



September 9, 2005

To: Citizen Participation Organizations and Interested Parties

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

Subject: **PROPOSED ORDINANCE NO. 649**

Enclosed for your information is a copy of proposed Ordinance No. 649. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

Ordinance Purpose and Summary

Ordinance No. 649 proposes to amend the Comprehensive Framework Plan for the Urban Area (CFP), the Rural/Natural Resource Plan, the 2020 Transportation Plan, the Aloha-Reedville-Cooper Mountain Community Plan, the Bethany Community Plan, the Sherwood Community Plan and the Community Development Code relating to housekeeping and general update changes.

Who Is Affected

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

What Land is Affected

Urban unincorporated land (outside city limits) and land outside the Urban Growth Boundary (UGB).

Key Provisions

- Update agency and document titles.
- Update road functional classification names.
- Amend the 2020 Transportation Plan to reflect changes made to the transportation systems within city jurisdiction, update study area designations, and add trail and pipeline alignments.
- Add the Jenkins Estate to the Farmington Road Corridor and Cooper Mountain Area subareas of the Aloha-Reedville-Cooper Mountain Community Plan.
- Delete outdated text regarding the Progress Quarry from the Scholls Ferry Road Area subarea text of the Aloha-Reedville-Cooper Mountain Community Plan.
- Correct a mapping error regarding District B of the Mineral and Aggregate Overlay on the Aloha-Reedville-Cooper Mountain Community Plan.
- Amend the Central Bethany subarea text of the Bethany Community Plan to reflect development that has occurred, and modify the boundary of Area of Special Concern 1.
- Amend the Sherwood Community Plan to remove language regarding potential road connections that have either occurred or are no longer planned.
- Amend the Community Development Code to make various housekeeping changes related to agency names, document titles, section numbers, posting deadlines for rural land use applications, private road and driveway standards, guest houses, and sidewalk requirements for subdivisions and partitions.

Initial Public Hearings Time and Place

Planning Commission
7:30 pm
October 19, 2005

Board of County Commissioners
6:30 pm
October 25, 2005

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

On October 25, 2005, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 24, 2005.

Urban Comprehensive Plan Policies Amended

- Policy 3, Intergovernmental Coordination

Rural/Natural Resource Plan Policies Amended

- Various text changes made throughout document

2020 Transportation Plan Policies Amended

- Roadway Element - Functional Classification maps, Countywide Road System map and Study Areas map
- Pedestrian Element – Trails and Pedestrian System map
- Air, Rail, Pipeline and Water Element – Air, Rail, Pipeline and Water map

Community Plans Amended

- Aloha – Reedville – Cooper Mountain Community Plan
- Bethany Community Plan
- Sherwood Community Plan

Community Development Code Standards Amended

- Section 106, Definitions
- Section 204, Notice of Type I, II, or III Development Actions
- Section 408-5, Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps
- Section 409-5, Private Streets Outside an Urban Growth Boundary
- Section 410, Grading and Drainage
- Section 430-55, Guest House
- Section 502-7, Land Division Sidewalk Requirements
- Section 801-8.3, Adopting City of Tigard Community Development Code Title 18

How to Submit Comments

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

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

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

Staff Contact

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

Proposed Ordinance is available at the following locations:

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

/wpshare/2005ord/Ord649/Notices & Affidavits/CPO Notice.doc

WASHINGTON COUNTY ENACTED ORDINANCE

38
Pages



ORDINANCE

649

FOR WASHINGTON COUNTY CLERK'S USE ONLY



FILED

OCT 27 2005

Washington County
County Clerk

Rec.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – First Reading and Public Hearing –
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **PROPOSED ORDINANCE NO. 649 – AN ORDINANCE AMENDING THE COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA, THE RURAL/NATURAL RESOURCE PLAN, THE ALOHA-REEDVILLE-COOPER MOUNTAIN COMMUNITY PLAN, THE BETHANY COMMUNITY PLAN, THE SHERWOOD COMMUNITY PLAN AND THE COMMUNITY DEVELOPMENT CODE RELATING TO HOUSEKEEPING AND GENERAL UPDATES**

Presented by: Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

SUMMARY (Attach Supporting Documents if Necessary)

Ordinance No. 649 proposes to amend the Comprehensive Framework Plan for the Urban Area, the Rural/Natural Resource Plan, the Aloha-Reedville-Cooper Mountain Community Plan, the Bethany Community Plan, the Sherwood Community Plan and the Community Development Code to make housekeeping and general update changes. The amendments update agency and document titles, update road functional classification names, bring the transportation plan into compliance with city transportation plans, update community plans to remove references to land that has been annexed to a city and to reflect current development, correct mapping errors, and make several additional housekeeping changes relating to posting deadlines, private road and driveway standards, guest houses, and sidewalk requirements.

On October 19, 2005, the Planning Commission conducted a public hearing on the ordinance. The Planning Commission's recommendation will be included in the staff report, which will be provided to the Board prior to the October 25, 2005 hearing. Copies of the report will also be available at the Clerk's desk prior to the hearing.

- Consistent with Board policy about public testimony, testimony about the ordinance is limited to three minutes for individuals and twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 649 by title only and conduct the public hearing. At the conclusion of the public hearing, adopt Ordinance No. 649.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>5.f.</u>
Date:	10/25/05

FILED

AUG 31 2009

Washington County
County Clerk

1 IN THE BOARD OF COUNTY COMMISSIONERS
2 FOR WASHINGTON COUNTY, OREGON

3 ORDINANCE NO. 649

An Ordinance Relating to Housekeeping
Changes and General Update to the
Comprehensive Framework Plan for the Urban
Area, the Rural/Natural Resource Plan, the 2020
Transportation Plan, the Aloha-Reedville-Cooper
Mountain Community Plan, the Bethany
Community Plan, the Sherwood Community
Plan, and the Community Development Code
element of the Comprehensive Plan

8
9 The Board of County Commissioners of Washington County, Oregon, ordains:

10 SECTION 1

11 A. The Board of County Commissioners of Washington County, Oregon, recognizes
12 that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan
13 (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently
14 amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 483, 503, 516,
15 517, 526, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631 and 637.

16 B. The Board of County Commissioners recognizes that the Rural/Natural Resource
17 Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions
18 subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539,
19 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, and 637.

20 C. The Board of County Commissioners of Washington County, Oregon, recognizes
21 that the Transportation Plan Element of the Comprehensive Plan (Volume XV) was adopted on
22 October 25, 1988, by way of Ordinance Nos. 332 and 333, with portions subsequently amended by

1 Ordinance Nos. 343, 382, 409, 419, 426, 432, 450, 463, 470, 471, 473, 474, 480, 483-485, 493, 494,
2 503, 515, 526, 537, 542, 546, 552, 556, 588, 601, 609, 611, 626, 627, and 631.

3 D. The Board of County Commissioners of Washington County, Oregon, recognizes
4 that the Aloha-Reedville-Cooper Mountain Community Plan was adopted by Ordinance Nos. 263
5 and 265 and amended by Ordinance Nos. 292, 294, 344, 367, 418, 420, 471, 480, 551, 588, 610,
6 615, and 620.

7 E. The Board of County Commissioners of Washington County, Oregon, recognizes
8 that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and amended by
9 Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, and 620.

10 F. The Board of County Commissioners of Washington County, Oregon, recognizes
11 that the Sherwood Community Plan was adopted by Ordinances Nos. 263 and 265 and amended by
12 Ordinances Nos. 370, 420, 480, 551, 588, 610, and 615.

13 G. The Board of County Commissioners of Washington County, Oregon, recognizes
14 that the Community Development Code Element of the Comprehensive Plan (Volume IV) was
15 readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions
16 subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-
17 386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443,
18 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-
19 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-
20 605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, and 638.

21 H. Subsequent ongoing planning efforts of the County indicate a need for changes to
22 the Comprehensive Framework Plan for the Urban Area, the Rural/Natural Resource Plan, the 2020

1 Transportation Plan, the Aloha-Reedville-Cooper Mountain Community Plan, the Bethany
2 Community Plan, the Sherwood Community Plan, and the Community Development Code element
3 of the Comprehensive Plan relating to a general update and housekeeping changes. The Board
4 takes note that such changes are necessary for the benefit of the health, safety, and general welfare
5 of the residents of Washington County, Oregon.

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

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

17 SECTION 2

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

- 20 (A) Exhibit 1 (4 pages) amending the Comprehensive Framework Plan for the Urban
21 Area;
22 (B) Exhibit 2 (1 page) amending the Rural/Natural Resource Plan;

- 1 (C) Exhibit 3 (7 pages) amending the Functional Classification System Map, the
2 Countywide Road System Map, the Study Areas Map, the Trails and Pedestrian
3 System Map, and the Air, Rail, Pipeline and Water Elements Map of the Washington
4 County 2020 Transportation Plan;
- 5 (D) Exhibit 4 (6 pages) amending the Aloha-Reedville-Cooper Mountain Community
6 Plan;
- 7 (E) Exhibit 5 (5 pages) amending the Bethany Community Plan;
- 8 (F) Exhibit 6 (2 pages) amending the Sherwood Community Plan; and
- 9 (G) Exhibit 7 (6 pages) amending Community Development Code.

10 SECTION 3

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

13 SECTION 4

14 All applications received prior to the effective date shall be processed in accordance with
15 ORS 215.427 (2003 Edition).

16 SECTION 5

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

22 ////

1 SECTION 6

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

7 SECTION 7

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

9 ENACTED this 25 day of October, 2005, being the first reading and
10 first public hearing before the Board of County Commissioners of Washington County,
11 Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 **ADOPTED**

15 Tom Bui
CHAIRMAN

16 Barbara Hejmanek
RECORDING SECRETARY

17 READING

18 First October 25, 2005
19 Second _____
20 Third _____
Fourth _____
Fifth _____
Sixth _____

PUBLIC HEARING

October 25, 2005

21 VOTE: Aye: Brian, Duyck, Rogers,
Leeper, Schouten

Nay: _____

22 Recording Secretary: Barbara Hejmanek Date: October 25, 2005

The Comprehensive Framework Plan for the Urban Area is amended as follows:

1. Policy 3, INTERGOVERNMENTAL COORDINATION, is amended as shown below:

Policy 3, Intergovernmental Coordination:

It is the policy of Washington County to effectively coordinate its planning and development efforts with Federal, State, and other local governments and Special Districts to ensure that the various programs and activities undertaken by these bodies are consistent with the County Comprehensive Plan.

Implementing Strategies

The County will:

- a. Coordinate planning activities with appropriate Federal, State regional and local government units, and with affected special service districts.
- b. Establish and maintain Urban Planning Area Agreements (UPAA's) which identify urban planning areas within which the County and cities have planning interests, and which identify processes for coordinating land use planning and development within the respective urban planning areas.
- c. Provide special service districts the opportunity to participate in the planning process.

Summary Findings and Conclusions

Planning in Washington County occurs within a larger context of regional, State and Federal planning. Three levels of government and several agencies are involved in policy development, program management, and the provision of services for the urban portion of the County. All of these activities, together with the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan.

Many of these activities transcend jurisdictional boundaries. Some of the problems and issues facing the County, especially those of air and water quality, solid waste, and transportation and housing needs, must be dealt with on a cooperative regional basis. The Federal and State governments have established statutory requirements that require regional planning and coordination with local governments.

Washington County comprises all or parts of 16 cities and 31 special districts. The following agencies which affect or are affected by the Urban Planning program and regulations. Consistent with LCDC plan extension requirements, the County entered into Memorandums of Understanding with cities. The function of these memorandums was to record agreements reached between the County and cities regarding the opportunity and mechanisms for cities to participate in the preparation of various urban components of the Comprehensive Plan. Additionally, the County has sought the active participation of service providers during preparation of the Plan, particularly through requesting service provider review of and comments on Plan elements.

Cities

Beaverton, Hillsboro, Tigard, King City, Tualatin, Sherwood, Lake Oswego, Banks, Gaston, Forest Grove, Cornelius, North Plains, Wilsonville, Durham, Rivergrove and Portland.

School Districts

Banks School District
Beaverton School District
West Union District 4
~~Hillsboro Elementary District 7~~
Forest Grove School District
Gaston School District
~~Hillsboro Union High School District 3~~
~~Forest Grove District 15~~
~~Beaverton District 48~~
~~Farmington View District 58 Jt.~~
Lake Oswego School District
Newberg School District
Portland Public School District
Scappoose School District
~~Sherwood School District 88 Jt.~~
~~Tigard-Tualatin School District 23 Jt.~~
~~Reedville Elementary District 29~~
~~Portland District 1 Jt.~~
Vernonia School District
West Linn-Wilsonville School District
Washington County Education Service District
Portland Community College

Fire Districts

Washington County RFPD 4
Washington County RFPD Fire District #2
Banks Fire Protection District
~~Cornelius RFPD Rural Fire District~~
~~Forest Grove Rural Fire District RFPD~~
Gaston Rural Fire District
~~Tualatin Valley Fire & Rescue Jt. RFPD~~

Other Special Districts

Washington County Housing Authority
Metropolitan Service District (Metro)
Port of Portland
Rivergrove Water District
Raleigh Water District
Tigard Water District

abcdef Proposed additions
~~abcdef~~ Proposed deletions

~~West Slope Water District~~
~~Wolf Creek Highway Water District~~
~~Cooper Mountain Water District~~
~~Tualatin Hills Park & Recreation District~~
~~Tualatin Valley Water District~~
~~Metzger Water District~~
~~Portland Metropolitan Area Local Government Boundary Commission~~
~~Tri-Met~~
~~Clean Water Services~~
~~Soil & Water Conservation District~~
~~Drainage District 7~~
~~Drainage District 8~~

Federal Agencies

~~Soil Conservation Service, U.S. Dept. of Agriculture~~
~~Bureau of Reclamation, U.S. Dept. of the Interior~~
~~Bureau of Land Management, U.S. Dept. of the Interior~~
~~U.S. Army Corps of Engineers~~
~~Agricultural Stabilization and Conservation Service, U.S. Dept. of Agriculture.~~
~~Farmer's Home Administration~~
~~Bonneville Power Administration~~
~~Housing & Urban Development~~

State Agencies

~~Dept. of Transportation, including Division of Parks & Recreation~~
~~Dept. of Fish & Wildlife~~
~~Dept. of Forestry~~
~~Dept. of Geology & Mineral Industries~~
~~Dept. of Environmental Quality~~
~~Dept. of Economic Development~~
~~Dept. of Parks and Recreation~~
~~Dept. of Water Resources~~
~~State Engineer's Office~~
~~Dept. of Land Conservation and Development~~

The Urban element of the Comprehensive Plan must comply with the regional planning elements adopted by the Metropolitan Service District (Metro). Metro has adopted the following plan elements which have either a direct or indirect effect on planning activities in the Urban area of Washington County:

- a. 2040 Growth Concept
- b. ~~The Metropolitan Urban Growth Boundary~~ Urban Growth Management Functional Plan
- bc. Regional Transportation Plan
- ed. Regional Solid Waste Management Plan
- de. Housing Opportunity Plan

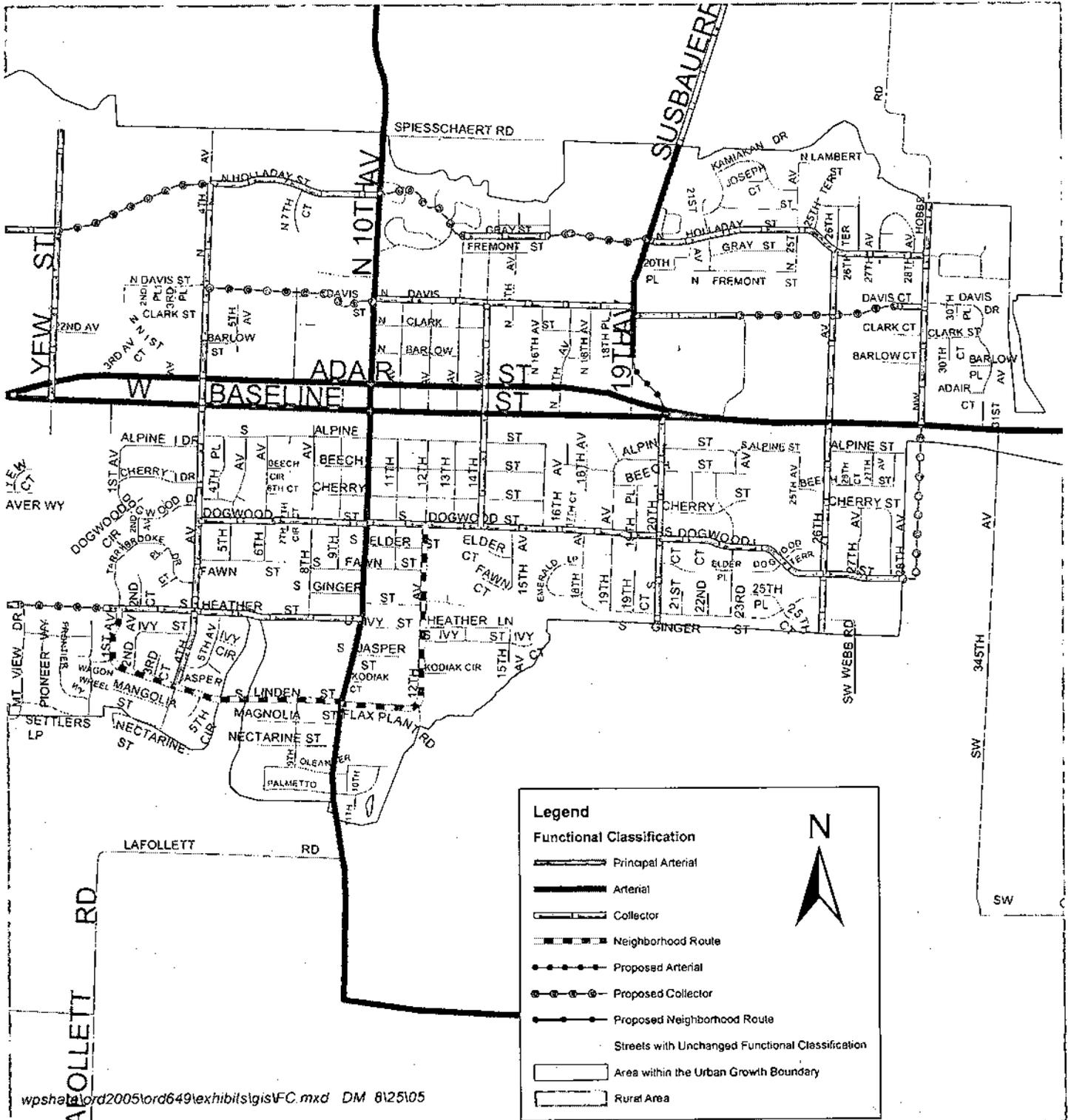
2. Replace all Comprehensive Framework Plan for the Urban Area references to "Major Collectors" with "Collectors".
3. Replace all Comprehensive Framework Plan for the Urban Area references to "Minor Collectors" with "Neighborhood Routes".

The Rural/Natural Resource Plan is amended as follows:

1. **Replace all Rural/Natural Resource Plan references to "Metropolitan Service District" with "Metro".**
2. **Replace all Rural/Natural Resource Plan references to "Unified Sewerage Agency" with "Clean Water Services".**
3. **Replace all Rural/Natural Resource Plan references to "USA" with "CWS".**

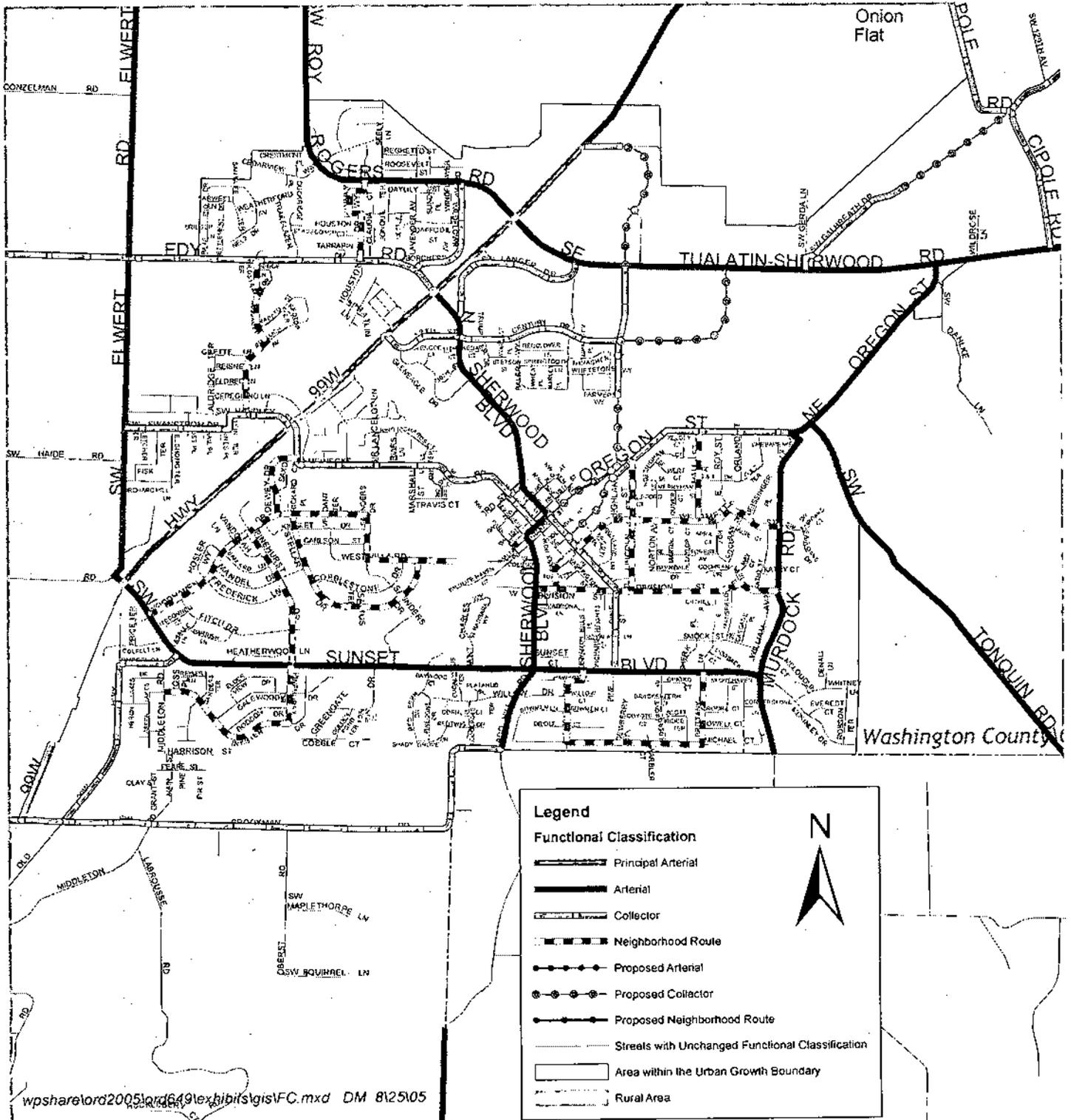
Washington County 2020 Transportation Plan Functional Classification System Map

Revise the functional classification designations of streets under the jurisdiction of the City of Cornelius on the Washington County Functional Classification System map (Figure 4B) to be as shown below:



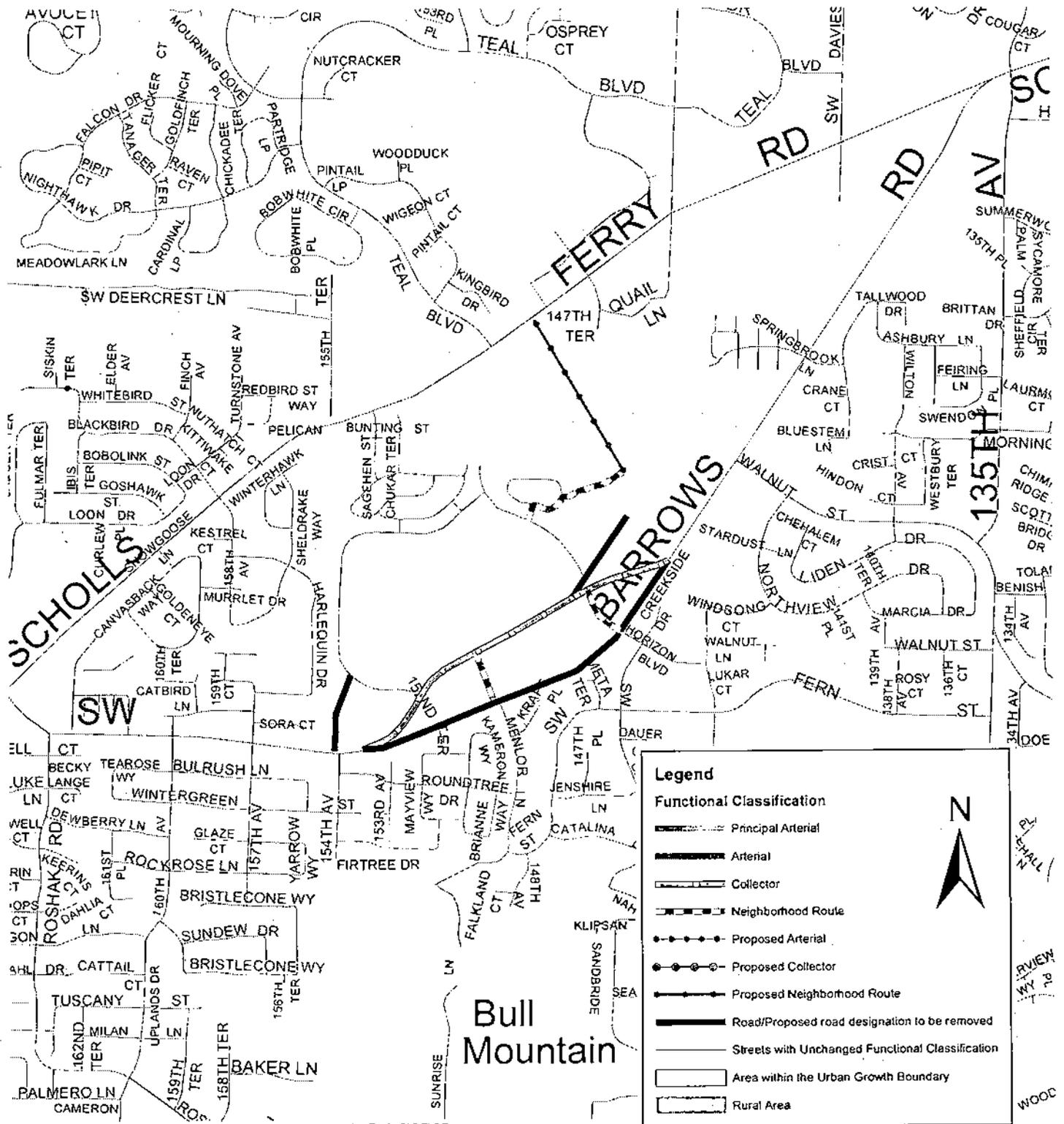
Washington County 2020 Transportation Plan Functional Classification System Map

Revise the functional classification designations of streets under the jurisdiction of the City of Sherwood on the Washington County Functional Classification System map (Figure 4F) to be as shown below:



Washington County 2020 Transportation Plan Functional Classification System Map

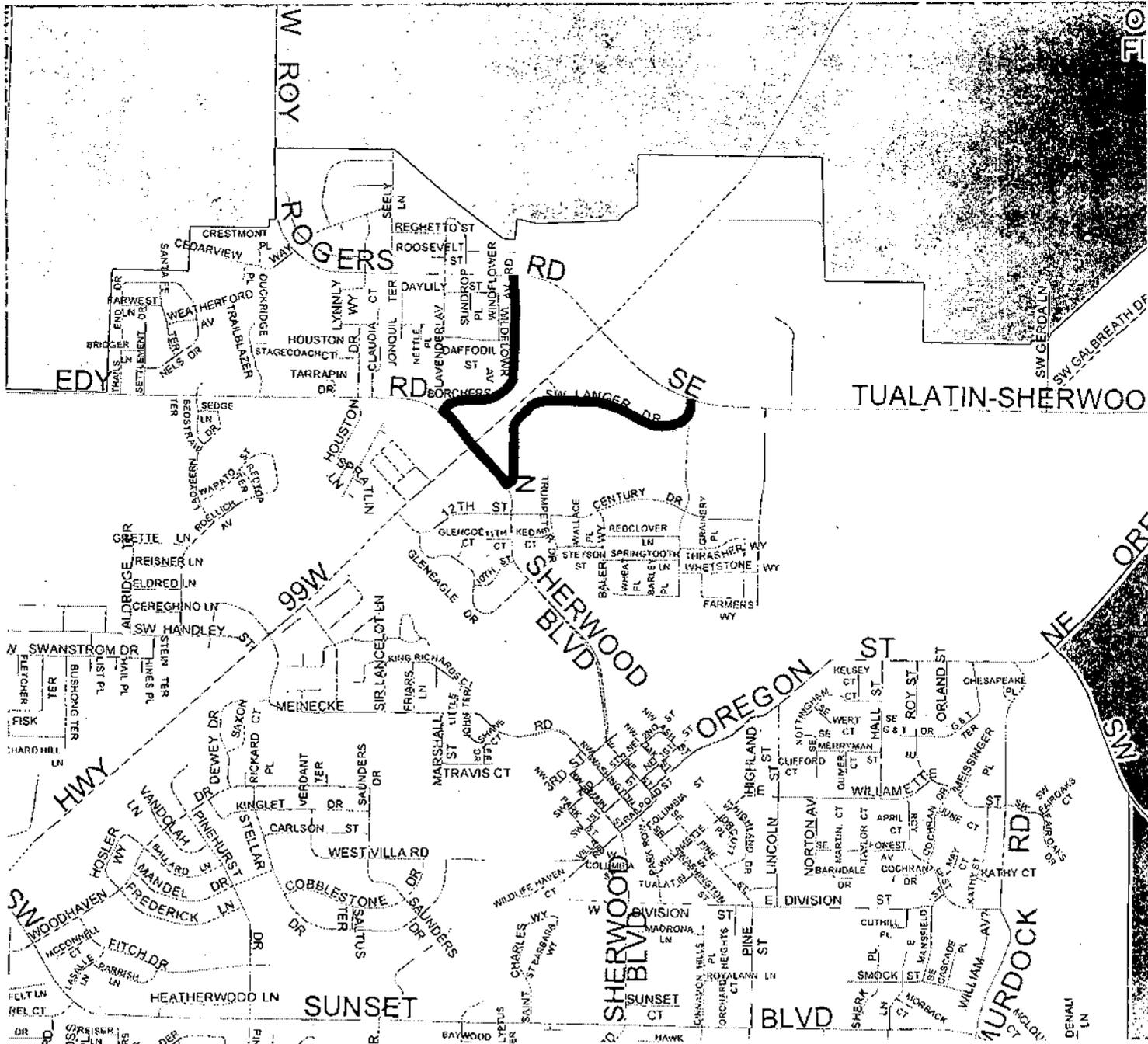
Revise the functional classification designations and alignment of streets under the jurisdiction of the City of Beaverton on the Washington County Functional Classification System map (Figure 4E) to be as shown below:



Washington County 2020 Transportation Plan Countywide Road System Map

Ordinance 649
Exhibit 3
August 30, 2005
Page 4 of 7

Remove street sections identified below from the Countywide Road System map (Figure 10):

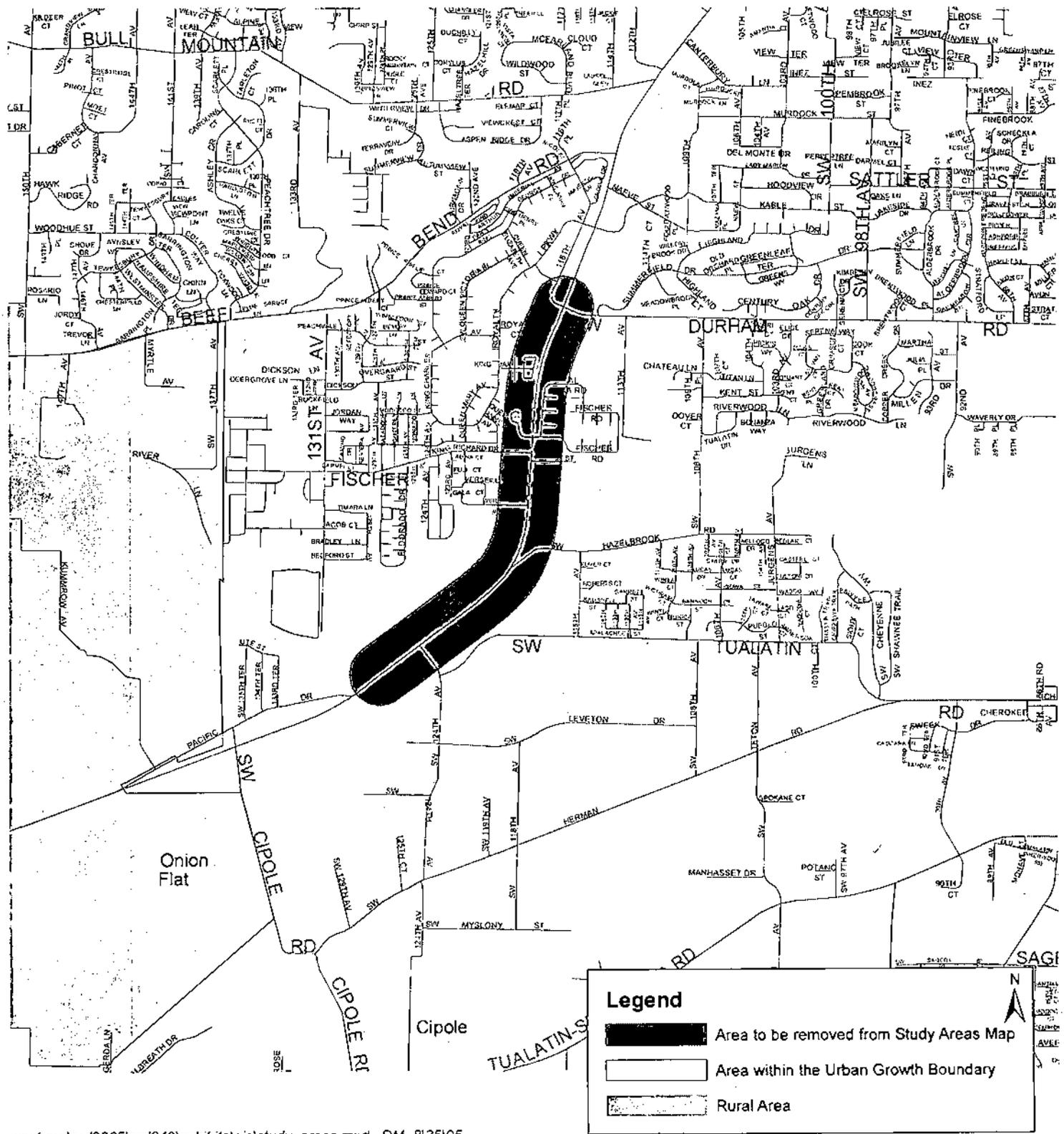


Legend

- Roads to be removed from Countywide Road System Map
- Area within the Urban Growth Boundary
- Rural Area

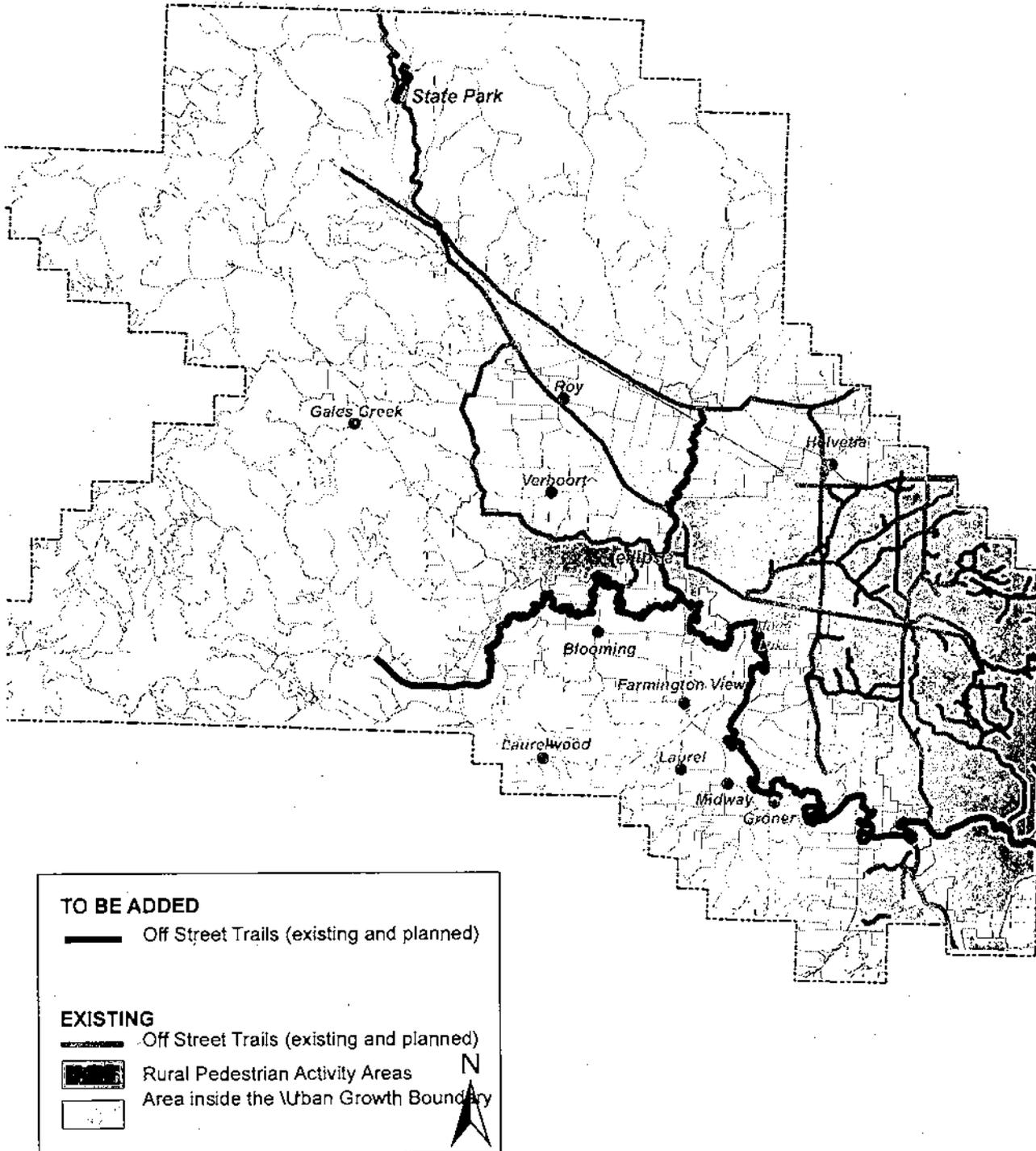
Washington County 2020 Transportation Plan Study Areas Map

Remove the Study Area designation from Hwy 99W between Durham Road and the Interstate 5-to-Highway-99W-Connector Study Area from the Washington County Study Areas Map (Figure 9):



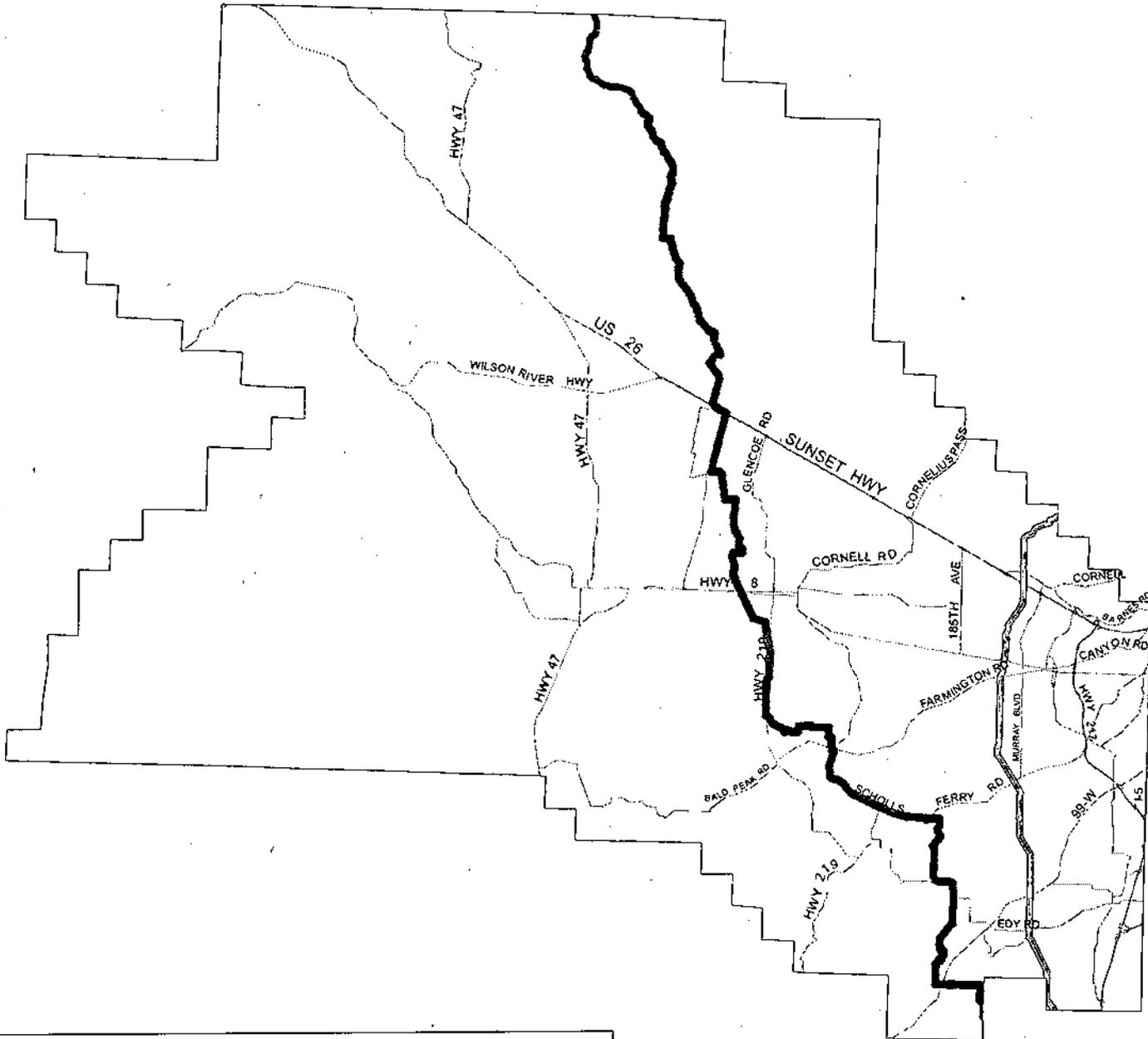
Washington County 2020 Transportation Plan Trails and Pedestrian System Map

Add the off street trails identified below to the Trails and Pedestrian System map (Figure 12A& D):



Washington County 2020 Transportation Plan
Air, Rail, Pipeline & Water Elements Map

Add the pipelines identified below to the Air, Rail, Pipeline and Water Elements map (Figure 15):



Legend

TO BE ADDED

- Northwest Natural Gas Pipeline Corridor
- Kinder-Morgan Propane Gas Pipeline Corridor



The Aloha-Reedville-Cooper Mountain Community Plan is amended as follows:

1. **Replace all Aloha-Reedville-Cooper Mountain Community Plan references to "Wolf Creek Highway District" to "Tualatin Valley Water District".**
2. **Modify the Farmington Road Corridor subarea as shown below:**

FARMINGTON ROAD CORRIDOR

The Farmington Road corridor angles diagonally across the planning area in a west/southwest direction. Farmington is an arterial with some transit service.

Some properties along Farmington are already developed with higher intensity uses including the Farmington Mall, a few convenience stores, several apartment projects, two mobile home parks, Mountain View ~~Intermediate~~ Middle School, and three churches. The Jenkins Estate, operated by Tualatin Hills Park and Recreation District (THPRD), is located southwest of the intersection of Farmington Road and 209th Avenue. Transportation access and public transit service make many properties in this corridor, including most developable and redevelopable properties up to one-quarter mile north and south of Farmington, suitable for higher intensity use.

The Community Plan map shows three Neighborhood Commercial centers located along Farmington at its intersections with ~~a planned extension of Blanton Street (at about 156th), and at its intersections with~~ 170th, 185th, 195th and 209th Avenues. All of these are located ~~approximately at least one mile from other commercial areas, with the exception of the Neighborhood Commercial properties at 185th and Farmington, which are about a quarter mile from the Farmington Mall.~~

Other undeveloped or underdeveloped properties along or near Farmington, but away from major intersections, are appropriately designated for residential development at up to 15 or 24 units per acre. The highest densities occur close to commercial centers, especially around Farmington Mall and the planned Neighborhood Commercial center at Farmington and ~~156th the Blanton extension.~~ The latter is also close to a ~~planned~~ park and ride facility (see the characterization of the Tualatin Valley Highway corridor), and a major employment center (St. Mary's property/Tektronix/Floating Point Systems/Nike).

The area to the west of 209th Avenue, between Farmington Road and Rosedale Road, was added to the Urban Growth Boundary in 2002 and is designated Future Development - 20 Acres (FD-20). The area is approximately 45 acres in size. The predominant land use is residential/agricultural on small acreage. The area shall maintain the FD-20 designation until the planning for this new urban area is complete. The planning for this area shall be consistent with the requirements of the Comprehensive Framework Plan for the Urban Area and Title 11 of Metro's Urban Growth Management Functional Plan.

3. **Modify the Cooper Mountain subarea text as shown below:**

COOPER MOUNTAIN AREA

This is generally a lower density residential area south of the Farmington Road corridor. It includes Cooper Mountain and areas around its base, as well as the majority of Jenkins Estate, a facility operated by Tualatin Hills Park and Recreation District (THPRD). It is bounded on the east by Beaverton and on the south by the Regional Urban Growth Boundary (UGB). Several major streets traverse the area, including 155th, 170th and 185th Avenues, and Hart, Bany, 175th Ave. (Reusser Rd.) and Rigert Roads. Other roads on the east flank of the mountain, including Nora/Beard, Satterberg and Weir Road, are planned for improvement, realignment or extension.

In 2002, Metro expanded the UGB to include approximately 509 acres south of Gassner Road. The predominant land use of this area is single family residences on small acreage, as well as agricultural and forestry uses. The southeast corner of the area includes property Metro purchased through its Greenspaces Program, which will be developed some time in the future consistent with its Greenspaces Program. The properties in this area are designated Future Development - 20 Acres (FD-20) and will maintain this designation until the planning for this new urban area is complete. The planning for this area shall be consistent with the requirements of the Comprehensive Framework Plan for the Urban Area and Title 11 of Metro's Urban Growth Management Functional Plan.

The Community Plan map designated most of the area within this Community Plan in 1983 for low density residential development (R-5 or R-6 designations). This was done because the area is some distance from Arterials and employment centers and has steep slopes in some locations which make access and development somewhat difficult.

Two Neighborhood Commercial sites are located in this subarea to serve as focal points for neighborhood activity and to provide close convenience shopping opportunities. One is located at the southeast corner of 165th Avenue and Hart Road, near the intersection of Hart/Bany and 170th. This site was previously sanctioned for Neighborhood Commercial use when the Summercrest Planned Unit Development was approved. Another Neighborhood Commercial site is planned at the intersection of Nora/Beard Road and 155th Avenue. Both sites are over a mile from each other and from similar commercial areas.

Large uncommitted properties near these neighborhood commercial sites are designated for residential development at up to 9, 15 or 24 units per acre to allow for greater housing choice in the area. Future residents will be close to convenience shopping facilities and major roads. Therefore, they will have less need of using their autos for shopping. When residents choose to drive, they will not need to travel on local streets through existing neighborhoods.

4. **Modify the Scholls Ferry Road subarea text as shown below:**

SCHOLLS FERRY ROAD AREA

This area is not contiguous to the rest of the planning area. It is bounded on the north by Beaverton, on the west by the Regional Urban Growth Boundary (UGB) and on the south by the Bull Mountain Planning Area. In 2002, a small area north of Scholls Ferry Road and west of SW Loon Drive was added to the UGB.

Properties in the area have excellent access by way of Scholls Ferry and Old Scholls Ferry Roads and Murray Boulevard, to the north, east and west. A planned extension of Murray Boulevard through the subarea and on to the south should improve access in that direction.

The major potential constraints to development are relatively rugged topography in some locations and the existing rock quarry in the middle of the area, which may require special design considerations by those developing abutting residential properties.

Easy access, particularly to commercial and industrial areas to the east in Beaverton, makes this a good location for higher density residential uses. The highest densities in this area (up to 24 units per acre) are planned east of the B.P.A. power line easement. Medium density residential development (up to 15 units per acre) is planned further to the west, because of the site constraints, and the greater distance from Beaverton. Residential development at up to 9 units per acre is planned on properties north of Old Scholls Ferry Road, due to more limited access and steeper slopes. The properties added to the UGB in 2002 are designated Future Development - 20 Acres (FD-20). They will maintain this designation until the planning for this new urban area is complete. The planning shall be consistent with the requirements of the Comprehensive Framework Plan for the Urban Area and Title 11 of Metro's Urban Growth Management Functional Plan.

~~As depicted on the plan map, a small Neighborhood Commercial area is planned at the western intersection of Old Scholls Ferry and Scholls Ferry Roads to serve planned residential development in the immediate area as well as development to the north in Beaverton and to the south on Bull Mountain. The neighborhood shopping needs of the residents of the eastern portion of this subarea should be served by the existing Greenway shopping center in Beaverton and two planned neighborhood shopping centers one to the north in Beaverton on Murray Boulevard and another to the south in the Bull Mountain area at the intersection of 135th Avenue and the planned extension of Murray Boulevard. The locations of these commercial sites were planned so that they would be at least one mile apart with a service area radius of at least 1/2 mile.~~

Design Elements:

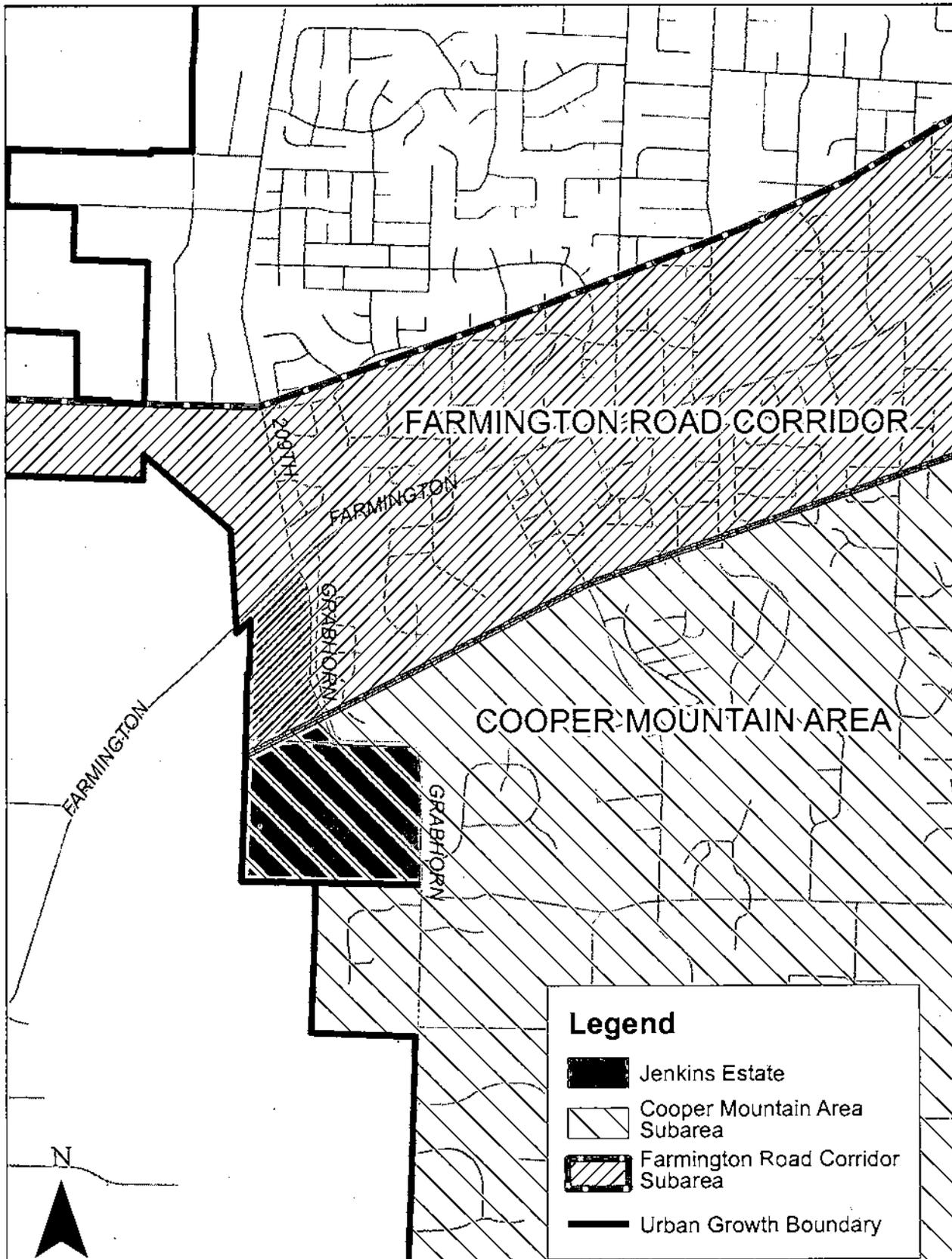
- ~~1. At the time of resource exhaustion, the Progress Quarry site shall be reclaimed for industrial uses. Areas within the designated quarry site which are depleted of minerals to the extent feasible may be reclaimed for~~

~~industrial use prior to complete depletion of the mineral resources on the site.~~

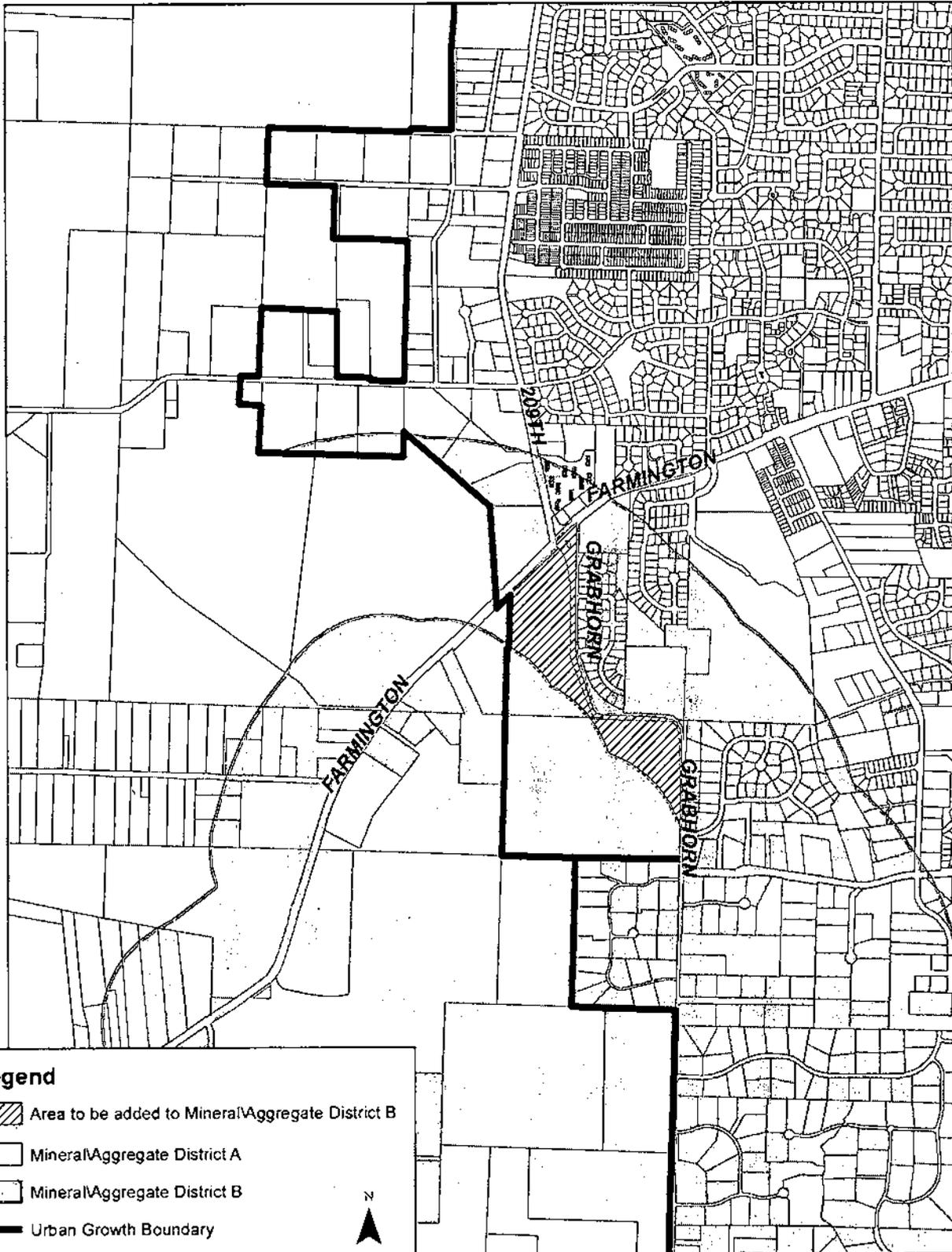
- ~~2. Water flowing out of the Progress Quarry into the Summer Creek Drainage Hazard Area may violate State turbidity standards due to siltation. The quarry operators shall cooperate with the County, the State Department of Environmental Quality, and the State Department of Geology and Mineral Industries and make improvements necessary to comply with applicable state standards.~~
- ~~3. Mining operations at the Progress Quarry shall cease by December 31, 1995. Until such operations cease, new residential development in the vicinity shall therefore be designed to withstand the impacts (noise, dust, etc.) of quarrying operations. Noise reduction alternatives shall include those described in general design element No. 10.~~
41. Review of land partitioning and structural development proposals for areas within one half mile of rock quarries (existing and proposed) shall include 1) measurements of noise or anticipation of noise from such development or impacting such development and 2) appropriate mitigation measures which ensure that the future land uses meet Oregon Department of Environmental Quality noise standards. Conditions to development, such as requirements for berms, walls and other buffers shall be applied to the approval of new development when appropriate.
52. The drainage and adjacent riparian zone (Summer Creek) between Scholls Ferry and Old Scholls Ferry Roads and east of the power line right-of-way shall be retained in its natural condition, except for approved alterations to control stream siltation and uses allowed by the Community Development Code.

Where previous forestry management has established a practice of intermittent maintenance, thinning and harvesting of vegetation, including commercial forest harvesting, such forest management practices may continue.
63. To prevent excessive traffic flow onto local streets east of 135th Avenue in Tigard, a connection between the existing southerly terminus of Murray Blvd. and 135th shall not be completed until the entire right-of-way for the extension of Murray to 99W is defined and improvements are scheduled.

The Subareas map of the Aloha-Reedville-Cooper Mt. Community Plan is amended by adding the northern portion of indicated area to the Farmington Road Corridor subarea and the southern portion to the Cooper Mountain Area subarea.



The Significant Natural and Cultural Resources map of the Aloha-Reedville-Cooper Mt. Community Plan is amended by adding the indicated area to the Mineral Aggregate, District B.



Legend

-  Area to be added to Mineral Aggregate District B
-  Mineral Aggregate District A
-  Mineral Aggregate District B
-  Urban Growth Boundary

N

The Bethany Community Plan is amended as follows:

1. **Replace all Bethany Community Plan references to "Wolf Creek Highway District" with "Tualatin Valley Water District".**
2. **Amend the CENTRAL BETHANY subarea text as shown below.**

CENTRAL BETHANY

The Central Bethany area is perhaps the most sensitive area in terms of achieving the overall development concept for Bethany. The Community Business District (CBD), a 15-acre commercial area, provides the focus for development in Central Bethany. It is envisioned that a mix of local retail and small community-based office uses would provide a community-village atmosphere at the CBD.

Since the adoption of the Bethany Community Plan, the commercial area and nearby residential areas have developed as the Bethany Village Center. Bethany Village Center was developed as a Planned Development consistent with the provisions of the Community Plan and has become the core of the Bethany Town Center. The Bethany Village Center includes the Bethany Village Shopping Center, which provides a grocery store and a variety of retail shops, offices, restaurants, mixed use retail/residential buildings bordering Central Drive, a day care and an education center as well as a popular common area used to hold public gatherings and concerts. The development provides a wide range of housing types - from the Duets (low scale single family attached housing) to higher density apartments and the multi-story Promenade Condominiums. Open space amenities consisting of the Promenade Park and future park space at the west end of the development provide outdoor open space for residents, employees and visitors.

The presence of the CBD, coupled with the access provided by the recommended transportation system in Central Bethany, provides the opportunity to locate medium and higher density residential uses in this area.

A number of elements warrant particular consideration in Central Bethany. These include:

- a. The forested side (approximately 35 acres) located at the western edge of Central Bethany;
- b. The development of the Community Business District in a manner compatible with the overall design of Central Bethany;
- c. The buffering of higher density and lower density residential development through the provision of open space and landscaping; and
- d. The transportation system in Central Bethany.

Because of these elements and the potential impact on Central Bethany if each area is developed without the benefits of the master planning process, the majority of Central Bethany has been designated as an Area of Special Concern (**Area of Special Concern No. 1**). The

Bethany Community Plan requires that all development proposals within the area boundary be accomplished through the Master Planning-Planned Development process set forth in the Community Development Code. The Central Bethany Planned Development received land use approval by the Board of County Commissioners through Case File 93-333-PD/S/SU/D(R)/AV/MR. The application included a request for a Planned Development which allowed the land use districts identified on the Community Plan to be reallocated throughout the site as allowed by Central Bethany Subarea Design Element #6. Additionally, the application fixed the alignments of Bethany Boulevard and Laidlaw Road, which determined the location of the Community Business District at the southeast quadrant of the Bethany Boulevard/Laidlaw Road intersection. For an accurate depiction of allowed uses and their locations, one must review the 1993 land use decision [and all subsequent applications associated with implementing the Bethany Planned Development, including applications approving revisions to the 1993 approval]. The appropriate land use decisions impacting the site are available for review at the Department of Land Use and Transportation. The Site Analysis provision of the Master Planning process shall, at a minimum, include the entire area covered within the Area of Special Concern boundary or the area prescribed in the Community development Code, whichever is greater. This requirement will ensure that the property owners prepare master plans for the area which account for the design relationships between the various land use types, coordinate transportation facilities and access, consider drainage characteristics, and provide for continuity of open space patterns between properties. Additionally, the Master Planning Planned Development approach will provide the developer(s) with the flexibility needed to utilize, or in some cases, compensate for the unique quality of a specific piece of land. Finally, the Master Planning Planned Development requirements will ensure public notice and comment on the development application prior to approval.

~~No development or partitioning will be permitted until the master plan for that portion of the Area of Special Concern is prepared.~~

Design Elements:

Specific design elements which shall be considered during the preparation of development proposals in Central Bethany include the following:

1. The forested side in the western portion of Central Bethany shall be considered for park and open space use. Because of the natural features of the site, passive recreational opportunities such as hiking or horse trails would be considered appropriate. The site should be examined to determine its recreational potential with the Tualatin Hills Park and Recreation District. Upon determining its recreational value, steps shall be taken through the design of the property to preserve as much of the area as possible. Areas preserved for park and open space will be eligible for density transfers in accordance with the provisions of the Community Development Code. Portions of Waterhouse Powerline Trail, Rock Creek Powerline Trail and Beaverton Powerline Trail have been constructed in the Central Bethany area.
2. In order to achieve the intended commercial atmosphere envisioned in the Community Business District, the site shall be developed in accordance with a unified theme, presenting consistent design features between buildings. The commercial atmosphere intended by the Bethany Community Plan is one of a community center or urban village which, ideally, could take advantage of the historical significance of the Bethany

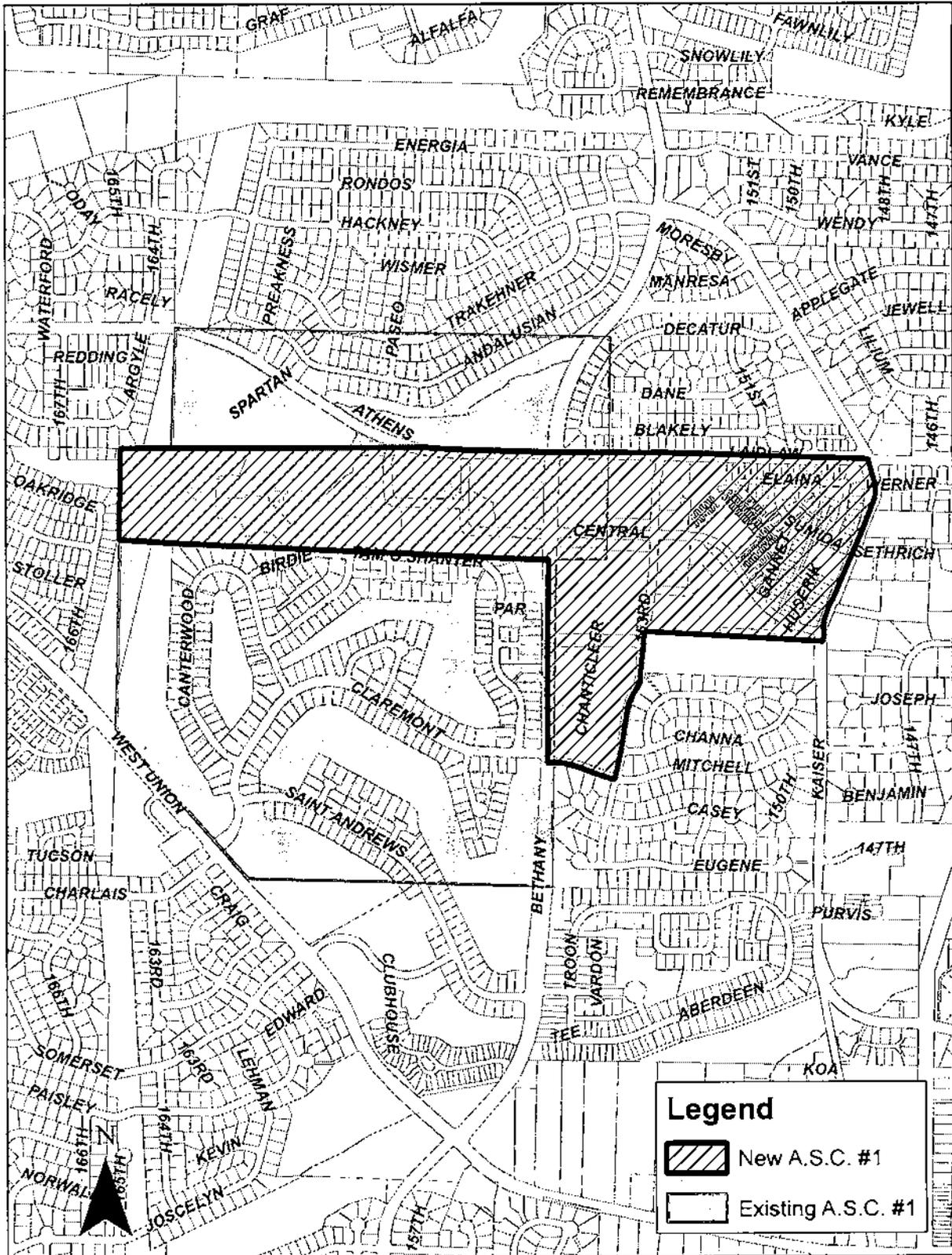
community. A mixture of retail uses or community-based office uses would be considered appropriate. Examples include: a full-service grocery store, specialty shops, restaurant, medical offices, and a branch bank. Additionally, institutional uses such as a library or small post office could be considered as well. The Tanasbourne Town Center is located two miles to the south and is considered adequate for the provision of regional and comparison shopping ~~needed~~.

Because of the commercial area's proximity to residential uses, landscaping and buffering will be an important design element necessary to ensure an aesthetic transition between commercial and residential uses. In addition, the CBD is located in close proximity to the Bethany Baptist Church. The design of both the commercial and residential uses surrounding it should take into account existing views available to the Church as well as their relationship to the distinct architectural style of the Church.

3. The Master Planning-Primary Use or Planned Development procedures and standards shall be required for development on land which includes the Bronson Creek flood plain as a means of protecting the resource while allowing new development consistent with the provisions of the Community Development Code. An exception to this requirement shall be allowed if all of this Significant Natural Resource site is retained as open space. Public dedication of this open space is not required, but is encouraged. A density transfer from the resource area to the buildable portion shall be allowed as specified in the Community Development Code.
4. The western boundary of Central Bethany is defined by the existing power line easement which runs north/south. As with other power line easements in Bethany, the opportunity exists here to establish a multi-purpose trail system. Pedestrian or bicycle access to the proposed open space/forested site area in Central Bethany could be made via this section of power line easement. Tualatin Hills Park and Recreation District (THPRD) identifies a trail connection through the forested area along the western boundary of Central Bethany. For development that occurs adjacent to the power line easement, the opportunity to establish a multi-purpose trail system shall be considered an important design element in the development review process.
5. As Central Bethany develops, additional roads will be necessary to serve that development. The exact location will, in most cases, be determined through the development review process. ~~The Bethany Community Plan has attempted to identify the major routes needed to serve Central Bethany. Rather than attempting to identify all possible roads, the following guidelines are recommended:~~
 - Individual access to ~~458th Avenue~~Bethany Boulevard and Laidlaw Road by new development will be strongly discouraged. Access shall be achieved via well spaced connections to the major transportation system shown on the plan map. Access shall be consolidated unless demonstrated to not be infeasible.
 - The preparation of the Master Plan for the area inside of the Area of Special Concern shall include the identification of the internal road system required to serve the entire development proposal as well as a description of the expected impacts on the major road system and key intersections. Areas which will merit special consideration from a transportation perspective include:

- a. Laidlaw/Kaiser intersection;
 - b. Laidlaw/~~158th~~Bethany Boulevard intersection;
 - c. ~~158th~~Bethany Boulevard/West Union intersection;
 - d. Access points to the Community Business District; and
 - e. Any additional road connections to West Union Road from the north.
- Finally, development proposals in Central Bethany shall identify expected traffic impacts to the Cornell Road/Sunset Highway interchange and the segment of ~~158th Avenue~~Bethany Boulevard between Cornell Road and West Union Road. Traffic impacts to this access point to the Sunset Highway may require consideration of phasing of development in Central Bethany until improvements to the Cornell/Sunset interchange have been made.
6. Locational adjustments to the development designations within the Area of Special Concern boundary may be approved during the Master Planning-Planned Development process. Such adjustments could potentially occur as a result of the engineering and construction of the ~~158th Avenue~~Bethany Boulevard and Laidlaw Road or in response to topographical or natural features of the property. Any adjustments, however, must recognize that the locations depicted on the Bethany Community Plan map are, in large part, a function of both the proposed transportation system as well as the Plan's expressed intent to protect existing residential areas. Therefore, any locational adjustments within the Area of Special Concern must reflect a continuation of the transportation/land use relationship depicted on the Plan map and described in the text. The entire Community Business District shall be located within one quadrant of the Laidlaw/158th Avenue intersection.
 7. Transit service is provided along Bethany Boulevard, connecting the Portland Community College campus with the Bethany Town Center and light rail transit will be recommended to be present on 158th Avenue and Laidlaw Road to the proposed Bethany Community Business District. To take advantage of its presence, residential and commercial development adjacent to these roads shall be arranged in a manner to take advantage of the availability of transit. This could include orienting buildings towards both roads, providing pedestrian access through the development site to transit stops and locating parking areas away from the road rather than adjacent to it.

The Areas of Special Concern (A.S.C.) map of the Bethany Community Plan is amended by modifying A.S.C. #1 as indicated.



The Sherwood Community Plan is amended as follows:

1. Amend the Northeast of Sherwood Subarea Design Elements as shown below:

1. Multi-family housing and commercial developments shall include provisions for pedestrian access to transit service on North Sherwood Street and Pacific Highway.
2. Industrial development shall be designed to include landscaped buffers adjacent to residential areas.
3. Traffic circulation associated with industrial development shall be designed so that the impacts of truck traffic on nearby residential and commercial uses are minimal.
4. ~~A substantial part of the northeast subarea, as shown on Plan Map, is **Area of Special Concern 1**. Development within this Area shall be reviewed and designed in light of the proposed Arterial connecting Tonquin and Elsner Roads. Locational, land use or design conditions may be placed on any development proposal in order to allow the future construction of this road.~~
5. ~~The alignment and the structural design of the proposed Arterial connection of Tonquin Road and Elsner Road shall be designed to minimize adverse impacts on significant natural resources.~~
64. Use of powerline easements as open space and wildlife habitat shall be encouraged as appropriate in this subarea.
75. **Area of Special Concern 7** is comprised of approximately 44 acres of land located east and west of Highway 99 and north of Roy Rogers Road. This area was added to the regional UGB by Metro Ordinance No. 02-986A in December 2002. No urbanization shall occur in this area until the actual alignment of the Adams Road Extension has been determined and adopted in the City of Sherwood Transportation Plan.

2. Amend the Northwest of Sherwood Subarea Design Elements as shown below:

1. Housing development at 10-15 units per acre shall include provisions for pedestrian access to transit service on Pacific Highway.
2. Cedar Creek, its tributaries, Chicken Creek, and an unnamed creek northeast of Six Corners, and their immediately adjacent riparian zones, as defined in the Community Development Code shall be retained in their natural condition, including topography and vegetation. This land shall be dedicated as public open space for pedestrian access and recreational purposes whenever possible.
3. All of the land north and east of Scholls-Sherwood Road in this northern subarea is **Area of Special Concern 2**. Development within this Area shall be reviewed and designed in light of the proposed Arterial connecting Tonquin and Elsner Roads.

Locational, land use or design conditions may be placed on any development proposal in order to allow the future construction of this road.

4. Use of powerline easements as open space and wildlife habitat shall be encouraged as appropriate in this subarea.
5. A scenic view turnout shall be provided as part of major road improvements in the vicinity of the intersection of Edy Road and Cedar Creek.

~~6. The alignment and the structural design of the proposed Collector between Scholls-Sherwood Road and Meineke Road shall be designed to minimize impacts on significant natural resources consistent with the provisions of the Community Development Code.~~

7.6. Area of Special Concern 7 is comprised of approximately 44 acres of land located on both sides of Highway 99, north of Roy Rogers Road. This area was added to the urban growth boundary by Metro Ordinance 02-986A in December 2002. No urbanization shall occur in this area until the actual alignment of the Adams Road Extension has been determined and adopted in the City of Sherwood Transportation Plan.

8.7. Area of Special Concern 8 is comprised of approximately 89 acres of land located southeast of the intersection of Edy and Elwert Roads. This area, know as a portion of Metro Study Area 59, was added to the urban growth boundary by Metro Ordinance No. 02-969B in December 2002. The Title 11 planning process for this area shall determine the size and location for one or more sites for public school facilities. The governing jurisdiction shall adopt provisions in its comprehensive plan to provide the opportunity to site one or more public school facilities consistent with Section 3.07.1120 of Metro's Urban Growth Management Functional Plan.

Amend the Community Development Code as shown below:

1. **Amend Section 106, DEFINITIONS, as follows:**

106-169 Primary District A land use district as designated on the Community Plan Map, (i.e., R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, FD-20, FD-10, NC, OC, CBD, GC, IND, INS, TO:RC, TO:BUS, TO:EMP, EFU, EFC, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND, MAE).

106-179 Residential Home A residential treatment or training or an adult foster home licensed by or under the authority of the Department of ~~Human Services~~Land Conservation and Development, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

2. **Amend Section 204, NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS, as follows:**

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, which ever occurs first.

204-1.2 The records of the Department of Assessment and 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.

204-1.3 For notice purposes, the boundary of the subject property shall be the property which is the subject of the application, together with all contiguous property under identical ownership.

For notice purposes for development actions for public transportation facilities or utilities within existing or proposed public rights of way or utility easements, the boundary of the subject area shall be the limits of the area of development within the existing or proposed right-of-way or easement.

For notice purposes for airport-related development actions within Public and Private Use Airport Overlay Districts, the boundary of the subject notice area shall be the limits of the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).

204-1.4 Outside the UGB, in addition to any other notice for Type II and III development actions, the applicant shall post the subject property in conformance with standards as set forth by resolution and order of the Board of County Commissioners. Failure to post the subject property and file an affidavit of posting with the Director within ~~twenty-one (21)~~ **twenty-eight (28)** days of acceptance of a complete application shall result in denial of the application.

3. Amend Section 408-5, Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps, as follows:

408-5 Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps

The following review standards shall: 1) be used to provide a generally direct and uncluttered pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) to ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of Section 408-5. These standards are applicable to all lands that are not designated on a Community Plan's Local Street Connectivity Map.

408-5.1 For single-family or duplex residential development, on-site streets shall be provided which meet the following:

- A. Block lengths for local streets and collectors shall not exceed six hundred (600) feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-5.1 D., 408-5.5, 408-5.6 or 408-7 are met.
- B. The total length of a perimeter of a block for local and collector streets shall not exceed eighteen hundred (1,800) feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 408-5.1 D., 408-5.5, 408-5.6 or 408-7 are met.
- C. Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impracticable due to the provisions of Section 408-5.1 D., or application of Sections 408-5.5, 408-5.6 or 408-7. When cul-de-sacs or closed end streets are allowed under these provisions, they shall be limited to two hundred (200) feet and no more than twenty five (25) dwelling units unless impracticable.

D. The Review Authority may approve a modification to the review standards of Section 408-5.1 A., B., or C. above based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to the following:

- (1) Topography, although grades that may be too steep for a street are not necessarily too steep for an accessway;
- (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;
- (3) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
- (4) Abutting undeveloped or underdeveloped property is not designated R-5, R-6, R-9, R-15, TO:R9-12, TO:R12-18, TO:R18-24, FD-20, FD-10 or an urban reserve area;
- (5) Arterial access restrictions; or
- (6) Railroads.

E. Streets shall connect to all existing or approved stub streets which abut the development site.

4. Amend Section 409-5, Private Streets Outside an Urban Growth Boundary, as follows:

409-5 Private Streets Outside an Urban Growth Boundary

409-5.1 Private streets (driveways), or portions thereof, ~~consisting of over one hundred (100) feet in total length,~~ shall demonstrate adequate accessibility for emergency vehicles. The length of the private street (driveway) shall comply with the access road requirements of the Oregon Fire Code, is based upon the distance from the public road to the terminus of the private street (driveway), which may include portions of existing private streets (driveways) and/or easements across other properties. ~~Private streets (driveways) subject to this review include those which provide access to one dwelling or more; or which provide access to any non-residential use, except for farm and forest uses.~~ If new parcels are created, Section 409-5.2, below, applies.

The Fire Marshal shall have the first opportunity to review private streets (driveways), per item A., below. If the Fire Marshal fails to review the private street (driveway), approval by the Building Official or his designee is required, as outlined under item B., below. In these cases, the applicant shall provide evidence that the Fire Marshal waives his review.

A. Fire Marshal Review

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

To demonstrate compliance, the applicant shall provide a statement from the Fire Marshal acknowledging that the required ~~entire~~ length of the private street (driveway) is adequate for emergency vehicle access.

B. Building Official Review

- (1) For private streets (driveways) or portions thereof, which have not previously been reviewed by the Fire Marshal, the Building Official shall review the entire ~~length of the~~ private street (driveway).
- (2) Private streets (driveways) for which existing portions have previously been reviewed and approved by the Fire Marshal, the applicant shall demonstrate prior approval of the existing portion of the private street (driveway) by providing evidence of Fire Marshal approval of the constructed street. If the applicant does not provide adequate evidence of prior Fire Marshal approval, current standards are applicable.
 - (a) If Building Official review determines that a previously approved private street (driveway) still meets the standards under which it was originally approved, no changes shall be required to the previously approved portion of the street.
 - (b) If the Building Official finds that the private street (driveway) no longer meets the specifications previously approved by the Fire Marshal, he may require that the road be brought up to the originally-approved specifications before approving the access.

5. Amend Section 410, Grading and Drainage as follows:

- 410-3.8 Comply with the applicable standards for permanent storm water quality control facilities adopted by the Oregon State Department of Environmental Quality, as set forth in OAR 340-41-~~455(3)(d-h)~~345(4)(a-e). This standard is satisfied by submittal of a service provider letter from the Clean Water Services indicating the proposed development is in compliance with DEQ requirements or will be in compliance when the requirements set forth in the service provider letter are met.

6. Amend Section 430-55, Guest House, as follows:

- 430-55 Guest House

A second house on a parcel, used for intermittent occupancy by guests of the occupant of the main residence. A guest house is permitted subject to the following:

- 430-55.1 The minimum lot size shall be twice the minimum requirement for the primary district, except in the R-5 District, where the minimum lot size to accommodate a guest house must be 14,000 square feet;
- 430-55.2 The guest house shall be for intermittent or temporary occupancy only;
- 430-55.3 Placement of a guest house shall allow for future division of the lot to the District standards;
- 430-55.4 Submission of a plan indicating how a legal lot could be partitioned for the guest house; and
- 430-55.5 Limitation of one guest house for one main dwelling unit.

7. Amend Section 502-7, Land Division Sidewalk Requirements, as follows:

502-7 Land Division Sidewalk Requirements

- 502-7.1 Sidewalk requirements imposed upon an applicant by Section 502-1.4 shall be met and ensured as follows:

For that portion of the required sidewalk which cannot be constructed as a function of a building permit, the applicant shall ensure construction in the same manner as required for essential facilities or services listed in Article V of the Community Development Code. Examples of said portions include, but are not limited to:

- (1) Common areas;
- (2) Public or quasi-public lands;
- (3) Double frontage lots where ingress is prohibited, except corner lots;
- (4) Internal connecting sidewalks; or
- (5) Within or abutting lands which are unbuildable or already built upon.

- 502-7.2 Prior to recording any subdivision, ~~major partition~~ or ~~minor partition~~, the owner(s) shall have recorded at the County an executed waiver of the right to remonstrate against the formation of a Local Improvement District for the purpose of constructing the required sidewalks within the development. Such a waiver shall be a restrictive covenant on the subject property and shall run with the land. For that portion of the required sidewalk not constructed in accordance with 502-7.1 above, the Board shall initiate a Local Improvement District as described in the waiver(s) of remonstrance. In addition or in lieu thereof, the County may seek enforcement pursuant to Section

502 below. All purchasers of lots where the abutting sidewalk has not been constructed prior to sale must be informed by the seller, in writing, of the requirements of this Section.

502-7.3 For those subdivisions or partitions where new roads are constructed to County specifications, the lack of completed sidewalks, except as required under 502-7.1. above, shall not preclude the establishment of said roads as County roads.

8. Amend Section 801-8.3, Adopting City of Tigard Community Development Code Title 18, as follows:

801-8.3 Adopting City of Tigard Community Development Code Title 18

A. Except as specifically provided to the contrary in this Ordinance, both the City's Title 18 "Community Development Code" and the City Comprehensive Plan in effect on ~~October 10, 2002~~January 25, 2005, are hereby adopted by the County as the sole local regulatory standards, background, justification and guidance applicable to applications for any and all land uses requiring ministerial or quasi-judicial decision making within the affected area, as if such standards, background, justification and guidance were fully set forth hereat. The City's Title 18 "Community Development Code" and the City Comprehensive Plan in effect on ~~November 26, 1998~~October 10, 2002 are repealed.