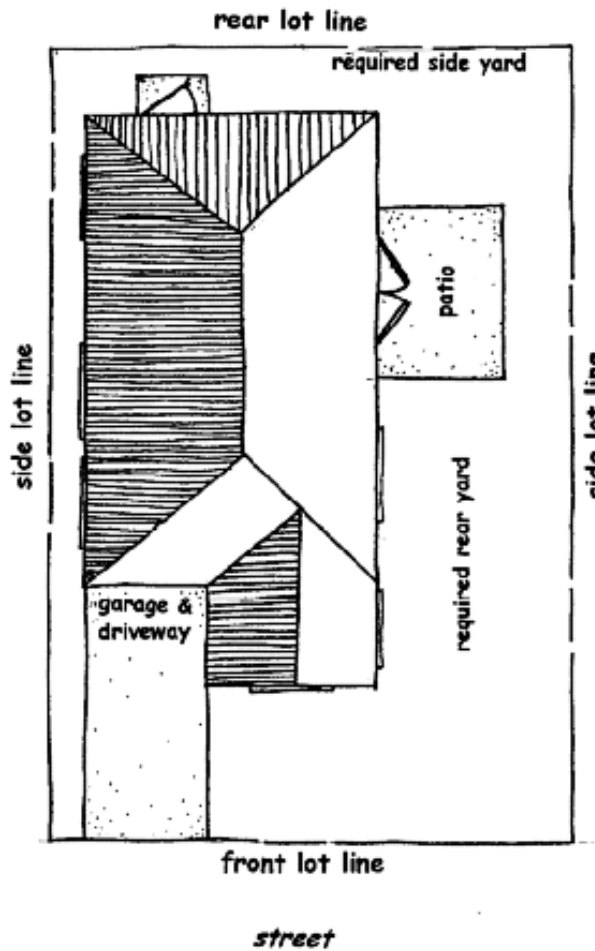
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- 106-217** Water Quality Sensitive Areas Lands that are located within the Clean Water Services boundary and are defined in the “Design and Construction Standards for Sanitary Sewer and Surface Water Management” or its successor. Water quality sensitive areas generally include, but are not limited to, existing or created wetlands, rivers, streams, springs and natural lakes.
- 106-218** Wetlands Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- 106-219** Working Day Days that the Department of Land Use and Transportation is open for business.
- 106-220** Yard (Setback) An open space on a lot or parcel which is unoccupied or unobstructed by buildings or other structures from the ground upward, except by landscaping or vegetation or as provided in Section 418 or other sections of this Code. Required yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line of the lot or parcel a building will be constructed on, except as provided otherwise by the primary district.
- 106-220.1 Yard, Front A yard extending the full width of the lot, the depth of which is the minimum distance between the front lot line and a line parallel thereto at the nearest point of a building or structure.
- 106-220.2 Yard, Rear A yard extending across the full width of the lot between the rear of a building or structure and the nearest point of the rear lot line. In those instances where a dwelling’s primary access (from a deck, patio, porch, or other similar treatment) to the lot’s main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district’s rear and side yards shall be reversed (see Figures 1 and 2). Any additional screening and buffering setback required by Section 411 shall also be provided the length of the rear lot line.

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Figure 1.

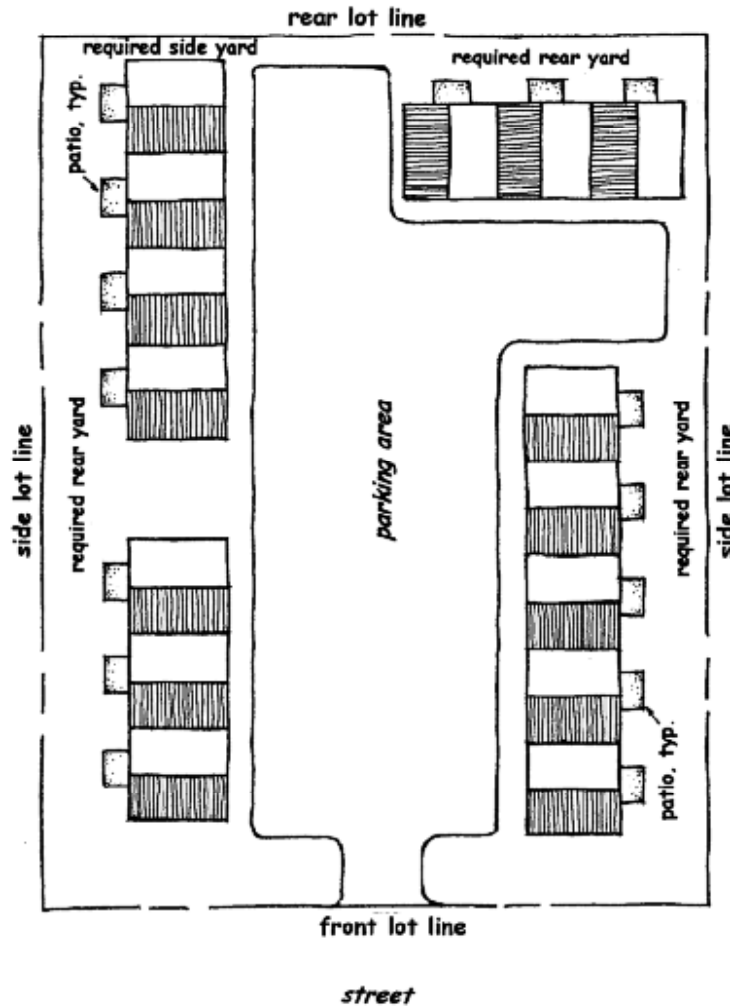
Example of a Detached Single Family Dwelling



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Figure 2.

Example of a Multi-Family Development



106-220.3 Yard, Side A yard between a building or structure and the side lot line extending from the front yard to the rear yard. The width of the side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. In those instances where a dwelling's primary access (from a deck, patio, porch, other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed. (See Figures. 1 and 2 of Section 106-219.2 for an illustration.) Any additional screening and buffering setback required by Section 411 shall also be provided the length of the side lot line.

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**106-221** Zero-Lot-Line Attached or detached dwelling units which are constructed with zero side or rear setbacks.

**107 PLANNING PARTICIPANTS**

The following are the major participants in the planning process in Washington County. The roles of these participants are generally outlined here. The roles and responsibilities may be further defined by the Board of Commissioners through Ordinance or Resolution and Order.

**107-1 Board of Commissioners**

- 107-1.1 The Board of Commissioners is the policy and ultimate decision-making body for the County except as otherwise provided by the Comprehensive Plan, the Constitution of the State of Oregon, Oregon State Statutes or the Washington County Charter. The Board of Commissioners retains and exercises all the powers granted to the County except as provided herein, by the Comprehensive Plan, or by action of the Board through either the adoption of an Ordinance or Resolution and Order.
- 107-1.2 The Board of Commissioners may, by Ordinance or Resolution and Order, create a Planning Commission or Commissions which shall act as the planning and development advisory body(s) to the Board and shall have such other powers and authority as described in this Code or as may be specified by the Board through Ordinance or Resolution and Order.
- 107-1.3 The Board of Commissioners, may, by Ordinance or Resolution and Order, create subcommittee(s) of the Planning Commission(s) and delegate to such subcommittee(s) such powers and authority deemed necessary by the Board.
- 107-1.4 The Board of Commissioners may, by Ordinance or Resolution and Order, create, revise or consolidate planning advisory committees for individual geographic areas of the County to consult within the preparation, adoption, revision and implementation of community plans for the respective areas. Advisory committees may be composed of residents, property owners, and business operators in the area.
- 107-1.5 The Board of Commissioners may, by Ordinance or Resolution and Order, designate a land use hearings officer to serve at its pleasure to hear and determine development actions and contested cases.
- 107-1.6 The Board of Commissioners may, by intergovernmental agreement pursuant to Oregon Revised Statutes, create joint Planning Commissions for any or all of the unincorporated area of Washington County and other such area as may be agreed upon.
- 107-1.7 The Board of Commissioners may interpret the Community Development Code where ambiguity exists as to the meaning of specific provisions. This interpretation, when made, shall be used to guide staff and the Review Authority in applying the Code to specific situations. The Board by ordinance or resolution and order shall develop procedures for implementing this section.

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**107-2 Planning Commission**

107-2.1 Membership:

- A. There is hereby established a Planning Commission which shall consist of members appointed by the Board of Commissioners for four year terms or until their respective successors are appointed and qualified. The members' terms shall be staggered. The members of the Planning Commission existing on the day that this Code is adopted, may continue in office until the end of their respective terms. No member shall serve more than two consecutive four-year terms. Members may serve until a replacement is appointed.
- B. Upon the resignation, permanent disqualification or removal of any member of the Planning Commission, the Board may appoint a successor to fill out the remainder of the term. If the remainder of the term is less than two years the successor may be appointed by the Board for two additional full terms.
- C. Planning Commissioners shall serve at the pleasure of the Board and may be removed without cause at any time. This provision shall not apply during the current term of any Planning Commission member serving on the effective date of this ordinance. It shall govern all new appointees, including existing Planning Commission members appointed to additional terms. Existing members may be removed only as provided in former Section 107-2.1 C. during their current terms.
- D. Members of the Planning Commission shall serve without compensation other than reimbursement for duly authorized expenses as authorized by the Director.
- E. Members of the Planning Commission shall be residents of various geographic areas of the County. No more than two members shall be engaged principally in the buying, selling, or developing of real estate. No more than two members shall be engaged in the same occupation.

**107-2.2 Responsibility and Authority:**

- A. The Planning Commission shall advise the Board of County Commissioners on legislative planning and development issues such as the adoption, revision or repeal of any Comprehensive Plan or implementing Ordinance or Code related to the responsibilities and authority granted by applicable State law, the Washington County Charter and the Washington County Comprehensive Plan.
- B. The Planning Commission may initiate planning and development actions.
- C. The Planning Commission shall have the authority to act on planning and development matters as authorized in the Comprehensive Plan, this Code or Resolution and Order of the Board of Commissioners. The Planning Commission shall perform such other functions as may be authorized by this Code or other Ordinances or by Resolution and Order of the Board of County Commissioners.



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- D. The Planning Commission may appoint a subcommittee or subcommittees of the Planning Commission to act upon such matters as the Planning Commission or Board of Commissioners may delegate through Ordinance or Resolution and Order.
- E. The Planning Commission shall coordinate with, cooperate with and advise other Regional, County and City Planning Commissions and may upon request, or on its own initiative, furnish advice or reports to any city, county, regional, State, or Federal agency, department, officer or association, concerning any matter relating to County Planning.
- F. The Planning Commission members or their agents may, in the performance of their functions, enter upon any land and make examinations or surveys, take photographs or place and maintain the necessary monuments or markers thereon.

**107-2.3 Rules and Procedures:**

- A. The Planning Commission may conduct business only when a quorum of the members are present. For purposes of interpreting the Community Development Code or any provisions of these rules, a Planning Commissioner is not considered "present" for purposes of determining the votes needed on a matter when he/she has abstained from participation on that matter.
- B. The Planning Commission shall, at or before its first meeting in July each year, elect and install one of its members to serve as Chairman and another to serve as Vice-Chairman.
- C. Planning or development actions by the Planning Commission require a majority vote of those voting.
- D. A tie vote on a planning or development action shall not constitute an approval or denial of the request. If the final vote on the matter is a tie, the matter shall automatically be continued to the next regularly scheduled meeting for another vote. A member not present earlier may participate if the member indicates on the record that he or she has reviewed the material and listened to the tape of the hearing. If a tie vote remains after the second meeting the action is deemed to be denied.

**107-3 Director**

The Director shall:

- 107-3.1 Be responsible for the administration of planning and development activities within the County and shall be the chief administrator in charge of Planning. The Director's responsibilities shall be outlined in the job description and may include but are not limited to the following activities:

- A. Schedule and assign cases for review and hearings;

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- B. Conduct all pertinent correspondence of the Hearings bodies;
  - C. Give notice as required by this Code;
  - D. Maintain agendas and minutes of all Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer meetings;
  - E. Compile and maintain all necessary records, files and indexes for Planning and Development activities; and,
- 107-3.2 Provide professional expertise, staff assistance and act as secretary to the Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer, keeping an accurate, permanent and complete record of all proceedings.
- 107-3.3 Provide professional expertise and staff assistance to the Board of County Commissioners as necessary for planning matters.
- 107-3.4 Coordinate planning functions with other County Departments, other jurisdictions within the County and other agencies as is necessary to carry out planning duties.
- 107-3.5 Provide assistance and information to the public on land use activities.
- 107-3.6 Other activities as specified by the Board of County Commissioners.
- 107-4 Hearings Officer**
- 107-4.1 Appointment:
- A Hearings Officer may be appointed and removed at the discretion of the Board of Commissioners.
- 107-4.2 Duties:
- The Hearings Officer shall conduct hearings and take action on development requests as specified by this Code and as may be further specified by Ordinance or Resolution and Order of the Board of Commissioners.
- 107-5 Land Use Ordinance Advisory Commission**
- 107-5.1 Purpose:
- The purpose of the Land Use Ordinance Advisory Commission and other provisions of this section is to implement Chapter X of the Washington County Charter. Chapter X is intended to ensure adequate notice of proposed land use ordinances to encourage meaningful citizen participation. The provisions of this section shall be liberally construed to this end.
- 107-5.2 Definitions:

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- A. "Annual Land Use Notice" means a notice annually mailed to each property owner of record as shown in the current assessment roll and to each officially recognized citizen involvement organization. It also includes a display advertisement published at least twice per year in a newspaper of general circulation in Washington County.
  - B. "Individual Notice" means written notice mailed by first class mail to those persons who have requested notice as provided in Chapter X of the Washington County Charter and to each officially recognized citizen involvement organization.
  - C. "General Notification List" means a list of each officially recognized citizen involvement organization and those persons who have requested in writing individual notice of public hearings on all land use ordinances.
  - D. "Land Use Ordinance" means one which adopts, amends or repeals a comprehensive plan, development or zoning code and related maps or otherwise directly governs the use of land. It does not include such subjects as: financing public improvements, road engineering and utility standards, building code, development fees, sewer or septic regulations or nuisance control.
- 107-5.3 Commission Membership:
- A. The Land Use Ordinance Advisory Commission shall be composed of five (5) members. Members shall be residents of Washington County. No member shall be an employee of Washington County whose regular duties involve application of any land use ordinance, or a member of the Planning Commission or Board of County Commissioners.
  - B. The term of each member of the Commission shall be two (2) years, except for two (2) members of the first Commission appointed who shall serve a one (1) year term. Persons to serve for an initial one-year term shall be selected by lot. The terms of office scheduled to expire January 31, 1991, shall be changed to expire October 31, 1990. Effective October 31, 1990, terms shall begin on November 1 and expire on October 31 of the second year of the term.
  - C. Members of the Commission shall be appointed by the Board of County Commissioners. The Board shall make appointments prior to expiration of terms, when possible, to maintain a five (5) member Commission. Upon resignation, removal for cause, or liability to serve of any member, the Board shall appoint a person to serve for the unexpired term. The appointee may serve two additional full terms.
  - D. Prior to making appointments, the Board shall solicit nominations from the general citizenry, the Committee for Citizen Involvement, Citizen Participation Organizations and other organizations. Effective March 1, 1990, solicitation of nominations shall be made no later than August 1 of each year.
  - E. In making appointments of Commission members, the Board may consider individual interests in the Commission's charge, expertise, geographic location,

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balance of viewpoints, and civil concern with the total membership to reflect, if possible, a balance of appointments by all five (5) County Commissioners.

F. The Board may remove a member only for cause, including but not limited to:

- (1) Failure to reside in Washington County;
- (2) Being in a position which excludes a person from eligibility under subsection A of this section;
- (3) Willful violation of any state law, charter provision or ordinance concerning conduct of public officials; or
- (4) Any person who fails to attend three (3) meetings in succession shall automatically cease to be a member of the Commission. However, if a member obtains prior permission from the Chairman to be absent from a meeting, that missed meeting shall not be counted for automatic dismissal from the Commission.
- (5) Other cause related to ability to serve as a Commission Member.

107-5.4 Commission Organization:

- A. The Commission shall hold an annual meeting for the purposes of selecting a chair and vice-chair from its membership, adopting rules of procedure and transacting any other business that may come before it. Such annual reorganizational meeting shall be called by the Chairman as soon after November 1 as new appointments are made. If the Chairman of the prior Commission is no longer a member, the meeting shall be called by the secretary. The meeting shall be held no later than December 31st.
- B. The Director, or a designated representative, shall serve as secretary to the Commission and shall assist in scheduling Commission meetings, giving notices of Commission meetings, and keeping all records of the Commission. The Director shall select a person to be the Commission secretary in October of each year for the ensuing term. The Director shall notify the Commission in writing of the person selected.

107-5.5 Commission Procedures:

- A. Meetings of the Commission, other than the annual meeting, may be called by the Chair, a majority of the Commission, the secretary or by the Board.
- B. The members of the Commission present at a meeting shall constitute a quorum and a majority of those present can transact business.
- C. The Commission shall act upon matters which come before it within time limits as set by order of the Board.

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- D. The Commission shall adopt and may amend additional rules of procedure as necessary to conduct business. Such rules shall be subject to modification by the Board.

107-5.6 Commission Duties:

The Commission shall:

- A. Read all proposed land use ordinances and have the sole authority to draft the annual land use notice and the initial individual notice of the Planning Commission hearing as specified in Section 104 of Chapter X of the Washington County Charter;
- B. Make recommendations to the Board regarding the timing and scope of proposed land use ordinances, and the size and format of the initial newspaper display notice; and
- C. Carry out other duties as may be specified by order of the Board.

107-5.7 Commission Compensation:

Members of the Commission shall not be compensated.

107-5.8 General Notification List:

- A. The Department shall maintain the general notification list.
- B. The list shall consist of:
  - (1) All individuals, companies, corporations, partnerships, nonprofit organizations and other such entities that have made a written request containing the name and complete mailing address of the requesting party together with the fee specified in Section 107-5.9; and
  - (2) The designated representative of all officially recognized citizen involvement organizations including citizen participation organizations and neighborhood associations.
- C. A general notification list shall be maintained for each legislative period, such period being March 1 through October 31 of each year. All requests, including payment of the fee, received on or after November 1 of a year and prior to March 1 of the following year shall be placed on the general notification list for the next legislative period. Requests received during a legislative period shall be valid only for the period in which they are received.

107-5.9 Notice Fee:

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- A. The initial annual notice fee for placement on the general notification list shall be established by resolution and order of the Board based on a reasonable estimate of mailing costs.
- B. For purposes of this section, costs shall include expenses incurred for mailing the individual notice, such as materials, printing, collating, placing in envelopes, addressing, postage and similar costs. Costs shall not include staff time drafting said notice or maintaining the general notification list.
- C. All fees shall be placed in a notice fee account or fund to be used solely to pay the costs of mailing the individual notice to parties on the general notification list. Any year end balance or deficit in the notice fee account or fund shall be carried forward and used in computing any decrease or increase in the fee.

107-5.10 Annual Land Use Notice:

A. Content

The annual land use notice shall be drafted by the Land Use Ordinance Advisory Commission. The notice shall include, but not be limited to:

- (1) A general description of the land use ordinance adoption process;
- (2) An explanation that those on the general notification list will receive individual notice of the public hearings as provided in Section 104 of Chapter X of the Washington County Charter;
- (3) The address for submitting notification requests and a telephone number for persons with questions; and
- (4) The amount of the fee as described in Section 107-5.9.

B. Mailing

- (1) The annual land use notice shall be included with the ad valorem tax statements mailed by the Department of Assessment and Taxation and shall be mailed to each officially recognized Citizen Participation Organization at approximately the same time. In addition, the Board may direct that an annual land use notice may be mailed at such other times as deemed advisable.
- (2) Failure to receive notice shall not invalidate any ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person who did not receive notice.

C. Newspaper Notice

- (1) Newspaper notice shall be published once during the second week of January and once during the second week in October of each year. A newspaper notice also may be published at approximately the same time

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that any annual land use notice is mailed. It shall be published in a newspaper of general circulation in Washington County as declared by the Board. However, first publication of the newspaper notice during the calendar year 1987 need not be in March but may be at the earliest practicable date as ordered by the Board.

- (2) The content of the newspaper notice shall, at a minimum, be as set forth in subsection A of this section.
- (3) The notice shall be in the form of a display advertisement. It shall be located in the copy section of the newspaper rather than the classified advertisement or legal notice section.

107-5.11 Individual Notice:

- A. Individual notice shall be sent by first class mail to those on the current notification list. The County may rely on the name and address provided by the requesting person for inclusion on the list. Failure to receive notice shall not invalidate any ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person or entity who did not receive notice.
- B. Unless the Board directs the Land Use Ordinance Advisory Commission to draft individual notice of substantive amendments to a proposed ordinance, the notice shall be drafted by the Office of County Counsel.

**107-6 Committee for Citizen Involvement (CCI)**

107-6.1 Purpose: The purpose of the Committee for Citizen Involvement (CCI) is:

- A. To serve as the officially recognized citizen participation resource committee, which is representative of geographic areas and interests;
- B. To be dedicated and committed to the success of citizen participation in the government decision-making process;
- C. To evaluate citizen involvement process;
- D. To encourage and promote the expansion of the CPO program;
- E. To provide a direct line of communication between the citizens and county government; and
- F. To assist the County Board of Commissioners in complying with LCDC Goal #1 by developing a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

107-6.2 Membership:

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- A. Will consist of the two representatives from each recognized CPO in Washington County and two alternates which shall make up the membership of the CCI.
- B. These representatives may be selected or appointed by any method approved by the individual CPOs.
- C. The term of each representative will be as determined by each CPO.

**107-7 Citizen Participation Organization (CPO)**

107-7.1 Purpose:

- A. To facilitate effective citizen involvement in the planning and development of Washington County.
- B. To assist in the development of and revisions to the County Comprehensive Plan.
- C. To participate in special projects and studies affecting communities.

107-7.2 Membership:

Membership in a CPO is open to all citizens of voting age who either reside, own land or own or operate a business within the boundaries of the CPO.

107-7.3 Bylaws:

Bylaws, including requirements for voting, shall be determined by each individual CPO.

107-7.4 Boundaries:

The boundaries of the individual CPOs shall be defined and may be amended through Ordinance or Resolution and Order of the Board of Commissioners.

107-7.5 Additional Duties and Responsibilities:

As may be determined by the Board of County Commissioners through Ordinance or Resolution and Order.

**107-8 Neighborhood Organization**

107-8.1 Purpose:

To provide recognition by the Board of County Commissioners of a citizen's group representing a small defined area of the County with specific interest in County activities affecting their area and to provide standing for the group in a specific land use matter.

107-8.2 Membership:



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The organization must represent sixty (60) percent of the registered voters within its boundaries and must have at least fifty (50) members. Membership in the organization shall be open to all citizens of voting age who either reside, own land or own or operate a business within the boundaries of the organization.

107-8.3 Boundaries:

The boundaries of each neighborhood shall be defined by Resolution and Order, by the Board, and shall lie entirely within the unincorporated boundary of the County. Within the boundary, at least fifty (50) percent of the land must be developed for residential use.

**110 TRANSITION TO DEVELOPMENT CODE**

110-1 Intent and Purpose

110-1.1 The purpose of this Section is to provide an orderly transition:

- A. From Article II of the 1973 Community Development Ordinance, Relating to Zoning, Article III, Relating to Subdivision and Land Partitioning, and the 1982 Rural Plan and implementing Ordinance to this Code and the Comprehensive Plan;
- B. In transit oriented districts, from the Community Development Code Element of the Comprehensive Plan (Volume IV), adopted by Ordinance No. 308 and last amended by Ordinance No. 479 on August 5, 1997, to this Code, which includes amendments made by Ordinance No. 486 on October 28, 1997; and
- C. In the Bull Mountain and West Tigard Community Plan areas, from Ordinance No. 487 (Article VIII), as amended, and Ordinance No. 488 (Article IX), to this Code, which includes amendments made by Ordinance No. 659.

110-2.1 This Section is intended to protect the interests of those who have received and acted upon previous requests under those former Ordinances, while furthering the public interest, by ensuring that future development occurs pursuant to the provisions of this Code.

**110-2 Pending Land Use Applications**

110-2.1 All applications filed under Ordinance Nos. 263, 264, 265, 278, 279, and 280 shall continue to be processed pursuant to the provisions of the former Ordinance, except procedures, until a final decision is rendered by the County or the application is withdrawn. If approved, the development shall obtain any further approvals required by the former Ordinance and commence development within the time periods specified in that Ordinance.

110-2.2 All applications filed under Ordinance No. 308, as amended, prior to the effective date of Ordinance No. 486, that are for development located in a transit oriented district, shall continue to be processed pursuant to the provisions of this Code that

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were in effect prior to the effective date of Ordinance No. 486, except procedures, until a final decision is rendered by the County or any appellant body or the application is withdrawn. If approved, the development shall obtain any further approvals required by the former Code provisions and commence development within the time periods specified in the former Code provisions.

**110-3 Transition Provisions for Approval Granted Under Article III of the 1973 Community Development Ordinance and Article VI, Subdivision and Partitioning**

The following shall govern land use approvals granted pursuant to Article II of the 1973 Community Development Ordinance and Article VI, Subdivision and Partitioning prior to the effective date of this Code:

- 110-3.1 Preliminary land division plan approvals shall be valid for two (2) years from September 26, 1983 for those areas except for Raleigh Hills, Garden Home, Metzger-Progress, Sunset West and the Rural Natural Resource Area. Said areas to have two (2) years from March 26, 1984, except that an approval for a phased development shall be valid in accordance with the timetable approved but not to exceed five (5) years total. Final approval shall be determined in accordance with the standards of the former Ordinances and former Comprehensive Plan and shall be valid for one (1) year. All further approvals, such as design review, must be obtained and the development commenced as defined in Section 201-6, within that period. No extensions shall be granted.
- 110-3.2 Final PUD master plan approvals shall be valid for two (2) years from the effective dates set forth in 110-3.1. Further approvals shall be obtained and commencement of development, as defined in Section 201-6, shall occur within that time and no further extensions shall be granted.
- 110-3.3 All rezonings to the provisions of Sections 251 through 265, Planned Residential District, of former Article II of the Community Development Ordinance which have not been commenced on the effective date of this Code hereby are void and of no further effect. The conditions of approval of any constructed or commenced P-R development shall continue unless in direct conflict with this Code or the Comprehensive Plan. P-R phases not yet commenced, as defined in Section 201-6, on the effective dates set forth in 110-3.1 are void. Nothing in this paragraph shall be deemed to void a valid nonconforming use or vested right.
- 110-3.4 Prior final design review approvals shall be valid for a period of two (2) years the dates set forth in 110-3.1. Administrative actions approved under the former Ordinances which have not obtained a required design review approval, and are not provided for above, shall have one (1) year from the dates set forth in 110-3.1 to obtain such approval under the former standards. All administrative actions not receiving such approval within one (1) year shall be subject to the Development Review Standards of this Code. If those standards cannot be met, a variance or hardship relief must be obtained or the prior approval shall be reversed and the development denied.

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- 110-3.5 Notwithstanding any other provision, conditional use permits shall continue to be valid for a period of five (5) years from the dates set forth in 110-3.1, except for home occupations which shall be valid for one (1) year. Holders of conditional use permits may seek a Development Permit if the use is permitted, or continue beyond expiration as a nonconforming use. Nonconforming conditional uses shall continue to be subject to all conditions imposed at the time of approval. This provision shall not apply to the Mineral and Aggregate Overlay District, which shall be governed by Section 379.
- 110-3.6 Prior final land division approvals shall be void if not recorded within one (1) year of the dates set forth in 110-3.1.
- 110-3.7 All conditions of approval imposed under the former Ordinance shall continue in full force and effect, unless the condition directly contradicts a specific and more restrictive provision of this Code, or is otherwise provided in the applicable Community Plan. All land required under prior approvals to be utilized as Open Space shall remain in that status and shall be unbuildable. No density transfer or bonuses shall be granted for said land except as provided in the prior approval.
- 110-3.8 Notwithstanding any other provision, the applicant and owner of a property or their successor(s) may void all prior approvals and seek a development permit under this Code on development which has been approved but has not yet commenced.

**110-4 All development permits issued pursuant to Ordinance Nos. 263, 264, 265, 278, 279, and 280 shall expire two (2) years from issuance. Extensions may be granted only if the Review Authority determines that this Ordinance imposes no substantive changes on the development.**

**110-5 Transition Provisions in Transit Oriented Districts**

The following shall govern land use approvals granted pursuant to Ordinance No. 308, as amended, prior to the effective date of Ordinance No. 486 that are for development located in a transit oriented district:

- 110-5.1 All preliminary approvals shall be valid for two (2) years from the date of preliminary approval of a development application. All preliminary approvals shall expire two (2) years from the date of approval unless final approval has been granted. Final approval shall be determined in accordance with the former standards of Ordinance No. 308, as amended, and former requirements of the Comprehensive Plan. All final approvals shall be valid for one (1) year, except that a final approval of a phased development shall be valid in accordance with the timetable approved but shall not exceed five (5) years total. No extensions to a preliminary or final approval shall be granted.
- 110-5.2 Special uses, approved prior to the effective date of Ordinance No. 486, which have not obtained a required design approval, shall have one (1) year from approval to obtain the required design review approval under the former standards. If those standards cannot be met or if the approval is not obtained within one (1) year of special use approval, the special use approval shall expire.

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- 110-5.3 Under an application that has not received final approval prior to the effective date of Ordinance No. 486, an applicant shall not be allowed to use any of the provisions adopted by Ordinance Nos. 483, 484, 485, and 486 on any portion of the subject site. In order to use any of the provisions adopted by Ordinance Nos. 483, 484, 485, and 486, the application shall be withdrawn and a new application for the subject site shall be submitted which is consistent with this Code as amended by Ordinance No. 486 and the applicable provisions of Ordinance Nos. 483, 484, and 485.

**110-6 Transition Provisions in the Bull Mountain and West Tigard Community Plan Areas**

The following shall govern land use applications submitted or approved pursuant to Ordinance No. 487 (Article VIII), as amended, and Ordinance No. 488 (Article IX) prior to the effective date of Ordinance No. 659. The subject area is described in Exhibit 1 to Ordinance No. 659.

- 110-6.1 Approval of all land use applications shall be determined in accordance with the former standards of Ordinance No. 487, as amended, and Ordinance No. 488 consistent with ORS 215.427(3)(a).
- 110-6.2 All preliminary approvals shall be valid for eighteen (18) months from the date of preliminary approval of a development application. All preliminary approvals shall expire (18) months from the date of approval unless final approval has been granted. No extensions to a preliminary approval shall be granted.
- 110-6.3 All final approvals shall be valid for eighteen (18) months, except that a final approval of a phased development shall be valid in accordance with the timetable approved, but shall not exceed five (5) years total. No extensions to a final approval shall be granted. All final approvals shall expire unless commencement of development has occurred in accordance with the provisions of Section 201-6, except as provided otherwise by Section 110-6.4.
- 110-6.4 Final land division approvals shall be void if not recorded with eighteen (18) months of final approval. Development of a recorded land division is not required to commence development within eighteen (18) months of recording.
- 110-6.5 Approvals shall be developed in accordance with the conditions and standards of the approval. All land required under prior approvals to be utilized as Open Space shall remain in that status and shall be unbuildable. No density transfer or bonuses shall be granted for said land except as provided in the prior approval.
- 110-6.6 Notwithstanding any other provision, the applicant and owner of a property or their successor(s) may void all prior approvals and seek a development permit under this Code on development which has been approved, but has not yet commenced.

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**200 INTRODUCTION**

This Article establishes the procedures to be used in reviewing and taking action on development proposals.

**201 DEVELOPMENT PERMIT**

**201-1 Permit Required**

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Section 106-57, without first obtaining a Development Permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid Development Permit has been issued. Development authorized by a Development Permit shall occur only as approved.

**201-2 Exclusions from Permit Requirement**

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.1 Landscaping outside the flood plain and not involving a structure or parking lot;

201-2.2 Any change or repair to a building or other structure that does not alter or expand the use thereof, and, except as permitted by Section 440-2, does not require a building permit;

201-2.3 Erection of a tent for a lawful use not exceeding ten (10) days in any thirty (30) day period;

201-2.4 Farm use, except for grading or as provided in Section 201-2.12 as prohibited by Sections 421 and 422 and those specific farm uses specifically prohibited in urban land use districts. For the purposes of Section 201-2.4, "farm use" does not include the boarding or training of horses for profit;

201-2.5 An emergency measure necessary for immediate safety of persons or protection of property, except those authorized by Section 702 which are exempt from the requirements of this Code, provided however, that an application for a Development Permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency;

201-2.6 Propagation or cutting of trees except as specified in Section 407-3 provided the trees are not designated as a significant natural resource area in an urban Community Plan, designated for preservation through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a flood plain or drainage hazard area;

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- 201-2.7 Establishment, construction, maintenance, preservation or termination of local public streets substantially in the public right-of-way together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 421, 422, and 426;
- 201-2.8 Except in the EFU, AF-20 and EFC Districts, establishment, construction, maintenance, preservation or termination of the following authorized public facilities in the public right-of-way directly serving development or as shown on the Transportation Plan or adopted Public Facility Plan, together with piping and culverting and necessary drainage systems and accessory structures and easements: sewer and water lines, electrical and gas distribution lines, telephone and television cable transmission lines. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 416, 421, 422, and 426;
- 201-2.9 Maintenance, preservation or repair of local public streets or private streets, including culverting and piping, accessory drainage systems and necessary accessory structures, within a flood plain or drainage hazard area. Work shall comply with local, state and federal regulatory requirements, including the requirements of Article IV;
- 201-2.10 In the EFU, EFC, AF-20, and MAE Districts only, operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the construction of access roads, subject to the following:
- A. There shall be no work in a flood plain, drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource;
  - B. A permit is obtained from the Department of Geology and Mineral Industries (DOGAMI) prior to commencing work; and
  - C. Access to the site from a public road shall comply with the sight distance standards of Section 501-8.5 E.
- 201-2.11 The following structures accessory to a residential use:
- A. Playground equipment and structures;
  - B. Stone or brick barbecues;
  - C. Clotheslines;
  - D. Treehouses, playhouses and storage sheds less than one-hundred and twenty (120) square feet in area;

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- E. Arbors and trellises;
- F. Dog houses totaling no more than fifty (50) square feet;
- G. Hutches for rabbits and other small animals totaling no more than fifty (50) square feet;
- H. Houses for wild or domestic birds totaling no more than fifty (50) square feet;
- I. Basketball hoops, tetherball poles and other permanently mounted sports equipment;
- J. Above-ground swimming pools, hot tubs and spas with no permanent plumbing or electrical connections.

Such uses shall not be located in a required front or street side yard and shall be set back at least three (3) feet from a side (except a street side yard) or rear property line. Such uses, except uses authorized by Section 201-2.11 D., may be placed at a side or rear property line if a sight-obscuring fence at least six (6) feet in height is located along the property line. No portion of the structure shall extend over the property line. The maximum allowed height is fifteen (15) feet.

201-2.12 The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the flood plain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan without first obtaining a Development Permit:

- A. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid Development or Building Permit;
- B. Cemetery graves;
- C. Excavations for wells, tunnels or utilities;
- D. Excavations or fills for public projects conducted by or under contract of the County;
- E. Exploratory excavations affecting or disturbing areas less than six thousand (6,000) square feet in size, under the direction of soil engineers or engineering geologists;
- F. Access roads developed to support forest-related activities, agricultural crop production or grazing activities, where the roads:
  - (1) Are located on property used for an interim agricultural or forest use;
  - (2) Are solely for providing access to water supplies, equipment or supply storage areas, livestock grazing areas, producing fields or orchards, or fence lines;

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- (3) Do not create a cut or fill greater than three (3) feet in height visible from a public road;
  - (4) Are sixteen (16) feet or less in width;
  - (5) Do not divert drainage onto or cause increased erosion on adjacent properties; and
  - (6) Do not discharge or threaten to discharge silt onto adjacent properties or into streams shown on the latest USGS seven and one-half (7-½) minute topographic quadrangle map;
- G. Customarily accepted agricultural activities, including preparation of land for cultivation, other than grading for roadwork or pads for structures. Unless waived by the Building Official (a review fee may be required), these activities are subject to all of the following:
- (1) No piping of drainages serving off-site properties;
  - (2) If fill is proposed, finished grade is no higher than adjacent property at the property line, or fill or excavation area is outside the district setbacks;
  - (3) Preserves existing drainage pattern, including direction and flow capacity and velocity of an existing drainage swale or channel. A drainage swale is a local depression, which conveys water to or from an adjoining property. All ponds shall be located outside drainage channels;
  - (4) Except for ponds, surface material is either topsoil or if utilized for nursery purposes, the material is commonly used to grow nursery crops;
  - (5) Fill material does not contain hazardous or contaminated substances, putrescibles or material such as asphalt, concrete or tires;
  - (6) Compliance with Oregon Administrative Rule Chapter 603, Division 95 (Agricultural Water Quality Management Program);
  - (7) Grading area is returned to farm use within one calendar year of commencing site grading.
- H. Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, Soil Conservation Service, and/or the Washington County Soil and Water Conservation District;
- I. An excavation which is less than two (2) feet in depth, or which does not create a cut slope greater than five (5) feet in height and steeper than one and one half (1-1/2) horizontal to one (1) vertical;



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- J. A fill which does not exceed one-hundred-fifty (150) cubic yards on any one (1) lot or parcel placed on natural terrain and does not obstruct a drainage course, and where the fill will be:
    - (1) Less than one (1) foot in depth and placed on natural slope flatter than five (5) horizontal to one (1) vertical; or
    - (2) Less than three (3) feet in depth when not intended to support structures.
  - K. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary, in accordance with Section 430-105.6; and
  - L. Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above-ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.
  - M. Farm related pipes, including but not limited to irrigation and drainage pipes, and necessary accessory structures, such as pumps.
- 201-2.13 Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration or replacement of a nonconforming use shall require a Development Permit as provided in Section 440.
- 201-2.14 Family day care provider as defined in Section 106-78, except in the EFU, EFC, AF-20, AF-10, AF-5, RR-5, Industrial, R-IND and MAE Districts.
- 201-2.15 Emergency or routine repairs or maintenance of a lawfully established communication tower or antenna.
- 201-2.16 Transportation improvements required to fulfill a condition of approval of a development action.
- 201-2.17 Receive-only satellite dishes as accessory uses to a maximum diameter of ten (10) feet, located in a side or rear yard and no closer than three (3) feet to any property line, with the center of the dish mounted no more than six (6) feet above grade.
- 201-2.18 Except in the EFU, EFC and AF-20 Districts, a home occupation which meets the standards for a Type I home occupation set forth in Section 430-63 but involves no customers entering the premises;
- 201-2.19 Child care provided at a public or private school for before and/or after school care exclusively for students affiliated with the school.
- 201-2.20 Farm stands in the AF-5, AF-10, EFU, AF-20, and EFC Districts if:
  - A. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental

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items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than twenty-five (25) percent of the total annual sales of the farm stand; and

- B. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

201-2.21 In the EFU, EFC and AF-20 Districts, boarding or training of horses for profit, subject to compliance with the standards in Section 430-21.

201-2.22 Shelter home, as defined in ORS 108.610(5), in the R-5, R-6, R-9, R-15 and R-24 Districts provided it is in an existing dwelling and on a lot that is at least fifteen-thousand (15,000) square feet in size.

201-2.23 Development that involves removal of vegetation down to duff or bare soil and is outside the flood plain, drainage hazard area or an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan.

201-2.24 Utility facilities in the EFU and AF-20 Districts :

- A. The placement of utility facilities, with the exception of water and sewer facilities, overhead and in the subsurface of public roads and highways along the public right-of-way and when not located within a drainage hazard or flood plain hazard area.

- B. The placement of utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

- (1) A public right-of-way;
- (2) Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
- (3) The property to be served by the utility.

201-2.25 In the EFU and AF-20 Districts, onsite filming and activities accessory to onsite filming for less than forty-five (45) days - See ORS 215.306 for standards.

201-2.26 Residential Home, as defined in Section 106-179, in any district that allows a single family dwelling unit as a Type I action or in any district in an existing dwelling, except in the EFU and AF-20 Districts.

201-2.27 Private hunting and fishing operations in the EFC District which do not constitute development as defined in Section 106-57.

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- 201-2.28 Annexation, boundary changes, or extraterritorial extensions pursuant to ORS 199.
- 201-2.29 Installation and maintenance of farm-related irrigation and drainage pipes within the 100-year flood plain, provided the disturbed soil is already farmed and is outside of the *Water Areas and Wetlands & Fish and Wildlife Habitat* Significant Natural Resource Area, as defined in Section 422, and that the land disturbance will not alter flood storage capacity or water velocities. The property owner shall be required to sign an affidavit stating that all spoils will be removed from the flood area and placed in an appropriate disposal site.
- 201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way, excluding street lights on power poles and traffic signal lights, where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where "pole" is defined as a monopole, double pole or lattice utility structure, subject to the following:
- A. Within the public road right-of-way, existing poles may be replaced with new poles in order to support the new antenna, provided the new pole is not more than fifteen (15) feet higher than pole to be replaced;
  - B. No more than one (1) associated equipment cabinet not to exceed twelve (12) cubic feet may be mounted on the pole. The cabinet shall be painted with or constructed of material with a non-reflective neutral color that matches or is similar to that of the pole. All associated ground-mounted equipment shelters located in the right-of-way are subject to the applicable standards of ODOT or Washington County to occupy or perform operations upon the affected roadway;
  - C. Antennas, excluding whip antennas, shall extend no more than ten (10) feet above the pole it is mounted on. Antennas, excluding whip antennas, shall be either flush-mounted or located within a cylindrical enclosure on top of the pole (including omni-directional antennas) in order to minimize visual impacts. Antennas shall be painted with a non-reflective neutral color that matches or is similar to that of the pole;
  - D. All cabling shall be painted with non-reflective neutral colors that match or are similar to that of the pole. If cabling is contained in protective conduit then the conduit shall be of the same or similar color as the pole; and
  - E. Service providers shall provide to the Review Authority upon completion of the installation, copies of all plans and elevation schematics for purposes of maintaining an accurate inventory of these exempt facilities. Service providers are encouraged, though not required, to include in future submittal materials pursuant to this Section, the same information for exempt facilities they maintain that were installed since October 5, 2000, the effective date of Ordinance 560.
  - F. All applicable county, state and federal right-of-way and/or building permits

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201-2.31 Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district as defined in ORS 540.505. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit.

201-2.32 The placement of an antenna and/or antenna support structures (including guy wires) of amateur radio operators up to a maximum height of seventy (70) feet, provided the antenna is mounted to a permanent structure, and provided the antenna and any associated support structures are in compliance with district setback standards.

**201-3 Issuance and Effective Date**

201-3.1 The Development Permit shall be effective upon the expiration of any local appeal period. For the final decision of the County, the development permit shall be effective upon issuance.

201-3.2 In the event that a final approval of the Board or Hearings Officer is appealed to a body of competent jurisdiction, the Development Permit shall be issued after notice of the decision is provided and it shall be the responsibility of the person appealing the Board or Hearings Officer decision to seek appropriate judicial remedies halting action upon the permit. Notwithstanding issuance, however, the holder of the Permit shall proceed at the Permit holder's own risk and shall be deemed to have expressly assumed all risk of proceeding and shall save and hold harmless Washington County from any responsibility or liability for proceeding with development.

201-3.3 Every Development Permit shall be specific as to the approval granted or development authorized. It shall be subject to the standards and conditions set forth in this Code, excepting only those variances or exceptions authorized by the Review Authority, together with any conditions imposed by the Review Authority. The development permit shall be effective immediately unless otherwise conditioned.

**201-4 Expiration**

201-4.1 Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a Development Permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:

- A. The Development Permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction; or
- B. An application for an extension is filed pursuant to Section 201-5; or
- C. The development has commenced as provided in Section 201-6.
- D. Upon final approval by the County of a permit, if the permit is appealed to a body of competent jurisdiction, the two-year permit period shall be tolled until a final, unappealed decision by a competent jurisdiction is made.

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In addition to A., B., C. and D., land divisions and property line adjustments shall expire automatically two (2) years from the date of preliminary or final approval, whichever is applicable, as specified in Article VI.

201-4.2 For dwellings allowed under the following provisions, a Development Permit shall expire automatically four (4) years from the date of issuance unless one of the actions outlined under Section 201-4.1 occurs first:

- A. Replacement Dwellings in the EFU, EFC and AF-20 Districts;
- B. Non-Farm Dwellings in EFU and AF-20 Districts;
- C. Marginal Lands Dwellings in the AF-20 District;
- D. Lot of Record, Large Ownership and Template Dwellings in the EFC District; and
- E. Caretaker residences for public parks and public fish hatcheries.

201-4.3 A Development Permit for a solar access permit shall expire automatically one-hundred-and-eighty (180) days from the date of issuance unless one of the requirements of Section 201-4.1 occur first as provided in Section 427-5.7.

201-4.4 A Development Permit for a solar access permit shall expire automatically if construction is abandoned or suspended for a period of one-hundred-and-eighty (180) days or more as provided in Section 427-5.7 B.

201-4.5 Section 201-4 does not apply to Development Permits for public transportation facilities authorized by Article VII.

**201-5 Extension**

201-5.1 Extension in all Districts Except the EFU and AF-20 Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. An extension may be granted for a maximum of two (2) years from the original date of expiration except as provided in Section 427-5.8. Subsequent two-year extensions may be granted, except as provided in Section 427-5.8. Extensions shall be granted only upon findings that:

- A. Commencement could not practically occur for reasons beyond reasonable control of the Permit holder;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit;
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval; and

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- D. For residential development applications, the density is consistent with the density requirements of the primary district.

201-5.2 Extension in the EFU, AF-20 and EFC Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. Except as provided for below in Section 201-5.3, one extension may be granted for a maximum period of one (1) year from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional one (1) year extensions may be authorized where applicable criteria for the decision have not changed.

- A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit; and
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

201-5.3 Extension of Certain Dwelling Approvals in the EFU, AF-20 and EFC Districts

For the dwelling approvals listed under Section 201-4.2 only, if an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. One extension may be granted for a maximum of two (2) years from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional extensions are not permitted.

- A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit; and
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

**201-6 When a Development has Commenced**

- 201-6.1 This provision applies to authorized projects that are initiated prior to the expiration of the development permit, but are not completed before the expiration date. Once development has commenced, the holder of the Development Permit is allowed to complete the development. After development has commenced, the Development Permit does not expire unless it is revoked pursuant to Section 201-7.

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There are two processes for making decisions to determine whether or not development has commenced. The Type I process can be summarized as expending a minimum dollar amount of money physically altering the land or structure, or changing the use thereof or, in the case of development requiring a building permit, issuance of the building permit. The Type II process can be summarized as expending any combination of time, labor, or money physically altering the land or structure, or changing the use thereof; or expending a combination of time, labor, or money toward completion of a development project without physically altering the land or structure or changing the use thereof for reasons beyond reasonable control of the Permit holder.

201-6.2 Type I decision:

The authorized development has commenced when the holder of the Permit has:

- (1) Physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and
- (2) Such alteration or change is directed toward completion of applicable Code standards or Conditions of Approval for the development; and
- (3) Is sufficient in terms of money expended to demonstrate a good faith effort to complete the development. Sufficient means spending at least: \$5,000 for projects involving one dwelling on an existing lot or parcel, \$10,000 for partitions and subdivisions with four (4) lots, and \$25,000 for all other projects. The expenditures must be related to completion of the development; this money must have been spent on physically altering the property. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land; or
- (4) In the case of development requiring a building permit for a dwelling or commercial building permit, the land use sign-off for the permit or issuance of the building permit shall be conclusive evidence of commencing development. A Development Permit which otherwise would have expired [development has not commenced in accordance with (1), (2) and (3) above], but for issuance of a building permit, shall expire automatically upon expiration of the building permit. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law.

201-6.3 Type II decision:

The authorized development has commenced when the holder of the Permit has:

- (1) Physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and

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- (2) Such alteration or change is directed toward completion of the development; and
- (3) Is sufficient in terms of time, labor, or money expended to demonstrate a good faith effort to complete the development. Expenditures must be related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land; or
- (4) Physically altering the land or structure or changing the use thereof could not practically occur for reasons beyond reasonable control of the Permit holder and other effort expended is sufficient in terms of time, labor, or money spent to demonstrate a good faith effort to complete the development. Expenditures must be related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.

201-6.4 In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two (2) years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of issuance of an occupancy permit or final building inspection by the Director for eighty (80) percent or more of the structure or structures.

**201-7 Revocation of Development Permit**

201-7.1 Revocation shall be processed as a Type I action. A Development Permit may be revoked upon a finding of:

- A. Noncompliance with the standards or conditions set forth in this Code, or any special conditions imposed upon the permit;
- B. Intentional fraud, misrepresentation or deceit upon the part of the applicant as to an issue material to the issuance of the Development Permit;
- C. Abandonment or discontinuance as determined by failure to make reasonable progress toward completion of a commenced development for a continuous period of one (1) year. Bona fide good faith efforts to market the development shall not constitute abandonment or discontinuance; or
- D. A change in this Code, the Comprehensive Plan or State law which would make the approved development unlawful or not permitted, prior to the development obtaining a vested right or nonconforming use status.

201-7.2 Revocation shall be effective immediately upon the County providing written notice thereof to the holder of the Permit. Unless provided otherwise by the revoking authority, revocation terminates the authority to continue the use. Continued use without a current valid development permit shall be a violation of this Code.



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- 201-7.3 The holder of a revoked Permit may reapply for a new Permit at any time as an entirely new application.
- 201-7.4 Revocation is available in addition to and not in lieu of any other remedy provided by law and is not a condition precedent to any such remedy.

**201-8 Transferability of Development Permit**

Unless otherwise provided in the Development Permit, a Development Permit shall be transferable provided the transferor files a statement with the Director signed by the transferee and recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the Development Permit and all conditions of approval, understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this Code. The transferor shall be jointly responsible for ensuring compliance until such a statement is filed, at which time the transferor's obligation shall be terminated.

**202 PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE**

All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by Article VII of this Code:

**202-1 Type I**

- 202-1.1 Type I development actions involve permitted uses or development governed by clear and objective review criteria. Type I actions do not encompass discretionary land use decisions. Impacts have been recognized by the development and public facility standards. The intent and purpose of the District is not a consideration of approval in Type I uses.
- 202-1.2 The following are Type I actions:
- A. Those identified in this Code as Type I actions;
  - B. Notwithstanding any other provision, structures or uses proposed to implement an approved Planned Development, if consistent with the approval:
    - (1) For purposes of this Section, consistency shall mean that the use or development was contemplated by and conforms with the prior approval.
    - (2) As regards public facilities impacts, the use or structure shall be processed as a Type I action only if the impacts, as measured by the accepted standard used in the prior approval, are less than or equal to the impacts identified in the prior approval. For example, trip generation of the proposed use or structure is less than or equal to the trip generation projected in the planned development approval.
    - (3) If the Director determines that the proposed use or structure was not contemplated, does not conform or requires the application of discretionary

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review criteria or conditions of approval, it shall be processed as listed in the applicable district. The Director's determination shall not be subject to appeal.

202-1.3 Type I development actions shall be decided by the Director without public notice or hearing. Notice of a decision shall be provided to the applicant or the applicant's representative and owners of the subject property. The decision may be reconsidered pursuant to Section 208 or appealed by the applicant as provided in Section 209. The hearing shall be conducted as a Type III hearing except that only the applicant and owners of the subject property shall be entitled to notice.

**202-2 Type II**

202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

202-2.2 The following are Type II actions:

- A. Those identified in this Code as Type II;
- B. In all districts other than residential, agricultural or forestry, development or uses not specifically identified or classified in this Code which are determined by the Director to be substantially similar with similar impacts to uses listed as Type I or Type II in the applicable land use district or other provisions of this Code, and probably would have been included in the District if considered during adoption of this Code. The determination may be challenged in the appeal of the decision on the proposed development but is not subject to appeal on its own.
- C. In the EFU, EFC and AF-20 Districts, development or uses specifically allowed by ORS 215.203 and ORS 215.213, or OAR 660, Division 6 or 33, may be determined by the Director to be allowed.

202-2.3 Notice of proposed Type II actions shall be sent as provided in Section 204. A fourteen (14) calendar day written comment period shall be provided from the time notice is mailed to provide interested persons with an opportunity to submit written comments about the proposed action before the Director makes a decision on the request. Upon close of the comment period the Director shall review all written comments actually received by the Department within the comment period and the applicant's response to the comments. The Director may also consider responses to questions by staff which clarify or amplify information which does not change the original request. Written comments received after the comment period and prior to issuance of a decision do not have to be considered by the Director. The Director shall then issue a decision. The Notice of the Decision shall be mailed pursuant to Section 204-3.4. Any party as defined by Section 205-3.2 may appeal the decision as provided in Section 209.

**202-3 Type III**

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202-3.1 Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.

202-3.2 The following are Type III actions:

- A. Those identified in this Code as Type III;
- B. Those not identified or otherwise classified which are determined by the Director to be substantially similar to the uses or development designated as Type III, require the exercise of significant discretion or judgment, involve complex development issues, or which likely will have significant impact. The determination may be challenged on appeal of the decision on the proposed development but is not subject to appeal on its own; and
- C. Quasi-judicial plan amendments.

202-3.3 Type III actions shall be decided by the Hearings Officer or Planning Commission after a Public Hearing, except that the Board shall decide Type III actions for quasi-judicial plan amendments which are required by state law to be decided by the governing body. Prior notice shall be given as provided in Section 204. Only decisions on quasi-judicial plan amendments shall be subject to reconsideration pursuant to Section 208. Decisions on Type III actions may be appealed to the Board of Commissioners pursuant to Sections 209 and 210, except Type III actions where the Hearings Officer or the Planning Commission is the final decision-maker.

Decisions of the Hearings Officer or Planning Commission for Type III development actions in transit oriented districts shall be subject to appeal to the Board of Commissioners pursuant to Section 209. Decisions of the Hearings Officer or Planning Commission for all other Type III development actions shall be the County's final decision.

**202-4 Type IV**

202-4.1 Type IV actions are legislative. They involve the creation, broad scale implementation or revision of public policy. These include amendments to the text of the Comprehensive Plan, Community Plans or the Community Development Code. Large scale changes in planning and development maps also may be characterized as legislative where a larger number of property owners are directly affected.

202-4.2 Type IV actions are made through adoption of County Ordinances.

202-4.3 Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in accordance with the Washington County Charter and State law.

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**202-5 Determination of Proper Procedure Type**

- 202-5.1 The Director shall determine whether an application or decision is a Type I, II or III action in accordance with the standards set forth above. Questions as to the appropriate procedure shall be resolved in favor of the Type providing the greatest notice and opportunity to participate. The decision of the Director is not subject to appeal on its own, but may be alleged as an error in an appeal of the decision on the proposed development. Upon appeal of the decision on the merits of a development action not specifically classified in this Code, the appeals authority may determine, based on the standards set forth in Section 202, that a different procedure type should have been used and direct that the proposed development action be processed accordingly.
- 202-5.2 The determination as to whether a matter is a Type IV Legislative matter shall be made by the Director in accordance with the standards of this Code and the County Charter. Concurrent actions involving legislative and nonlegislative actions shall be separated for proper processing. The decision of the Director is not subject to appeal on its own, but may be alleged as an error on appeal of the decision on the proposed development. Upon appeal of the final decision on the merits of the action, the appeals authority may determine, based on the standards set forth in Section 202 of this Code and the County Charter, that a different procedure type should have been used, and direct that the proposed development action be processed accordingly.
- 202-5.3 Notwithstanding any other provision, and, upon payment of the proper fee, an applicant may choose to have the proposal processed under a procedure Type (except legislative) which provides greater notice and opportunity to participate than would otherwise be required.
- 202-5.4 Notwithstanding any other provision, and, at no additional cost to the applicant, the Director may choose to process a Type II application under the Type III procedure in order to provide greater notice and opportunity to participate than would otherwise be required, or in order to comply with the time requirements for reviewing development applications in ORS 215.428.

**203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS**

**203-1 Initiation and Withdrawal of Action**

- 203-1.1 Type I, II and III development actions may be initiated only by:
- A. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. For development allowed within a recorded easement, the signature of the other party to the easement is not required. In case of an application for a plan designation which requires that an exception be taken to Statewide Goals 3 and 4 pursuant to Goal 2, only one owner/applicant's signature is required. Contract purchasers shall indicate in writing that the contract vendor(s) has been notified of the application. If a lot or parcel has been divided without the approval of the County and such approval was required at the

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time the division occurred, a development action for approval of the improper division may be initiated by the owners of a portion of the existing lot or parcel, notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval;

- B. The Board of County Commissioners;
  - C. The Planning Commission;
  - D. The Director; or
  - E. Public agencies or private entities that have statutory rights of eminent domain for projects they have the authority to construct.
- 203-1.2 The Director may withdraw any application, petition for review or motion for reconsideration at the request of the applicant or petitioner. Once accepted as complete, however, the applicant or petitioners shall be entitled to withdraw by right only if the Director determines that:
- A. Written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review; and
  - B. No existing violation of this Code or the Comprehensive Plan, which might best be cured by further processing the application, have been identified on the subject property.
- 203-1.3 If an application, petition for review or motion for reconsideration is withdrawn after public notice has been provided and the Review Authority has not rendered a decision, the Director shall provide written notification to all persons that were entitled to be mailed a public notice of pending review of the Type II or Type III action and all parties of record stating the application has been withdrawn.
- 203-1.4 Fees for applications and petitions for review withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the County.
- 203-2 Pre-Application Conference**
- 203-2.1 No application for a Type II or Type III development action shall be received by the Director unless the applicant or the applicant's representative has:
- A. Attended a pre-application conference; or
  - B. Signed a waiver, on a form prepared by the Director, waiving the pre-application conference requirement.
- 203-2.2 The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this Code, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant. The applicant assumes the risk for delays or other problems caused by failure to attend.

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It is impossible, however, for the conference to be an exhaustive review of all potential issues and the conference shall not bind or stop the County in any way from enforcing all applicable regulations.

- 203-2.3 Pre-application conferences shall be scheduled by the Director at the earliest reasonable time.
- 203-2.4 As soon as practicable, the Director shall provide the applicant or representative with a written summary of the meeting.
- 203-2.5 If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within one year of the conference, a new conference or waiver shall be required.

**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 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.);

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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 proposal abuts a Residential District).

B. Outside the UGB:

Subdivisions - when greater than 10 lots;

Type III Special Uses;

Type II New Quarry applications;

Type III Variances;

Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2)  
and 440-6.2 B.);

Type II Hardship relief - Lot area only;

Type II or III Development Review - Rural Commercial, Rural Industrial, MAE,  
(required only when the proposal abuts the AF-5, AF-10, or RR-5 District).

**203-3.3 Neighborhood Meeting Requirements**

Neighborhood meetings shall be held at a location within the boundaries of the applicable CPO. The meeting shall be held on a weekday evening, or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding neighborhood and applicable CPO. The applicant shall also post notice of the neighborhood meeting by posting a sign on the subject site in advance of the meeting. The applicant shall prepare meeting notes of major points about the development proposal that were discussed at the meeting. The applicant shall be required to hold only one meeting prior to submitting an application for a specific site, but may hold more if desired. The Board of County Commissioners shall establish by Resolution and Order specific requirements for notice of posting and conducting of neighborhood meetings for the categories of applications described in Section 203. The Board shall describe the requirements and procedures for each category of application. These requirements may be amended by Resolution and Order of the Board.

If the applicant fails to hold a neighborhood meeting and the application is deemed complete, failure to hold a neighborhood meeting in accordance with these provisions and the Resolution and Order prior to submittal of a complete application shall result in denial of the application.

**203-4 Application**

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- 203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.
- 203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:
- A. A completed original application form, signed by all persons required for initiating an application under Section 203-1.1. No application shall be deemed complete if it is determined that all necessary authorization to file has not been obtained. Failure to provide such authorization shall result in denial of the application;
  - B. A current Washington County tax map(s) showing the subject property(ies);
  - C. Current county tax maps showing all properties in an adjoining county that are:
    - (1) Within five hundred (500) feet of the subject property(ies) in the Urban area; or
    - (2) Within one thousand (1,000) feet of the subject property(ies) in the Rural area.

The tax maps shall be obtained from the adjoining county;
  - D. Documentation of the names and addresses of the owners of record of the properties described in C above recorded with the Department of Assessment and Taxation of the adjoining county;
  - E. Documentation of whether a railroad-highway crossing provides or will provide the only access to the subject property.
  - F. Information required pursuant to Article V, Public Facilities Requirements;
  - G. Additional information required by other provisions of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code;
  - H. Additional information directly related to the applicable standards of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code as deemed essential by the Director to evaluate adequately the specific application for compliance with those criteria and standards;
  - I. A written statement that explains the criteria and standards considered relevant to the application, states the facts relied upon in determining that the application meets the applicable criteria, standards, and explains the justification for approving the application based on the criteria and standards and facts set forth in the application. The findings must be substantive, not just recitations of the criteria and standards, and shall be supported by evidence in the application;



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- J. Evidence of compliance with the Neighborhood Meeting requirements required by Section 203-3, if required;
- K. The applicable fees adopted by the Board of County Commissioners are hereby incorporated by reference as the fees herein. These fees may be amended by Resolution and Order by the Board; and
- L. For lands within the Clean Water Services boundary, documentation from the Clean Water Services which specifies the conditions and requirements necessary for the applicant to comply with the Agency's stormwater connection permit, water quality, erosion control, and sanitary sewer standards.

**203-5 Application Submittal and Acceptance**

- 203-5.1 Applications shall be submitted to the Director in the number specified on the application form. The Director, however, may waive copies of specific documents, maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.
- 203-5.2 No application shall be received by the Department for determination of completeness without the appropriate application fee.
- 203-5.3 Except as provided in Sections 203-5.5 and 203-5.6, the Review Authority shall take final action on an application for a development action, including resolution of all appeals under ORS 215.422, within one-hundred twenty (120) days for all applications inside the UGB and mineral aggregate extraction and one-hundred fifty (150) days for all applications (except mineral aggregate extraction) outside the UGB, after the application is deemed complete.
- 203-5.4 If an application is incomplete, the Review Authority shall notify the applicant of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. In response to this notice, the applicant is required to answer in writing before the end of the thirty (30) days whether it will or will not provide any additional evidence. The application shall be deemed complete for the purpose of Section 203-5.3 upon receipt by the governing body or its designee of the missing information. The applicant may affirmatively state its refusal to provide any additional information. It shall also be considered a refusal if no writing is received from the applicant stating whether it will or will not provide additional evidence, before the end of the thirty (30) days or evidence. If there is a refusal, the application shall be deemed complete for the purpose of Section 203-5.3 on the 31st day after the governing body first received the application. After a refusal, new evidence may only be submitted if the applicant agrees to another 30 days to determine completeness of the application and another 120-days (or 150-days depending on the application) to make a final decision.
- 203-5.5 If the application was complete when first submitted or the applicant submits the requested additional information within one-hundred eighty (180) days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the

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- application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- 203-5.6 The 120-day and 150-day period set in Section 203-5.3 may be extended for a reasonable period of time at the request of the applicant.
- 203-5.7 The decision of the Director as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this Code by Resolution and Order of the Board or by action of the Director. Rejection by the Director for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.
- 203-5.8 The Review Authority shall approve or approve with conditions an application which the Director has determined to be incomplete only if it determines that sufficient, accurate information has been submitted and adequately reviewed by the Review Authority with an opportunity for review by affected parties or that conditions can be imposed to ensure proper review at the appropriate time. In all other cases the Review Authority shall defer or deny.

**203-6 Staff Report**

- 203-6.1 No decision on Type II and Type III proposed developments shall be made without a staff report. This report shall be provided to the applicant, CPO and Review Authority without charge. All others may obtain a copy upon request and payment of a reasonable fee to cover the cost of reproduction, overhead, and mailing.
- 203-6.2 A staff report shall be available no later than seven (7) calendar days before a hearing on Type III actions, including Plan Amendments, or any hearing on appeal. Staff reports are mailed approximately seven (7) days prior to the public hearings to the applicant and interested parties who request them. Mailing the report does not guarantee sufficient time prior to the public hearing to respond to the conditions of approval. Obtaining a copy of the staff report in person at the County best assures ample time for review and comment at the public hearing.
- 203-6.3 Notwithstanding the above, the staff report may be amended as necessary to address issues or information not reasonably known at the time the report is due.

**204 NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS**

**204-1 General Provisions**

- 204-1.1 All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, which ever occurs first.
- 204-1.2 The records of the Department of Assessment and Taxation shall be used for determining the property owner of record. Persons not on file with that Department at the time an application is filed need not be notified. Failure actually to receive

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notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate. Mortgagees, lien holders, vendors and sellers receiving notice shall promptly forward a copy by mail to the purchaser.

- 204-1.3 For notice purposes, the boundary of the subject property shall be the property which is the subject of the application, together with all contiguous property under identical ownership.

For notice purposes for development actions for public transportation facilities or utilities within existing or proposed public rights of way or utility easements, the boundary of the subject area shall be the limits of the area of development within the existing or proposed right-of-way or easement.

For notice purposes for airport-related development actions within Public and Private Use Airport Overlay Districts, the boundary of the subject notice area shall be the limits of the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).

- 204-1.4 Outside the UGB, in addition to any other notice for Type II and III development actions, the applicant shall post the subject property in conformance with standards as set forth by resolution and order of the Board of County Commissioners. Failure to post the subject property and file an affidavit of posting with the Director within twenty-eight (28) days of acceptance of a complete application shall result in denial of the application.

**204-2 Type I Actions**

- 204-2.1 No public notice of review is required.
- 204-2.2 Written notice of the decision of the Review Authority shall be provided to the applicant and property owner of record.

**204-3 Type II Actions**

- 204-3.1 A public notice of pending review shall be mailed to:
- A. The applicant or representative and owners of the subject property;
  - B. All property owners of record:
    - (1) Within five hundred (500) feet of the subject property in the Urban area; or
    - (2) Within one thousand (1,000) feet of the subject property in the Rural area.
    - (3) When an access management plan is proposed, property owners within the study area defined in 501-8.5 C (3)(a); or

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- (4) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, property owners within the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
    - C. The recognized Citizen Participation Organization in which subject property is located;
    - D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
      - (1) The subject property is:
        - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or
        - (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
      - (2) Notwithstanding the provisions of Subsection D. (1), a public notice need not be provided as set forth in Subsection D. (1) if the proposed action would:
        - (a) Allow a structure less than thirty-five (35) feet in height; and
        - (b) The subject property is outside the runway approach surface as defined by the Department of Transportation.
      - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
    - E. The Oregon Department of Agriculture or the United States Department of Agriculture for applications for the propagation, cultivation, maintenance and harvesting of aquatic and insect species.
    - F. The Oregon Department of Transportation and the appropriate railroad owner for applications in which a railroad-highway crossing provides or will provide the only access to a property.
- 204-3.2 The public notice shall contain:
- A. The name of the applicant or representative and the County case file number;
  - B. A description of the subject property reasonably sufficient to inform the reader of its location;
  - C. A concise description of the proposed development action and a listing of review standards;

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- D. A statement that the complete application, standards and other such information are available at the County for review, and the phone number of a County contact person;
  - E. A statement that this is an opportunity for interested parties to submit written comments about the proposed request; that prior to making a decision, the Director will consider any written comments actually received by the Department within a fourteen (14) calendar day comment period; that written comments may be received after the comment period, but that the Director does not have to consider these comments prior to making a decision; that the Director will then make a decision and send a summary of the decision to those persons whose written comments are received by the Department, including comments received after the comment period, and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and that any person entitled to a notice of the decision, may appeal the decision as provided in Section 209;
  - F. The comment closing date, which ends at 5:00 p.m. that day, in bold letters; and
  - G. The following statement in bold letters: **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**
- 204-3.3 After close of the fourteen (14) calendar day comment period, the Director promptly shall issue a decision based upon review of the use of development in light of the applicable standards and the comments received. In addition to comments from those entitled to notice, the Director shall consider the written comments of persons who demonstrate that their substantial rights may be adversely affected or aggrieved by the decision.
- 204-3.4 Notice of the decision shall be provided to the applicant, all persons who submitted written comments, all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and the Citizen Participation Organization in which the subject property is located. The notice shall contain:
- A. A brief summary of the nature of the action, the decision and conditions of approval, if any;
  - B. A description of the subject property reasonably sufficient to inform the public of its location;
  - C. The date the decision was provided and the due date for an appeal;
  - D. A statement that the decision may be appealed and a public hearing held by filing a signed petition for review 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 and Transportation by 5:00 p.m. of the closing date of

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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 responded in writing to the notice of pending review and all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, are entitled to appeal the decision; and

- E. A statement that the complete case, including findings and conclusions and conditions of approval, if any, are available for review at the County.

**204-4 Type III Actions**

204-4.1 Notice of public hearing shall be sent by mail at least twenty (20) days before the hearing.

204-4.2 The notice of public hearing shall be mailed to:

- A. The applicant or representative and owners of the subject property;
- B. All property owners of record:
  - (1) Within five hundred (500) feet of the subject property in the Urban area; or
  - (2) Within one thousand (1,000) feet of the subject property in the Rural area.
  - (3) When a new exception area is proposed, all property owners within one thousand (1,000) feet of the perimeter of the proposed exception areas, in addition to all property owners within the proposed exception area;
  - (4) When an access management plan is proposed, all property owners within the study area defined in 501-8.5 C. (3)(a); or
  - (5) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, all property owners within the associated Airport Safety Overlay District or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
- C. The recognized Citizen Participation Organization within which the subject property is located;
- D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
  - (1) The subject property is:
    - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or

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- (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
  - (2) Notwithstanding the provisions of Subsection D. (1) notice of hearing need not be provided as set forth in Subsection D. (1) if the proposed action would:
    - (a) allow a structure less than thirty-five (35) feet in height; and
    - (b) the subject property is outside the runway approach surface as defined by the Department of Transportation; and
  - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
- E. Tenants of a mobile home or manufactured dwelling park when a request for a plan amendment which would change the land use designation of the property which includes all or part of the park. Failure of a tenant to receive a notice which was mailed shall not invalidate any plan amendment.

204-4.3 The notice of public hearing shall contain:

- A. The name of the applicant or owner;
- B. The nature of the proposed development;
- C. A description of the subject property reasonably sufficient to inform the public of its location;
- D. The designation of the Review Authority and the time, date and place of the hearing;
- E. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal;
- F. A statement that the hearing will be conducted in accordance with the Rules of Procedure adopted by the Board;
- G. The following statement: **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER;**
- H. The applicable review criteria that apply to the application;
- I. A statement that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

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- J. The name of a County representative to contact and the telephone number where additional information may be obtained;
  - K. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
  - L. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and
  - M. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- 204-4.4 In addition to all other notice, at least ten (10) calendar days before a Type III public hearing for a quasi-judicial plan amendment, notice shall be provided in a newspaper of general circulation in the portion of the County affected.
- 204-4.5 Additional notice of any hearing may be required in accordance with the Rules of Procedure adopted by the Board.
- 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:
- A. A brief summary of the decision, and conditions of approval, if any;
  - B. A description of the subject property reasonably sufficient to inform the public of its location;
  - C. The date the decision was provided and the due date for an appeal;
  - 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 and Transportation by 5:00 p.m. 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 and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-



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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

E. For decisions on a development permit for which there is no local appeal:

(1) The date the written decision was signed by the review authority; and

(2) A statement that the decision is final when the written decision is signed by the review authority and that any appeal must be made to the Land Use Board of Appeals no later than twenty-one (21) days after the date the decision is final. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision.

F. A statement that the complete case, including findings and conclusions, and conditions of approval, if any, are available for review at the County.

**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, 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.

**205 PUBLIC HEARINGS**

Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this Section.

**205-1 Notice**

Notice of public hearing shall be provided in accordance with Section 204 of this Code and the Rules of Procedure adopted by the Board.

**205-2 Rules of Procedure**

Public hearings shall be conducted in accordance with the Rules of Procedure adopted by the applicable Review Authority.

At the beginning of the hearing for an application, a statement shall be made to those in attendance that:

A. Lists the applicable substantive criteria;

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- B. States that testimony and evidence must be directed toward the criteria described in A. of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and
- C. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
- D. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County to respond to the issue precludes an action for damages in circuit court.

**205-3 Parties**

- 205-3.1 The following persons, or their authorized representatives, may participate during the comment period or public hearing:
- A. The applicant or applicant's representative and the owners of the subject property;
  - B. Those persons entitled to notice;
  - C. Any other person who demonstrates to the Review Authority that the person's rights may be adversely affected or aggrieved by the decision; and
  - D. At a public hearing on appeal, any person who made an appearance of record in the prior proceeding.
- 205-3.2 Only parties shall be entitled to appeal a decision. Only persons who make an appearance of record shall be parties to a Type I or Type III action. Only the applicant, persons who submitted written comments, persons entitled to notice of pending review, and the Citizen Participation Organization in which the subject property is located shall be deemed parties to a Type II action.
- 205-3.3 Appearance of record shall mean:
- A. An oral statement made at the hearing sufficiently identifying the speaker and the speaker's address; or
  - B. A written statement giving the name and address of the maker of the statement and introduced into the record prior to or at the public hearing. A person's name and address on a petition introduced into the record constitutes an appearance of record.

**205-4 Record**

- 205-4.1 Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing shall be made. In addition, written minutes giving a true reflection of the matters discussed and the views of the participants may be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.

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205-4.2 Failure to comply with Section 205-4.1 shall not invalidate any action provided that a de novo appeal or other relief is available.

**205-5 Procedural Rights**

Subject to the specific standards and limitations set forth in this Code, the following procedural entitlements shall be provided at the public hearing:

205-5.1 A reasonable opportunity for those persons entitled to notice or who may be adversely affected or aggrieved by the decision to present evidence;

205-5.2 A reasonable opportunity to cross-examine witnesses, including staff, provided that right is asserted at the first reasonable opportunity. Staff similarly shall be entitled to reasonable cross-examination of witnesses;

205-5.3 A reasonable opportunity for rebuttal of new material;

205-5.4 An impartial review authority as free from potential conflicts of interest and pre-hearing ex-parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials:

- A. Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts with regard to the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly.
- B. A member of the Review Authority shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: The member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interests shall be disclosed at the meeting of the Review Authority where the action is being taken.
- C. Disqualification of a Review Authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote.
- D. If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.

**205-6 Presentations**

205-6.1 The Review Authority may set reasonable time limits for oral presentations. The Review Authority may determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written

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- testimony in lieu of oral if the Review Authority determines that a reasonable opportunity for oral presentations has been provided.
- 205-6.2 No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for such testimony and provides an opportunity for review and rebuttal prior to making a decision.
- 205-6.3 Counsel for the Review Authority may be consulted solely on legal issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard.
- 205-6.4 The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be ejected from the hearing.
- 205-7 Continuance**
- 205.7-1 All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public. If additional documents or evidence are provided by any party, the Review Authority may allow a continuance or leave the record open for at least seven (7) days to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.428.
- 205-7.2 Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Review Authority shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony pursuant to Subsection B below.
- A. If the Review Authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.
- B. If the Review Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the Review Authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Review Authority shall reopen the record and any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- C. A continuance or extension granted pursuant to Section 205-7 shall be subject to the limitations of ORS 215.428 unless the continuance or extension is requested or agreed to by the applicant.

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- D. Unless waived by the applicant, the Review Authority shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

205-7.3 For the purposes of Section 205-7:

- A. "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.
- B. "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

**205-8 Evidence**

205-8.1 The Review Authority may place any person submitting testimony under oath or affirmation. Once sworn or affirmed, all testimony subsequently given by the person during the hearing or a continuation thereof shall be deemed to be under oath.

205-8.2 Cumulative, repetitious, immaterial or irrelevant evidence may be excluded. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission or evidence shall not invalidate or preclude action unless shown to have prejudiced the substantial rights of a party.

205-8.3 Members of the Review Authority may take official notice of judicially cognizable facts of general, technical or scientific facts within their specialized knowledge. Such notice shall be stated and may be rebutted.

205-8.4 Exhibits shall be marked to provide identification upon review. Unless required for an appeal, all exhibits shall be retained by the County for a period of not less than thirty (30) calendar days after expiration of all appeals. Exhibits may be disposed of as provided by the Director.

205-8.5 Any member of the Review Authority may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided.

**206 BURDEN OF PROOF**

206-1 Except as otherwise provided, the applicant shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake in adoption of the plan designation or development regulations or subsequent change in the affected area are relevant considerations.

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206-2 Unless specifically identified as jurisdictional, failure to comply with a provision of this Article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

**207 DECISION**

**207-1 Decision Types**

After review of all evidence submitted into the record the Review Authority may:

207-1.1 Approve or deny all or part of the application;

207-1.2 Approve all or part with modifications or conditions of approval as described in Section 207-5;

207-1.3 Defer a decision as provided in Section 207-6;

207-1.4 Dismiss without prejudice due to procedural error or remand to correct a procedural error.

**207-2 Announcement of Decision**

No decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Review Authority or its designee. If a public hearing has been held, the Review Authority may announce a tentative decision at the close of the public hearing, but shall in any case announce a date certain on which the decision shall be adopted or issued. If no public hearing has been held, the decision shall be announced in writing and made available to all parties as simultaneously as reasonably possible.

**207-3 Basis for Decision**

An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of State law, the Comprehensive Plan, this Code and other applicable laws as determined by the Review Authority.

**207-4 Findings and Conclusions**

The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

**207-5 Conditions of Approval**

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207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

207-5.2 In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:

- A. Requested the condition;
- B. Consented to the condition in writing or on the record; or
- C. Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or
- D. Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.

207-5.3 Contract for Conditions:

When the approval requires a contract, conditions shall be set forth in a contract executed by the County and the applicant and approved as to form by legal counsel for the County. If a contract is required, no development permit shall be effective until the conditions are recorded. As a condition of approval, the County may require that the contract or a memorandum thereof be filed in the County Deed Records and shall appear in the chain of the title of the subject property, if recording is required. In addition to any personal remedy, the condition shall constitute a burden running with the land in favor of Washington County and, unless otherwise provided, shall be removed only with the written authorization of the Board of County Commissioners. The contract shall be enforceable by and against the parties, their heirs, successors and assigns. The contract, however, shall not restrict the authority of Washington County from taking future development actions affecting the property.

207-5.4 Assurance of Compliance with Conditions:

A bond, cash deposit or other security acceptable to the Review Authority may be required from the applicant in an amount sufficient to ensure compliance with a condition of approval.

207-5.5 Time Limits on Conditions:

Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the County deems appropriate.

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**207-5.6 Failure to Fulfill Previous Conditions:**

Notwithstanding any other provision, the Review Authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

**207-5.7 Modification or Removal of Conditions:**

Modification or removal of conditions of approval may be sought on appeal or as a new development action. A new development action shall be processed through the same procedure as was used to impose the conditions. Modification or removal of conditions of approval shall only be granted if the Review Authority determines that:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions to correct the mistake; or
- B. The condition(s) could not be implemented for reasons beyond reasonable control of the permit holder and the modification will not require a significant modification of the original decision; or
- C. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- D. The different condition(s) would better accomplish the purpose of the original condition.

**207-6 Continuances by Planning Commission**

**207-6.1** The Planning Commission may continue the public hearing and defer a decision to a date certain. No new notice is required for hearings continued to a date certain. Any deferral to a date certain that exceeds thirty (30) days without consent of the applicant shall be in the form of an order setting forth the reasons for deferral. Such a deferral may be treated as a denial by the applicant for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen (14) calendar days of written notice of the deferral.

**207-6.2** An indefinite deferral shall require new notice to all persons identified in Section 204. An indefinite deferral without the consent of the applicant shall be in the form of an order setting forth the reason for deferral and may be treated by the applicant as a denial for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen (14) calendar days of written notice of the deferral.

**208 RECONSIDERATION OF DIRECTOR, HEARINGS OFFICER OR PLANNING COMMISSION DECISIONS**

**208-1 Reconsideration as Extraordinary Remedy**



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Reconsideration of a Type I decision on a development action or Type III quasi-judicial plan amendment decision is available only as an extraordinary remedy upon a determination by the Review Authority that:

- 208-1.1 The party requesting reconsideration has sufficiently alleged in writing that a mistake of law or fact occurred;
- 208-1.2 The alleged mistake, if found to have occurred, was a substantial factor in the decision; and
- 208-1.3 Reconsideration is appropriate to avoid delay or hardship which may be caused by an appeal.

**208-2 Motion for Reconsideration**

A motion for reconsideration must be filed with the Director within seven (7) calendar days of the date the notice of decision is provided. The motion shall address the factors set forth in 208-1 above. The applicable fee adopted by the Board of County Commissioners shall be submitted with the request.

A motion for reconsideration may be filed by the applicant, the Director, or a party of record.

**208-3 Motion for Reconsideration Does Not Stop Appeal Period From Running**

Filing a motion for reconsideration is not a precondition to appealing the decision and does not stay the deadline for filing an appeal. To preserve the right to appeal, a party must file a petition for review as provided in Section 209. If the initial Review Authority grants reconsideration, and ultimately rules in favor of the party filing for reconsideration, the party may terminate its appeal.

**208-4 Motion for Reconsideration as Nonpublic Hearing Item**

Motions seeking reconsideration of a Type III quasi-judicial plan amendment decision shall be summarily decided by the Review Authority as a nonpublic hearing item at the first reasonably available opportunity. For a Type I decision, within seven (7) calendar days, the Director shall issue a written notice of the decision to grant or deny the motion for reconsideration to the party requesting reconsideration. The decision as to whether to reconsider is not subject to appeal.

**208-5 Process for Reconsideration**

- 208-5.1 Upon granting the motion to reconsider a Type III quasi-judicial plan amendment decision, the Review Authority shall schedule and notify the parties of a new public hearing on the merits of the issues raised. The reconsideration of the decision shall be limited to the issues raised in the motion for reconsideration and the merits of the issues raised. Such hearing shall be held at the next reasonably available opportunity.

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208-5.2 Upon granting the motion to reconsider a Type I decision, the Director shall notify the parties of the reconsideration of the application on the merits of the issues raised. The reconsideration of the decision shall be limited to the issues raised in the motion for reconsideration and the merits of the issues raised. The review shall be done at the next reasonably available opportunity.

**208-6 Reconsideration and Appeals**

If the motion for reconsideration is denied or the decision is not altered upon reconsideration, any appeal timely filed shall be processed in accordance with Section 209. If the motion is granted and the Review Authority modifies the previous decision, the parties to the initial decision shall be notified within ten (10) days of the decision and may appeal the decision as modified pursuant to Section 209.

**208-7 Limited Reconsiderations**

No decision shall be reconsidered more than once.

**209 APPEALS**

**209-1 Decision**

A decision of the Review Authority for quasi-judicial plan amendments may be appealed within fourteen (14) calendar days after written notice of the decision is provided to the parties, or a decision by the Review Authority for all other development actions pursuant to Section 209-2 may be appealed within twelve (12) calendar days after written notice of the decision is provided to the parties when:

209-1.1 A party files a complete petition for review with the Director;

209-1.2 The Director files a complete petition for review; or

209-1.3 The Board of County Commissioners by Minute Order directs that an appeal be initiated. The grounds for directing an appeal shall be set forth in the Minute Order.

**209-2 Appeal Authority**

**209-2.1 Type I or II Actions**

The Hearings Officer or Planning Commission as designated by Resolution and Order of the Board shall hear appeals from Type I and II decisions of the Director. The Hearings Officer or the Planning Commission shall be the final decision-maker for the County on appeals of the final decision of the Director for Type I or II actions.

**209-2.2 Type III Actions**

A. The Board of County 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

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Board shall be the final decision-maker for the County on appeals of these actions.

- B. For all other Type III development actions, the Hearings Officer or the Planning Commission shall be the final decision-maker for the County.

**209-3 Petition for Review**

209-3.1 A petition for review shall contain the following:

- A. The name of the applicant and the County case file number;
- B. The name and signature of each petitioner and statement of the interest of each petitioner to determine party status. Multiple parties may join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this Contact Representative;
- C. The date that notice of the decision was sent as specified in the notice;
- D. The nature of the decision and the specific grounds for appeal. Unless otherwise directed by the appellate authority, the appeal of Type I and III decisions shall be limited to the issue(s) raised in the petition;
- E. The number of pages of the petition and a statement that all pages are present; and
- F. A statement setting forth the appeal fee specified in the Notice of Decision;

209-3.2 The petition for review shall be submitted with the appeal fee specified in the Notice of Decision to be paid by cash, check or money order;

209-3.3 In quasi-judicial plan amendment appeals to the Board, a request for a partial or full de novo hearing as provided in Section 209-5.4, if desired;

209-3.4 In quasi-judicial plan amendment appeals to the Board, a request for waiver of transcript preparation as provided in Section 209-4.1 if desired; and

209-3.5 Failure to file a petition for review with the Department of Land Use and Transportation by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect. Failure to amend a petition to correct any other identified deficiency within fourteen (14) calendar days of notice thereof shall be a jurisdictional defect.

**209-4 Transcript Requirements for Appeals of Quasi-Judicial Plan Amendment Decisions**

209-4.1 A transcript shall be prepared for all quasi-judicial plan amendment appeals of public hearing items unless waived by Minute Order of the Board. A transcript shall not be

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- required for any other type of appeal to the Board. The Board may choose to waive the transcript requirement for quasi-judicial plan amendments only if:
- A. The hearing is de novo; or
  - B. Waiver is consented to by all parties, and the Board, by Minute Order, determines that the issues raised in the petition are such that the usefulness of a transcript is outweighed by the cost, delay or hardship of preparing the transcript.
- 209-4.2 Unless and until the Board approves a request for waiver of a transcript pursuant to Section 209-4.1, the Director shall promptly provide the appellant with a written estimate of the cost for preparation of a transcript by the County. The appellant shall within fourteen (14) days of notification pay the estimated cost or notify the Director in writing that the appellant will prepare the transcript. The appeal may be dismissed if the appellant fails to pay the cost for preparation of a transcript unless the Board approves a request for waiver of transcript pursuant to Section 209-4.1.
- 209-4.3 In lieu of a transcript prepared by the County and payment of the required fee, the County shall allow any party to an appeal proceeding held on the record, at the party's own expense, to prepare a complete transcript of the public hearing by the review authority or a transcript of relevant portions of the hearing provided:
- A. When a transcript is prepared for only relevant portions of the public hearing, all parties, including staff, shall agree and stipulate to the portions of the hearing that are relevant and should be transcribed. The transcript shall then be prepared for those stipulated portions of the hearing. If the parties cannot agree, then the preparer of the transcript shall prepare a complete transcript of the hearing. If the Board finds that a partial transcript would have been sufficient, the preparer shall be reimbursed by the party requesting preparation of a complete transcript for the cost of preparation of the unnecessary portions of the transcript.
  - B. The transcript shall be prepared within four (4) weeks from the date that the Department provides the appellant with a written estimate of the cost of a Department prepared transcript pursuant to 209-4.2.
  - C. A Certificate of Typist shall be submitted with the completed transcript. The Certificate of Typist shall contain the following:
    - (1) The name of the applicant and the county case file number;
    - (2) The name of the person who provided the tape(s) of the hearing;
    - (3) The number of pages of the transcript and that all pages are present; and
    - (4) A sworn notarized statement that the transcript constitutes a true and accurate record of the complete or stipulated portions of the proceedings;
  - D. The appeal may be dismissed if the appellant fails to either pay the fee required by Section 209-4.2 or to provide a transcript and Certificate of Typist within the time prescribed in Section 209-4.3 B. and 209-4.3 C.

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**209-5 Nature of Hearing**

- 209-5.1 All hearings on appeal shall be conducted as public hearings in accordance with Section 205.
- 209-5.2 Review of the final decision of the Director in Type II actions shall be de novo. At the public hearing of an appeal of a Type II action, participants shall be limited to the applicant, those who made the appeal and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, and those who made written comments as prescribed in Section 202-2.3.
- 209-5.3 Appeal to the Board of all final decisions of the Hearings Officer shall be confined to the record except as provided in Section 209-5.8. Except as provided in Section 209-5.4 through Section 209-5.6, appeal to the Board of all final decisions of the Planning Commission on quasi-judicial plan amendments shall be confined to the record. The record shall include:
- A. All materials received as evidence at any previous stage;
  - B. Verbatim Record:
    - (1) For quasi-judicial plan amendments, unless waived by the Board, a verbatim record of the hearing below, in the form of audio tapes, together with a transcription thereof prepared pursuant to Section 209-4.2 or 209-4.3, or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error.
    - (2) In appeals of all other development actions, unless waived by the Board, a verbatim record of the hearing below in the form of audio tapes or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error. However, a party may prepare all or a portion of the transcript for submission to the Board;
  - C. The findings and conclusions supporting the action being appealed; and
  - D. Oral and written argument from the parties as defined by Section 205-3.1, or their representatives presented during the hearing or appeal but not including new evidence.
- 209-5.4 A party, or the Director, may request that the Board conduct a de novo or partial de novo hearing on appeal for a quasi-judicial plan amendment. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:
- A. Reference the name, case number and date of the decision;
  - B. Contain the name and address of the requesting party;

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- C. Indicate the reasons for the request without addressing the merits of the land use action; and
  - D. Indicate any persons known to be opposed to the request.
- 209-5.5 The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Board shall grant the request only upon findings that:
- A. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
  - B. The substantial rights of the parties will not be significantly prejudiced; and
  - C. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.
- 209-5.6 Hearings before the Board of County Commissioners on items on appeal, either on the record, partial de novo, or de novo hearings, shall have the following time limitations:
- A. If the item is heard on the record, the appealing party will have fifteen (15) minutes to present his/her arguments. The opposition will have fifteen (15) minutes to present their arguments. The appealing party will also have five (5) minutes for rebuttal.
  - B. For partial de novo hearings, the appealing party will have twenty (20) minutes to present his/her arguments. The opposition will have twenty (20) minutes to present their arguments. The appealing party will also have five (5) minutes for rebuttal.
  - C. For a completely de novo hearing, the appealing party will have thirty (30) minutes to present his/her arguments. The opposition will have thirty (30) minutes to present their arguments. The appealing party will also have five (5) minutes for rebuttal.
  - D. The Board Chairman retains the authority to allow additional time as he/she deems appropriate and only if the party requesting the additional time has delivered to the Director or County Administrator, at least one (1) week in advance of the hearing, a written statement of the reasons for the request for additional time.
- 209-5.7 In conjunction with determining whether to conduct a de novo hearing for the appeal of a quasi-judicial plan amendment, the Board may remand the matter to the prior Review Authority. The decision on whether to remand shall not be appealable. Upon remand, the appealing party shall be entitled to return of the appeal fee less

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actual costs incurred by the County. Appeal from a decision on remand shall be taken as any other appeal.

209-5.8 Notwithstanding the above, on appeal of a quasi-judicial plan amendment, the Board may solicit or admit new evidence during a hearing on the record for the appeal of any decision, including decisions by the Hearings Officer, after considering the factors listed in Section 209-5.5.

**209-6 Decision of the Board**

209-6.1 Decisions of the Board are governed by Section 207.

209-6.2 In addition to the decisions listed in Section 207-1, on appeal of a quasi-judicial plan amendment, the Board may remand consideration of the appeal of a quasi-judicial plan amendment to the prior Review Authority for further proceedings as the Board directs.

**210 RECONSIDERATION OF BOARD DECISION FOR THE APPEAL OF QUASI-JUDICIAL PLAN AMENDMENTS**

210-1 The Board may reconsider a decision for appeal of a quasi-judicial plan amendment on its own motion or upon a petition for reconsideration filed by a party with the Director within seven (7) calendar days after written notice of the decision is provided.

210-2 Filing a petition for reconsideration is not necessary to exhaust administrative remedies and perfect an appeal to a body of competent jurisdiction.

210-3 The motion or petition shall state the alleged errors necessitating reconsideration. A fee may be established by Resolution and Order.

210-4 The Board shall summarily decide whether to reconsider at the time the motion is made or at the next reasonably available regular Board meeting following filing of the petition. Reconsideration shall require the consent of three (3) Commissioners.

210-5 If reconsideration is granted, the matter shall be scheduled for a public hearing before the Board at the next reasonably available hearing date. Notice of the hearing shall be sent by mail no later than twenty (20) calendar days prior to the hearing to all persons who made an appearance of record below. The hearing shall be conducted as a hearing on the record and new evidence or testimony shall be limited to grounds upon which the motion or petition for reconsideration was granted.

210-6 No final decision shall be reconsidered by the Board more than once. If more than one petition for reconsideration is received in the seven (7) calendar day period provided in Section 210-1, the petitions shall be consolidated.

**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

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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.

**211-2** Decisions of the Board on an application shall be deemed final as follows:

211-2.1 If no petition for reconsideration is timely filed, the decision shall be deemed final on the date notice of the decision was provided to the parties.

211-2.2 If a petition for reconsideration is filed and denied, the decision shall be deemed final on the date notice of the denial of reconsideration is provided to the parties.

211-2.3 If a petition is filed and reconsideration granted, the decision shall be deemed final on the date notice of the decision on the development, as reconsidered, is provided.

**211-3** Only a final decision of the Board, or the Hearings Officer on decisions for which the Hearings Officer is the final decision-maker, is appealable to the Land Use Board of Appeals.

**211-4** For purposes of appeals to LUBA, a written decision of the Director or Hearings Officer is final on the date it is signed.

**212 REMAND FROM APPELLATE BODIES**

When an application may be remanded from an appellate body, such as the Land Use Board of Appeals, to the County for further proceedings, the Review Authority may decide whether the matter shall proceed before the Review Authority or a subordinate review authority, such as the Hearings Officer or Director. For applications where the decision of the Board was appealed, the Board shall decide at a regular meeting as a nonpublic hearing item whether the matter shall proceed before the Board or a subordinate review authority.

**213 VESTED RIGHTS**

**213-1** Through a Type III procedure, in the course of any County land use process, the Review Authority may decide whether a vested right exists.

**213-2** Whether a vested right is found to exist shall be based on the consideration of the following factors as well as any guidance from the Oregon Courts:

A. The ratio of expenditures incurred to the total cost of the project;

B. The good faith of the landowner;

C. Whether or not the landowner had notice of any proposed zoning or amendatory zoning before starting the improvements;



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- D. Whether the expenditures have any relation to the completed project or could apply to various other uses of the land;
- E. The kind of project, the location, and ultimate cost; and
- F. Whether the acts of the landowner rise beyond mere contemplated use or preparation, such as leveling of land, boring test holes, or preliminary negotiations with contractors or architects.

**213-3** The County shall not decide an issue of whether a vested right exists unless it is associated with a Type I, II or III development action or a Type IV legislative process. Consideration of a vested right shall not occur unless a decision has been rendered by the County for the associated Type I, II or III development action or Type IV legislative process. The County will not consider subsequent requests to consider a vested right when the initial decision has expired. A vested right issue not associated with an accompanying Type I, II, III or IV action shall not be decided by the County and may be subject to the jurisdiction of the Circuit Court of the State of Oregon.

Once a determination has been made by the County that a vested right exists, the development must be completed pursuant to the vested development permit. The vested development permit shall be subject to the requirements of Sections 201-3, 201-4, 201-5, 201-7, and 201-8.

**214 IMPLEMENTATION OF MEASURE 37**

**214-1 Completeness**

The Director may determine that an application is complete notwithstanding failure of the applicant to address a county land use regulation if the County previously decided to modify, remove or not apply the land use regulation for the subject property in response to a Measure 37 claim or demand.

**214-2 Approval of Development Permit**

Notwithstanding any other provision of this Code, the County may approve an application and development permit without the applicant having first demonstrated compliance with a county land use regulation provided that:

- 214-2.1 The owner of the property that is the subject of the development permit has obtained a decision from the County to modify, remove or not apply the county land use regulation as provided for by state law and any County implementing ordinance. The applicant shall be required to demonstrate compliance with the land use regulation as modified; or
- 214-2.2 The development permit is conditioned to prohibit any development until the property owner has obtained a decision to modify, remove or not apply the county land use regulation. If the land use regulation is modified, or if the claim or demand is denied

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as regards any land use regulation, the applicant must file an application and demonstrate compliance.

**214-3 Condition of Approval**

A development approval based on a decision to modify, remove or not apply a county land use regulation does not waive any requirement to comply with other land use regulations, including any other applicable law of the state or other entity. If the Review Authority concludes that a land use regulation continues to restrict or prohibit development of a property in a manner inconsistent with the county approval, the approval and development permit may be conditioned that no grading, building, occupancy or other similar permit shall be issued until the owner of the subject property provides proof that a decision has been made to modify, remove or not apply the regulation.

**215 ENFORCEMENT**

**215-1** No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of this Code, or the applicable Community Plan.

**215-2** Maximum fines upon conviction are as follows:

215-2.1 \$1,000 per offense for intentional violations;

215-2.2 \$250 per offense for all others;

215-2.3 Each day of violation shall constitute a separate offense.

**215-3** Justice, District and Circuit Courts shall have jurisdiction over prosecutions under this Code as provided by Law.

**215-4** The fines provided for in this Section are in addition to and not in lieu of any other remedy provided by law, including, but not limited to denial or revocation of a Development Permit, injunction, mandamus, abatement or civil damages as provided by State law.

**215-5** No building or development permit shall be issued unless it has first been determined that such building or structure, as proposed, and the land upon which it is proposed to be located, complies with all applicable provisions of this Code, with approved site plans, and with conditions of approval, or is exempt therefrom. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

**215-6** A request to enforce a solar access permit shall, in addition to the requirements of Section 215, contain the information required in Section 427-5.4.

**215-7 Prosecutions of Violations**

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215-7.1 Citation

A county officer, as defined in the uniform citation ordinance, may issue a citation for violation of this chapter and the rules and regulations adopted pursuant thereto. Citations shall conform to the requirements of the uniform citation ordinance.

215-7.2 Citation - Other enforcement procedures not excluded. The provisions of this chapter are in addition to and not on lieu of any other procedures and remedies provided by law, including equitable relief and damages.

*ARTICLE III: LAND USE DISTRICTS*

**300 INTRODUCTION**

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

**300-1 Intent and Purpose**

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

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

**300-1.1 Community Plan provisions:**

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

*ARTICLE III: LAND USE DISTRICTS*

- L. Pedestrian Connectivity Areas; and
  - M. Transportation Functional Classification Map.
- 300-1.2 Rural/Natural Resource Plan Provisions:
- A. Significant Natural Resource Designations;
  - B. Historic and Cultural Resource Designations;
  - C. Mineral and Aggregate Resource Designations (District A and B designations);
  - D. Habitat Protection Plan;
  - E. Implementing Strategy E of Policy 10; and
  - F. Transportation Functional Classification Map.
- 300-1.3 Transportation Plan
- A. Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
  - B. The Functional Classification System Map;
  - C. The Lane Numbers Map;
  - D. The Special Area Streets Overlay Maps
  - E. The Regional Street Design Overlay Map
  - F. The Transit System Map;
  - G. The Pedestrian System Maps
  - H. The Off-Street Trail System Maps
  - I. The Planned Bicycle System Map
- 300-1.4 Comprehensive Framework Plan for the Urban Area
- Policy 41, Urban Growth Boundary Expansions

**300-2 Residential Density Calculation**

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

ARTICLE III: LAND USE DISTRICTS

EXAMPLE

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

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

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

- 300-3.1 Applicability:

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

- A. Flood Plain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;
- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. In transit oriented districts, land within an area identified in A through G above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-2.3;
- I. Water Quality Sensitive Areas; or
- J. Vegetated Corridors.

300-3.2 Density may be transferred only as follows:

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

300-3.3 Density Transfer Calculations:

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

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

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

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shall mean all portions of the lot(s) or parcel(s) included in one of the categories in Section 300-3.1.

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

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

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

**302-1 Intent and Purpose**

The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2 or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less. Infill development on all parcels two (2) acres or less may occur only through application of the infill policy (Section 430-72).

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

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

302-2.1 Accessory Uses and Structures - Section 430-1.

302-2.2 Bus Shelter - Section 430-23.

302-2.3 Detached Dwelling Unit on an existing lot or parcel that does not exceed sixteen-thousand five-hundred (16,500) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A.

302-2.4 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a telecommunication facility.

302-2.5 Home Occupation - Section 430-63.1.

302-2.6 Parks - Section 430-95.

302-2.7 Recycle Drop Box - Section 430-113.



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- 302-2.8 Temporary Use - Section 430-135.1.
- 302-2.9 Manufactured Home on an existing lot or parcel that does not exceed sixteen-thousand five-hundred (16,500) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76.
- 302-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 302-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**302-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 302-3.1 Ambulance Service - Section 430-9.1.
- 302-3.2 Flag lot - Section 430-45.
- 302-3.3 Home Occupation - Section 430-63.2.
- 302-3.4 Infill - Section 430-72.
- 302-3.5 Parks - Section 430-97.
- 302-3.6 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 302-3.7 Temporary Use - Section 430-135.2 A.
- 302-3.8 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 302-3.9 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
  - A. Clubhouse.
  - B. Meeting hall.
  - C. Day care center - Section 430-53.2.
  - D. Recreation center.

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E. Gymnasium.

F. Indoor swimming pool.

302-3.10 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

302-3.11 Detached Dwelling Unit on an existing lot or parcel with a buildable area greater than sixteen-thousand five-hundred (16,500) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B.

302-3.12 Manufactured Home on an existing lot or parcel with a buildable area greater than sixteen-thousand five-hundred (16,500) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76 and Section 430-37.1 B.(1-3).

302-3.13 Guest House - Section 430-55.

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

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

302-4.1 Attached Dwelling Units - Section 430-13.

302-4.2 Boarding House, includes Bed & Breakfast - Section 430-19.

302-4.3 Campground - Section 430-25.

302-4.4 Cemetery - Section 430-27.

302-4.5 Church - Section 430-29.

302-4.6 Golf Course (may include Country Club) - Section 430-51.

302-4.7 Group Care - Section 430-53.

302-4.8 Heliport (Personal use only) - Section 430-59.

302-4.9 Hospital - Section 430-65.

302-4.10 Kennel - Section 430-73.

302-4.11 Public Building - Section 430-103.

302-4.12 Public Utility - Section 430-105.

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- 302-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 302-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 302-4.15 Single-Family Accessory Dwelling Unit - Section 430-117.1.
- 302-4.16 School - Section 430-121.
- 302-4.17 Special Recreation Use - Section 430-131.
- 302-4.18 Storage Area for Recreation Vehicles - Section 430-133.

**302-5 Prohibited Uses**

- 302-5.1 Structures or uses not specifically authorized by Section 302.
- 302-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized as a temporary use in Section 302-2.9, 302-2.10, 302-3.7, or 302-3.13.
- 302-5.3 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 302-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 302-5.5 Keeping of fowl for sale, keeping swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 302-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing June, 1983 airport year 2000 LDN fifty-five (55) contour.
- 302-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 302-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 302-5.9 Auto wrecking yards.

**302-6 Density**

- 302-6.1 In the R-5 District:

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- A. The permitted residential density shall be no more than five (5) units per acre and no less than four (4) units per acre, except as permitted by Section 300-2 or by 302-6.2 below; and
  - B. A lot shall be at least fourteen thousand (14,000) square feet in area in order to be divided.
- 302-6.2 The Review Authority may exclude slopes between fifteen (15) and twenty (20) percent from the acreage used to calculate the minimum density when the following standards are met:
- A. The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquefaction hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and
  - B. The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquefaction hazards, or other geologic hazards.
- 302-6.3 Development to the required minimum density may be phased over time through future land divisions when the following standards are met:
- A. A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:
    - (1) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;
    - (2) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;
    - (3) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm water and water quality facilities and any necessary buffers; and
    - (4) The location of unbuildable categories of land listed in Section 300-3.1;
  - B. The size, configuration and location of proposed lots or parcels to be created through an application, and the location of dwellings and structures on the proposed lots or parcels, shall not preclude:

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- (1) Future development of the subject property to the minimum density as shown in the future development plan; and
  - (2) Future development or redevelopment of adjacent properties to the permitted density;
- C. No future street, easement, or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and
- D. For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

**302-7 Dimensional Requirements**

**302-7.1 Lot Area:**

- A. The average lot area of lots within a proposed development (land divisions and property line adjustments) shall be no less than six thousand (6,000) square feet (does not include tracts); and
- B. The minimum lot area of a lot shall be five-thousand five-hundred (5,500) square feet.

**302-7.2 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. Fifteen (15) foot front yard to the front building wall and twelve (12) feet to a porch or other covered or enclosed entryway;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard;
- E. Fifteen (15) foot rear yard;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

**302-7.3 Height:**

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- A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

**302-7.4 Lot Dimensions:**

The minimum dimensions for any new lot or parcel shall be:

- A. Lot width - forty (40) feet;
- B. Lot depth - sixty (60) feet;
- C. Lot width at the street or access point - forty (40) feet except as allowed through Section 430-45 (flag lots); and
- D. Lot width at street on a cul-de-sac, eyebrow corner, hammerhead terminus, or other street terminus - twenty (20) feet.

**302-8 Parking Requirements**

Required off-street and on-street parking shall be provided in accordance with the provisions of Section 413.

**302-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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

**303-1 Intent and Purpose**

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The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

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

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 303-2.1 Accessory Uses and Structures - Section 430-1.
- 303-2.2 Bus Shelter - Section 430-23.
- 303-2.3 Attached Dwelling Units (Duplex on an approved duplex lot only).
- 303-2.4 Detached Dwelling Unit on an existing lot or parcel that does not exceed thirteen-thousand one-hundred (13,100) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A.
- 303-2.5 Expansion of any Type II or III use which meets the following:
  - A. Is exempt from application of public facility standards of Section 501-2;
  - B. Is not in an area of Special Concern as designated on the applicable Community Plan map; and
  - C. Is not a telecommunication facility.
- 303-2.6 Home Occupation - Section 430-63.1.
- 303-2.7 Parks - Section 430-95.
- 303-2.8 Recycle Drop Box - Section 430-113.
- 303-2.9 Temporary Use - Section 430-135.1.
- 303-2.10 Manufactured Home on an existing lot or parcel that does not exceed thirteen-thousand one-hundred (13,100) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76.
- 303-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

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303-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

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

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 303-3.1 Ambulance Service - Section 430-9.1.
- 303-3.2 Attached Dwelling Unit - Section 430-13.
- 303-3.3 Flag lot - Section 430-45.
- 303-3.4 Home Occupation - Section 430-63.2.
- 303-3.5 Infill - Section 430-72.
- 303-3.6 Manufactured Dwelling Park - Section 430-77.
- 303-3.7 Manufactured Dwelling Subdivision - Section 430-79.
- 303-3.8 Parks - Section 430-97.
- 303-3.9 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 303-3.10 Single-Family Accessory Dwelling Unit - Section 430-117.1.
- 303-3.11 Temporary Use - Section 430-135.2 A.
- 303-3.12 Zero Lot Line Development - Section 430-147.
- 303-3.13 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 303-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
  - A. Clubhouse.
  - B. Meeting hall.
  - C. Day care center - Section 430-53.2.
  - D. Recreation center.



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E. Gymnasium.

F. Indoor swimming pool.

303-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

303-3.16 Detached Dwelling Unit on an existing lot or parcel with a buildable area greater than thirteen-thousand one-hundred (13,100) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - 430-37.1 B.

303-3.17 Manufactured Home on an existing lot or parcel with a buildable area greater than thirteen-thousand one-hundred (13,100) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - 430-76 and Section 430-37. B.(1-3)

303-3.18 Guest House - Section 430-55.

**303-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

303-4.1 Boarding House, includes Bed & Breakfast - Section 430-19.

303-4.2 Campground - Section 430-25.

303-4.3 Cemetery - Section 430-27.

303-4.4 Church - Section 430-29.

303-4.5 College - Section 430-31.

303-4.6 Golf Course (may include Country Club) - Section 430-51.

303-4.7 Group Care - Section 430-53.1 through 53.5.

303-4.8 Heliport (Personal use only) - Section 430-59.

303-4.9 Hospital - Section 430-65.

303-4.10 Kennel - Section 430-73.

303-4.11 Public Building - Section 430-103.

303-4.12 Public Utility - Section 430-105.

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- 303-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 303-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 303-4.15 School - Section 430-121.
- 303-4.16 Special Recreation Use - Section 430-131.
- 303-4.17 Storage Area for Recreation Vehicles - Section 430-133.

**303-5 Prohibited Uses**

- 303-5.1 Structures or uses not specifically authorized by Section 303.
- 303-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized under Section 303-2.10, 303-2.11, 303-3.6, 303-3.7, 303-3.11, or 303-3.18.
- 303-5.3 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 303-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 303-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 303-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 303-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 303-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 303-5.9 Auto wrecking yards.

**303-6 Density**

- 303-6.1 The permitted residential density shall be no more than six (6) units per acre and no less than five (5) units per acre, except as permitted by Section 300-2 or by 303-6.2 below.

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303-6.2 The Review Authority may exclude slopes between fifteen (15) and twenty (20) percent from the acreage used to calculate the minimum density when the following standards are met:

- A. The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquefaction hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and
- B. The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquefaction hazards, or other geologic hazards.

303-6.3 Development to the required minimum density may be phased over time through future land divisions when the following standards are met:

- A. A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:
  - (1) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;
  - (2) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;
  - (3) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm water and water quality facilities and any necessary buffers; and
  - (4) The location of unbuildable categories of land listed in Section 300-3.1;
- B. The size, configuration and location of proposed lots or parcels to be created through an application, and the location of new dwellings and structures on the proposed lots or parcels, shall not preclude:
  - (1) Future development of the subject property to the minimum density as shown on the future development plan; and
  - (2) Future development or redevelopment of adjacent properties to the permitted density;

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- C. No future street, easement or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and
- D. For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

**303-7 Dimensional Requirements**

**303-7.1 Lot Area:**

- A. For single family detached dwellings:
  - (1) The average lot area within a proposed development (including property line adjustments) shall be no less than four-thousand five-hundred (4,500) square feet (does not include tracts); and
  - (2) The minimum lot area shall be four thousand (4,000) square feet.
- B. The minimum lot area for single family attached units shall be three-thousand five-hundred (3,500) square feet.

**303-7.2 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. Fifteen (15) foot front yard to the front building wall and twelve (12) feet to a porch or other covered or enclosed entryway;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard;
- E. Fifteen (15) foot rear yard;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

**303-7.3 Height:**

- A. The maximum height for structures shall be forty (40) feet, except as modified by other Sections of this Code.

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- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the forty (40) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

**303-7.4 Lot Dimensions:**

The minimum dimensions for any new lot or parcel shall be:

- A. Lot width for detached units - thirty-five (35) feet;
- B. Lot width for attached units - thirty (30) feet;
- C. Lot depth - sixty (60) feet;
- D. Lot width at the street or access point for detached units - thirty-five (35) feet except as may be allowed through Section 430-45 (flag lots);
- E. Lot width at the street or access point for attached units - thirty (30) feet except as may be allowed through Section 430-45 (flag lots); and
- F. Lot width at the street on a cul-de-sac, eyebrow corner, hammerhead or other street terminus - twenty (20) feet.

**303-8 Parking Requirements**

Required off-street and on-street parking shall be provided in accordance with the provisions of Section 413.

**303-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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

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**304-1 Intent and Purpose**

The R-9 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2. The purpose of the R-9 District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured dwelling subdivisions and parks.

**304-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 304-2.1 Accessory Uses and Structures - Section 430-1.
- 304-2.2 Attached Dwelling Units (duplex on approved duplex lot only).
- 304-2.3 Bus Shelter - Section 430-23.
- 304-2.4 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot or parcel does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1 A.
- 304-2.5 Expansion of any Type II or III use which meets the following:
  - A. Is exempt from application of public facility standards of Section 501-2;
  - B. Is not in an area of Special Concern as designated on the applicable Community Plan map; and
  - C. Is not a telecommunication facility.
- 304-2.6 Home Occupation - Section 430-63.1.
- 304-2.7 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot or parcel does not exceed ten-thousand (10,000) square feet in area - Section 430-76 and Section 430-37.1 B.(1-3).
- 304-2.8 Parks - Section 430-95.
- 304-2.9 Recycle Drop Box - Section 430-113.
- 304-2.10 Single Family Accessory Dwelling Unit - Section 430-117.1.
- 304-2.11 Temporary Use - Section 430-135.1.

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304-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

304-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**304-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

304-3.1 Ambulance Service - Section 430-9.1.

304-3.2 Attached Dwelling Units.

304-3.3 Detached Dwelling Unit, not otherwise permitted by Section 304-2.4 - 430-37.1 B.

304-3.4 Flag lot - Section 430-45.

304-3.5 Home Occupation - Section 430-63.2.

304-3.6 Manufactured Dwelling Park - Section 430-77.

304-3.7 Parks - Section 430-97.

304-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.

304-3.9 Storage Area for Recreation Vehicles - Section 430-133.

304-3.10 Temporary Use - Section 430-135.2 A.

304-3.11 Zero Lot Line Development - Section 430-147.

304-3.12 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

304-3.13 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care center - Section 430-53.2.

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- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

- 304-3.14 Day Care Facility - Section 430-53.2 I.
- 304-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 304-3.16 Manufactured Home, not otherwise permitted by Section 304-2.8 - Section 430-76 and Section 430-37.1 B.(1-3)
- 304-3.17 Manufactured Dwelling Subdivision - Section 430-79.
- 304-3.18 Guest House - Section 430-55.

**304-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 304-4.1 Access to an existing solid waste disposal site - Section 430-127.3.
- 304-4.2 Boarding House - (Includes Bed and Breakfast) - Section 430-19.
- 304-4.3 Campground - Section 430-25.
- 304-4.4 Cemetery - Section 430-27.
- 304-4.5 Church - Section 430-29.
- 304-4.6 Golf Course (may include Country Club) - Section 430-51.
- 304-4.7 Group Care - Section 430-53.1 through 53.5.
- 304-4.8 Heliport (Personal use only) - Section 430-59.
- 304-4.9 Hospital - Section 430-65.
- 304-4.10 Kennel - Section 430-73.
- 304-4.11 Public Building - Section 430-103.
- 304-4.12 Public Utility - Section 430-105.



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304-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

304-4.14 Broadcast Towers a maximum height of one-hundred (100) feet - Section 430-109.

304-4.15 School - Section 430-121.

304-4.16 Special Recreation Use - Section 430-131.

**304-5 Prohibited Uses**

304-5.1 Structures or uses not specifically authorized by Section 304.

304-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized under Section 304-2.8, 304-2.12, 304-3.5, 304-3.9, or 304-3.17.

304-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.

304-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours, except as approved in conjunction with a development.

304-5.5 Keeping of fowl for sale, keeping of swine (except for up to three purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.

304-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

304-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

304-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

304-5.9 Auto wrecking yards.

**304-6 Density**

In the R-9 District, the permitted residential density is no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent

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or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

**304-7 Dimensional Requirements**

**304-7.1 Lot Area:**

- A. The minimum lot area for detached units shall be two thousand eight-hundred (2,800) square feet per unit except as permitted through a Planned Development. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Section 304-7.4 is met.
- B. The minimum lot area for attached units shall be two thousand four-hundred (2,400) square feet per unit, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Section 304-7.4 and 420 are met.

**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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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 430-117.2 F.;

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- 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;
- G. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- H. Additional setbacks may be required as specified in Sections 411 and 418.

304-7.3 Height:

- A. The maximum height for detached dwelling units and single family attached dwelling units shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. The maximum height for all other structures shall be forty (40) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) and forty (40) foot building height limits to a maximum height of sixty (60) feet.
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- F. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

304-7.4 Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

- A. For attached units:
  - (1) Lot width - twenty-four (24) feet;
  - (2) Lot depth - sixty (60) feet;

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- (3) Lot width at the street - twenty-four (24) feet, except as may be allowed through Section 430-45 (flag lot); and
- (4) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

B. For detached units:

- (1) Lot width - thirty (30) feet;
- (2) Lot depth - sixty (60) feet;
- (3) Lot width at the street - thirty (30) feet except as may be allowed through Section 430-45 (flag lot); and
- (4) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

**304-7.5 Required Outdoor Yard Area**

- A. For detached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred and fifty (450) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.
- B. For single family attached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred (400) square feet shall be provided on each lot, of which no dimension shall not be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

**304-8 Building Facade Requirements**

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

**304-8.1 Garage Frontage**

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the

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front building wall (the front building wall does not include a porch or other projections); or

- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:
- (1) The garage front is located at least eight (8) feet behind the entire width of the remaining frontage of the dwelling; and
  - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall be not more than a maximum of four (4) feet above the finished exterior grade; and
  - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A, B, or C above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through public or private streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

**304-9 Parking Requirements**

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

**304-10 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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

**305-1 Intent and Purpose**

The intent and purpose of the R-15 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2.

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**305-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 305-2.1 Accessory Uses and Structures - Section 430-1.
- 305-2.2 Attached Dwelling Units (duplex on approved duplex lot only).
- 305-2.3 Bus Shelter - Section 430-23.
- 305-2.4 Expansion of any Type II or III use which meets the following:
  - A. Is exempt from application of public facility standards of Section 501-2;
  - B. Is not in an area of special concern as designated on the applicable Community Plan map; and
  - C. Is not a telecommunication facility.
- 305-2.5 Home Occupation - Section 430-63.1.
- 305-2.6 Parks - Section 430-95.
- 305-2.7 Recycle Drop Box - Section 430-113.
- 305-2.8 Single Family Accessory Dwelling Unit - Section 430-117.1.
- 305-2.9 Temporary Use - Section 430-135.1.
- 305-2.10 Detached dwelling unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1 A.
- 305-2.11 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-76.
- 305-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 305-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

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**305-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 305-3.1 Ambulance Service - 430-9.1.
- 305-3.2 Attached Dwelling Units.
- 305-3.3 Boarding House - Section 430-19.
- 305-3.4 Detached Dwelling Unit, not otherwise permitted by Section 305-2.10 - Section 430-37.1 B.
- 305-3.5 Flag Lot - Section 430-45.
- 305-3.6 Home Occupation - Section 430-63.2.
- 305-3.7 Manufactured Dwelling Park - Section 430-77.
- 305-3.8 Manufactured Dwelling Subdivision - Section 430-79.
- 305-3.9 Parks - Section 430-97.
- 305-3.10 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 305-3.11 Temporary Use - Section 430-135.2 A.
- 305-3.12 Zero Lot Line Development - Section 430-147.
- 305-3.13 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 305-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
  - A. Clubhouse.
  - B. Meeting hall.
  - C. Day care center - Section 430-53.2.
  - D. Recreation center.
  - E. Gymnasium.

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F. Indoor swimming pool.

305-3.15 Day Care Facility - 430-53.2 I.

305-3.16 Manufactured Home, not otherwise permitted by Section 305-2.11 - Section 430-76 and Section 430-37.1 B.(1-3)

305-3.17 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**305-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

305-4.1 Access to an existing solid waste disposal site - Section 430-127.3.

305-4.2 Church - Section 430-29.

305-4.3 Group Care - Section 430-53.1 through 53.5.

305-4.4 Heliport (Personal use only) - Section 430-59.

305-4.5 Kennel - Section 430-73.

305-4.6 Professional Office - Section 430-101.

305-4.7 Public Building - Section 430-103.

305-4.8 Public Utility - Section 430-105.

305-4.9 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

305-4.10 Broadcast Towers a maximum height of one-hundred (100) feet - Section 430-109.

305-4.11 Special Recreation Use – Section 430-131.

**305-5 Prohibited Uses**

305-5.1 Structures or uses of land not specifically authorized by Section 305.

305-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized in Section 305-2.9, 305-2.11, 305-3.7, 305-3.8, 305-3.11, or 305-3.17.



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- 305-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 305-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.
- 305-5.5 Keeping of fowl for sale, keeping of swine (except for up to three purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 305-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 305-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 305-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 305-5.9 Auto wrecking yards.

**305-6 Density**

In the R-15 District, the permitted residential density is no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

**305-7 Dimensional Requirements**

- 305-7.1 Lot Area:
- A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 305-7.4 B. and 420 are met.
- B. The minimum lot area for attached units shall be one-thousand six-hundred (1,600) square feet, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 305-7.4 B. and 420 are met.

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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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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 430-117.2 F.
- (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.

B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, 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;

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- (3) Eight (8) foot street side yard, except as necessary to comply with (6) below;
  - (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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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, except as necessary to comply with (7) below;
  - (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwelling units 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.
  - (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- C. The minimum yard requirements for all other uses (e.g., single family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:
- (1) Twenty (20) foot front yard;
  - (2) Twenty (20) foot front yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
  - (3) Twenty (20) foot rear yard;
  - (4) Side yards:
    - (a) Five (5) foot - one (1) story.
    - (b) Seven (7) foot - two (2) stories.
    - (c) Ten (10) foot - three (3) stories.
    - (d) Fifteen (15) foot - four (4) stories.
    - (e) Twenty (20) foot - five (5) stories.

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- (f) Ten (10) foot street side yard except as specified in (d) or (e) above.
- (g) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.

D. Additional setbacks may be required as specified in Sections 411 and 418.

E. Required yards shall be horizontally unobstructed except as provided in Section 418.

305-7.3 Height:

- A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code;
- B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of this Code.
- C. The maximum height for all other structures shall be fifty (50) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed thirty-five (35) or the fifty (50) foot building height limits to a maximum height of sixty (60) feet;
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- F. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

305-7.4 Lot Dimensions:

- A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:
  - (1) Lot width - one hundred (100) feet;
  - (2) Lot depth - one hundred (100) feet; and
  - (3) Lot width at the street - forty (40) feet, except as may be allowed through Section 430-45 (flag lot).
- B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:

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- (1) For attached units:
  - (a) Lot width - twenty (20) feet;
  - (b) Lot depth - sixty (60) feet;
  - (c) Lot width at the street - twenty (20) feet, except as allowed through Section 430-45 (flag lot); and
  - (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.
- (2) For detached units:
  - (a) Lot width - twenty-three (23) feet;
  - (b) Lot depth - sixty (60) feet;
  - (c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (Flag Lots); and
  - (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

**305-7.5 Required Outdoor Yard Area**

- A. For detached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred (400) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.
- B. For single family attached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of three-hundred (300) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

**305-8 Building Facade Requirements**

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour.

**305-8.1 Garage Frontage**

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- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or
- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) when:
  - (1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and
  - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade.
  - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through streets, (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

**305-9      Parking Requirements**

Required off-street parking and on-street parking shall be provided in accordance with the requirements of Section 413.

**305-10     Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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

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**306-1 Intent and Purpose**

The intent and purpose of the R-24 District is to implement the policies of the Comprehensive Plan for areas designated for residential development of no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 300-2.

**306-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

306-2.1 Accessory Uses and Structures - Section 430-1.

306-2.2 Attached Dwelling Unit (duplex on approved duplex lot only).

306-2.3 Bus Shelter - Section 430-23.

306-2.4 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a telecommunication facility.

306-2.5 Home Occupation - Section 430-63.1.

306-2.6 Parks - Section 430-95.

306-2.7 Recycle Drop Box - Section 430-113.

306-2.8 Single-Family Accessory Dwelling Unit - Section 430-117.1.

306-2.9 Temporary Use - Section 430-135.1.

306-2.10 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten thousand (10,000) square feet in an area - Section 430-37.1.

306-2.11 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten thousand (10, 000) square feet in area - Section 430-76.

306-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

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- 306-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**306-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 306-3.1 Ambulance Service - Section 430-9.1.
- 306-3.2 Attached Dwelling Units.
- 306-3.3 Boarding House - Section 430-19.
- 306-3.4 Detached Dwelling Unit, not otherwise permitted by Section 306-2.10 - Section 430-37.1.
- 306-3.5 Flag Lot - Section 430-45.
- 306-3.6 Home Occupation - Section 430-63.2.
- 306-3.7 Parks - Section 430-97.
- 306-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 306-3.9 Temporary Use - Section 430-135.2 A.
- 306-3.10 Zero Lot Line Development - Section 430-147.
- 306-3.11 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 306-3.12 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
- A. Clubhouse.
  - B. Meeting hall.
  - C. Day care center - Section 430-53.2.
  - D. Recreation center.
  - E. Gymnasium.



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F. Indoor swimming pool.

306-3.13 Day Care Facility - 430-53.2 I.

306-3.14 Manufactured Home, not otherwise permitted by Section 306-2.11 - Section 430-76 and Section 430-37.1 B.(1-3).

306-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**306-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

306-4.1 Church - Section 430-29.

306-4.2 Group Care - Section 430-53.1 through 53.5.

306-4.3 Heliport (Personal use only) - Section 430-59.

306-4.4 Kennel - Section 430-73.

306-4.5 Professional Office - Section 430-101.

306-4.6 Public Building - Section 430-103.

306-4.7 Public Utility - Section 430-105.

306-4.8 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

306-4.9 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

306-4.10 Special Recreation Use – Section 430-131.

**306-5 Prohibited Uses**

306-5.1 Structures or uses not specifically authorized by Section 306.

306-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized in Sections 306-2.9, 306-2.11, 306-3.9, or 306-3.15.

306-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.

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- 306-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.
- 306-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 306-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 306-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 306-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 306-5.9 Auto wrecking yards.

**306-6 Density**

In the R-24 District , the permitted residential density is no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

**306-7 Dimensional Requirements**

- 306-7.1 Lot Area:
  - A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 306-7.4 and 420 are met.
  - B. The minimum lot area for attached units shall be one-thousand three-hundred (1,300) square feet. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Sections 306-7.4 and 420 are met.
- 306-7.2 Yard (Setback) Requirements.

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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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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 430-117.2 F.; 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.

B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, 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;

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- (3) Eight (8) foot street side yard, except as necessary to comply with (6) below;
  - (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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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, except as necessary to comply with (7) below;
  - (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.
  - (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- C. The minimum yard requirements for all other uses (e.g., single-family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:
- (1) Twenty (20) foot front yard;
  - (2) Twenty (20) foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
  - (3) Twenty (20) foot rear yard;
  - (4) Side yards:
    - (a) Five (5) foot - one (1) story;
    - (b) Seven (7) foot - two (2) stories or ten (10) foot when adjacent to lower density district;
    - (c) Ten (10) foot - three (3) stories;
    - (d) Fifteen (15) foot - four (4) stories;
    - (e) Twenty (20) foot - five (5) stories;

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- (f) Ten (10) foot street side yard except as specified in (d) or (e) above;
- (g) To determine the minimum setback for a different primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.

- D. Additional setbacks may be required as specified in Sections 411 and 418.
- E. Required yards shall be horizontally unobstructed except as provided in Section 418.

306-7.3 Height:

- A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of the Code.
- C. The maximum height for all other structures shall be fifty (50) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet or the fifty (50) foot building height limit to a maximum height of sixty-five (65) feet.
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

306-7.4 Lot Dimensions:

- A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:
  - (1) Average lot width - one hundred (100) feet;
  - (2) Average lot depth - one hundred (100) feet;
  - (3) Lot width at the street - forty (40) feet, except as allowed through Section 430-45 (flag lot).
- B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:
  - (1) For attached units:
    - (a) Average lot width - fourteen (14) feet;

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- (b) Average lot depth - sixty (60) feet;
  - (c) Lot width at the street - fourteen (14) feet.
- (2) For detached units:
- (a) Average lot width - twenty-three (23) feet;
  - (b) Average lot depth - sixty (60) feet;
  - (c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (flag lot);
  - (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

**306-7.5 Required Outdoor Yard Area**

A minimum contiguous rear or side yard (does not include a street side yard) outdoor area of two-hundred and fifty (250) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

The required outdoor area may be reduced to one-hundred and forty (140) square feet when the following standards are met:

- A. The outdoor area shall consist of one-hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. The outdoor area shall be located within a side or rear yard;
- B. The development site shall be located within one-thousand (1,000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and
- C. Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

**306-8 Building Facade Requirements**

The following standards shall apply to detached dwellings units, and single family attached dwellings units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20)-minute or more frequent service during the peak hours:

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**306-8.1 Garage Frontage**

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or
- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:
  - (1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and
  - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade; and
  - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

**306-9 Parking Requirements**

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

**306-10 Article IV - Development Standards**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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

**307-1 Intent and Purpose**

The intent of the R-25+ District is to implement the policies of the Comprehensive Plan for areas designated for residential development of twenty-five (25) units or more per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2 or Section 307-6. The purpose of the district is to provide areas for high density attached housing.

**307-2 Uses Permitted Through Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 307-2.1 Accessory Uses and Structures - Section 430-1.
- 307-2.2 Bus Shelter - Section 430-23.
- 307-2.3 Expansion of any Type II or III use which meets the following:
  - A. Is exempt from application of public facility standards of Section 501-2;
  - B. Is not in an area of special concern as designated on the applicable Community Plan map; and
  - C. Is not a telecommunication facility.
- 307-2.4 Home Occupation - Section 430-63.1.
- 307-2.5 Parks - Section 430-95.
- 307-2.6 Recycle Drop Box - Section 430-113.
- 307-2.7 Single-Family Accessory Dwelling Unit - Section 430-117.1.
- 307-2.8 Temporary Use - Section 430-135.1.
- 307-2.9 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1.
- 307-2.10 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-76.



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- 307-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 307-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**307-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 307-3.1 Ambulance Service - Section 430-9.1.
- 307-3.2 Attached Dwelling Units.
- 307-3.3 Boarding House - Section 430-19.
- 307-3.4 Detached Dwelling Unit, not otherwise permitted by Section 307-2.9 - Section 430-37.1.
- 307-3.5 Flag Lot - Section 430-45.
- 307-3.6 Home Occupation - Section 430-63.2.
- 307-3.7 Parks - Section 430-97.
- 307-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 307-3.9 Temporary Use - Section 430-135.2 A.
- 307-3.10 Zero Lot Line Development - Section 430-147.
- 307-3.11 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 307-3.12 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
  - A. Clubhouse.
  - B. Meeting hall.
  - C. Day care center - Section 430-53.2.
  - D. Recreation center.

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E. Gymnasium.

F. Indoor swimming pool.

307-3.13 Manufactured Home, not otherwise permitted by Section 307-2.10 - Section 430-76 and Section 430-37.1 B.(1-3).

307-3.14 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**307-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

307-4.1 Group Care - Section 430-53.1 through 53.5.

307-4.2 Heliport (Personal use only) - Section 430-59.

307-4.3 Kennel - Section 430-73.

307-4.4 Neighborhood Commercial Use - Section 430-83.

307-4.5 Park and Ride Facility - Section 430-89.

307-4.6 Professional Office - Section 430-101.

307-4.7 Public Building - Section 430-103.

307-4.8 Public Utility - Section 430-105.

307-4.9 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

307-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

307-4.11 Special Recreation Use - Section 430-131.

307-4.12 Transit Center - Section 430-137.

**307-5 Prohibited Uses**

307-5.1 Structures or uses not specifically authorized by Section 307.

307-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized in Sections 307-2.8, 307-2.10, 307-3.9, or 307-3.14.

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- 307-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 307-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.
- 307-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 307-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 307-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 307-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 307-5.9 Auto wrecking yards.

**307-6 Density**

- 307-6.1 The permitted density in the R-25+ District is as follows:
- A. R-25+ property which meets the general standards of the R-25+ District shall develop at no more than twenty-five (25) units per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2, 307-6.1 B., or 307-6.1 C.
  - B. R-25+ property which meets the following criteria shall develop at no more than forty (40) units per acre and no less than thirty-two (32) units per acre, except as otherwise specified by Section 300-2 or 307-6.1 C.
    - (1) The subject property is within one-quarter ( $\frac{1}{4}$ ) mile of the Transit Service with twenty (20) minute headways during peak hours;
    - (2) The subject property is within one-quarter ( $\frac{1}{4}$ ) mile of a developed Community Business District or Transit Oriented Retail Commercial District, or equivalent level in a city; and
    - (3) The subject property is within one-half ( $\frac{1}{2}$ ) mile of an existing or planned employment center with a minimum of two-hundred and fifty (250) employees.

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C. To develop over forty (40) units per acre, to a maximum of one-hundred (100) units per acre, in addition to the criteria of Section 307-6.1 B., the following criteria must be met:

- (1) An additional ten (10) percent of the site shall be devoted to Open Space;
- (2) At a minimum, the average unit size shall be eight-hundred (800) square feet;
- (3) The maximum height shall be one-hundred (100) feet except as provided in Section 419; and
- (4) The maximum lot coverage for residential structures shall be forty (40) percent, not including accessory structures or parking.

307-6.2 For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

**307-7 Dimensional Requirements**

307-7.1 Lot Area:

- A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 307-7.4 and 420 are met.
- B. The minimum lot area for attached units shall be one-thousand three-hundred (1,300) square feet. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Sections 307-7.4 and 420 are met.

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;

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(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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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 430-117.2 F.; 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.

B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, 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, except as necessary to comply with (6) below;

(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 side yards less than five feet (as little as zero (0) feet). Lots or parcels with a 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

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ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear, except as necessary to comply with (7) below;
  - (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.
  - (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- C. The minimum yard requirements for all other uses (e.g., single-family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:
- (1) Twenty (20) foot front yard;
  - (2) Twenty (20) foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
  - (3) Twenty (20) foot rear yard;
  - (4) Side yards:
    - (a) Five (5) foot - one (1) story;
    - (b) Seven (7) foot - two (2) stories or ten (10) foot when adjacent to lower density district;
    - (c) Ten (10) foot - three (3) stories;
    - (d) Fifteen (15) foot - four (4) stories;
    - (e) Twenty (20) foot - five (5) stories;
    - (f) Ten (10) foot street side yard except as specified in (d) or (e) above;
    - (g) To determine the minimum setback for a different primary Land Use District adjacent to this District, a ten (10) foot minimum shall be used.
- D. Additional setbacks may be required as specified in Sections 411 and 418.
- E. Required yards shall be horizontally unobstructed except as provided in Section 418.

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- A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of the Code.
- C. The maximum height for all other structures shall be sixty-five (65) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet or the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

307-7.4 Lot Dimensions:

- A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:
  - (1) Average lot width - one hundred (100) feet;
  - (2) Average lot depth - one hundred (100) feet; and
  - (3) Lot width at the street - forty (40) feet except as allowed through Section 430-45 (flag lots).
- B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:
  - (1) For attached units:
    - (a) Average lot width - fourteen (14) feet;
    - (b) Average lot depth - sixty (60) feet; and
    - (c) Lot width at the street - fourteen (14) feet.
  - (2) For detached units:
    - (a) Average lot width - twenty-three (23) feet;
    - (b) Average lot depth - sixty (60) feet;

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- (c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (flag lot); and
- (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

**307-7.5 Required Outdoor Yard Area**

A minimum contiguous rear or side yard (does not include a street side yard) outdoor area of two-hundred and fifty (250) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

The required outdoor area may be reduced to one-hundred and forty (140) square feet when the following standards are met:

- A. The outdoor area shall consist of one-hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. The outdoor area shall be located within a side or rear yard;
- B. The development site is located within one-thousand (1,000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and
- C. Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

**307-8 Building Facade Requirements**

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

**307-8.1 Garage Frontage**

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or



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- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:
- (1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and
  - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade; and
  - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

**307-9 Parking Requirements**

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

**307-10 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)**

**308-1 Intent and Purpose**

The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

**308-2 Uses Permitted Through a Type I Procedure:**

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- The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.
- 308-2.1 Accessory Uses and Structures - Section 430-1.
- 308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:
- A. Is exempt from application of the Public Facility Standards under Section 501-2;
  - B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
  - C. Is on an existing lot;
  - D. Does not amend any previous approval or previous condition of approval;
  - E. Is in compliance with all applicable standards of this Code; and
  - F. Is not a telecommunication facility.
- 308-2.3 Bus Shelter - Section 430-23.
- 308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).
- 308-2.5 Home Occupation - Section 430-63.1.
- 308-2.6 Parks - Section 430-95.
- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

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- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**308-3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I.
- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**308-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-4.1 Cemetery - Section 430-27.
- 308-4.2 Church - Section 430-29.
- 308-4.3 Commercial Chicken or Rabbit Raising.
- 308-4.4 Commercial Greenhouse.

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- 308-4.5 Commercial Training Tracks, Riding Arenas and/or Stables (See Boarding of Horses - Section 430-21).
- 308-4.6 Contractor's Establishment.
- 308-4.7 Day Care Center - Section 430-53.2.
- 308-4.8 Public Building - Section 430-103.
- 308-4.9 Public Utility - Section 430-105.
- 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 308-4.12 School - Section 430-121.

**308-5 Prohibited Uses**

- 308-5.1 Structures or uses not specifically authorized in Section 308.
- 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- 308-5.3 The use of a recreation vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
- 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
- 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 308-5.8 Auto wrecking yards.
- 308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**308-6 Dimensional Requirements**

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In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

308-6.1 Lot Area:

The minimum lot area shall be twenty (20) acres unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved

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as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

308-6.4 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

**308-7 Additional Standards**

308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.

308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.

308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

**308-8 Access**

All lots in this District shall either:

308-8.1 Abut a public street; or

308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

**308-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**309 FUTURE DEVELOPMENT 10 ACRE DISTRICT (FD-10)**

**309-1 Intent and Purpose**

The FD-10 District applies to the unincorporated portions of some city active planning areas where these cities are the only available source of urban services. The FD-10 District is in limited agricultural, forest, or residential use. The FD-10

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District recognizes the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use activities develops and such lands are annexed to a city.

**309-2 Uses Permitted Through a Type I Procedure:**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 309-2.1 Accessory Uses and Structures - Section 430-1.
- 309-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:
  - A. Is exempt from application of the Public Facility Standards under Section 501-2;
  - B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
  - C. Is on an existing lot;
  - D. Does not amend any previous approval or previous condition of approval;
  - E. Is in compliance with all applicable standards of this Code; and
  - F. Is not a telecommunication facility.
- 309-2.3 Bus Shelter - Section 430-23.
- 309-2.4 Detached Dwelling Unit (one) only in areas designated for residential use by the applicable city - Section 430-37.1.
- 309-2.5 Home Occupation - Section 430-63.1.
- 309-2.6 Parks - Section 430-95.
- 309-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 309-2.8 Temporary Use - Section 430-135.1.
- 309-2.9 Manufactured Home - Section 430-76.
- 309-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 309-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

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**309-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 309-3.1 Home Occupation - Section 430-63.2.
- 309-3.2 Parks - Section 430-97.
- 309-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 309-3.4 Temporary Use - Section 430-135.2 A.
- 309-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 309-3.6 Day Care Facility - 430-53.2 I.
- 309-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**309-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 309-4.1 Cemetery - Section 430-27.
- 309-4.2 Church - Section 430-29.
- 309-4.3 Commercial Chicken or Rabbit Raising.
- 309-4.4 Commercial Greenhouse.
- 309-4.5 Commercial Training Tracks, Riding Arenas and/or Stables (See Boarding of Horses - Section 430-21).
- 309-4.6 Contractor's Establishment.
- 309-4.7 Day Care Center - Section 430-53.2.
- 309-4.8 Public Building - Section 430-103.



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309-4.9 Public Utility - Section 430-105.

309-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

309-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

**309-5 Prohibited Uses**

309-5.1 Structures or uses not specifically authorized in Section 309.

309-5.2 The use of a recreation vehicle as a residence except where specifically authorized as a temporary use in Sections 309-2.8 and 309-3.4.

309-5.3 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.

309-5.4 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 309-4.3.

309-5.5 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

309-5.6 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

309-5.7 Auto wrecking yards.

309-5.8 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**309-6 Dimensional Requirements**

In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

309-6.1 Lot Area:

The minimum lot area shall be ten (10) acres.

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309-6.2 Lot of Exception:

Exceptions to the minimum lot area may be granted by the Review Authority subject to the following:

- A. No lot created through this provision may be reduced below eight (8) acres;
- B. The request is in accord with the intent and purpose of this District;
- C. The request is processed through a Type II procedure; and
- D. The Review Authority may impose reasonable conditions consistent with the intent and purpose of this District for the lots approved.

309-6.3 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

309-6.4 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved

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as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

**309-6.5 Lot Dimensions:**

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

**309-7 Additional Standards**

The following additional standards are applicable to new development in the FD-10 District:

- 309-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.
- 309-7.2 Lawful nonconforming uses in the FD-10 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.

**309-8 Access**

All lots in this District shall either:

- 309-8.1 Abut a public street; or
- 309-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

**309-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**311 NEIGHBORHOOD COMMERCIAL DISTRICT - (NC)**

**311-1 Intent and Purpose**

The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers. This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial

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locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.

**311-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 311-2.1 Accessory Uses and Structures - Section 430-1.
- 311-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:
  - A. Is exempt from application of the Public Facility Standards under Section 501-2;
  - B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
  - C. Is on an existing lot;
  - D. Does not amend any previous approval or previous condition of approval;
  - E. Is in compliance with all applicable standards of this Code; and
  - F. Is not a telecommunication facility allowed through a Type II or III procedure.
- 311-2.3 Bus Shelter - Section 430-23.
- 311-2.4 Parks with up to a maximum total gross area of ten-thousand (10,000) square feet - Section 430-95.
- 311-2.5 Recycle Drop Box - Section 430-113.
- 311-2.6 Temporary Use - Section 430-135.1.
- 311-2.7 Facility 3 and 4 Communication Towers that:
  - A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.
- 311-2.8 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

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- 311-2.9 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**311-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 311-3.1 Access to a manufactured dwelling park - Section 430-77.14.
- 311-3.2 Ambulance Service - Section 430-9.1.
- 311-3.3 Convenience Groceries, with a maximum gross floor area of five-thousand (5,000) square feet - Section 430-35.
- 311-3.4 Day Care Facility - Section 430-53.2.
- 311-3.5 Drive-In or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses.) - Section 430-41.
- 311-3.6 Dwelling units provided:
- A. The ground floor is used for neighborhood commercial uses;
  - B. Height and yard requirements are the same as the Neighborhood Commercial District requirements; and
  - C. Maximum density of fifteen (15) units per acre.
- 311-3.7 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
- A. Clubhouse.
  - B. Meeting hall.

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- C. Day care center - Section 430-53.2.
  - D. Recreation center.
  - E. Gymnasium.
  - F. Indoor swimming pool.
- 311-3.8 Eating and Drinking Establishments with a maximum gross floor area of three-thousand five-hundred (3,500) square feet. Those with a drive-in or drive up windows shall address Section 430-41.
- 311-3.9 Financial Institutions such as branch banks, insurance agents, real estate offices - with a maximum gross floor area of five-thousand (5,000) square feet per use.
- 311-3.10 Food Market with a maximum gross floor area of thirty-five thousand (35,000) square feet, limited to one (1) per Neighborhood Commercial Center.
- 311-3.11 Personal Service Establishments such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios - with a maximum gross floor area of five-thousand (5,000) square feet per use.
- 311-3.12 Professional Offices, including veterinary clinics or offices which do not include boarding facilities other than indoor boarding for immediate, critical care. There shall be a maximum floor area of three-thousand five hundred (3,500) square feet per use.
- 311-3.13 Radio Station.
- 311-3.14 Retail Businesses such as variety, hardware, drug, dry goods, clothing, photography, hobby and similar retail uses - with a maximum gross floor area of ten-thousand (10,000) square feet per use.
- 311-3.15 Service Station - Section 430-123.
- 311-3.16 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 311-3.17 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.
- 311-3.18 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 311-3.19 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 311-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;

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B. Storage of motor fuels and lubricating oils for motor vehicles used by the principal use;

C. Central heating, air conditioning and refrigeration plants.

311-3.20 Nursery School - Section 430-121.

311-3.21 Parking not in conjunction with a Permitted Use - Section 430-91.

311-3.22 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

311-3.23 Food and Service Catering.

311-3.24 Commercial School - such as vocational music, dance, martial arts.

311-3.25 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**311-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

311-4.1 Churches - Section 430-29.

311-4.2 Public Buildings - such as a post office, police and fire stations at a scale oriented to the surrounding neighborhood - Section 430-103.

311-4.3 Public Utility - Section 430-105.

311-4.4 Special Recreation Use - Section 430-131.

311-4.5 Food Market - with a maximum gross floor area of fifty-thousand (50,000) square feet, limited to one (1) food market greater than five-thousand (5,000) square feet per neighborhood commercial center.

311-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

311-4.7 Broadcast Towers – Section 430-109.

**311-5 Prohibited Uses**

311-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.

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311-5.2 Adult Book Stores - Section 430-3.

311-5.3 The use of a manufactured dwelling, except as provided in Section 430-135.1 A. - Temporary Uses and 430-1.2 D. - Accessory Use.

311-5.4 New residential uses except as provided in Sections 311-3.6 and 311-3.16.

311-5.5 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

311-5.6 Auto wrecking yards.

**311-6 Dimensional Requirements**

311-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

311-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

A. Twenty (20) foot front yard;

B. Side yards:

(1) When abutting a Residential or Office Commercial District, the side yard shall be no less than required by the abutting district;

(2) Except on corner lots, and as in one (1) above there is no required side yard;

(3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet;

C. Twenty (20) foot rear yard; and

D. Additional setbacks may be required as specified in Sections 411 and 418.

311-6.3 Height:

A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.

B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or



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extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty-five (65) feet.

- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

311-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The minimum average lot depth shall be eighty-five (85) feet; and
- C. The minimum lot width at the access point shall be forty (40) feet.

**311-7 Article IV - Development Standards**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**312 OFFICE COMMERCIAL DISTRICT (OC)**

**312-1 Intent and Purpose**

The intent of this District is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of this District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through the Planned Development process.

**312-2 Uses Permitted Under a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

312-2.1 Accessory Uses and Structures - Section 430-1.

312-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;

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- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
  - C. Is on an existing lot;
  - D. Does not amend any previous approval or previous condition of approval;
  - E. Is in compliance with all applicable standards of this Code; and
  - F. Is not a telecommunication facility allowed through a Type II or III procedure.
- 312-2.3 Bus Shelter - Section 430-23.
- 312-2.4 Recycle Drop Box - Section 430-113.
- 312-2.5 Temporary Use - Section 430-135.1.
- 312-2.6 Facility 3 and 4 Communication Towers that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
  - B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.
- 312-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 312-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
  - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.
- 312-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

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312-3.1 Access to a manufactured dwelling park - Section 430-77.16.

312-3.2 Accessory Uses to an Office Commercial Center.

A. The following accessory uses may be allowed when the conditions of Section 312-3.2 B. (1 - 6) are met:

- (1) Convenience Grocery - Section 430-35.
- (2) Drive-In or Drive-Up Restaurants - Section 430-41.
- (3) Eating and Drinking or Food Specialty Establishments - limited to a maximum, gross floor area of five-thousand (5,000) square feet per use.
- (4) Personal Service Establishments such as laundry, dry cleaner, photo studio, barber, shoe repair and similar uses - limited to a maximum gross floor area of five-thousand (5,000) square feet per use.
- (5) Retail Business such as variety, hardware, drug, clothing, hobby or similar uses - limited to a maximum gross floor area of ten-thousand (10,000) square feet per use.
- (6) Service Station - 430-123.
- (7) Special Recreation Use - Section 430-131.

B. The Accessory Uses of Section 312-3.2 A. may be allowed provided the following conditions are met:

- (1) The use is scaled to serve the tenants of the complex or surrounding office commercial area;
- (2) Uses are located on the first or second story of the structure except that restaurants and cafeterias may be located on any floor;
- (3) Gross floor area of the Accessory Uses does not exceed twenty (20) percent of the gross ground floor area of new or existing structures, and in no case more than provided for the use in 312-3.2 A. No more than twenty (20) percent of a development may be used for accessory uses;
- (4) The Accessory Use shall not be developed prior to construction of the office commercial space on which the twenty (20) percent area is based;
- (5) The access is by an internal office complex street;
- (6) Siting and signage are internally oriented. A conceptual master signage plan for the office complex or surrounding office commercial area shall be submitted which demonstrates that proposed signage for accessory uses

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will be internally oriented to the office complex or surrounding office commercial area.

- (7) A conceptual master plan for development of the office complex or surrounding office commercial area shall be submitted which shows:
- (a) The relationship of proposed accessory uses to the primary office uses; and
  - (b) Compliance with the standards of Section 312-3.2 B.

- 312-3.3 Ambulance Service - Section 430-9.1.
- 312-3.4 Commercial School - such as vocational, music, dance, martial arts.
- 312-3.5 Day Care Facility - Section 430-53.2.
- 312-3.6 Drive-Up Banks - Section 430-41.
- 312-3.7 Expansion of existing eating and drinking establishments, limited to a maximum gross floor area of five-thousand (5,000) square feet.
- 312-3.8 Expansion of existing special recreation uses existing on or before March 26, 1984. For required standards see Section 430-131.
- 312-3.9 Finance, Insurance and Real Estate.
- 312-3.10 Funeral Home, Crematorium.
- 312-3.11 Heliport (Personal use only) - Section 430-59.
- 312-3.12 Medical and Health Services - such as laboratories, clinics, offices, supplies, rental, sales and service.
- 312-3.13 Membership Organizations, including churches.
- 312-3.14 Offices.
- 312-3.15 Park and Ride Facility - Section 430-89.
- 312-3.16 Public Utility - Section 430-105.
- 312-3.17 Radio Station.
- 312-3.18 Service Businesses - including but not limited to adjustment and collection agencies, advertising agency, business management services, credit agency, duplicating, addressing, blue printing, photocopying, mailing and stenographic services, employment agency, office equipment rental agencies, telephone answering service, and other business services such as bondsmen, drafting, detective agencies, notary public and like services, building services such as cleaning and mail order stores.

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- 312-3.19 Service Station, Car Wash - Section 430-123.
- 312-3.20 Transit Center - Section 430-137.
- 312-3.21 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 312-3.22 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 312-3.23 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- 312-3.24 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 312-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;
  - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
  - C. Central heating, air conditioning and refrigeration plants;
  - D. Educational facilities;
  - E. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
  - F. Clinics, cafeterias, lounges and recreational facilities for employees; and
  - G. Laundry facilities.
- 312-3.25 Nursery School - Section 430-121.
- 312-3.26 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 312-3.27 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**312-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

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- 312-4.1 Heliport - Section 430-59.
- 312-4.2 Hospital - Section 430-65.
- 312-4.3 Public Buildings - such as museums, art galleries, privately owned buildings with a similar use - both public and private uses subject to Section 430-103.
- 312-4.4 Uses which may be permitted through the Planned Development Process:
- A. Convention Center, Hotel, Motel when:
    - (1) The use does not unduly duplicate an existing use;
    - (2) Location best serves public interest in orderly provision of goods, services and amenities; and
    - (3) The use will not detrimentally impact the existing uses in the County.
  - B. Attached Dwelling Units as part of a mixed use Office Commercial Development when:
    - (1) No more than fifty (50) percent of the gross floor area of the Planned Development is used for residential purposes; and
    - (2) The following density requirements are met:
      - (a) Twenty-four (24) units per acre are proposed and R-24 District dimensional requirements are met if the use is not in the structure with an Office Commercial Use; or
      - (b) Density does not exceed twenty-four (24) units per acre, but no minimum density is required when the use is in the same structure as the Office Commercial Use.
- 312-4.5 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- 312-4.6 Broadcast Towers – Section 430-109.
- 312-5 Prohibited Uses**
- 312-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2.
- 312-5.2 Drive-In or drive-up establishments except as listed in 312-3.2 A. (2) and 312-3.6
- 312-5.3 The use of a manufactured dwelling except as provided in Section 430-135.1 - Temporary Uses, and Section 430-1.2 D. - Accessory Use

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312-5.4 New Dwelling units except as provided in 312-4.4 B.

312-5.5 Shopping Centers.

312-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

312-5.7 Auto wrecking yards.

**312-6 Dimensional Requirements**

312-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

312-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

- A. Twenty (20) foot front yard;
- B. Ten (10) foot side yard;
- C. On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet;
- D. Twenty (20) foot rear yard; and
- E. Additional setbacks may be required as specified in Sections 411 and 418.

312-6.3 Height:

- A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections.
- B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

312-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The width at the access point shall be forty (40) feet; and
- C. The minimum average lot depth shall be eighty-five (85) feet.

**312-7 Article IV - Development Standards**

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In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**313 COMMUNITY BUSINESS DISTRICT (CBD)**

**313-1 Intent and Purpose**

Commercial centers in this District are intended to provide the community with a mix of retail, service and business establishments on a medium to large-scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted.

**313-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

313-2.1 Accessory Uses and Structures - Section 430-1.

313-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

313-2.3 Bus Shelter - Section 430-23.

313-2.4 Recycle Drop Box - Section 430-113.

313-2.5 Temporary Use - Section 430-135.1.

313-2.6 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and



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- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

313-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

313-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**313-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-3.1 Access to a manufactured dwelling park - Section 430-77.14

313-3.2 Adult Book Stores - Section 430-3.

313-3.3 Ambulance Service - Section 430-9.1.

313-3.4 Automotive Parts and Related Services - Tire, battery and auto and boat accessory stores, indoor motorcycle sales and auto parts stores.

313-3.5 Convenience Grocery - Section 430-35.

313-3.6 Eating and Drinking Establishments - Those with drive-in or drive-up windows shall address Section 430-41.

313-3.7 Commercial School - such as vocational, music, dance, martial arts.

313-3.8 Drive-in or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses) - Section 430-41.

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- 313-3.9 Fabrication, Processing and Repair Facilities - Limited to primarily retail sales of custom products fabricated, processed, printed, repaired or installed on the premises within an entirely enclosed building (may include windshield, running boards, vehicle oil and lubrication, minor repair and other similar uses).
- 313-3.10 Financial, Insurance and Real Estate Services and Institutions.
- 313-3.11 Food Market - All types.
- 313-3.12 Fuel Dealership - Section 430-49.
- 313-3.13 Funeral Home, Mausoleum and Crematorium.
- 313-3.14 Group Care Facilities - Section 430-53.1 through 430-53.5.
- 313-3.15 Lodging Place - Hotel, Motel under fifty (50) units.
- 313-3.16 Medical and Health Services - including laboratories, clinics, offices, supplies, rental, sales & service, veterinary offices and clinics which do not have outdoor kennels, animal hospitals and ambulance services.
- 313-3.17 Membership Organizations - including churches.
- 313-3.18 Offices.
- 313-3.19 Outdoor storage in conjunction with a permitted use provided:
  - A. The storage area does not exceed ten (10) percent of the floor area of the permitted use; and
  - B. The storage area is screened from all surrounding uses, parking areas, and public rights-of-way.
- 313-3.20 Park and Ride Facility - Section 430-89.
- 313-3.21 Commercial Parking Facility.
- 313-3.22 Personal Service Establishments - including but not limited to laundry, dry cleaning, garment repair, barber and beauty shops, shoe repair, photographic studios and clothing rental establishments.
- 313-3.23 Public Building - Section 430-103.
- 313-3.24 Public Utility - Section 430-105.
- 313-3.25 Radio Station.
- 313-3.26 Retail Business Establishment with a maximum gross floor area of fifty-thousand (50,000) square feet.

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- 313-3.27 Service Businesses - including but not limited to adjustment and collection agencies, advertising agency, business management services, credit agency, duplicating, addressing, blue printing, photocopying, mailing and stenographic services, employment agency, office equipment rental agencies, telephone answering service, and other business services such as bondsmen, drafting, detective agencies, notary public and like services, building services such as cleaning and mail order stores.
- 313-3.28 Service Station, Car Wash - Section 430-123.
- 313-3.29 Special Recreation Use - Section 430-131.
- 313-3.30 Theaters (not including Drive-in Theater).
- 313-3.31 Transit Center - Section 430-137.
- 313-3.32 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 313-3.33 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 313-3.34 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- 313-3.35 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 313-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;
  - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
  - C. Maintenance and utility shops for equipment used by the principal use;
  - D. Central heating, air conditioning and refrigeration plants;
  - E. Educational facilities;
  - F. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
  - G. Clinics, cafeterias, lounges and recreational facilities for employees;
  - H. Living quarters for custodians and caretakers;
  - I. Laundry facilities; and
  - J. Electrical substation.

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313-3.36 Nursery School - Section 430-121.

313-3.37 Parking not in conjunction with a Permitted Use - Section 430-91.

313-3.38 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

313-3.39 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**313-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-4.1 Heliport - Section 430-59.

313-4.2 Retail Business Establishments exceeding a maximum gross floor area of fifty-thousand (50,000) square feet.

313-4.3 Uses Which May be Permitted Through a Type III Planned Development Procedure:

In addition to the requirements of Section 313-4, the following uses may be permitted when processed through a Type III Planned Development. The review of the proposed use shall consider whether the use will unduly duplicate an existing use if the proposed location will best serve the public interest and not detrimentally impact existing uses in the County.

A. Lodging Places - Hotel, Motel over fifty (50) units.

B. Regional Scale Facilities - such as arena, auditorium, convention center, exhibition hall, stadium, zoo, hospitals, amusement parks.

C. Regional Shopping Center.

D. Residential Dwelling Units, subject to the following:

(1) Twenty-five (25) units per acre when not in conjunction with a commercial use. The standards of the R-25+ District shall apply; and

(2) When in conjunction with a commercial use and included within the same structure there shall be no minimum density required. The standards of the Community Business District shall apply.

313-4.4 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

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313-4.5 Broadcast Towers – Section 430-109.

313-4.6 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
- B. Meeting hall.
- C. Day care center - Section 430-53.2.
- D. Recreation center.
- E. Gymnasium.
- F. Indoor swimming pool.

**313-5 Prohibited Uses**

313-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.

313-5.2 The use of a manufactured dwelling except as provided in Section 430-135.1 - Temporary Uses and 430-1.2 D. - Accessory Use.

313-5.3 New dwelling units except pursuant to Section 313-4.3 D.

313-5.4 Mobile home, boat, trailer and auto sales.

313-5.5 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

313-5.6 Auto wrecking yards.

**313-6 Dimensional Requirements**

313-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

313-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Twenty (20) foot front yard;
- B. Side and rear yards:

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- (1) Where abutting a residential district the side and rear yard shall be no less than that required by the abutting district;
- (2) Except on corner lots, and as in one (1) above, there are no required side or rear yards;
- (3) On a corner lot the side or rear yard abutting the street shall be twenty (20) feet; and

C. Additional setbacks may be required as specified in Sections 411 and 418.

**313-6.3** Height:

- A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections of this Code.
- B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

**313-6.4** Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The width at the access point shall be forty (40) feet; and
- C. The minimum average lot depth shall be eighty-five (85) feet.

**313-7** **Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**314** **GENERAL COMMERCIAL DISTRICT (GC)**

**314-1** **Intent and Purpose**

This District is intended to provide for commercial land to serve the traveling public and to provide for commercial uses which require large sites and a high degree of visibility. This District is intended to recognize the existing strip commercial development pattern in the County, but discourage future extensions of strip commercial development. In addition, the General Commercial District recognizes office uses existing on September 26, 1983. These existing office structures may continue to be used for professional office uses, but expansion of the structures will be subject to the nonconforming use requirements of this Code.

**314-2** **Uses Permitted Through a Type I Procedure**

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- The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.
- 314-2.1 Accessory Uses and Structures - Section 430-1.
- 314-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:
- A. Is exempt from application of the Public Facility Standards under Section 501-2;
  - B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
  - C. Is on an existing lot;
  - D. Does not amend any previous approval or previous condition of approval;
  - E. Is in compliance with all applicable standards of this Code; and
  - F. Is not a telecommunication facility allowed through a Type II or III procedure.
- 314-2.3 Bus Shelter - Section 430-23.
- 314-2.4 Recycle Drop Box - Section 430-113.
- 314-2.5 Temporary Use - Section 430-135.1.
- 314-2.6 Facility 3 and 4 Communication Towers that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site-Section 430-109.
- 314-2.7 Co-located antennas, excluding antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 314-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication

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towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**314-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 314-3.1 Access to a Manufactured Dwelling Park - Section 430-77.14
- 314-3.2 Adult Book Stores - Section 430-3.
- 314-3.3 Ambulance Service - Section 430-9.
- 314-3.4 Automobile and vehicle repair, welding shop, and automobile or vehicle service part facilities. All repair shall be done within an enclosed building.
- 314-3.5 Automobile, boat, recreational vehicle and motorcycle sales and rental showrooms and lots. Service facilities must be within an enclosed building.
- 314-3.6 Building supply and equipment and retail lumber yards which may include fabrication of products to be used in residential construction incidental to a retail yard when fabricated within an enclosed building.
- 314-3.7 Cabinet, electrical, plumbing, sheet metal, welding, electroplating, heat and air conditioning, sign and upholstery shops, in an enclosed building not exceeding ten-thousand (10,000) square feet in gross floor area, including fabrication, sales and show rooms.
- 314-3.8 Convenience Grocery - Section 430-35.
- 314-3.9 Eating and Drinking Establishments - Those with drive-in or drive-up windows shall address Section 430-41.
- 314-3.10 Fabrication Processing and Repair Facilities - Limited to retail sales of custom products fabricated, processed, printed, repaired or installed on the premises, within an entirely enclosed building.
- 314-3.11 Farm implement, truck and heavy equipment sales showrooms and lots and storage for new and used equipment, trucks or implements. All repair shall be done within an enclosed building.
- 314-3.12 Farmers Market.



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- 314-3.13 Feed Stores, farm and garden equipment and outdoor sale of plant material, lawn furniture, playground equipment.
- 314-3.14 Fuel Dealership - Section 430-49.
- 314-3.15 Lodging Places - Hotel, Motel.
- 314-3.16 Manufacturing as an accessory use to a permitted use using no more than twenty-five (25) percent of the total floor area.
- 314-3.17 Manufactured Dwelling Sales and Service.
- 314-3.18 Motor Pool.
- 314-3.19 Movie Studio.
- 314-3.20 Nursery and open air business including wood yard, bark dust and gravel, consistent with the intent and purpose of this District.
- 314-3.21 Outdoor Storage in Conjunction with a permitted use.
- 314-3.22 Park and Ride Facility - Section 430-89.
- 314-3.23 Commercial Parking Facility.
- 314-3.24 Public Building, limited to post office, motor vehicle drive test center and motor vehicle field offices.
- 314-3.25 Public Utility - Section 430-105.
- 314-3.26 Radio Station.
- 314-3.27 Retail Businesses whose principal activity is the sale of furniture, or similar uses consistent with the purpose of the District, with a minimum floor area of five-thousand (5,000) square feet.
- 314-3.28 Equipment Rental Service.
- 314-3.29 Service Establishments including such things as printing, publishing, lithography, employment agencies, laundry and cleaning facilities and services.
- 314-3.30 Service Station, Car Wash - Section 430-123.
- 314-3.31 Special Recreation Use - Section 430-131.
- 314-3.32 Storage, mini-warehouses, moving and storage, and recreation vehicle storage.
- 314-3.33 Theater, including indoor and drive-in - Sections 430-3 and 430-43.
- 314-3.34 Transit Center - Section 430-137.

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- 314-3.35 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 314-3.36 Veterinary Hospital, Clinic and Office.
- 314-3.37 Wholesale Business with a retail outlet when the use requires a minimum floor area of ten-thousand (10,000) square feet.
- 314-3.38 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 314-3.39 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.
- 314-3.40 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 314-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;
  - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;;
  - C. Maintenance and utility shops for equipment used by the principal use;
  - D. Central heating, air conditioning and refrigeration plants;
  - E. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
  - F. Clinics, cafeterias, lounges and recreational facilities for employees;
  - G. Day care facilities primarily for employees;
  - H. Electrical substations; and
  - I. Administrative Office.
- 314-3.41 Parking not in conjunction with a Permitted Use - Section 430-91.
- 314-3.42 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 314-3.43 Drive-in or Drive-up Establishment (includes beverage venders, film sales, locksmith and other similar uses) - Section 430-41.
- 314-3.44 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

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**314-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

314-4.1 Amusement Park - Section 430-11.

314-4.2 Auditorium, Stadium, Convention Center, Exhibition Hall or Hospital when:

- A. The use will not unduly duplicate an existing use;
- B. The location will best serve the public interest;
- C. The use will not detrimentally impact existing uses in the County; and
- D. The proposed use is reviewed as a Type III planned development.

314-4.3 Campground - Section 430-25.

314-4.4 Heliport - Section 430-59.

314-4.5 Solid Waste Transfer Station - Section 430-129.

314-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

314-4.7 Broadcast Towers – Section 430-109.

**314-5 Prohibited Uses**

314-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.

314-5.2 The use of a manufactured dwelling except as provided by Section 430-135.1 - Temporary Uses and Section 430-1.2 D. - Accessory Use.

314-5.3 New dwelling units.

314-5.4 Office Uses except in office structures existing on June 28, 1983, or as an accessory to a permitted use as provided in Section 430-1.2.

314-5.5 Shopping Centers.

314-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones.

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Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

314-5.7 Auto wrecking yards.

**314-6 Dimensional Requirements**

314-6.1 Lot Area:

The minimum lot area shall be fifteen-thousand (15,000) square feet.

314-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

A. Twenty (20) foot front yard;

B. Side and Rear Yards:

- (1) Abutting a Residential or Office Commercial District, the side and rear yard shall be no less than that required by the abutting district;
- (2) Except on corner lots and as in one (1) above, there are no required side or rear yards;
- (3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet; and

C. Additional setbacks may be required as specified in Sections 411 and 418.

314-6.3 Height:

- A. The maximum height for structures shall be sixty-five (65) feet except as modified by other Sections of this Code.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

314-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The lot width at the street shall be forty (40) feet; and

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C. The minimum average lot depth shall be eighty-five (85) feet.

**314-7 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**320 INDUSTRIAL DISTRICT (IND)**

**320-1 Intent and Purpose**

The intent and purpose of this District is to provide sites for all types of industrial uses, to provide for the recognition and regulation of existing industrial sites and to provide the regulatory framework for future industrial development, as well as to allow some commercial, office and service uses as accessory uses through mixed use developments where all uses conform to the environmental performance standards of Section 423.

**320-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

320-2.1 Accessory Uses and Structures - Section 430-1.

320-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

320-2.3 Bus Shelter - Section 430-23.

320-2.4 Recreation facilities solely for employees of a permitted development.

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- 320-2.5 Temporary Use - Section 430-135.1.
- 320-2.6 Facility 3 and 4 Communication Towers that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.
- 320-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 320-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
  - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**320-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 320-3.1 Access to a manufactured dwelling park - Section 430-77.14.
- 320-3.2 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 320-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;
  - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
  - C. Maintenance and utility shops for equipment used by the principal use;
  - D. Central heating, air conditioning and refrigeration plants;

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- E. Water storage, drainage and treatment facilities;
  - F. Fire protection facilities;
  - G. Educational facilities;
  - H. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
  - I. Clinics, cafeterias, lounges and recreational facilities for employees;
  - J. Living quarters for custodians and caretakers;
  - K. Rental and development information offices;
  - L. Laundry facilities;
  - M. Electrical substations;
  - N. Administrative offices related to the principal use;
  - O. Day-care facility primarily for use by employees and their families;
  - P. Office and administrative uses unrelated to the permitted use where no more than ten (10) percent of the floor area of the use is used for the unrelated activity; and
  - Q. Retail outlets for warehousing or manufacturing operations, limited to ten (10) percent of total floor area. The retail area shall be physically separated, by a wall or other barrier, from the warehousing or manufacturing operations. Warehousing and storage areas shall not be used as showrooms.
- 320-3.3 Airport - Section 430-7.
- 320-3.4 Heliport - Section 430-59.
- 320-3.5 Industrial Business Park - Section 430-71.
- 320-3.6 Manufacturing, assembly, compounding, fabrication, packaging or treatment of the following:
- A. Articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shale, textiles, tobacco, wood (excluding sawmills, lumber mills and planing mills), yarns, and paint;
  - B. Ceramic products using previously pulverized clay, figurines and pottery;

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- C. Communication and electronic equipment and supplies;
  - D. Manufactured dwellings, recreational vehicles and canopies;
  - E. Medical and medical-related products such as electromedical apparatus, surgical and medical instruments, artificial limbs, hearing aids, dentures, ophthalmic goods, and other medical/dental devices;
  - F. Musical instruments;
  - G. Products such as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, food, and beverage products;
  - H. Scientific, precision and research instruments and engineering laboratories;
  - I. Sign manufacture and maintenance including electric, billboard and commercial advertising structures; and
  - J. Toys, novelties and metal and rubber stamps.
- 320-3.7 Movie Studio.
- 320-3.8 Park and Ride Facility - Section 430-89.
- 320-3.9 Public Utility - Section 430-105.
- 320-3.10 Processing and Storage:
- A. Bottling plants, creameries, laboratories, and tire retreading, recapping and rebuilding;
  - B. Cold Storage plants, including storage and office;
  - C. Contractors equipment, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition;
  - D. House or building mover, including storage yard;
  - E. Mini-warehouses;
  - F. Moving and storage;
  - G. Spinning or knitting of cotton, wool, flax, or other fibrous materials;
  - H. Storage and distribution;
  - I. Storage yard for building materials;
  - J. Trucking Terminal;



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- K. Storage buildings, recreational vehicle storage and storage of new or used heavy equipment, implements or non-passenger vehicles;
  - L. Warehouses;
  - M. Wholesale business;
  - N. Garbage hauling operations, including office and administrative uses; equipment and vehicle maintenance, repair and storage; and temporary storage of source separated recyclables. The storage of putrescible wastes, other than waste generated by the operation's office and administrative uses, is prohibited; and
  - O. Recycling center - Section 430-115.
- 320-3.11 Retail Commercial Uses:
- A. Heavy equipment and non-passenger vehicle sales, including trucks and farm equipment;
  - B. Manufactured dwelling and trailer distribution and sales;
  - C. Retail or combination retail and wholesale lumber and building materials yard; and
  - D. Rental service stores and yards for heavy equipment, tools, non-passenger vehicles, cargo vehicles such as vans and pickups, and similar uses.
- 320-3.12 Service and Wholesale Commercial Uses:
- A. Ambulance service - Section 430-9;
  - B. Blacksmith shop;
  - C. Boat building and repair, including associated service parts facility and associated sales of boats constructed or repaired on site;
  - D. Cabinet, electrical, plumbing, sheet metal welding, electroplating and similar fabrication shops;
  - E. Circus, carnival or other type temporary outdoor amusement enterprise for more than ten (10) days;
  - F. Drive-in theaters - Section 430-43;
  - G. Farm equipment and implement dealer;
  - H. Fuel oil distributors;
  - I. Government and special district facilities;

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- J. Heavy equipment and heavy machinery repair, including farm equipment;
  - K. Industrial schools, manufacturing institute and training centers;
  - L. Laundry, dry-cleaning and dyeing plants;
  - M. Parcel delivery service;
  - N. Passenger and non-passenger vehicle repair, including associated service parts facilities;
  - O. Photographic laboratories, blue printing, photo-engraving, photocopying, printing, publishing, and bookbinding, including on-site commercial service associated with said use;
  - P. Wholesale lumber and building materials yard;
  - Q. Research and development laboratory;
  - R. Veterinary or dog and cat hospital, kennels or boarding places; and
  - S. Welding shop.
- 320-3.13 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- 320-3.14 Transit Center - Section 430-137.
- 320-3.15 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 320-3.16 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 320-3.17 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.
- 320-3.18 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 320-3.19 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**320-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all

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other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

320-4.1 Amusement Park - Section 430-11.

320-4.2 Race track (auto, motorcycle, horse or dog) - Section 430-107.

320-4.3 Stadiums, arenas and exhibition halls when developed through a Planned Development.

320-4.4 The following uses may be allowed provided they are located no less than six-hundred (600) feet from any residential district, and not located in an industrial park:

A. Aggregate products:

- (1) Concrete mixing plant; manufacture of concrete products; crusher, stone, or rock; manufacture of cement;
- (2) Lime, gypsum or plaster of paris;
- (3) Manufacture of brick, clay products, tile or terra cotta;
- (4) Manufacture of concrete products entirely within an enclosed building;
- (5) Stone, marble, and granite monument works;

B. Manufacture of:

- (1) Acid;
- (2) Ammonia;
- (3) Anti-knock compounds for gasoline;
- (4) Asbestos products;
- (5) Asphalt;
- (6) Cable and transmission;
- (7) Candles;
- (8) Cans;
- (9) Carborundum;
- (10) Cellulose and cellulose products;
- (11) Guns;

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- (12) Insecticide and fungicide;
- (13) Linseed oil, turpentine, lacquer or varnish;
- (14) Manufacture and storage of explosives;
- (15) Paint shellac;
- (16) Paper and paper by-products;
- (17) Phenol or phenol products; and
- (18) Roofing paper, shingles.

C. Processing and storage:

- (1) Animal or boneblack processing;
- (2) Brewery, distillery, or winery;
- (3) Distillation of bones;
- (4) Fat rendering;
- (5) Grain elevator and flour milling;
- (6) Junk, rags, paper, or metal salvage;
- (7) Junkyards, subject to the standards in Sections 430-15.1 through 430-15.9;
- (8) Petroleum storage, major and/or refining;
- (9) Incineration or reduction of garbage, offal, dead animals or refuse only from the Portland Metropolitan Area, and when in compliance with a regionally approved waste management plan;
- (10) Rolling, drawing, or alloying ferrous or nonferrous metals;
- (11) Rubber, treatment or reclaiming plant;
- (12) Sawmills, lumber mills, planing mills, and molding plants; and
- (13) Slaughter house.

320-4.5 Solid Waste Transfer Station - Section 430-129.

320-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

320-4.7 Broadcast Towers – Section 430-109.

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320-4.8 Auto wrecking yards – Section 430-15.

**320-5 Prohibited Uses**

320-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.

320-5.2 The use of a manufactured dwelling except as provided in Sections 320-3.2 J. and 430-135.1 - Temporary Uses.

320-5.3 New dwellings except as provided in this District.

320-5.4 Commercial or retail uses except as specifically provided in this District.

320-5.5 The location of places of public assembly or day care in airport approach zones. Location of these facilities shall be avoided in any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

**320-6 Dimensional Requirements**

320-6.1 Dimensional requirements for uses allowed through a Type II procedure:

A. Lot area:

The minimum lot area, except for a lot of record, shall be one (1) acre.

B. Yard requirements:

The minimum yard requirements shall be:

(1) Forty (40) foot front yard;

(2) Side and Rear Yards:

(a) Where abutting a residential district, the side and rear yard shall be no less than twenty (20) feet;

(b) Street side and rear yards shall be no less than twenty (20) feet;

(c) Except on corner lots, and as in (a) and (b) above, there are no required side or rear yards; and

(d) Additional setbacks may be required as specified in Sections 411 and 418.

C. Height:

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- (1) The maximum height for structures shall be sixty-five (65) feet except as modified by other Sections of this Code.
- (2) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.
- (3) The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

D. Lot Dimensions:

- (1) The minimum average lot width shall be one-hundred (100) feet;
- (2) The minimum average lot depth shall be one-hundred and fifty (150) feet; and
- (3) The minimum lot width at the access point shall be forty (40) feet.

E. Maximum lot coverage:

The maximum lot coverage shall be fifty (50) percent of the total lot area.

320-6.2 Dimensional requirements for uses allowed through a Type III procedure.

A. Lot area:

The minimum lot area, except for a lot of record, shall be two (2) acres.

B. Yard requirements:

- (1) Yard requirements shall be the same as those required for Type II uses (Section 320-6.1 B.).
- (2) Where a lot or lots abut more than one street, both street frontages shall be considered as front yards for yard, setback and landscaping requirements.

C. Height:

- (1) The maximum height for structures shall be sixty-five (65) feet, except as modified by other Sections of this Code.
- (2) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.

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- (3) The height of receiving and transmitting antennas and communication towers is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

D. Lot Dimensions:

- (1) The minimum average lot width shall be two-hundred (200) feet;
- (2) The minimum average lot depth shall be two-hundred (200) feet; and
- (3) The minimum lot width at the access point shall be forty (40) feet.

E. Maximum lot coverage:

The maximum lot coverage shall be sixty (60) percent of the total lot area.

**320-7 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**330 INSTITUTIONAL DISTRICT (INS)**

**330-1 Intent and Purpose**

This District is intended to implement the policies of the Comprehensive Plan by providing standards and procedures for reviewing proposed institutional facilities necessary for support of community development. The purpose of the District is to provide for identification of existing and proposed institutional facilities on the Community Plan maps. This District is intended to allow the public service providers and governmental agencies the assurance that future sites identified through long range and capital improvement planning will be available for the uses specifically identified when they are needed.

**330-2 Designation of Institutional Uses**

Institutional uses may be designated as institutional on the Community Plan maps through the plan update process or through a Type III Plan Amendment. Institutional uses may be established as provided in other land use districts through the procedures specified in the applicable district.

**330-3 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

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- 330-3.1 Accessory Uses and Structures - Section 430-1.
- 330-3.2 Any Type II or III use, expansion of an existing use or change of occupancy which meets all of the following:
- A. Is exempt from application of the Public Facility Standards under Section 501-2;
  - B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
  - C. Is on an existing lot;
  - D. Does not amend any previous approval or previous condition of approval;
  - E. Is in compliance with all applicable standards of this Code; and
  - F. Is not a telecommunication facility allowed through a Type II or III procedure.
- 330-3.3 Bus Shelter - Section 430-23.
- 330-3.4 Parks - Section 430-95.
- 330-3.5 Recycle Drop Box - Section 430-113.
- 330-3.6 Temporary Use - Section 430-135.1.
- 330-3.7 Facility 3 and 4 Communication Towers that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
  - B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.
- 330-3.8 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 330-3.9 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
  - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated



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public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**330-4 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 330-4.1 Establishment of a Type III Institutional use, when the use has previously been approved to locate on the subject property through a Type III procedure.
- 330-4.2 Expansion of an existing Institutional use which does not meet the criteria of Section 330-3.2 A. through E.
- 330-4.3 Parks and Playgrounds - Section 430-97.
- 330-4.4 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- 330-4.5 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 330-4.6 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 330-3.2:
  - A. Garages for storage and maintenance of motor vehicles used by the principal use;
  - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
  - C. Maintenance and utility shops for equipment used by the principal use;
  - D. Central heating, air conditioning and refrigeration plants;
  - E. Water storage, drainage and treatment facilities;
  - F. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
  - G. Clinics, cafeterias, lounges and recreational facilities for employees;
  - H. Living quarters for custodians and caretakers;
  - I. Laundry facilities;
  - J. Day care facilities;

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- K. Electrical substations;
- L. Administrative offices;
- M. Rectories, parsonages, and convents in conjunction with a church; and
- N. Vendor stands for Tri-Met Light Rail Stations, located on property owned by Tri-Met, that sell items such as food, drinks, flowers, newspapers and magazines, etc.

330-4.7 Day Care Facility - 430-53.2 I.

330-4.8 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

**330-5 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

330-5.1 Airport - Section 430-7.

330-5.2 Ambulance Service - Section 430-9.2.

330-5.3 Campground - Section 430-25.

330-5.4 Cemetery - Section 430-27.

330-5.5 Change of Use from one Type III use to another Type III use.

330-5.6 Church - Section 430-29.

330-5.7 College - Section 430-31.

330-5.8 Golf Course - Section 430-51.

330-5.9 Group Care (except day care facilities which are permitted as a Type II use pursuant to Section 330-4.6 J.) - Section 430-53.1 through 430-53.5.

330-5.10 Heliport - Section 430-59.

330-5.11 Hospital - Section 430-65.

330-5.12 Park and Ride Facility - Section 430-89.

330-5.13 Private Club (not including public eating and drinking establishment) - Section 430-99.

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330-5.14 Public Building - Section 430-103.

330-5.15 Public Utility - Section 430-105.

330-5.16 School - Section 430-121.

330-5.17 Transit Center - Section 430-137.

330-5.18 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

330-5.19 Broadcast Towers – Section 430-109.

**330-6 Prohibited Uses**

330-6.1 Structures or uses not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as permitted through a Type I, II, or III procedure, as determined through the provisions of Section 202-2.2.

330-6.2 New dwelling units or new manufactured dwellings, except as provided in Section 330-3.6 or Section 430-1.2 D. - Accessory Use.

330-6.3 The location of service facilities such as schools, hospitals, nursing homes, public assembly and high density residential in airport approach zones. These facilities shall be avoided in any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

330-6.4 Auto wrecking yards.

**330-7 Dimensional Requirements**

330-7.1 Lot Area:

A. The minimum lot area shall be as required for the specific use as listed in Article IV.

B. Where no specific site size is required, site size and yard shall be based upon a site plan submitted by the applicant. The site plan shall consider especially, the compatibility of the facility with the existing surrounding uses and the uses allowed by the plan designation.

330-7.2 Screening and Buffering:

In order to reduce the negative impacts of institutional uses on surrounding uses, the minimum buffering requirements for institutional uses shall be as follows:

A. Type I and Type II Institutional uses shall not be required to provide any Screening and Buffering except when allowed through Section 330-4.2.

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B. Screening and Buffering Type #1 (Section 411-6.1) shall be provided in conjunction with the following Institutional uses:

- (1) Cemetery;
- (2) Golf Course; and
- (3) Public Utility.

C. Screening and Buffering Type #2 (Section 411-6.2) shall be provided in conjunction with the following Institutional uses:

- (1) Ambulance Service;
- (2) Campground;
- (3) Church;
- (4) College;
- (5) Group Care;
- (6) Private Club;
- (7) Public Building;
- (8) School;
- (9) Transit Center; and
- (10) Transit Station.

D. Screening and Buffering Type #3 (Section 411-6.3) shall be provided in conjunction with the following Institutional uses:

- (1) Airport;
- (2) Heliport;
- (3) Helistop; and
- (4) Hospital.

E. For Institutional uses not specified above, the Review Authority shall determine the Screening and Buffering requirements on the basis of the requirements for the most similar Institutional use as listed above.

330-7.3 Yard Requirements:

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- A. The minimum yard requirements for all yards shall be twenty (20) feet.
  - B. Additional setbacks may be required as specified in Sections 411 and 418.
- 330-7.4 Height:
- A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections of this Code.
  - B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

**330-8 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

**340 EXCLUSIVE FARM USE DISTRICT (EFU)**

**340-1 Intent and Purpose**

Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

The intent of the Exclusive Farm Use District is to preserve and maintain commercial agricultural land within the County.

The purpose of the Exclusive Farm Use District is to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm use and related supportive uses which are deemed appropriate.

This EFU District is provided to meet the Oregon statutory and administrative rule requirements.

**340-2 Definitions**

Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein (e.g., High-value farmland, tract, date of creation). Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land and are different from ORS, those definitions shall apply as defined in the OAR.

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**340-3 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 340-3.1 Accessory Uses and Structures - Section 430-1.
- 340-3.2 Alteration, restoration or replacement of a lawfully established dwelling. In the case of replacement, the existing dwelling shall be removed or demolished. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.1 and 8.3.
- 340-3.3 Property Line Adjustment - Section 610-1.1.
- 340-3.4 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

**340-4 Uses Permitted Through a Type II Procedure**

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

- 340-4.1 Permitted Uses which are exempt from Section 340-4.3:
  - A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
  - B. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.2 and 8.3.
  - C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
  - D. Facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet

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to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposing to separate a processing facility from the farm operation on which it is located is prohibited.

- E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), to allow a second farm dwelling is subject to the following standards:
  - (1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;
  - (2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and
  - (3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.
- F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- G. One Detached Dwelling Unit not provided in conjunction with farm use on a site up to three (3) acres. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-85.3 (Nonfarm Dwelling).
- H. Operations for the exploration of geothermal resources as defined by ORS 522.005 and for the exploration of oil and gas as defined by ORS 520.005 within a flood plain or drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
- I. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- J. Property Line Adjustment. See Section 610-1.1 for required standards.
- K. Broadcast and Communication Towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.
- L. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.
- M. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of

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this Section, replacement means to provide one additional dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.

- N. Site for the takeoff and landing of model aircraft, including such buildings as may reasonably be necessary. Buildings or facilities shall not be more than five-hundred (500) square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this requirement. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this requirement. For the purpose of this requirement, "model aircraft" means a small-scale version of an airplane, glide, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
  - O. Schools - Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
  - P. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
  - Q. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
  - R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 340-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 and OAR 660-33 (Utility facilities necessary for public service).
  - S. Utility facilities (except water and sewer facilities) - The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way when in a flood plain or drainage hazard area.
  - T. Winery - Section 430-145.1.
  - U. Fire service facilities providing rural fire protection services.
- 340-4.2 Permitted Uses which are subject to Section 340-4.3:
- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 340-4.1 C. - Section 430-33.



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- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
  - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
  - (2) Is situated on a lot or parcel existing on November 4, 1993;
  - (3) Qualifies for a farm dwelling under ORS 215.213(2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
  - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- E. Forest Products, Primary Processing - Section 430-47.
- F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 340-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
- G. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- H. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- I. Operations for the extraction and bottling of water.
- J. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.

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- L. Propagation, cultivation, maintenance and harvesting of aquatic or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- M. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- P. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- Q. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 340-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- S. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

340-4.3 Required Findings:

The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

340-4.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

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**340-5 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Sections 340-5.1 and 340-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

**340-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:**

- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half (½) mile of a community college.
- B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Kennels for breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85.
- E. Operations for the exploration for minerals as defined by ORS 517.750.

**340-5.2 Uses which may be allowed subject to Section 340-5.3:**

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.
- D. Firearms training facility as provided in ORS 197.770.

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- E. Golf Course - Section 430-50. This use is not permitted on high-value farmland.
- F. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland.
- G. Living History Museum - Section 430-74.
- H. Kennels, except the breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- I. Operations conducted for:
  - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under Section 340-4.1.H;
  - (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to the following:
    - (a) A Development Permit is required for mining more than one-thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre;
    - (b) A Development Permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Rural Natural Resource Plan which has been acknowledged by the Land Conservation and Development Commission; and
    - (c) For the purposes of this Section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines;
  - (3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement except processing of aggregate into asphalt cement when located within two (2) miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling forty (40) acres or more that are planted as of the date the application for batching and blending (processing) is filed. Asphalt batch plants approved on or before October

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3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and

(4) Processing of other mineral resources and other subsurface resources.

J. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103.

K. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.

L. Utility Facility (commercial) for the generation of power for sale for public use - Section 430-141.

M. Broadcast and Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

N. Transmission towers over two-hundred (200) feet in height.

**340-5.3 Required Findings:**

A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;

B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;

C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and

D. The proposed use will not:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

**340-5.4** The above uses that are not permitted on high-value farmland may maintain, enhance or expand existing facilities on the same tract, subject to other requirements of law or this Code.

**340-6 Prohibited Uses**

**340-6.1** Structures or uses of land not specifically authorized by Section 340.

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- 340-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.
- 340-6.3 Outdoor advertising displays and structures except as provided in Section 414.
- 340-6.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June 1983, Airport year 2000 LDN fifty-five (55) contour.
- 340-6.5 Auto wrecking yards.
- 340-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 340-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**340-7 Creation of Lots or Parcels by a Land Division**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 340-7.1 Creation of lots or parcels for farm use not less than eighty (80) acres through a Type II procedure - Section 424-1.
- 340-7.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.
- 340-7.3 Creation of a lot or parcel for a nonfarm use, not including a dwelling, through a Type II procedure - Section 424-4.
- 340-7.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.
- 340-7.5 Creation of a parcel with an existing dwelling to be used as a residential home as defined in Subsection 106-179, through a Type III procedure - Section 424-6.

**340-8 Dimensional Requirements**

340-8.1 Lot Area:

See Section 340-7 - Creation of Lots or Parcels.

340-8.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;

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- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

340-8.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

340-8.4 Minimum Lot Width at the Street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

**340-9 Access**

All lots in this District shall either:

340-9.1 Abut a public street, or

340-9.2 Have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.

340-9.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

**340-10 Article IV - Development Standards**

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In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)**

**342-1 Intent and Purpose**

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

The purpose of this District is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources of the County and to prohibit uses of land which are not compatible with the management and development of forest resources, in order to minimize the potential for damage from fire, pollution, soil erosion and conflict caused by development. This District is suited for application to forest land as well as associated scenic lands, recreation land, wildlife habitat or other sensitive land forms or watershed areas.

The EFC District is provided to meet Oregon statutory requirements for forest lands. Uses permitted by the Forest Practices Act are not subject to the requirements of this Section.

For all permitted uses, the property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. All new buildings, including accessory buildings, in this District shall comply with the fire structure siting and fire safety standards of Section 428.

**342-2 Uses Permitted through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

342-2.1 Accessory Uses and Structures - which meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.

342-2.2 Forest products - temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.

342-2.3 Property Line Adjustment - Section 610-1.1 B.



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- 342-2.4 Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, not including structures.
- 342-2.5 Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 342-2.6 Alteration or restoration of a lawfully established dwelling. For required standards, see Section 430-8.1.
- 342-2.7 Replacement of a lawfully established dwelling which meets the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Sections 430-8.1 and 8.3.
- 342-2.8 Detached dwelling unit (one) which meets the Type I fire structure siting and fire safety standards in Section 428-3. See Section 430-37.2 F. for required standards.
- 342-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2, provided that all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-109.3.
- 342-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, provided that the tower and all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 – For required standards, see Section 430-109.4.

**342-3 Uses Permitted Through a Type II Procedure**

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

- 342-3.1 Permitted Uses which are exempt from Section 342-3.3:
  - A. Alteration or restoration of a lawfully established dwelling that is not permitted through a Type I procedure. For required standards see Sections 430-8.2 and 8.3.
  - B. Caretaker residences for public parks and fish hatcheries.
  - C. Exploration for geothermal, gas, oil, and other associated hydrocarbons within a flood plain, drainage hazard area, or an area identified in the Rural Natural Resource Plan as a Significant Natural Resource.
  - D. Detached dwelling unit (one). For required standards see Sections 430-37.2 F.

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- E. Forest products - temporary portable facility, with structures for primary processing, which may not be used as a dwelling or for overnight accommodations. See Section 430-47 for required standards.
  - F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
  - G. Production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
  - H. Property line adjustment, which is exempt from Section 342-3.2.
  - I. Solid waste disposal site - Section 430-127.1.
  - J. Structures accessory to fish and wildlife enhancement, which may not be used as a dwelling or for overnight accommodations.
  - K. Temporary forest labor camps.
  - L. Towers and fire stations for forest fire protection. For required standards see Section 430-103.
  - M. Replacement of a lawfully established dwelling. For required standards see Section 430-8.1, 430-8.2, and 430-8.3.
  - N. Accessory structures which do not meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.
- 342-3.2 Permitted Uses which are subject to Section 342-3.3:
- A. Aids to navigation and aviation.
  - B. Cemeteries.
  - C. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations - Section 430-27.
  - D. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 342-3.3 if that section was addressed in a prior application. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
  - E. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
  - F. Log scaling and weigh stations.

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- G. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way fifty (50) feet or less in width.
- H. New electric transmission lines with right-of-way widths of up to one-hundred (100) feet as specified in ORS 772.210.
- I. Parks - Section 430-97. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- J. Permanent logging equipment repair and storage.
- K. Private hunting and fishing operation with accessory structures - Section 430-100.1.
- L. Reservoirs and water impoundments, except as permitted by Section 342-4.1 K.
- M. Microwave facilities, Broadcast and Communication Towers, excluding communication towers allowed under Section 342-2.10, and transmission towers up to two-hundred (200) feet in height - Section 430-109.
- N. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- O. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 342-3.3 if that section was addressed in a prior application.
- P. Temporary Use - Section 430-135.1 H.
- Q. Uses to conserve soil, air and water quality and fisheries resources with structures, which may not be used as a dwelling or for overnight accommodations.
- R. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten (10) acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
- S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- T. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- U. Youth camps as provided in OAR 660-006-0031. This use is exempt from Section 342-3.3 B.
- V. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

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342-3.3 The proposed use will not:

- A. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; nor
- B. Significantly increase fire hazard or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

**342-4 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

- A. Airport, expansion of existing airports only - Section 430-7.
- B. Campground - Section 430-25.
- C. Firearms training facility, as provided in ORS 197.770.
- D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Ch. 520, and not otherwise permitted by Section 342-3.1 C. or Section 342-3.1 G.
- E. Permanent facility for the primary processing of forest products.
- F. Private accommodations for fishing occupied on a temporary basis - Section 430-100.3
- G. Private seasonal accommodations for fee hunting operations - Section 430-100.2.
- H. Public Building - limited only to fire stations for rural fire protection - Section 430-103.
- I. Solid Waste Disposal Site - Section 430-127.2.
- J. Microwave facilities, Broadcast and Communication Towers and transmission towers greater than two-hundred (200) feet in height - Section 430-109.
- K. All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related alterations.

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342-4.2 Required findings:

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

**342-5 Creation of Lots or Parcels by a Land Division Through a Type II Procedure**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

342-5.1 Creation of minimum eighty (80) acre parcels - Section 424-3.

342-5.2 Creation of a parcel less than eighty (80) acres, only for uses listed in the following sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility or primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers). See Section 610-1.1 B. (2) for required standards.

342-5.3 Creation of a parcel with an existing dwelling in EFC District – Section 424-8. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

342-5.4 Division of a Lot or Parcel with at least two (2) existing lawfully established dwellings in the EFC District which existed prior to November 4, 1993 – Section 424-9. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

**342-6 Prohibited Uses**

342-6.1 Structures or uses of land not specifically authorized by Section 342.

342-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.

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- 342-6.3 Outdoor advertising displays and structures except as provided in Section 414.
- 342-6.4 The location of service facilities which house groups of people, and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 342-6.5 Auto wrecking yards.
- 342-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 342-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**342-7 Dimensional Requirements**

342-7.1 Lot Area:

See Section 342-5, Creation of Lots or Parcels.

342-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard; and
- D. Thirty (30) foot street side yard;

342-7.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.

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D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

342-7.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

**342-8 Access**

All lots in this district shall either:

342-8.1 Abut a public street, or

342-8.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

342-8.3 Private driveways and private roads which are not subject to the standards of the Forest Practices Act shall comply with the standards of Section 428-3 and 428-4.

342-8.4 Roadways which are used only for forest uses and are subject to the standards of the Oregon Forest Practices Act, are not subject to the requirements of Subsection 342-8. These roadways shall be subject to the requirements of Subsection 342-8 and any other applicable Code standards if the roadways are used for uses other than uses governed by the Oregon Forest Practices Act, such as a residential dwelling.

**342-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), and 428 (Forest Structure Siting and Fire Safety Standards), are applicable as required by Subsection 403-4.

**344 AGRICULTURE AND FOREST DISTRICT (AF-20)**

**344-1 Intent and Purpose**

The intent of the Exclusive Agriculture and Forest AF-20 District is to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal.

The purpose of the District is to allow EFU uses and parcels, and through the provisions of Section 425, to provide a process and criteria for identifying marginal lands within the District. In addition, Section 344-8 provides for special uses for lands so identified.

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This AF-20 District is provided to meet Oregon statutory and administrative rule requirements.

**344-2 Definitions**

Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein (e.g., High-value farmland, tract, date of creation). Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in OAR.

**344-3 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

344-3.1 Accessory Uses and Structures - Section 430-1.

344-3.2 Alteration, restoration or replacement of a lawfully established dwelling. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.1 and 8.3.

344-3.3 Property Line Adjustment - Section 610-1.1.

344-3.4 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

**344-4 Uses Permitted Through a Type II Procedure:**

The uses listed in Section 344-4.1 and 344-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

- A. Accessory dwellings customarily provided in conjunction with farm use – Section 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- B. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate



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against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-8.2 and 8.3.

- C. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
- D. Facility for the processing of farm crops located on a farm operation that provides at least one-quarter ( $\frac{1}{4}$ ) of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited.
- E. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), to allow a second farm dwelling subject to the following standards.
  - (1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;
  - (2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and
  - (3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.
- F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- G. One Detached Dwelling Unit not provided in conjunction with farm use on a site up to three (3) acres. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-85.3 (Nonfarm Dwelling).
- H. Operations for the exploration of geothermal resources as defined by ORS 522.005 and for the exploration of oil and gas as defined by ORS 520.005 within a flood plain or drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
- I. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement

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and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

- J. Property Line Adjustment - See Section 610-1.1 for required standards.
- K. Broadcast and Communication towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.
- L. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.
- M. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of this Section, replacement means to provide one additional dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than five-hundred (500) square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this requirement. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this requirement. For the purpose of this requirement, "model aircraft" means a small-scale version of an airplane, glide, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- O. Schools - Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- P. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
- Q. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
- R. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 344-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 (Utility facilities necessary for public service).

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- S. Utility facilities (except water and sewer facilities) - The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way when in a flood plain or drainage hazard area.
- T. Winery - Section 430-145.1.
- U. Fire service facilities providing rural fire protection services.

344-4.2 Permitted Uses which are subject to Section 344-4.3:

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 344-4.1 C. - Section 430-33.
- B. Primary Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Primary Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
  - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
  - (2) Is situated on a lot or parcel existing on November 4, 1993;
  - (3) Qualifies for a farm dwelling under ORS 215.213 (2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
  - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- E. Forest Products, Primary Processing - Section 430-47.
- F. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.

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- G. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- H. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- I. Operations for the extraction and bottling of water.
- J. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable.
- L. Propagation, cultivation, maintenance and harvesting of aquatic or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- M. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- N. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- P. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- Q. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 344-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- S. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

344-4.3 Required Findings:

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The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

344-4.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

**344-5 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 344-5.1 and 344-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

344-5.1 Uses which may be allowed, but are not subject to Section 344-5.3:

- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half mile of a community college.
- B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is exempt from Section 344-5.3. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Kennels for breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85.
- E. Operations for the exploration of minerals as defined by ORS 517.750.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.

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- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024 (1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.
- D. Firearms training facility as provided in ORS 197.770.
- E. Golf Course - Section 430-50. This use is not permitted on high-value farmland.
- F. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland.
- G. Living History Museum - Section 430-74.
- H. Kennels, except the breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- I. Operations conducted for:
  - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under Section 344-4.1 H;
  - (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to the following:
    - (a) A development permit is required for mining more than one-thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre;
    - (b) A development permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Rural Natural Resource Plan which has been acknowledged by the Land Conservation and Development Commission; and
    - (c) For the purposes of this Section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except

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those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines;

(3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, except processing of aggregate into asphalt cement when located within two (2) miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling forty (40) acres or more that are planted as of the date the application for batching and blending (processing) is filed. Asphalt batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and

(4) Processing of other mineral resources and other subsurface resources.

- J. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103.
- K. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.
- L. Utility facility (commercial) for the generation of power for sale for public use - Section 430-141.
- M. Broadcast and Communication towers greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height.

344-5.3 Required findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. The proposed use will not:
  - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

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- (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

- 344-5.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

**344-6 Prohibited Uses**

- 344-6.1 Structures or uses of land not specifically authorized by Section 344.
- 344-6.2 The use of a recreation vehicle for a residence, except as provided for under Section 430-135.2 A.
- 344-6.3 Outdoor advertising displays and structures except as provided in Section 414.
- 344-6.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing, June, 1983 airport year 2000 LDN fifty-five (55) contour.
- 344-6.5 Auto wrecking yards.
- 344-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 344-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**344-7 Creation of Lots or Parcels by a Land Division**

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 344-7.1 Creation of lots or parcels for farm use not less than eighty (80) acres or more through a Type II procedure - Section 424-1.
- 344-7.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.
- 344-7.3 Creation of lots or parcels for nonfarm uses, not including a dwelling, through a Type II procedure - Section 424-4.
- 344-7.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.



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344-7.5 Creation of a parcel with an existing dwelling to be used as a residential home, as defined in Subsection 106-179, through a Type III procedure - Section 424-6.

**344-8 Marginal Lands**

344-8.1 Designation of Marginal Lands through a Type II procedure - Section 425.

344-8.2 All uses allowed under Section 344-3, 344-4 and 344-5 are allowed on marginal lands under the same procedures and standards.

344-8.3 Uses permitted through a Type I Procedure.

The following uses are permitted subject to the applicable standards as set forth in Article IV and as may otherwise be indicated:

A. Detached dwelling (one) on any size lot or parcel:

- (1) If the lot or parcel were created prior to July 1, 1983;
- (2) Is subject to all flood plain or hazard area regulations; and
- (3) When the applicant signs and records, in agreement form, in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against commonly accepted farm or forest practices which may occur on adjacent lands.

B. Intensive farm or forest operations including but not limited to farm use as defined in ORS 215.203.

C. Part-time farms.

D. Wood lots.

344-8.4 Other than the additional uses of Section 344-8.3 all lands designated marginal are subject to all of the other provisions of the AF-20 District.

344-8.5 Land designated as marginal shall not qualify for assessment as zoned farmland.

**344-9 Dimensional Requirements**

344-9.1 Lot area:

See Section 344-7 - Creation of Parcels.

344-9.2 Yard Requirements:

The minimum requirements shall be:

A. Thirty (30) foot front yard;

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- B. Ten (10) foot side yard;.
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

344-9.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

344-9.4 Minimum lot width at the street:

The minimum width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.

**344-10 Access**

All lots in this District shall either:

344-10.1 Abut a public street; or

344-10.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

344-10.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographic location. Where no fire protection agency has jurisdiction, access ways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

**344-11 Article IV - Development Standards**

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In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**346 AGRICULTURE AND FOREST DISTRICT (AF-10)**

**346-1 Intent and Purpose**

The AF-10 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

This District is appropriate in rural lands with steep topographic characteristics where there are limited public facilities and services.

**346-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 346-2.1 Accessory Uses and Structures - Section 430-1.
- 346-2.2 Conservation Areas and Structures (public and private) for the conservation of water, soil, open space, forest or wildlife resources (exempt from waiver).
- 346-2.3 Detached Dwelling Unit (one), on a lot of record or legally created lot.
- 346-2.4 Home Occupation - Section 430-63.1.
- 346-2.5 Property Line Adjustment - Section 610-1.1.
- 346-2.6 Parks - Section 430-95.
- 346-2.7 Temporary Use - Sections 430-135.1 C. (6) and (7); 430-135.1 H.
- 346-2.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist. In the case of replacement,

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- the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. For required standards see Section 430-8.1.
- 346-2.9 Boarding or training of horses for profit, not to exceed a total of fourteen (14) horse stalls (includes stalls for the owner's horses) - Section 430-21.
- 346-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 346-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.
- 346-3 Uses Permitted Through a Type II Procedure**
- The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.
- 346-3.1 Family Day Care Provider - Section 430-53.6.
- 346-3.2 Home Occupation - Section 430-63.2.
- 346-3.3 Parks - Section 430-97.
- 346-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- 346-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 346-3.6 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- 346-3.7 Temporary Use - Section 430-135.2 A. and B.
- 346-3.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.
- 346-3.9 Day Care Facility - Section 430-53.2 I.
- 346-3.10 Boarding or training of horses for profit with fifteen (15) or more horse stalls (includes stalls for the owner's horses) - Section 430-21.

**346-4 Uses Which May be Permitted Through a Type III Procedure**

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The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 346-4.2.

346-4.1 Uses which may be allowed:

- A. Airport, including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25.
- C. Cemetery - Section 430-27.
- D. Church - Section 430-29.
- E. Contractor's establishment – Section 430-34.
- F. Day Care Facility - Section 430-53.2.
- G. Golf Course - Section 430-50.
- H. Heliport - Section 430-59.
- I. Housing for Seasonal Farm and Forest Labor - Section 430-67.
- J. Hunting and Fishing Preserve (including Trout Farm) -Section 430-69.
- K. Kennel - Section 430-73.
- L. Operation for Exploration of Geothermal Resources as defined by ORS 522.005.
- M. Private Club - Section 430-99.
- N. Public Building, limited to Governmental Structures, community buildings and museums, which serve the local area - Section 430-103.
- O. School - Section 430-121.
- P. Shooting Clubs - Section 430-125.
- Q. Solid Waste Disposal Site - Section 430-127.
- R. Utility Facility (Commercial) for the generation of power for sale for public use - Section 430-141.

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- S. Veterinary or Animal Hospital.
  - T. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
  - U. Outdoor Performing Arts Center - Section 430-88.
  - V. Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
  - W. Emergency Response/Safety Training Center - Section 430-44.
  - X. Home Occupation - Section 430-63.3.
  - Y. Broadcast Towers to a maximum height of one hundred (100) feet - Section 430-109.
- 346-4.2 Required Findings:
- A. The requested use is compatible with the surrounding uses or can be made more compatible through conditions of approval.
  - B. The proposed use does not interfere seriously with “accepted farming practices” as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest uses.
  - C. The applicant has signed and recorded in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against customarily accepted farming or forestry practices.
- 346-5 Prohibited Uses**
- 346-5.1 Structures or uses of land not specifically authorized by Section 346.
  - 346-5.2 The use of a recreation vehicle for a residence, except as provided for under Section 430-135.2 A.
  - 346-5.3 Outdoor advertising displays, advertising signs or structures except as provided in Section 414.
  - 346-5.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
  - 346-5.5 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
  - 346-5.6 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

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346-5.7 Auto wrecking yards.

346-5.8 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.

346-5.9 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**346-6 Dimensional Requirements**

346-6.1 Lot Area:

A. Lot area as used in this subsection shall be determined as follows:

(1) The lot area shall be the entire area described in the deed to which the owner holds title, including such land as may be described in the deed as "subject to the rights of the public to any portion lying within the right-of-way," or similar clause. If the lot described in the deed has not been surveyed, a survey may be required to determine the exact acreage.

(2) If the lot was created by a plat, the lot area is the sum of the net area for the lot as shown on the plat plus land contiguous to the lot shown as having been dedicated to the public for road right-of-way.

B. The minimum lot area shall be ten (10) acres except:

(1) For lots of record; and

(2) The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density.

346-6.2 Yard Requirements:

The minimum yard requirements shall be:

A. Thirty (30) foot front yard;

B. Ten (10) foot side yard;

C. Twenty (20) foot rear yard;

D. Thirty (30) foot street side yard; and

E. Additional setbacks may be required as specified in Section 418.

346-6.3 Height:

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- A. Maximum height of dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural parts shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

**346-6.4** Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

**346-7 Access**

All lots in this District shall either:

- 346-7.1 Abut a public street; or
- 346-7.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.
- 346-7.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirement of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

**346-8 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4

**348 AGRICULTURE AND FOREST DISTRICT (AF-5)**

**348-1 Intent and Purpose**

The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.



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The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

**348-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 348-2.1 Accessory Uses and Structures - Section 430-1.
- 348-2.2 Conservation Areas and Structures (public and private) for the conservation of water, soil, open space, forest or wildlife resources (exempt from waiver).
- 348-2.3 Detached Dwelling Unit (one), on a lot of record or legally created lot.
- 348-2.4 Home Occupation - Section 430-63.1.
- 348-2.5 Property Line Adjustment - Section 610-1.1.
- 348-2.6 Parks - Section 430-95.
- 348-2.7 Temporary Use - Sections 430-135.1 C. (6) and (7); 430-135.1 H.
- 348-2.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. For required standards see Section 430-8.1.
- 348-2.9 Boarding or training of horses for profit, not to exceed a total of fourteen (14) horse stalls (includes stalls for the owner's horses) - Section 430-21.
- 348-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 348-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**348-3 Uses Permitted Through a Type II Procedure**

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The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 348-3.1 Family Day Care Provider - Section 430-53.6.
- 348-3.2 Home Occupation - Section 430-63.2.
- 348-3.3 Parks - Section 430-97.
- 348-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- 348-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 348-3.6 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- 348-3.7 Temporary Use - Section 430-135.2 A. and B.
- 348-3.8 Day Care Facility - Section 430-53.2 I.
- 348-3.9 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.
- 348-3.10 Boarding or training of horses for profit with fifteen (15) or more horse stalls (includes stalls for the owner's horses) - Section 430-21.

**348-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 348-4.2.

- 348-4.1 Uses which may be allowed:
  - A. Airport, including associated hangar, maintenance and service facilities - Section 430-7.
  - B. Campground - Section 430-25.

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- C. Cemetery - Section 430-27.
- D. Church - Section 430-29.
- E. Contractor's Establishment – Section 430-34.
- F. Day Care Facility - Section 430-53.2.
- G. Golf Course - Section 430-50.
- H. Heliport - Section 430-59.
- I. Housing for Seasonal Farm and Forest Labor - Section 430-67.
- J. Hunting and Fishing Preserve (including a trout farm) Section 430-69.
- K. Kennel - Section 430-73.
- L. Operation for Exploration of Geothermal Resources as defined in ORS 522.005.
- M. Private Club - Section 430-99.
- N. Public Building, limited to Governmental Structures, community buildings and museums, which serve the local area - Section 430-103.
- O. Schools - Section 430-121.
- P. Shooting Clubs - Section 430-125.
- Q. Utility Facility (Commercial) for the generation of power for sale for public use and transmission towers over two-hundred (200) feet in height - Section 430-141.
- R. Veterinary or Animal Hospital.
- S. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
- T. Emergency Response/Safety Training Center - Section 430-44.
- U. Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- V. Home Occupation - Section 430-63.3.
- W. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

348-4.2 Required Findings:

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- A. The requested use is compatible with the surrounding uses or may be made more compatible through conditions of approval.
- B. The proposed use does not interfere seriously with “accepted farming practices” as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest use.
- C. The applicant has signed and recorded in the Deed and Mortgage Records of the County a waiver of the right to remonstrate against customarily accepted farming practices.

**348-5 Prohibited Uses**

- 348-5.1 Structures or uses of land not specifically authorized by Section 348.
- 348-5.2 The use of a recreation vehicle for a residence, except as provided for under Section 430-135.2 A.
- 348-5.3 Outdoor advertising displays, advertising signs or structures except as provided in Section 414.
- 348-5.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 348-5.5 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 348-5.6 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 348-5.7 Auto wrecking yards.
- 348-5.8 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 348-5.9 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

**348-6 Dimensional Requirements**

**348-6.1 Lot Area:**

- A. Lot area as used in this subsection shall be determined as follows:
  - (1) The lot area shall be the entire area described in the deed to which the owner holds title, including such land as may be described in the deed as “subject to the rights of the public to any portion lying within the right-of-

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way,” or similar clause. If the lot described in the deed has not been surveyed, a survey may be required to determine the exact acreage.

- (2) If the lot was created by a plat, the lot area is the sum of the net area for the lot as shown on the plat plus land contiguous to the lot shown as having been dedicated to the public for road right-of-way.

B. The minimum lot area shall be five (5) acres except:

- (1) For lots of record; and
- (2) The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density.

348-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

348-6.3 Height:

- A. Maximum height of dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- D. No structure or structural part shall exceed the height standards established for any airport in the County established in accordance with Federal Aviation Administration’s Aviation Regulations.

348-6.4 Minimum lot width at the street:

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The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet at the street or as approved by the appropriate fire marshal.

**348-7 Access**

All lots in this District shall either:

- 348-7.1 Abut a public street; or
- 348-7.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.
- 348-7.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

**348-8 Article IV - Development Standards**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**350 RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)**

**350-1 Intent and Purpose**

The intent of the Rural Residential District is to recognize rural areas which qualify for an exception to LCDC Goals 3 and 4 and which have been committed or developed for suburban residential use with minimum farm and forest uses and to provide for rural residential uses.

**350-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 350-2.1 Accessory Uses and Structures - Section 430-1.
- 350-2.2 Detached Dwelling unit (one) on a legally created lot or parcel.
- 350-2.3 Home Occupation - Section 430-63.1.
- 350-2.4 Property Line Adjustment - Section 610-1.1.

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- 350-2.5 Parks - Section 430-95.
- 350-2.6 Temporary Use - Sections 430-135.1 C. (6) and (7); Section 430-135.1 H.
- 350-2.7 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. For required standards see Section 430-8.1.
- 350-2.8 Boarding or training of horses for profit, not to exceed a total of eight (8) horse stalls (includes stalls for owner's horses) - Section 430-21.
- 350-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 350-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**350-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted, subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 350-3.1 Family Day Care Provider - Section 430-53.6.
- 350-3.2 Home Occupation - Section 430-63.2.
- 350-3.3 Parks - Section 430-97.
- 350-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- 350-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 350-3.6 Temporary Use - Section 430-135.2 A.
- 350-3.7 Day Care Facility - Section 430-53.2 I.
- 350-3.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.

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350-3.9 Boarding or training of horses for profit with nine (9) or more horse stalls (includes stalls for the owner's horses) - Section 430-31.

**350-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 350-4.2.

350-4.1 Uses which may be allowed:

- A. Airport, including associated hangar, maintenance and service facilities - Section 430-7.
- B. Cemetery - Section 430-27.
- C. Church - Section 430-29.
- D. Golf Course, Country Club - Section 430-50.
- E. Day Care Facility - Section 430-53.2.
- F. Heliport - Section 430-59.
- G. Kennel - Section 430-73.
- H. Operation for Exploration of Geothermal Resources as defined by ORS 522.005.
- I. Public Buildings, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.
- J. Public Utility - Section 430-105.
- K. Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- L. School - Section 430-121.
- M. Special Recreation Use - Section 430-131.
- N. Storage Area for Recreation Vehicles (Community) Camper, Travel Trailer, Mobile Home, Boat - Section 430-133.
- O. Veterinary or Animal Hospital.



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P. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.

Q. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

350-4.2 Required Findings:

A. The requested use is compatible with the surrounding uses or may be made more compatible through conditions of approval;

B. The proposed use does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest use; and

C. The applicant has signed and recorded in the Deed Records of the County a waiver of the right to remonstrate against customarily accepted farm or forestry practices as a condition of approval.

**350-5 Prohibited Uses**

350-5.1 Structures or uses of land not specifically authorized by Section 350.

350-5.2 The use of a recreation vehicle as a residence.

350-5.3 Outdoor advertising displays, advertising signs of structures except as provided in Section 414.

350-5.4 The outdoor storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.

350-5.5 The location of service facilities such as schools, hospitals, nursing homes and public assembly in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.

350-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

350-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

350-5.8 Auto wrecking yards.

350-5.9 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment used in conjunction with a farm or forest use.

**350-6 Dimensional Requirements**

350-6.1 Lot Area:

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The minimum lot area shall be five (5) acres except:

- A. For lots of record;
- B. The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density; and
- C. Lot of Exception

Through a Type II procedure, new lots or parcels less than four (4) acres, but no less than one (1) net acre may be approved upon findings that the lots or parcels:

- (1) Were located within the Wolf Creek Highway or Tigard Water District at the time the site was zoned RR-5, July 5, 1982, and has water pressure adequate to provide for fire flow;
- (2) Have received subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency; and
- (3) Will be served by adequate roads.
- (4) The intent and purpose of this district is not violated.
- (5) Conditions may be attached at the time of approval to:
  - (a) Require dedication of right-of-way to provide adequate roads;
  - (b) Carry out the intent and purpose of the district; and
  - (c) Require increased setbacks from the boundaries.

350-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Twenty (20) foot street side yard;
- C. Ten (10) foot side yard;
- D. Twenty-five (25) foot rear yard;
- E. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- F. Additional setbacks may be required as specified in Sections 411 and 418.

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350-6.3 Height:

- A. The maximum building height shall be thirty-five (35) feet.
- B. The maximum height for accessory structures shall be fifteen (15) feet, excluding agricultural buildings.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- E. The height of telecommunication towers are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

350-6.4 Lot Dimensions:

The minimum dimensions for any new lot shall be:

- A. Average lot width - one-hundred (100) feet;
- B. Average lot depth - one-hundred (100) feet;
- C. The minimum lot width at the street shall be forty (40) feet, or the lot shall have an easement of record at least forty (40) feet wide at the street, or as approved by the appropriate fire marshal; and
- D. Lot width at the street on a cul-de-sac - thirty (30) feet.

**350-7 Access**

All lots in this District shall either:

350-7.1 Abut a public street; or

350-7.2 Have an easement of record at least forty (40) feet wide at the street, or as approved by the appropriate fire marshal.

350-7.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

**350-8 Article IV - Development Standards**

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In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**352 RURAL COMMERCIAL DISTRICT (R-COM)**

**352-1 Intent and Purpose**

The intent and purpose of the Rural Commercial District is to implement the rural commercial policies of the Comprehensive Plan and to meet convenience goods and service needs of rural residents while protecting the historic character of rural centers and the agricultural or forestry character of the area.

Rural Commercial centers shall be designed to be compatible with the surrounding environment and generally not to exceed five (5) acres.

**352-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-2.1 Accessory Uses and Structures - Section 430-1.

352-2.2 Bus Shelters - Section 430-23.

352-2.3 Residential use in conjunction with a permitted commercial use provided:

- A. The residence is situated on the principal lot;
- B. The residence has an approved sanitary sewage disposal system; and
- C. There is only one (1) dwelling structure per lot.

352-2.4 Temporary Uses - Section 430-135.1 A., B., C. (4 and 5), D., E., F., and H.

352-2.5 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

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352-2.6 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

352-2.7 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**352-3 Uses Which May Be Permitted Through a Type II Procedure**

The uses listed in Section 352-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-3.1 Permitted Uses:

- A. Ambulance Service - Section 430-9.
- B. Auto Repair within an enclosed building.
- C. Bus and Train Terminals.
- D. Church – Section 430-29.
- E. Commercial Recreation Facilities such as indoor theaters, bowling alleys, indoor skating rinks or similar uses when:
  - (1) The use is conducted wholly within a fully enclosed building; and
  - (2) Yards are no less than fifty (50) feet from any abutting residential, agriculture and forest, or natural resource district boundaries.
- F. Contractor's establishment for such things as installation of drain tiles, logging contractor, farming contractor and similar uses – Section 430-34.
- G. Eating and Drinking Establishments.

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- H. Fabrication, Processing and Repair Facilities, appropriate for the rural community and which serve the rural/natural resource population base. These uses are exempt from Section 352-3.2.
- I. Farm or forest related equipment, machinery or truck repair, including associated service parts facilities, within an enclosed building. These uses are exempt from Section 352-3.2.
- J. Farm or forest implement and equipment sales when the sales area is fenced or a landscaped buffer is provided. These uses are exempt from Section 352-3.2.
- K. Institutional uses, including institutions for human care, educational, social institutions including but not limited to grange hall, community center, public buildings and service institutions, serving the local area, when the application includes:
  - (1) A total site plan indicating any proposed buildings, parking, landscaping and future phased development; and
  - (2) A schedule for development.
- L. Lumber Yard, provided there is:
  - (1) A site obscuring fence no higher than eight (8) feet; or
  - (2) A Type #3 landscape buffer approved through Development Review.
  - (3) This use is exempt from Section 352-3.2.
- M. Offices.
- N. Open air businesses, except as provided for by Section 430-135.1 B. (1) and (2), for the sale of farm or forest products for such uses as plant material, produce and firewood. These uses are exempt from Section 352-3.2.
- O. Personal Service Establishment.
- P. Public Building, limited to governmental structures, community buildings and museums, serving the local area - Section 430-103.
- Q. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- R. Private Club - Section 430-99.
- S. Radio Station.
- T. Recycling Center - Section 430-115.

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- U. Sale of merchandise in an enclosed building.
  - V. Service Station and/or Car Wash - Section 430-123.
  - W. Temporary Use - Section 430-135.2 A. This use is exempt from Section 352-3.2.
  - X. A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation. This use is exempt from Section 352-3.2.
  - Y. Veterinarian or Animal Hospital.
  - Z. Winery, including a tasting room and sales - Section 430-145.2.
  - AA. Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
  - BB. Uses Accessory and Incidental to an Allowed Use:
    - (1) Garages for storage and maintenance of motor vehicles used by the principal use.
    - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use.
    - (3) Maintenance and utility shops for equipment used by the principal use.
    - (4) Central heating, air conditioning and refrigeration plants.
    - (5) Water storage, drainage and treatment facilities.
    - (6) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use.
    - (7) Day care facilities primarily for employees.
    - (8) Electrical substations.
  - CC. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 352-3.2 Required findings:
- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;

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- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services; and
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities.

**352-4 Uses Which May Be Permitted Through a Type III Procedure**

The uses listed in Section 352-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-4.2.

352-4.1 Uses which may be allowed:

- A. Special Recreation Uses - Section 430-131.
- B. Communications Towers greater than two-hundred (200) feet in height - Section 430-109.
- C. Broadcast Towers – Section 430-109.

352-4.2 Required findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services;
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community without adverse impact on surrounding farm and forest activities; and
- D. That the applicant has signed and recorded in the Deed Records of the County, a waiver of the right to remonstrate against customarily accepted farm or forestry practices.

**352-5 Prohibited Uses**

352-5.1 Structures or uses of land not specifically authorized by Section 352.

352-5.2 The use of a recreation vehicle for a residence.



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352-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.

352-5.4 Auto wrecking yards.

**352-6 Dimensional Requirements**

352-6.1 Lot Area:

The minimum lot area shall be twenty-thousand (20,000) square feet where a community water system is available, and two (2) acres where a community water system is not available.

352-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

A. Twenty (20) foot front yard;

B. Side and Rear Yards:

- (1) When abutting a district which is not a commercial or industrial district, the side or rear yard shall be no less than required by the abutting district;
- (2) On corner lots, the side or rear yard adjacent to the street shall be twenty (20) feet;
- (3) Except as in (1) and (2) above, there is no required side or rear yard; and
- (4) The side or rear yard may be eliminated where the side or rear yard is adjacent to a railroad;

C. Additional setbacks may be required as specified in Sections 411 and 418; and

D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or use thereof provided the structure or use is not made more nonconforming by the change or alteration.

352-6.3 Height:

A. The maximum building height shall be seventy-five (75) feet except as may be modified by Section 419.

B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.

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- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

352-6.4 Minimum Lot Width and Depth:

- A. The minimum average lot width shall be one-hundred (100) feet;
- B. The minimum average lot depth shall be one-hundred (100) feet; and
- C. The minimum lot width at the street shall be forty (40) feet or as approved through Development Review.

352-6.5 Access:

All lots in this District shall abut a public street or have access as approved through Development Review.

**352-7 Article IV - Development Standards**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**354 RURAL INDUSTRIAL DISTRICT (R-IND)**

**354-1 Intent and Purpose**

The Rural Industrial District is intended to provide areas for industrial uses outside the Urban Growth Boundary where an exception to Goals 3 or 4 has been taken and where a full range of urban services will not be required.

The purpose of the district is to provide for the processing and manufacture of timber and forest related products, farm crops and produce, minerals and aggregates near the resources, and for the repair of mechanical equipment related to farm and forest uses.

**354-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

354-2.1 Accessory Uses and Structures - Section 430-1, and

- A. Restaurant or cafeteria facilities for employees within an existing structure; and

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B. Caretaker or dormitory residence in conjunction with a permitted use provided:

- (1) The residence has an approved sanitary sewage disposal system; and
- (2) There shall be only one (1) dwelling structure on the site.

354-2.2 Temporary Uses - Sections 430-135.1 A. and C. (5); 430-135.1 H.

354-2.3 Forest Products - Temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.

354-2.4 Facility 3 and 4 Communication Towers that:

A. Do not exceed a maximum height of seventy-five (75) feet; and

B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district as defined by Section 430-109. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

354-2.5 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

354-2.6 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

A. Do not exceed a maximum height of seventy-five (75) feet; and

B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**354-3 Uses Permitted Through a Type II Procedure**

The uses listed in Section 354-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-3.2. A waiver of the right to remonstrate against

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commonly accepted farm or forest practices shall be recorded for each permitted use.

354-3.1 Permitted Uses:

- A. Ambulance Service - Section 430-9.1
- B. Contractor's Establishment – Section 430-34. These uses are exempt from Section 354-3.2.
- C. Farm or forest related equipment, machinery and truck repair, including associated service parts facilities. These uses are exempt from Section 354-3.2.
- D. Manufacturing of tile, pottery and ceramics, including storage and wholesale distribution.
- E. Public Building, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.
- F. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- G. Primary processing, packaging, treatment, bulk storage and wholesale distribution of any of the products produced from the following:
  - (1) Manufacture and processing of mineral and aggregate materials (includes batch plant);
  - (2) Production, processing, assembling, packaging, treatment of farm crops or forest products; and
  - (3) These uses are exempt from Section 354-3.2.
- H. Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- I. Recycling Center - Section 430-115.
- J. Restaurant or cafeteria facilities for employees in a new building when in conjunction with a permitted use.
- K. Sawmills and lumber manufacturing, which are exempt from Section 354-3.2. For required standards see Section 430-119.
- L. A second caretaker's residence in conjunction with a permitted use provided:
  - (1) The residence has an approved sanitary sewage disposal system; and

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- (2) The applicant demonstrates a need for the second dwelling for such things as security or maintenance.
- M. Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- N. Temporary Use - Section 430-135.2 A. This use is exempt from Section 354-3.2.
- O. A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation. This use is exempt from Section 354-3.2.
- P. Veterinarian or Animal Hospital.
- Q. Winery, including an accessory tasting room and incidental sales - Section 430-145.2.
- R. Logscaling and Weigh Stations.
- S. Uses Accessory and Incidental to an Allowed Use:
- (1) Garages for storage and maintenance of motor vehicles used by the principal use;
  - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
  - (3) Maintenance and utility shops for equipment used by the principal use;
  - (4) Central heating, air conditioning and refrigeration plants;
  - (5) Water storage, drainage and treatment facilities;
  - (6) Fire protection facilities;
  - (7) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
  - (8) Clinics, lounges and recreational facilities for employees;
  - (9) Day care facilities primarily for employees;
  - (10) Electrical substations; and
  - (11) Administrative Offices.
- T. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

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354-3.2 Required Findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services; and
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities.

**354-4 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 354-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-4.2.

354-4.1 Uses which may be allowed:

- A. Auto Wrecking Yard - Section 430-15.
- B. Heavy Industrial Uses - Section 430-57.
- C. Solid Waste Transfer Station - Section 430-129.
- D. Special Recreational Use - Section 430-131.
- E. Utility Facility (commercial) for the generation of power for sale for public use, and transmission towers over two-hundred (200) feet in height.
- F. Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- G. Broadcast Towers – Section 430-109.

354-4.2 Required Findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services;

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- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities; and
- D. That the applicant has signed and recorded in the Deed Records of the County, a waiver of the right to remonstrate against customarily accepted farm or forestry practices.

**354-5 Prohibited Uses**

- 354-5.1 Structures or uses of land not specifically authorized by Section 354.
- 354-5.2 New residences except as provided in Section 354-2.1 B., Section 354-3.1 L. and Section 354-3.1 N.
- 354-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided in existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.

**354-6 Environmental Requirements**

All industrial uses shall comply with the environmental performance standards of Section 423.

**354-7 Dimensional Requirements**

- 354-7.1 Lot Area:  

The minimum lot area, except for a lot of record, shall be five (5) acres.
- 354-7.2 Yard Requirements:  

The minimum yard requirements shall be:

  - A. Forty (40) foot front yard for all structures;
  - B. Side and Rear Yards:
    - (1) Where abutting a district which is not an industrial or commercial district, the side and rear yard shall be no less than that required by the abutting district;
    - (2) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet; and
    - (3) Except in (1) and (2) above, there are no required side or rear yards.
    - (4) The side or rear yard may be eliminated where the side or rear yard is adjacent to a railroad.

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- C. Additional setbacks may be required as specified in Sections 411 and 418.
- D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or uses provided the structure or use may not be made more nonconforming by the change or alteration.

**354-7.3** Height:

- A. There is no maximum height requirement in the R-IND District.
- B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

**354-7.4** Minimum lot width and depth:

- A. The minimum average lot width shall be one-hundred (100) feet;
- B. The minimum average lot depth shall be one-hundred (100) feet; and
- C. The minimum lot width at the street shall be fifty (50) feet.

**354-8** **Access**

All lots in this District shall abut a public street or have access as approved through Development Review.

**354-9** **Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**356** **LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)**

**356-1** **Intent and Purpose**

The intent of the MAE District is to provide lands for land extensive industrial uses in the rural areas of the County.

The purpose of the District is to provide land for farm and forest related uses needed to support the natural resource base and consistent with the rural character and level of services. Land Extensive Industrial uses require large land areas, a low ratio of



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employees to land and sites free of natural hazards with immediate access to a collector, arterial or limited access highway. For MAE uses, lands must have an approved water and sewage disposal system and adequate capacity to accommodate drainage runoff of development.

**356-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

356-2.1 Accessory Uses and Structures - Section 430-1, and including:

A. Caretaker or dormitory residence in conjunction with a permitted use provided:

- (1) There is an approved sanitary sewage disposal system; and
- (2) There shall be only one (1) dwelling structure on the site;

B. Restaurant or cafeteria facilities for employees within an existing building.

356-2.2 Detached Dwelling (one per lot), in conjunction with a permitted use.

356-2.3 Forest Products - Temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.

356-2.4 Home Occupation - Section 430-63.1.

356-2.5 Temporary Use - Sections 430-135.1 C. (5) and (6); 430-135.1 H.

356-2.6 Facility 3 and 4 Communication Towers that:

A. Do not exceed a maximum height of sixty-five (65) feet; and

B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

356-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

356-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

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- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

**356-3 Uses Permitted Through a Type II Procedure**

- 356-3.1 The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.
- A. Ambulance Service - Section 430-9.
  - B. Batch Plant.
  - C. Contractor's establishment - Section 430-34.
  - D. Home Occupation - Section 430-63.2.
  - E. Operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, within a flood plain, drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
  - F. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
  - G. Production, Processing, Assembling, Packaging or Treatment of Materials subject to the provisions of Section 356-3.2 and when the use meets the intent and purpose of the District.
  - H. Public Building, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.
  - I. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Sections 430-105.3 through 430-105.7.

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- J. Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, Section 430-109.
- K. Research and Development Laboratories related to farm and forest uses subject to the provisions of Section 356-3.2.
- L. Recycling Center - Section 430-115.
- M. Restaurant or cafeteria facilities for employees in a new building when in conjunction with a permitted use.
- N. A second caretaker's residence in conjunction with a permitted use provided:
  - (1) The residence has an approved sanitary sewerage disposal system; and
  - (2) The applicant demonstrates a need for the second dwelling for such things as security or maintenance.
- O. Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- P. Storage and Distribution Facilities for agriculture and forest related products - subject to the provisions of Section 356-3.2.
- Q. Temporary Use - Section 430-135.2 A.
- R. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
- S. Log Scaling and Weigh Stations.
- T. Uses Accessory and Incidental to an Allowed Use:
  - (1) Garages for storage and maintenance of motor vehicles used by the principal use;
  - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
  - (3) Maintenance and utility shops for equipment used by the principal use;;
  - (4) Central heating, air conditioning and refrigeration plants;
  - (5) Water storage, drainage and treatment facilities;
  - (6) Fire protection facilities;
  - (7) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;

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- (8) Clinics, lounges and recreational facilities for employees;
- (9) Day care facilities primarily for employees;
- (10) Electrical substations; and
- (11) Administrative Offices.

U. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

356-3.2 For Section 356-3.1 G., K., and P., an applicant shall provide the following information:

- A. How the proposed use conforms to the Goals and Implementing Strategies of the Framework Plan.
- B. The impact of the proposed use on the area considering:
  - (1) The physiographic characteristics of the site (i.e., topography, drainage, etc.) and the suitability of the site for the particular land use improvements; and
  - (2) The existing land uses, private improvements and public facilities in the area.
- C. How the following requirements will be met:
  - (1) Public water or an on-site source approved by the Water Master, Washington County Department of Health and the appropriate fire marshal;
  - (2) Approval of a subsurface sewage disposal system by the Washington County Department of Health or the Department of Environmental Quality; and
  - (3) Whether the site has access to a collector, arterial or limited access highway.

**356-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

356-4.1 Airport - Section 430-7.

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356-4.2 Auto Wrecking Yard - Section 430-15.

356-4.3 Race Track, Drag Strip - Section 430-107.

356-4.4 Solid Waste Disposal Site - Section 430-127.

356-4.5 Solid Waste Transfer Station - Section 403-129.

356-4.6 Utility Facility for the Generation of Power for sale, and Transmission Towers over two-hundred (200) feet in height - Section 430-141.

356-4.7 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

356-4.8 Broadcast Towers – Section 430-109.

**356-5 Prohibited Uses**

356-5.1 Structures or uses of land not specifically authorized by Section 356.

356-5.2 The use of a recreation vehicle as a residence.

356-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided in existing June, 1983 airport year 2000 LDN fifty-five (55) contour.

**356-6 Environmental Requirements**

All industrial uses shall comply with the environmental performance standards of Section 423.

**356-7 Dimensional Requirements**

356-7.1 Lot area, except for a lot of record:

A. The minimum lot area for uses listed as Sections 356-2.3, 356-2.4 and 356-2.5 shall be ten (10) acres.

B. Industrial uses shall have a minimum lot area of five (5) acres.

C. Minimum lot size for an individual industrial use may be reduced to two (2) acres when:

(1) A subdivision plat for the industrial site has been approved and recorded;

(2) A public water and sanitation system has been approved; and

(3) The site has approved public access.

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356-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Forty (40) foot front yard;
- B. Side and Rear Yards:
  - (1) When abutting a district which is not a commercial or industrial district, the side or rear yard shall be no less than that required by the abutting district, or twenty (20) feet, whichever is greater;
  - (2) On a corner lot, the side or rear yard adjacent to the street shall be forty (40) feet; and
  - (3) Except as in (1) and (2) above, there is no required side or rear yard.
- C. Additional setbacks may be required as specified in Sections 411 and 418.
- D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or uses provided the structure or use may not be made more nonconforming by the change or alteration.

356-7.3 Height:

- A. The maximum height shall be sixty-five (65) feet except as may be modified by Section 419.
- B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

356-7.4 Minimum Lot Width and Depth:

- A. The minimum average lot width shall be two-hundred (200) feet;
- B. The minimum average lot depth shall be two-hundred (200) feet;
- C. The minimum lot width at the street shall be fifty (50) feet; and
- D. The minimum lot width at the street on a cul-de-sac shall be forty (40) feet.

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**356-8 Access**

All lots in this District shall abut a public street or have access as approved through Development Review.

**356-9 Article IV - Development Standards**

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

**373 HISTORIC AND CULTURAL RESOURCE OVERLAY DISTRICT**

**373-1 Intent and Purpose**

The intent and purpose of this Overlay District is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of sites, structures, objects, buildings and historic districts within the County that reflect special elements of the County's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social and other cultural heritage and to facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas in order to:

- 373-1.1 Safeguard the County's heritage as embodied and reflected in such resources;
- 373-1.2 Encourage public knowledge, understanding and appreciation of the County's history and culture;
- 373-1.3 Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;
- 373-1.4 Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the County;
- 373-1.5 Preserve diverse and harmonious architectural styles reflecting phases of the County's history; and encourage complimentary design and construction areas impacting cultural resources;
- 373-1.6 Enhance property values and increase economic and financial benefits to the County and its inhabitants;
- 373-1.7 Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and
- 373-1.8 Integrate the management of cultural resources and relevant data into public and private land management and development processes.

**373-2 Definitions**

As used in this section, the words listed below have the following meaning:

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- 373-2.1 **Building** A house, barn, church, hotel, or similar construction that is created to shelter any form of human activity. Building may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.
- 373-2.2 **District** A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
- 373-2.3 **Object** The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in a designed landscape. Examples: sculpture, monuments, mileposts, boundary markers, statuary, and fountains.
- 373-2.4 **Rehabilitation** A term often used interchangeably with renovation, involves modification or change to an existing building. Rehabilitation extends the useful life or utility of the building through repairs or alterations, sometimes major, while the features of the building that contributed to its architectural, cultural or historical character are preserved.
- 373-2.5 **Restoration** Often prefaced by “historical” or “architectural”, restoration involves the careful and meticulous return of a building, usually on its original site, to its appearance at a particular period of time by removal of later work or replacement of missing earlier work.
- 373-2.6 **Site** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.
- 373-2.7 **Structure** The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating shelter.

**373-3 Review Authority**

The review of applications identified in this Section (373) shall be consistent with the procedure type specified.

**373-4 Resource Designation Procedures**

- 373-4.1 The Historic and Cultural Resource Overlay District shall be applied to specific resources through a Plan Amendment process (Type III or Type IV). Consistent with provisions in the Comprehensive Framework Plan for the Urban Area and the Rural/Natural Resource Plan, the owner of a property which is the site of a cultural resource, or the Board, Planning Commission or Director, may initiate a quasi-judicial (Type III) plan amendment to apply the Overlay District. Any individual may request application of the Overlay District through a legislative (Type IV) process.



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- 373-4.2 The Review Authority shall apply the Historic and Cultural Resource Overlay District to all buildings and structures in the Washington County Cultural Resources Inventory, consistent with the recommended program decisions of the "Goal 5 Conflicts and Consequences Analysis (ESEE) for Cultural Resources," which is an appendix to the Cultural Resources Inventory. However, the Review Authority or the Appeal Authority may choose not to apply the Historic and Cultural Resource Overlay District based on compelling evidence and findings submitted by the property owner. The evidence and findings shall include a site-specific analysis of the economic, social, environmental and energy (ESEE) consequences of allowing a proposed conflicting activity (e.g., relocation or demolition) versus preservation of the resource. Economic burden may be a basis for a decision not to apply the Overlay District after consideration is given to all the ESEE consequences of application of the Overlay District versus allowing the proposed conflicting activity. The degree of economic burden will be weighed against the significance of the resource. The availability of alternatives which retain historic values and encourage continued use or adaptive reuse of the property will be considered.
- 373-4.3 In order for the Review Authority or the Appeal Authority to determine that an economic burden will be placed on the owner of a resource if the Overlay District is applied to it, the owner must demonstrate that one of the following would occur. Where an estimate or opinion is called for from an expert or a professional in a given field (such as real estate, architecture, historic preservation or development), the expert or professional consulted shall be mutually acceptable to the owner and the Director.
- A. The continued presence of a resource on a property would significantly reduce the value of the property relative to its value if the resource was to be removed or demolished. To demonstrate this, the property owner shall submit the following evidence:
- (1) The most recent assessed value of the subject property.
  - (2) Two independent appraisals, by licensed appraisers, of the property's present value with the resource on site, and the property's value with the resource removed.
- B. Carrying costs (including property taxes, insurance and maintenance) for the property would be significantly higher with the continued presence of the resource than if it is removed from a property or demolished, and it is not likely that sufficient income could be derived from the resource in its present condition or after it is rehabilitated within the constraints of the district, to compensate for the higher costs. To demonstrate this, the property owner shall submit the following evidence:
- (1) The information specified in Sections 373-4.3 A. (1) and (2).
  - (2) Records or at least two (2) estimates by insurance brokers of the cost of insuring the resource.

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- (3) If rehabilitation is necessary, at least two (2) estimates of the cost of rehabilitating the resource by contractors experienced in the rehabilitation of historic resources.
- (4) If rehabilitation is necessary, at least two (2) estimates of the cost of maintaining the resource after its rehabilitation by contractors experienced in the maintenance of historic resources.
- (5) If rehabilitation is unnecessary, copies of receipts for the materials, labor and services needed to maintain the resource for at least the previous two years.
- (6) At least two (2) estimates by real estate professionals and/or business consultants of the rent or income that could be derived from the resource when improved to a usable condition.

C. In the case of a non-income producing resource (e.g., a church or an owner-occupied house) on a property an owner is unwilling to sell, the costs of rehabilitating and/or maintaining the resource significantly exceed the cost of demolishing the resource and constructing and maintaining a building or structure that is similar in function and size. To demonstrate this, the property owner shall submit the following evidence:

- (1) If rehabilitation is necessary, the information specified in Section 373-4.3 B. (3) and (4).
- (2) If rehabilitation is unnecessary, the information specified in Section 373-4.3 B. (5).
- (3) At least two (2) estimates by contractors of the cost of demolishing the resource.
- (4) At least two (2) estimates by contractors of the cost of constructing and maintaining a replacement building or structure that is similar in size and function.

373-4.4 After considering all the site-specific evidence and findings relating to ESEE consequences, the Review Authority or Appeal Authority may decide against permanently applying the Historic and Cultural Resource Overlay District to a resource. The Review Authority or Appeal Authority may, however, temporarily apply the Overlay District for up to one-hundred and eighty (180) days from the date of final action on the quasi-judicial plan amendment or land use ordinance before it. During that period, the County shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or private acquisition and/or relocation. If no means of protecting the resource is found within the 180-day period, the Historic and Cultural Resource Overlay District shall automatically be removed from the property. If alteration or demolition of the resource is intended by the property owner, the County shall ask the property owner to contact the Washington County Museum or another appropriate agency or organization such as the Historic Preservation League of

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Oregon to allow them the opportunity to salvage and record the resource before it is altered or demolished.

**373-5 Applicability of the Overlay District**

When the Historic and Cultural Resource Overlay District is applied to a resource, the tax lot that contains the resource shall be so designated on the relevant plan maps. This does not mean, however, that the entire tax lot is subject to the provisions of Section 373. Instead, the only buildings and structures on the tax lot subject to the Overlay District's provisions are those described in the Cultural Resources Inventory as significant, important, or contributing to the significance of the overall resource.

**373-6 Permits**

373-6.1 No development permit shall be issued for exterior alteration, relocation or demolition of any designated resource or any potential resource which is under consideration for designation while a public hearing or any appeal thereof is pending.

373-6.2 Any changes, alteration, rehabilitation, restoration and/or addition to the exterior design, material or external appearance of a designated historic or cultural resource including but not limited to siding, windows, doors, and other architectural features or appurtenances, roofing materials or roof lines, and any other architectural components of the original resource shall be reviewed through a Type II procedure.

373-6.3 A development permit to alter the exterior of a designated resource shall be approved if the Review Authority finds the following:

A. The alteration will not impair or change the essential historic form and integrity of the historic property. The distinguishing historic qualities, features or character of the historic property and its site will not be impaired or altered unless:

- (1) There is an immediate hazard to public safety and no alternative approach exists which would retain the features or minimize the impact of the proposed alteration;
- (2) There are mandatory building or handicap codes or requirements, and it is not reasonably possible to retain the historic features or minimize the impact of the proposed alteration and also to comply with those codes or requirements; or
- (3) The only alternative to the alteration would be demolition of the historic property.

B. The alteration will not create an earlier historic appearance which is different than the remainder of the property or which has no historic basis.

C. Distinctive stylistic features and examples of skilled craftsmanship have been retained to the greatest extent possible.

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- D. The alteration is compatible in design, size, arrangement, proportion, detail, scale, color, texture, material and character with the rest of the historic property and the nearby area.
  - E. Signs, lighting and other appurtenances, such as walls, fences, awnings and landscaping, will be visually compatible with the traditional architectural character of the historic property.
- 373-6.4 The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used for guidance in the review of a development permit involving alteration of a historic and cultural resource.
- 373-6.5 Reasonable conditions may be imposed in granting an alteration permit. Particular conditions may be imposed based on the following considerations:
- A. Deteriorated architectural features should be repaired rather than replaced whenever possible. Deteriorated architectural features that cannot be repaired should be replaced with material which matches the original material in design, color, texture and other visual qualities. Whenever possible, repair or replacement of architectural features should be based on accurate duplications of features and composition of materials, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of architectural elements from other buildings or structures.
  - B. When surface cleaning of buildings or structures takes place, it should be undertaken with the gentlest effective means possible. Sandblasting and other abrasive cleaning methods that may damage the historic property should not be employed.
  - C. Every reasonable effort should be made to protect known archeological resources affected by and adjacent to any alteration project.
- 373-6.6 Ordinary Maintenance and Repair
- Nothing in this Section (373) shall be construed to prevent the ordinary maintenance or repair in or on any resource designated by this Section (373) that does not involve a change in design, material or external appearance thereof as defined in 373-6.2.
- 373-6.7 Any application to relocate or demolish a designated historic or cultural resource shall be reviewed through a Type III procedure.
- 373-6.8 Approval of a development permit to relocate a designated resource shall be based on all the following findings:
- A. The designated resource is in a land use district (e.g., R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, Neighborhood Commercial, Community Business, General Commercial, Office Commercial, TO:RC, TO:BUS, TO:EMP, Industrial, MAE, Rural Industrial or Rural Commercial) that allows higher density development; is an accessory building or structure to a historic farm house (e.g., a barn, garage or shed) in the

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R-5 or R-6 district; or is on land that is needed to accommodate the planned widening or realignment of a public road or transportation facility;

- B. The designated resource cannot reasonably be used in conjunction with the proposed use;
- C. It can be demonstrated that development of the site with the proposed use will occur within two years of approval of the development permit to relocate the designated resource;
- D. The location of the designated resource on a proposed development site precludes reasonable development of the site, and the locational problem cannot be reasonably resolved by an on-site relocation of a designated resource or the clustering of the proposed development;
- E. The designated resource is structurally capable of relocation;
- F. The proposed relocation site is a contextually appropriate setting for the designated resource; and
- G. The owner of the relocation site agrees, as a condition of the purchase agreement, to apply within ninety (90) days of relocation to the appropriate local jurisdiction for protection of the resource.

373-6.9 Approval of a permit to demolish a designated resource that does not qualify for abatement shall be based on findings A, B, C, and D in Section 373-6.8. Additionally, the Review Authority shall find:

- A. The designated resource cannot be moved because of structural inadequacies; or
- B. The property owner has been unable to find an appropriate relocation site for the building despite a documented effort, for a period of at least ninety (90) days, to sell or offer it to other property owners; and
- C. The property owner has documented that the Washington County Museum, and another appropriate agency or organization such as the Historic Preservation League of Oregon has been offered the opportunity to salvage and record the resource.

373-6.10 Where relocation or demolition would otherwise be allowed under Sections 373-6.8 and 6.9, yet preservation of a resource on its present site is in the public interest and complies with the intent of Statewide Planning Goal 5, the review authority or the appeal authority may delay issuance of a permit to relocate or demolish the resource for up to one-hundred and twenty (120) days from the date of the final decision to allow for public or private acquisition of the site which would result in preservation of the resource.

**373-7 Exemptions**

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Pursuant to ORS 197.772(3) the Director, through a Type I procedure, shall allow a property owner to be exempt from Section 373 of the historic and cultural resource overlay district. While this provision exempts the property from the requirements of Section 373, it does not remove the designation. The designation may be removed through the procedures of Section 373-11.

**373-8 Building Code Requirements**

373-8.1 Any alteration or relocation of a historic or cultural resource shall be subject to the applicable regulations under the Uniform Building Code.

373-8.2 As provided in Section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic or cultural resource may be made without conformance to all the requirements of the Uniform Building Code when authorized by the building official, provided:

- A. Any unsafe conditions as described in the Uniform Building Code are corrected;
- B. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and
- C. The building official seeks the advice of the Oregon State Historic Preservation Officer, or designee.

In the case of appeals related to the application of the Uniform Building Code to a historic or cultural resource, the County Building Code appeals board or the appropriate State appeals board shall seek the advice of the State Historic Preservation Officer.

**373-9 Partitions and Subdivisions**

When considering the partition or subdivision of a parcel of land which is the site of a designated historic or cultural resource, the Review Authority shall not allow a significant feature of the original site, as identified in the County Inventory, to be located on a separate parcel from the resource.

**373-10 Uses Allowed**

Allowed uses of an Historic and Cultural Resource within a designated Historic and Cultural Resource Overlay District shall be the same as those allowed in the primary district. However, with the exception of the EFU, EFC and AF-20 districts, other uses may be permitted by the Review Authority through a Type III procedure as an extraordinary method to preserve or improve a resource which would probably not be preserved or improved otherwise. In the EFU, EFC and AF-20 Districts home occupations as defined by and meeting the criteria of ORS 215.448 may be permitted through a Type III procedure in a designated historic building or structure. Uses which would not be allowed in the primary district shall be conditioned by the Review Authority to minimize any adverse impacts on neighboring properties.

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**373-11 Removal of Designation**

Unless revoked, the Historic and Cultural Resource Overlay District Designation may be removed only through a Plan Amendment process (through a Type III or Type IV procedure). The designation may be removed only upon substantial evidence that:

- 373-11.1 A property owner has requested removal of the designation pursuant to ORS 197.772; or
- 373-11.2 The original designation was in error; or
- 373-11.3 The resource has ceased to exist or is no longer of significance to the public, based on reevaluation of the criteria for a listing in the Cultural Resources Inventory under Comprehensive Framework Plan Policy 11, strategy a. or Rural/Natural Resource Plan Policy 13, Strategy a.; or
- 373-11.4 The economic, social, environmental and energy (ESEE) consequences of protection of the resource substantially exceed the ESEE consequences of allowing the conflicting use or activity. As an element of the ESEE analysis, evidence and findings necessary to demonstrate economic burden shall be as described in Section 373-4.3.

If the Review Authority only finds evidence of the criterion in 373-11.4, it may continue the hearing on the matter to a date certain no longer than one-hundred and eighty (180) days from the date the application was accepted. During this period, the County shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or private acquisition and/or relocation. If, by the second hearing date a means of assuring the protection of the resource has not been found, and the application has not been withdrawn, it shall be approved. If demolition of the resource is intended, conditions of approval shall be that: (1) the property owner documents that the Washington County Museum and another appropriate agency or organization such as the Historic Preservation League of Oregon have been given the opportunity to salvage and record the resource; and (2) the applicant shall demolish the resource, after obtaining necessary permits, within 180 days of final approval. If the demolition does not occur within that period, the County may initiate revocation of its action to remove the Overlay District, pursuant to Section 201-7.1.

**375 TRANSIT ORIENTED DISTRICTS**

**375-1 Intent and Purpose**

The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.

The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips

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serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.

**375-2 Transit Oriented District Names and Acronyms**

The following are the transit oriented districts, by name and acronym, addressed by this Section:

Transit Oriented Residential District, 9-12 units per acre (TO:R9-12)

Transit Oriented Residential District, 12-18 units per acre (TO:R12-18)

Transit Oriented Residential District, 18-24 units per acre (TO:R18-24)

Transit Oriented Residential District, 24-40 units per acre (TO:R24-40)

Transit Oriented Residential District, 40-80 units per acre (TO:R40-80)

Transit Oriented Residential District, 80-120 units per acre (TO:R80-120)

Transit Oriented Retail Commercial District (TO:RC)

Transit Oriented Employment District (TO:EMP)

Transit Oriented Business District (TO:BUS)

Throughout the remainder of this Section, individual transit oriented districts will be referenced by acronym rather than name.

**375-3 Definitions**

As used in this Section, the words listed below have the following meaning:

375-3.1 Bulk Product Sales A retail or wholesale-to-the-public use that sells primarily institutional sized or multi-pack products in bulk quantities.

375-3.2 Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.

375-3.3 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.

375-3.4 Floor Area Ratio The amount of enclosed gross floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of .5 means one square foot of floor area for every two square feet of site area (e.g., 20,000 square feet of floor area for a site area of 40,000 square feet).



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- 375-3.5 Floor Area, Gross The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. but excluding any space where the floor-to-ceiling height is less than six feet, as well as nonhabitable basement areas and structure floors devoted to parking.
- 375-3.6 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 375-3.7 Interior Yard The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
- 375-3.8 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is or will be sited facilities related to a light rail transit stop (e.g., the station platform, a park and ride lot, entry roads, bus stops, etc.) as determined by the Review Authority after reviewing documents including:
- A. The approved development plans for the station; and
  - B. The most recent engineering drawings issued by Tri-Met.
- 375-3.9 Neighborhood Park A public park no greater than three acres in size, excluding unbuildable lands set forth in Section 300-3.1 A. through F., containing recreational facilities such as playground equipment, ball courts, swimming pools, etc.
- 375-3.10 Park and Ride Lot A parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.
- 375-3.11 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 375-3.12 Retail Business Include businesses such as variety, hardware, drug, dry goods, clothing, book, office supply and similar stores, as well as eating and drinking establishments.
- 375-3.13 Site Coverage The part of a development site occupied by buildings. Parking structures do not qualify as buildings except where the first floor of a parking structure is in retail or office use.
- 375-3.14 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

**375-4 Permitted Uses and Review Procedures**

- Uses that are permitted in each of the transit oriented districts are described in Table A. The procedure through which uses may be permitted is also specified in Table A.
- 375-4.1 Uses Which May be Permitted Through a Type I Procedure

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Type I uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards, and Guidelines) and all other applicable standards of the Code. If a Type I use does not follow all of the applicable minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

375-4.2 Uses Which May be Permitted through a Type II Procedure

Type II uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. If a Type II use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall be required to demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

375-4.3 Uses Which May be Permitted through a Type III Procedure

Type III uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Uses that are identified as a Type III use in Table A (not including Type I or II uses that do not follow the design standards in Sections 431 as described in Sections 375-4.1 and 375-4.2) may either follow the design standards in Section 431 or demonstrate compliance with the design principles in Section 431.

375-4.4 Transit Oriented Development Review Committee

- A. The Director shall establish a Development Review Committee to act in a technical advisory capacity for the review of all Type II and Type III development applications in transit oriented districts.
- B. The Development Review Committee shall consist of representatives of all Type II and Type III affected Department of Land Use and Transportation divisions and Department contractors, appropriate County departments and other appropriate or affected agencies.
- C. It shall be the duty of the Development Review Committee to review all development applications in transit oriented districts for completeness and conformance to the applicable requirements of this Code, the applicable Community Plan, and the Transportation Plan. The Development Review

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Committee shall make recommendations to the Review Authority about an application's conformance with the applicable review requirements.

**375-5 Prohibited Uses**

- 375-5.1 Uses in each of the transit oriented districts that are identified in Table A as a prohibited use.
- 375-5.2 Structures or uses not specifically authorized by the applicable transit oriented district, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2.
- 375-5.3 New Facility 3 and 4 Communication Towers.
- 375-5.4 New Broadcast Towers.
- 375-5.5 Telecom Hotels.

**375-6 Change or Expansion of Existing Uses or Structures**

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.
- B. All other uses and structures that were lawfully in existence at the time of application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full compliance with all applicable standards and provisions of this Code and the applicable community plan.

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**375-7 Development Limitations for Permitted Uses in Transit Oriented Districts**

The following use or design limitations apply where specified in Table A:

1. The total gross floor area of commercial uses on a development site in the TO:BUS District shall not exceed forty (40) percent of the total gross floor area of all development on the development site, excluding floor area for hotels and associated conference rooms.
2. The total gross floor area of commercial uses on a development site in the TO:EMP District shall not exceed twenty (20) percent of the total gross floor area of all development on the development site.
3. Commercial uses shall be permitted in the TO:R24-40, TO:R40-80 and TO:R80-120 Districts through a Type III procedure only if:
  - (1) It can be demonstrated they primarily serve adjacent residences and offices;
  - (2) They are located on the first floor of a multi-story building; and
  - (3) The proposed site is located at the intersection of an Arterial street and a Collector street, an Arterial street and a Special Area Collector, an Arterial street and a Special Area Commercial Street, a Special Area Collector and a Collector, or a Special Area Collector and a Special Area Neighborhood Route; or

The proposed site is located on an Arterial, a Collector, a Special Area Collector, a Special Area Commercial Street, or a Special Area Neighborhood Route and is located across the street from lands designated either TO:RC or TO:BUS.

When all these criteria are met, up to ten (10) percent of the total gross floor area of a development, not exceeding ten-thousand (10,000) square feet, may be used for commercial uses.

4. Commercial uses in the TO:EMP District over five-thousand (5,000) square feet in gross floor area shall primarily serve employees of existing uses in the district. This means the review authority must find, based on evidence, that it is likely that at least fifty (50) percent of the projected customers of a proposed commercial use over five-thousand (5,000) square feet in gross floor area in the TO:EMP district will be employees of businesses located on the same property or adjacent properties.
5. Food markets in the TO:RC District shall be subject to the following size limitations:
  - (1) Food markets encompassing up to fifty-thousand (50,000) square feet in gross floor area shall be reviewed through, at minimum, the Type II procedure.

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- (2) Food markets encompassing between fifty-thousand and one (50,001) and seventy-five-thousand (75,000) square feet in gross floor area shall be reviewed through the Type III procedure.
6. Hotels in the TO:RC District shall have their sleeping quarters and meeting rooms only on the second floor and above.
7. Service stations shall be subject to the standards of Section 430-123. Additionally, service stations within two-thousand six-hundred (2,600) feet of a light rail station platform shall only be allowed within a multi-story structure that has a total gross floor area that is at least twice the first floor gross floor area. Service bays shall not be visible from an adjacent public street.
8. Short term commercial parking facilities shall rent parking spaces for occupancy by the hour. They shall only be allowed within a multi-story structure that has a total gross floor area that is at least twice the first floor gross floor area.
9. Commercial schools in the TO:RC District shall not exceed ten-thousand (10,000) square feet in gross floor area.
10. Theaters in the TO:BUS District shall meet the following development standards:
  - (1) Ground coverage for the theater building shall not exceed seventy-thousand (70,000) square feet; and
  - (2) The theater building shall not contain more than three-thousand five-hundred (3,500) seats for viewing.
11. The total gross first floor area of office uses on a property in the TO:RC District shall not exceed fifty (50) percent of the total gross first floor area of all existing uses on the property.
12. Where specified in a community plan, the percentage of gross floor area occupied by office uses in the TO:BUS District may be limited.
13. Office uses are permitted in the TO:R40-80 and TO:R80-120 Districts if located to allow shared parking with residences. The total gross floor area of office uses on a property in the TO:R40-80 District shall not exceed fifty (50) percent of the total gross floor area of all development on the property at build-out of an approved master plan, except where further limited by the applicable community plan. The total gross floor area of office uses on a property in the TO:R80-120 District shall not exceed twenty-five (25) percent of the total gross floor area of all development on the property.
14. Attached dwelling units (i.e., condominiums, apartments) and group residences are only allowed on the upper floors of non-residential buildings (i.e., retail uses) in the TO:RC District. Residential uses shall not be permitted as stand alone uses (i.e., structures). Residential uses shall, however, be allowed to be located on the upper floors of a parking structure designed to also serve a mixed-use transit oriented retail commercial or business development.

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15. Townhouses, rowhouses, apartments, and group residences, are allowed in the TO:BUS District. As specified in the applicable community plan, a minimum number of dwelling units or amount of residential development may be required on a site designated TO:BUS.
16. Warehouses are permitted in the TO:EMP District only if used for storing materials or products needed in or a product of a manufacturing process occurring on site, or in the maintenance and operation of on-site facilities.
17. The storage and maintenance of equipment and material used in the construction and maintenance of capital improvements such as water and sewer lines, park and recreation facilities, and schools, may occur in conjunction with administrative offices if such storage and maintenance occurs beyond one-thousand three-hundred (1,300) feet of a light rail station platform, and if the minimum floor area ratio standard for the site has been met or can be met upon build-out of an approved master plan.
18. The gross floor area of institutional uses on a property in the TO:BUS District shall not exceed ten (10) percent of the total gross floor area of all development on the property.
19. Churches in the TO:RC, TO:BUS and TO:EMP Districts shall share all needed parking with other uses. Churches in the TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts shall be located on sites that do not exceed seven (7) acres in size.
20. Elementary (primary) schools in the TO:R9-12 and TO:R12-18 Districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2) acres used by the school for play equipment, covered play areas and play fields may be subtracted from gross site acreage. Elementary schools shall comply with the standards of Section 430-121, except where there are conflicts with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
21. Special recreation uses in transit oriented districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2) acres of the special recreation use site that qualifies as common open space, as defined in Section 431-3.3, may be subtracted from gross site acreage. Special recreation uses in transit oriented districts shall offer several different recreation facilities (e.g., tennis courts, swimming pool, handball courts, and fitness equipment on one site) rather than providing only one (1) type of recreation facility such as a soccer field complex or a large water park. Special recreation uses in transit oriented districts shall comply with the standards of Section 430-131, except where there is a conflict with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.

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22. Accessory recreation uses are accessory and incidental to a residential development and provided for the service and convenience of the residents of the development. Accessory recreation uses to a residential development include the following facilities:
- (1) Clubhouse;
  - (2) Meeting hall;
  - (3) Day care center-Section 430-53.2;
  - (4) Recreation center;
  - (5) Gymnasium; and
  - (6) Indoor swimming pool.
- 23.a. Accessory uses and structures, as defined in Section 430-1, shall be permitted in all TO Districts subject to the provisions of Section 430-1.
- 23.b. Accessory outdoor seating related to the principal eating or drinking establishment use may be permitted, provided that the outdoor space is placed within a common open space and does not occupy public sidewalks. Sidewalks may be utilized for accessory outdoor seating if they meet the unobstructed width standards set forth in Section 431-5.1 B.(4) and approval is obtained from the Operations Division Manager. In addition, the area devoted to the accessory outdoor seating does not exceed:
- (1) an area greater than the equivalent of fifteen (15) percent of the dining, drinking, or both floor area; or
  - (2) seven-hundred and fifty (750) square feet.
- If outdoor dining is to exceed either fifteen (15) percent of the dining, drinking, or both floor area or seven-hundred and fifty (750) square feet, the additional area in excess of seven-hundred and fifty (750) square feet must provide additional parking at a ratio as provided by the appropriate zoning district. (NOTE: The area devoted to accessory outdoor seating areas may be excluded from the development's total gross floor area for purposes of determining compliance with the FAR requirements.)
24. Type I temporary uses and structures, as defined in Section 430-135.1, shall be allowed in all TO Districts subject to the provisions of Section 430-135.1.
25. Type I home occupations, as defined in Section 430-63, shall be allowed in all TO Districts subject to the provisions of Section 430-63.1.
26. Telecommunication facilities, excluding those identified in Section 375-5, shall be allowed subject to the applicable provisions of Section 430-109.

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27. When permitted in Transit Oriented Districts, group care facilities, including day care facilities, shall be subject to the provisions of Section 430-53, except that where in conflict, the dimensional and density requirements of this district shall supersede the dimensional requirements of Section 430-53.
28. Elementary (primary) schools in the TO:EMP District shall be located on an approved master plan development site occupied in common with the primary use in a campus development as defined by Section 431-3.3. The portion of the master plan development site occupied by the elementary school shall not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards of the TO:EMP District, up to two (2) acres used by the school for play equipment, covered play areas and play fields may be subtracted from gross site acreage. Elementary schools in the TO:EMP District shall comply with the standards of Section 430-121, except where there are conflicts with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
29. Mid-rise apartments in the TO:R18-24 District shall not exceed the maximum building height standard for the district, and shall comply with density transition standards for the district described in Section 431-8.2 D.
30. One (1) detached dwelling may be allowed on an existing lot or parcel, that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel does not exceed ten-thousand (10,000) square feet in area.
31. Where specified in a Community Plan, outdoor storage and display of plants in conjunction with a retail nursery/garden center shall be allowed through a Type II process.
- 32.a. A Retirement Housing Community, as defined in Section 430-53.7, may be permitted through a Type II or III procedure pursuant to Table A: Permitted and Prohibited Uses in Transit Oriented Districts, if the Retirement Housing Community use and location are specified in a Community Plan and permitted by an Area of Special Concern.
- 32.b. A modification to the maximum building height provision of Table B: Dimensional Requirements for Transit Oriented Districts, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:
  - (1) The Retirement Housing Community achieves ninety (90) percent of the maximum density allowed by the applicable land use district;
  - (2) Eight-five (85) percent of the community's parking is provided within an above-ground or below-ground parking structure; and
  - (3) The visual impact of the additional building height is mitigated by the site's unique physical attributes such as changes in topography or significant stands of large trees.



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32.c. A modification to the maximum front yard setback provision of Table B: Dimensional Requirements for Transit Oriented Districts, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:

- (1) The community achieves ninety (90) percent of the maximum density allowed by the applicable land use district;
- (2) Those setback areas which require a modification are designed and built to be enhanced and energized urban streetscapes that encourage interaction among residents of the development and adjoining neighborhoods. Pedestrian amenities and areas that are urban in nature, rather than suburban, are integral elements of the enhanced streetscape design. Amenities such as public plazas, sitting areas, covered walkways, public art, pedestrian scaled lighting, and significant water features (e.g., creek and fountain) are incorporated within the urban streetscape and are proportionately scaled to the surrounding walkways, landscaping and buildings. Required vehicular accessways are not considered to be elements of the urban streetscape although they may be located within the front yard setback area and may cross or be located adjacent to the urban streetscape;
- (3) Buildings are located as close to the edge of the urban streetscape as practicable given final topographic contours and the location and size of vehicular accessways;
- (4) The urban streetscape, excluding any vehicular accessway, is limited in width to forty (40) feet along the frontage of one-third (1/3) of the above-ground buildings;
- (5) Landscaping within the setback area includes a mixture of deciduous and evergreen trees, low shrubs and groundcover that allow for clear views from the public right-of-way through the setback area to the building frontages. The use of high shrubs and evergreen trees that function as screens shall be minimized to allow for clear views through the landscaped areas; and
- (6) A variety of pedestrian areas and amenities are provided at regular intervals along the street frontage and throughout the setback area to facilitate public interaction between the Retirement Housing Community residents, residents from adjoining neighborhoods, visitors and staff. These pedestrian areas and amenities include:
  - (a) An equal amount of active and passive pedestrian areas are provided where the public can meet and interact. A variety of hard surfaces (e.g., wood, textured concrete, brick, and gravel) are used throughout these pedestrian areas; and
  - (b) The following pedestrian amenities are included:

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1. Two (2) outdoor plazas;
2. Sitting areas with benches, furniture and low planter walls;
3. Pedestrian walkways through the urban streetscape that connect buildings directly to the urban streetscape and street;
4. Pedestrian-scaled lighting; and
5. Covered walkways connecting buildings to the street through the use of structures such as arcades, arbors, colonnades, or breezeways.

32.d. A modification to the requirements of Section 431-6.1 allowing off-street surface parking lots to be located in places other than the side or rear of buildings, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:

- (1) A maximum of fifteen (15) percent of the parking spaces provided within the Retirement Housing Community are located within off-street surface parking lots;
- (2) Off-street surface parking lots are small in size to mitigate visual impacts and include a maximum of forty (40) parking spaces;
- (3) The visual appearance of such surface parking lots is enhanced with landscape features (e.g., street trees, arbors, and water features) and pedestrian amenities (e.g., covered walkways, sitting areas); and
- (4) On-street parking is provided on the street in front of the site.

**375-8 Dimensional Requirements for Transit Oriented Districts**

Dimensional requirements for development in each of the transit-oriented districts are specified in Table B.

**375-9 Density Requirements for Transit Oriented Districts**

Density requirements for development in each of the transit-oriented districts are specified in Table C.

**375-10 Development Standards for Transit Oriented Districts**

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Section 403-3









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Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
<b>Accessory, Secondary and Temporary Uses and Structures:</b>									
Facility 2 communication towers greater than one-hundred (100) feet and up to two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109(26)	II	II	II	N	N	N	N	N	N
Facility 2 communication towers greater than two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109 (26)	III	III	III	N	N	N	N	N	N
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Elementary Schools Accessory to a Campus Development (28)	N	N	II	N	N	N	N	N	N

- I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.
- II = Permitted through a Type II process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.
- III = Permitted through a Type III process.
- ( ) = Use or design limitation(s) specified in Section 375-7.
- N = Prohibited.

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Table B. Dimensional Requirements for Transit Oriented Districts

DEVELOPMENT DIMENSION	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum Lot Area	None	None	None	2000 sq. ft.	2000 sq. ft.	None	None	None	None
Minimum Average Lot Width	None	None	None	24 feet	20 feet	None	None	None	None
Minimum Average Lot Depth	None	None	None	60 feet	60 feet	None	None	None	None
Minimum Building Height: - within 1300' of a station platform or within a Regional Center	20 feet	20 feet	None	None	None	None	None	None	None
- beyond 1300' from a station platform	None	None	None	None	None	None	None	None	None
- within a designated Town Center Core, as defined by an adopted Community Plan	20 feet at street corners	20 feet	None	None	None	None	None	None	None
- within a designated Town Center but outside a Town Center Core, as defined by an adopted Community Plan	None	None	None	None	None	None	None	None	None
Maximum Building Height (B)	60 feet	80 feet (A)	80 feet	40 feet	40 feet	50 feet	60 feet (F)	80 feet	80 feet
Yard Depth									
- frontage minimum (C)	None	None	None	10 feet	10 feet	10 feet	None	None	None
- frontage maximum (D)	10 feet	10 feet	None	15 feet	15 feet	15 feet	10 feet (G)	10 feet	10 feet
- interior minimum (E)	None	None	None	None	None	None	None	None	None
- interior maximum	None	None	None	None	None	None	None	None	None

- (A) Except where a community plan specifies a higher maximum height.
- (B) Where a building fronts on a pedestrian street, a ten (10) foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8.
- (C) Except as necessary to comply with Section 418, accommodate utility lines and easements.
- (D) Required maximum frontage yard dimensions: (1) shall apply to at least 50% of the first floor of a building facing a pedestrian street, as defined in Section 431-3.8; and (2) may be exceeded where the applicant



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demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transportation operations.

- (E) No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.
- (F) A modification to the maximum building height may be approved subject to Section 375-7.32.b. Such modification may exceed the required sixty (60) foot building height maximum by no more than fifty (5) feet for a total of one hundred-ten (110) feet.
- (G) A modification to the maximum front yard depth may be approved subject to Section 375-7.32.c.



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- (1) Within 1,300' of a transit center, the minimum density for development shall be 1.0 FAR.
- (2) If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.
- (3) The total square footage (FAR) of the residential component of a mixed-use development may be counted towards the minimum required FAR provisions of this section for mixed-use developments, provided that the total square footage of the residential component does not exceed 50-percent of the non-residential floor area requirement.

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(4)

**377 SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)**

**377-1 Purpose and Intent**

377-1.1 The purpose of the Special Industrial Overlay District is:

- A. To protect and enhance development opportunities for industrial uses which may require large sites in a planned campus industrial park setting;
- B. To provide the opportunity for small and medium size industrial uses to locate in proximity to large single user industrial uses;
- C. To provide an opportunity for the market place to demonstrate actual development through the industrial lot size requirements demanded by industrial uses;
- D. To preserve large lots for single major industrial uses until such a time as there is no demonstrated demand or need for such large lots.

377-1.2 The intent of the Special Industrial Overlay District is to recognize the need to provide large lots for single major industrial uses while recognizing that small and medium sized industrial uses may require siting in proximity to large uses in order to service such large uses. Additionally, the Special Industrial Overlay District recognizes the potential employment growth opportunities of small and medium industrial uses and provides a stable planned campus industrial park atmosphere which may accommodate such firms as employment and site size requirements change through time.

377-1.3 For the above reasons, development in the Special Industrial Overlay District is limited to the following categories of mutually compatible uses which require a park-like setting:

- A. High technology, light manufacturing, research and development, processing, storage and distribution;
- B. Freestanding offices, under Sections 377-5.2 and 377-5.3 only; and
- C. Planned industrial parks containing light manufacturing uses and related service and trade activities.

**377-2 Terms and Definitions**

For the purposes of this Overlay District (Section 377), the following definitions shall apply:

377-2.1 Special Industrial Overlay District

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An overlay district which may be applied in addition to the industrial designation in which additional provisions apply for the purpose of creating a unique setting.

377-2.2 SID Process

The procedure, as codified in the Special Industrial Overlay District Section, whereby tiers are established within the overlay district.

377-2.3 Committed Development

A. An arms length transfer of ownership, or a lease or build-to-lease agreement between two (2) legal entities based upon fair market value, including term of payment, and not for the purposes of circumventing the requirements of this Code.

(1) Fair market value will be based on demonstration by the applicant of the value of three comparable planned and designated industrial sites, comparable in size, services and natural features. The fair market value of the applicant's site must prove to be within twenty-five (25) percent of the average value of the three comparable sites; or

(2) For ground-lease arrangements or the transfer of ownership on lots of thirty (30) acres or greater, committed development may be demonstrated based upon the appraisal of real property. The appraisal shall be performed within the following conditions:

(a) Washington County shall make available to the applicant a list of three (3) M.A.I. certified appraisers;

(b) The applicant shall select one (1) from the list provided;

(c) Washington County shall contract the appraiser for the purposes of demonstrating compliance with the terms of Committed Development;

(d) The applicant shall reimburse Washington County for costs incurred on the appraisal.

(3) Approval of a Building Siting and Architectural Design application under the requirements of Section 406 of this Code that demonstrates full commitment of the subject area to complete urban development consistent with the provisions of the SID such that no further parcelization is or will be required.

B. The applicant may prove committed development, by demonstrating that the area has been physically improved, by providing copies of building permits for allowed buildings where such buildings demonstrate full commitment of the subject area to complete urban development consistent with the provisions of the SID such that no further parcelization is or will be required.

377-2.4 Tier

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An area of land within a Special Industrial Overlay District delineated in the Master Plan-Site Analysis process and designated for a certain level of development activity according to prescribed conditions within the overlay district.

**377-2.5 Industrial Park**

A planned industrial development designed as a coordinated environment for a variety and mix of industrial and industrial support uses, having a comprehensive development plan which ensures compatibility among uses and with adjacent properties, which occurs on a parcel or adjacent parcels under single ownership or development control.

**377-2.6 Gross Area**

The total land area within the SID boundary, including development which existed prior to the establishment of the district, expressed in acres or fractions thereof.

**377-2.7 Net Buildable Area**

The total land area within the SID, excluding present and future rights-of-way, restricted hazard areas, public open space, flood plain, bodies of water, and restricted resource protection areas, expressed in acres or portions thereof.

**377-3 Designation of Special Industrial Overlay District**

The Special Industrial Overlay District shall be designated on the community plan maps through the community planning process, through the plan update process or through a plan amendment under the policies and criteria set forth in the Comprehensive Framework Plan.

**377-4 Standards**

These standards apply in addition to the general provisions of the Industrial District.

**377-4.1** Within the Industrial District, a contiguous area of largely undeveloped land of fifty (50) or more acres may be designated "Special Industrial Overlay District" (SID) on the community plan map through line application of the overlay. Areas are considered contiguous even if separated by streets, roads, easements and natural features. Areas designated SID should have adequate and convenient access to an arterial and should have relatively few separate ownerships to facilitate consolidation.

**377-4.2** Prior to the issuance of any development permit, the Master Plan-Site Analysis must be processed and approved for the entire SID. The Master Plan-Site Analysis is to be considered a schematic commitment of three (3) tier types to certain levels of use and minimum lot size. It does not require the legal partitioning of the three (3) tiers into three (3) lots, nor does it require the subdivision of lots with the tiers until such a time as development occurs.

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- A. This does not, however, preclude an applicant from submitting a Master Plan-Site Analysis for the SID which would include all possible tiers. Where such a Plan is submitted and approved, all remaining tiers shall be processed under a Type I procedure as long as the subsequent application is consistent with the Plan initially approved. If an application is determined to be inconsistent with the initial plan approval, a Type II procedure shall be followed.
  - B. The Master Plan, once approved, is binding on the property and development may occur only under the conditions of the SID provisions, regardless of ownership.
  - C. All variances under Section 435 (Variances and Hardship Relief) are specifically prohibited in this district.
- 377-4.3 Within the SID, development shall conform to the following requirements regardless of ownership pattern. Development within the SID may occur under only one (1) of the following two (2) options:
- A. Option A - Thirty (30) Acre Minimum Lot Size:

Through the Site Analysis, processed as a Type II procedure, lots may be partitioned or subdivided to a thirty (30) acre minimum lot size for the use of a single major industrial user, a user which requires or will ultimately require a total of at least thirty (30) acres for its operation. Uses permitted on such parcels are those listed in Sections 377-5.1 through 377-5.2. Industrial Parks are not permitted.
  - B. Option B - SID Process:

Under the utilization of this option, a Site Analysis shall be submitted for the entire area covered by the SID which shall be processed through a Type III procedure without the flexibility permitted under that process but instead with the flexibility permitted herein. The Site Analysis shall designate three (3) tiers as described in "C" below.
  - C. Descriptions:
    - (1) Tier I

A maximum twenty (20) percent of the initial gross acreage of the SID as delineated on the community plan map with a two (2) acre minimum lot size and uses permitted as listed in Sections 377-5.1, 377-5.2 and 377-5.3.
    - (2) Tier II

A maximum twenty (20) percent of the SID gross acreage with a minimum lot size of ten (10) acres and uses permitted as listed in Sections 377-5.1, 377-5.2 and 377-5.3.
    - (3) Tier III

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A minimum sixty (60) percent of the SID with a thirty (30) acre minimum lot size and uses permitted as listed in Sections 377-5.1 and 377-5.2.

377-4.4 Under Option B, SID Process (Section 377-4.3 B.), the following development conditions shall be available at the initiation of an applicant, once prescribed conditions have been met:

A. Committed Development Adjustment:

(1) Tier I

(a) Following the development of sixty-seven (67) percent of the net acreage in Tier I, an applicant may initiate a petition to permit land division down to a five (5) acre minimum lot size in Tier II. Uses permitted shall continue as prescribed for Tier II.

(b) The application shall be a Site Analysis application and shall be processed through a Type II procedure with the applicant demonstrating that the sixty-seven (67) percent development condition has been met and is in compliance with other applicable standards of this Code.

(2) Tier II

Following the development of sixty-seven (67) percent of the combined net acreage in Tier I and Tier II of the first SID, an applicant may petition for a second SID on any vacant area of fifty (50) acres or greater in Tier III. Such an application shall be made as a Site Analysis application and shall be processed through a Type II procedure unless previously approved under Section 377-4.2 A., then it shall be processed as a Type I. The burden of demonstrating that sixty-seven (67) percent development of Tier I and II has been met and is in compliance with the applicable standards of this Code rests on the applicant.

B. Additional Tiers:

The total number of times the SID process of creating new tiers may be applied is determined by the formula below:

Formula:  $\frac{\text{Gross Acreage of SID}}{50 \text{ Acres}} = \text{Maximum Number times the SID Process may be applied}$

Example:  $\frac{210 \text{ Gross Acres}}{50 \text{ Acres}} = 4.2 \text{ Times}$

Result: The SID process may be applied four (4) times in this Special Industrial District creating a potential total of 9 final tiers.

Note: If the formula results in a fraction 0.5 or above, an additional SID process may occur if the conditions in Section 377-4.4 C. can be met.



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C. Final SID:

When the SID has been legally applied, and when in subsequent applications, Tiers I and II have been sixty-seven (67) percent or more developed, and when the option of going through one additional SID process to create an additional set of tiers remains except the remaining acreage in Tier III is less than the fifty (50) acre minimum required for application of an SID, then any vacant buildable land remaining in Tiers I and II from previous tier phases may be added to Tier III to create a fifty (50) acre parcel for the application of an additional SID with the following limitations:

- (1) No more than a combined total of five (5) acres of vacant buildable land may be transferred from Tiers I and II of the previous phase for such purposes;
- (2) Land so transferred must be contiguous and incorporated into the overall design of the SID in a cohesive and comprehensive manner which lends itself to the orderly provision of services and creates compatible lotting patterns and uses of land; and
- (3) Such a transfer shall occur through a Type I lot line adjustment.

D. Expansion of Existing, Contiguous Industrial Development

- (1) When an existing, approved industrial use requires expansion to a contiguous area, and when such expansion can only occur on the last remaining thirty (30) acre parcel within the SID as a result of other contiguous areas being fully committed to development, the use of the last remaining thirty (30) acre parcel within the SID for industrial expansion will be permitted under the following conditions:
  - (a) Expansion must be from a contiguous, existing industrial development;
  - (b) The proposed expansion involves a single-user industrial use;
  - (c) The proposed expansion will require a minimum of five (5) acres;
  - (d) The proposed expansion will not create a remaining lot of less than five (5) acres in the last remaining thirty (30) acre parcel;
  - (e) No further parcelization of the lot used for expansion shall be permitted; and
  - (f) The above described process shall occur through a Type II lot line adjustment. The expansion under these provisions shall not create a new, separate lot, but rather shall be an addition to the previous lot.

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- (2) Once the entire SID, as designated by the Community Plan, has been developed to sixty-seven (67) percent of its potential and one (1) thirty (30) acre parcel in Tier III remains vacant and cannot meet the conditions set forth in 377-4.4 C., the SID restrictions on that thirty (30) acre parcel and remaining buildable vacant land within the SID may be removed, with the exception of the use provisions of the SID, through the Plan Amendment process under the conditions of strategy M under Policy #1 of the Comprehensive Framework Plan.

377-4.5 Special Conditions

A. Preexisting Lots:

- (1) Preexisting lots within the boundary of an SID shall be considered as a part of the appropriate Tier of the first SID based upon their lot size.
- (2) The lot size of any preexisting lot shall be maintained until the Master Plan-Site Analysis for the entire SID is made, at which time it may be partitioned into lots which meet the minimum lot size permitted in the Tier in which it is included.
- (3) Development on preexisting lots shall be preceded by a Master Plan-Site Analysis application for the entire SID.

- B. Once the initial application of tiers within the SID process has occurred, that is, the Master Plan-Site Analysis has been approved, identifying the three (3) tiers, and once development occurs on any part of the SID under the approved Master Plan, the tiers become fixed and cannot be transferred or altered except as permitted by the provisions of the SID, with the following exceptions:

(1) Trades

In the event a landowner has an opportunity to sell, lease or lease-to-build a vacant parcel or vacant parcels previously approved as part of Tier I, II or III, and the purchaser or lessee desires the parcel(s) to be located in a tier of SID not previously contemplated and approved for that lot size or location, the landowner may petition for a lot location trade within the SID. A parcel location trade shall involve only vacant buildable lands and such a trade shall involve equal amounts of land such that the net results of potential lot parcelization is exactly equal to what it would be both before and after such a trade. The adjustment shall be approved if the parcel locations resulting from the trade can be incorporated into the overall design of the SID in a cohesive manner which lends itself to acceptable patterns and uses of land. Parcel location trades will be processed as a Type I procedure. Notwithstanding any other parcel procedure, lot line adjustments shall be processed as a trade.

C. Mortgage Lot in a Special Industrial District

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The creation of a mortgage lot within the Special Industrial District may be considered through a Type I procedure subject to the following cited limitations:

- (1) The proposed mortgage lot shall be limited to and located in Tier III of an approved Special Industrial Overlay District;
- (2) The parent lot, from which the mortgage lot is to be created, shall be a lawfully created lot located in Tier III of an approved Special Industrial Overlay District;
- (3) The parent and mortgage lot shall both have legal access;
- (4) The proposed mortgage lot shall be a minimum of ten (10) acres in size;
- (5) An affidavit, approved as to form by County Counsel, shall be completed, signed, notarized and filed with the Director of Records and Elections for filing under Deed Records stating that the applicant agrees:
  - (a) That in the event of a sale or transfer, both lots will be sold simultaneously as a unit to the same buyer,
  - (b) That the mortgage lot and the balance of the parent lot will be consolidated into one (1) tax lot as soon as the applicant secures title to either, and in the event of foreclosure, the balance of the parent lot becomes unbuildable unless subject to the benefits accruing through a valid reiteration of a subsequent Special Industrial Overlay District approval.
- (6) A lawfully created lot in Tier III of an approved Special Industrial Overlay District shall be eligible for only one (1) mortgage lot at any point in time.

**377-5 Uses Permitted**

The following lists of uses are uses which may be permitted under the review procedure indicated except when the particular use has been reviewed and approved through the Master Plan-Site Analysis process for a specific location within the SID, then the application for a development permit for the approved use shall be a Type I procedure unless the use has been changed in location, nature and size.

**377-5.1 Uses Permitted Through a Type I Procedure:**

- A. Accessory Uses and Structures - Section 430-1.
- B. Temporary Use - Section 430-135.
- C. Bus Shelter - Section 430-23.
- D. Recycle Drop Box - Section 430-113.

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- E. Uses which are exempt from the Public Facilities standards as specified in Section 501-2 of this Code.
  - F. Facility 3 and 4 Communication Towers that:
    - (1) Do not exceed a maximum height of sixty-five (65) feet; and
    - (2) Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.
  - G. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
  - H. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
    - A. Do not exceed a maximum height of sixty-five (65) feet; and
    - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.
- 377-5.2 Uses Permitted Through a Type II Procedure:
- A. Development, manufacture or assembly of:
    - (1) Communication equipment, electronic equipment and supplies;
    - (2) Scientific and precision instruments and equipment;
    - (3) Engineering laboratory, scientific and research instruments; and
    - (4) Electromedical apparatus, biomedical, surgical and medical instruments, artificial limbs, hearing aids, dentures, ophthalmic goods, and other medical or dental devices.
  - B. Research and Development:
    - (1) Research and development laboratories; and

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- (2) Industrial trade or skill schools and training centers.

C. Processing and Storage of:

- (1) Photographic laboratories, blue printing, photoengraving, photocopying, printing, publishing and bookbinding, including on-site commercial service associated with said use;
- (2) Wholesale business, storage buildings and warehouses; and
- (3) Storage and distribution.

D. Construction of a local street not in conjunction with a development application or within existing right-of-way.

E. Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.

F. Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 377-5.1 E.:

- (1) Garages for storage and maintenance of motor vehicles used by the principal use;
- (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
- (3) Maintenance and utility shops for equipment used by the principal use;
- (4) Central heating, air conditioning and refrigeration plants;
- (5) Water storage, drainage and treatment facilities;
- (6) Fire protection facilities;
- (7) Educational facilities;
- (8) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
- (9) Clinics, cafeterias, lounges and recreational facilities for employees;
- (10) Living quarters for custodians and caretakers;
- (11) Rental and development information offices;
- (12) Laundry facilities;
- (13) Electrical substations;

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- (14) Administrative offices related to the principal use;
- (15) Day-care facility primarily for use by employees and their families; and
- (16) Retail outlets for warehousing or manufacturing operations, limited to ten (10) percent of total floor area. The retail area shall be physically separated, by a wall or other barrier, from warehousing and or manufacturing operations. Warehousing and storage areas shall not be used as showrooms.

G. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

377-5.3 Uses Which May be Permitted Within an Industrial Park:

- A. Industrial parks may be established within the Special Industrial Overlay District on a minimum of ten (10) contiguous acres in Tier I or II under a Type III Master Plan-Primary Use Procedure with the flexibility of standards provided for in the Master Plan-Primary Uses provisions only. The application for the Industrial Park may be processed simultaneously with the application for establishing the tiers through the SID, as a Master Plan-Primary Use application.
- B. Specific uses may be approved through this process if the nature, size and location of the use is identified and the public facilities standards of Section 501 are met. If approved through the Master Plan application, such uses will be eligible for a development permit through a Type I procedure. Uses not approved in this manner or uses which are changed after approval of the Master Plan application shall be reviewed through a Type II Procedure prior to issuance of a development permit.
- C. All uses listed in Sections 377-5.1 and 377-5.2 may be permitted within industrial parks. Uses listed under Section 377-5.4 may be permitted through the Type III procedure. Additional uses may also be permitted in industrial parks under the following conditions:
  - (1) The minimum lot size shall conform to the appropriate tier, except each SID as defined by the Community Plan is permitted one (1), one (1) acre minimum lot size lot for one use listed in Section 377-5.2 C. (3) and one (1), one (1) acre minimum lot size lot for one use listed in Section 377-5.3 C. (7)(a).
  - (2) The building floor area shall be determined based on buildings in existence at the time of application together with buildings for uses approved through the application.
  - (3) The maximum ground floor building area shall in no case exceed the maximum allowed by computing the total permitted building floor area in the industrial park based on the lot coverage allowed.

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- (4) No more than fifteen (15) percent of the combined total ground floor building area within the industrial park may be utilized for the uses specified in (6) and (7) below to insure the primary character of the district remains industrial.
- (5) Such uses shall be limited to a scale to serve persons working in the Special Industrial Overlay District and only secondarily to serve residents in the area. Such uses are limited to a maximum building floor area size of five-thousand (5,000) square feet per business premise.
- (6) Uses which may be permitted under the aforementioned conditions through a Type II procedure:
  - (a) Restaurant, delicatessen or cafeteria primarily for employees if located on an interior street within the industrial park;
  - (b) Recreation facilities, indoor or outdoor exercise facilities, primarily for employees; and
  - (c) Day-care facilities primarily for employee families.
- (7) No more than twenty-five (25) percent of the combined total ground floor building area within the industrial park may be utilized for the following office uses in order to maintain the primarily industrial character of the district. These uses shall be supportive of or related to the permitted industrial uses in the SID. Free standing office buildings must be occupied by a single tenant which utilizes at least twenty-five (25) percent of the gross building floor area. Uses which may be permitted under the above conditions through a Type II procedure:
  - (a) Offices for financial institutions, banks and credit unions; and
  - (b) Professional offices for accounting, auditing and bookkeeping; architectural; engineering including surveying; medical; law; other professional uses.

377-5.4 Uses which may be permitted through a Type III Procedure.

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. The Review Authority shall make specific findings with respect to the use being compatible to the intent and purpose of the district. Approval may be further conditioned by the Review Authority pursuant to Section 207-6.

- A. Parcel Delivery Service.
- B. Government and Special District Facilities.

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- C. Transit Stations or Park and Ride Lots - Sections 430-89 and 430-139.
- D. Public Utility - Section 430-105.
- E. Heliport - Section 430-59.
- F. Solid Waste Transfer Station - Section 430-129.
- G. Communication Towers greater than two-hundred feet in height - Section 430-109.
- H. Broadcast Towers – Section 430-109.

**379 MINERAL AND AGGREGATE OVERLAY DISTRICT**

**379-1 Intent and Purpose**

379-1.1 The purpose of the Mineral and Aggregate Overlay District is to protect mineral and aggregate resources for future use, to provide for the development and utilization of resources currently needed for economic development consistent with the requirements of LCDC statewide Goal 5 and to regulate resource extraction and processing activities to balance their impact on existing adjacent land uses.

379-1.2 The intent of the Mineral and Aggregate Overlay District is to:

- A. Provide for public awareness of existing and potential mineral and aggregate resource extraction and processing activities;
- B. Establish clear and objective operational standards for the extraction and processing of mineral and aggregate resources;
- C. Simplify the review and permit processes for mineral and aggregate resource extraction and processing activities;
- D. Ensure the reclamation of lands after mineral and aggregate resources extraction activities are completed;
- E. Balance significant Goal 5 resources when evaluating and designating new mineral and aggregate sites; and
- F. Protect significant aggregate resources from new conflicting uses.

**379-2 Application of the Mineral and Aggregate Overlay District**

379-2.1 The Mineral and Aggregate Overlay District shall consist of two distinct elements, District A and District B.

379-2.2 "District A" may be applied only in the FD-20, FD-10, EFU, EFC, AF-20, AF-10, AF-5, RR-5, MAE, R-IND and IND Districts.



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379-2.3 "District B" may be applied to any Land Use District.

**379-3 Elements of the Mineral and Aggregate Overlay District**

379-3.1 District A:

Mineral and Aggregate Overlay District A shall be applied to sites upon which extraction, processing and stockpiling activities are currently undertaken and to sites which may be identified for extraction, processing and stockpiling activities in the future. A District A site may consist of one or more tax lots or portion(s) of single tax lots. A District A designation may be applied only to those primary Land Use Districts identified in Section 379-2.

379-3.2 District B:

Mineral and Aggregate Overlay District B shall be applied to properties or portions of properties adjacent to or within one-thousand (1,000) feet of all District A sites except when District A sites are located inside of or within one-half mile of the Regional Urban Growth Boundary, in which case District B shall also include all those properties designated as urban within one-half mile of a District A site except where the County has no jurisdiction. The extent and location of District B shall be directly dependent upon the extent and location of District A and shall be determined at the time a District A site is proposed and designated.

**379-4 Designation of Mineral and Aggregate Overlay District**

379-4.1 The Mineral and Aggregate Overlay District may be applied on the Comprehensive Plan Maps through the initial legislative planning process, the plan update process or through a legislative plan map amendment under the policies set forth in the Comprehensive Framework Plan and the criteria contained in Section 379-4.2.

379-4.2 Notwithstanding the provisions of this Code, an application for a Mineral and Aggregate Overlay District designation through a Type IV legislative plan amendment process may be initiated by the owners, contract purchasers or authorized agent of the owner or contract purchasers of a proposed District A site and shall be based upon the following criteria:

- A. A demonstration of conformance with the applicable policies and strategies of the Comprehensive Framework Plan;
- B. A report from a certified geologist, mining engineer or qualified engineering testing firm verifying the location, type, quality and quantity of mineral and/or aggregate resources. The quality of the aggregate resource shall meet the following minimum requirements:

(1) Abrasion (AASHTO T96) Loss of not more than 30% by weight;  
(OSHD TM 211)

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- (2) Oregon Air Degradation (OSHD TM 208)                      Loss of not more than 30% by weight;
  - and
  - (3) Sodium Sulphate Soundness (OSHD TM 206)                      Not more than 12% by weight;
- C. A demonstration of conformance with the dimensional requirements in Section 379-13.1;
- D. If the proposed District A is within or adjacent to an EFU, EFC or AF-20 land use district, submittal of the following required findings is necessary:
- (1) The proposed use will not:
    - (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
    - (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective;
- (2) The applicant has signed a waiver of the right to remonstrate against commonly accepted farm or forest practices; and
  - (3) In the EFC District, the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- E. A report identifying all potential and mapped conflicting uses including farm and forest uses, dwelling units, and significant natural and cultural resources;
- F. If existing conflicting uses are identified, the applicant shall provide a program based upon the economic, social, environmental and energy consequences analysis that will minimize any negative effects of the mineral and aggregate resource related activities on the identified conflicting uses; and
- G. A report from a certified geologist, engineer or hydrologist examining the potential impact of mineral and aggregate resources on groundwater supplies and wells in the surrounding area.

**379-5 Exemptions from the Mineral and Aggregate Overlay District Regulations**

379-5.1 The following mineral and aggregate related activities addressed in OAR 632-30-016 are exempt from the provisions of Section 379, except in the EFU and AF-20 Districts. Operators or landowners claiming any of these exemptions may be asked

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to establish the validity of the exemption by providing a copy of an exemption certificate issued by the Department of Geology and Mineral Industries.

- A. Mining, quarrying, crushing, screening or washing of extracted materials used exclusively for the construction of access roads. To maintain this exemption, no more than five thousand (5,000) cubic yards of material may be removed during any consecutive twelve (12) month period. Such excavations greater than six-thousand (6,000) square feet shall be subject to the provisions of Section 410, Grading and Drainage.
- B. Excavation or grading operations conducted in the process of farming or cemetery operations. To maintain this exemption, no more than five-thousand (5,000) cubic yards of material may be used for another purpose during any period of twelve (12) consecutive months.
- C. Excavation of mineral and aggregate materials from the beds and banks of any waters in the County when conducted pursuant to a permit issued under ORS 541.605 to 541.660 by the Division of State Lands.
- D. On-site construction operations within a County approved construction site.
- E. Surface mining operations which involve less than five-thousand (5,000) cubic yards total material disturbance and/or less than one (1) acre of ground during any consecutive twelve (12) month period and are used strictly for on-site purposes. Such excavations greater than six-thousand (6,000) square feet shall be subject to the provisions of Section 410, Grading and Drainage.
- F. Exploratory excavations for mineral and aggregate resources which involve less than five-thousand (5,000) cubic yards total material disturbance and/or less than one (1) acre of ground. Mineral exploration activities which do not exceed the "5,000 cubic yards and/or 1 acre of land" threshold criteria at any one area are exempt until the total area affected equals one (1) acre for each eight (8) acres prospected or explored or a total of five (5) acres, whichever is first. Such exploratory excavations disturbing more than six-thousand (6,000) square feet shall be subject to the provisions of Section 410, Grading and Drainage.
- G. Excavation operations conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance.

379-5.2 In the EFU and AF-20 Districts, the following mineral aggregate related activities addressed in ORS 215.298 are exempt from the provisions of Section 379.

- A. Mining for no more than one-thousand (1,000) cubic feet of material or excavation preparatory to mining of a surface area of more than one acre. To maintain this exemption, no more than five-thousand (5,000) cubic yards of material may be used for another purpose during any period of twelve (12) consecutive months; and
- B. Excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary

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purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.

**379-6 Uses Permitted Through a Type I Procedure in District A**

Uses permitted through a Type I procedure in the Primary Land Use District except those uses defined as noise sensitive uses, subject to the applicable standards as set forth in Article IV and Section 379-13 and 379-14.

**379-7 Uses Permitted Through a Type II Procedure in District A**

The following uses are permitted subject to the applicable standards as set forth in Article IV and Sections 379-13 and 379-14.

- 379-7.1 Mining or quarrying operations for the extraction of rock, clay, soil, sand, gravel or other minerals;
- 379-7.2 The following uses when in conjunction with a mineral and aggregate extraction operation:
- A. Crushing, washing and screening of mineral and aggregate materials;
  - B. Stockpiling of mineral and aggregate materials and earth products;
  - C. An office, shop or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment;
  - D. Sale of products produced from a mineral and aggregate extraction and processing operation;
  - E. One detached dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman;
  - F. Asphalt batch plant, except in the EFU and AF-20 Districts;
  - G. Concrete batch plant;
  - H. Asphalt batch plant in the EFU or AF-20 Districts, except when located within two (2) miles of a planted vineyard. Batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and
  - I. Storage of equipment or machinery and supplies necessary for mineral and aggregate extraction or processing.
- 379-7.3 Noise sensitive uses otherwise allowed through a Type I procedure in the Primary Land Use District; and

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379-7.4 Uses permitted through a Type II procedure in the Primary Land Use District.

**379-8 Uses Which May Be Permitted Through a Type III Procedure in District A**

Uses which may be permitted through a Type III procedure in the Primary Land Use District, subject to the applicable standards as set forth in Article IV and Section 379-13 and 379-14, and as may be conditioned by the Review Authority.

**379-9 Uses Permitted Through a Type I Procedure in District B**

Uses Permitted Through a Type I Procedure in the Primary Land Use District except those uses defined as noise sensitive uses, subject to the applicable standards as set forth in Article IV.

**379-10 Uses Permitted Through a Type II Procedure in District B**

The following uses are permitted subject to the applicable standards as set forth in Article IV.

379-10.1 Noise sensitive uses allowed through Type I and Type II procedures in the Primary Land Use District subject to the applicable standards in Section 379-14.

379-10.2 Uses otherwise permitted through a Type II procedure in the Primary Land Use District.

379-10.3 The affected quarry operator and quarry owner shall be notified of Type II actions pursuant to Section 204-3.

**379-11 Uses Which May be Permitted Through a Type III Procedure in District B**

379-11.1 Uses which may be permitted through a Type III procedure in the Primary Land Use District, subject to the applicable standards as set forth in Article IV and Section 379-14, and as may be conditioned by the Review Authority.

379-11.2 The affected quarry operator and quarry owner shall be notified of Type III actions pursuant to Section 204-4.

**379-12 Prohibited Uses**

Structures or uses not specifically authorized by Section 379.

**379-13 Development Standards - District A**

An applicant shall submit a plan for a mineral and aggregate resource extraction site, prepared by a certified geologist, mining engineer, engineering testing firm or other qualified personnel, which demonstrates compliance with the following standards:

379-13.1 Dimensional Requirements

A. Lot Area:

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The minimum area shall be that necessary to meet setback requirements in Section 379-13.1 B.

B. Setbacks:

- (1) Mineral and aggregate extraction
  - (a) One-hundred (100) feet from any District A boundary.
  - (b) Five-hundred (500) feet from a noise sensitive use existing at the time this District was applied.
  - (c) When a District A boundary abuts another District A boundary or a designated mineral or aggregate resource in an adjacent county, no setback for mineral and aggregate extraction is required along the common boundary line.
- (2) Processing of mineral and aggregate materials
  - (a) Five-hundred (500) feet from any District A boundary.
  - (b) Seven-hundred and fifty (750) feet from a noise sensitive use existing at the time this District is applied.
- (3) Office, shop or other accessory structure
  - (a) Fifty (50) feet from an exterior property line.
  - (b) One-hundred (100) feet from a noise sensitive use existing at the time this District is applied.
- (4) Detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman.
  - (a) Fifty (50) feet from the front property line.
  - (b) Ten (10) feet from a side or rear property line.
- (5) Storage of operational or non-operational equipment for the production and/or processing of mineral and aggregate materials.
  - (a) Fifty (50) feet from any District A boundary.
  - (b) One-hundred (100) feet from a noise sensitive use existing at the time this District is applied.
- (6) Storage of overburden to be saved for reclamation uses may be allowed within setbacks subject to conformance with the reclamation plan.

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C. Height:

The maximum height of any structure, except mineral and aggregate processing equipment, shall be thirty-five (35) feet.

D. Signs:

Maximum sign area shall not exceed thirty-five (35) square feet per entrance.

379-13.2 Screening and Fencing

A. Adequate screening with indigenous plantings shall be preserved or established, wherever possible, to screen the view of the site and all related equipment from any public road, urban land use district and any existing noise sensitive use located within one-thousand (1,000) feet of the site. The appropriate type of screening and buffering in Section 411 shall be determined by the Review Authority. For the purpose of determining the appropriate screening and buffering type, mineral and aggregate extraction shall be considered an industrial use.

B. Fencing shall be required to eliminate any safety hazards that use of site may create for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the Review Authority.

379-13.3 Access

A. All private access roads from mineral and aggregate sites to public highways, roads or streets shall be paved or graveled. If graveled, the access road shall be graded and oiled as needed during the period from June to September to minimize dust.

B. If access from a mineral and aggregate site uses graveled public highways, roads or streets, the Review Authority shall require the mineral and aggregate site operator to grade and oil these roadways regularly to the extent needed to minimize impacts on adjacent land uses.

C. An effective vehicular barrier or gate shall be required at all access points to the site.

379-13.4 Hours of Operations

A. Blasting shall be restricted to the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays or the following holidays:

- (1) January 1
- (2) Memorial Day
- (3) July 4

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- (4) Labor Day
  - (5) Thanksgiving Day
  - (6) December 25
- B. The Review Authority may grant exceptions to the hours of operation for those mineral and aggregate extraction operations that are subject to restricted operating hours through a Type II procedure pursuant to the following:
- (1) There are no noise sensitive uses located within one-thousand (1,000) feet of the mining site; or
  - (2) If noise sensitive uses are located within one-thousand (1,000) feet of the mining site, the increased activity will not exceed noise standards established by the Department of Environmental Quality; or
  - (3) In the case of blasting, the operator shall be responsible for notifying noise sensitive uses within one-thousand (1,000) feet by first class mail which is mailed at least ninety-six (96) hours prior to the date and approximate time of the blasting activity for which the operator receives an exception.
- C. The Review Authority may grant exceptions to the hours of operation for those mineral and aggregate extraction operations that are subject to restricted operating hours through a Type I procedure when additional hours of operation are needed to accommodate increased production to alleviate a public emergency. A public emergency includes damage to public road or structure which requires significant amounts of aggregate for repair or rebuilding.

379-13.5 Environmental Standards

Mineral and aggregate resource extraction, processing and stockpiling shall conform to the applicable standards as set forth in Section 423, Environmental Performance Standards. The applicable noise and emission standards on the effective date of this Ordinance shall be those adopted by the Oregon Department of Environmental Quality as set forth in Oregon Administrative Rules, Chapter 340, dated June 1983. The Board may consider future revisions to these standards. Said revisions may be adopted by the Board by Resolution and Order after a Type III hearing with a generalized notice to all owners of record within two-hundred and fifty (250) feet of District "B" boundary.

379-13.6 Safety Standards

- A. All buildings, structures, and equipment used for the production or processing of mineral and aggregate materials shall be maintained in such a manner to assure that such buildings, structures and equipment will not become hazardous.
- B. Access to all mineral and aggregate sites shall be gated and locked when not in operation.



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379-13.7 Site Reclamation

A site reclamation plan (prepared in conjunction with a State of Oregon surface mining operating permit) which demonstrates that the mineral and aggregate extraction site will be reclaimed for the land uses specified in the Primary District shall be submitted. The reclamation plan shall be prepared by the applicant or the applicant's agent and approved by the State of Oregon Department of Geology and Mineral Industries pursuant to ORS Chapter 517, and the standards and procedures contained in OAR Chapter 632, Division 30 or Division 35, whichever is applicable.

379-13.8 Performance Agreement

- A. The operator of a mineral and aggregate site shall provide the County sufficient evidence on an annual basis that the operator has in full force and effect the bond or security deposit required by ORS 517.810 to assure conformance with the State-required reclamation plan. Failure of the applicant to maintain the required bond or security deposit shall constitute a violation of Section 379.
- B. Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The policy shall be renewed annually with proof of renewal deposited with the County annually. Failure to deposit such policy or to maintain continual insurance coverage shall constitute a violation of Section 379.

**379-14 Development Standards - District B**

In addition to the development standards required by the primary land use district, the establishment of noise sensitive uses and the creation of new parcels that are eligible for a dwelling within Mineral and Aggregate Overlay District B shall be subject to the following.

379-14.1 Setbacks

The location of new noise and dust sensitive uses, constructed after the establishment of District B, shall be situated on the parcel to minimize potential adverse effects of noise and dust. The location of new noise and dust sensitive uses shall take into consideration the surrounding topography and transportation system and, if necessary, setbacks greater than those required by the primary land use district may be imposed by the Review Authority.

379-14.2 Noise Reduction Measures

Noise reduction measures may be required of the owners of new noise sensitive uses constructed after the establishment of District B when determined by the Review Authority to be necessary to ensure compliance by the District A use with

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applicable noise regulations. Noise reduction measures may include, but not be limited to, vegetative buffers, berms, walls, insulation and orientation of windows, and shall be determined by the Review Authority.

379-14.3 Waiver of Remonstrance

Prior to issuance of any building permits for new noise sensitive uses after establishment of this District, the owner shall sign and record, in agreement form, in the Deed and Mortgage Records of the County, a waiver of remonstrance that the occupant of the property will not object to mineral and aggregate resource extraction and processing activities as provided for in District A.

379-14.4 Creation of New Lots or Parcels

A notation shall be placed on the instrument creating a new lot or parcel which states the lot or parcel is within Mineral and Aggregate District B and is subject to the standards of Section 379, Mineral and Aggregate Overlay District.

**379-15 Review and Enforcement**

379-15.1 Initial Review

A. Initial Review of a mineral and aggregate resource operation shall be processed as a Type II action.

379-15.2 Six Month Review

- A. Within six (6) months of commencing a mineral and aggregate resource extraction and processing operation, the operator shall submit appropriate evidence, prepared by qualified personnel, documenting that the operation conforms to the standards contained in Section 379-13 and other applicable standards imposed by the Review Authority.
- B. Should the documentation required by Section 379-15.2 A. indicate that the operation does not conform to the applicable standards, the operator shall be given sixty (60) days in which to make necessary modifications. Should the operator fail to make the necessary modifications within the allotted sixty (60) day period, the Planning Director shall begin revocation proceedings as outlined in Section 201-7.

379-15.3 Periodic Review

A. Following the initial review of operations required in Section 379-15.1 B., any permit issued to operate a mineral and aggregate operation pursuant to Section 379 shall be reviewed every five (5) years from the date of the initial review to determine whether additional conditions are necessary to bring the operation into compliance with the applicable land use regulations. Notwithstanding this periodic review, the permit may be reviewed by the Director at any time deemed necessary to update the conditions due to amendments to the requirements of this District or primary land use district at the time of the original approval, or if

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evidence exists that the operation is not in compliance with the conditions of approval. Should it be determined that an operation is not in compliance with the conditions of approval, the Director shall begin revocation proceedings as outlined in Section 201-7.

- B. The Planning Director shall send a notice by first class mail to the operator no less than sixty (60) days prior to the date of the scheduled periodic review.
- C. Periodic review of a mineral and aggregate resource operation shall be processed as a Type II action.

**379-15.4 Enforcement**

The Planning Director or his/her authorized designee, or a duly authorized peace officer, may issue a Uniform Citation for violation of Section 379, as provided for in Section 215, Enforcement.

**379-16 Termination of a Mineral and Aggregate Overlay District Designation**

A Mineral and Aggregate Overlay District (A and B) Designation shall be removed from a mineral and aggregate resource site when:

- 379-16.1 The mineral and aggregate resource site has been reclaimed in accordance with the provisions of ORS Chapter 517; OAR Chapter 632, Division 30 or Division 35, whichever is applicable; and Section 379.
- 379-16.2 The owner of the Mineral and Aggregate resource site submits evidence showing the Mineral and Aggregate Overlay District is no longer justified or needed. Such a request shall be processed as a Type IV action.

**379-17 Nonconforming Uses and Uses Established by Conditional Use Permit**

Notwithstanding other provisions of this Code, the following provisions shall be applicable to District A:

- 379-17.1 All existing mineral and aggregate related uses not conforming to the provisions of Section 379 may continue to operate according to the provisions of Section 440, Nonconforming Uses. Notwithstanding the provisions of Section 440, any application for expansion of a nonconforming mineral and aggregate related use shall apply for a Type II development permit according to the provisions of Section 379.
- 379-17.2 All mineral and aggregate related uses allowed previously by the County by conditional use permit and designated as a District A site shall continue to operate in accordance with the conditions of approval and need only apply for a Type II development permit at the time of review of conditions. At the time of review of conditions, the mineral and aggregate related use shall not be required to comply with the setback or lot size requirements of this District to the extent that such imposition would interfere with the existing established mineral and aggregate related use on the site.

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379-17.3 All mineral and aggregate related uses nonconforming to the provisions of Section 379 as well as all mineral and aggregate related uses allowed previously by the County by conditional use permit, shall immediately have to comply with the following provisions of Section 379 except as provided in 379-17.4 below:

- A. 379-13.4 Hours of Operation
- B. 379-13.5 Environmental Standards

379-17.4 The County finds that these requirements are necessary for the health, safety and environmental protection of the public. Any requirement of 379-13.4 (Hours of Operation) or 379-13.5 (Environmental Standards) that would unlawfully interfere with the vested right of a nonconforming use to continue shall be inapplicable to the nonconforming use; however, if violation of any requirement of 379-13.4 or 379-13.5 by a conforming or nonconforming use results in a nuisance, action may be brought to abate it.

379-17.5 All new mineral and aggregate related uses must comply with the provisions of Section 379.

**380 CONVENIENT ACCESS TO TRANSIT OVERLAY DISTRICT**

**380-1 Intent and Purpose**

The intent of the Convenient Access to Transit Overlay District is to ensure new retail, office and institutional buildings at or near major bus stops shall provide for convenient pedestrian access to transit. The requirements of this district implement the access to transit provisions of OAR 660-12-045(4)(b) and the applicable public transit provisions of the Regional Transportation Plan (RTP).

**380-2 Conflicts**

In the event of a conflict between the requirements of this district and requirements of any other provision of the Code or a community plan, except any Code provision specific to Section 418-3 (Corner Vision), 421, 422 or 501-8.5 E. (Sight Distance), the requirements of this district shall control.

**380-3 Applicability**

380-3.1 Location The Convenient Access to Transit Overlay District shall apply to areas around major bus stops as shown on the applicable community plan maps. The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

This district also recognizes that the precise location of a major bus stop may shift to accommodate new development, to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses, and that implementing major transit stop provisions is best achieved using a fixed geographic area. Thus, this overlay district generally applies to properties within three-hundred

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(300) feet of the center point of the intersection closest to the major transit stop or stops.

380-3.2 Uses The Convenient Access to Transit Overlay District shall apply to all retail, office and institutional buildings that are located within the major bus stop areas as shown on the applicable community plan maps and that generate 14 or more additional ADT.

**380-4 Development Standards**

The applicant has the option of meeting either 380-4.1 or 380-4.2.

380-4.1 Building location and building entry

- A. All Buildings shall be located within twenty (20) feet of the bus stop, the street where the bus stop is located, or any other public street within the major bus stop area.
- B. If the applicant chooses to locate the building within twenty (20) feet of the bus stop or the street where the bus stop is located, an entrance intended for use by members of the general public shall face the subject stop or street or be within fifty (50) feet of the side of the building that faces the stop or street.
- C. If the applicant chooses to locate the building within twenty (20) feet of any other public street within the major bus stop area, an entrance intended for use by members of the general public shall face the subject public street or be within fifty (50) feet of the side of the building that faces the public street.

380-4.2 Pedestrian Plaza

A pedestrian plaza is a small semi-enclosed area which provides a place for pedestrians to sit, stand or rest. They are generally located at a transit stop, a building entrance or an intersection. They connect directly to adjacent sidewalks, walkways, transit stops and buildings. Pedestrian plazas have amenities, such as seating and pedestrian scaled lighting.

- A. The applicant shall provide a pedestrian plaza. Subject to the current availability of right of way, tracts or easements, the following order shall be followed in determining the location of the pedestrian plaza:
  - (1) The bus stop closest to the subject site, and within the major bus stop area.
  - (2) Any other bus stop within the major bus stop area.
  - (3) The closest corner of the public street intersection closest to the subject site.
  - (4) A location adjacent to the subject property.

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If a pedestrian plaza already exists at the highest priority location, the applicant shall provide a pedestrian plaza at the next highest priority location. If adequate public right of way, tracts, or easements are not available at priority location 1 - 3, the applicant shall dedicate right of way, a tract, or easement in order to allow construction of the pedestrian plaza at priority location 4. The Review Authority shall determine whether or not adequate public right of way, tracts or easements are available. In the case of priority location 4, the review authority shall determine whether the applicant shall dedicate right of way, a tract, or an easement.

- B. A pedestrian plaza shall include, at a minimum, all of the following features:
- (1) Total area shall be, at a minimum, one-hundred and fifty (150) square feet.
  - (2) Shall be paved with bricks, pavers, or similar material.
  - (3) Shall include at least two (2) sitting spaces. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
  - (4) Shall include pedestrian scale lighting which is designed to be dimensionally less than lighting intended to accommodate automobile traffic; and
  - (5) Shall include low walls, planters, or landscaping that separates the plaza from adjoining parking lots and vehicle maneuvering areas.
- C. In addition to meeting the standards of 308-5.2 B., all developments that generate an additional one-thousand (1,000) ADT shall provide a pedestrian plaza that has a total area of, at a minimum, three-hundred (300) square feet, and includes at a minimum, four (4) sitting spaces.

**380-5 Additional Transit Improvements**

- A. A transit passenger landing pad accessible to disabled persons shall be provided at the bus stop closest to the subject site within the major bus stop area. If all stops within the major bus stop area have an accessible landing pad, no new landing pads are required.
- B. Lighting shall be provided at the bus stop closest to the subject site within the major bus stop area. The lighting should have a minimum of 0.5 footcandles average illumination and a uniformity ratio not exceeding 5:1. If all stops within the major bus stop area have adequate lighting, no new lighting is required.
- C. An applicant required to provide a pedestrian plaza or other improvement shall provide a legal and enforceable document, contract or process which assures that required improvements shall be accomplished.
- D. Final review of a required pedestrian plaza and other improvements shall be through a Type I procedure, unless otherwise specified by the Review Authority.

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**381 INTERIM LIGHT RAIL STATION AREA OVERLAY DISTRICT**

**381-1 Intent and Purpose**

The intent of the Interim Light Rail Station Area Overlay District is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately a one-half mile radius of planned Westside light rail transit station sites pending the development and adoption of site specific station area plans.

The purpose of this District is to limit development during this interim period to that which has a sufficient (1) density of employees, residents or users, (2) number of trips serviceable by transit and (3) pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in Westside light rail transit.

**381-2 Applicability**

The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps.

In identifying areas subject to this district, consideration was given to parcel size, ownership patterns, the existing transportation network, existing development patterns, development and redevelopment opportunities, the ability of pedestrians to access transit easily, the amount and location of vacant land, and other relevant factors.

The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

**381-3 Designation of Interim Light Rail Station Area Overlay District**

The Interim Light Rail Station Area Overlay District shall be applied to community plan maps through the legislative (Type IV) planning process. The Overlay District may be removed through a legislative planning process, but not through a quasi-judicial plan map amendment process, unless it is to be replaced by Transit Oriented District listed in Section 375-2.

**381-4 Definitions**

As used in this Section, the words listed below have the following meaning:

- 381-4.1 Adjacent The location of a building sited on a parcel or lot abutting a street, major pedestrian route, transit station, etc. and not separated by an existing or planned intervening building.

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- 381-4.2 Bulk Retail Use A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.
- 381-4.3 Campus Development A development which meets the following criteria:
- (1) Is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five (5) acres in size; and
  - (2) Includes multiple buildings which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.
- 381-4.4 Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.
- 381-4.5 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.
- 381-4.6 Floor Area Ratio The amount of enclosed gross floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 1 to 2 means one square foot of floor area for every two square feet of site area (e.g., 20,000 square feet of floor area for a site area of 40,000 square feet). Total gross floor area is measured from the exterior faces of a building or structure and includes pedestrian spaces. Floor area does not include basement areas used for storage or parking.
- 381-4.7 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 381-4.8 Interior Yard The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
- 381-4.9 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is to be sited facilities related to a light rail transit stop (e.g., the station platform, a park and ride lot, entry roads, bus stops, etc.) as determined by the Review Authority after reviewing documents including:
- A. The Final Environmental Impact Statement for the Westside Corridor Project, dated August, 1991 or as subsequently adopted by the Tri-Met Board;
  - B. The Detailed Definition of Alternatives Hillsboro Corridor Alternatives Analysis dated July, 1991, as approved by the Federal Transit Administration or subsequently reflected in the Draft or Final Environmental Impact Statements for the Hillsboro extension of the Westside Corridor Project; and
  - C. The most recent engineering drawings issued by Tri-Met.
- 381-4.10 Major Pedestrian Route Any pedestrian way in a public right-of-way or easement that is or is likely to be used by a significant number of people as a means of



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- accessing public transportation service to an area, including access to light rail transit stations.
- 381-4.11 Park and Ride Lot A parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.
- 381-4.12 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 381-4.13 Pedestrian Oriented Development Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.
- 381-4.14 Pedestrian Space An area or plaza for use by the public on a controlled basis which may be on public or private property and which includes at least four of the following features:
- A. At least one (1) sitting space for each five-hundred (500) square feet. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
  - B. Protection from weather such as awnings.
  - C. Outdoor lighting at a pedestrian scale.
  - D. At least one (1) tree of two (2) inches in diameter at four (4) feet above grade per eight-hundred (800) square feet, on average, of pedestrian space.
  - E. Water feature(s), public art or kiosk(s).
  - F. Outdoor eating area(s) and/or food vendor(s).
- 381-4.15 Pedestrian Way Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes (e.g., a bicycle/pedestrian path) or intended solely for pedestrian use.
- 381-4.16 Transit Street Any street that is an existing public transit route, or any street that is likely to be a public transit route. All public streets with a functional classification of Principal Arterial, Arterial or Collector, as defined in the Washington County Transportation Plan, shall be considered likely to be a public transit route.
- 381-4.17 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

**381-5 Notification**

In addition to the notification requirements of Section 204 of this Code, notice of all Type II and III development applications shall be provided to the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Cities of Hillsboro,

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Beaverton and Portland, and Metro, in the manner provided by Section 204 of this Code.

**381-6 Conflicts**

Notwithstanding Section 401, in the event of a conflict between the standards of this district and the standards of any other provision of this Code, the standards of this district shall control.

**381-7 Permitted Uses**

Except as prohibited by Section 381-8, allowed uses shall be those listed by the underlying district, in accordance with the procedure type specified by the underlying district.

**381-8 Prohibited Uses**

Notwithstanding contrary provisions of an underlying district, the following uses may not be established as new uses within this interim overlay district, nor may existing uses or the use of existing structures be converted to the following uses within this overlay district:

- 381-8.1 Building Materials Sales and Supplies, excluding hardware stores not exceeding five-thousand (5,000) square feet in gross floor area.
- 381-8.2 Bulk Retail Uses.
- 381-8.3 Car Washes.
- 381-8.4 Cemeteries.
- 381-8.5 Cold Storage Plant.
- 381-8.6 Commercial parking facilities within three-hundred (300) feet of a light rail transit station site boundary.
- 381-8.7 Commercial surface parking lots within thirteen hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.8 Detached dwelling units (including manufactured dwellings) except for one dwelling on an existing parcel or lot, or where developed in accordance with the density provisions of Section 381-10.1 A. as part of a residential development with both attached and detached housing.
- 381-8.9 Drive-through facilities within three hundred (300) feet of a light rail station site boundary.
- 381-8.10 Drive-through facilities greater than three hundred (300) feet from a light rail station site boundary where the drive-through component of the operation or service is the primary method of selling or servicing.

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- 381-8.11 Fuel Dealerships and storage yards (including card locks).
- 381-8.12 Funeral Homes and Mortuaries.
- 381-8.13 Furniture Stores.
- 381-8.14 Junk Yards.
- 381-8.15 Kennels.
- 381-8.16 Main Post Offices.
- 381-8.17 Manufactured Home Sales.
- 381-8.18 Mini-Warehouses.
- 381-8.19 Motor Vehicle Service Stations (unless included within a parking structure or underground parking garage) and service facilities (including oil and lubrication services, tire and muffler installation and service, or other motor vehicle services) within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.20 Motor Vehicle Maintenance and Repair Facilities within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.21 Motor Vehicle or Boat Sales, Leasing, Rental or Storage, except motor vehicle rental where the rental vehicles are not stored on site.
- 381-8.22 New Parks except for neighborhood parks not exceeding ten (10) acres in size as defined by the Tualatin Hills Park and Recreation District at the time of adoption of this district, unless it is found by a Review Authority, based on evidence and findings submitted by an applicant, that land proposed for a park other than a neighborhood park is unsuitable for the development of transit supportive land uses due to topography or other physical constraints.
- 381-8.23 Recreational Vehicle Parks and Campgrounds.
- 381-8.24 Retail Nursery.
- 381-8.25 Solid Waste Transfer Stations.
- 381-8.26 Travel Trailer rental or sales establishment.
- 381-8.27 Truck Stops.
- 381-8.28 Warehouses storing materials or products that are not primarily manufactured on site or used in the manufacturing process occurring on site or in the maintenance and operation of manufacturing facilities except for buildings constructed prior to the

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adoption of this District that were originally designed to be used primarily for warehouse use.

**381-9 Change or Expansion of Existing Uses or Structures**

- A. Uses identified in Section 381-8 that were lawfully in existence at the time of adoption of Ordinance No. 418 are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions of a lawfully existing use identified in Section 381-8 shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of the adoption of this District, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.
- B. All other uses and structures that were lawfully in existence at the time of adoption of Ordinance 418 may be expanded upon findings that the proposed expansion complies with the development standards in this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard. Interior alterations of lawful existing structures shall not be subject to the standards of Sections 381-10 and 11.
- C. The provisions of this subsection do not apply to or authorize any change or expansion of an existing use or structure that is or becomes non-conforming due to regulation of the underlying district.

**381-10 Minimum Density Requirements**

**381-10.1 Residential**

- A. Notwithstanding any contrary density standard in an underlying residential district, including residential districts with a lesser maximum density (i.e., the R-6 and R-9 Districts), the density of residential development within this district shall be the greater of:
  - (1) Seventy-five (75) percent of the allowed maximum density of an underlying residential district; or
  - (2) Twelve (12) dwelling units per acre for that portion of the District located within one-thousand three-hundred (1,300) feet of the proposed site of the light rail transit station boundary, and nine (9) dwelling units per acre for that portion of the District located beyond one-thousand three-hundred (1,300) feet from the proposed site of the light rail station boundary.

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If more than fifty (50) percent of property in single or common ownership is located within one-thousand three-hundred (1,300) feet of the proposed station boundary all of the property in common ownership shall be developed at a minimum of twelve (12) dwelling units per acre. If less than fifty (50) percent of such property is located within the one-thousand three-hundred (1,300) foot radius, the minimum required density shall be nine (9) dwelling units per acre, provided however that if the area within the one-thousand three-hundred (1,300) foot radius is one acre or larger in size, that portion of the property within the one-thousand three-hundred (1,300) foot radius shall develop at a minimum of twelve (12) dwelling units per acre.

- B. Section 381-10.1 A. shall not apply to development of one (1) detached dwelling on an existing parcel or lot as permitted pursuant to Section 381-8.8.
- C. The maximum density specified by Section 381-10.1 A. may be increased pursuant to the provisions of Section 381-11.1 G.

**381-10.2 Non-residential**

The floor area ratio of non-residential structures developed on lots or parcels in this district shall equal or exceed 1 to 2. For contiguous lots or parcels totaling at least five (5) acres in size that are jointly master planned for development in phases, this floor area ratio shall be achieved by the completion of the final phase of development. Pedestrian spaces shall count as floor area for the purpose of meeting the minimum floor area ratio requirement.

**381-11 Development Standards**

**381-11.1 Site and Building Design**

- A. If a building is adjacent to a transit street or a major pedestrian route at least one major building entry shall be oriented to the adjacent transit street and/or major pedestrian route. Upon provision of light rail service, this entrance shall remain open to the public during normal business hours.

**B. Lot Area**

The minimum area for new lots or parcels where the primary district is any residential district shall be twenty-thousand (20,000) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when it is demonstrated that the subdivision or partitioning will occur so as not to preclude complete development of the site at the minimum density specified by Section 381-10.1.

**C. Yard Requirements**

Except as necessary to comply with Section 418-3, or where the applicant demonstrates and the Review Authority finds that larger yards are needed to

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mitigate noise and vibration impacts of transit operations, the yard requirements of this district shall be:

- (1) In a residential district:
  - (a) Minimum ten (10) foot frontage yard setback;
  - (b) Maximum fifteen (15) foot frontage yard setback;
  - (c) No minimum interior yard except as necessary to comply with the screening and buffering standards of Section 411 and the standards of the Uniform Building Code or the CABO (Conference of American Building Officials) Code, whichever is applicable; and
  - (d) Minimum eighteen (18) foot setback yard to garage vehicle entrance.

In residential subdivisions platted at the time of adoption of this district the yard requirements of the underlying district shall apply.

- (2) In a nonresidential district:
  - (a) Minimum five (5) foot frontage yard setback on a street if there is less than ten (10) feet between the ultimate street curb location and the lot line;
  - (b) No required frontage yard if there is at least ten (10) feet between the ultimate street curb location and the lot line, or if the frontage is on a public right-of-way or easement for public travel other than a street;
  - (c) In the Office Commercial District and the Community Business District there shall be a maximum ten (10) foot frontage yard setback for at least fifty (50) percent of the frontage of a building adjacent to a public street or major pedestrian route (pedestrian space shall be considered part of the building);
  - (d) No minimum interior yard, except as necessary to comply with the screening and buffering standards of Section 411 and the standards of the Uniform Building Code.

- D. (1) Off-street surface parking shall not be located between an adjacent building and a major pedestrian route, a transit street or a light rail transit station site, except as specified by Section 381-11.1 D. (2) or (3).
- (2) If a building is adjacent to more than one of the facilities described in Section 381-11.1 D. (1), the Review Authority shall approve off-street surface parking between the building and one of the facilities and waive the maximum yard setback provisions of Sections 381-11.1 C. (1) and (2). In determining where off-street surface parking shall be allowed in this situation, the following order of pedestrian access priority shall be given to facilities:

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- (a) LRT transit station platforms
  - (b) Major pedestrian routes with direct access to an LRT station
  - (c) Transit streets
- (3) Off-street surface parking for campus development within the Industrial and Institutional districts may be located between an adjacent building and a major pedestrian route, a transit street or a light rail station site upon finding that:
- (a) Identified pedestrian ways are provided to connect each building within the campus area and to directly connect the building complex to the most appropriate transit street(s) and/or major pedestrian route(s); and
  - (b) All pedestrian ways between the building complex and adjacent transit facilities shall:
    - (i) Comply with Section 381-11.3 C.;
    - (ii) Be clearly identifiable to a pedestrian through measures such as signage;
    - (iii) Be lighted; and
    - (iv) Be as short as reasonably practicable.
- E. Exterior building walls facing and adjacent to a major pedestrian route shall contain windows covering at least fifty (50) percent of the length and twenty-five (25) percent of the face area of the ground floor level. Ground level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement shall apply only to non-residential development within the Office Commercial and Community Business districts.
- F. The permanent outdoor display and storage of materials and equipment by commercial uses shall be prohibited. Signs, outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this requirement.
- G. Notwithstanding Sections 404-4 and 435, residential densities and nonresidential building height may be increased up to twenty-five (25) percent, in exchange for pedestrian space, mixed development within the parameters of the underlying district, or parking in a structure or underground.

381-11.2 Landscape Design

- A. Notwithstanding the minimum landscaping requirements of Section 407 of this Code, the minimum landscaping requirements for development in this district shall

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be ten (10) percent of the buildable land area for non-residential development and fifteen (15) percent of the buildable land area for residential development. Exterior pedestrian spaces shall be allowed as a substitute for fifty (50) percent of the required landscaping in areas adjacent to major pedestrian routes.

- B. Trees shall be planted along uncovered pedestrian ways connecting building entrances to a transit street or major pedestrian route. The trees shall be planted at appropriate intervals to provide continuous shade when trees reach maturity.

**381-11.3** Circulation and Access

- A. Pedestrian ways shall be provided to connect building entrances to the nearest transit street(s) or major pedestrian route(s), or both if practicable.
- B. Driveways shall not intersect with pedestrian ways from a transit street or major pedestrian route to a building, unless no practicable alternative exists.
- C. All pedestrian ways that pass through an automobile parking lot shall be separated from the automobile parking area by grade, different paving material, or landscaping. Walkways on private property shall be at least five (5) feet in paved, unobstructed width.

**381-11.4** Parking

- A. Off-street parking spaces developed for uses on lots or parcels in this district shall comply with the provisions of Section 413 (Parking and Loading).
- B. Applications for development within this district shall address shared parking opportunities pursuant to Section 413-2.9 of the Community Development Code.

**381-12**

- A. Where the light rail right-of-way divides a campus development in single ownership into two portions, where both a light rail station and a park-and-ride lot are to be located within that campus development in Tri-Met's final land use order, and where that campus development has an industrial land use designation and employs more than three-thousand seven-hundred (3,700) people on-site, the standards in Section 381 shall not apply to development proposed within that portion of the campus development containing the larger proportion of the gross square footage, provided that:
  - (1) The portion of the campus development containing the larger proportion of gross square footage retains an industrial land use designation;
  - (2) The proposed development, including new development, expansion of existing development or conversion of existing development to other uses, is permitted under the provisions of the industrial designation;
  - (3) The proposed development does not involve retail commercial or residential uses; and



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- (4) The number of employees working on-site at the campus development is at or above three-thousand seven-hundred (3,700) people at the time of the proposed development, and the proposed development will not result in a reduction in the number of employees working on-site below three-thousand seven-hundred (3,700) people.

- B. Proposed development within that portion of the divided campus development containing the lesser proportion of gross square footage shall comply with the applicable standards in Section 381.

**383 STATE AND REGIONAL PARK OVERLAY DISTRICT**

**383-1 Intent and Purpose**

The intent of the State and Regional Park Overlay District is to facilitate the development of state and regional parks that meet the provisions of Oregon Administrative Rule 660, Division 34 and the applicable provisions of this Code.

**383-2 Applicability of the Overlay District**

The State and Regional Park Overlay District designation shall be applied on the appropriate Plan map once the Board of County Commissioners gives their final approval of a State or Regional Park Master Plan. Uses which are not consistent with an approved Master Plan shall require an amendment to the State or Regional Park Master Plan before processing a development application.

**383-3 Conflicts**

The requirements of this section are in addition to the standards of the underlying district. In the event of a conflict between the requirements of this section and requirements of any other provision of the adopted State or Regional Park Master Plan, the requirements of this section shall control. In the event of a conflict between the requirements of an adopted State or Regional Park Master Plan and requirements of the underlying land use district, the requirements of the Master Plan shall control.

**383-4 Uses Permitted Through a Type I Procedure**

- A. Park uses, consistent with a State or Regional Park Master Plan subject to clear and objective standards of review.
- B. Park uses accessory to the uses identified in an approved State or Regional Park Master Plan.
- C. Accessory buildings, not to exceed 120 (one-hundred twenty) square feet.

**383-5 Uses Permitted Through a Type II Procedure**

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- A. Park Uses, consistent with a State or Regional Park Master Plan subject to discretionary standards of review.

**383-6 Dimensional Requirements**

- A. Setbacks:

The minimum setbacks shall be that of the underlying land use district except that the following facilities shall be a minimum of 200 (two-hundred) feet from the perimeter park boundary:

- (1) Day use areas;
- (2) Group camp;
- (3) Horse camp;
- (4) Tent/RV campground;
- (5) Group tent camp; and
- (6) Walk-in camp.

- B. Height:

The maximum height for any structure shall be sixty (60) feet.

- C. Parking and Landscaping:

The parking and landscaping standards shall be as provided in an approved State or Regional Park Master Plan.

**383-7 Minor Revisions to State or Regional Park Master Plans without Master Plan Amendments**

The purpose of minor revisions are to allow flexibility in site design in order to accommodate changes that inevitably occur between the master planning process and final plans. When revisions are proposed, the original master plan must remain fundamentally intact. For example, site plans, street layouts, and use areas may not be reversed (flip-flopped). The Type I minor revision process only allows changes that have no off-site impacts. Therefore, only limited changes are allowed through this process.

- A. Minor revisions to an approved State or Regional Park Master Plan may be made through a Type I procedure to the location or size of structures, uses and roads, subject to the following:

- (1) The change will not result in the location of a use, structure, or road within 200 (two-hundred) feet of the perimeter park boundary;

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- (2) The change will not result in an increase in average daily trips as compared to the average daily trips in the traffic analysis prepared for the State or Regional Park Master Plan.
  - (3) A maximum of 20 (twenty) percent one-time increase in the number of planned parking spaces in any parking lot or park use area;
  - (4) Extension of a road to provide access to a planned use that is expanded or relocated only if the extension is needed to serve the expanded or relocated use; and
  - (5) Building locations, parking areas, and use areas shall not be relocated in areas designated Water Areas and Wetlands, Water Areas and Wetlands and Fish and Wildlife Habitat, or Significant Natural Areas.
- B. No reduction to the screening and buffering standards (Section 411) are allowed.
- C. All other revisions consistent with the approved State or Regional Park Master Plan shall be processed as a new Type II application, subject to the standards herein and those in effect at the time the new application is submitted. Allowed changes may include a maximum 20 (twenty) percent increase in the total number of campsites, a maximum 20 (twenty) percent increase in floor area of permanent buildings, except restroom and shower buildings, garbage and recycling collection buildings, campground registration buildings and storage buildings which may expand beyond 20 (twenty) percent, subject to land use review.
- D. Revisions to add uses, structures or roads not included the State or Regional Park Master Plan, or changes to the location or size of structures, uses and roads not allowed as specified above, will require an amendment to the Master Plan, per the standards in the State Park Administrative Rules.

**385 PRIVATE USE AIRPORT OVERLAY DISTRICT**

**385-1 Purpose**

The purpose of the Private Use Airport Overlay District is to recognize the locations of certain private use and privately owned public use airports and heliports and to provide for their continued operation and vitality consistent with state law. This Overlay District also recognizes the locations of and provides for the continued operation and vitality of public use airports not protected under ORS 836.610(1).

**385-2 Applicability**

This Overlay District applies to the following private use airports: Apple Valley AP, Meyer's Riverside AP, North Plains Gliderport, Olinger Strip, Sunset Airstrip, and to the life flight heliport at Providence St. Vincent Medical Center, pursuant to ORS 836.608(2). This Overlay District additionally applies to Skyport, a public use airport.

**385-3 Continued Operation and Determination of Existing Uses**

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Operation of the following uses may be continued at their current levels as of the effective date of this ordinance (November 27, 2003) upon demonstration that the use existed at the airport at any time during 1996.

In response to requests for building permits or other expansions pursuant to Section 385-4 which may or may not otherwise require a Type II or Type III procedure, or in response to citizen complaints, the Review Authority may require a determination regarding the existence and level of a particular listed use in 1996. This determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, and shall be processed via a Type II Procedure. This determination may be processed independently or concurrently with another Type II or Type III procedure.

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills

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and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 308A.056.
- L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving.

**385-4 Expansion of Existing Uses**

The expansion of uses identified in Section 385-3 of this Overlay District that existed at any time during 1996 is permitted as provided in this section.

**A. Expansions Permitted Through a Type I Procedure**

The following expansions of existing uses are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code.

- (1) Construction of additional hangars and tie-downs.
- (2) Basing additional aircraft at the airport.

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- (3) Increases in flight activity.

**B. Expansions Permitted Through a Type II Procedure**

The expansions of existing uses listed in Section 385-3 are permitted subject to the specific standards for the use set forth below as well as the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5 and as described in Section 385-8.

- (1) Growth of existing uses that require building permits, other than those existing uses identified in subsection A. of this Section, shall be permitted through a Type II procedure, provided the growth:
- (a) Can be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
  - (b) Does not force a significant change or significantly increases the costs of conducting existing uses on surrounding lands; and
  - (c) Does not exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

**385-5 Uses Which May be Permitted Through a Type III Procedure**

Airport related uses identified in Section 385-3 of this Overlay District shall be permitted via a Type III public hearing process upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions, and/or additional requirements may be conditioned pursuant to Section 385-8

- A. The use is or will be supported by adequate types and levels of facilities and services and transportation systems consistent with the County's adopted and acknowledged 2020 Transportation Plan;
- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

**385-6 Limitations on Height of Structures**

All uses, activities, facilities and structures allowed in the Private Use Airport Overlay District shall comply with the requirements of Section 386, Private Use Airport Safety Overlay District.

**385-7 Dimensional Requirements**

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The minimum dimensional requirements shall be that of the underlying land use district except where further restricted by applicable Conditions of Approval.

**385-8 Additional Requirements**

As a condition of approval of any conditional use proposed within the Private Use Airport Overlay District, the Review Authority may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress, and building heights.
- D. Additional landscaping, screening and other improvements.
- E. Glare-resistant materials in the construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the Comprehensive Plan.

**386 PRIVATE USE AIRPORT SAFETY OVERLAY DISTRICT**

**386-1 Intent and Purpose**

The intent of the Private Use Airport Safety Overlay District is to encourage and support the continued operation and vitality of private use airports that were the base for three or more aircraft on December 31, 1994, and certain privately-owned public use airports, by establishing safety standards to promote air navigational safety at these airports as well as the safety of those living near these airports.

**386-2 Applicability**

The Private Use Airport Safety Overlay District shall apply to Apple Valley AP, Meyer's Riverside AP, North Plains Gliderport, Olinger Strip AP, Skyport AP, Providence St. Vincent Medical Center HP, and Sunset Airstrip, pursuant to ORS 836.608(2) and OAR 660-013-0155(1).

This Overlay District applies certain height restrictions to new development in underlying land use districts according to those described in the definition for Approach Surface, as outlined under Section 106-10.7.

**386-3 Imaginary Surface Delineation**

The airport elevation and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this overlay district and shall be made part of the Airport Safety and Land Use Compatibility Element of the Rural/Natural Resource Plan Map.

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The helipad elevation and the location and dimensions of the primary surface, transitional surface and approach surface shall be delineated for the Providence St. Vincent Medical Center Heliport and shall be made part of the Airport Safety and Land Use Compatibility Element of the Cedar Hills-Cedar Mill Community Plan Map.

All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this Overlay District.

**386-4 Notice of Land Use and Permit Applications within Overlay District Area**

Written notice of applications and decisions for land use or limited land use decisions, including Comprehensive Plan or Map amendments, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

**386-5 Height Limitations on Allowed Uses in Underlying District**

All uses permitted by the underlying district shall comply with the height limitations in this Section. When height limitations of the underlying district are more restrictive than those of this Overlay District, the underlying district height limitations shall control.

- A. Except as provided in subsection B. of this Section, no structure or appurtenance shall be constructed to penetrate, nor tree, plant or other object of natural growth shall be planted which within ten years of growth can be expected to penetrate, an airport imaginary surface.
- B. Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation.

**386-6 Procedures**

An applicant seeking a Type II or Type III approval in an area within this Overlay District shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Land Development Services Division shall provide the applicant with appropriate base maps upon which to locate the property;
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level in order to compare absolute height relative to that of the nearby airport runway; and
- C. If a height variance is requested, letters of "support" or "no impact" from the airport sponsor and the Department of Aviation are required.



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**386-7 Nonconforming Uses**

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District.
- B. Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C. No Type II or Type III approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay District.

**387 PUBLIC USE AIRPORT OVERLAY DISTRICT**

**387-1 Purpose**

The purpose of the Public Use Airport Overlay District is to encourage and support the continued operation and vitality of certain public use airports by allowing airport-related commercial and recreational uses in accordance with state law.

**387-2 Applicability**

This Overlay District applies to Stark's Twin Oaks Airpark, pursuant to ORS 836.610(1).

**387-3 Conformance with Public Use Airport Safety and Compatibility Overlay District**

All uses, activities, facilities and structures allowed in the Public Use Airport Overlay District shall comply with the requirements of Section 388, Public Use Airport Safety and Compatibility Overlay District. In the event of a conflict between the requirements of this land use overlay district and those of the Public Use Airport Safety and Compatibility Overlay District, the requirements of the latter shall control.

**387-4 Uses Permitted Through at Type I Procedure**

The following uses and activities are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. In addition, the Twin Oaks Airpark is located within an area identified by the Oregon Water Resources Department as the Bull Mountain-Cooper Mountain Critical Groundwater Area. Pursuant to this, groundwater consumption and activities on site that impact groundwater resources may be limited, as described in ORS Ch. 537 and OAR Ch. 690.

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- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; pilots' lounge and associated eating establishment; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.

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- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a “farm use” as defined in ORS 215.203 or “farming practice” as defined in ORS 308A.056.

**387-5 Uses Permitted Subject to the Acceptance of the Airport Sponsor**

The following uses and activities and their associated facilities and accessory structures are permitted in the Public Use Airport Overlay District upon demonstration of acceptance by the airport sponsor.

- A. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
- B. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

**387-6 Dimensional Requirements**

The minimum dimensional requirements shall be that of the underlying land use district except where further restricted by applicable Conditions of Approval.

**388 PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY DISTRICT**

**388-1 Intent and Purpose**

The purpose of the Public Use Airport Safety and Compatibility Overlay District is to encourage and support the continued operation and vitality of public use airports with visual only approaches by establishing compatibility and safety standards to promote air navigational safety at such public use airports and to reduce potential safety hazards for persons living, working or recreating near such public use airports.

**388-2 Applicability**

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The Public Use Airport Safety and Compatibility Overlay District shall be applied to the area surrounding Stark's Twin Oaks Airpark. In the future, this overlay district may apply to new or existing public use airports with visual approaches that have been identified by the Oregon Department of Aviation as requiring this level of protection, pursuant to ORS 836.600; ORS 836.619; OAR 660-013-0070; OAR 660-013-0080.

**388-3 Imaginary Surface and Noise Impact Boundary Delineation**

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface, transitional surface and direct impact boundary shall be delineated for each airport subject to this overlay district and shall be made part of the Airport Land Use and Safety Overlay District Element of the Rural/Natural Resource Plan Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay district.

**388-4 Notice of Land Use and Permit Applications within Overlay District Area**

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan amendments, in an area within this overlay district, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

**388-5 Height Limitations on Allowed Uses in Underlying Districts**

All uses permitted by the underlying district shall comply with the height limitations in this Section. When height limitations of the underlying district are more restrictive than those of this overlay district, the underlying district height limitations shall control.

- A. Except as provided in subsections B. and C. of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the Review Authority may authorize structures up to thirty-five (35) feet in height.
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

**388-6 Procedures**

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An applicant seeking a Type II or a Type III approval in an area within this Overlay District shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Land Development Services Division shall provide the applicant with appropriate base maps upon which to locate the property;
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level; and
- C. If a height variance is requested, letters of "support" or "no impact" from the airport sponsor, the Department of Aviation, and the FAA are required.

**388-7 Land Use Compatibility Requirements**

Applications for land use or building permits for properties within the boundaries of this Overlay District shall comply with the requirements of this chapter as provided herein.

A. Noise

Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within identified airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 LDN, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 LDN.

B. Outdoor lighting

Any new or expanded industrial, commercial or recreational use shall submit an outdoor lighting plan to determine that the new use will not project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare

No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

*ARTICLE III: LAND USE DISTRICTS*

D. Industrial emissions

No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference

No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio-communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

F. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Areas

The land uses identified in Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

ARTICLE III: LAND USE DISTRICTS

TABLE 1

Location	Public	Residential	Commercial	Industrial	Institutional	Farm Use	Roads/ Parking	Utilities	Parks/Open Space	Golf Courses	Athletic Fields	Sanitary Landfills	Water Treat- ment Plants	Mining	Water Impoundments	Wetland Mitigation
RPZ <sup>1</sup>	L <sup>2</sup>	N	N	N	N	P <sup>3</sup>	L <sup>4</sup>	L <sup>5</sup>	L <sup>6</sup>	L <sup>7</sup>	N	N	N	N	N	N
Approach Surface <sup>8</sup>	L <sup>9</sup>	L <sup>10</sup>	L <sup>9</sup>	L <sup>9</sup>	L <sup>9</sup>	P <sup>3</sup>	P	L <sup>5</sup>	P	L <sup>7, 9</sup>	L <sup>9</sup>	N	N	L <sup>11</sup>	N <sup>12</sup>	L <sup>13</sup>
Direct Impact Area	P	L <sup>14</sup>	L <sup>15</sup>	P	L <sup>15</sup>	P <sup>3</sup>	P	L <sup>5</sup>	P	L <sup>7</sup>	L <sup>14</sup>	N	N	L <sup>11</sup>	L <sup>16</sup>	L <sup>13</sup>

P = Use is Permitted

L = Use is Allowed Under Limited Circumstances (See Footnotes)

N = Use is Not Allowed

**Table 1 Footnotes:**

1. No structures shall be allowed within the RPZ. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the FAA.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Farming practices that minimize wildlife attractants are encouraged.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ, utilities, powerlines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation.
6. Public assembly facilities are prohibited within the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this Chapter, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Within 10,000 feet from the end of the primary surface of a nonprecision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist.

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10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre.
11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this Chapter regulating water impoundments.
12. Water impoundments are prohibited within 5,000 feet from the end of a runway. See Section 388-8 regulating water impoundments beyond 5,000 feet from the edge or end of a runway.
13. Wetland mitigation required for projects located within an approach surface or airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA, and wetland permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces. See Section 388-9 for best management practices for airports located near significant wetlands or wildlife habitat areas.
14. Within the transition surface, residential uses and athletic fields are not permitted.
15. Within the transition surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.
16. See Section 388-8 prohibiting or regulating water impoundments beyond 5,000 feet from the edge or end of a runway.

**388-8 Water Impoundments within Approach Surface Areas and Airport Direct Impact Boundaries**

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this Section.

- A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
  - (1) Within an approach surface and within 5,000 feet from the end of a runway;  
or
  - (2) On land owned by the airport sponsor that is necessary for airport operations.

**388-9 Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surface Areas and Airport Direct Impact Boundaries**

- A. Notwithstanding the requirements of Section 388-8, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 388-8 shall be allowed upon demonstration of compliance with the requirements of this Section.
- B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under Section 388-8 are recognized as lawfully existing uses.



*ARTICLE III: LAND USE DISTRICTS*

- C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas regulated under Section 388-8 is encouraged.
- D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance (November 27, 2003), and new wetland mitigation projects, that are proposed within areas regulated under Section 388-8 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:
  - (1) It is not practicable to provide off-site mitigation; or
  - (2) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.
- E. Wetland mitigation permitted under subsection D. of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.
- F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 388-8, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered through a Type II review process and shall be permitted upon demonstration that:
  - (1) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and
  - (2) The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

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- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District.
- B. Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay District.