Department of Land Use and Transportation
Current Planning Services
161 NW Adams Avenue
Hillsboro, OR 97124
Phone: (503)846-8761 fax: (503)846-2908
www.co.washington.or.us

NOTICE OF DECISION & STAFF REPORT Corrected and Reissued on April 23, 2026

Changes are identified as bold text with strikethrough (deletions) and underline (corrections)

CASEFILE: L2500287-MOD **2ND CORRECTION**

APPLICANT:
Washington County Department of Land Use & Transportation – Planning & Development Services
Carol Johnson, Manager
155 N. First Avenue, MS-14
Hillsboro, OR 97124

APPLICANT'S REPRESENTATIVE:
Same as Applicant

OWNER:
John Jacob & Valerie J. Weaks
12125 NW Vallevue Pl
Portland, OR 97229

PROCEDURE TYPE: II

COMMUNITY PLAN:
Cedar Hills-Cedar Mill Community Plan

LOCATION: On the north side of NW Rainmont Road, approximately 1,000 feet east of its intersection with NW 113th Avenue

SITE ADDRESS: 10875 NW Rainmont Rd.

EXISTING LAND USE DISTRICTS:
R-6 (Residential 6 units/acre)

ASSESSOR MAP: TAX LOT NUMBER(S):
1N127DD 8400 / 8700 / 8800

SITE SIZE: 0.97 / 0.36 / 0.52 acres

PROPOSED DEVELOPMENT ACTION: Modification of Casefile L23000~~33~~**22**-P to remove Condition of Approval VII.A (regarding use of an accessory structure in the R-6 District).
[Note: the Decision modified Condition VII.A rather than removing it entirely.]

DECISION:

Approval ☐ **Approval with Conditions ☒** **Denial ☐**

Signature _____ **Date** April 23, 2026
Ken Rencher, Current Planning Section Manager

Staff: Cassandra O'Donnell, 503-846-8170

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is 4:00 p.m. on May 5, 2026. See enclosed appeal form for additional information.

Attachments: A. Vicinity Map B. Conditions of Approval C. Staff Report

WASHINGTON COUNTY
Department of Land Use & Transportation
Development Review/Current Planning
155 N First Ave., Suite 350, MS13
Hillsboro, OR 97124
Phone: 503-846-8761
lutdev@washingtoncountyor.gov
www.washingtoncountyor.gov

TYPE II

Appeal Information

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is issued.

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following:

1. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;

2. A statement of the interest of each petitioner;

3. The date the Notice of Decision was issued as specified in the notice;

4. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;

5. A statement listing the number of pages of the petition and that all pages are present;

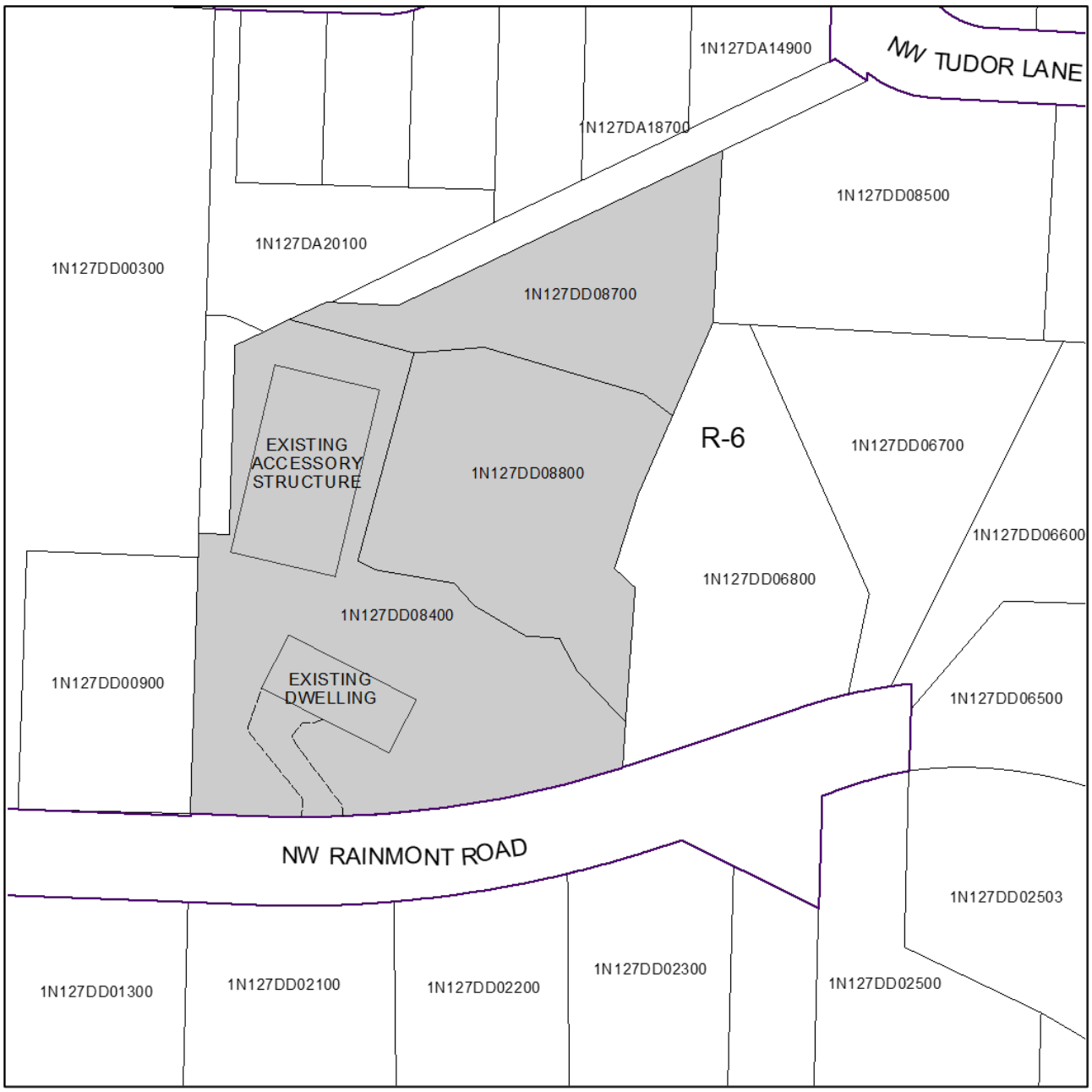
6. A statement setting forth the appeal fee as specified in the Notice of Decision; and

7. The appropriate appeal fee of **$250**.

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation — phone 503-846-8761 or cpadmin@washingtoncountyor.gov.

TAX MAP/LOT NO. 1N127DD 08400, 08700, 08800

ATTACHMENT A: Vicinity Map
CASEFILE #: L2500287-MOD



↑ NORTH **AREA OF CONSIDERATION**
NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:
R-6 District (Residential 6 units/acre)

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

A. Washington County Comprehensive Plan
B. Applicable Community Plan (See Front of Notice)
C. Transportation System Plan
D. Washington County Community Development Code:
   - ARTICLE I, Introduction & General Provisions
   - ARTICLE II, Procedures
   - ARTICLE III, Land Use Districts
   - ARTICLE IV, Development Standards
   - ARTICLE V, Public Facilities and Services
   - ARTICLE VI, Land Divisions & Lot Line Adjustments
   - ARTICLE VII, Public Transportation Facilities
E. R & O 86-95 Traffic Safety Improvements
F. ORD. NO. 738, Road Design and Construction Standards
G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

ATTACHMENT B
CONDITIONS OF APPROVAL

THE CONDITIONS OF APPROVAL OF CASEFILE ~~**L2300219-S/FP**~~ **L2300022-P** CONTINUE TO APPLY UNDER THIS APPLICATION, WITH THE EXCEPTION THAT CONDITION VII.A IS MODIFIED UNDER THIS STAFF REPORT TO READ:

A. No use of the approximately 6,720 square-foot pre-existing structure located in the northern portion of Parcel 1 is allowed by the general public. Only those uses expressly permitted in the Washington County Community Development Code for the R-6 land use district (Article III, Section 303) and approved by any applicable review procedure, subject to any associated development standards (including but not limited to Article IV, Section 430), shall be allowed. Occupancy shall be limited to less than 10 persons at any one time.

ATTACHMENT C
STAFF REPORT

I. APPLICABLE STANDARDS

A. Washington County Comprehensive Plan

B. Cedar Hills-Cedar Mill Community Plan

C. Washington County Community Development Code (CDC)

1. Article I, Introduction and General Provisions

Section 106	Definitions

2. Article II, Procedures

Section 202-2	Type II
Section 203	Processing Type I, II and III Development Actions
Section 204	Notice of Type I, II or III Development Actions
Section 207	Decision
Section 215	Code Compliance

3. Article III, Land Use Districts

Section 303	R-6 District (Residential 6 Units per Acre)

II. AFFECTED JURISDICTIONS

Sewer:	Clean Water Services
Streets:	Washington County Dept. of Land Use and Transportation
Drainage:	Washington County Dept. of Land Use and Transportation
Water Quality & Quantity:	Clean Water Services
Erosion Control:	Clean Water Services
Water:	Tualatin Valley Water District
Fire Protection:	Tualatin Valley Fire & Rescue
Police Protection:	Washington County Sheriff
Schools:	Beaverton School District
Transit:	TriMet
Parks:	Tualatin Hills Park & Recreation District

III. APPLICATION OVERVIEW

STAFF: This application proposes to modify a condition of approval associated with the approval of a three-parcel partition through Casefile L2300022-P. The original condition of approval relates to the use of a pre-existing approximately 6,720 square-foot structure on the parent parcel (the “pre-existing structure”) and was added to resolve a code violation, thereby enabling the partition application to be approved. However, the language of the original condition of approval has created challenges for ongoing code compliance activities, confusion amongst both the property owner and the neighbors, as well as uncertainty about the condition’s effect on the owners of the newly created parcels.

To address this situation, this application was initiated by the Department of Land Use & Transportation. This application initially proposed removal of the original condition altogether, with the understanding that existing regulations in the Community Development Code prohibit the unauthorized activity that had previously occurred in

the pre-existing structure. As discussed later in this Staff Report, comments received during the public comment period supported retaining a condition of approval to address the potential for any future incidents of unauthorized activity related to the pre-existing structure.

The intent of this modification is to establish a common understanding regarding the meaning and effect of the condition of approval and to establish clear expectations for the property owners and neighbors regarding what types of activity can and cannot occur in the pre-existing structure.

The original condition as drafted in Casefile L2300022-P, condition VII.A reads as follows:

> *"No public use of the soccer facility/former horse arena shall occur. No for-profit or not-for-profit commercial use for soccer camps and/or training sessions or sports clinics shall be conducted on the site. Use will be limited to members of his immediate family."*

The preceding language is ambiguous for several reasons, including but not limited to the following:

- There are terms with a specific legal meaning (e.g., "public use") which are not applicable to this condition of approval.
- A personal pronoun ("his") which has no antecedent and would not be relevant to future property owners is referenced in the condition. Conditions of approval are applicable to the property generally and are not specific to the individual current ownership of the property.
- The condition uses the term 'family' to determine occupancy limits, which is legally problematic and challenging to enforce.
- The condition of approval was inadvertently written such that it applies to the parent parcel as well as to the two new parcels and two new tracts that were created by the approved partition process, even though the pre-existing structure is located only on Parcel 1 (the parent parcel).

When this modification of the original conditions of approval was initially proposed, Staff were under the impression that there was no longer a need for this specific condition related to the pre-existing structure. The partition had been finalized and the final plat recorded, concluding the land use process for Casefile L2300022-P. However, the language in the original condition related to the pre-existing structure continued to generate inquiries to our office and was challenging to interpret and apply for the reasons noted above.

Based on feedback received through the land use application and review process for this Casefile **L**25-00287-MOD, the prior condition is not being removed, but is being modified to clarify the confusing language, while still retaining parameters related to the acceptable use of the pre-existing structure. The modified condition contained in this Staff Report is aligned with the existing Community Development Code language for permissible uses in the R-6 land use designation. Further, Staff are responding to concerns from the neighbors and from the property owners by specifying within the modified condition of approval the applicable limits on how the pre-existing structure may be used. Staff are also adding a limitation on the number of people who may occupy the structure at any given time.

IV. FINDINGS OF FACT

A. BACKGROUND FINDINGS

1. The applicant (Washington County Department of Land Use & Transportation) requests modification of Condition of Approval VII.A, found in Attachment B of the Notice of Decision for Casefile L2300022-P, which provided preliminary approval for a three-parcel partition in the R-6 District. Casefile L2300022-P was approved with conditions on June 21, 2023, and final approval for the partition was issued on January 16, 2025. The partition has been recorded as Partition Plat 2025-008.

   NOTE: *The subject properties of this case are Parcel 1 and Tracts A and B of Partition Plat 2025-008, which remain under the same ownership. The subject structure is located on Parcel 1. Parcels 2 and 3 are under different ownership.*

2. The County (applicant) originally proposed removing Condition of Approval VII.A, found in Attachment B of the Notice of Decision for Casefile L2300022-P, but has modified the request based on comments received. The existing condition of approval reads as follows:

   No public use of the soccer facility/former horse arena shall occur. No for-profit or not-for-profit commercial use for soccer camps and/or training sessions or sports clinics shall be conducted on the site. Use will be limited to members of his immediate family.

3. Background Finding 4 of Casefile L2300022-P provides the following finding related to this condition of approval:

   The property owner/applicant currently has a land use violation for the unpermitted conversion and subsequent public use of an existing covered equine arena and barn to a covered soccer facility. The applicant had opened the facility to the public and utilized this facility for soccer training/practice by local soccer clubs and soccer training. These activities generated increases in traffic and noise resulting in the filing of a land use complaint by a neighboring property owner. The structure was not permitted as a soccer facility and cannot be used as such in the R-6. The applicant has been made aware of the violation and has notified staff that public use of the facility will no longer occur and will be limited to members of his immediate family. Given this assurance, staff will abate the land use violation upon approval of this partition. Any subsequent complaints that substantiate public use of the facility will result in a re-opened land use violation and probable fines. A condition of approval addressing the prohibition of these uses is contained in Attachment B.

4. According to the Cedar Hills-Cedar Mill Community Plan, the site contains Riparian Wildlife Habitat. No new development is proposed under this application, and no further review of CDC Section 422 is required at this time.

5. The findings and conditions of approval from the Notice of Decision for Casefile ~~**L2300219-S/FP**~~ **L2300022-P** remain in full effect and continue to apply to this land development proposal with the exception of the approved modification of Condition of Approval VII.A.

6. A public notice was sent to property owners within 500 feet of the subject property on December 22, 2025. Excluding duplicates, 64 comment letters were received during the 14-day public comment period, with six additional comment letters received after the close of the public comment period. Of these 70 total comments,

eight (8) expressed support for removal of Condition of Approval VII.A. and 62 expressed concerns or opposition to removing the condition.

Comment letters expressing support for removal of the condition raised the following:

a. Original Condition Unnecessary; Erroneously Applied: Commenters assert that the original condition was an unnecessary constraint on the use of the property and that it was partly or entirely applied in error.

STAFF: See CDC Sections 207-5 and 215 for a discussion of the need for the condition of approval to address the land use violation for unpermitted use of the pre-existing structure prior to approval of the partition application.

b. Impact of Original Decision: Commenters assert that the original decision and condition caused the neighborhood character to worsen due to an increase in conflict and complaints. Commenters also assert that the property owner has improved the overall quality of the property since the original approval.

STAFF: It is unclear specifically how the original condition might have caused an increase in conflict or if modification or removal of the condition would decrease conflict. Improvements to the overall quality of the property is outside the scope of this review.

c. Impact of Modification: Commenters assert that the modification will not permit commercial use and that any anticipated use will not negatively impact parking, traffic, noise, or neighborhood character.

STAFF: It is accurate that neither removal nor modification of the condition would permit commercial use. The property shall remain limited by permitted uses in the R-6 District.

d. Alternative Modification: One commenter proposes an alternative modification, striking only the “immediate family” provision from the original condition.

STAFF: This alternative is one of the modifications contemplated and approved herein.

e. Prior Commercial Use: One commenter asserts that comments regarding prior commercial use are not relevant to this review.

STAFF: Prior commercial use is relevant to this review as the use and associated land use violation form the basis of the condition under CDC Sections 207-5 and 215. The condition would not be warranted if not for this prior use.

Comment letters expressing concern or opposition to removing the original Condition of Approval VII.A. raised the following:

a. Process: Commenters raise issues with the application, notice, public comment, and review process, including the timing, detail, and receipt of notice, as well as the effective length of the comment period.

STAFF: Notice content, notice distribution, and the comment period were in accordance with CDC Section 204, as described below. Staff

acknowledge that distribution of notice in late December may have limited capacity for comment and for communication with Staff. However, the online comment form remained open until decision issuance, and the County Planning & Development Services office was open to the public six days during the comment period. Comment letters received after the close of comment generally raised the same issues as those received during the comment period. All issues raised are addressed herein.

Several commenters indicated that they did not receive a copy of the public notice. Staff confirmed that all commenters who raised this issue were on the mailing list and labels forms that were used in the distribution of the public notice. Per CDC Section 204-1.2, failure to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice.

i. Lack of Hearing or Neighborhood Meeting

STAFF: Per CDC Section 207-5.7, modification or removal of conditions shall be processed through the same procedure as was used to impose the conditions. Conditions were imposed through a Type II procedure under Casefile L2300022-P. Therefore, this modification of conditions is being reviewed through a Type II procedure and does not require a public hearing before the Hearings Officer. In addition, CDC Section 203-3.2 identifies the application types that are subject to neighborhood meeting requirements, and modification or removal of conditions is not listed. As a result, a neighborhood meeting is not required.

ii. Nature of the Applicant

STAFF: This modification of conditions was initiated by Carol Johnson, Planning and Development Services Manager, acting as the Director as defined in CDC Section 106-62 and permitted under CDC Section 203-1.1 D.

iii. History of the Condition

STAFF: Commenters assert that the original condition was the result of negotiation with the neighborhood and should therefore not be modified. This concern has been taken into consideration and is, in part, the basis for modifying rather than removing the original condition.

iv. Alternative Modification

STAFF: One commenter proposes an alternative modification, striking only the “immediate family” provision from the original condition. This alternative has been taken into consideration during the drafting of the proposed modified condition.

v. Precedent and Zone Change

STAFF: Commenters assert that the modification or removal of the condition would create a precedent of permitting commercial uses in the district. Commercial use is not permitted under this approval, and no zone change is proposed. The property remains in the R-6 District and subject to the standards of CDC Section 303 and applicable requirements of Article IV of the Community Development Code.

vi. Future Enforcement

STAFF: Complaints may be submitted for investigation if it is believed a land use or building code violation is occurring.

b. Use of Structure: Commenters raise issues related to the historic, current, and future use of the existing structure, including:

i. Agricultural Use

STAFF: As commenters note, the existing structure was originally permitted in 1977 as a horse barn.

ii. Commercial Use

STAFF: As commenters note, the existing structure was advertised and allegedly used for commercial activity, which led to the enforcement action.

iii. Lack of Property Owner Collaboration

STAFF: Commenters note multiple attempts at mediation with the property owner with respect to the use of the existing structure. While the County supports mediation and collaboration to resolve conflicts, mediation is a voluntary process and cannot be compelled.

iv. Recent/Current Use

STAFF: Commenters assert that the property owner has violated the original condition on multiple occasions, including use of the pre-existing structure by non-family members. Similar complaints have been received by the County during the review period of this application. As discussed later in this Staff Report, complaints were not filed in response to alleged violations prior to the notice period for this application. A complaint was submitted during the notice period for an incident that had taken place months prior. Staff investigated the complaint and found no active violation but nonetheless sent a warning letter to the property owner reiterating the limitations imposed by the existing condition of approval.

v. Future Use

STAFF: Commenters assert that the proposed removal of the condition of approval would permit unrestricted commercial use of the property and the existing structure. As discussed throughout this report, use of the pre-existing structure is subject to the applicable provisions of the R-6 district under

CDC Section 303, which does not authorize commercial use of the pre-existing structure.

vi. Need for Facility

STAFF: Commenters question the need for a soccer facility in this neighborhood. Use of the pre-existing structure is limited as described in Attachment B.

7. Impacts of Use: Commenters raise issues with impacts of use of the pre-existing structure, including both reported past use and potential future use.

STAFF: As noted above, some commenters believe that the originally proposed removal of the condition would result in unrestricted commercial use of the existing structure. The following issues primarily relate to this assumption and are addressed accordingly.

i. Parking, Traffic, Safety, & Road Quality

STAFF: The modified condition of approval continues to limit the use of the pre-existing structure and is not expected to impact existing parking, traffic, safety, or road quality in the neighborhood. Illegal parking, traffic violations, and road safety issues should be reported to the Washington County Sheriff's Office. Issues with road quality and conditions should be reported to Washington County Operations & Maintenance Division.

ii. Noise

STAFF: The modified condition of approval limits the occupancy of the structure to less than 10 persons at any one time. Noise complaints are addressed by Washington County Health and Human Services or the Washington County Sheriff's Office outside of normal working hours.

iii. Light

STAFF: The modified condition of approval continues to limit the use of the pre-existing structure and will not have a direct impact on light levels. Complaints about unpermitted lighting or glare can be submitted to Code Enforcement for investigation.

iv. Privacy

STAFF: The modified condition of approval limits the occupancy of the structure to less than 10 persons at any one time. Screening and buffering between properties in the same land use district is not required under the Community Development Code.

i. Crime

STAFF: Commenters assert that the modified condition of approval may result in an increase in crime due to unpermitted use of the pre-existing structure. The modified condition of approval limits the use of the pre-existing structure and is not

expected to impact crime. Illegal behavior should be reported to the Washington County Sheriff's Office.

v. Stormwater Management

STAFF: Commenters assert that the modified condition of approval may result in some unspecified changes to stormwater management on the property. No physical changes to the property are proposed or permitted under this decision. Any future changes to the property will be subject to applicable stormwater management regulations.

vi. Wildlife Habitat

STAFF: Commenters assert that the modified condition of approval may result in some unspecified changes to identified wildlife habitat on and around the property. No physical changes to the property are proposed or permitted under this decision. Any future changes to the property will be subject to applicable significant natural resource regulations.

vii. Pedestrian Access

STAFF: A pedestrian accessway was required under Casefile L2300022-P to connect an existing accessway to NW Tudor Lane (Condition of Approval VI.E) pursuant to the Cedar Hills-Cedar Mill Community Plan General Design Element #5 and CDC Section 408-6.2. This pedestrian accessway has been constructed within a public access easement, and public use of the accessway is lawful.

viii. Hours of Use

STAFF: The modified condition of approval limits the occupancy of the pre-existing structure to less than 10 persons at any one time. Permitted use of the structure is not subject to restricted hours, but unpermitted use is not allowed at any time.

ix. Property Values

STAFF: Property values are not codified as an applicable evaluation criterion under the Community Development Code and are, therefore, not addressed in this review.

x. Neighborhood Character

STAFF: The modified condition of approval limits the use of the pre-existing structure and is not expected to impact neighborhood character.

8. Processing timelines for the application are as follows:

Application Submitted:	November 20, 2025
Application Deemed Complete:	December 9, 2025
120-day Review Timeline (Extended 60 Days):	June 7, 2026

B. WASHINGTON COUNTY COMPREHENSIVE PLAN

The goals and policies which relate to the development of land are implemented by the Community Development Code or the Community Plan. The Framework Plan requires development applications to comply with the Community Development Code and the applicable Community Plan. By demonstrating in this Staff Report that the request complies with the standards of the Code and the Community Plan, this Plan requirement will be satisfied.

C. CEDAR HILLS-CEDAR MILL COMMUNITY PLAN

The site is located in the Bonny Slope – The Bluffs Subarea.

The site is not located in an Area of Special Concern.

The site includes a Significant Natural Resource.

The project has been reviewed for conformance with the applicable Community Plan Design Elements in Casefile L2300022-P. The Community Plan is implemented by the Community Development Code. No projected impacts are anticipated to existing Significant Natural Resources on the site based on this modification of conditions.

D. WASHINGTON COUNTY COMMUNITY DEVELOPMENT CODE (CDC)

1. Article I, Introduction and General Provisions

Section 106 Definitions

106-62 Director. The person appointed by the County Board of Commissioners who is given the responsibility for administering this Code, or a designated representative appointed by the Director.

STAFF: Carol Johnson, Planning and Development Services Manager, is the designated representative of the Director in this application pursuant to CDC Section 106.

2. Article II, Procedures

Section 202 Procedure Types and Determination of Proper Procedure

202-2 Type II

202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

202-2.2 The following are Type II actions:

A. Those identified in this Code as Type II;

STAFF: Per CDC Section 207-5.7, this modification of conditions shall be processed as a Type II procedure, the same procedure as was used to impose conditions under Casefile L2300022-P.

202-2.3 Notice of proposed Type II actions shall be sent as provided in Section 204. A 14 calendar day written comment period shall be provided from the time notice is mailed to provide interested

persons with an opportunity to submit written comments about the proposed action before the Director makes a decision on the request. Upon close of the comment period the Director shall review all written comments actually received by the Department within the comment period and the applicant's response to the comments. The Director may also consider responses to questions by staff which clarify or amplify information which does not change the original request. Written comments received after the comment period and prior to issuance of a decision do not have to be considered by the Director. The Director shall then issue a decision. The Notice of the Decision shall be mailed pursuant to Section 204-3.4. Any party as defined by Section 205-3.2 may appeal the decision as provided in Section 209.

STAFF: Notice of the proposed action was sent as described in Background Findings, above, and in CDC Section 204, below.

Section 203 Processing Type I, II and III Development Actions

203-1 Initiation and Withdrawal of Action

203-1.1 Type I, II and III development actions may be initiated only by:

D. The Director; or

STAFF: This modification of conditions was initiated by Carol Johnson, Planning and Development Services Manager, acting on behalf of the Director as defined in CDC Section 106-62.

203-2 Pre-Application Conference

203-2.1 No application for a Type II or Type III development action shall be received by the Director unless the applicant or the applicant's representative has:

A. Attended a pre-application conference; or

B. Signed a waiver, on a form prepared by the Director, waiving the pre-application conference requirement.

STAFF: A signed waiver is included in the casefile.

203-3 Neighborhood Meeting

203-3.2 The following application types shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

- *Partitions, except Middle Housing Land Divisions;*
- *Subdivisions, except Middle Housing Land Divisions;*
- *Type III Special Uses;*
- *Type II Manufactured Dwelling Parks;*
- *Type II Adjustment - (Article V only);*
- *Type III Variances;*
- *Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);*

- *Residential Planned Developments;*
- *Type II or III Development Review - Residential, except Middle Housing or proposals that require Type II or Type III review solely because they are within a Significant Habitat boundary, but which otherwise would require either a Type I permit or no development permit; and*
- *Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the parcel subject to the application is within 125 feet of a Residential District).*

STAFF: The proposed Type II Modification of Conditions application is not subject to neighborhood meeting requirements.

Section 204 Notice of Type I, II or III Development Actions

204-1 General Provisions

204-1.1 All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.

204-1.2 The records of the Department of Assessment & Taxation shall be used for determining the property owner of record. Persons not on file with that department at the time an application is filed need not be notified. Failure actually to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate. Mortgagees, lien holders, vendors and sellers receiving notice shall promptly forward a copy by mail to the purchaser.

STAFF: Public notice was mailed on December 22, 2025, and is therefore considered as provided on that date. A sworn certificate of mailing to that effect is retained in the casefile.

204-3 Type II Actions

204-3.1 A public notice of pending review shall be mailed to:

A. The applicant or representative and owners of the subject property;

B. All property owners of record:

(1) Within 500 feet of the subject property in the urban area; or

C. The recognized Community Participation Organization in which subject property is located. When a Director's Interpretation application submitted pursuant to Section 217 does not involve a specific property, public notice of pending review shall be provided to all Community Participation Organizations;

STAFF: Public notice was mailed to the above-listed persons on December 22, 2025. A list of recipients and addresses is retained in the casefile.

204-3.2 The public notice shall contain:

A. The name of the applicant or representative and the County case file number;

B. A description of the subject property reasonably sufficient to inform the reader of its location;

C. A concise description of the proposed development action and a listing of review standards;

D. A statement that the complete application, standards and other such information are available at the County for review, and the phone number of a county contact person;

E. A statement that this is an opportunity for interested parties to submit written comments about the proposed request; that prior to making a decision, the Director will consider any written comments actually received by the Department within a 14 calendar day comment period; that written comments may be received after the comment period, but that the Director does not have to consider these comments prior to making a decision; that the Director will then make a decision and send a summary of the decision to those persons whose written comments are received by the Department, including comments received after the comment period, and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and that any person entitled to a notice of the decision, may appeal the decision as provided in Section 209;

F. The comment closing date, which shall conclude at the end of the Department of Land Use & Transportation's business day, in bold letters; and

G. The following statement in bold letters: ***NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.***

STAFF: The mailed public notice included the above-listed requirements. A copy of the public notice is included in the casefile.

204-3.3 After close of the 14 calendar day comment period, the Director promptly shall issue a decision based upon review of the use of development in light of the applicable standards and the comments received. In addition to comments from those entitled to notice, the Director shall consider the written comments of persons who demonstrate that their substantial rights may be adversely affected or aggrieved by the decision.

STAFF: Comments are addressed in Background Findings above.

Section 207 Decision

207-1 Decision Types

After review of all evidence submitted into the record the Review Authority may:

207-1.2 Approve all or part with modifications or conditions of approval as described in Section 207-5;

STAFF: Both the original decision (L2300022-P) and this decision approve their respective proposals with modifications of conditions of approval.

207-2 Announcement of Decision

No decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Review Authority or its designee. If a public hearing has been held, the Review Authority may announce a tentative decision at the close of the public hearing, but shall in any case announce a date certain on which the decision shall be adopted or issued. If no public hearing has been held, the decision shall be announced in writing and made available to all parties as simultaneously as reasonably possible.

STAFF: The decision on the modified condition of approval shall be final upon signing.

207-3 Basis for Decision

An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of state law, the Comprehensive Plan, this Code and other applicable laws as determined by the Review Authority.

STAFF: This decision shall be based upon substantial evidence in the record, as described in this Staff Report.

207-4 Findings and Conclusions

The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

STAFF: Findings of fact, conclusions of law, and an order for this decision may be found in this Staff Report and associated attachments.

207-5 Conditions of Approval

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

207-5.2 In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:

A. Requested the condition;

B. Consented to the condition in writing or on the record; or

C. Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or

D. Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application

must substantially comply with the application materials except as modified by the Review Authority.

STAFF: Conditions were imposed under L2300022-P and shall remain in effect except as modified herein. All conditions imposed under Casefile L2300022-P were imposed subject to one or more of these options. Condition VII.A, in particular, was imposed per CDC Section 215-2 and designed to protect the public from potential adverse effects of use of the pre-existing structure inconsistent with the R-6 land use district regulations.

207-5.5 Time Limits on Conditions:

Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the County deems appropriate.

STAFF: No time limit is set on Condition VII.A, which is an ongoing condition and shall remain in effect as modified herein.

207-5.6 Failure to Fulfill Previous Conditions:

Notwithstanding any other provision, the Review Authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

STAFF: As noted by several commenters, the property owner may have violated Condition VII.A since its imposition. However, denial of this modification would not encourage compliance or protect the public from future noncompliance. Rather, approval of this modification serves to more clearly define compliance and allow for consistent enforcement of the condition.

207-5.7 Modification or Removal of Conditions:

Modification or removal of conditions of approval may be sought on appeal or as a new development action. A new development action shall be processed through the same procedure as was used to impose the conditions. Modification or removal of conditions of approval shall only be granted if the Review Authority determines that:

D. The different condition(s) would better accomplish the purpose of the original condition.

STAFF: This application requests modification or removal of Condition VII.A of Casefile L2300022-P:

"No public use of the soccer facility/former horse arena shall occur. No for-profit or not-for-profit commercial use for soccer camps and/or training sessions or sports clinics shall be conducted on the site. Use will be limited to members of his immediate family."

As described in the Background Findings, the intent of the original condition of approval in Casefile L2300022-P was to prohibit any use of the pre-existing structure

inconsistent with the R-6 land use district regulations and to address an outstanding violation on the property.

Ongoing interpretation and enforcement of the original condition of approval has proven difficult or impossible due to the use of ambiguous terms, such as “public use” and “immediate family.” The original condition is also vague in its description of the structure and over-specifies the unpermitted uses. Staff proposes the following modification:

> *“No use of the approximately 6,720 square-foot pre-existing structure located in the northern portion of Parcel 1 is allowed by the general public. Only those uses expressly permitted in the Washington County Community Development Code for the R-6 land use district (Article III, Section 303) and approved by any applicable review procedure, subject to any associated development standards (including but not limited to Article IV, Section 430), shall be allowed. Occupancy shall be limited to less than 10 persons at any one time.”*

By more clearly restricting the uses to those specifically allowed in the R-6 land use district, specifying the location of the pre-existing structure, and providing a specific numerical limit on occupancy, this condition better accomplishes the intent and purpose of the original condition.

Section 215 Code Compliance

215-2 No building or development permit shall be issued unless it has first been determined whether there are existing violations on the property. A building or development permit may be denied where there is an existing violation or may include a condition addressing any existing violation. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid development permit or a statement specifying the applicable exemption.

STAFF: Condition VII.A of Casefile L2300022-P was intended to address a then-existing violation on the property. As discussed above, the modified condition of approval better accomplishes this purpose by more accurately reflecting the actual violation and permitted uses.

County staff have received five complaints since the public notice was mailed on December 22, 2025. Prior to that date, potential violations were raised on September 11, 2023, but were not formally submitted. Staff verified one instance of the condition having not been met on October 25, 2025. The potential violation was not reported until January 7, 2026. Staff conducted a site visit and did not observe any active violations; however, a warning letter was sent to the property owners on January 22, 2026, based on the complaint.

3. Article III, Land Use Districts

Section 303 R-6 District (Residential 6 Units per Acre)

STAFF: The standards of CDC Section 303, including density and dimensional standards, were addressed in Casefile L2300022-P. Note that standards of this Section remain in effect, including permitted and prohibited uses. Any change in the use of the property shall be subject to the standards of this Section and any applicable land use review.

V. SUMMARY

Information submitted by the applicant demonstrates that the request complies with the applicable regulations of the Community Development Code and the Community Plan. Based upon the findings, this request for modification of conditions is granted and conditions of Casefile L2300022-P are modified as described in Attachment B.