



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

ADOPTED

Meeting Date: February 07, 2023
Agenda Category: PUBLIC HEARINGS
Department(s): Land Use & Transportation
Presented by: Stephen Roberts, Director of Land Use & Transportation
Thomas A. Carr, County Counsel

CPO: All Urban CPOs

Agenda Title: Consider Proposed A-Engrossed Ordinance No. 890 – An Ordinance Amending the Community Development Code (CDC) to Implement the Requirements of 2021 Oregon Senate Bill 458 Relating to Middle Housing Land Divisions, and Making Minor Amendments Related Generally to Middle Housing (Continued from Jan. 24, 2023)

REQUESTED ACTION:

Read A-Engrossed Ordinance No. 890 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the public testimony, adopt A-Engrossed Ordinance No. 890. By separate action, adopt associated findings.

SUMMARY:

A-Engrossed Ordinance No. 890 proposes to amend the Community Development Code (CDC) to add standards and procedures for Middle Housing Land Divisions consistent with 2021 Oregon Senate Bill 458. It also proposes minor amendments to recently adopted regulations for Middle Housing. A-Engrossed Ordinance No. 890 is posted on the County's land use ordinance webpage at the following link:

www.washingtoncountyor.gov/lut/land-use-ordinances-progress

At its Dec. 6, 2022 public hearing on Ordinance No. 890, the Board of Commissioners directed engrossment of the ordinance to make several changes. A summary of the amendments was included in the Dec. 6 hearing materials. The Board conducted its first hearing for A-Engrossed Ordinance No. 890 on Jan. 24, 2023, and continued the hearing to Feb. 7, 2023 for the second of two required hearings on the engrossed ordinance.

A staff report is attached and posted on the above land use ordinance webpage.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

None known at this time

Legal History/Prior Board Action:

- This ordinance was authorized as part of the 2021-22 Long Range Planning Work Program.
- Dec. 6, 2022 – Board hearing for Ordinance No. 890; Board directed engrossment to make changes recommended by the Planning Commission and continued the hearing to Jan. 24 and Feb. 7, 2023.
- Jan. 24, 2023 – Board held first hearing on A-Engrossed Ordinance No. 890 and continued the hearing to Feb. 7, 2023.

Budget Impacts:

None

ATTACHMENTS:

[A-Engrossed Ordinance No. 890 \(Middle Housing Land Divisions\): Staff Report](#)

[ADOPTED - A-Engrossed Ordinance No. 890 \(Middle Housing Land Divisions\) Notice Filed Ordinance](#)

Approved by the
Washington County Board of Commissioners
also serving as the governing body of Clean Water Services and all other County Districts



Kevin Moss, Board Clerk

February 7, 2023

Date Signed

ADOPTED



Jan. 31, 2023

To: Washington County Board of Commissioners

From: Erin Wardell, Manager
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 890 – An Ordinance Amending the Community Development Code to Implement the Requirements of 2021 Oregon Senate Bill 458 Relating to Middle Housing Land Divisions, and Making Minor Amendments Related Generally to Middle Housing.**

STAFF REPORT

For the Feb. 7, 2023 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10 a.m.)

I. STAFF RECOMMENDATION

Conduct the second of two required public hearings for A-Engrossed Ordinance No. 890. At the conclusion of public testimony, close the hearing and adopt A-Engrossed Ordinance No. 890. By separate action adopt the associated findings.

II. BACKGROUND

The Board is scheduled to hold the second of two required public hearings for A-Engrossed Ordinance No. 890 at the Feb. 7 meeting.

After its Dec. 6, 2022 public hearing for Ordinance No. 890, hearing, the Board directed engrossment of the ordinance and continued the hearing to Jan. 24 and Feb. 7. The Board further directed staff to provide notice of the ordinance changes and the schedule for engrossment hearings as required by Chapter X of the County Charter.

A separate action agenda item recommending adoption of the findings for A-Engrossed Ordinance No. 890 by resolution and order has been provided in the meeting materials for the Board's Feb. 7 meeting.



WASHINGTON COUNTY

OREGON

PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 890

Individual and General Notice 2023-02
Jan. 10, 2023

Initial notice was provided to interested parties Oct. 7, 2022 regarding proposed Ordinance No. 890. After public hearings for Ordinance No. 890, the Board of Commissioners ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 890**. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments.

Who is Affected

Property owners, residents and those who seek housing in urban unincorporated Washington County.

What Land is Affected

Land in urban unincorporated residential districts of Washington County.

ORDINANCE PURPOSE:

Ordinance No. 890 and changes made through engrossment would amend the Community Development Code (CDC) to add standards and procedures for Middle Housing Land Divisions, consistent with 2021 Oregon Senate Bill 458. It would also make minor amendments to recently adopted regulations for Middle Housing. Details on the amendments are shown on the next page.

PUBLIC HEARING INFORMATION/LOCATION:

Hearings on the engrossed ordinance are scheduled for the dates and times below.
For information about the meetings and how to testify,
please see the following webpage:

Board of Commissioners: <https://washingtoncounty.civicweb.net/Portal>

Board of Commissioners

6:30 p.m.
Jan. 24, 2023

10 a.m.
Feb. 7, 2023

At its Feb. 7 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted Feb. 7, it would become effective March 9.

SUMMARY OF ORDINANCE NO. 890 AS ORIGINALLY FILED:

- Clarifies Middle Housing Land Division definition;
- For Middle Housing Land Divisions:
 - Distinguishes from standard land divisions;
 - Adds procedural requirements;
 - Requires separate utilities per dwelling unit except in limited circumstances;
 - Prohibits further division of resulting lots or parcels;
- Makes minor amendments to clarify changes made in A-Engrossed Ordinance No. 885 related to Middle Housing and Middle Housing Land Division requirements

SUMMARY OF CHANGES TO ORDINANCE NO. 890:

- For Middle Housing/Middle Housing Land Division side yard setbacks:
 - Reduces adopted minimum unless abutting certain offsite land;
 - More broadly allows reduction where 6' separation is maintained between homes
- For other housing, clarifies adopted criteria for related side yard setback reductions;
- For Middle Housing, Single Detached Dwelling or its expansion, accepts existing road improvements that have previously been approved and built to County standard regardless of right-of-way and/or partial easement width as an alternative to adopted minimum right-of-way standards.

AFFECTED LAND USE PLANNING DOCUMENTS:

Community Development Code

- Various sections – Global replacement of terms;
- Section 106 – Definitions;
- Section 200 – Introduction [Procedures];
- Section 202 – Procedure Types and Determination of Proper Procedure;
- Section 209 – Appeals;
- Section 302 – R-5 District (Residential 5 Units Per Acre);
- Section 303 – R-6 District (Residential 6 Units Per Acre);
- Section 304 – R-9 District (Residential 9 Units Per Acre);
- Section 305 – R-15 District (Residential 15 Units Per Acre);
- Section 306 – R-24 District (Residential 24 Units Per Acre);
- Section 307 – R-25+ District (Residential 25 Units or More Per Acre);
- Section 375 – Transit Oriented Districts;
- Section 390 – North Bethany Subarea Overlay District;
- Section 391 – Bonny Slope West Subarea Overlay District;
- Section 403 – Applicability [Development Standards];
- Section 406 – Mixed Solid Waste and Recyclables Storage Facilities;
- Section 407 – Landscape Design;
- Section 410 – Grading and Drainage;
- Section 411 – Screening and Buffering;
- Section 413 – Parking and Loading;
- Section 416 – Utility Design;
- Section 429 – Bicycle Parking;
- Section 430 – Special Use Standards;

(continues next page)

Community Development Code (continued from previous page)

- Section 440 – Nonconforming Uses and Structures;
 - Section 501 – Public Facility and Service Requirements;
 - Section 502 – Sidewalk Standards;
 - Section 600 – Introduction [Land Divisions and Property Line Adjustments] (new);
 - Section 601 – Applicability;
 - Section 602 – General Provisions for Standard Land Divisions and Property Line Adjustments;
 - Section 603 – Subdivision Committee;
 - Section 605 – Standard Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary;
 - Section 606 – Middle Housing Land Division (new); and
 - Section 610 – Standard Land Divisions and Property Line Adjustments Outside a UGB
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HOW TO SUBMIT COMMENTS:

Washington County remains committed to broad community engagement and transparency of government. **Board meetings are now Hybrid (in-Person and Virtual).**

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://washingtoncounty.civicweb.net/document/38398/>

Staff Contact

Anne Kelly, Senior Planner, anne_kelly@washingtoncountyor.gov, 503-846-3583

The ordinance is available for review on the Land Use Ordinances webpage: <https://www.washingtoncountyor.gov/lut/land-use-ordinances-progress>

The ordinance will be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 890

ADOPTED

An Ordinance Amending the Community Development Code (CDC) to Implement the Requirements of 2021 Oregon Senate Bill 458 Relating to Middle Housing Land Divisions and Making Minor Amendments Related Generally to Middle Housing.

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

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624, 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669-670, 674, 676-677, 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859, 864, 866, 867, 869, 877, and 885.

1 B. In 2019, the Oregon Legislature enacted House Bill 2001 (2018 Oregon Laws,
2 Chapter 639), designed to facilitate the development of more middle housing (duplexes,
3 triplexes, quadplexes, cottage clusters, and townhouses) to provide more housing choice and
4 assist with the shortage of affordable housing in Oregon. Washington County implemented
5 that legislation by way of Ordinances 885 and 886. This ordinance makes minor amendments
6 to clarify changes made in Ordinance 885.

7 C. In 2021, the Oregon Legislature enacted Senate Bill 458 (2021 Oregon Laws,
8 Chapter 103) to further facilitate the development of middle housing, specifically by allowing
9 expedited land divisions for middle housing. This ordinance provides the procedural
10 requirements for middle housing land divisions.

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

17 E. The Board finds and takes public notice that it is in receipt of all matters and
18 information necessary to consider this Ordinance in an adequate manner and finds that this
19 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
20 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
21 County Charter, the Washington County Community Development Code, and the Washington
22 County Comprehensive Plan.

1 SECTION 2

2 The following exhibit, attached hereto and incorporated herein by reference, is hereby
3 adopted as amendments to the designated document:

4 A. Exhibit 1 (65 pages), amends the following sections of the Community
5 Development Code:

- 6 1. Various sections – Global replacement of terms;
- 7 2. Section 106 – Definitions;
- 8 3. Section 200 – Introduction [Procedures];
- 9 4. Section 202 – Procedure Types and Determination of Proper Procedure;
- 10 5. Section 209 – Appeals;
- 11 6. Section 302 – R-5 District (Residential 5 Units per Acre);
- 12 7. Section 303 – R-6 District (Residential 6 Units per Acre);
- 13 8. Section 304 – R-9 District (Residential 9 Units per Acre);
- 14 9. Section 305 – R-15 District (Residential 15 Units per Acre);
- 15 10. Section 306 – R-24 District (Residential 24 Units per Acre);
- 16 11. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
- 17 12. Section 375 – Transit Oriented Districts;
- 18 13. Section 390 – North Bethany Subarea Overlay District;
- 19 14. Section 391 – Bonny Slope West Subarea Overlay District;
- 20 15. Section 403 – Applicability [Development Standards];
- 21 16. Section 406 – Mixed Solid Waste and Recyclables Storage Facilities;
- 22 17. Section 407 – Landscape Design;

- 1 18. Section 410 – Grading and Drainage;
- 2 19. Section 411 – Screening and Buffering;
- 3 20. Section 413 – Parking and Loading;
- 4 21. Section 416 – Utility Design;
- 5 22. Section 429 – Bicycle Parking;
- 6 23. Section 430 – Special Use Standards;
- 7 24. Section 440 – Nonconforming Uses and Structures;
- 8 25. Section 501 – Public Facility and Service Requirements;
- 9 26. Section 502 – Sidewalk Standards;
- 10 27. Section 600 – Introduction [Land Divisions and Property Line
- 11 Adjustments];
- 12 28. Section 601 – Applicability;
- 13 29. Section 602 – General Provisions for Standard Land Divisions and
- 14 Property Line Adjustments;
- 15 30. Section 603 – Subdivision Committee;
- 16 31. Section 605 – Standard Land Divisions and Property Line Adjustments
- 17 Inside an Urban Growth Boundary;
- 18 32. Section 606 – Middle Housing Land Division; and
- 19 33. Section 610 – Standard Land Divisions and Property Line Adjustments
- 20 Outside an Urban Growth Boundary.

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1 SECTION 3

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

4 SECTION 4

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

7 SECTION 5

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

11 SECTION 6

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

17 SECTION 7

18 This Ordinance shall take effect 30 days after adoption.

19 ENACTED this 7th day of February , 2023 , being the
20 3rd reading and 3rd public hearing before the Board of County
21 Commissioners of Washington County, Oregon.

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BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Kathryn Harrington
CHAIR KATHRYN HARRINGTON

Kevin Maff
RECORDING SECRETARY

READING

PUBLIC HEARING

First 12/6/22
Second 1/24/23
Third 2/7/23
Fourth _____
Fifth _____
Sixth _____

First 12/6/22
Second 1/24/23
Third 2/7/23
Fourth _____
Fifth _____
Sixth _____

VOTE: Aye: Harrington, Rogers, Fai,
Treece, Willey

Nay: _____

Recording Secretary: *Kevin Maff* Date: 2/7/23

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. VARIOUS SECTIONS – GLOBAL REPLACEMENT OF TERMS

Global replacements/additions of text throughout the Code:

- Capitalize the following terms:
 - “Middle Housing”
 - “Middle Housing Land Division”
 - “Duplex”
 - “Triplex”
 - “Quadplex”
 - “Townhouse”
 - “Cottage Cluster”
 - “Single Detached Dwelling”
 - “Accessory Dwelling”
 - “Land Division”
 - “Subdivision”
 - “Partition” (except where used as a verb)
- Add “Standard” where absent before the following terms, but only where not preceded by “Middle Housing”:
 - “Land Division”
 - “Subdivision”
 - “Partition” (except where used as a verb)
- Add “Unit” after each of the following terms, where absent:
 - “Single Detached Dwelling”
 - “Accessory Dwelling”

2. SECTION 106 - DEFINITIONS

106-1 The definitions contained in this Code are used as follows:

106-1.4 Where words or terms are defined by Oregon Revised Statute(s) (ORS) or Oregon Administrative Rules (OAR) and are applicable to this Code, those definitions shall apply as defined herein. Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in the OAR.

106-107 **Land Division.** ~~The d~~Division (Partition or Subdivision) of a lot or parcel into two or more new lots or parcels through a ~~p~~Partition or ~~s~~Subdivision.

For purposes of this Code, the terms "Standard Land Division," "Standard Subdivision," and "Standard Partition" are used in reference to land divisions that are subject to Sections 601, 602, 603 and either 605 or 610. These are distinct from a Middle Housing Land Division, defined below.

106-126 **Middle Housing Land Division.** Expedited division (Partition or Subdivision) of a lot or parcel of land on which the development of Middle Housing is allowed, into separate lots or parcels for individual ~~m~~Middle hHousing units (Section 606). A Middle Housing Land Division is an action distinct from other types of land divisions per Oregon law. (See Land Division definition above).

106-152 **Partition.** As defined by ~~Oregon Revised Statutes~~ORS 215. For purposes of this Code, the term "Partition" is not used in reference to a Middle Housing Land Division except in Section 606 or as specifically indicated elsewhere.

106-209 **Subdivision.** As defined by ~~Oregon Revised Statutes~~ORS 92. For purposes of this Code, the term "Subdivision" is not used in reference to a Middle Housing Land Division except in Section 606 or as specifically indicated elsewhere.

106-221 **Yard (Setback).** An open space on a lot or parcel which is unoccupied or unobstructed by buildings or other structures from the ground upward, except by landscaping or vegetation or as provided in Section 418 or other sections of this Code. Required yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line of the lot or parcel a building will be constructed on, except as provided otherwise by the primary district. See Figure 106-3 below.

106-221.1 **Yard, Front.** A yard extending the full width of the lot, the depth of which is the minimum distance between the front lot line and a line parallel thereto at the nearest point of a building or structure. For a lot resulting from a Middle Housing Land Division, whether it abuts a street or not, the building façade that contains the front door/main entry may be considered the front building wall, and the yard that abuts and runs

parallel to it may be considered the front yard. A garage door does not qualify as a front door/main entry for purposes of this allowance.

106-221.2 **Yard, Rear.** A yard extending across the full width of the lot between the rear of a building or structure and the nearest point of the rear lot line. ~~In those instances where a single detached dwelling unit's or middle housing unit has primary access (from a door to a deck, patio, porch, or other similar treatment) to the lot's main outdoor yard area (does not include the front yard) that is oriented to a side lot line, and no door to the rear of the lot line, the primary district's rear and side yards may be reversed. See Figures 106-3 and 106-4 below. For attached multi-dwelling developments where an individual dwelling unit's primary access to the lot's main outdoor yard area is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed. See Figure 106-5. Any additional screening and buffering setback required by Section 411 shall also be provided the length of the rear lot line.~~

Figure 106-3. Example of a Single-Family Detached Dwelling on a Lot with Standard Yards (Setbacks)

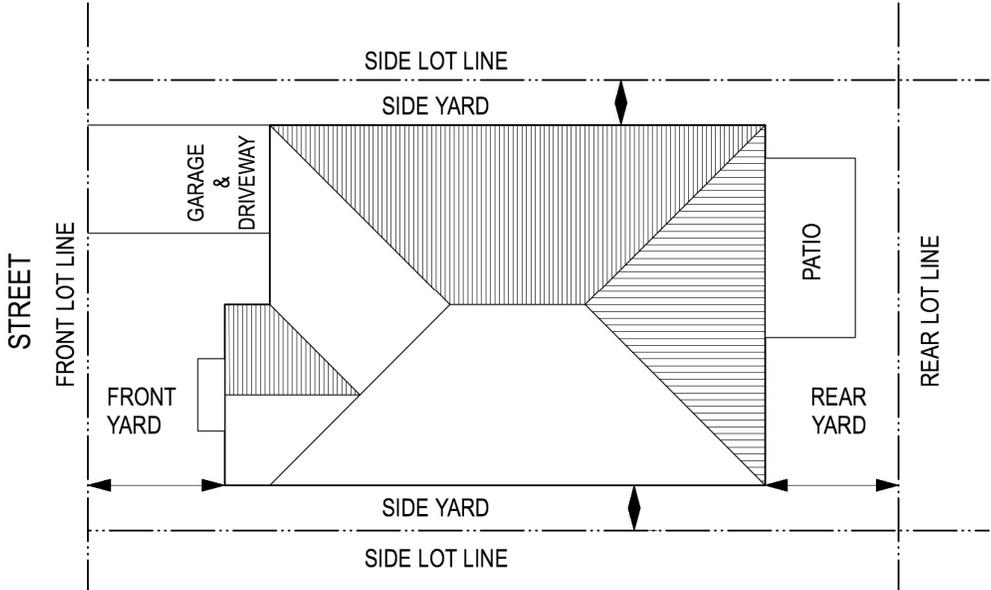
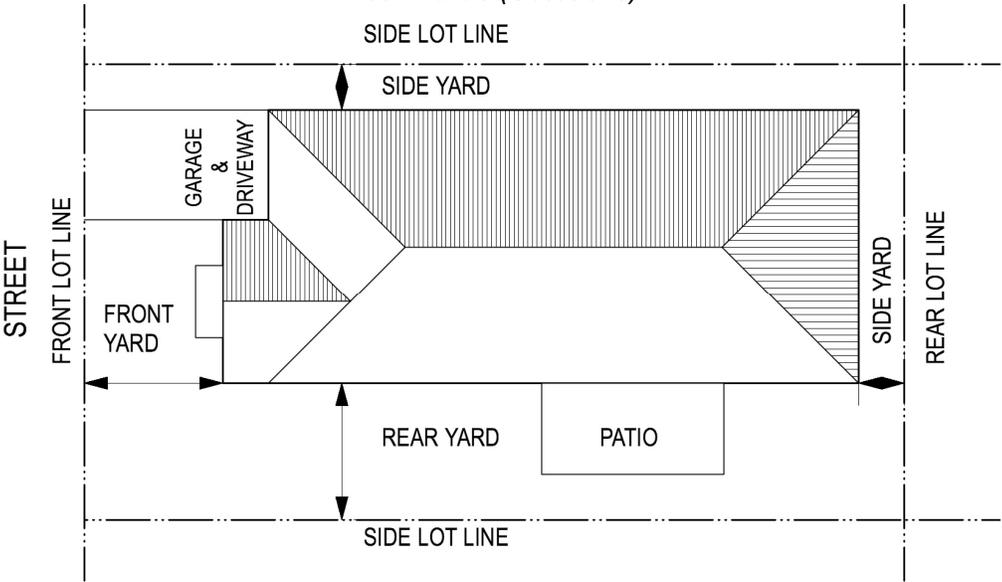


Figure 106-4. Example of a Single-Family Detached Dwelling on a Lot with Reversed Side and Rear Yards (Setbacks)



3. SECTION 200 – INTRODUCTION [PROCEDURES]

200 INTRODUCTION

This Article establishes the procedures to be used in reviewing and taking action on development proposals.

In accordance with Oregon law, a Middle Housing Land Division is not a land use decision, a limited land use decision or a discretionary permit for proposed development of land. As such, applicable procedures differ from those outlined below. Procedures for a Middle Housing Land Division are included in Section 606-6 and Article II does not apply.

4. SECTION 202 - PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

202 PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

All land use actions shall be classified as one of the following unless state law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by Article VII of this Code: A Middle Housing Land Division, per Oregon statute, is not a land use action, therefore categories of land use actions outlined below do not apply. Procedural requirements for Middle Housing Land Divisions are outlined in Section 606, and Article II does not apply.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

5. SECTION 209 - APPEALS

209-1 Decision

A decision of the Review Authority for quasi-judicial plan amendments may be appealed within 14 calendar days after written notice of the decision is provided to the parties, ~~or~~ a. Appeals for a Middle Housing Land Division are not addressed in Section 209 – See Section 606. or a decision by the Review Authority for all other development actions pursuant to Section 209-2 may be appealed within 12 calendar days after written notice of the decision is provided to the parties when:

6. SECTION 302 - R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-2 Uses Permitted Through a Type I Procedure

302-2.4 Single Detached Dwelling Unit

- A. Single new detached dwelling unit on an existing lot or parcel that meets the following:

- (2) When on a public street:
 - (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or
If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- B. Expansion or replacement of an existing single detached dwelling unit - (Section 430-37.1 A) that meets the following:

- (3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:

- (a) Along the entire site frontage existing, right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

302-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that meets the following:

- C. In the case of A or B, above, when on a public street:
 - (1) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (a) Local street: 25 feet to centerline;
 - (b) Neighborhood route: 30 feet to centerline;
 - (c) Collector: 37 feet to centerline;
 - (d) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

302-6 Density/Number of Units

302-6.1 Middle ~~h~~Housing in the R-5 District:

- C. Townhouses provided as ~~m~~Middle ~~h~~Housing:
 - (1) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

- D. For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

302-7 Dimensional Requirements

302-7.1 Middle ~~H~~housing in the R-5 District (residential development that meets the definition of Middle Housing in Section 106)

***#

- B. Minimum 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:

- (4) Non-street side for all middle housing types:
 - (a) Zero feet where units attach; ~~or~~
 - (b) Five feet; where abutting offsite land, except as permitted under (c) below;
 - (c) Three feet where not abutting offsite land, or as little as zero feet except where when a reduction is approved on a residential lots or parcels where all of the following requirements are met; are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet).
 - (i) The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within:
 - The same site; or
 - An adjacent site for which a concurrent Middle Housing and/or Middle Housing Land Division application is submitted by the same applicant; or
 - An adjacent site under the same ownership;
 - (ii) Neither of the two adjoining side yards is within an unbuildable tract;
 - (iii) The combined width of the two adjoining side yards is at least 6 feet; and

~~(iv) A Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.~~

~~This The easement area shall be kept clear of structures, including fences or and any other fixed object from the ground upward which could that would physically preclude access to the easement area and the adjacent buildings dwellings, except that heat pumps and air conditioners may be as allowed per under Section 430-1.6.~~

7. SECTION 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-2 Uses Permitted Through a Type I Procedure

303-2.4 Single Detached Dwelling Unit

A. Single new dwelling on an existing lot or parcel that:

(2) When on a public street:

(a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- (i) Local street: 25 feet to centerline;
- (ii) Neighborhood route: 30 feet to centerline;
- (iii) Collector: 37 feet to centerline;
- (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:

(a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

303-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that meets the following:

C. In the case of A or B, above, when on a public street:

(1) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

(a) Local street: 25 feet to centerline;

(b) Neighborhood route: 30 feet to centerline;

(c) Collector: 37 feet to centerline;

(d) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

303-6 Density/Number of Units

303-6.1 Middle ~~h~~Housing in the R-6 District

C. Townhouses provided as ~~m~~Middle ~~h~~Housing:

(1) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

D. For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

303-7 Dimensional Requirements

303-7.1 Middle housing in the R-6 District (residential development that meets the definition of middle housing in Section 106)

B. Minimum 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:

(4) Non-street side for all middle housing types:

- (a) Zero feet where units attach; ~~or~~
- (b) Five feet; where abutting offsite land, except as permitted under (c) below;
- (c) Three feet where not abutting offsite land, or as little as zero feet except where~~when a reduction is approved on a residential lots or parcels where all of the following requirements are met;~~are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet).
 - (i) The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within:
 - The same site; or
 - An adjacent site for which a concurrent Middle Housing and/or Middle Housing Land Division application is submitted by the same applicant; or
 - An adjacent site under the same ownership;
 - (ii) Neither of the two adjoining side yards is within an unbuildable tract;
 - (iii) The combined width of the two adjoining side yards is at least 6 feet; and

~~(iv) A Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.~~

~~This The easement area shall be kept clear of structures, including fences or and any other fixed object from the ground upward which could that would physically preclude access to the easement area and the adjacent buildings dwellings, except that heat pumps and air conditioners may be as allowed per under Section 430-1.6.~~

8. SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-2 Uses Permitted Through a Type I Procedure

304-2.4 Single detached dwelling

A. Single new dwelling on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, when the lot or parcel meets the following:

(2) When on a public street:

- (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

- (3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:
- (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
- (i) Local street: 25 feet to centerline;
- (ii) Neighborhood route: 30 feet to centerline;
- (iii) Collector: 37 feet to centerline;
- (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- 304-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, when the lot or parcel meets the following:

- C. In the case of A or B, above, when on a public street:

- (1) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
- (a) Local street: 25 feet to centerline;
- (b) Neighborhood route: 30 feet to centerline;
- (c) Collector: 37 feet to centerline;
- (d) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

304-6 Density/Number of Units

304-6.1 Middle ~~h~~Housing in the R-9 District

C. Townhouses provided as ~~m~~Middle ~~h~~Housing:

- (1) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

D. For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

304-7 Dimensional Requirements

304-7.1 Middle housing in the R-9 District (residential development that meets the definition of middle housing in Section 106)

B. Minimum 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:

(4) Non-street side for all middle housing types:

(a) Zero feet where units attach; ~~or~~

(b) Five feet; where abutting offsite land, except as permitted under (c) below;

~~(c) Three feet where not abutting offsite land, or as little as zero feet except where when a reduction is approved on a residential lots or parcels where all of the following requirements are met: are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet).~~

(i) The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within:

- The same site; or

- An adjacent site for which a concurrent Middle Housing and/or Middle Housing Land Division application is submitted by the same applicant; or

- An adjacent site under the same ownership;

(ii) Neither of the two adjoining side yards is within an unbuildable tract;

(iii) The combined width of the two adjoining side yards is at least 6 feet; and

(iv) A Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.

This-The easement area shall be kept clear of structures, including fences or and any other fixed object from the ground upward which could that would physically preclude access to the easement area and the adjacent buildingsdwellings, except that heat pumps and air conditioners may beas allowed per under Section 430-1.6.

304-7.2 Other housing in the R-9 District (residential development that does not meet the definition of middle housing in Section 106)

B. 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:

(4) Five-foot side yard, except where 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 5 feet (a reduction to as little as zero feet): is approved on a residential l-lots or parcels through a land division where all of the following requirements are met:

- (a) ~~The lot or parcel with an adjoining the non-street interior-side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;~~
- (b) ~~Neither of the two adjoining side yards is within an unbuildable tract;~~
- (c) ~~The combined width of the two adjoining side yards is at least 6 feet; and~~
- (d) ~~a~~ A perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.

~~when the distance between buildings on adjoining lots is less than 40 feet. This~~ The easement area shall be kept clear of structures, including fences and or any other fixed object from the ground upward which that could would physically preclude access to the easement area and the adjacent buildings dwellings, except that heat pumps and air conditioners may be as allowed per under Section 430-1.6.

9. SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-2 Uses Permitted Through a Type I Procedure

305-2.10 Single detached Dwelling Unit

- A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

- (2) When on a public street:
 - (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline.; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:

(a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- (i) Local street: 25 feet to centerline;
- (ii) Neighborhood route: 30 feet to centerline;
- (iii) Collector: 37 feet to centerline;
- (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

305-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, when the lot or parcel meets the following:

C. In the case of A or B, above, when on a public street:

(1) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- (a) Local street: 25 feet to centerline;
- (b) Neighborhood route: 30 feet to centerline;
- (c) Collector: 37 feet to centerline;
- (d) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

305-6 Density/Number of Units

305-6.1 Middle ~~h~~Housing in the R-15 District

C. Townhouses provided as ~~m~~Middle ~~h~~Housing:

- (1) Minimum of two units per development (land must be divided to create a separate individual-lots or parcel for each unit);

D. For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

305-7 Dimensional Requirements

305-7.1 Middle housing in the R-15 District (residential development that meets the definition of middle housing in Section 106)

B. Minimum 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:

- (4) Non-street side for all middle housing types:
 - (a) Zero feet where units attach; ~~or~~
 - (b) Five feet; where abutting offsite land, except as permitted under (c) below;
 - (c) Three feet where not abutting offsite land, or as little as zero feet except where when a reduction is approved on a residential lots or parcels where all of the following requirements are met: are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet).
 - (i) The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within:

- The same site; or

- An adjacent site for which a concurrent Middle Housing and/or Middle Housing Land Division application is submitted by the same applicant; or

- An adjacent site under the same ownership;

(ii) Neither of the two adjoining side yards is within an unbuildable tract;

(iii) The combined width of the two adjoining side yards is at least 6 feet; and

(iv) A Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.

~~This~~ The easement area shall be kept clear of structures, including fences ~~or and~~ any other fixed object from the ground upward ~~which could~~ that would physically preclude access to the easement area and the adjacent ~~buildings~~ dwellings, except ~~that~~ heat pumps and air conditioners ~~may be~~ as allowed ~~per~~ under Section 430-1.6.

305-7.2 Other housing in the R-15 District (residential development that does not meet the definition of middle housing in Section 106)

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

(1) The minimum yard requirements for detached dwelling units shall be:

(d) Five-foot side yard, except where 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 5 feet (a reduction to as little as zero feet); is approved on a residential Lots or parcels through a land division where all of the following requirements are met:

- (i) ~~The lot or parcel with an adjoining the non-street interior side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;~~
- (ii) ~~Neither of the two adjoining side yards is within an unbuildable tract;~~
- (iii) ~~The combined width of the two adjoining side yards is at least 6 feet; and~~
- (iv) ~~aA perpetual minimum 6-foot-wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.~~

~~when the distance between buildings on adjoining lots is less than 10 feet. This The easement area shall be kept clear of structures, including fences and or any other fixed object from the ground upward which that could would physically preclude access to the easement area and the adjacent buildings dwellings, except that heat pumps and air conditioners may be as allowed per under Section 430-1.6.~~

- (2) The minimum yard requirements for attached dwelling units on individual lots, when 35 feet in height or less, shall be:

- (d) Five-foot side yard, except ~~where 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 5 feet (a reduction to as little as zero feet)- is approved on a residential Lots or parcels through a land division where all of the following requirements are met:~~
 - (i) ~~The lot or parcel with an adjoining the non-street interior side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;~~
 - (ii) ~~Neither of the two adjoining side yards is within an unbuildable tract;~~
 - (iii) ~~The combined width of the two adjoining side yards is at least 6 feet; and~~
 - (iv) ~~aA perpetual minimum 6-foot-wide private perpetual reciprocal maintenance easement is provided that runs the~~

length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.

~~when the distance between buildings on adjoining lots is less than 10 feet. This~~The easement area shall be kept clear of structures, including fences and ~~or any other fixed object~~ from the ground upward ~~which that could would~~ physically preclude access to the easement area and the adjacent ~~buildings dwellings~~, except that heat pumps and air conditioners ~~may be as~~ allowed ~~per under~~ Section 430-1.6.

10. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-2 Uses Permitted Through a Type I Procedure

306-2.10 Single detached dwelling unit

- A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

- (2) When on a public street:
 - (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

- (3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:

- (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

306-2.14 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, when the lot or parcel meets the following:

- C. In the case of A or B, above, when on a public street:
 - (1) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (a) Local street: 25 feet to centerline;
 - (b) Neighborhood route: 30 feet to centerline;
 - (c) Collector: 37 feet to centerline;
 - (d) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

306-6 Density/Number of Units

306-6.1 Middle ~~h~~Housing in the R-24 District

- C. Townhouses provided as ~~m~~Middle ~~h~~Housing:
 - (1) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

D. For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

306-7 Dimensional Requirements

306-7.1 Middle housing in the R-24 District (residential development that meets the definition of middle housing in Section 106)

B. Minimum 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:

(4) Non-street side for all middle housing types:

- (a) Zero feet where units attach; ~~or~~
- (b) Five feet; where abutting offsite land, except as permitted under (c) below;
- (c) Three feet where not abutting offsite land, or as little as zero feet ~~except where when a reduction is approved on a residential lots or parcels where all of the following requirements are met; are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet).~~
 - (i) The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within:
 - The same site; or
 - An adjacent site for which a concurrent Middle Housing and/or Middle Housing Land Division application is submitted by the same applicant; or
 - An adjacent site under the same ownership;
 - (ii) Neither of the two adjoining side yards is within an unbuildable tract;

(iii) The combined width of the two adjoining side yards is at least 6 feet; and

(iv) A ~~L~~lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-perpetual maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet~~between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.~~

~~This~~The easement area shall be kept clear of structures, including fences ~~or and~~ any other fixed object from the ground upward ~~which could~~that would physically preclude access to the easement area and the adjacent ~~buildings~~dwellings, except ~~that~~ heat pumps and air conditioners ~~may be~~as allowed ~~per~~ under Section 430-1.6.

306-7.2 Other housing in the R-24 District (residential development that does not meet the definition of middle housing in Section 106)

B. Yard (Setback) Requirements.

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

(1) The minimum yard requirements for detached dwelling units shall be:

(d) ~~Five-foot side yard, except where 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 5 feet (a reduction to as little as zero feet).~~ is approved on a residential ~~L~~lots or parcels through a land division where all of the following requirements are met:

(i) The lot or parcel with an adjoining the non-street interior side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;

(ii) Neither of the two adjoining side yards is within an unbuildable tract;

(iii) The combined width of the two adjoining side yards is at least 6 feet; and

~~(iv) a perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.~~

~~when the distance between buildings on adjoining lots is less than 10 feet. This~~The easement area shall be kept clear of structures, including fences and ~~or~~ any other fixed object from the ground upward which ~~that could would~~ physically preclude access to the easement area and the adjacent buildings ~~dwellings~~, except that heat pumps and air conditioners may be ~~as~~ allowed ~~per~~ under Section 430-1.6.

(2) The minimum yard requirements for attached dwelling units on individual lots, when 35 feet in height or less, shall be:

(d) Five-foot side yard, except ~~where 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 5 feet (a reduction to as little as zero feet).~~ is approved on a residential Llots or parcels through a land division where all of the following requirements are met:

~~(i) The lot or parcel with an adjoining the non-street interior side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;~~

~~(ii) Neither of the two adjoining side yards is within an unbuildable tract;~~

~~(iii) The combined width of the two adjoining side yards is at least 6 feet; and~~

~~(iv) aA perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.~~

~~when the distance between buildings on adjoining lots is less than 10 feet. This~~The easement area shall be kept clear of structures, including fences and ~~or~~ any other fixed object from the ground upward which ~~that could would~~ physically preclude access to the easement area and the adjacent buildings ~~dwellings~~, except that heat pumps and air conditioners may be ~~as~~ allowed ~~per~~ under Section 430-1.6.

11. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-2 Uses Permitted Through Type I Procedure

307-2.9 Single Detached Dwelling Unit

A. Single new detached dwelling unit on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, provided the lot or parcel meets the following:

(2) When on a public street:

(a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- (i) Local street: 25 feet to centerline;
- (ii) Neighborhood route: 30 feet to centerline;
- (iii) Collector: 37 feet to centerline;
- (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

B. Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:

(a) Along the entire site frontage existing, right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- (i) Local street: 25 feet to centerline;
- (ii) Neighborhood route: 30 feet to centerline;
- (iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

307-2.13 Middle Housing (Section 430-84) on an existing lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition, when the lot or parcel meets the following:

C. In the case of A or B, above, when on a public street:

(1) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

(a) Local street: 25 feet to centerline;

(b) Neighborhood route: 30 feet to centerline;

(c) Collector: 37 feet to centerline;

(d) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

307-6 Density/Number of Units

307-6.1 Middle ~~h~~Housing in the R-25+ District

C. Townhouses provided as ~~m~~Middle ~~h~~Housing:

(1) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

D. For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

307-7 Dimensional Requirements

307-7.1 Middle housing in the R-25+ District (residential development that meets the definition of middle housing in Section 106)

- B. Minimum 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:

- (4) Non-street side for all middle housing types:

(a) Zero feet where units attach; or

(b) Five feet; where abutting offsite land, except as permitted under (c) below;

(c) Three feet where not abutting offsite land, or as little as zero feet except where when a reduction is approved on a residential lots or parcels where all of the following requirements are met; are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet).

(i) The lot or parcel adjoins the non-street side yard of another residential lot or parcel that is within:

• The same site; or

• An adjacent site for which a concurrent Middle Housing and/or Middle Housing Land Division application is submitted by the same applicant; or

• An adjacent site under the same ownership;

(ii) Neither of the two adjoining side yards is within an unbuildable tract;

(iii) The combined width of the two adjoining side yards is at least 6 feet; and

(iv) A Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a perpetual minimum 6-foot wide private-perpetual maintenance easement is provided that runs the length of the primary dwellings on both adjoining lots for a minimum combined width of 6 feet between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.

~~This~~ The easement area shall be kept clear of structures, including fences ~~or and~~ any other fixed object from the ground upward ~~which could~~ that would physically preclude access to the easement area and the adjacent ~~buildings~~ dwellings, except ~~that~~ heat pumps and air conditioners may be allowed ~~per~~ under Section 430-1.6.

307-7.2 Other housing in the R-25+ District (residential development that does not meet the definition of middle housing in Section 106)

B. Yard (Setback) Requirements.

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

(1) The minimum yard requirements for detached dwelling units shall be:

(d) ~~Five-foot side yard, except where 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 5 feet (a reduction to as little as zero feet). is approved on a residential~~ Lots or parcels through a land division where all of the following requirements are met:

(i) The lot or parcel with an adjoining the non-street interior side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;

(ii) Neither of the two adjoining side yards is within an unbuildable tract;

(iii) The combined width of the two adjoining side yards is at least 6 feet; and

(iv) aA perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.

~~when the distance between buildings on adjoining lots is less than 10 feet. This~~ The easement area shall be kept clear of structures, including fences and ~~or~~ any other fixed object from the ground upward ~~which that could~~ would physically preclude access to the easement area and the adjacent

~~buildings/dwellings~~, except that heat pumps and air conditioners may be as allowed per under Section 430-1.6.

- (2) The minimum yard requirements for attached dwelling units on individual lots, when 35 feet in height or less, shall be:

- (d) Five-foot side yard, except ~~where 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 5 feet (a reduction to as little as zero feet).~~ is approved on a residential lot or parcels through a land division where all of the following requirements are met:

- (i) The lot or parcel with an adjoining the non-street interior side yard less than 5 feet shall provide of another residential lot or parcel that is within the same site;
- (ii) Neither of the two adjoining side yards is within an unbuildable tract;
- (iii) The combined width of the two adjoining side yards is at least 6 feet; and
- (iv) aA perpetual minimum 6-foot wide private perpetual reciprocal maintenance easement is provided that runs the length of the primary dwellings between buildings on both adjoining lots for a minimum combined width of 6 feet.

~~when the distance between buildings on adjoining lots is less than 10 feet. This~~ The easement area shall be kept clear of structures, including fences and or any other fixed object from the ground upward which that could would physically preclude access to the easement area and the adjacent buildings/dwellings, except that heat pumps and air conditioners may be as allowed per under Section 430-1.6.

12. SECTION 375 - TRANSIT ORIENTED DISTRICTS

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

- 30.a. One single detached dwelling may be allowed on an existing lot or parcel, that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel meets the following:

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- (i) Does not exceed 10,000 square feet in buildable area. Buildable area excludes unbuildable land categories listed in Section 300-3.1; and when on a public street:

- (ii) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - Local street: 25 feet to centerline;
 - Neighborhood route: 30 feet to centerline;
 - Collector: 37 feet to centerline;
 - Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

30.b. Expansion or replacement of an existing single detached dwelling unit

Type I: An existing single detached dwelling may be expanded or replaced through a Type I procedure when:

- (iii) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:
 - Along the entire site frontage, existing right-of-way width, meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - Local street: 25 feet to centerline;
 - Neighborhood route: 30 feet to centerline;
 - Collector: 37 feet to centerline;
 - Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

30.c. Middle housing

Type I: Middle housing may be allowed, through a Type I procedure, on an existing lot or parcel that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel meets the following:

(ii) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

375-10 Development Standards for Transit Oriented Districts

Table C(1). Density Requirements for Middle Housing in Transit Oriented Districts

| TO:R9-12, TO:R12-18 AND TO:R18-24 (allowed only in these districts) | | | |
|--|---|---|----------------|
| <u>MIDDLE HOUSING/ DEVELOPMENT TYPE</u> | DENSITY REQUIREMENT | NUMBER OF UNITS | |
| | | MINIMUM | MAXIMUM |
| *** | | | |
| TOWNHOUSES | Minimum = N/A Maximum = 25 u/acre | 2 per parent lot <u>or</u> <u>parcel</u> (but land must be divided to create <u>a</u> <u>separate individual</u> <u>lots or parcel</u> for each <u>unit</u>); | N/A |

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| | | | |
|--|--|--|---|
| <u>ALL, IF PARENT LOT OR PARCEL IS DIVIDED THROUGH MIDDLE HOUSING LAND DIVISION</u> | | | 1 per resulting lot <u>or</u> <u>parcel</u> |
|--|--|--|---|

13. SECTION 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-3 Applicability of other Comprehensive Plan Elements

- A. In addition to the Community Plan requirements listed in Sections 300-1.1, 401-1, and 601-21.3 A., the following provisions of the North Bethany Subarea of the Bethany Community Plan shall apply to development in the North Bethany Subarea:

390-8 R-6 North Bethany District (R-6 NB)

390-8.2 Uses Permitted Through a Type I Procedure

- D. Single Detached Dwelling Unit
 - (1) Single Detached Dwelling Unit on an existing lot or parcel that meets the following:

- (b) When on a public street:
 - (i) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - Local street: 25 feet to centerline;
 - Neighborhood route: 30 feet to centerline;
 - Collector: 37 feet to centerline;
 - Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- (2) Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

- (c) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:
 - (i) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - Local street: 25 feet to centerline;
 - Neighborhood route: 30 feet to centerline;
 - Collector: 37 feet to centerline;
 - Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

E. Middle Housing (Section 430-84) on an existing lot or parcel that meets the following:

- (3) In the case of A or B, above, when on a public street:
 - (a) Along the entire site frontage existing, right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

390-8.5 Density/Number of Units

In the R-6 NB District:

A. Middle ~~h~~Housing

- (3) Townhouses provided as ~~m~~Middle ~~h~~Housing:

- (a) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

- (4) For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

390-9 R-9 North Bethany District (R-9 NB)

390-9.1 Intent and Purpose

The R-9 North Bethany District (R-9 NB) is intended to implement the policies of the Comprehensive Plan for areas in the North Bethany Subarea Plan designated for residential development at no more than nine units per acre and no less than seven units per acre, except as otherwise specified for ~~m~~Middle ~~h~~Housing. A density bonus may be provided through a Planned Development.

The purpose of the R-9 NB District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured dwelling ~~s~~Subdivisions and parks. Middle Housing is also permitted in the R-9 NB District.

390-9.2 Uses Permitted Through a Type I Procedure

D. Single Detached Dwelling Unit

- (1) Single Detached Dwelling Unit on a lot or parcel that:

- (b) When on a public street:

- (i) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

- Local street: 25 feet to centerline;
- Neighborhood route: 30 feet to centerline;
- Collector: 37 feet to centerline;
- Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- (2) Expansion or replacement of an existing single detached dwelling unit (Section 430-37.1 A) that meets the following:

- (c) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:
 - (i) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - Local street: 25 feet to centerline;
 - Neighborhood route: 30 feet to centerline;
 - Collector: 37 feet to centerline;
 - Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

- E. Middle Housing - Section 430-84 - on a lot or parcel that was approved for the construction of a single detached dwelling unit through a subdivision or partition in the R-9 NB District when the lot or parcel meets the following:

- (2) When on a public street:
 - (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

390-9.5 Density/Number of Units

In the R-9 NB District:

A. Middle ~~H~~Housing

(3) Townhouses provided as ~~M~~Middle ~~H~~Housing:

(a) Minimum of two units per development (land must be divided to create a separate individual-lots or parcel for each unit);

(4) For all ~~M~~Middle ~~H~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

390-10 R-15 North Bethany District (R-15 NB)

390-10.2 Uses Permitted Through a Type I Procedure

D. Expansion or replacement of an existing dwelling (Section 430-37.1 A) that meets the following:

(3) If the expansion or replacement will result in a net habitable space increase of more than 2,000 square feet, when on a public street:

(a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:

(i) Local street: 25 feet to centerline;

(ii) Neighborhood route: 30 feet to centerline;

(iii) Collector: 37 feet to centerline;

(iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

K. Middle Housing - Section 430-84 on a lot or parcel:

- (2) When on a public street:
 - (a) Along the entire site frontage, existing right-of-way width meets the required minimum below, or the applicant proposes to dedicate right-of-way to meet the following:
 - (i) Local street: 25 feet to centerline;
 - (ii) Neighborhood route: 30 feet to centerline;
 - (iii) Collector: 37 feet to centerline;
 - (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

390-10.5 Density/Number of Units

In the R-15 NB District:

A. Middle ~~h~~Housing

- (3) Townhouses provided as ~~m~~Middle ~~h~~Housing:
 - (a) Minimum of two units per development (land must be divided to create a separate individual lots or parcel for each unit);

- (4) For all ~~m~~Middle ~~h~~Housing types, if the parent lot or parcel is divided through a Middle Housing Land Division, only one dwelling is permitted on each resulting lot or parcel.

14. SECTION 391 - BONNY SLOPE WEST SUBAREA OVERLAY DISTRICT

391-3 Applicability of ~~e~~Other Comprehensive Plan Elements

- A. In addition to the Community Plan requirements listed in Sections 300-1.1, 401-1, and 601-2.31 A., the following provisions of the Bonny Slope West Subarea of the Cedar Hills - Cedar Mill Community Plan shall apply to development in the Bonny Slope West Subarea:

15. SECTION 403 - APPLICABILITY [DEVELOPMENT STANDARDS]

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403-2 Master Plan - Minimum Requirements for all Development

At a minimum, all development, including Standard I and II Divisions, Middle Housing Land Divisions, and exemptions through Section 201-2, shall provide a Master Plan prepared in accordance with Sections 403-2.1 through 403-2.4, including necessary written findings. A Master Plan may be reviewed in conjunction with a specific development review project for all or a portion of the subject site, or it may be reviewed independently and implemented through a future development review application(s). Development review applications shall be consistent with the final approved Master Plan and shall, at a minimum, be processed through the Type I procedure. Final approval of a Master Plan shall be granted prior to the submission of a subsequent application that implements a Master Plan.

16. SECTION 406 - MIXED SOLID WASTE AND RECYCLABLES STORAGE FACILITIES

406-6 Mixed Solid Waste and Recyclables Storage Facilities

Mixed solid waste and source-separated recyclables storage standards of this section shall apply to:

A. Type I, II or III residential development listed below of attached residential buildings containing five or more units, including addition of any number of new unit(s) that causes an existing development described below to reach five units or more;

- (1) Attached units;
- (2) Detached units on a single shared lot;
- (3) Attached and/or detached units on separate lots that will not have public or private street frontage; and

406-6.1 Minimum Standards Method

A. General Requirements:

(2) Storage areas may be combined and shared for multiple uses on a single site and for attached dwelling units described under Section 406-6 A. ~~may be combined and shared.~~

B. Specific Requirements

- (1) ~~For residential development described under Section 406-6 A, Attached residential buildings that~~ containing five to ten units, shall provide a minimum storage area of 50 square feet ~~shall be provided. Buildings containing more than ten units shall provide~~ When such developments contain more than ten units, the storage area shall include an additional five (5) square feet per unit for each unit above beyond ten. Individual curbside collection for ~~†~~Townhouses (attached dwelling units on separate lots) may be permitted pursuant to Section 406-6.4 C.(4).

406-6.3 Comprehensive Recycling Plan Method
 The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use. This method can be used when a comprehensive recycling plan has been developed for a specific individual facility or for residential development described under Section 406-6 A, attached dwelling units. It is most suited to large non-residential uses such as hospitals, schools and industrial facilities.

17. SECTION 407 - LANDSCAPE DESIGN

407-1 Minimum Landscape Standards

407-1.3 Residential:
 A minimum percentage of the buildable land area pursuant to Section 407-1.2 shall be used for landscaping in residential districts. Redevelopment or additions to buildings that include attached dwelling units shall meet the following minimum landscape area requirements:

| Dwelling/development type | Minimum percent of the buildable land area required for landscaping |
|---|---|
| Single detached dwellings, d Duplexes* | No minimum |
| Middle Housing, <u>Middle Housing Land Division</u> | No minimum |
| *** | |

407-7 Urban Street Tree Standards

Inside an urban growth boundary, ~~new structures or land divisions when~~ fronting on public or private roadways or access drives, new structures including a Single

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~~Detached Dwelling Unit~~ or ~~Duplex~~ on an existing lot or parcel, or ~~Middle Housing~~, and any Standard Land Division or Middle Housing Land Division, shall be required to plant street trees in accordance with the following standards:

18. SECTION 410 - GRADING AND DRAINAGE

410-1 General Provisions

410-1.2 Grading Plan

The grading plan shall include:

C. Written narrative and/or supplemental information including all of the following:

(9) In addition to the above, for ~~Middle Housing~~ (other than a ~~Duplex~~):

(d) When a ~~Middle Housing~~ Land Division is proposed:

- (i) The applicant shall comply with requirements of (4a) through (3c) above; and
- (ii) All street frontage along resulting lots or parcels shall meet drainage requirements for required street improvements (see Sections 409 and 501).

19. SECTION 411 - SCREENING AND BUFFERING

411-1 Applicability

411-1.3 Screening and buffering provisions of Section 411 do not apply to:

- A. One ~~Single Detached Dwelling Unit~~ on a lot of record (when the lot is not otherwise made subject to Section 411 through a Standard Partition or Standard Subdivision);
- B. Middle Housing;
- C. Middle Housing Land Division.

20. SECTION 413 - PARKING AND LOADING

413-5 On-Street Parking Requirements for Urban Residential Districts

The following on-street parking standards shall apply to all urban residential districts, including Transit Oriented Districts:

413-5.1 For ~~S~~single ~~D~~etached ~~D~~welling ~~U~~nits and attached dwelling units on individual lots, with individual on-site parking and individual vehicular access to a local or Neighborhood Route public or private street, the following on-street parking shall be provided:

D. The requirements for on-street parking are not applicable to:

- (1) Flag lots or lots that are provided access from the terminus of a non-through street (e.g., cul-de-sac bulb or hammerhead);
- (2) Middle ~~h~~Housing~~;~~;
- (3) Middle Housing Land Division.

21. SECTION 416 - UTILITY DESIGN

416-1 General Provisions

416-1.5 For a Middle Housing Land Division, separate utilities shall be provided for each dwelling unit, except to the extent that standards of Clean Water Services and/or County Building Services allow for shared storm or sanitary sewer system elements.

22. SECTION 429 - BICYCLE PARKING

429-6 Number of Bicycle Parking Spaces Required

**TABLE A
 MINIMUM REQUIRED LONG-TERM BICYCLE PARKING SPACES**

| | | USE | MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER) |
|---------|----|--|---|
| 429-6.1 | | Residential | |
| | A. | Single d Detached d Dwelling u Unit | Not applicable |
| | B. | Middle h Housing, <u>Middle Housing Land Division</u> | Not applicable |
| *** | | | |

23. SECTION 430 - SPECIAL USE STANDARDS

430-37 Single Detached Dwelling Unit on Lot of Record, Middle Housing Duplex, and Type II Middle Housing

430-37.1 Urban:

A. Type I – Plans for a Type I ~~s~~Single ~~d~~Detached ~~d~~Dwelling ~~u~~Unit or ~~d~~Duplex, including ~~m~~Middle ~~h~~Housing ~~d~~Duplex, shall:

(2) Additionally, each ~~s~~Single ~~d~~Detached ~~d~~Dwelling ~~u~~Unit or ~~d~~Duplex building shall utilize at least five of the following design features:

(h) A minimum 12-inch offset in the structural exterior façade and roofline of the building (see Figure 4). In a building containing attached units, the offset applies to the overall building façade, not each unit. All exterior walls of a building that face the same direction shall be considered part of the same façade. On a corner lot, ~~430-37.1 A(2)(h) or (l) is required for~~ along the street side yard, of the building façade shall include at least one feature listed under 430-37.1 A.(2)(h) or (l). This shall count as one of the five design features required by this Section for a Single Detached Dwelling Unit or Duplex building;

(l) A minimum of two types of siding materials and/or siding styles. On a corner lot, ~~430-37.1 A(2)(h) or (l) is required for~~ along the street side yard, of the building façade shall include at least one feature listed under 430-37.1 A.(2)(h) or (l). This shall count as one of the five design features required by this Section for a Single Detached Dwelling Unit or Duplex building;

B. Type II – Plans for a Type II ~~s~~Single ~~d~~Detached ~~d~~Dwelling ~~u~~Unit or ~~m~~Middle ~~h~~Housing shall:

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(2) Show:

(a) ~~Proposed location of all~~ Currently proposed building locations;

(c) Existing ~~road improvements~~ (roads, sidewalks, curbs, driveways) and rights-of-way, in and adjacent to the site, and those proposed in or along the site as part of the current application;

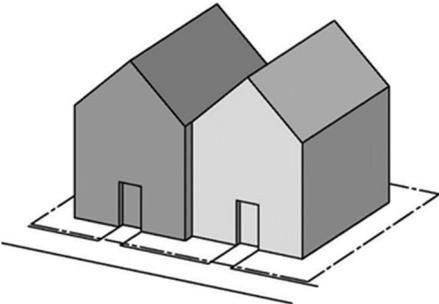
(e) Location of any flood plain and any drainage hazard area (see Section 421) based on currently applicable FEMA and County maps;

(g) New lots or parcels that could feasibly be created within portions of the parent lot or parcel not currently proposed for development, as follows:

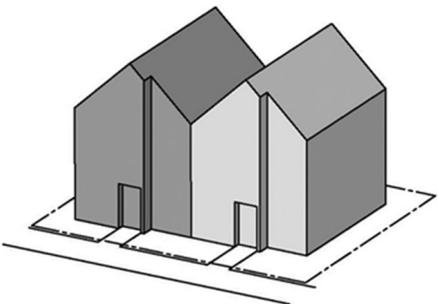
(i) Meeting minimum lot areas and dimensions specified for residential development that does not meet the definition of ~~Middle Housing~~ (Section 106), (regardless of the housing type currently proposed);

(ii) Located such that feasible future property lines are no closer to at a distance that would accommodate minimum setbacks from currently proposed housing development than the applicable minimum setback distance (use setbacks that apply to the for the currently proposed housing type);

Figure 4. Examples of 12-inch Offset in Building Façade



Offset Between Units



Offset within Unit Façade
(Note: While two offsets are shown, minimum offset for attached homes is one per façade, not per unit)

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430-84 Middle Housing

This Section provides standards for ~~m~~Middle ~~h~~Housing ~~d~~Duplexes, ~~t~~Triplexes, ~~q~~Quadplexes, ~~c~~Cottage ~~c~~Clusters, and ~~t~~Townhouses in the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 and TO: R18-24 ~~land use~~ districts, that meet the definition of ~~m~~Middle ~~h~~Housing in Section 106 and comply with ~~m~~Middle ~~h~~Housing standards of this ~~c~~Code. For purposes of this ~~c~~Code, development of these housing types in other ~~land use~~ districts, or that does not comply with the definition and requirements of this ~~c~~Code for ~~m~~Middle ~~h~~Housing, is not ~~m~~Middle ~~h~~Housing.

Additional standards of this ~~c~~Code apply to all or some ~~m~~Middle ~~h~~Housing, to the degree specified herein or in the following:

- Section 413 (Parking and Loading);
- Section 416 (Utility Design);
- Section 418 (Setbacks);

430-84.3 Triplex and Quadplex Standards

A. General Standards

- (6) Except in areas subject to Section 421 and/or 422-3.3, up to one lawful existing ~~s~~Single ~~d~~Detached ~~d~~Dwelling Unit and up to two lawful existing Accessory ~~d~~Dwelling ~~u~~Units (ADUs) may be retained as such on the parent lot or parcel, subject to the following:
 - (a) When the existing ~~home~~ Single Detached Dwelling Unit and/or ADU(s) will not be considered as ~~m~~Middle ~~h~~Housing:
 - (b) When the existing ~~home~~ Single Detached Dwelling Unit and/or ADU(s) to be retained will all be considered as ~~m~~Middle ~~h~~Housing:

24. SECTION 440 - NONCONFORMING USES AND STRUCTURES

440-2 Exemptions

The following improvements or actions are exempt from the provisions of this Section, and pursuant to Section 201-2 do not require a Development Permit. These improvements or actions do not alter or change a nonconforming use but merely allow the use to continue.

440-2.6 ~~Any~~ ~~Where~~ existing ADU(s) are retained as an ADU(s) on a ~~m~~Middle ~~h~~Housing site, as allowed under the applicable district standards (Article III), Section 430-2.2 and Section 430-84 (Middle Housing), ~~they~~ shall be considered a nonconforming uses and ~~their~~ ~~its~~ retention as an ADU(s) will preclude a ~~m~~Middle ~~h~~Housing ~~l~~and ~~d~~Division of the parent lot or parcel.

Where a lawful existing ADU(s) meets the definition and specifications of this ~~e~~Code for the ~~m~~Middle ~~h~~Housing type proposed on-site, ~~each~~ ~~it~~ may be considered as such and will not constitute a nonconforming use.

In either case, the ~~m~~Middle ~~h~~Housing ~~applicant~~ ~~application~~ shall ~~provide~~ ~~include~~ evidence of lawful establishment of final building permits for any existing ADU(s) proposed for retention for the ADUs as proof that they have been lawfully established.

25. SECTION 501 - PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-2 Application of the Public Facility and Service Standards Inside an Urban Growth Boundary

Application of the Public Facility and Service Standards (Section 501-1 through 501-13) shall apply to the Urban Unincorporated Area as follows:

501-2.1 To all Standard land dDivisions, Middle Housing Land Divisions and property line adjustments, ~~including but not limited to middle housing land divisions~~, except:

501-2.6 Public Facility and Service Standards (Section 501-3 through 501-13) shall apply only as noted below, to the following uses:

Basic Requirements for Uses Under 501-2.6 B through D (see full requirements in standards)

| REQUIREMENT, CDC § | SINGLE DETACHED DWELLING, MIDDLE HOUSING DUPLEX, DUPLEX ON APPROVED DUPLEX LOT | > 2,000 SF SINGLE DETACHED DWELLING EXPANSION | MIDDLE HOUSING EXCEPT DUPLEX | MIDDLE HOUSING LAND DIVISION |
|--|---|---|--|---------------------------------|
| Right-of-Way: § 501-8.4 | ✓ See § 501-8.1 B (2) for limits applicable to certain uses | | | |
| Sidewalk: § 501-8.1 B ₂ (45), 502 | N/A | | ✓ Frontage of resulting lots or parcels only, as part of 501-8.1 B. (5)(a) street improvements | |
| Sight Distance: § 501-8.5 F ₂ | ✓ Meet, or maximize where standards allow standard sight distance or where allowed by § 501-8.5 F, maximize | | | |
| Half Street: § 501-8.1 B ₂ (69) and (40)501-8.2 G ₂ | N/A | | ✓ Frontage of resulting lots only | |
| Proof of emergency- standard access to public street: § 501-8.1 A and B | N/A | | ✓ Fire district confirmation per <i>Sufficient Infrastructure</i> requirements (See § 106) | |
| Sewer: § 501-8.1 A ₂ Drainage: § 410, 501-8.1 C ₂ | ✓ | | ✓ + CWS confirmation per <i>Sufficient Infrastructure</i> requirements (§ 106) | |
| Other Service Provider Letters: § 501-8.1, 8.2, 10.2, 13.3 | ✓ | N/A | ✓ | |
| Street Lighting: § 501-8.2 C ₂ | N/A | | ✓ Frontage of resulting lots only | |
| Annex to Urban Road Maintenance District, Enhanced Sheriff's Patrol District, Park District: § 501-8.1 D ₂ , 8.2 K ₂ , 10.2, 13.3 | ✓ | | | |
| Access (spacing): § 501- 8.5 | ✓ | If new access | ✓ Triplexes, q Quadplexes and ‡ Townhouses only, as described in § 430-84.3 B ₂ (4), 430-84.4 B ₂ (5) | |
| Transportation Development Tax, North Bethany/Bonny Slope West Transportation System Development Charges | See § 501-2.78 | | | |

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501-6 Exceptions for Critical and Essential Services

501-6.1 Development proposals that cannot ensure critical and essential services applicable to the development, other than those required by Sections 501-8.1 B- (409) or 501-8.2 G. (Half-street improvements), within the required time frames shall be denied unless all of the following findings can be made:

501-6.3 Development proposals subject to improvements required by Sections 501-8.1 B- (409) or 501-8.2 G. (Half-street improvements) that cannot ensure those improvements within the required time frames shall be denied unless the Review Authority determines that the findings required under Sections 501-6.1 B. and C. plus the findings required by at least one of Sections 501-6.3 A. through C. below can be made.

501-8 Standards for Development

501-8.1 Critical Services

B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:

(2) Right-of-way along the entire site frontage meets the following, at minimum, unless modified through a Type II exception approval under Section 501-8.4 B (2), or the site fronts only private street(s):

(a) For uses under 501-8.1 B (1)(a) through (d):

- (i) Local street: 25 feet to centerline;
- (ii) Neighborhood route: 30 feet to centerline;
- (iii) Collector: 37 feet to centerline;
- (iv) Arterial: 45 feet to centerline; or

If road improvements built to ultimate County standard exist, no additional right-of-way is required.

501-8.3 Desirable Services

B. Park and recreation facilities

- (1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:

- (3) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the county a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application. Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for Standard Land Divisions and Middle Housing Land Divisions, and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

501-8.5 Access to 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 ensure that each new access point or each new lot or parcel created or development will have to~~ maximize the safety of access to a public roads.

26. SECTION 502 - SIDEWALK STANDARDS

502-1 Intent, Purpose, Application, Authority, Requirement

- 502-1.4 Sidewalks shall be required to be constructed prior to occupancy for development in the unincorporated areas of Washington County within an urban growth boundary. This applies to all development ~~that is subject to the Public Facility and Service Standards as required by~~ per Section 501-2, except for to the extent Section 501 precludes sidewalk requirements by precluding or limiting street improvement requirements for certain uses, development that meets the exemption criteria in Section 502-14, or where applicable private street standards of Section 409 do not require sidewalk.

27. SECTION 600 - INTRODUCTION [LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS]

600 INTRODUCTION

Article VI establishes applicable review procedures and approval criteria for Land Divisions and property line adjustments in unincorporated Washington County.

A “Middle Housing Land Division,” allowable in urban residential districts only, is an action distinct from other types of land divisions per Oregon law. For purposes of this Code, the terms “Standard Land Division,” “Standard Subdivision,” and “Standard Partition” are used in reference to land divisions that are subject to Sections 601, 602, 603 and either 605 or 610 – these are not Middle Housing Land Divisions. Middle Housing Land Divisions are subject Section 606 and not to other standards of this Article.

600-1 Intent and Purpose [Moved from Section 601]

The intent of Article VI is to provide regulations for land divisions and property line adjustments in unincorporated Washington County to:

- A. Protect and provide for the public health, safety and general welfare;
- B. Guide future growth and development in accordance with the Comprehensive Plan;
- C. Secure protections against fire, flood, and other danger;
- D. Establish reasonable design standards and procedures for division of land and changes to property boundaries to further the orderly layout and use of land and ensure proper legal descriptions and monumenting of lots, parcels and property lines;
- E. Ensure that public facilities are available with adequate quality and capacity;
- F. Encourage the conservation of energy resources and provide the opportunity for utilization of solar energy through protection of solar access; and
- G. Encourage safe and convenient pedestrian and bicycle access.

28. SECTION 601 - LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS APPLICABILITY

601 APPLICABILITY

601-1 Intent and Purpose

~~This article is to provide regulations for land divisions and property line adjustments for land in the urban and rural areas of unincorporated Washington County for the following purposes:~~

- ~~601-1.1 To protect and provide for the public health, safety and general welfare;~~
- ~~601-1.2 To guide future growth and development in accordance with the Comprehensive Plan;~~
- ~~601-1.3 To provide for adequate light, air and privacy; prevent overcrowding of the land and prevent undue congestion of the population;~~
- ~~601-1.4 To secure safety from fire, flood, and other danger;~~
- ~~601-1.5 To establish reasonable standards of design and procedures for land divisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of land divisions;~~
- ~~601-1.6 To ensure that public facilities are available with adequate quality and capacity;~~
- ~~601-1.7 To encourage the conservation of energy resources and provide the opportunity for utilization of solar energy through protection of solar access; and~~
- ~~601-1.8 To encourage safe and convenient pedestrian and bicycle access.~~

~~601-2~~ **Applicability**

- ~~601-2.1 Subdivisions, partitions and divisions, Middle Housing Land Divisions, and property line adjustments are subject to County approval by the county under this Article. The standards governing property line adjustments and land divisions inside an urban growth boundary are set forth in Section 605. The standards governing property line adjustments and land divisions outside an urban growth boundary are set forth in Section 610;~~

601-1 Standard Land Divisions and Property Line Adjustments

- ~~601-2.21.1 The provisions of Sections 601, 602, and 603 shall apply to all Standard Land Divisions, and all property line adjustments, except as ~~noted otherwise specified~~ in these Sections. The applicability of other standards of this Code to property line adjustments and land divisions are set forth in each specific section of this Article; and~~

- ~~601-2.31.2 Additionally, Standard Land Divisions and property line adjustments are subject to the following:~~

- ~~A. Inside an urban growth boundary – Section 605~~
- ~~B. Outside an urban growth boundary – Section 610~~

601-1.3 In addition to the standards listed above, all ~~property line adjustments and Standard~~ Land and Divisions and property line adjustments shall also comply with the applicable standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation System Plan listed below. Section 390-3 in the North Bethany Subarea Overlay District identifies additional standards and requirements from the Bethany Community Plan that are also applicable to development in the North Bethany Subarea of the Bethany Community Plan. Section 391 in the Bonny Slope West Subarea Overlay District identifies additional standards and requirements from the Cedar Hills - Cedar Mill Community Plan that are applicable to development in the Bonny Slope West subarea.

601-2 Middle Housing Land Divisions

601-2.1 Section 606 shall apply to all Middle Housing Land Divisions. Sections 601-1, 602 and 603 do not apply to a Middle Housing Land Division.

601-2.2 In accordance with ORS 197.360 a Middle Housing Land Division is not a land use decision, a limited land use decision or a permit.

29. SECTION 602 - GENERAL PROVISIONS FOR STANDARD LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

602 GENERAL PROVISIONS FOR STANDARD LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

602-1 Filing and Recording

602-1.1 All ~~Standard~~ Land and Divisions shall be created by a ~~s~~Subdivision or ~~p~~Partition plat and must comply with ORS Ch. 92. All property line adjustments shall be executed by deed and must comply with ORS Ch. 92. Within 2 years of final review and approval, all final plats for ~~Standard~~ Land and Divisions shall be filed and recorded with the Department of Assessment & Taxation, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land.

Plats to lawfully establish unlawfully created units of land must be ~~filed~~recorded within 90 days of the county's validation of the property - Section 216. Within 4 years of approval, all deeds necessary to execute a property line adjustment shall be ~~filed and~~recorded with the Department of Assessment & Taxation.

602-1.4 Section 602 does not apply to a Middle Housing Land Division as defined in Section 106 (see Section 606).

30. SECTION 603 - SUBDIVISION COMMITTEE

603-1 The Director may establish a Subdivision Committee to act in a technical advisory capacity for the review of urban and rural Standard Land dDivision applications that involve the creation of a public or private street or road. The Subdivision Committee shall meet when a meeting is called by the Director. Section 603 does not apply to a Middle Housing Land Division application.

31. SECTION 605 - STANDARD LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE AN URBAN GROWTH BOUNDARY

605 STANDARD LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE AN URBAN GROWTH BOUNDARY

605-2 Urban Standard Land Divisions (Partitions and Subdivisions)

Land within the urban unincorporated portions of Washington County may be divided through a Standard pPartition or sSubdivision plat. To partition land means to divide a unit of land into two or three parcels within a calendar year. To subdivide land means to divide a unit of land into four or more lots within a calendar year. A pPartition or sSubdivision may or may not involve the creation of a street or road.

Standard Subdivisions and pPartitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Article V (Public Facility and Service Requirements) and the provisions of this Article, including standards in Section 605-3 (Development Standards for Urban Standard Land Divisions). Section 605 does not apply to a Middle Housing Land Division (see Section 606).

605-2.2 Review Standards

A. Preliminary Review:

The proposed partition or subdivision shall be reviewed for compliance with the applicable provisions of this Code, including Section 601-21.

32. SECTION 606 – MIDDLE HOUSING LAND DIVISION**606 MIDDLE HOUSING LAND DIVISION**

A lot within the R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO:R9-12, TO:R12-18 or TO:R18-24 district may be divided through a Middle Housing Land Division to create a separate lot or parcel for exactly one Middle Housing unit each, subject to compliance with applicable standards of Article III (Land Use Districts), Article IV (Development Standards), Article V (Public Facility and Service Requirements) and Section 606 of this Article.

606-1 Application Completeness, Notice, Comment Period**606-1.1 Completeness**

- A. If the application for a Land Division is incomplete, the County shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this Section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
- B. If a Middle Housing Land Division application is complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, application approval or denial shall be based on standards and criteria in effect when the application was first submitted.

606-1.2 Notice of complete application

- A. The County shall provide written notice of the receipt of a complete Middle Housing Land Division application to:
- (1) Any state agency, local government or special district responsible for providing public facilities or services to the development;
 - (2) The Community Participation Organization whose boundaries include the site; and
 - (3) Owners of property within 100 feet of the proposed Middle Housing Land Division site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the Hearings Officer, this requirement shall be deemed met when the County can provide an affidavit or other certification that such notice was given.
- B. The required notice shall include:
- (1) The street address or other easily understood geographical reference to the subject property.

- (2) The time and place where copies of all evidence submitted by the applicant will be available for review;
- (3) The applicable criteria for the Middle Housing Land Division decision;
- (4) A brief summary of the County's decision-making process for the Middle Housing Land Division decision;
- (5) The address for submitting written comments, and the closing date of the 14-day comment period, which shall conclude at the end of the Department of Land Use & Transportation's business day.
- (6) Notification that issue(s) which may provide the basis for an appeal to the Hearings Officer must be raised in writing prior to the end of the comment period, and with sufficient specificity to enable the County to respond to the issue(s); and
- (7) The name and telephone number of a County contact person;

606-2 Review of a Complete Application – Procedures and Timing

606-2.1 After the County has provided notice per Section 606-1.2, the County shall:

- A. Provide a 14-day period for submission of written comments prior to the decision, consistent with Section 606-1.2 B.(5), above.
- B. Make a decision within 63 days of receiving a completed application, based on whether the application satisfies applicable substantive requirements of this Code. An approval may include conditions to ensure that the application meets those requirements;
- C. Issue a written determination of compliance or noncompliance with applicable land use regulations that provide the basis for the determination, and a summary statement explaining the determination;
- D. Provide notice of the decision to the applicant and to those who received notice under Section 606-1.2 within 63 days of the date of a completed application. The notice of decision shall include:
 - (1) The summary statement described in 606-2.1 C.; and
 - (2) An explanation of appeal rights under Section 606-3.

606-2.2 The County shall not hold a hearing to make a decision on a Middle Housing Land Division application;

606-2.3 If the County decision on a Middle Housing Land Division application will exceed the 63-day limit applied under 606-2.1 B.:

A. Except as provided in B., below, the applicant may apply in Washington County circuit court for a writ of mandamus to compel the County to issue the approval. The circuit court decision may be appealed only to the Court of Appeals.

B. After seven days' notice to the applicant, prior to the expiration of the 63-day period, at a regularly scheduled public meeting the Board may take action to extend the 63-day time period to a date certain that is no more than 120 days after the application was deemed complete, for one or more Middle Housing Land Division applications. This extension shall be based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In accordance with ORS 197.370, the decision to approve or not approve such an extension is not a land use decision or limited land use decision.

The applicant may still pursue the remedy provided under A., above, except that the extended period shall be substituted for the 63-day period.

606-3 Appeals – Procedures and Timing

606-3.1. An appeal of the decision on a Middle Housing Land Division:

A. Shall be filed with the County within 14 days of the date the notice of decision was mailed;

B. Shall be accompanied by a deposit for costs;

C. May only be filed by:

(1) The applicant; or

(2) Any person or organization who files written comments in the 14-day period established under 606-1.2 B.(5).

A person or organization that provided written comments to the County but did not file an appeal may participate only with respect to the issues raised in the written comments submitted by that person or organization.

D. Shall be based solely on one or more of the following allegations:

(1) Violation of the applicable substantive provisions of this Code;

(2) Unconstitutionality of the decision;

(3) Ineligibility of the application for review as a Middle Housing Land Division, and that it should be reviewed as a land use decision or limited land use decision (for example an urban Standard Land Division subject to compliance with land use standards of 601-1, 602, 603 and 605); or

- (4) That substantive rights of the applicant or applicable person/organization have been substantially prejudiced by the County due to an error in procedure.

E. Shall be decided by the Hearings Officer. The Hearings Officer:

- (1) Shall, within seven days of being appointed to decide the appeal, notify the following parties and advise them of the manner in which they may participate in the appeal:
- (a) The applicant;
 - (b) The County;
 - (c) The appellant if other than the applicant;
 - (d) Any person or organization entitled to notice under Section 606-1.2 that provided written comments to the County; and
 - (e) All providers of public facilities and services entitled to notice under Section 606-1.2.
- (2) May use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and argument.
- (3) Shall provide the County an opportunity to explain the County's decision but is not limited to reviewing the County's decision and may consider information not presented to the County.
- (4) Shall apply the applicable substantive requirements of this Code. If the Hearings Officer determines that the application does not qualify as a Middle Housing Land Division based on those requirements, the Hearings Officer shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the Hearings Officer shall seek to identify means by which the application can satisfy the applicable requirements of this Code.
- (5) May not reduce the density of the Middle Housing Land Division application.
- (6) Shall, within 42 days of the date the appeal was filed, make a written decision approving or denying the application, or approving it with conditions designed to ensure it satisfies applicable substantive requirements of this Code.
- (7) May not remand the application to the County for any reason other than as set forth in this section.

F. The above noted time periods for filing and issuing a decision on an appeal are not included in the time period allowed under Section 606-2.1 for the initial decision.

606-3.2 Any party to a middle housing Land Division appeal decided by the Hearings Officer may seek judicial review in the Court of Appeals. The Land Use Board of Appeals does not have jurisdiction to consider Middle Housing Land Division decisions, aspects of decisions or actions.

606-4 Review of Middle Housing Land Divisions

A Middle Housing Land Division is subject to a two-step process involving separate reviews for tentative and final approval.

606-4.1 Tentative approval

A. Written and plan information shall be submitted by the applicant to demonstrate compliance with the requirements below. The application shall describe the manner in which the proposed Middle Housing Land Division complies with each of the provisions of Section 606. The preliminary plat and other drawings shall accurately represent all graphic data at the same scale, using a scale of 10, 20, 30, 40, 50, or 60 feet to the inch, or multiples of 10 of any one of these scales. The scale shall be included on drawings.

B. A Middle Housing Land Division application that includes the following shall be granted tentative approval:

(1) A proposal for development of Middle Housing (a land use application distinct from a Middle Housing Land Division application), either previously approved or submitted for concurrent review and approval, in compliance with the following:

(a) The Oregon Residential Specialty Code;

(b) Standards of this Code applicable to Middle Housing and Middle Housing Land Divisions pursuant to:

(i) Article III (Land Use Districts);

(ii) Section 403-2 (Master Plan – Minimum Requirements for all Development);

(iii) Section 406-6 (Mixed Solid Waste and Recyclables Storage Facilities);

(iv) Section 407-7 (Urban Street Tree Standards);

(v) Section 409 (Private Streets);

- (vi) Section 410 (Grading and Drainage);
- (vii) Section 413 (Parking and Loading);
- (viii) Section 416 (Utility Design);
- (ix) Section 418 (Setbacks);
- (x) Section 421 (Flood Plain and Drainage Hazard Areas);
- (xi) Section 422 (Significant Natural Resources);
- (xii) Section 430-37 (Detached Dwelling Unit (Single) on Lot of Record, Middle Housing Duplex, and Type II Middle Housing);
- (xiii) Section 431 (Transit Oriented Design Principles, Standards and Guidelines); and
- (xiv) Article V (Public Facilities and Services);

NOTE: A previously approved proposal for development of Middle Housing that was designed for development on a single shared lot may lack certain provisions required for a Middle Housing Land Division, for example fire wall requirements applicable to attached units on separate lots per building code, spacing between buildings to accommodate minimum setbacks to newly proposed property lines (Article III), or separate utilities (606-4.1 B.(8), below).

An applicant who intends to develop units on a shared lot but retain potential to divide later should ensure that design of the Middle Housing development accommodates all building and spatial requirements needed for a Middle Housing Land Division.

- (2) Evidence of compliance with Section 606 and all Articles/Sections listed under 606-4.1 B.(1)(b) specifically as they apply to a Middle Housing Land Division.
- (3) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code.
- (4) Plan information showing exactly one dwelling unit per resulting lot or parcel, except for lots, parcels or tracts used as common areas.
- (5) No housing that is not Middle Housing as defined in this Code.

(6) Consistent with (4) and (5), above, for any existing Single Detached Dwelling Unit or Accessory Dwelling Unit to be retained:

(a) Evidence within the Middle Housing development proposal required under Section 606-4.1 B. (1), that the unit meets the definition and applicable requirements of this Code for the Middle Housing type otherwise proposed onsite, and a written request for its consideration as such; and

(b) Inclusion on its own separate lot within the Middle Housing Land Division.

See also 430-2 (Accessory Dwelling Unit) and 430-84 (Middle Housing) regarding existing dwellings and implications for a Middle Housing Land Division.

(7) Evidence that no dwelling or accessory building, or any part thereof, is located on land within a significant natural resource, open space, scenic or historic resource area mapped in County Comprehensive Plan documents for protection consistent with statewide planning goals, or within a flood plain and drainage hazard area based on currently applicable FEMA and County maps.

(8) Plans showing separate utilities for each dwelling unit, except to the extent that standards of Clean Water Services and/or County Building Services allow for shared storm or sanitary sewer system elements.

(9) Plans showing proposed easements necessary for each dwelling unit for:

(a) Locating, accessing, replacing and servicing all utilities;

(b) Pedestrian access from each dwelling unit to a private or public road;

(c) Any common use areas or shared building elements;

(d) Any dedicated driveways or parking; and

(e) Any dedicated common area.

C. Building permit applications for Middle Housing units may be submitted at the same time as an application for tentative approval of a Middle Housing Land Division. Regardless, building permits for new Middle Housing units shall not be issued before the final plat is recorded.

NOTE: Applicants who choose to submit building permit applications at the same time as a Middle Housing Land Division application should consult with Building Services about timing implications.

D. The applicant shall submit a preliminary plat showing:

- (1) Compliance with Section 606-4.1 B., above;
- (2) Names and addresses of the owner(s), engineer or surveyor, and, when applicable, the designer of the Middle Housing Land Division;
- (3) Date of preliminary plat preparation;
- (4) For a Middle Housing Land Division that is a Subdivision (four or more resulting Middle Housing lots), the proposed Subdivision name;
- (5) A scaled drawing of the Middle Housing Land Division (see Section 606-4.1 A.);
- (6) Locations and widths of existing access points, and any access points proposed through an application for development of Middle Housing (see Section 430-84 and Article V for driveway/access standards that apply to each Middle Housing type);
- (7) Existing and proposed improvements to meet Sufficient Infrastructure requirements for Middle Housing per Sections 106-210, 409, 410, 430-84, 431 and Article V (may be shown on separate plan drawings as necessary to show any required offsite improvements for Sufficient Infrastructure);
- (8) Existing and proposed streets/roads, public and private, on and abutting the site, including locations, widths, approximate curve radii and grades, street name(s), and associated right-of-way, tracts and easements, including but not limited to the following:
 - (a) Existing right-of-way and necessary right-of-way dedications, along the entire site frontage where a parent lot or parcel abuts a public street, to meet Washington County Functional Classification standards as required for a Middle Housing Land Division under Articles III and V.
 - (b) Public improvements and right-of-way to County standard, as required under Article V, where a lot resulting from a Middle Housing Land Division will front a public street, including preliminary utility plans for sewer, water, storm drainage, and street lighting for new public streets;
 - (c) Private street improvements, as required under Section 409, where a lot resulting from a Middle Housing Land Division will front a private street;

NOTE: Vehicular access and internal streets/roads are not required for a Middle Housing Land Division, except as necessary for required compliance with standards that apply to the associated application for development of Middle Housing (606-4.1 B.(1)), including off-street parking requirements (Section 413), the minimum frontage on a public or private street for Middle Housing Townhouse lots or parcels (Article III), or Sufficient Infrastructure requirements (Section 106-210, 409, 410, 430-84, 431, Article V).

- (9) Location, width, and purpose of all recorded or proposed easements in or abutting the site;
- (10) Area of the existing parent lot or parcel and each lot or parcel to result from the Middle Housing Land Division, and dimensions of all existing and proposed property lines;
- (11) Identification of:
 - (a) Proposed Middle Housing lots or parcels intended for sale;
 - (b) Land to be dedicated or reserved for any other purpose, public or private; and
 - (c) Land not intended to be buildable;
- (12) Location of all existing structures on the site, their setbacks to existing and proposed property lines, and notations indicating present use of the structures and whether they are proposed to remain after platting;
- (13) Location of all proposed Middle Housing units and structures, and their setbacks to existing and proposed property lines;
- (14) Separate utilities for each dwelling unit as required under 606-4.1 B.(8);
- (15) Onsite land area mapped in Comprehensive Plan documents as a significant natural resource, open space, scenic area or historic resource; and any onsite flood plain or drainage hazard area based on currently applicable FEMA and County maps.
- (16) Supplemental information – including deed restrictions and plat notations, if any, documents addressing ownership, use rights, and allocation/liability for maintenance of all private streets shall be submitted to the Review Authority prior to or in conjunction with final approval.; and a statement of ownership, use, conditions or limitations and responsibility for maintenance of all nonbuildable areas or tracts, or areas or tracts to be dedicated or reserved for public use.

E. The tentative approval for a Middle Housing Land Division application shall include a condition requiring a notation on the final plat which states that:

abcdef Proposed additions

~~abcdef~~ Proposed deletions

(1) Approval was granted under Community Development Code standards for a Middle Housing Land Division; and

(2) Further division of the resulting lots or parcels is prohibited.

F. The tentative approval for a Middle Housing Land Division is void if and only if a final Subdivision or Partition plat is not recorded within three years of the tentative approval.

606-4.2 Final Review of Middle Housing Land Divisions

A. The tentative approval of a Middle Housing Land Division is void if and only if a final plat is not recorded within three years of the tentative approval.

B. An application for final review of a Middle Housing Land Division shall be submitted to Current Planning. Final Current Planning review and approval of the proposed final plat shall be granted prior to approval of the plat by the County Surveyor and recording.

C. Building permits for a Middle Housing development shall not be issued prior to recording of the final plat.

D. Requests for final Current Planning review of a Middle Housing Land Division shall include the following information:

(1) Copies of the proposed final plat which shall include the following information:

(a) Plat notations required by Section 606-4.1 E.;

(b) The location, right-of-way, width and centerline of all streets within the boundary of the site;

(c) All existing and proposed easements, clearly identified as to intended purpose. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the plat shall be shown;

(d) The name of new streets as approved by the County Surveyor;

(e) Labels identifying proposed lots or parcels intended for sale, and the intended purpose of all other land within the site, consistent with Section 606-4.1 D.(11);

(f) A declaration as required by ORS Ch. 92.075;

(g) A non-graphic notation on the plat, of any flood plain or drainage hazard area, including the flood plain or drainage hazard area

elevation and the affected Middle Housing lots or parcels. NOTE: No dwelling in a Middle Housing Land Division is permitted within such areas; and

(2) Supplemental information, including but not limited to:

- (a) A copy of any proposed deed restrictions;
- (b) Dedication deeds requiring separate documents;
- (c) Warranty deeds conveying property to the county, the State of Oregon or other public agency;
- (d) Certification that construction plans have been approved by the Engineering Division for public improvements required under Sections 410, 606 and Article V, and the applicant has either:
 - (i) Installed all such improvements; or
 - (ii) Executed an agreement accompanied by the financial assurance as provided by Section 501-8.6 for public improvements;
- (e) For new public streets, certification of a street lighting plan approved by the County Engineering Division and meeting the materials and installation requirements of the electrical utility company providing service to the area;
- (f) For private streets, documentation required by Section 409-3.4 and 409-4; and
- (g) Provisions for access to and maintenance of drainage areas that are partially or fully outside right-of-way, if any.

606-5 Filing and Recording Middle Housing Land Divisions

606-5.1 Within three years of tentative approval, the final plat for a Middle Housing Land Division shall be recorded with the Department of Assessment & Taxation.

606-5.2 Prior to acceptance of a final plat for a Middle Housing Land Division for recording by the Department of Assessment & Taxation, Recording Division, a copy of all supplemental information that must be recorded, such as restrictive covenants, shall be attached to the final plat.

Supplemental information that must be recorded shall be recorded immediately after recording the plat.

606-5.3 Final Middle Housing Land Division plats shall be approved and signed by the County Surveyor, the County Assessor, and the Chair or Vice-Chair of the Board of Commissioners prior to recording.

606-5.4 No lot or parcel resulting from a Middle Housing Land Division shall be sold prior to recording of the final approved plat.

606-6 Subsequent Land Divisions and Property Line Adjustments

Further division of lots or parcels resulting from a Middle Housing Land Division is prohibited.

606-7 Revisions to Middle Housing Land Divisions

Except for revisions to an application with tentative approval that are required for final approval, revisions to a Middle Housing Land Division with tentative or final approval shall be:

- A. Processed as a new application; and
- B. Subject to the Middle Housing Land Division standards that are in effect at the time the new application is submitted.

606-8 Special Assessments for Middle Housing Land Divisions

No Middle Housing Land Division may be approved for land which is subject to special assessments for public improvements by Clean Water Services or Washington County, unless application has been made to the appropriate entity for division of those assessments under its ordinances or procedures. Applications for division of assessments and for division of land may be processed concurrently.

606-9 Survey and Monumentation Requirements

Middle Housing Land Division plats shall be surveyed and monumented in accordance with the requirements of ORS 92.010 to 92.192, except that provisions of ORS 92.044 or 92.046 that are inconsistent with state and County provisions for a Middle Housing Land Division shall not apply.

606-10 Development on Lots or Parcels Resulting from a Middle Housing Land Division

- A. Development shall occur in accordance with Section 606 and standards of all applicable Sections of this Code specified within Section 606.
- B. Only one dwelling unit is permitted on each lot resulting from a Middle Housing Land Division. Accessory Dwelling units are not permitted.
- C. The type of Middle Housing approved on the parent parcel shall not be altered by a Middle Housing Land Division. For example, a unit approved as a Cottage.

or a detached Middle Housing Duplex, Triplex or Quadplex unit, shall remain such after a Middle Housing Land Division. It shall not be considered a Single Detached Dwelling Unit (defined in Section 106) and shall not be allowed an Accessory Dwelling Unit.

33. SECTION 610 - STANDARD LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE AN URBAN GROWTH BOUNDARY

610 STANDARD LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS OUTSIDE AN URBAN GROWTH BOUNDARY

610-2 Rural Standard Land Divisions (Partitions and Subdivisions)

610-2.2 Review Standards

A. Preliminary Review:

The proposed partition or subdivision shall be reviewed for compliance with the applicable provisions of this Code, including Section 601-12.



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

RO 23-10

Meeting Date: February 07, 2023

CPO: All Urban CPOs

Agenda Category: ACTION

Department(s): Land Use & Transportation

Presented by: Stephen Roberts, Director of Land Use & Transportation

Agenda Title: **Adopt Findings for A-Engrossed Ordinance No. 890**

REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 890 and authorize the Chair to sign the Resolution and Order memorializing the action.

SUMMARY:

A-Engrossed Ordinance No. 890 amends the Community Development Code (CDC) to add standards and procedures for Middle Housing Land Divisions consistent with 2021 Oregon Senate Bill 458. It also proposes minor amendments to recently adopted regulations for Middle Housing. A-Engrossed Ordinance No. 890 is posted on the County's land use ordinance webpage at the following link:

www.washingtoncountyor.gov/lut/land-use-ordinances-progress

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 890. The proposed findings are attached and will be posted on the above land use ordinance webpage prior to the Feb. 7, 2023 Board meeting.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

None known at this time

Legal History/Prior Board Action:

None

Budget Impacts:

None

ATTACHMENTS:

[Resolution and Order 23-10 - Adopt Findings for A-Engrossed Ord. No. 890](#)

[A-Engrossed Ord. No. 890 - Ex. A: Findings](#)

Approved by the
Washington County Board of Commissioners
also serving as the governing body of Clean Water Services and all other County Districts



Kevin Moss, Board Clerk

February 7, 2023

Date Signed

RO 23-10

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting) RESOLUTION AND ORDER
4 Legislative Findings in Support) No. 23-10
5 of A-Engrossed Ordinance No. 890)
6)

7 This matter having come before the Washington County Board of Commissioners (Board)
8 at its meeting of Feb. 7, 2023; and

9 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant
10 facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon
11 Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles
12 of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance
13 No. 890; and

14 It appearing to the Board that the findings attached and herein incorporated as Exhibit A
15 constitute appropriate legislative findings with respect to the adopted ordinance; and

16 It appearing to the Board that the Planning Commission, at the conclusion of its public
17 hearing on Nov. 16, 2022, made a recommendation to the Board, which is in the record and has
18 been reviewed by the Board; and

19 It appearing to the Board that, in the course of its deliberations, the Board has considered
20 the record which consists of all notices, testimony, staff reports, and correspondence from
21 interested parties, together with a record of the Planning Commission's proceedings, and other
items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

1 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of A-Engrossed
2 Ordinance No. 890 are hereby adopted.

3 DATED this 7th day of February, 2023.

4
5 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

6 
7 _____
CHAIR KATHRYN HARRINGTON

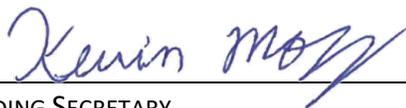
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RECORDING SECRETARY

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 890

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO IMPLEMENT OREGON SENATE BILL 458 MIDDLE HOUSING LAND DIVISION PROVISIONS

Feb. 7, 2023

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan and Regional Transportation
Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 890 amends the County’s Community Development Code (CDC) to implement state law changes adopted in 2021 through Senate Bill (SB) 458 regarding middle housing land divisions. SB 458 is a companion bill to House Bill (HB) 2001, the middle housing bill. Changes proposed to the CDC by this ordinance would allow creation of separate lots for individual Middle Housing units through an expedited land division process, subject to specific requirements.

Key Ordinance Provisions

- Adds standards for Middle Housing Land division application and review, notices and appeals, per SB 458
- Clarifies some adopted standards affecting Middle Housing/Middle Housing Land Divisions
- Adds alternative to adopted minimum right-of-way requirements for Middle Housing, a Single Detached Dwelling and certain expansions of one
- Amends non-street side yard setback for housing in certain districts as follows:
 - For Middle Housing and other housing – clarifies where a reduction to the standard setback is allowable and where a maintenance easement applies
 - For Middle housing only – reduces the *standard* setback and adds locations where its further reduction is allowable

Because the ordinance would make changes that do not affect compliance with Oregon’s Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches

and Dunes), 19 (Ocean Resources) and related Oregon Administrative Rules (OARs) are not addressed because these resources are not located within Washington County.

The County is also required to make findings that the amendments are consistent with the requirements of Metro’s Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 890 is consistent with the Goals, Oregon Revised Statutes (ORS), OAR requirements, Metro’s UGMFP Washington County’s Comprehensive Plan (Plan). The County’s Plan was adopted to implement these state and regional planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional land use regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the Plan implicate a goal compliance issue.

SB 458 applies ORS 197.360 to Middle Housing Land Divisions, which specifies that decisions for such are not land use decisions. Because the County has opted to include Middle Housing Land Division provisions in its Community Development Code to facilitate application preparation and review, however, the County has followed procedures required by statewide planning goals and associated County documents for adoption of A-Engrossed Ordinance No. 890. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 – Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate community participation in the planning process. The County has an acknowledged citizen involvement program that provides a range of opportunities for community members and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County’s Charter sets forth specific requirements for community involvement during review and adoption of land use Ordinances, including public hearings. The County has followed these requirements for the adoption of A-Engrossed Ordinance No. 890.

Goal 2 – Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. The County has an acknowledged land use planning process that provides for the review and update of the various elements of

the Plan, which includes documents such as the Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, the CDC, the Rural/Natural Resource Plan (RNRP) and the Transportation System Plan (TSP). The County utilized this process to adopt A-Engrossed Ordinance No. 890.

Notice was coordinated with all affected governmental entities and comments received regarding A-Engrossed Ordinance No. 890 were addressed either as part of the proceedings or with subsequent staff coordination.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon’s livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to a PAPA when the PAPA: 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site on an acknowledged resource list.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the RNRP and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

Consistent with ORS provisions applied via SB 458, where any Middle Housing unit is permitted inside the County-mapped boundary of a natural resource area, the parent lot cannot be divided through a Middle Housing Land Division. The amendments made by A-Engrossed Ordinance No. 890 help to protect significant resources as intended by Goal 5.

Goal 6 - Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6, and 7 of the RNRP provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 890 clarifies solid waste and recycling provisions previously amended via A-Engrossed Ordinance No. 885, as they relate to Middle Housing and Middle Housing Land Divisions.

The amendments are intended to ensure ongoing Plan compliance with Goal 6 as Middle Housing and Middle Housing Land Divisions occur, and are consistent with the County’s acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the RNRP set out the County’s policy to protect life and property from natural disasters and hazards.

As noted under findings for Goal 5, above, A-Engrossed Ordinance No. 890 does not allow a Middle Housing Land Division where any part of a building will be within a natural resource area, including resource areas that comprise floodplains. Building Code standards intended to reduce risk from natural hazards where building is allowed, however, will continue to apply. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 890.

The amendments are consistent with the County’s acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 - Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the RNRP and the individual Community Plans address the recreational needs of Washington County’s residents and visitors.

A-Engrossed Ordinance No. 890 does not amend the applicable Plan policies or Community Plans regarding recreational needs. By allowing land divisions for all Middle Housing types through an expedited process per SB 458, however, the ordinance facilitates increased urban homeownership opportunities near urban services including park and recreation facilities, and may reduce travel to recreational needs for many.

Amendments made by A-Engrossed Ordinance No. 890 maintain compliance with Goal 8 and the County’s acknowledged policies and standards for satisfying recreational needs as required by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the RNRP set out the County’s policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Historically, home ownership is a strong contributor to individual/household/family wealth-building. Proposed A-Engrossed Ordinance No. 890 increases potential for more supply and

variety of diverse housing types as fee-simple products in the County's unincorporated urban residential neighborhoods.

Statewide and locally, trades related to construction, materials, relocation of households, and sales or rental of housing are also likely to see related economic growth as a result. Further, local growth in number and diversity of homeowners may boost economic success of nearby commercial and industrial enterprises and allow more people opportunities to prosper through home business operations.

The amendments in A-Engrossed Ordinance No. 890 are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Goal 10 – Housing

Goal 10 requires the provision of housing in adequate numbers, and at a range of prices/rents, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP and Policies 19 and 25 of the RNRP address the provision of housing in the urban and rural areas of unincorporated Washington County. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

Middle housing land division allowances of SB 458 and this implementing ordinance increase capacity for housing units that can be on separate lots or parcels and individually owned, and allow smaller resulting lots in greater numbers on a parent lot/parcel than can be achieved through a standard land division.

The variety of currently allowed middle housing types, when coupled with expanded ownership potential, and in most cases no minimum lot size for resulting lots, will allow more dense communities and likely expand housing options available at lower and mid-range prices to meet the needs of more households.

Other indicators that the allowance to divide and sell individual middle housing units is likely to help fuel middle housing production, and therefore increase supply and variety of housing overall, include:

- The Home Building Association/industry's active role as proponents; and
- County/EcoNorthwest findings that the allowance would likely improve the economic feasibility of middle housing production.

Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 890.

Goal 11 – Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP and Policy 22 of the RNRP address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

A-Engrossed Ordinance No. 890 applies limited standards for public facilities and services to the extent allowed and/or required by SB 458, including:

- Proof of compliance with HB 2001-specified Middle Housing criteria including “Sufficient Infrastructure” requirements for emergency vehicle access (to the site from a public street system), drainage/storm and public water and sewer provisions meeting standards in effect;
- Separate utilities per lot; and
- Street frontage improvement requirements where resulting lots abut a street.

Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 890. The amendments are consistent with the County’s acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 – Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the RNRP and in particular the Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

SB 458 and this ordinance do not newly allow or increase capacity for middle housing, but are directly tied to middle housing as allowed under HB 2001 and a previously adopted County ordinance. Consistent with SB 458 and Washington County housing policies (CFP policies 21 through 24), however, the CDC amendments allow division of land for Middle Housing, increasing potential home ownership options near existing urban services, transit, on smaller lots and in a more compact urban form than previously allowable. With this, new development may reduce the number and distance of automobile trips and related vehicle miles traveled per capita, as shorter trips and travel by alternative modes are facilitated.

The amendments are consistent with the County’s acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the TPR, implemented via OAR Chapter 660, Division 12).

A-Engrossed Ordinance No. 890 does not amend the TSP, nor does it include any transportation-related amendments to the Community Plans. According to OAR 660-046-0030(3) when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether

the amendments significantly affect an existing or planned transportation facility, however the amendments in A-Engrossed Ordinance No. 890 do not:

- Change the functional classification of an existing or planned transportation facility.
- Change standards implementing a functional classification system.
- Result in types or levels of travel or access that are inconsistent with the adopted functional classification system designated by the acknowledged TSP for any existing or planned transportation facility.
- Measurably degrade the performance of any existing or planned transportation facility.

Therefore, the amendments in A-Engrossed Ordinance No. 890 will not have a significant effect on the transportation system as defined by the Transportation Planning Rule (TPR) in OAR 660-012-0060 and compliance with Goal 12 is maintained.

Goal 13 - Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the RNRP address energy conservation in unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

CDC amendments included in this ordinance reflect state-allowed division of land for Middle Housing, consistent with SB 458 and County policies, increasing homeownership options near existing urban services and transit, on smaller lots and in a more compact urban form than previously attainable. Allowing more lots/parcels near existing power infrastructure results in more efficient provision of energy and less need for costly service extensions. Allowing more lots/parcels near existing transit/transportation facilities can reduce the number and distance (vehicle miles traveled per capita) of gas-powered automobile trips, and facilitate travel by other modes, for more efficient energy usage, reduced emissions and less gasoline dependence.

A-Engrossed Ordinance No. 890 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 890.

Part 3:

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro's UGMFP requires the County's Plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 890 findings have been prepared to address applicable Titles of the UGMFP.

Title 1 - Housing Capacity

Title 1 requires a city or county to maintain or increase its housing capacity (except as provided in Section 3.07.120) per the Regional Framework Plan (RFP) which calls for a compact urban form and a “fair share” approach to meeting housing needs.

RESPONSE

SB 458 and this County ordinance to implement it will increase capacity for housing units that can be on separate lots or parcels and individually owned and allow smaller resulting lots in a more compact urban form than previously attainable. They will not result in a decrease in housing capacity. A-Engrossed Ordinance No. 890 is consistent with Title 1.

Title 6 - Centers, Corridors, Station Communities and Main Streets

Title 6 calls for enhancements of Centers, Corridors, Station Communities and Main Streets as principal centers of urban life in the region via actions and investments by cities and counties, complemented by regional investments.

RESPONSE

Land in urban residential districts of unincorporated Washington County, where middle housing and middle housing land divisions are allowable, may fall within Metro-designated Centers, Corridors, Main Streets and Station Communities. Middle housing land divisions in such areas may help establish dense and diverse communities of homeowners whose needs for goods, services and recreation support growing investments in nearby Centers, Corridors, Station Communities and Main Streets to strengthen their value as principal centers of urban life. The scope of this ordinance does not directly involve investments described under Title 6, but allowances of this ordinance are complementary to its intent.

Title 7 - Housing Choice

To increase the supply of affordable housing opportunities, Title 7 implements policies of the RFP regarding establishment of voluntary affordable housing production goals to be adopted by local governments.

RESPONSE

Middle housing land division allowances of SB 458 and this implementing ordinance will allow smaller resulting lots in greater numbers on a parent lot/parcel than can be achieved through a standard land division. This will increase capacity for housing units, in number and variety, that can be on separate lots or parcels and individually owned.

The variety of currently allowed middle housing types, when coupled with expanded ownership potential, and in most cases no minimum lot size for resulting lots, will allow more dense communities and likely expand housing options available at lower and mid-range prices within them to meet the needs of more households.

Plan compliance with Title 7 is maintained with the amendments made by A-Engrossed Ordinance No. 890.

Title 8 - Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 890 was sent Sept. 28, 2022 to Metro, 35 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 889 was sent to Metro with the notice dated Jan. 12, 2023. Metro provided no comments on the ordinance.

Part 4:

REGIONAL TRANSPORTATION FUNCTIONAL PLAN FINDINGS

This section addresses the consistency of A-Engrossed Ordinance No 890 with the applicable policies of Metro’s RTFP. The Board finds that the RTFP applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plan, and that the amendments comply with the applicable requirements of the RTFP.

The RTFP implements the policies of the RTP. Of the five sections in RTFP Title 5, only section B is related to an amendment of a comprehensive plan other than the TSP. A-Engrossed Ordinance No. 890 does not amend the TSP, and therefore only Title 5 of the RTFP applies. Section B of Title 5 requires local governments to adopt land use actions consistent with 660-012-0060. As discussed above in Part 2 under Goal 12, the amendments in A-Engrossed Ordinance No. 890 will not have a significant effect on the transportation system as defined by the Transportation Planning Rule (TPR) in OAR 660-012-0060 and therefore are consistent with the TPR and the RTFP.

A-Engrossed Ordinance No 890 maintains compliance with the requirements of the RTFP.