



July 13, 2007

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager *by JC*
Department of Land Use & Transportation

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 683**

Enclosed for your information is a copy of proposed A-Engrossed Ordinance No. 683. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Joy Chang, Associate Planner.

The Board of County Commissioners (Board) ordered changes to Ordinance No. 683 at their June 26, 2007 public hearing. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 683** and are summarized below.

Ordinance Purpose and Summary

Ordinance No. 683 amends the Comprehensive Framework Plan for the Urban Area (CFP), the 2020 Transportation Plan, the Aloha-Reedville-Cooper Mountain Community Plan, the Raleigh Hills-Garden Home Community Plan, and the Community Development Code (CDC) relating to housekeeping and general update amendments.

Who Is Affected

Residents in the urban unincorporated areas of Washington County are potentially affected.

What Land is Affected

Urban unincorporated land (outside city limits).

Key Provisions

- Amends Policy 14 wording to clarify certain provisions and remove redundant wording.
- *2020 Transportation Plan* changes clarify the use of system performance standards during the transportation facility project development process; adds an illustration of the preferred alternative for Beaverton-Hillsdale/Scholls Ferry/Oleson intersection design; and clarifies that a map change to reflect a completed road improvement can be made without a plan amendment.
- Clarifies text to the *Aloha-Reedville-Cooper Mountain Community Plan* relating to existing density requirements.
- Amends *Raleigh Hills – Garden Home Community Plan* with updated names of service districts.
- Amends CDC Sections 302 (R-5 District) and 303 (R-6 District) to allow for the expansion or replacement of an existing dwelling under a Type I review.
- Amends CDC Sections 304 (R-9 District) and 420 (Creation of Lots below 20,000 square feet in the R-15, R-24 and R-25+ Districts) to make Section 420 applicable to the R-9 District.
- Amends CDC 413-2 (General Off-Street Parking and Loading Criteria) to clarify the requirements for the maximum number of off-street parking spaces.
- Amends CDC 430-117 (Single Family Accessory Dwelling Unit) to clarify the requirements for the maximum size of accessory dwelling unit.
- Amends CDC Section 440-6 (Alterations to a Nonconforming Use or Structure) to clarify certain provisions.
- Amends CDC Section 430-13 (Attached Dwelling Unit) to allow existing duplexes to be divided and sold as separate dwellings in the R-5, R-6, R-9, R-15, and R-24 districts.

**Initial Public Hearings
Time and Place**

**Board of County Commissioners
6:30 pm
July 24, 2007**

**Board of County Commissioners
10:00 am
August 7, 2007**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On August 7, 2007 the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on September 6, 2007.

**Summary of Changes
to Ordinance No. 683**

- Exhibit 9, which amends CDC 430-117 (Single Family Accessory Dwelling Unit) - language has been modified to include the word "interior" to reference the figure for an interior accessory unit.
- Exhibit 10, which amends CDC Section 440-6 (Alterations to a Nonconforming Use or Structure) - the words "lawful nonconforming" were added to clarify that a use or structure must be lawful and nonconforming.
- Exhibit 11, which amends CDC Section 430-13 (Attached Dwelling Unit) - language was added for clarification on which sections are applicable to the R-5 and R-6 Districts. The language "as noted in these sections below" was included.

**How to Submit
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

Staff Contact

Joy L. Chang, Associate Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3873 Fax: 503-846-4412
e-mail: joy_chang@co.washington.or.us

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

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/deptmts/lut/planning/ordhome.htm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-725-2124 for a directory of CPOs.

JUL 1 0 2007

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 683

An Ordinance Relating to Housekeeping and General Update Changes to the Comprehensive Framework Plan for the Urban Area, the 2020 Transportation Plan, the Aloha-Reedville-Cooper Mountain Community Plan, the Raleigh Hills-Garden Home Community Plan, and the Community Development Code Element of the Comprehensive Plan

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 483, 503, 516, 517, 526, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 659, 662, and 671.

B. The Board of County Commissioners of Washington County, Oregon, recognizes that the Transportation Plan Element of the Comprehensive Plan (Volume XV) was adopted on October 25, 1988, by way of Ordinance Nos. 332 and 333, with portions subsequently amended by Ordinance Nos. 343, 382, 409, 419, 426, 432, 450, 463, 470, 471, 473, 474, 480, 483-485, 493, 494, 503, 515, 526, 537, 542, 546, 552, 556, 588, 601, 609, 611, 626, 627, 631, 642, 649, 663, and 674.

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1 C. The Board of County Commissioners of Washington County, Oregon, recognizes
2 that the Aloha-Reedville-Cooper Mountain Community Plan was adopted by Ordinance Nos. 263
3 and 265 and amended by Ordinance Nos. 292, 294, 344, 367, 418, 420, 471, 480, 551, 588, 610,
4 615, 620, 649, 653, and 674.

5 D. The Board of County Commissioners of Washington County, Oregon, recognizes
6 that the Raleigh Hills-Garden Home Community Plan was adopted by Ordinance No. 215 and
7 amended by Ordinance Nos. 278, 280, 292, 294, 347, 365, 408, 420, 471, 480, 551 and 588 and
8 that the Metzger-Progress Community Plan was adopted by Ordinance No. 236 and amended by
9 Ordinance Nos. 278, 280, 350, 364, 420, 471, 480, 551, 588, 608, and 610.

10 E. The Board of County Commissioners of Washington County, Oregon, recognizes
11 that the Community Development Code ("CDC") Element of the Comprehensive Plan (Volume
12 IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with
13 portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380,
14 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439,
15 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-
16 523, 525-526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-
17 595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648,
18 649, 654, 659-662, 667, 670, 674, 676, and 677.

19 F. Subsequent ongoing planning efforts of the County indicate a need for a general
20 update and housekeeping changes to the Comprehensive Framework Plan for the Urban Area, the
21 2020 Transportation Plan, the Aloha-Reedville-Cooper Mountain Community Plan, the Raleigh
22 Hills-Garden Home Community Plan, and the Community Development Code elements of the

1 Comprehensive Plan. The Board takes note that such changes are necessary for the benefit of the
2 health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

15 SECTION 2

16 The following exhibits, attached hereto and incorporated herein by reference, are hereby
17 adopted as amendments to the documents designated below:

- 18 A. Exhibit 1 (2 pages) amending Policy 14 of the Comprehensive Framework Plan for
19 the Urban Area;
- 20 B. Exhibit 2 (3 pages) amending the Washington County 2020 Transportation Plan;
- 21 C. Exhibit 3 (2 pages) amending the Community Plan Overview of the Aloha-
22 Reedville-Cooper Mountain Community Plan;

- 1 D. Exhibit 4 (1 page) amending the Background Summary of the Raleigh Hills-Garden
2 Home Community Plan;
- 3 E. Exhibit 5 (3 pages) amending CDC Section 302, R-5 DISTRICT (RESIDENTIAL 5
4 UNITS PER ACRE);
- 5 F. Exhibit 6 (3 pages) amending CDC Section 303, R-6 DISTRICT (RESIDENTIAL 6
6 UNITS PER ACRE);
- 7 G. Exhibit 7 (2 pages) amending CDC Section 304, R-9 DISTRICT (RESIDENTIAL 9
8 UNITS PER ACRE);
- 9 H. Exhibit 8 (1 page) amending CDC Section 413, PARKING AND LOADING;
- 10 I. Exhibit 9 (3 pages) amending CDC Section 430, SPECIAL USE STANDARDS for
11 Single Family Accessory Dwelling Unit;
- 12 J. Exhibit 10 (3 pages) amending CDC Section 440, NONCONFORMING USES
13 AND STRUCTURES; and
- 14 K. Exhibit 11 (1 page) amending CDC Sections 430-13 (Attached Dwelling Units), 302
15 (R-5 District), 303 (R-6 District), 304 (R-9 District), 305 (R-15 District), and 306
16 (R-24 District).

17 SECTION 3

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

20 SECTION 4

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

1 SECTION 5

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

7 SECTION 6

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

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1 SECTION 7

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

3 ENACTED this 7 day of August, 2007, being the 3rd reading and
4 3rd public hearing before the Board of County Commissioners of Washington County,
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 [Signature]
CHAIRMAN

10 Barbara Hejtmanek
11 RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First June 26, 2007
14 Second July 24, 2007
15 Third August 7, 2007
16 Fourth _____
Fifth _____
Sixth _____

June 26, 2007
July 24, 2007
August 7, 2007

17 VOTE: Aye: Rogers, Strader, Duyck, Nay: _____
Schouten

18 Recording Secretary: Barbara Hejtmanek Date: August 7, 2007

Policy 14 of the Comprehensive Framework Plan For The Urban Area is amended to reflect the following:

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 protection, drainage, and access on (Local roads and Neighborhood Routes s-roads). These facilities and services are addressed in Aadopted 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. These facilities and services are addressed in Aadopted 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. ~~These facilities and services are addressed in A~~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.

The Washington County 2020 Transportation Plan is amended to reflect the following:

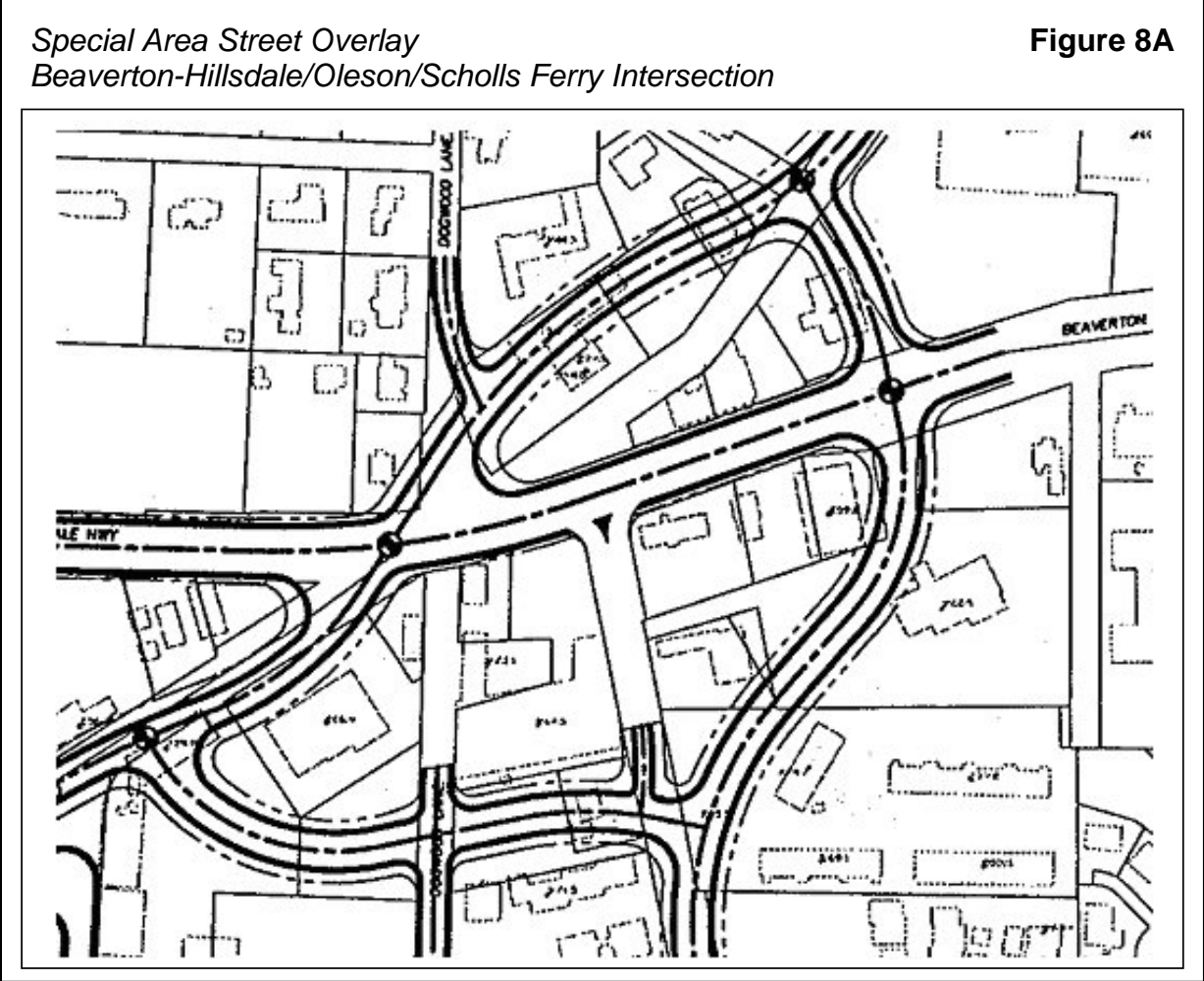
1. Amend Footnotes 1 and 3 to Table 5: Washington County Motor Vehicle Performance Measures, as follows:

TABLE 5: WASHINGTON COUNTY MOTOR VEHICLE PERFORMANCE MEASURES				
Maximum Volume to Capacity (V/C) Ratio Standards, and Deficiency Areas				
Location ²	AM/PM Peak Two-hour Period			
	Target ¹		Acceptable ¹	
	Performance Measures ³		Performance Measures ³	
	First Hour ⁴	Second Hour ⁴	First Hour ⁴	Second Hour ⁴
Regional Centers				
Town Centers	.99	.9	.99	.99
Main Streets	(E)	(D)	(E)	(E)
Station Communities				
Other Urban Areas	.9	.9	.99	.9
	(D)	(D)	(E)	(D)
Rural Areas	.9	.9	.9	.9
	(D)	(D)	(D)	(D)
Deficiency Areas are facilities, system elements or sub-areas of Washington County which are expected to exceed the acceptable performance measures defined above by 2020. Additional improvements and strategies to raise the motor vehicle performance in these areas, if any, will be approached on a case by case basis.				
Deficiency Area ⁵		Description		
Cornell – 25 th to Arrington		Boulevard section – recent study indicated turning problems		
Cornell – Dale to Cedar Hills		Limited capacity in the boulevard section in and near the Cedar Mill Town Center		
Farmington – Kinnaman to Hocken		Limited link capacity, deferred until after TV HWY Corridor Study		
Murray – Walker to Brockman		Excessive signalized intersection delay predicted during peak period		
Walnut / Gaarde – Barrows to HWY 99W		Inadequate capacity on East/West connections		
Beaverton Regional Center		Limited capacity in and near the Regional Center Area		
Washington Square Regional Center		Limited capacity in and near the Regional Center Area		
HWY 99W – I-5 to Durham Rd		Excessive signalized intersection delay predicted during peak period		
Tualatin Town Center		Limited capacity in and near the town center area		

¹ For development review purposes, these performance standards will be used in assessing safety improvements. For plan amendment purposes, if a plan amendment is predicted to exceed the acceptable performance standard, the performance on applicable facilities will not be allowed to deteriorate further, and mitigation may be necessary. [For project development purposes, these performance standards will be used to evaluate conditions beyond the transportation plan's planning horizon, as appropriate.](#)

² For location reference see 2040 Growth Concept Design Types Map.
³ Vehicle performance shall be determined by using volume to capacity ratios. Volume to Capacity equivalencies to LOS are as follows: LOS C = V/C of 0.8 or lower; LOS D = V/C of 0.81 to 0.9; LOS E = V/C of 0.91 to 0.99. Further discussion of vehicle performance is provided in the Technical Appendix.
⁴ First Hour is defined as the highest hour of the day. Second hour is defined as the hour following the first hour.
⁵ For location reference see the Deficiency Area Map. Deficiency areas do not affect development review, but apply for planning purposes. Not all placeholder projects in study areas solved the predicted problems; it is anticipated that further study will address the issues.

- 2. Add a Special Area Street Overlay map that illustrates the preferred alternative for intersection reconfiguration described in the *Beaverton-Hillsdale Highway/Scholls Ferry Road/Oleson Road Intersection Preferred Alternative Report* dated December 1996, as shown in the following graphic:



abcdef Proposed additions
~~abcdef~~ Proposed deletions

3. Add a note to the Washington County Functional Classification System map, Figure 4E, that reads as follows:

The design that will guide reconfiguration of the Beaverton-Hillsdale/Oleson/Scholls Ferry intersection is shown in Figure 8A, Special Area Street Overlay Beaverton-Hillsdale/Oleson/Scholls Ferry Intersection.

4. Amend the third note on the Washington County Functional Classification System maps as follows:

Plan amendments are not required ~~in order to modify this map to reflect changes associated with completed projects. For example, plan amendments are not required to~~ a) change a 'proposed' road designation to an existing roadway designation, or b) address differences between the alignment of a road that was approved and built and the alignment originally displayed in the plan. ~~when those roads shown as 'proposed' on this map are constructed.~~

The Community Plan Overview of the Aloha-Reedville-Cooper Mountain Community Plan is amended to reflect the following:

COMMUNITY PLAN OVERVIEW

The Aloha-Reedville-Cooper Mountain Community Plan has the following features:

1. The predominately residential character of the planning area is retained. Although existing industrial areas will remain primarily along Tualatin Valley Highway west of 188th Avenue most local employment opportunities will be provided in neighboring areas of Hillsboro, Beaverton and in the 185th East/West area. Most comparison shopping will also be done outside the planning area, although convenience shopping needs and some professional service needs will be satisfied.
2. More affordable housing opportunities are being created. Over half the new housing units built in the planning area in the future are planned to be attached. An increased opportunity to provide additional attached dwelling units should provide a greater range of housing choice.
3. As housing trends continue, the average density of the new housing will likely increase over the average density of existing housing. Yet, more than half of the vacant buildable residential land in the community is planned for development with low density housing at ~~θ~~-5 or ~~θ~~-6 units per acre.
4. Assuming that greater lot size allows for more design flexibility, some larger buildable lots in the Planning Area are designated for somewhat higher residential densities than is applied to surrounding properties.
5. It is assumed that if a planned residential density is significantly higher than the existing density, lot consolidation and redevelopment will likely occur in an area that has been partitioned into smaller lots. In some cases the plan highlights and mandates the consideration of more than single parcels at the site design stage of development planning.
6. The plan recognizes natural features such as slopes, flood-prone areas and scenic views. Streams, flood-prone areas, steep slopes, as well as power line easements and major streets, are sometimes used by the plan as buffers between different land uses and residential densities. The scenic view of Cooper Mountain is supported by planning for lower density residential development on the mountain which, in combination with the clustering of housing units, could preserve some of the stands of trees and open spaces appreciated by mountain residents and people who view the mountain from the valley.
7. Implicit throughout the Plan is the assumption that the policies in the Comprehensive Framework Plan will be implemented through the Community Development Code, the Transportation Plan, the Unified Capital Improvements Plan, and other functional plans. This is particularly important with regard to the county-wide growth management policies which mandate the provision of adequate urban services. 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.

The application of Plan designations to the Aloha-Reedville-Cooper Mountain Community Plan Map was guided by locational criteria in the Comprehensive Framework Plan. These criteria essentially say that the appropriate use for a property is determined by (1) its proximity to major traffic routes, street intersections and transit service; and (2) compatibility with adjacent land uses. The locational criteria also address the appropriate size for and distance between the various kinds of commercial centers.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

The land use pattern planned for the Aloha-Reedville-Cooper Mountain area focuses most development in corridors along Tualatin Valley Highway and Farmington Road. The highest intensity land uses such as high density residences, stores and industries occur near the major street intersections of 185th and Tualatin Valley Highway, 185th and Farmington, and Kinnaman and Farmington. This land use pattern reflects existing land use commitments, proximity to major employment centers, and the high degree of access to surrounding areas offered by these major traffic routes.

Areas in between and north and south of these corridors are generally planned for lower density residential use, although larger properties on arterials or Collectors, and properties at major street intersections such as Baseline and 219th, Hart/Bany and 170th, and Scholls Ferry Road, Old Scholls Ferry Road, and Murray Boulevard are planned for higher density residences, because of good accessibility and/or proximity to major employment centers.

The primary community business district in the planning area extends east-west along the north side of the highway between 170th and 209th. The location of this Aloha-Reedville commercial area is intended to take advantage of the exposure offered by the highway. A secondary Community Business District is located at the intersection of Farmington and Kinnaman Roads, and includes the existing Farmington Mall complex.

Neighborhood Commercial areas are dispersed throughout the community to allow for ease of access to convenience shopping for area residents. These neighborhood shopping facilities also serve as a neighborhood focus in some cases. They are generally located more than a mile apart, to reduce overlap in market areas.

The Background Summary of the Raleigh Hills – Garden Home Community Plan is amended to reflect the following:

SERVICES

Sewer service to the community is provided by ~~the~~ Clean Water Services ([U.S.-ACWS](#)). Most properties are currently sewered. Unsewered sites can be easily connected with existing sewer lines.

Water service is provided to Raleigh Hills-Garden Home by the Metzger, Raleigh Hills, West Slope, and [Wolf Creek Highway-Tualatin Valley](#) Water Districts. The water is supplied from the Bull Run watershed of the Cascades by the City of Portland. Storage and distribution systems are sufficient to meet year 2000 requirements.

Storm drainage in the Planning Area is currently handled by a combination of constructed facilities and natural stream channels. Winter flooding along local creeks and tributaries is a recurrent problem where existing development has been sited poorly or built without careful consideration of drainage needs. The location and sizing of future drainage management facilities will need to be based upon basin-wide studies and plans.

Washington County Rural Fire Protection District #1J serves the area. One fire station is located in the community, the Progress Station on Scholls Ferry Road north of Hall Boulevard. Another is located on the edge of the community at Canyon Road and S.W. 87th Avenue. Raleigh Hills-Garden Home has a fire insurance rating of Class 3 (on a scale where 1 is the best possible and 10 is the worst).

The Planning Area is primarily within Beaverton School District #48. McKay, Montclair, Raleigh Hills, and Raleigh Park are the elementary schools. Whitford and Cedar Park are the intermediate schools and Beaverton and Sunset the high schools. The northeast corner of the community is within Portland School District #1J. Students living in this area attend Chapman or Bridlemile elementary schools, West Sylvan Middle School and Lincoln High School. Oregon Episcopal School is a private school located in the Planning Area.

The Tualatin Hills Park and Recreation District services the community with ten sites, some of which have swimming pools, tennis courts, playfields, and other recreation facilities. Park deficient areas (over ½ mile radius from existing parks) are shown on the Significant Natural Resource Map.

Community Development Code Section 302, R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE), is amended to reflect the following:

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, Section 300-5, 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

A. New dwelling 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.

B. Expansion or replacement of an existing dwelling - 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.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

- 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.

- 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. ~~Does not apply to additions or replacement of lawfully established dwellings.~~
- 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.

Community Development Code Section 303, R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE), is amended to reflect the following:

303 R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-1 Intent and Purpose

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, Section 300-5, 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

A. New dwelling 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.

B. Expansion or replacement of an existing dwelling - 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.

~~abc~~def Proposed additions

~~abc~~def Proposed deletions

- 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.
- 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.
- 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. ~~Does not apply to additions or replacement of lawfully established dwellings.~~

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.

1. Community Development Code Section 304, R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE), is amended to reflect the following:

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 Sections 304-7.4 is and 420 are 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.;

- 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.

2. Community Development Code Section 420, CREATION OF LOTS BELOW 20,000 SQUARE FEET IN THE R-15, R-24 AND R-25+ DISTRICTS, is amended to reflect the following:

- 420 CREATION OF LOTS BELOW 20,000 SQUARE FEET IN THE R-9, R-15, R-24 and R-25+ DISTRICTS**
- To partition or subdivide below twenty-thousand (20,000) square feet in the R-9, R-15, R-24 and R-25+ Districts, approval shall be based on the following:
 - 420-1** Placement of the dwelling units in a manner which will not preclude future development of the site unless the development plan indicates complete parcelization of the site;
 - 420-2** A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads;
 - 420-3** The location of urban services. If urban services are not available, the time table for their provision and the future location of the services;
 - 420-4** Location of any natural features (flood plain or other hazards) which might inhibit full development;
 - 420-5** Compliance to the requirements of Articles V and VI.

Community Development Code Section 413, PARKING AND LOADING, is amended to reflect the following:

413-2 General Off-Street Parking and Loading Criteria

413-2.1 Off-street parking spaced within all districts, except non-residential Transit Oriented Districts, shall be provided on or within one hundred (100) feet of the site of the primary use. For non-residential uses within Transit Oriented Districts, off-street parking spaces shall be provided on or within four hundred (400) feet of the site of the primary use. Distance shall be measured in a straight line from the property line to the nearest space. Street and alleys shall be included in the measurement.

413-2.2 Off-street parking and loading requirements shall be provided in amounts specified for the particular use.

413-2.3 Development shall provide at least the minimum number of off-street parking spaces listed in Section 413-9, unless reduced by Sections 413-10, 413-12, 413-13 or 413-14. The minimum off-street parking requirements for a use not listed in Section 413-9 shall be the same as the most similar listed use, as determined by the Review Authority.

413-2.4 The maximum number of off-street parking spaces permitted within a new development shall be based upon a development's proximity to frequent transit service and location in either Zone A or Zone B as shown on the applicable Community Plan's Parking Maximum Designations. New development shall provide no more than the maximum number of off-street parking spaces listed in Section 413-15.2, unless adjusted by Section 413-15.3 or 15.4, or exempted by Section 413-15.5.

The maximum number of off-street parking spaces permitted for a use not listed in Section 413-~~10~~15 shall be determined by the Review Authority based upon the following:

A. Within Zone A, the maximum number of off-street parking spaces shall not exceed ~~thirty-five (35) percent of~~ the minimum number of off-street parking spaces established for the same use ~~by under~~ Section 413-9 or 413-2.3 ~~by more than thirty-five (35) percent.~~

B. Within Zone B, the maximum number of off-street parking spaces shall not exceed ~~sixty (60) percent of~~ the minimum number of off-street parking spaces established for the same use ~~by under~~ Section 413-9 or 413-2.3 ~~by more than sixty (60) percent.~~

413-2.5 Development outside of an urban growth boundary is exempt from the maximum parking standards in Section 413-15.2.

Community Development Code Section 430, SPECIAL USE STANDARDS for Single Family Accessory Dwelling Unit, is amended to reflect the following:

430-117 Single Family Accessory Dwelling Unit

A single family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

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

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. (See Figures [1.1 through 1.3](#) for examples of Accessory Dwelling Units);
- B. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:
 - (1) The floor area of an interior accessory dwelling unit may be as large as 50% of the existing primary dwelling's existing total floor area (excluding the garage and expansions for additional floor area); ~~only when both of the following circumstances apply See Figure 1.2 for example;~~
 - ~~(a) the accessory dwelling unit will occupy an entire floor of the existing dwelling; and,~~
 - ~~(b) no additional floor area is added to the dwelling.~~
 - (2) In all other situations the total floor area of an accessory dwelling shall not exceed 600 square feet. See Figures 1.1 and 1.3 for examples. However, the Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform

Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;

C. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;

~~D. An accessory dwelling unit may not be created through the conversion of garage space for living space (i.e., this standard does not include the conversion of the attic space above a garage);~~

~~E.D.~~ An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;

~~F.E.~~ An accessory dwelling unit shall meet the following setback standards:

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

~~G.F.~~ The entrance to the accessory dwelling unit shall not face the front property line;

~~H.G.~~ The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);

~~I.H.~~ At least one (1) off-street parking space shall be provided for the accessory dwelling unit;

~~J.I.~~ The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;

~~K.J.~~ A home occupation shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18;

~~L.K.~~ Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied;

~~M.L.~~ The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and

N.M. A minimum contiguous rear or side yard outdoor area of four-hundred and fifty (450) square feet shall be provided on the lot, of which no dimension shall be less than ten (10) feet.

Figure 1.

Examples of Accessory Dwellings Units

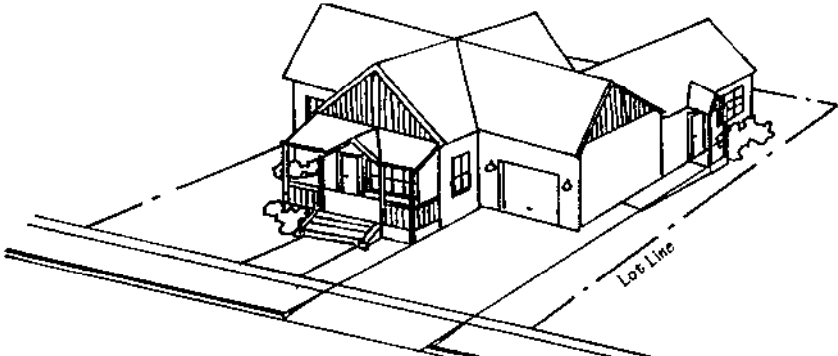


Figure 1.1

Attached Accessory Dwelling Unit - Single Story

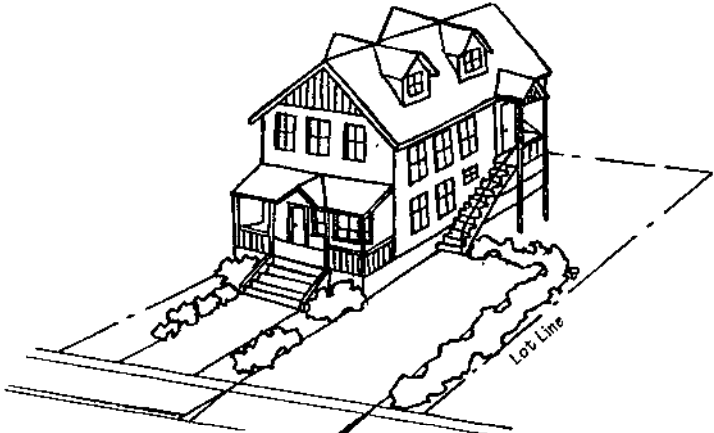


Figure 1.2

Interior Accessory Dwelling Unit



Figure 1.3

Detached Accessory Dwelling Unit - Over a Detached Garage

Community Development Code Section 440, NONCONFORMING USES AND STRUCTURES, is amended to reflect the following:

440-6 Alterations to a Nonconforming Use or Structure

Alterations to a nonconforming use or structure are permitted through a Type I or II procedure. Alteration includes a change in nonconforming use of a structure or parcel of land; or replacement, addition or modification in construction to a structure.

440-6.1 Alterations Permitted Through a Type I Procedure

Alteration of a nonconforming structure or use of land shall be permitted through a Type I procedure when the alteration is necessary to comply with any lawful requirement, including health and safety requirements. The applicant shall submit with the application written notice from the applicable agency describing the required alteration that must be made and the requirement necessitating the alteration.

440-6.2 Alterations Permitted Through a Type II Procedure

A. Alterations of Structures used as a Single Dwelling Unit

The following alterations to structures used as a single dwelling unit may be approved upon findings by the Review Authority that the proposed alteration is consistent with the following standards.

- (1) Except in a commercial, industrial or institutional district, an alteration to replace or relocate, on the same parcel, a structure used as a single dwelling unit may be permitted for a dwelling provided:
 - (a) The alteration will have no greater adverse impact on the neighborhood;
 - (b) If the location of the new dwelling is more than one-hundred (100) feet from the existing dwelling in the EFU, EFC, and AF-20 Districts the replacement shall not:
 - (i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
 - (c) The alteration will meet all applicable dimensional and access standards of the primary district;
 - (d) The alteration will meet all applicable standards of Article IV; and

- (e) A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings, may be replaced provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- (2) Except in a commercial, industrial or institutional district, an alteration to repair, remodel or expand a structure used as a single dwelling unit may be permitted for a dwelling provided:
- (a) The alteration will have no greater adverse impact to the neighborhood;
 - (b) District setback and height standards are maintained;
 - (c) District access requirements have been met;
 - (d) The alteration will meet all applicable standards of Article IV; and
 - (e) A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings, may be expanded, repaired or remodeled provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- B. An alteration to change, ~~repair, remodel~~ or expand a lawful nonconforming use, or to change, repair or remodel a structure ~~associated with~~used for a lawful nonconforming use other than a single dwelling unit, or a structure used as a single dwelling unit in a commercial, industrial or institutional district, may be permitted provided:
- (1) The alteration will have no greater adverse impact on the neighborhood;
 - (2) Any increase in floor area shall be limited to a one time increase up to twenty (20) percent;
 - (3) Any increase in the area of the nonconforming use, excluding floor area, shall be limited to a one time increase up to ten (10) percent;
 - (4) For residential uses, there shall be no increase in the number of dwelling units;
 - (5) The alteration is designed to mitigate to the extent practicable adverse impacts caused by the alteration; and
 - (6) The alteration will meet all applicable standards of the primary district and the standards of Article IV to the extent practicable.

(7) In addition, alterations to expand a nonconforming use or structure shall address the following:

- (a) The alteration is necessary to avoid future deterioration or obsolescence ~~of the use~~; and
- (b) Relocation ~~of the use~~ would create undue hardship.

(8) In addition, alterations to change a nonconforming use and structure shall address the following:

The alteration will have no greater adverse impact on the neighborhood considering factors such as:

- (a) The character and history of the development and of development in the surrounding area;
- (b) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;
- (c) The comparative numbers and kinds of vehicular trips to the site;
- (d) The comparative amount and nature of outside storage, loading and parking;
- (e) The comparative visual appearance;
- (f) The comparative hours of operation;
- (g) The comparative effect on existing vegetation;
- (h) The comparative effect on water drainage;
- (i) The degree of service or other benefit to the area; and
- (j) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area;

C. Notwithstanding Sections 440-6, a structure or use that is nonconforming solely as a result of the dimensional standards of the applicable land use district and standards in Article IV, may expand to any extent provided that the expansion complies with all applicable standards of this Code.

The following sections of the Community Development Code are amended to reflect the following:

1. *Changes to:*

430-13 Attached Dwelling Units

Two or more units with a common wall on individual lots, commonly known as row houses, town houses, duplexes or multiplexes or, two or more units which share a common wall or ceiling on a single lot, commonly known as apartments, duplexes or condominiums. Sections 430-13.1 and 430-13.2 are applicable to new developments in the R-5 and R-6 Districts as noted in these sections below. Section 430-13.3 is only applicable to an existing duplex on an approved duplex lot.

430-13.1 In the R-5 District:

- A. Attached dwelling units may be permitted only through a Planned Development; and
- B. On sites of two (2) acres or less, attached units shall be limited to duplexes.

430-13.2 In the R-5 and R-6 Districts:

- A. Buffering shall be pursuant to Section 411-6.1 when attached units are adjacent to a detached R-5 development; and
- B. In developments with attached units, the perimeter setbacks shall be no less than fifteen (15) feet.

430-13.3 A Duplex on an Approved Duplex Lot

An existing duplex on a lot approved for a duplex ("duplex lot") by a prior land use approval is a permitted use. (Prior approvals include those made before March 30, 1984 under the former Comprehensive Plan.) These duplexes are permitted through a Type I procedure because of the prior land use approval. The lot area, yard requirements and lot dimensions in effect at the time of the original approval shall continue to be applicable to these buildings. Applications to divide these duplexes into separate lots must demonstrate compliance with current building code requirements prior to final approval of the land division.

2. *The following use is added as a Type I use in Section 302-4 of the R-5 District*

Attached Dwelling Units (Duplex on an approved duplex lot only) - Section 430-13.3

3. *The following Type I use in the R-6, R-9, R-15 and R-24 Districts is amended as shown below:*

Attached Dwelling Units (Duplex on an approved duplex lot only) - Section 430-13.3