



April 2, 2008

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 694**

Enclosed for your information is a copy of proposed Ordinance No. 694. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

Ordinance Purpose and Summary

The FD-20 District (Future Development – 20 acre minimum lot size) includes the following institutional uses that generally are not appropriate in industrial areas: schools, churches, free-standing day care centers, and cemeteries. This ordinance would prohibit these uses on FD-20 lands that have been designated by Metro for industrial use. The proposed changes are similar to restrictions adopted by Ordinance No. 686 in 2007, which included this provision for industrial lands added by Metro in 2005. Ordinance No. 694 would apply the same prohibition on certain uses for the industrial lands added to the UGB in 2004.

Who Is Affected

Owners of property located in areas added to the urban growth boundary for industrial land in Washington County in 2004. The affected properties are shown on the attached map.

What Land is Affected

Properties added to the UGB as industrial land by Metro in 2004 as shown on the attached map. These properties are specifically described as Areas of Special Concern 4, 5 and 6 in Policy 41 of the Comprehensive Framework Plan for the Urban Area (CFP) and are located in the vicinity of the cities of Sherwood, Tualatin and Wilsonville. Also affected is Area of Special Concern 1 in the Helvetia subarea of the East Hillsboro Community Plan. Area of Special Concern 1 is located southeast of Helvetia and West Union Roads.

Key Provisions

- These institutional uses (schools, churches, day care centers and cemeteries) would be prohibited on land added to the UGB in 2004 that was designated as a Regionally Significant Industrial Area or as Industrial land by Metro's 2040 Growth Concept Plan. Text amendments relating to this change are included in CFP Policy 41, Urban Growth Boundary Expansions, and in the Helvetia Subarea description contained within the West Union Community Plan.
- Section 308 (Future Development 20 Acre District) of the Community Development Code is amended to prohibit churches, schools, day care facilities and cemeteries **only** within the FD-20 lands added to the UGB in 2004.

Initial Public Hearings Time and Place

Planning Commission
1:30 pm
May 7, 2008

Board of County Commissioners
10:00 am
June 3, 2008

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

On June 3, 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 3, 2008.

Urban Comprehensive Plan Policies Amended

- Policy 41, Urban Growth Boundary Expansions

West Union Community Plan Amendments

- Helvetia subarea text

Community Development Code Standards Amended

- Section 308, Future Development 20 Acre (FD-20) District

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.

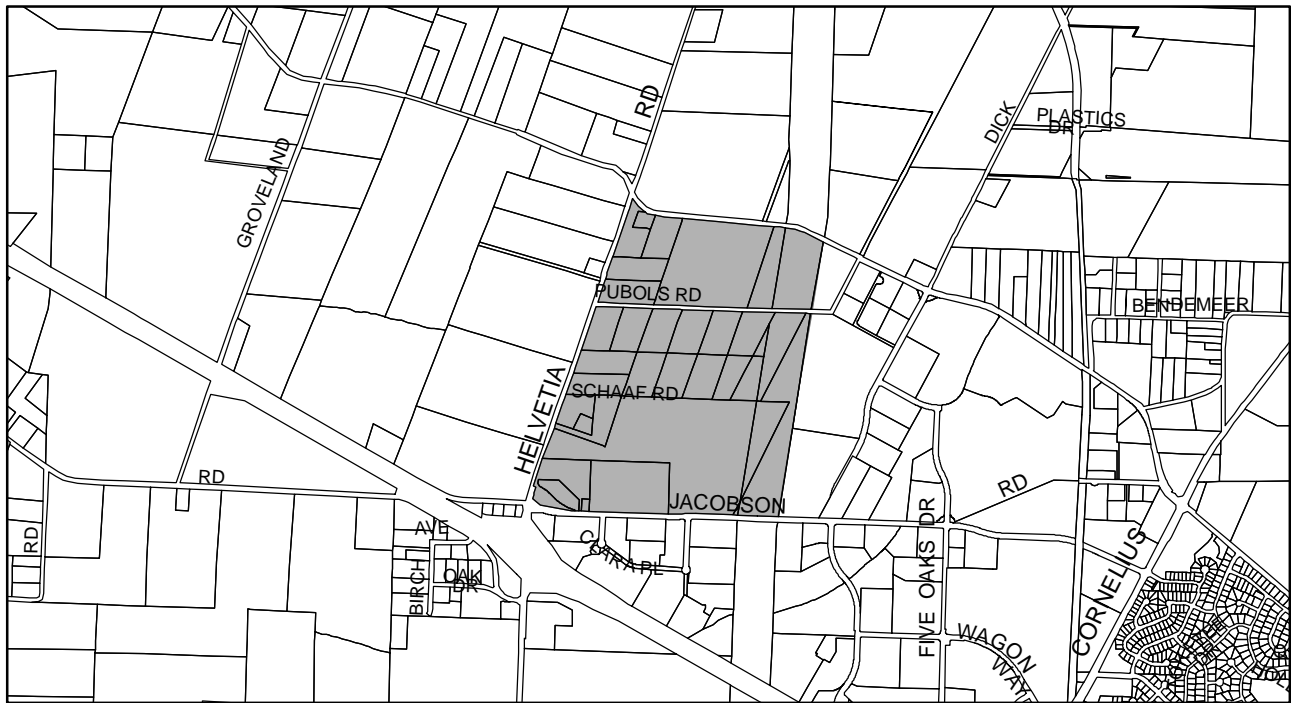
Staff Contact

Aisha Willits, Senior Planner
155 North 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3961 Fax: 503-846-4412
e-mail: Aisha_Willits@co.washington.or.us

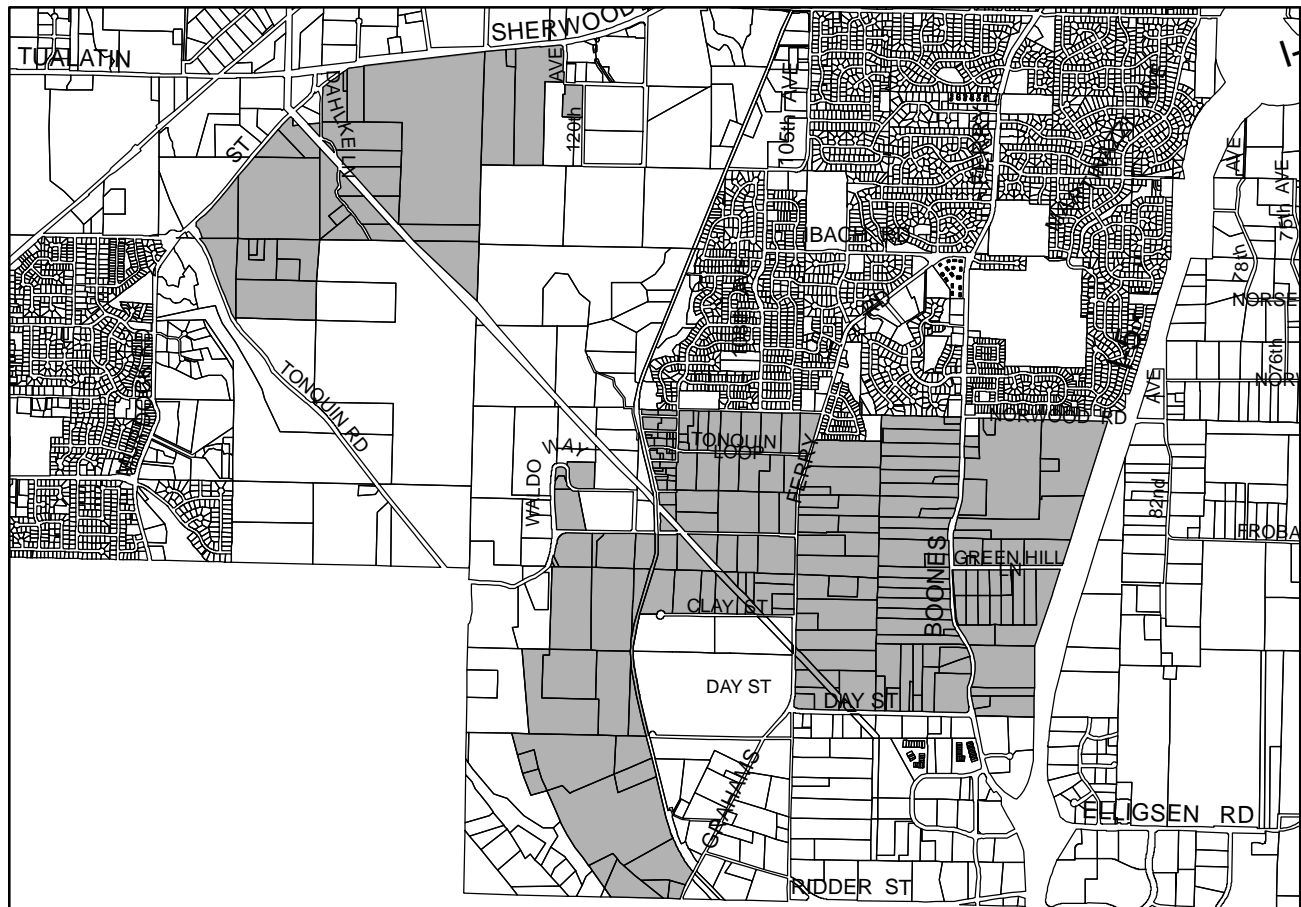
Proposed Ordinance is available at the following locations:

- The Washington County Department of Land Use and Transportation, Planning Division, 155 North 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.

Properties affected by Ordinance 694



Hillsboro Area



Tualatin Area



BEFORE THE BOARD OF COUNTY COMMISSIONERS

Washington County
County Clerk

FOR WASHINGTON COUNTY, OREGON

ORDINANCE 694

An Ordinance Amending the
Comprehensive Framework Plan for the
Urban Area, the West Union Community
Plan, and the Community Development
Code Element of the Comprehensive
Plan relating to Industrial Urban Growth
Boundary Lands

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area Element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683 and 686.

B. The Board of County Commissioners of Washington County, Oregon, recognizes that the West Union Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 420, 480, 551, 588, 610 and 671.

C. 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,

1 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525,
2 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-
3 605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654,
4 659-662, 667, 669, 670, 674, 676, 677 and 682-686.

5 D. Subsequent ongoing planning efforts of the County indicate a need for a general
6 update to the Comprehensive Framework Plan for the Urban Area, the West Union Community
7 Plan, and the Community Development Code Element of the Comprehensive Plan to provide
8 clarification as to uses which are not compatible with industrial lands consistent with Title 11 of
9 the Metro Urban Growth Management Functional Plan. The Board takes note that such changes
10 are necessary for the benefit of the health, safety, and general welfare of the residents of
11 Washington County, Oregon.

12 E. Under the provisions of Washington County Charter Chapter X, the Land Use
13 Ordinance Advisory Commission has carried out its responsibilities, including preparation of
14 notices, and the County Planning Commission has conducted one or more public hearings on the
15 proposed amendments and has submitted its recommendations to the Board. The Board finds
16 that this Ordinance is based on that recommendation and any modifications made by the Board,
17 as a result of the public hearings process.

18 F. The Board finds and takes public notice that it is in receipt of all matters and
19 information necessary to consider this Ordinance in an adequate manner, and finds that this
20 Ordinance complies with the Statewide Planning Goals, the Metro Urban Growth Management
21 Functional Plan, the standards for legislative plan adoption as set forth in Chapters 197 and 215

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1 of the Oregon Revised Statutes, the Washington County Charter, the Washington County
2 Community Development Code, and the Washington County Comprehensive Plan.

3 SECTION 2

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

- 6 A. Exhibit 1 (5 pages) amending Policy 41, Urban Growth Boundary Expansions, of the
7 Comprehensive Framework Plan for the Urban Area;
- 8 B. Exhibit 2 (1 page) amending the Helvetia Subarea text of the West Union
9 Community Plan; and
- 10 C. Exhibit 3 (6 pages) amending Community Development Code Section 308 FUTURE
11 DEVELOPMENT 20 ACRE DISTRICT (FD-20).

12 SECTION 3

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

15 SECTION 4

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

18 SECTION 5

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

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1 or repealed by the stricken portion of this Ordinance shall be revived and again be considered in
2 full force and effect.

3 SECTION 6

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

9 SECTION 7

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

11 ENACTED this 3rd day of June, 2008, being the 1st reading and 1st
12 public hearing before the Board of County Commissioners of Washington County, Oregon.

13 BOARD OF COUNTY COMMISSIONERS
14 FOR WASHINGTON COUNTY, OREGON

15 **ADOPTED**

Tam Bruen

16 CHAIRMAN

Barbara Hejtmanek
17 RECORDING SECRETARY

18 READING

PUBLIC HEARING

19 First June 3, 2008
20 Second _____
21 Third _____
22 Fourth _____
Fifth _____
Sixth _____

June 3, 2008

VOTE: Aye: Brian, Schouten, Rogers, Strader Nay: Duyck

Recording Secretary: Barbara Hejtmanek Date: June 3, 2008

Policy 41, Urban Growth Boundary Expansions, of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

Implementing Strategies

The County will:

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

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

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

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) New commercial retail uses are prohibited. Commercial office uses accessory to and in the same building with an industrial use may be allowed.
 - b) Future lot/parcel reconfigurations must result in at least one parcel that is 100 acres or larger and at least one parcel 50 acres or larger. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
3. Area of Special Concern 3 is comprised of approximately 63 acres of land located between Tualatin-Sherwood Road and Tonquin Road, west of the railroad tracks. The properties located in this Area of Special Concern are illustrated on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 02-969B in December 2002. This area is designated as a Regionally Significant Industrial Area by Metro.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Future lot/parcel reconfigurations shall result in the largest practicable parcel. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
 - b) New commercial retail uses are prohibited.
4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land by Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.

b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

- 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

b)c) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of projected Tonquin Trail right-of-way, as shown on the 2004 Regional Transportation Plan.

- 3) Be coordinated with Title 11 planning for Areas of Special Concern 2 and 3 that were added to the UGB in 2002 by Metro Ordinance 02-969B
5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

~~b~~c) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
 - 2) Incorporate the general location of projected right-of-way location alignment for the I-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.
 - 3) Consider using the I-5/99W Connector as a boundary between the cities of Tualatin and Wilsonville.
6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and were designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.

b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as an Industrial Area.

b~~c~~) The Title 11 planning required by Metro shall:

- 1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.
- 2) Incorporate the general location of projected right-of-way location alignment for the 1-5/99W Connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

7. Area of Special Concern 7 consists of two individual UGB expansion area that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:

1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

b) The Title 11 planning required by Metro shall:

1) Adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

e. Require that land added to the Regional Urban Growth Boundary (UGB) be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD), and when appropriate, the Tualatin Hills Park and Recreation District (THPRD) prior to placing any urban plan designation on the property, with the exception of the FD-10 and FD-20 Districts. Annexation into URMD and ESPD, and when appropriate, THPRD, shall be completed before the County determines that a quasi-judicial plan amendment for any plan designation, except FD-10 and FD-20 is complete. For legislative plan amendments for any plan designation, except FD-10 and FD-20, the subject properties shall be required to annex into URMD and ESPD, and when appropriate, THPRD, prior to preliminary or final approval of any development application.

Summary Findings and Conclusions

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

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

In 1999, ~~and 2002, 2004 and 2005,~~ Metro expanded the Regional Urban Growth Boundary. Metro's Urban Growth Management Functional Plan (UGMFP) limits the size of new parcels to 20 acres and requires local governments to restrict development on new urban lands until master planning has occurred. The FD-20 District will be applied to properties added to the Regional UGB through Metro's Major or Legislative Amendment processes in order to comply with Metro's 20 acre minimum lot area requirement. The FD-20 District will be maintained on new urban areas until the Title 11 requirements of Metro's UGMFP have been completed and adopted. Properties designated FD-20 are not required to annex into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD) and the Tualatin Hills Park and Recreation District (THPRD).

The Helvetia Subarea text of the West Union Community Plan is amended to reflect the following:

HELVETIA

This area consists of several parcels located at the southeast corner of Helvetia and West Union Roads and encompasses approximately 250 acres. These properties were added to the UGB by Metro Ordinance 04-1040B, adopted on June 24, 2004. Metro designated the area as a Regionally Significant Industrial Area on the 2040 Growth Concept Plan.

The area is designated Future Development - 20 Acre (FD-20) District on the West Union Community Plan and the FD-20 designation shall be maintained until the property is annexed to the City of Hillsboro and rezoned. Area of Special Concern 1 provisions apply to the entire Helvetia Subarea.

~~Area of Special Concern 1: - Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria: Until the effective date of new regulations adopted pursuant to Title 11, FD-20 development applications within this Area of Special Concern shall be subject to Section 308 and any other applicable provisions of the Community Development Code, except~~

- a) ~~No~~ lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, churches and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.

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

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. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

308-2.1 Accessory Uses and Structures - Section 430-1.

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

308-2.3 Bus Shelter - Section 430-23.

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use

district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

- 308-2.5 Home Occupation - Section 430-63.1.
- 308-2.6 Parks - Section 430-95.
- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

308-3 Uses Permitted Through a Type II Procedure

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan 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. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 308-4.1 Cemetery - Section 430-27., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.2 Church - Section 430-29., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.3 Commercial Chicken or Rabbit Raising.
- 308-4.4 Commercial Greenhouse.
- 308-4.5 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).
- 308-4.6 Contractor's Establishment.
- 308-4.7 Day Care Facility - Section 430-53.2., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.
- 308-4.8 Public Building - Section 430-103.
- 308-4.9 Public Utility - Section 430-105.
- 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 308-4.12 School - Section 430-121., except as prohibited in Areas of Special Concern 4, 5, 6 and 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of

Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan.

308-5 Prohibited Uses

- 308-5.1 Structures or uses not specifically authorized in Section 308.
- 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
- 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
- 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 308-5.8 Auto wrecking yards.
- 308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

308-6 Dimensional Requirements

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 to create 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.

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved

as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

308-6.4 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

308-7 Additional Standards

308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.

308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.

308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

308-8 Access

All lots in this District shall either:

308-8.1 Abut a public street; or

308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

308-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.