



June 6, 2008

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 692**

Enclosed for your information is a copy of proposed A-Engrossed Ordinance No. 692. 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. 692 at their June 3, 2008 public hearing. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 692** and are summarized below.

Ordinance Purpose and Summary

Ordinance No. 692 amends the **Community Development Code** (CDC) relating to housekeeping and general update amendments.

Who Is Affected

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

What Land is Affected

Urban and rural unincorporated land (outside city limits).

Summary of Changes to Ordinance No. 692

- Exhibit 8, which amends CDC 430-75.2A (Manufactured Dwelling) – has been modified to correct sentence structure.
- Exhibit 13, which amends CDC Section 409-5.1A (Private Streets Outside an Urban Growth Boundary) – has been modified to add the designee of the Fire Marshall as an approval authority for design of new rural private streets and require their signature.
- Exhibit 14, which amends CDC Section 410-1.3A (Grading and Drainage) – has been modified to be consistent with B-Engrossed Ordinance No. 689 adopted on May 20, 2008.

Initial Public Hearings Time and Place

Board of County Commissioners
6:30 pm
June 17 , 2008

Board of County Commissioners
10:00 am
July 1, 2008

Hearings on A-Engrossed Ordinance No. 692 will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On July 1, 2008 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 July 31, 2008.

**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.

JUN 04 2008

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 692

An Ordinance Amending the
Community Development Code Element
of the Comprehensive Plan relating to
General Update and Housekeeping
Changes

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 Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677 and 682-686.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the CDC to reflect legislative changes and provide general update and housekeeping amendments. The Board takes note that such changes are necessary to assure consistency with state law and are for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

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

13 SECTION 2

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

- 16 A. Exhibit 1 (6 pages) amending the CDC concerning terminology for the
17 Comprehensive Plan;
- 18 B. Exhibit 2 (10 pages) amending the CDC concerning terminology for side yard
19 setbacks;
- 20 C. Exhibit 3 (2 pages) amending CDC Section 430, SPECIAL USE STANDARDS for
21 Parks;
- 22 D. Exhibit 4 (1 page) amending CDC Sections 340 EXCLUSIVE FARM USE
DISTRICT (EFU), 342 EXCLUSIVE FOREST AND CONSERVATION
DISTRICT (EFC), 344 AGRICULTURE AND FOREST DISTRICT (AF-20);

- 1 E. Exhibit 5 (3 pages) amending the CDC to implement legislative and general update
2 amendments related to application submittals and withdrawals;
- 3 F. Exhibit 6 (1 page) amending CDC Section 308 FUTURE DEVELOPMENT 20
4 ACRE DISTRICT (FD-20);
- 5 G. Exhibit 7 (2 pages) amending the CDC to implement legislative changes related to
6 utility easements, surveys and monumentation;
- 7 H. Exhibit 8 (3 pages) amending the CDC concerning setback standards within
8 manufactured dwelling parks;
- 9 I. Exhibit 9 (2 pages) amending CDC Section 203 PROCESSING TYPE I, II AND III
10 DEVELOPMENT ACTIONS;
- 11 J. Exhibit 10 (1 page) amending CDC Sections 340 EXCLUSIVE FARM USE
12 DISTRICT (EFU) and 344 AGRICULTURE AND FOREST DISTRICT (AF-20) by
13 removing Type II Uses from these sections;
- 14 K. Exhibit 11 (1 page) amending CDC Subsection 404 MASTER PLANNING;
- 15 L. Exhibit 12 (2 pages) amending CDC Section 408 NEIGHBORHOOD
16 CIRCULATION;
- 17 M. Exhibit 13 (2 pages) amending CDC Section 409-5, Private Streets Outside an Urban
18 Growth Boundary;
- 19 N. Exhibit 14 (2 pages) amending CDC Section 410-1 General Provisions of
20 GRADING AND DRAINAGE;
- 21 O. Exhibit 15 (3 pages) amending CDC Section 415 LIGHTING Standards;
- 22 P. Exhibit 16 (2 pages) amending CDC Section 418-4 Fences and Retaining Walls;
- Q. Exhibit 17 (1 page) amending CDC Section 421 FLOOD PLAIN AND DRAINAGE
HAZARD AREA DEVELOPMENT, Uses Allowed Through A Type III Procedure;
- R. Exhibit 18 (1 page) amending CDC Section 425-2 Management Criteria (Income
Test) in the DESIGNATION OF MARGINAL LANDS;
- S. Exhibit 19 (4 pages) amending CDC Section 428 FOREST STRUCTURE SITING
AND FIRE SAFETY STANDARDS;

1 T. Exhibit 20 (4 pages) amending CDC Section 430-8 ALTERATION,
2 RESTORATION OF A LAWFULLY ESTABLISHED DWELLING, INCLUDING
3 MANUFACTURED DWELLINGS, IN THE EFU, EFC, AF-20, AF-10, AF-5 AND
4 RR-5 DISTRICTS THROUGH A TYPE I OR II PROCEDURE;

5 U. Exhibit 21 (1 page) amending CDC Section 430-53 Group Care;

6 V. Exhibit 22 (1 page) amending CDC Section 430-63 SPECIAL USE STANDARDS
7 for Home Occupation;

8 W. Exhibit 23 (1 page) amending CDC Section 430-109 SPECIAL USE STANDARDS
9 for Receiving and Transmitting Antennas, Communication and Broadcast Towers;
10 and

11 X. Exhibit 24 (1 page) amending CDC Subsection 501 PUBLIC FACILITIES AND
12 SERVICES.

13 SECTION 3

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

16 SECTION 4

17 All applications received prior to the effective date shall be processed in accordance with
18 ORS 215.427 (2007 Edition).

19 SECTION 5

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

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1 SECTION 6

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

7 SECTION 7

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

9 ENACTED this 1st day of July, 2008, being the 3rd reading and 3rd
10 public hearing before the Board of County Commissioners of Washington County, Oregon.

11 BOARD OF COUNTY COMMISSIONERS
12 FOR WASHINGTON COUNTY, OREGON

13 **ADOPTED**

14 *vice-* Dick Schouten
CHAIRMAN

15 Barbara Hejtmanek
RECORDING SECRETARY

16 READING

PUBLIC HEARING

17 First June 3, 2008
18 Second June 17, 2008 (A-Eng.)
19 Third July 1, 2008
20 Fourth _____
21 Fifth _____
22 Sixth _____

June 3, 2008
June 17, 2008
July 1, 2008

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

Recording Secretary: Barbara Hejtmanek Date: July 1, 2008

The following changes are made to the Community Development Code concerning terminology for the Comprehensive Plan:

- 1. Community Development Code Section 308-2, FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20), Uses Permitted Through a Type I Procedure

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:

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area. 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 for the Urban Area;
- 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.
- 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 for the Urban Area. 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., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

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 for the Urban Area. 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.

2. Community Development Code Section 373, HISTORIC AND CULTURAL RESOURCE OVERLAY DISTRICT, Removal of Designation

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 for the Urban Area 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.

3. Community Development Code Section 377-3, SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID), Designation of Special Industrial Overlay District

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.

4. Community Development Code Section 379-4, MINERAL AND AGGREGATE OVERLAY DISTRICT, Designation of Mineral and Aggregate Overlay District

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:

5. Community Development Code Section 403-3, APPLICABILITY, Additional Standards Inside the UGB

403-3 Additional Standards Inside the UGB

403-3.2 Section 403-3.1 does not apply to residential Planned Developments or subdivisions in areas designated for R-6 or greater densities. Type III residential planned developments or subdivisions other than in the R-5 District are presumed to be appropriate, provided that the specific standards of this Code are met.

- A. Such development may be denied or conditioned as provided in Article V;
- B. Conditions of approval may be imposed to mitigate adverse impacts;
- C. The flexibility in standards and open space provisions provided under the Type III process shall be used to permit development of a variety of housing types at the designated density while protecting identified significant natural features and accomplishing the objectives of the community design elements.

403-3.3 Section 403-3.1 does not apply to Plan Amendments except as may be set forth in the Comprehensive Framework Plan.

6. Community Development Code Section 403-4, APPLICABILITY, Additional Standards Outside the UGB

403-4 Additional Standards Outside the UGB

403-4.20 Section 403-4.19 does not apply to Plan Amendments except as may be set forth in the Comprehensive Framework Plan.

403-4.21 Section 403-4.19 does not apply to nonfarm dwelling applications in the EFU & AF-20 Districts.

7. Community Development Code Section 501-8.5, PUBLIC FACILITY AND SERVICE REQUIREMENTS, Access to County and Public Roads

501-8.5 Access to County and Public Roads

F. Sight Distance

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the County in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

(7) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:

- (a) Submitted and certified by a registered engineer (Oregon);
- (b) Documented and reference nationally accepted specifications or standards;
- (c) Certified that the modification will not compromise safety or the intent of the County's transportation standards, which include but are not limited to the following: Washington County Transportation Plan; Washington County Uniform Road Improvement Design Standards; Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements Under the Traffic Impact Fee Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan for the Urban Area; and the Community Development Code;
- (d) The cost of any modifications agreed to must be borne by the applicant; and

The following changes are made to the Community Development Code concerning terminology for side yard setbacks.

1. Community Development Code Section 304, R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

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 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 adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground

upward which could physically preclude access to the easement and the adjacent buildings.

- E. Fifteen (15) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of F below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setback standards of F below and Section 430-117.2 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 305, R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

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.

305-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

- A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.2 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;
- (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 adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear yard, 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.
 - (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.

- 3. Community Development Code Section 306, R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE), is amended to reflect the following:

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.

Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.2 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;
- (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 adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear, 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;
 - (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.

4. Community Development Code Section 307, R-25+ DISTRICT (RESIDENTIAL 25+ UNITS PER ACRE)

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;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the

standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.2 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 adjoining interior side yards less than five feet (as little as zero (0) feet). Lots or parcels with an adjoining interior side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear, 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.

1. Community Development Code Section 430, SPECIAL USE STANDARDS for Parks, is amended to reflect the following:

430-957 Parks (Type I Public and Private)

A Park, which includes a playground, includes the use of an area set apart for recreation of the public to promote its health, enjoyment and the environment. A Playground is a park with playground equipment.

430-97.1 Type I

Parks are allowed through a Type I procedure when no building permit is required, except for playground equipment, or off-street parking facilities are required and the use is not carried on as a business.

430-97.2 Parks (Type II Public and Private)

Where a building permit or parking facilities are required, except as specified in Section 430-957.1, or if the chief activity of the park is carried on as a business, the following standards shall apply:

~~430-97.1A~~ All side and rear setbacks to any building or swimming pool shall be no less than forty-five (45) feet;

~~430-97.2B~~ The front yard setback shall be the same as the primary district; and

~~430-97.3C~~ Facilities and structures, except as permitted as a Special Recreation Use (Section 430-131), that are incidental and subordinate to the park may be permitted, including but not limited to service yards, maintenance equipment storage and repair, indoor picnic facilities, and except in the EFU, AF-20 and EFC Districts, caretaker residences. In the EFC District only caretaker residences for public parks may be permitted.

~~430-97.4D~~ Park approvals shall be conditioned to provide for maintenance.

2. Sections of the Community Development Code are amended to reflect the references of 430-95 to 430-97 as follows:

A. Community Development Code Sections 302 (R-5), 303 (R-6), 304 (R-9), 305 (R-15), 306 (R-24), 307 (R25+), 308 (FD-20), 309 (FD-10), 311 (NC), 330 (INS), 346 (AF-10), 348 (AF-5) and RR-5 (350) are amended under Type I Uses to change the reference from 430-95 to 430-97.

B. Community Development Code Section 375 (TOD), Table A is amended as follows:

Parks:

Neighborhood – Sections 430-95 and 97

C. CDC Section 408 (Neighborhood Circulation) is amended as follows:

408-2:1D To Parks (Type I) – Section 430-95~~7~~

D. Table of Contents is amended as follows:

~~430-95~~ Parks (Type I Public and Private)

430-97 Parks (Type II Public and Private)

Community Development Code Sections 340 EXCLUSIVE FARM USE DISTRICT (EFU), 342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC), 344 AGRICULTURE AND FOREST DISTRICT (AF-20) are amended as follows:

1. **340 EXCLUSIVE FARM USE DISTRICT (EFU)**

340-4 Uses Permitted Through a Type II Procedure

340-4.2 Permitted Uses which are subject to Section 340-4.3:

R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing Section 340-4.3 provided at the time of Master Plan approval as evidence of compliance with ORS 215.296.

2. **342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)**

342-3 Uses Permitted Through a Type II Procedure

342-3.2 Permitted Uses which are subject to Section 342-3.3:

S. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing Section 342-3.3 provided at the time of Master Plan approval as evidence of compliance with OAR 660-006-0025(5).

3. **344 AGRICULTURE AND FOREST DISTRICT (AF-20)**

344-4 Uses Permitted Through a Type II Procedure:

344-4.2 Permitted Uses which are subject to Section 344-4.3:

R. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing 344-4.3 provided at the time of Master Plan approval as evidence of compliance with ORS 215.296.

The following changes are made to the Community Development Code to implement legislative and general update amendments related to application submittals and withdrawals:

1. Community Development Code Section 203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS, Initiation and Withdrawal of Action

203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-1 Initiation and Withdrawal of Action

203-1.2 The-Director Withdrawals

~~A. may withdraw a~~Any application, petition for review or motion for reconsideration may be withdrawn by the Director at the request of the applicant or petitioner except when an application is deemed complete. Once accepted as complete, the application may be withdrawn only if the Director determines that:

~~A.(1)~~ 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.(2)~~ 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.

B. Applications for quasi-judicial plan amendments that are not made complete within one-hundred eighty (180) days shall be withdrawn by the Director on the one-hundred eighty-first (181) day after first being submitted.

2. Community Development Code Section 203-5, PROCESSING TYPE I, II AND III DEVELOPMENT APPLICATIONS, Application Submittal and Acceptance

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 203-5.56 and 203-5.67, the Review Authority shall take final action on an application for a development action, including resolution of all

abcdef Proposed additions

abcdef Proposed deletions

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 in writing 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:

A. All of the missing information;

B. Some of the missing information and written notice from the applicant that no other information will be provided; or

C. Written notice from the applicant that none of the missing information will be provided. ~~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 On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted the applicable information as described in Section 203-5.4.

203-5.56 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 application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

203-5.67 The 120-day and 150-day periods set in Section 203-5.3 may be extended for a specified reasonable period of time at the written request of the applicant. The total of all extensions may not exceed 215 days.

203-5.78 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.

203-5.89 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.

Community Development Code Section 308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20) is amended to reflect the following:

308-6 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.

308-6.1 Lot Area:

- A. 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, or as provided below.
- B. Partitions or property line adjustments to create or reconfigure parcels less than twenty (20) acres may be allowed for public facilities and services associated with the provision of sewer, water, school, fire, and park and recreation services. If the partition is required to accommodate the sale of land for the noted public facilities and services, application submittal materials shall include the following in order to demonstrate proof of a qualified service provider's intent to purchase the parcel(s) created through such a partition:
 - (1) A letter of intent to purchase or signed purchase agreement from the applicable service provider for the proposed parcel(s), and
 - (2) Application by all the owners of the subject property and the service provider(s) intending to purchase the proposed parcel(s), or any person authorized in writing to act as agent of the owners or service providers.

The following changes are made to the Community Development Code to implement legislative changes related to utility easements, surveys and monumentation:

1. Community Development Code Section 416 UTILITY DESIGN

416 UTILITY DESIGN

416-1 General Provisions

416-1.4 The location, design, installation and maintenance of all utility lines and facilities shall conform to ORS Ch. 92 and be carried out with minimum, feasible disturbance of soil and site.

2. Community Development Code Section 602-11, GENERAL PROVISIONS, Survey and Monumentation Requirements

602-11 Survey and Monumentation Requirements

602-11.1 Property Line Adjustments

A. A common property line that is relocated through a property line adjustment shall be surveyed and monumented unless:

~~(1) The affected parcels are greater than ten (10) acres, or~~

~~(2) The adjusted property line is a distance of even width along the common boundary line.~~

B. When required, surveys shall be filed with and approved by the County Surveyor prior to filing and recording the necessary deeds with the County Department of Records.

602-11.2 Partitions

Parcels created through a partition shall be surveyed and monumented in accordance with the requirements of ORS Ch. 92, with the exception of parcels greater than ten (10) acres which are created by a partition outside of the Urban Growth Boundary.

602-11.3 Subdivisions

Subdivision plats shall be surveyed and monumented in accordance with the requirements of ORS Ch. 92.

3. Community Development Code Section 605-3, LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB, Development Standards for Urban Land Divisions

605-3 Development Standards for Urban Land Divisions

605-3.4 Public Utilities

- A. Utility lines for telephone, gas, cable television and electric services, which serve more than one lot or parcel, shall conform to ORS Ch. 92 and be placed in easements as set forth in Section 605-4.2 B. (4). All utilities shall be underground except as approved through Section 416;
- B. All conduits and cables for cable television, gas and electric service lines shall be placed within easements or rights-of-way in a manner which does not conflict with other underground services and in compliance with adopted road standards;
- C. Transformers shall be located in a manner not hazardous to the public or unsightly in appearance; and
- D. The Board of Commissioners may, by resolution and order or ordinance, promulgate rules and regulations governing location of public utilities.

4. Community Development Code Section 610-3, LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE A UGB, General Development Review Standards

610-3 General Development Review Standards

610-3.3 Public Utilities

- A. Utility lines for telephone, gas, cable television and electric services, which serve more than one (1) lot or parcel, shall conform to ORS Ch. 92 and be placed in easements as set forth in Section 416. All utilities shall be underground except as approved through Section 416;
- B. All conduits and cables for cable television and gas and electric service lines shall be placed within easements or rights-of-way in a manner which does not conflict with other underground services and in compliance with adopted road standards;
- C. Transformers shall be located in a manner not hazardous to the public or unsightly in appearance; and
- D. The Board of Commissioners may, by resolution and order or ordinance, promulgate rules and regulations governing location of public utilities.

The following changes are made to the Community Development Code concerning setback standards within manufactured dwelling parks:

1. Community Development Code Section 430-75, Manufactured Dwelling (General Standards)

430-75 Manufactured Dwelling (General Standards)

430-75.1 Minimum Standards for All Manufactured Dwellings

The following standards are not applicable to manufactured homes that are subject to Section 430-76.

- A. Require set up and installation permits obtained from Washington County;
- B. Shall be sited in compliance with applicable Oregon Manufactured Dwelling Standards;
- C. Shall comply with other applicable State requirements;
- D. Shall be placed on a foundation or footings which meet Code as determined from plans and specifications submitted to obtain a building and siting permit;
- E. Manufactured skirting, treated resistant wood or other approved material shall be placed around the perimeter of the manufactured dwelling unless there is a perimeter foundation; and
- F. Extensions of and attachments to manufactured homes not part of the original factory manufactured dwelling require a building permit.

430-75.2 Manufactured Dwelling Sites (General Standards)

- A. All buildings on a manufactured dwelling site, except accessory structures, shall comply with the dimensional requirements of the primary district except in manufactured dwelling subdivisions approved before December 27, 1983 or in manufactured dwelling parks;
- B. Accessory structures shall be located a minimum of six (6) feet from the manufactured dwelling and other accessory buildings, except in manufactured dwelling parks. Accessory structures in manufactured dwelling parks shall comply with Section 430-77.4; and
- C. Access and parking shall be provided in conformance with the applicable requirements of this Code.

2. Community Development Code Section 430-77, Manufactured Dwelling Park

430-77 Manufactured Dwelling Park

A Manufactured Dwelling Park is a 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. Manufactured Dwelling Parks shall:

430-77.1 Meet all the general manufactured dwelling requirements of Section 430-75;

430-77.2 Be a minimum of three (3) acres;

430-77.3 Shall maintain the density requirement of the underlying district and in no case shall exceed ten (10) units per acre. If the underlying district would otherwise allow more than ten (10) units per acre, any loss of density that occurs as a result of approving a manufactured dwelling park may be transferred. The following relate to transfer of said density:

- A. Any loss of said density may be transferred to the remainder of the lot or parcel over the required three (3) acres if the park does not occupy an entire site; or
- B. Any loss of said density may be transferred to any contiguous parcels in the same or higher density district; and
- C. If a density transfer occurs, the maximum density for the area approved for the park shall be ten (10) units per acre;

430-77.4 Setbacks and fire separations within manufactured dwelling parks shall be provided in conformance with the Oregon Manufactured Dwelling Standards.

~~Require that each manufactured dwelling have a minimum front yard setback of ten (10) feet. The front yard setback shall be measured from the back of the street curb or sidewalk, whichever is closest;~~

~~430-77.5 Require that each manufactured dwelling have a minimum rear yard and street side yard setback of ten (10) feet and side yard setback of five (5) feet. The street side yard setback shall be measured from the back of the street curb or sidewalk, whichever is closest;~~

430-77.65 Have minimum exterior perimeter setbacks of fifteen (15) feet with planting and screening as required for a Type II buffer (Section 411-6.2);

~~430-77.7 The manufactured dwelling shall meet the requirements of Section 418 (Setbacks);~~

430-77.86 The site plan for the building permit for the manufactured home shall show all door openings; appurtenances, including carports, garages, porches, steps and landings; and accessory buildings;

430-77.97 Provide a paved driveway, at least ten (10) feet in width, for each space;

- 430-77.408 Provide a minimum of one (1) paved off street parking place;
 - 430-77.449 Provide a minimum of two-hundred-forty (240) cubic feet of detached storage space for each manufactured dwelling space;
 - 430-77.4210 Allow double carports or garages to serve two adjacent manufactured dwellings in conformance with the Oregon Manufactured Dwelling Standards;
 - 430-77.4311 Allow only manufactured dwellings for residences and accessory uses, including home occupations. Recreational vehicles may be placed within a manufactured dwelling park if the following standards are met:
 - A. The recreational vehicle must be occupied as a residential dwelling, and
 - B. The recreational vehicle must be lawfully connected to:
 - (1) a water supply system;
 - (2) an electrical supply system; and
 - (3) a sewage disposal system.
- Special conditions may be imposed on the placement of recreational vehicles provided such conditions do not impose a limit on the length of occupancy solely on the grounds that the occupancy is in a recreational vehicle.
- 430-77.4412 Provide an on-site circulation network including streets and pedestrian facilities in conformance with Section 408 (Neighborhood Circulation) and 409 (Private Streets);
 - 430-77.4513 Obtain a Manufactured Dwelling Permit from Washington County;
 - 430-77.4614 Meet the standards of this Section prior to occupancy;
 - 430-77.4715 Expansions of existing parks shall meet the standards of this Section;
 - 430-77.4816 Access to a manufactured dwelling park may be provided through an urban commercial or urban industrial district if no other access is available; and
 - 430-77.4917 Comply with applicable State requirements, such as requirements for streets, utilities and open space/ recreational areas.

Community Development Code Section 203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS is amended to reflect the following:

203-4 Application

- 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. A site plan of the property illustrating the property boundaries, proposed and existing: structures and improvements, easements, driveways, water and sewer lines, septic tanks and drainfields, and all drainage courses and structures within 250 feet of a drainage course. Site plans of the entire property must be drawn at an even scale (1:100 preferred) with detailed site plans drawn at an even scale (1:20 preferred) on 11x17 paper, or as approved by the Director.
 - F. Documentation of whether a railroad-highway crossing provides or will provide the only access to the subject property.
 - G. Information required pursuant to Article V, Public Facility and Service Facilities Requirements. Outside the Urban Growth Boundary, any proposed development action that would generate additional vehicular trips (other than one house on an

existing vacant lot and uses listed as exempt in Article V) shall provide evidence that any access to a public road meets the sight distance requirements of Section 501-8.5.F. A Sight Distance Evaluation or completed Traffic Impact Statement prepared by county staff, or a Sight Distance Certification prepared, stamped and signed by a registered Oregon engineer in accordance with Sec. 501-8.5 F. may serve as evidence;

- H. Additional information required by other provisions of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code;
- I. 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;
- J. 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;
- K. Evidence of compliance with the Neighborhood Meeting requirements required by Section 203-3, if required;
- L. 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
- M. 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.

The following Type II use is removed from Sections 340 Exclusive Farm Use District (EFU) and 344 Agriculture and Forest District (AF-20) of the Community Development Code:

340-4.2 and 344-4.2

~~P. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.~~

Community Development Code Subsection 404, MASTER PLANNING is amended to reflect the following:

404-1 Type I, Site Analysis of a New Use or Expansion of an Existing Use

Site Analysis is the review of an entire site, including contiguous property under the same ownership.

404-1.1 On-site analysis is required for all development except:

- A. Development exempt from the public facilities standards of Section 501-2;
- B. A detached dwelling on a Lot of Record in the R-5 and R-6 Districts;
- C. One duplex on an approved duplex lot (Section 430-13.3) Lot of Record if the proposed dwelling is exempt from public facilities standards;
- D. A single dwelling outside the UGB.

Community Development Code Section 408, NEIGHBORHOOD CIRCULATION, is amended to reflect the following:

408-6.3 For residential, office, retail, and institutional development, 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 shall connect with all existing or approved accessways which abut the development site;
- C. Accessways shall provide the most reasonably direct access to abutting pedestrian oriented uses and transit facilities which are not served by a direct street connection from the subject property. Accessways shall provide future connection to abutting underdeveloped or undeveloped property which is not served by a direct street connection from the subject property, where the abutting property line exceeds 100 feet, except for designated Industrial or General Commercial land. 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:
 - 1) Such a reduction results in spacing of streets and/or accessways of three hundred and thirty (330) feet or less, and
 - 2) 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.

408-10 Internal Pedestrian Circulation**408-10.1 Number of Pedestrian Connections**

- A. All developments that generate fourteen (14) or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. These requirements do not apply to single-family or duplex residential development.
- B. All developments that generate five hundred (500) or more ADT shall provide:
- (1) A connection from the main entrance of the primary structure to within twenty (20) feet of any transit stop located along the frontage of the subject property;
 - (2) A connection to within twenty (20) feet of any mid-block pedestrian crossing; and
 - (3) A connection for every two hundred (200) feet of street frontage including connections provided per (1) and (2) above. Connections shall be generally spaced to ensure direct access to buildings on the lot for pedestrians accessing the lot from any direction.
- C. As an alternative to 408-10.1 A. and B. (1-3) above, pedestrian connections shall be provided for new development as part of campus development which connect each building within the campus area and directly connect the building complex to the most appropriate street(s) or pedestrian route(s). More than one pedestrian connection may be required to a particular street or pedestrian route in order to decrease out of direction travel.
- D. In addition to pedestrian connections required by 408-10.1 A. and 408-10.1 B., connections shall be provided between the proposed development and all off-site pedestrian connections on adjacent properties or streets as required by Sections 408-5 or 408-6.
- E. The most reasonably direct internal pedestrian connections shall also be provided between different major developments on the lot, such as from one building to another, or between an on-site recreation facility to a building. Connections are not required between buildings or portions of a lot which are not intended for or likely to be used by pedestrians.

CDC Section 409-5, Private Streets Outside an Urban Growth Boundary, is amended to reflect the following:

409-5 Private Streets Outside an Urban Growth Boundary

409-5.1 Private streets (driveways), or portions thereof, shall demonstrate adequate accessibility for emergency vehicles. The private street (driveway) shall comply with the access road requirements of the Oregon Fire Code. If new parcels are created, Section 409-5.2, below, applies.

Compliance with the Oregon Fire Code shall be assessed upon submittal of a site plan and accompanying narrative illustrating all improvements needed for the existing and proposed private driveways longer than 150-feet to meet the standards in the current Oregon Fire Code, including:

- (1) Turnaround alternative for dead-end streets/driveways;
- (2) Turnouts for access roads longer than 400-feet;
- (3) Road gradient and road width; and
- (4) Surface and load capacities of the road.

The Fire Marshal shall have the first opportunity to review private streets (driveways), per item A., below. If the Fire Marshal fails to review the private street (driveway), or in cases where no Fire Marshal has jurisdiction, approval by the Building Official or his designee is required, as outlined under item B., below. In these cases, the applicant shall provide evidence that the Fire Marshal waives his review.

A. Fire Marshal Review

~~For the purposes of this Subsection, private streets (driveways) shall be subject to Fire Marshal review within the appropriate jurisdiction. In cases where no Fire Marshal has jurisdiction, a private street (driveway) shall be subject to the review of the nearest or most likely fire protection jurisdiction to annex the property under consideration.~~

A. Fire Marshal Review

To demonstrate compliance, the applicant shall provide a site plan signed by the Fire Marshal or designee illustrating all required improvements to the entire driveway between the development and the public street providing access. The signature serves to statement from the Fire Marshal acknowledging that the required-length of the private street (driveway), ~~once is adequate~~ improved as shown on the site plan, can meet District standards for access for emergency vehicles access.

B. Building Official Review

- (1) For private streets (driveways) or portions thereof outside of Fire District boundaries, or which have not previously been reviewed by the Fire Marshal, the Building Official shall review the private street (driveway) for compliance with the Oregon Fire Code. The Building Official's initials on the site plan and narrative serve to acknowledge that the length of the private street (driveway), once improved as shown on the site plan, can meet Fire Code standards for access for emergency vehicles.
- (2) Private streets (driveways) for which existing portions have previously been reviewed and approved by the Fire Marshal, the applicant shall demonstrate prior approval of the existing portion of the private street (driveway) by providing evidence of Fire Marshal approval of the constructed street. If the applicant does not provide adequate evidence of prior Fire Marshal approval, current standards are applicable.
 - (a) If Building Official review determines that a previously approved private street (driveway) still meets the standards under which it was originally approved, no changes shall be required to the previously approved portion of the street.
 - (b) If the Building Official finds that the private street (driveway) no longer meets the specifications previously approved by the Fire Marshal, he may require that the road be brought up to the originally-approved specifications before approving the access.

Community Development Code Section 410-1 General Provisions of GRADING AND DRAINAGE is amended to reflect the following:

410 GRADING AND DRAINAGE

410-1 General Provisions

410-1.1 All grading and drainage activities are to occur pursuant to the provisions of ~~Appendix Chapter 33 of the 1994 Uniform Building Code~~ Chapter 14.12 of the Washington County Code and the applicable State of Oregon Plumbing Code, ~~or their~~ its successors and this Code. All grading and drainage activities on lands located within the Clean Water Services boundary shall also occur pursuant to the provisions of the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. In the event of any conflict between the provisions of this Code, the Community Plan, the Rural/Natural Resource Plan, and ~~Appendix Chapter 33 of the 1994 Uniform Building Code~~ Chapter 14.12, ~~or its successor~~, the more restrictive standard shall prevail.

Grading applications may be processed through a two-step procedure consisting of a preliminary review (grading plan) and a final review (grading permit), unless the Director consolidates the applications into one review.

No grading and drainage activities that are subject to Section 410 shall be undertaken without a grading permit.

For Type I development, preliminary grading plans may be submitted as a stand alone application. For development reviewed through the Type II and III procedure, preliminary grading plans are to be submitted with the development application.

The purpose of a preliminary grading plan (conceptual) is to determine whether or not it is feasible to comply with the grading permit review standards of Section 410-3. Full engineering drawings are not required at the preliminary review stage. However, preliminary grading plans shall be accurate enough to provide a basis for determining whether or not the proposed activity, as designed and to be implemented, will meet the applicable Code requirements for a grading permit.

All grading permit applications (the second step) shall include detailed plans, per Section 410-2, rather than preliminary grading plans.

410-1.3 Exemptions from Grading Plan and Permit Requirements:

In addition to those activities listed in Section 201-2.12, the following are exempt from Section 410 except as necessary to address Section 410-3.8:

- A. ~~Refuse disposal sites approved by the County;~~ Grading on a Disposal Site for activities permitted by the Department of Environmental Quality consistent with ORS Chapter 459. Grading on a Disposal Site for activities that are not regulated by an approved DEQ permit are not exempt;
- B. Excavations or fills for public roads and transportation facilities substantially in the public right of way or as shown on a Transportation Plan or adopted Public Facility Plan, together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements or other public projects conducted or approved by the County or public facilities and service projects such as sewer and water lines;
- C. Surface mining operations approved in accordance with this Code;

Community Development Code Section 415, LIGHTING Standards is amended as shown below:

415 LIGHTING

415-4 Standards

The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a non-cutoff type luminaire or a higher pole, up to forty (40) feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than ninety (90) degrees (Figure 1). The maximum light post height permitted is dependent on the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property. Exterior lighting shall meet one (1) of the following standards:

415-4.1 When light source or luminaire has no cutoff:

| District | Maximum Permitted Illumination | Maximum Permitted Height of Luminaire |
|-----------------------------|--------------------------------|---------------------------------------|
| Residential & Institutional | 0.20 | 10 feet |
| Commercial & Industrial | 0.30 | 20 feet |

415-4.2 When a luminaire has total cutoff of an angle greater than ninety (90) degrees (Figure 2), (as compared to (90) degrees exactly (Figure 3)) the maximum illumination and the maximum permitted luminaire height shall be:

| District | Maximum Permitted Illumination | Maximum Permitted Height of Post |
|-----------------------------|--------------------------------|----------------------------------|
| Residential & Institutional | 0.5 | 20 feet |
| Commercial & Industrial | 1.0 | 30 feet |

415-4.3 When a luminaire has total cutoff of light at an angle less than ninety (90) degrees (Figure 1) and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5)-feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:

| District | Maximum Permitted Illumination | Maximum Permitted Height of Post |
|-----------------------------|--------------------------------|----------------------------------|
| Residential & Institutional | 0.5 | 20 feet |
| Commercial & Industrial | 3.0 | 40 feet |

415-4.4 Exemption for specified public outdoor recreation uses:

- A. Because of their unique requirements for nighttime visibility and their limited hours of operation, public ball diamonds, public playing fields, and public tennis courts are exempted from the exterior lighting standards of Sections 415-4.1 through 415-4.3 above. These outdoor recreational uses must meet all other requirements for this Section and of this Code.
- B. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
- C. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the property line or, if required, the interior screening and buffering line, shall not exceed two (2) foot-candles.

The following figures are added:

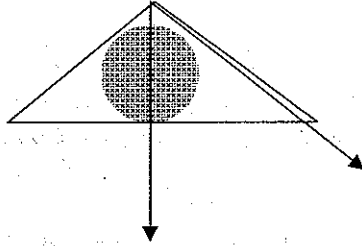


Figure 1: Less than 90 degrees

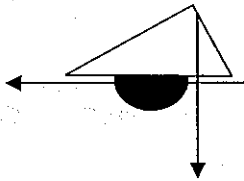


Figure 2: 90 degrees

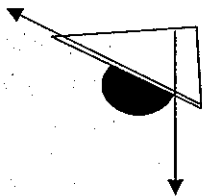


Figure 3: Greater than 90 degrees

Community Development Code Section 418-4, Fences and Retaining Walls, is amended to reflect the following:

418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

- 418-4.1 A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.
- 418-4.2 A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.
- 418-4.3 A combination fence [not more than six (6) feet in height] and retaining wall structure [not more than four (4) feet in height] located in a side or rear yard (for design standards see Section 419-4).
- 418-4.4 Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 418-4.5 All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.
- 418-4.6 A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.
- 418-4.7 Residential lots or parcels shall maintain a clear vision area with no sight obscuring fence or wall (does not include retaining wall) not more than three (3) feet in height, measured from finished grade, within a fifteen (15) by fifteen (15) foot triangle along a driveway. A clear vision area shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the fence line (for design standards see Figure 1 and Figure 2).

The following figures are added:

Figure 1. Plan View

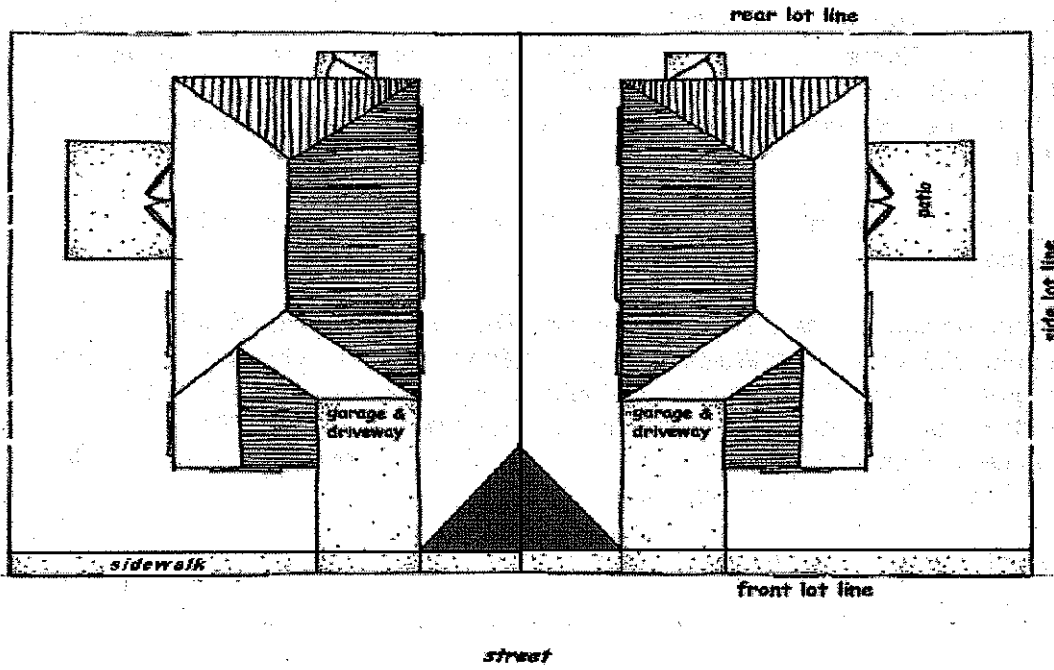
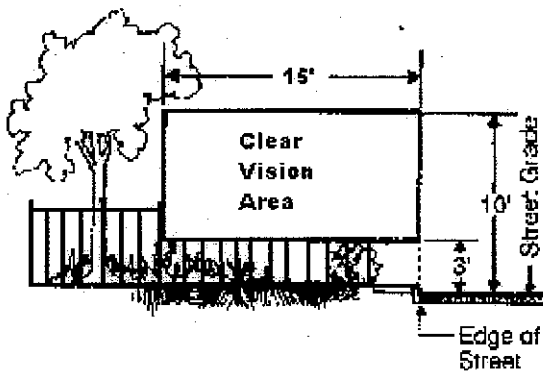


Figure 2. Side View



abcdef Proposed additions
ab~~cd~~ef Proposed deletions

Community Development Code Section 421 FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT, Uses Allowed Through A Type III Procedure is amended to reflect the following:

421-6 Uses Allowed Through A Type III Procedure

Unless specifically prohibited by the applicable Community Plan, the Rural/ Natural Resource Plan Element, Section 422, or the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit for the following may be approved through the Type III procedure:

- 421-6.1 Parking area for adjacent multi-family, institutional, commercial or industrial development;
- 421-6.2 In any area designated as a Significant Natural Resource by the applicable Community Plan ~~or the Rural/Natural Resource Plan Element~~, culverting or piping of a flood area that is designed to improve the overall drainage system to facilitate private development. Such requests shall be processed as a Type III Planned Development. Culverting or piping that is permitted by Section 421-5 is not intended to be addressed by this subsection; and
- 421-6.3 Low head hydroelectric power generation facilities.

Community Development Code Section 425-2 Management Criteria (Income Test) in the DESIGNATION OF MARGINAL LANDS is amended to reflect the following:

425 DESIGNATION OF MARGINAL LANDS

425-2 Management Criteria (Income Test)

If the land meets the criteria of 425-1, land may be designated as marginal when it has not been managed during three (3) of five (5) calendar years before January 1, 1983 (1978 through 1982), as part of:

- 425-2.1 A farm operation that produced \$20,000 or more in annual gross income; or
- 425-2.2 A forest operation capable of producing an average over the growth cycle of \$10,000 in annual gross income.
- 425-2.3 ~~The Board of County Commissioners will adopt, by Resolution and Order, the additional criteria~~ Evidence required to determine compliance with the farm operation income requirements above may include the following:
 - A. An affidavit signed by the person generating the farm income, certifying that the income requirements have been met;
 - B. Federal income tax returns; or
 - C. Sales receipts of products sold from the property or other information as may be necessary to prove income.

The County may, in any event, rely on use ~~statistical~~ information compiled by the Oregon State University Extension Service, the Oregon Department of Forestry or other objective criteria to calculate income during the years 1978 through 1982.

Community Development Code Section 428 FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS is amended to reflect the following:

428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure

Dwellings and structures, including replacement dwellings and accessory structures, that are reviewed through a Type I procedure shall comply with the following standards. If the Type I standards are not met on a property, the Type II standards of Section 428-4 shall apply. In order to qualify under the Type I standards below, the property shall be located within the boundaries of a Fire Protection District (does not include Oregon Dept of Forestry).

428-3.1 Forest Structure Siting Standards For Dwellings and Structures

A. Dwellings, including replacement dwellings not permitted by Sections 428-3.1 B. or 428-3.1 C., shall comply with the following standards:

- (1) The subject site shall have frontage on a public road and access to the dwelling shall be obtained either directly from the subject property or via a recorded easement from this public road.
- (2) Part or all of the dwelling shall be located within three-hundred (300) feet of the public road from which access is taken.
- (3) When there are no dwellings within five-hundred (500) feet of a side, street side or rear property line of the site, the entire dwelling shall be located two-hundred (200) feet or more from the property line. The dwelling shall be located near the property line that is closest to fire protection services. See Figure 1.
- (4) When there is an existing dwelling located within five-hundred (500) feet of a side, street side or rear property line of the site, part or all of the dwelling shall be located within five-hundred (500) feet of the existing dwelling. The dwelling may be located as close to the affected property line as permitted by the setback requirements of the EFC District and the fire break requirements of Section 428-3.4 D. However, in no case shall the dwelling be located more than three-hundred (300) feet from the public road providing access to the dwelling. See Figure 2.
- (5) The dwelling shall be located at least one-hundred and twenty-five (125) feet from a riparian corridor as defined in Sections 422-3.3 and 106-185.

B. A replacement dwelling, that will be sited at the same location as the existing dwelling, shall comply with the following standards:

- (1) Access may continue to be provided from a private road when the existing access is from a private road.
 - (2) The dwelling shall meet the primary and secondary fire break area requirements of Section 428-3.4 D. to the extent the existing building setbacks permit.
- C. A replacement dwelling that will not be sited at the same location as the existing dwelling, but part or all of the replacement dwelling will be sited within two-hundred (200) feet of the location of the existing dwelling, shall meet the following standards:
- (1) Access may continue to be provided from a private road when the existing access is from a private road.
 - (2) Part or all of the replacement dwelling shall be located within three-hundred (300) feet of the public or private access road to the extent the setbacks of the existing dwelling permit. If the existing dwelling is located more than three-hundred (300) feet from the road, the replacement dwelling shall not be located a greater distance from the access road than the existing dwelling. See Figure 3.
 - (3) When there are no dwellings within five-hundred (500) feet of a side, street side or rear property line of the site, the entire replacement dwelling shall be located two-hundred (200) feet or more from the property line to the extent permitted by the location of the existing dwelling.
 - (4) When there is an existing dwelling located within five-hundred (500) feet of a side, street side or rear property line of the site, part or all of the replacement dwelling shall be located within five-hundred (500) feet of the existing nearby dwelling to the extent permitted by the location of the existing nearby dwelling. The replacement dwelling may be located as close to the affected property line as permitted by the setback requirements of the EFC District, the fire break requirements of Section 428-3.4 D., and the setback requirement of (2) above. See Figure 3.
 - (5) The dwelling shall be located at least one-hundred and twenty-five (125) feet from a riparian zone as defined in Sections 422-3.3 and 106-185.
- D. Non-dwelling structures, including accessory structures shall:
- (1) Be located so that part or all of the structure is within two-hundred (200) feet of the dwelling, and part or all of the structure is located between the dwelling and within five-hundred (500) feet of the public or private road which provides access to the dwelling to the extent permitted by the location of the existing dwelling (see Figure 4); or
 - (2) Meet the siting standards for new dwellings in Section 428-3.1 A. (1,2, 3, and 4).

Structures that do not meet the standards in (1) or (2) above shall be reviewed through a Type II procedure and shall comply with the applicable standards of Section 428-4.

428-3.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

- A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (OAR 690, Division 11) and not from a Class II stream as defined in the Forest Practices Rule [OAR 629-24-101(3)].
- B. For the purposes of Section 428-3.2, evidence of a domestic water supply means:
 - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (2) A water use permit issued by the Oregon Department of Water Resources for the use described in the application; or
 - (3) Verification from the Oregon Department of Water Resources that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

428-3.3 Stocking Requirements For Dwellings

All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A. Pursuant to ORS 215-730, approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules.

428-3.4 Fire Siting Standards for Dwellings and Structures

The following fire siting standards shall apply to dwellings and structures, including replacement dwellings and accessory structures:

- A. Residential Fire Protection Requirements For Dwellings, Including Replacement Dwellings

Dwellings, including replacement dwellings, shall be located upon a parcel within a fire protection district (does not include the Oregon Department of Forestry) or be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the application shall be reviewed via a Type II procedure for forest structure siting and fire safety standards.

- B. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least four-thousand (4,000) gallons or a stream that has a minimum flow of at least one (1) cubic foot per second. The applicant shall provide verification from the Oregon Department of Water Resources that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.
- C. Road access to a water supply shall be provided to within fifteen (15) feet of the water's edge for fire-fighting equipment, including pumping units. The road (driveway) access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- D. Fire Break Area Requirements

The owner(s) of dwellings and structures, including replacement dwellings and accessory structures, shall:

- (1) Maintain a minimum thirty (30) foot primary fuel-free fire break area around the dwelling or structure. As slopes increase, the distance of the primary fire break area shall be increased around the dwelling or structure in accordance with the dimensional requirements in Table A;
- (2) Maintain an additional ~~minimum~~ one-hundred (100) foot secondary fuel-free fire break area around ~~around~~ the primary firebreak encircling the dwelling or structure; and
- (3) Any required fire break shall be on land that is owned or controlled by the owner of the subject property.
- (4) A replacement dwelling permitted by Section 428-3.1 B. shall meet the fire break area requirements in (1) and (2) above to the extent the existing building setbacks permit.

Community Development Code Section 430-8 ALTERATION, RESTORATION OF A LAWFULLY ESTABLISHED DWELLING, INCLUDING MANUFACTURED DWELLINGS, IN THE EFU, EFC, AF-20, AF-10, AF-5, AND RR-5 DISTRICTS THROUGH A TYPE I OR II PROCEDURE is amended as follows:

430-8.1 Alteration, restoration or replacement of a dwelling, through a Type I procedure, when the following standards are met:

A. The applicant shall demonstrate the dwelling was lawfully established on or after April 6, 1959 by submitting the following information:

- (1) A development application approval for the dwelling issued on or after April 6, 1959;
- (2) A building permit for the dwelling issued on or after April 6, 1959; or
- (3) A certificate of zoning compliance for the dwelling issued on or after April 6, 1959; or

B. The applicant demonstrates the dwelling was lawfully established by providing documentation from the Department of Assessment and Taxation that the dwelling was established prior to April 6, 1959;

C. The existing dwelling shall have:

- (1) Intact exterior walls and roof structure;
- (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3) Interior wiring for interior lights; and
- (4) A heating system.

Acceptable documentation for items (1) through (4), above, may include photographic evidence that the given feature or features are present and in working order. In addition, for compliance purposes, the applicant shall submit a photograph that depicts the overall dwelling structure as it appears from the public right-of-way or access drive. Lawful single family dwellings not containing the intact features itemized in C. 1-4 above may be replaced subject to the criteria in Section 440 of this Code.

D. In the case of replacement, the existing dwelling structure is removed, demolished, or converted to an accessory structure as specified in G. below, within ninety (90) days of completion of the replacement dwelling.

- E. In the EFC District, the replacement dwelling also meets the standards in Section 428-3 (forest structure siting and fire safety standards for dwellings reviewed through a Type I procedure).
- F. In the EFU and AF-20 Districts, the applicant may request a deferred replacement permit. For required standards, see Section 430-8.4.
- G. To convert to an accessory structure, and render a dwelling uninhabitable, the applicant must complete all of the following, as verified by a site inspection:
- (1) In the kitchen:
 - a) Remove all appliances including the stove, oven, refrigerator, dishwasher, and trash compactor;
 - b) Remove the sinks, countertops and cabinets;
 - c) Remove or terminate all 220-volt electrical circuits to kitchen appliances in a manner conforming to the One & Two Family Dwelling Electrical Code;
 - d) Remove fuel supply lines (if any) to kitchen appliances and cap service lines at the supply source in the wall in conformance with the One & Two Family Dwelling Mechanical Code.
 - (2) In all bathrooms:

Remove the toilets, sinks, and tub/shower facilities;
 - (3) Terminate the water supply into the converted structure and cap off all plumbing fixtures (including those in the kitchen) in a manner conforming to the Oregon Specialty Code;
 - (4) The property owner shall record a restrictive covenant in the Department of Records stating the converted dwelling structure is not eligible to be, nor will be used as a dwelling.

Final building inspection approval of the replacement dwelling shall not be granted until the conversion of the existing dwelling structure is complete.

430-8.2 Alteration, restoration or replacement of a lawfully established dwelling that is not permitted by Section 430-8.1, through a Type II procedure, when the following standards are met:

- A. The applicant shall submit evidence which demonstrates the dwelling was lawfully established;
- B. The existing dwelling shall have:

- (1) Intact exterior walls and roof structure;
- (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (3) Interior wiring for interior lights; and
- (4) A heating system.

Acceptable documentation for items (1) through (4), above, may include photographic evidence that the given feature or features are present and in working order. In addition, for compliance purposes, the applicant shall submit a photograph that depicts the overall dwelling structure as it appears from the public right-of-way or access drive. Lawful single family dwellings not containing the intact features itemized in B. 1-4 above may be replaced subject to the criteria in Section 440 of this Code.

C. In the case of replacement, the existing dwelling structure shall be:

- (1) Removed or destroyed within ninety (90) days of completion of the replacement dwelling; or
- (2) Converted to an accessory structure that is permitted by the primary district when the following standards are met:
 - (a) The accessory structure shall be reviewed in conjunction with the application for replacement of the dwelling and shall be by a Type II procedure if the accessory structure is permitted by a Type III procedure. Replacement of the dwelling shall not be allowed if the accessory structure is not approved. If the existing dwelling structure is not converted to the accessory structure within ninety (90) days of completion of the replacement dwelling the original dwelling structure shall be demolished or removed;
 - (b) The existing dwelling structure shall be altered to retain only interior walls, plumbing, wiring and fixtures determined necessary by the Review Authority for the accessory structure;
 - (c) The property owner shall record a restrictive covenant in the Department of Records stating the converted dwelling structure is not eligible to be used as a dwelling; and
 - (d) Final building inspection approval of the replacement dwelling shall not be granted until the conversion of the existing dwelling structure is complete.

D. In the EFC District, the replacement dwelling meets the standards in Section 428-3 or 428-4 (Forest Structure Siting and Fire Safety Standards for Dwellings in the EFC District).

- E. In the EFU and AF-20 Districts, the applicant may request a deferred replacement permit. For required standards, see Section 430-8.4.

430-8.3 Standards for Replacement Dwellings in EFU, EFC, and AF-20

- A. A replacement dwelling may be sited on any part of the same lot or parcel.
- B. A dwelling established under this section shall comply with all applicable siting standards. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling.
- C. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for Washington County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Review Authority and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Review Authority shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
- D. A temporary residence approved under the standards of Section 430-135.2 A. is not eligible for replacement under these provisions.

Community Development Code Section 430-53 Group Care is amended to reflect the following:

430-53 Group Care

Community based care is divided into medical and nonmedical care. Group care homes, residential care facilities, and halfway houses provide care and training to small groups of more than five (5) people living together in a homelike setting. The clients and staff function as a single housekeeping unit and, act in many ways as a family providing support, care and supervision. The goal of these facilities is the integration of their clients into society. Other types of group care include facilities for day-care, convalescent (nursing) homes, and retirement housing communities.

430-53.6 Family Day-Care Provider in the AF-10, AF-5 and RR-5 Districts:

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~~ sixteen (~~13~~ 16) children, including children of the provider, regardless of full-time or part-time status. Family day-care providers shall meet the following:

- A. All state licensing and County Health Department requirements must be met and maintained;
- B. The requested use is compatible with the surrounding uses or can be made more compatible through conditions of approval; and
- 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.

Community Development Code Section 430-63, SPECIAL USE STANDARDS for Home Occupation is amended to reflect the following:

430-63 Home Occupation

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1C does not apply to bed and breakfast facilities). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons).

There are four types of home occupations: exempt (see Section 201-2.18), Type I (Section 430-63.1), Type II (Section 430-63.2) and Type III (Section 430-64.3). The following summarizes the key differences:

Exempt

- Same as Type I, but no on-site customers

Type I

- Operated within the dwelling (includes one or two-car attached garage)
- No retail sales other than telephone sales
- Limited to five (5) customers or fewer per day
- No employees
- Does not allow any additional parking
- Allows one commuter vehicle with weight limits

Type II

- Operated within the dwelling or an accessory building
- Limited retail sales
- Limited to nine (9) customers or fewer per day
- One (1) employee allowed
- Allows additional parking
- Allows one commuter vehicle with ~~no~~ weight limits

Type III

- Same as Type II, and
- Limited outdoor storage
- Allows one commuter vehicle with no weight limit
- Limited to the AF-5 and AF-10 Districts

Community Development Code Section 430-109 SPECIAL USE STANDARDS for Receiving and Transmitting Antennas, Communication and Broadcast Towers is amended to reflect the following:

430-109 Receiving and Transmitting Antennas, Communication and Broadcast Towers

430-109.11 Application Requirements for Telecommunication Facilities less than two hundred (200) feet proposed on lands designated EFU and AF-20:

- A. The applicant shall demonstrate that the facility is necessary for public service pursuant to ORS 215.213 (1)(d) and OAR 660-033-0420 130 (16). Applications shall include a report containing an alternative analysis consistent with ORS 215.275. The report shall be accepted by the Director as complete prior to the submission of the application. The Director may require an outside peer review of the applicant's ORS 215.275 and Section 430-109.7 F. reports by an engineer selected by the Director to assist staff determine the report's completeness. The applicant shall be responsible for the cost of this review; and
- B. In addition to the requirements set forth in state law, these telecommunication facilities are subject to Sections 430-109.2; 430-109.6; 430-109.7, excluding E.; 430-109.8; 430-109.9, excluding G.; 430-109.10; and 430-109.12.

Community Development Code Subsection 501, PUBLIC FACILITIES AND SERVICES, is amended to reflect the following:

501-2 Application of the Public Facility and Service Standards Inside a UGB

Application of the Public Facility and Service Standards (Section 501-1 through 501-8) shall apply to the Urban Unincorporated Area as follows:

- 501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit or duplex on an approved duplex lot of record (Section 430-13.3), or other structures which meet all of the following:
- A. Contains two thousand (2,000) square feet or less;
 - B. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
 - C. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
 - D. Does not pose any unique public health or safety issues.

