



# WASHINGTON COUNTY OREGON

## PROPOSED LAND USE ORDINANCE NO. 889 *Individual and General Notice 2022-07* *Sept. 21, 2022*

The Washington County Planning Commission and Board of Commissioners will soon consider proposed **Ordinance No. 889**. 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 Long Range Planning at 503-846-3519 or [lutplan@co.washington.or.us](mailto:lutplan@co.washington.or.us).

### ORDINANCE PURPOSE AND SUMMARY:

Ordinance No. 889 makes a number of minor amendments to the Comprehensive Framework Plan for the Urban Area (CFP), the Bethany Community Plan, and the Community Development Code (CDC) to update plan polices and CDC provisions for clarity and accuracy, revise processes and reduce barriers to urban residential development.

### Who is Affected

Residents and property owners in unincorporated Washington County.

### What Land is Affected

Urban and rural unincorporated areas of Washington County.

### PUBLIC HEARING INFORMATION:

Hearings are scheduled for the dates and times below. For information about the meetings and how to testify, please see the following webpages or call 503-846-3519.

**Planning Commission:** [www.co.washington.or.us/plancomm](http://www.co.washington.or.us/plancomm)

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

#### Planning Commission

6:30 p.m.

Oct. 19, 2022

#### Board of Commissioners

6:30 p.m.

Nov. 29, 2022

**Planning Commission and Board meetings may be conducted virtually on Zoom.  
Check one week prior to the meeting date for meeting location details.**

At its Nov. 29 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted Nov. 29, it would become effective Dec. 29.

**KEY PROVISIONS:**

- Amends language related to Urban Growth Boundaries (UGB) in the CFP to:
  - Revise timing of County actions to implement Metro UGB expansions.
  - Remove erroneous reference to land located in the E. Hillsboro Community Plan Area.
- Amends Bethany Community Plan maps so North Bethany Subarea-specific information is only shown on Chapter 2 maps.
- Amends the CDC to:
  - Correct various grammatical, numbering and cross reference errors.
  - Update CCI membership (Section 107) and the FD-20 District (Section 308) for consistency with current documents.
  - Clarify existing standards for storage associated with Vehicle Camping for Homeless Persons (Section 201) and side-yard maintenance easements in urban residential districts (Sections 304 through 307).
  - Clarify rural standards for dwellings on land subject to special tax assessment (Sections 340 and 344), DEQ-defined clean fill sites (Sections 346 and 348), and service provider letters (Section 501).
  - Add height limit for residential accessory structures in medium density Transit Oriented residential districts (Section 375).
  - Revise private street provisions to allow curbs in easements (Section 409).
  - Clarify how residential off-street parking and future right-of-way are calculated (Sections 413 and 418).
  - Add a new Type I Setback Adjustment process and make associated changes to the structure and terminology in section (Section 435).
  - Revise procedures for land divisions to allow property line adjustments between the preliminary and the final review stages (Section 602).

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**AFFECTED LAND USE PLANNING DOCUMENTS:**

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**Comprehensive Framework Plan for the Urban Area**

- Policy 41, Urban Growth Boundary Expansions

**Bethany Community Plan**

- North Bethany Subarea Plan Maps, Chapter 1

**Community Development Code**

- Section 107 – Planning Participants
- Section 201 – Development Permit
- Section 304 – R-9 District (Residential 9 Units Per Acre)
- Section 305 – R-15 District (Residential 15 Units Per Acre)
- Section 306 – R-24 District (Residential 24 Units Per Acre)
- Section 307 – R-25+ District (Residential 25 Or More Units Per Acre)
- Section 308 – Future Development 20-Acre District (FD20)
- Section 340 – Exclusive Farm Use (EFU)
- Section 344 – Agriculture and Forest District (AF-20)
- Section 346 – Agriculture and Forest District (AF-10)
- Section 348 – Agriculture and Forest District (AF-5)
- Section 375 – Transit Oriented Districts

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**Community Development Code** (continued from previous page)

- Section 409 – Private Streets
  - Section 413 – Parking and Loading
  - Section 418 – Setbacks
  - Section 435 – Variances and Hardship Relief
  - Section 501 – Public Facilities and Services
  - Section 602 – General Provisions
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**HOW TO SUBMIT COMMENTS:**

Washington County remains committed to broad community engagement and transparency of government during the COVID-19 pandemic. **For meetings that are conducted via Zoom, advance registration is required to provide testimony on agenda items or additional communication at designated times.**

For Planning Commission registration and contact information, please visit the Planning Commission webpage: <https://www.co.washington.or.us/PlanComm>

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm>

**Staff Contact**

Carine Arendes, Associate Planner, [Carine\\_Arendes@co.washington.or.us](mailto:Carine_Arendes@co.washington.or.us), 503-846-8817

The ordinance is available for review on the Land Use Ordinances webpage:  
[\*\*www.co.washington.or.us/landuseordinances\*\*](http://www.co.washington.or.us/landuseordinances)

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

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

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SEP 12 2022

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 889

An Ordinance Addressing Minor Amendments to  
the Comprehensive Framework Plan for the Urban  
Area (CFP), the Bethany Community Plan, and  
the Community Development Code (CDC)

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

SECTION 1

A. The Board recognizes that the Comprehensive Framework Plan for the Urban Area (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516-517, 526, 551, 555, 561, 571-572, 588, 590, 598, 608-610, 612-615, 620, 624, 631-632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732-733, 739, 742, 744-745, 753, 758, 764, 769, 771, 775, 785, 788-790, 796, 799, 802, 805, 809, 813-814, 820, 822, 828, 838, 843, 857, 866, 879, 881, 865, and 886.

B. The Board recognizes that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, 620, 649, 702, 712, 730, 739, 744-745, 758, 771, 783, 789-790, 799, 801, 809, 838, 843, 846, and 866.

C. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,

1 356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-  
2 423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-  
3 481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561,  
4 573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624,  
5 628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669-670, 674, 676-677,  
6 682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739,  
7 742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-  
8 811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-842, 845-847, 851, 853, 855-859,  
9 864, 866, 867, 869, 877, and 885.

10 D. As part of its ongoing planning efforts, Washington County staff has identified  
11 minor amendments to elements of the Comprehensive Plan to maintain and improve its  
12 efficiency and effectiveness. Such changes include map updates to reflect current conditions,  
13 and various minor Community Development Code amendments for clarity and to reflect  
14 changed conditions or state law requirements. The Board recognizes that such changes are  
15 necessary from time to time for the benefit and welfare of the residents of Washington  
16 County, Oregon.

17 E. Under the provisions of Washington County Charter Chapter X, the  
18 Department of Land Use and Transportation has carried out its responsibilities, including  
19 preparation of notices, and the County Planning Commission has conducted one or more  
20 public hearings on the proposed amendments and has submitted its recommendations to the  
21 Board. The Board finds that this Ordinance is based on those recommendations and any  
22 modifications made by the Board, as a result of the public hearings process.

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

7 SECTION 2

8 The following exhibits, attached hereto and incorporated herein by reference, are  
9 adopted as amendments to the designated documents as follows:

10 A. Exhibit 1 (2 pages), amends Policy 41, Urban Growth Boundary Expansions,  
11 within the Comprehensive Framework Plan for the Urban Area;

12 B. Exhibit 2 (1 page), amends the Bethany Community Plan by adding text on all  
13 Chapter 1 maps regarding the North Bethany Subarea;

14 C. Exhibit 3 (24 pages), amends the following sections of the Community  
15 Development Code:

16 1. Various Sections – terminology updates to implement changes in Section  
17 435, including Global replacement of certain text;

18 2. Section 107 – Planning Participants;

19 3. Section 201 – Development Permit;

20 4. Section 304 – R-9 District (Residential 9 Units per Acre);

21 5. Section 305 – R-15 District (Residential 15 Units per Acre);

22 6. Section 306 – R-24 District (Residential 24 Units per Acre);

7. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
8. Section 308 – Future Development 20-Acre District (FD-20);
9. Section 340 – Exclusive Farm Use District (EFU);
10. Section 344 – Agriculture and Forest District (AF-20);
11. Section 346 – Agriculture and Forest District (AF-10);
12. Section 348 – Agriculture and Forest District (AF-5)
- 13., Section 375 – Transit Oriented Districts;
14. Section 409 – Private Streets;
15. Section 413 – Parking and Loading;
16. Section 418 – Setbacks;
17. Section 435 – Variances and Hardship Relief (being renamed Variances and Adjustments);
18. Section 501 – Public Facility and Services; and
19. Section 602 – General Provisions.

### SECTION 3

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

### SECTION 4

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



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## SECTION 6

## SECTION 7

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, being the \_\_\_\_\_  
reading and \_\_\_\_\_ public hearing before the Board of County Commissioners of  
Washington County, Oregon.

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CHAIR KATHRYN HARRINGTON

RECORDING SECRETARY

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PUBLIC HEARING

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VOTE: *Aye*: \_\_\_\_\_

*Nay*: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Policy 41, Urban Growth Boundary Expansions, of the COMPREHENSIVE FRAMEWORK PLAN FOR THE URBAN AREA is amended to reflect the following:

### **POLICY 41, URBAN GROWTH BOUNDARY EXPANSIONS:**

**It is the policy of Washington County to ensure an efficient and effective transition of rural land to urban development when an Urban Growth Boundary (UGB) is expanded.**

#### **Implementing Strategies**

The County will:

- a. Consistent with Policy 18, apply the FD-10 or FD-20 designation to property added to a UGB provided the expansion has been acknowledged by the Land Conservation and Development Commission and any appeals have been resolved. The property shall be designated FD-10 or FD-20 through a quasi-judicial or legislative amendment to the applicable community plan and/or the Future Development Areas Map. The FD-20 designation shall be maintained until ~~all appeals regarding the UGB expansion have been finalized and, when applicable, the~~ any planning requirements of Title 11 of Metro's UGMFP are complete and adopted by ordinance or by a quasi-judicial plan amendment and the property is annexed to a city. The FD-10 designation shall be maintained until the property is annexed to a city. Property added to the Regional UGB through a locational or minor adjustment may be designated with any urban plan designation provided the proposed designation is consistent with the provisions of this Comprehensive Framework Plan.

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- d. Apply the following Areas of Special Concern to the Future Development Areas Map:

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- ~~8. **Area of Special Concern (ASC) 9** consists of approximately 330 acres of land located north of the city of Hillsboro and Evergreen Road between NW Sewell Road and NW Brookwood Parkway. The properties in this Area of Special Concern are designated Future Development 20-Acre (FD-20). This area was added to the UGB by Metro Ordinance 11-1264B (adopted October 20, 2011) and confirmed through legislation passed in March 2014 (House Bill 4078). Metro's ordinance designated these lands as Regionally Significant Industrial Areas.~~

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

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

- 1) ~~Day care facilities, cemeteries, religious institutions and schools are prohibited due to the area's designation as a Regionally Significant Industrial Area.~~
  - 2) ~~The creation or reconfiguration of lots or parcels shall comply with the requirements of Section 3.07.420 of Metro's Urban Growth Management Functional Plan.~~
- b) ~~The Title 11 planning required by Metro shall:~~
- 1) ~~Adopt provisions—such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery—to enhance compatibility between industrial uses in the Hillsboro area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.~~

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Sections of the BETHANY COMMUNITY PLAN are amended to reflect the following:

**CHAPTER 1 MAPS**

- Removal of Subarea Plan-specific map information and the addition of the following text on top of the North Bethany Subarea on all Chapter 1 maps that include the area:
  - [See North Bethany Subarea Plan maps, Chapter 2](#)

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

## 1. VARIOUS SECTIONS

Global replacement of the following text:

- “variances and hardship relief” with “variances and adjustments”
- “hardship relief” with “adjustments”
- “hardship relief change” with “adjustment”
- “Section 435-5 (Hardship Relief) with “Section 435-4 (Type II Adjustment)”
- “Type II Hardship Relief” with “Type II Adjustment”

## 2. SECTION 107 – PLANNING PARTICIPANTS

### 107-6 Committee for Community Involvement (CCI)

107-6.1 Purpose:

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107-6.2 Membership:

A. ~~Will~~ consists of the following:

A. Active CPOs: Two regular and two alternate representatives from each recognized CPO in Washington County. The and two alternate representatives which shall make up the membership of the CCI.

B. ~~These representatives may be~~ selected or appointed ~~by any~~ method and the term of the representatives will be as approved ~~in~~ by the bylaws of individual CPOs, ~~the term of which.~~

B. Inactive CPOs: Two regular and two alternate representatives from an Inactive CPO, subject to the application and approval process in the CCI bylaws. Terms are for one year.

C. ~~The term of each representative will be as determined by each CPO. Members at Large: Representatives from organizations that have an interest in land use and livability issues in Washington County, subject to the application and approval process in the CCI bylaws. Terms are for one year.~~

D. The term of each representative shall begin on July 1.

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### 3. SECTION 201 – DEVELOPMENT PERMIT

#### 201-2 Exclusions from Permit Requirement

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201-2.36 Vehicle Camping Site for Homeless Persons as defined in Section 106, on a site in the following nonresidential districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INST, TO:RC, TO:EMP, TO:BUS, NCC NB, NCMU NB, INST NB, CCMU or NMU or on the site of a religious institution in any urban district, subject to the following:

\*\*\*

- C. ~~Any~~ storage facility is placed on-site for program participants to store personal items, such that the items are-is not visible from public rights-of-way;

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### 4. SECTION 304 – R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

#### 304-7 Dimensional Requirements

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

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

The minimum yard requirements shall be:

\*\*\*

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

(a) Zero feet where units attach; or

(b) Five feet, unless reduced interior side yards have been approved through a land division or development review, except where-lots or parcels may be are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet) when:- Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a

(i) A perpetual minimum 6-foot wide reciprocal private-- maintenance easement adjacent to the shared property line for the benefit of both properties is provided-between buildings on adjoining lots when the distance. This easement shall be kept clear of structures, including fences or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except

that heat pumps and air conditioners may be allowed per  
Section 430-1.6; and

(ii) Yard is not adjacent to a non-buildable tract.

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

\*\*\*

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

The minimum yard requirements shall be:

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(4) Five-foot side yard, unless reduced interior side yards have been approved through a land division or development review except for: Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have may be approved for adjoining interior side yards less than five feet (as little as zero feet) when: Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a

(a) A perpetual minimum 6-foot wide reciprocal private-maintenance easement adjacent to the shared property line for the benefit of both properties is provided when dwellings are not attached between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures, including fences or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings except that heat pumps and air conditioners may be allowed per Section 430-1.6; and

(b) Yard is not adjacent to a non-buildable tract.

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## **5. SECTION 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)**

### **305-7 Dimensional Requirements**

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

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



The minimum yard requirements shall be:

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

(a) Zero feet where units attach; or

(b) Five feet, unless reduced interior side yards have been approved through a land division or development review except where: Lots or parcels may be approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet) when: Lots or parcels with an adjoining interior side yard less than 5 feet shall

(i) A provide a perpetual minimum 6-foot wide reciprocal private-maintenance easement adjacent to the shared property line for the benefit of both properties is provided between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures, including fences or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6; and

(ii) Yard is not adjacent to a non-buildable tract.

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

\*\*\*

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

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

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(d) Five-foot side yard, unless reduced interior side yards have been approved through a land division or development review except for: Lots or parcels may be approved created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet) when: Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a

(i) A perpetual minimum 6-foot wide reciprocal private-maintenance easement adjacent to the shared property line for

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

(ii) Yard is not adjacent to a non-buildable tract.

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## **6. SECTION 306 – R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)**

### **306-7 Dimensional Requirements**

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

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

The minimum yard requirements shall be:

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

- (a) Zero feet where units attach; or
- (b) Five feet, unless reduced interior side yards have been approved through a land division or development review except where, if lots or parcels may be are approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet) when: Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a

(i) A perpetual minimum 6-foot wide reciprocal private-maintenance easement adjacent to the shared property line for the benefit of both properties is provided between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward, including fences, which could physically preclude access to the easement and the adjacent

buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6; and

(ii) Yard is not adjacent to a non-buildable tract.

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

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B. Yard (Setback) Requirements.

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

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

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(d) Five-foot side yard unless reduced interior side yards have been approved through a land division or development review, except for: Lots or parcels may be created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet) when: Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a

(i) A perpetual minimum 6-foot wide reciprocal private- maintenance easement adjacent to the shared property line for the benefit of both properties is provided between ~~buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet.~~ This easement shall be kept clear of structures or any other object from the ground upward, including fences, which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6; and

(ii) Yard is not adjacent to a non-buildable tract.

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

**307-7 Dimensional Requirements**

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

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

The minimum yard requirements shall be:

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

- (a) Zero feet where units attach; or
- (b) Five feet unless reduced interior side yards have been approved through a land division or development review except where, if lots or parcels may be approved through a land division to have adjoining interior side yards less than 5 feet (as little as zero feet) when: Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a
- (i) A perpetual minimum 6-foot wide reciprocal private-maintenance easement adjacent to the shared property line for the benefit of both properties is provided between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward, including fences, which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6; and
- (ii) Yard is not adjacent to a non-buildable tract.

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

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- B. Yard (Setback) Requirements.

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

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

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(d) Five-foot side yard, unless reduced interior side yards have been approved through a land division or development review except for: Lots or parcels may be approved created through a subdivision or partition application that was approved by the Review Authority to have adjoining interior side yards less than 5 feet (as little as zero feet) when: -Lots or parcels with an adjoining interior side yard less than 5 feet shall provide a

(i) A perpetual minimum 6-foot-wide reciprocal private-maintenance easement adjacent to the shared property line for the benefit of both properties is provided between buildings on adjoining lots when the distance between buildings on adjoining lots is less than 10 feet. This easement shall be kept clear of structures or any other object from the ground upward, including fences, which could physically preclude access to the easement and the adjacent buildings, except that heat pumps and air conditioners may be allowed per Section 430-1.6; and

(ii) Yard is not adjacent to a non-buildable tract.

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## 8. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

### 308-3 Uses Permitted Through a Type II Procedure

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

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308-3.6 Day Care Facility - 430-53.12 I., except as prohibited in Areas of Special Concern 4, 5, 6, and 7 and 9 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan.

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### 308-4 Uses Which May Be Permitted Through a Type III Procedure

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

- 308-4.1 Cemetery – Section 430-27, except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

\*\*\*

- 308-4.6 Day Care Facility – Section 430-53. ~~12~~, except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

\*\*\*

- 308-4.10 School – Section 430-121, except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

- 308-4.11 Religious Institution – Section 430-116 except as prohibited in Areas of Special Concern 4, 5, 6, ~~and 7 and 9~~ in Policy 41 of the Comprehensive Framework Plan for the Urban Area, Area of Special Concern 1 in the West Union Community Plan and Areas of Special Concern 6, 7 and 8 in the East Hillsboro Community Plan; see also Section 308-7.1.

\*\*\*

### 308-6 Dimensional Requirements

- 308-6.1 Lot Area:

\*\*\*

~~C. In the North Bethany Subarea Plan, the minimum lot area for a property line adjustment may be less than 20 acres when the following requirements are met:~~

- ~~(1) The proposed configuration of each parcel is consistent with the applicable land use district(s) shown on the Subarea Plan's "Future Land Use Designations" map;~~

- ~~(2) The proposed configuration of each parcel is consistent with the dimensional standards of the applicable land use district shown on the "Future Land Use Designations" map or the lot dimensions of Section 308-6.4, whichever is greater;~~
- ~~(3) The proposed configuration of each parcel complies with any applicable requirements of the North Bethany Subarea Plan; and~~
- ~~(4) The proposed configuration of each parcel complies with the provisions of Section 605-1.3.~~

\*\*\*

## **9. SECTION 340 – EXCLUSIVE FARM USE (EFU)**

### **340-4 Uses Permitted Through a Type II Procedure**

\*\*\*

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

- D. Location of a dwelling on land subject to special assessment for wildlife habitat ~~land~~ pursuant to ORS 215.799.

\*\*\*

## **10. SECTION 344 – AGRICULTURE AND FOREST DISTRICT (AF-20)**

### **344-4 Uses Permitted Through a Type II Procedure**

\*\*\*

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

\*\*\*

- D. Location of a Dwelling Unit in conjunction with a on land subject to special assessment for wildlife habitat ~~conservation and management plan~~ pursuant to ORS 215.799 ~~subject to the following standards:~~
  - ~~1. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;~~
  - ~~2. Is situated on a lot or parcel existing on November 4, 1993;~~
  - ~~3. Qualifies for a farm dwelling under ORS 215.213(2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and~~
  - ~~4. Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.~~

\*\*\*

## **11. SECTION 346 – AGRICULTURE AND FOREST DISTRICT (AF-10)**

### **346-3 Uses Permitted Through a Type II Procedure**

\*\*\*

346-3.12 Clean Fill Site. A site that provides for the long-term storage and disposal of soil, rock, concrete, brick, building block, tile or other inert materials considered “clean fill” as defined by DEQ rules - Section 410.

\*\*\*

## **12. SECTION 348 – AGRICULTURE AND FOREST DISTRICT (AF-5)**

### **348-3 Uses Permitted Through a Type II Procedure**

\*\*\*

348-3.12 Clean Fill Site. A site that provides for the long term storage and disposal of soil, rock, concrete, brick, building block, tile or other inert materials considered “clean fill” as defined by DEQ rules - Section 410.

\*\*\*



### 13. SECTION 375 – TRANSIT ORIENTED DISTRICTS

**Table B(2). Dimensional Requirements for all Other Development in Transit Oriented Districts**

DEVELOPMENT DIMENSION	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum Lot Area	None	None	None	2000 sq. ft.	2000 sq. ft.	None	None	None	None
Minimum Average Lot Width	None	None	None	24 feet	20 feet	None	None	None	None
Minimum Average Lot Depth	None	None	None	60 feet	60 feet	None	None	None	None
Minimum Building Height:									
- within 1300' of a station platform or within a Regional Center	20 feet	20 feet	None	None	None	None	None	None	None
- beyond 1300' from a station platform	None	None	None	None	None	None	None	None	None
- within a designated Town Center Core, as defined by an adopted Community Plan	20 feet at street corners	20 feet	None	None	None	None	None	None	None
- within a designated Town Center but outside a Town Center Core, as defined by an adopted Community Plan	None	None	None	None	None	None	None	None	None
Maximum Building Height (AB)	60 feet	80 feet (BA)	80 feet (BA)	40 feet (C)	40 feet (C)	50 feet	60 feet (DF)	80 feet	80 feet

abcdef Proposed additions  
abcdef Proposed deletions

Yard Depth									
- frontage minimum ( <del>EG</del> )	None	None	None	10 feet	10 feet	10 feet	None	None	None
- frontage maximum ( <del>FD</del> )	10 feet	10 feet	None	15 feet	15 feet	15 feet	10 feet (G)	10 feet	10 feet
- interior minimum ( <del>HE</del> )	None	None	None	None	None	None	None	None	None
- interior maximum	None	None	None	None	None	None	None	None	None

**[CONTENT RELOCATED FOR CONSISTENCY WITH ABOVE RENUMBERING – ONLY C IS NEW]**

- (A) Where a building fronts on a pedestrian street, a ten-foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8. [Moved from B]
- ~~(B) Where a building fronts on a pedestrian street, a ten-foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8.~~
- (B) Except where a community plan specifies a higher maximum height.
- (C) A maximum height of 15 feet applies to residential accessory uses permitted in accordance with Section 430-1.1.
- (D) A modification to the maximum building height may be approved subject to Section 375-7.32.b. Such modification may exceed the required 60-foot building height maximum by no more than 50 feet for a total of 110 feet. [Moved from F]
- (~~CE~~) Except as necessary to comply with Section 418, accommodate utility lines and easements.
- (~~F~~) ~~A modification to the maximum building height may be approved subject to Section 375-7.32.b. Such modification may exceed the required 60-foot building height maximum by no more than 50 feet for a total of 110 feet.~~
- (~~DE~~) Required maximum frontage yard dimensions: (1) shall apply to at least 50% of the first floor of a building facing a pedestrian street, as defined in Section 431-3.8; and (2) may be exceeded where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transportation operations.

- (E) ~~No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.~~
- (G) A modification to the maximum front yard depth may be approved subject to Section 375-7.32.c.
- (EH) ~~No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.~~ **[Moved from E]**

## 14. SECTION 409 – PRIVATE STREETS

### 409-3 Urban Private Street Standards

\*\*\*

409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:

#### A. Local Residential Streets:

			STRUCTURAL STANDARDS <u>(409-3.6)</u>		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None

\*\*\*

#### B. Private Commercial and Industrial Streets:

			STRUCTURAL STANDARDS <u>(409-3.6)</u>		
	*FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(214)	1500 Max ADT	15 ft.	(3)	Yes	Both Sides
(312)	3000 Max ADT	15 ft.	(4)	Yes	Both Sides
(413)	<b>3000 Plus ADT</b>	22 ft.	(4)	Yes	Both Sides
	Two-way				
(514)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(615)	1500 Max ADT	28 ft.	(3)	Yes	Both Sides
(716)	3000 Max ADT	36 ft.	(4)	Yes	Both Sides
(817)	<b>3000 Plus ADT</b>	40 ft.	(4)	Yes	Both Sides
	Alleys (One-way or two-way)				
(918)	1500 Max ADT	16 ft.	(3)	***Yes	None
(1019)	1500 Plus ADT	16 ft.	(4)	***Yes	None

\*\*\*

### 409-3.4 Private Street Design and Construction

#### A. Construction Plans

abcdef Proposed additions  
abcdef Proposed deletions

- (1) Construction plans for private streets constructed per Sections 409-3.3 A. (3), A. (8 ~~through~~ 11), or B. (1 ~~through~~ 10—19) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.

\*\*\*

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), A. (8 ~~through~~ 11), or B. (1 ~~through~~ 10—19) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.

\*\*\*

409-3.5 Private Street Tracts

The pavement width, ~~and curbs, if any,~~ of all private streets, except private streets serving one or two single-family residential lots or parcels, shall be located in a tract which meets the provisions of Section 409-4. Sidewalks ~~and curbs~~ may be located outside a tract on individual lots or parcels when approved by the Review Authority provided the following standards are met:

- A. The sidewalk ~~or curb is shall be~~ located in an easement subject to an access and maintenance agreement consistent with the criteria in Section 409-4.1; and

\*\*\*

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

\*\*\*

A. Structural Section Type:

\*\*\*

B. Curb Standards Type:

- (1) Standard curb and gutter, 6 inches exposed (see standard drawings of the County Road Standards).
- (2) Mountable curbs (see standard drawing of the County Road Standards).

\*\*\*

C. Sidewalks:

- (1) Concrete sidewalks, minimum 5 feet width (see standard drawings of the County Road Standards), and sidewalk ramps at street corners.

\*\*\*

**409-4 General Provisions For Urban Private Streets**

409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets, including curbs and sidewalks, shall be submitted to the Review Authority prior to or in conjunction with final approval.

409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.

\*\*\*

**15. SECTION 413 – PARKING AND LOADING**

**413-4 Off-Street Parking Standards**

\*\*\*

413-4.11 The minimum driveway width for each single-family attached or detached dwelling unit with individual vehicular access to a street shall be 10 feet. The minimum driveway depth for single-family detached and single-family attached units shall be consistent with standards of the primary district for setbacks to garage vehicle entrance. Within a driveway, Each 10-foot wide by 20-foot deep area meeting the minimum driveway depth within a driveway may be counted as one off-street parking space.

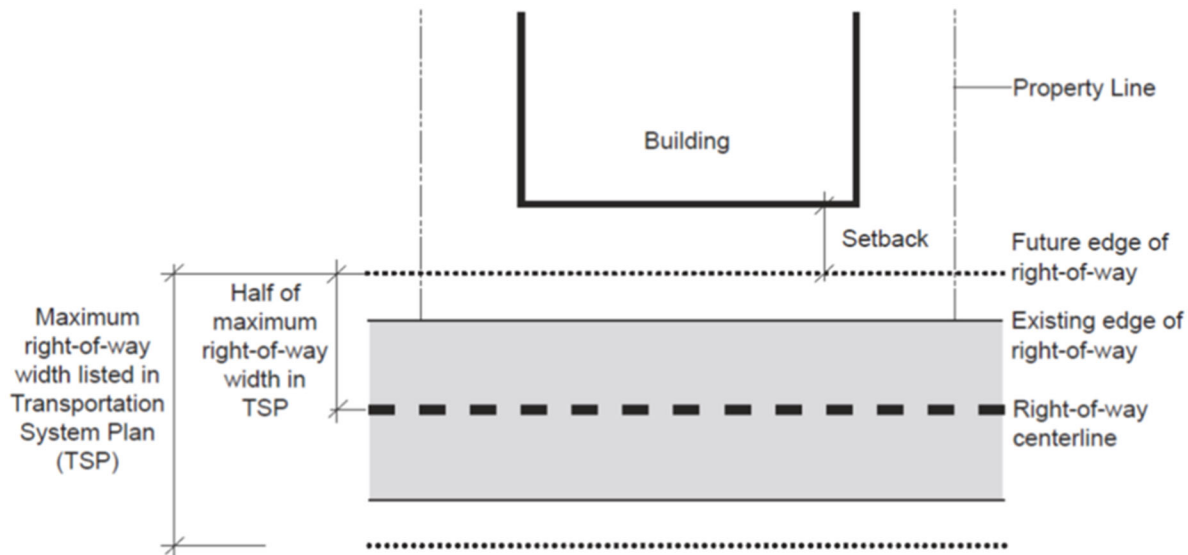
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**16. SECTION 418 – SETBACKS**

**418-2 Additional Setbacks Required for Future Right-of-Way**

418-2.1 Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased to accommodate the future right-of-way. The future right-of-way yard or setbacks shall be measured from the centerline of the existing right-of-way. The yard or setback shall be measured from the future edge of right-of-way and allow for half the maximum right-of-way as shown in the following diagram. The maximum right-of-way width shall be determined by the Transportation System Plan, including the Functional Classification Map, the Functional Classification Design Parameters Table and the Lane Numbers Map. The County Engineer may designate an alternative future right-of-way for streets where the area of the right-of-way is not balanced with respect to the current right-of-way centerline. Section 418-2 does not apply to a single detached dwelling or its

expansion, a duplex on an approved duplex lot (Section 430-13.3), or middle housing.



\*\*\*

## 17. SECTION 435 – VARIANCES AND HARDSHIP RELIEF

### 435 VARIANCES AND ~~ADJUSTMENTS~~ HARDSHIP RELIEF

#### 435-1 Purpose

The purpose of this Section is to provide a remedy from the strict interpretation of this Code where it can be shown that literal interpretation would cause unnecessary hardship.

#### 435-2 Scope

##### 435-2.1 Permitted Variances and ~~Adjustments~~ Hardship Relief

Under the provisions of this Section, an applicant may propose a variance or ~~adjustment in accordance with the standards of this Section~~ ~~hardship relief from a dimensional standard (as defined by Section 106-61) of this Code, from a development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts), and from the minimum required amount of parking of Section 413,~~ except when:

- The proposed variance or ~~adjustment~~ ~~hardship relief~~ would allow a use which is not permitted in the applicable land use district;
- Another procedure is available in this Code for modifying or waiving the particular standard; or
- This Code specifically prohibits a variance or ~~adjustment~~ ~~hardship relief~~ from a standard (~~for example e.g.~~, Section 430-1.1 B.(8) prohibits a variance or

adjustment hardship relief change to the distance between an accessory structure and a primary structure).

\*\*\*

### **435-3 Type I Setback Adjustment**

An adjustment to decrease yard setbacks in Article III (Land Use Districts) up to 10% or 12", whichever is less, may be approved when:

- A. Proposal is consistent with Section 435-2;
- B. The adjustment will not result in a violation of any provision of this Code;
- C. No other variance or adjustment to the setback has been previously approved; and
- D. A perpetual minimum 6-foot wide reciprocal private-maintenance easement adjacent to shared property lines is provided for the benefit of interior adjoining lots.

#### **Procedure**

~~Unless otherwise specified in this Code, variances shall be processed through a Type III procedure.~~

### **~~435-4~~ Variance Criteria [Content relocated to section 435-6]**

~~A variance may be granted only when the Review Authority makes findings, based upon evidence in the record, that the variance is consistent with all of the following criteria:~~

- ~~435-4.1 Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following condition:~~
  - ~~A. The physical characteristics of the land are not typical of the area, including a jurisdictional wetland, or a significant natural resource or historic feature that is identified by a Community Plan or the Rural Natural Resource Plan, resulting in a hardship unique to the property of the applicant and not applying generally to other property in the same vicinity and the variance is necessary to permit the property to be developed or enjoyed to an extent comparable with other properties in the same district in the area;~~
- ~~435-4.2 The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation;~~
- ~~435-4.3 The variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available;~~



~~435-4.4~~ — Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:

- ~~A.~~ — Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties;
- ~~B.~~ — Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; and

~~435-4.5~~ — The variance will allow the property to be used only for purposes authorized by this Code.

~~435-4.6~~ — The Review Authority may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

\*\*\*

#### **435-54**    Type II Adjustment Hardship Relief

~~435-54.1~~    Adjustments consistent with Section 435-2 may be requested for:

- ~~A.~~    Notwithstanding Section 435-4, the Director may grant hardship Reduction relief of up to 20% from any dimensional standard (as defined by Section 106-61) or any development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts) ~~consistent with Section 435-2~~, or
- ~~B.~~    A 5% reduction for in minimum lot area, which shall be limited to 5% hardship relief.

~~435-5.2~~ — Hardship relief application shall be a Type II action;

~~435-4.25.3~~ The Director shall grant the adjustment such relief only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:

- ~~A.~~    The standard imposes a significant economic burden on the applicant; and
- ~~B.~~    The use is a permitted use in the District; and
- ~~C.~~    Relief Adjustment will not be materially detrimental to other property in the vicinity.

~~435-5.44.3~~ The Director may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

#### **435-56**    Type II Lot Area Variances Outside the UGB

~~435-56.1~~    Notwithstanding the provisions of Sections 346-6, 348-6 or 350-6, a lawfully created lot or parcel in the AF-5, AF-10 or the RR-5 district upon which two or more lawfully established and habitable dwellings exist, may be partitioned into a number of parcels equal to the number of dwellings on the lot or parcel upon findings that:

\*\*\*

435-~~56~~.2 Notwithstanding the provisions of Sections 346-6, 348-6 or 350-6, all lawfully created lots or parcel in the AF-10, AF-5 or RR-5 Districts which are defined as one parcel pursuant to Oregon Laws may be established as separate parcels through the provisions of Article VI upon findings that:

\*\*\*

**435-46 Type III Variance ~~Criteria~~ [Relocated from §435-4]**

An applicant may request a variance from a dimensional standard defined in Section 106, a development standard of Section 392 (Pedestrian-Oriented Mixed-Use Districts), the minimum required amount of parking in Section 413, or as otherwise provided in another section of this Code. A variance may be granted only when the Review Authority makes findings, based upon evidence in the record, that the variance is consistent with Section 435-2 and all of the following criteria:

435-~~46~~.1 Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following ~~condition~~:

- A. The physical characteristics of the land are not typical of the area, including a jurisdictional wetland, or a significant natural resource or historic feature that is identified by a Community Plan or the Rural Natural Resource Plan, resulting in a hardship unique to the property of the applicant and not applying generally to other property in the same vicinity; and
- B. I~~t~~he variance is necessary to permit the property to be developed or enjoyed to an extent comparable with other properties in the same district in the area; and

435-~~46~~.2 The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and

435-~~46~~.3 The variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available; and

435-~~46~~.4 Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:

- A. Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and
- B. Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; and

~~435-4.5 The variance will allow the property to be used only for purposes authorized by this Code.~~

435-~~4.6~~.5 The Review Authority may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

## **18. SECTION 501 – PUBLIC FACILITIES AND SERVICES**

### **501-9 Limited Application of the Public Facility and Service Standards Outside the UGB**

\*\*\*

501-9.7 Where a land division partitions creates less than four (4) lots or parcels, or there is a request for a Special Use for a dwelling, the applicant shall not be required to obtain service letters except from the applicable school district (Section 501-9.10).

\*\*\*

501-9.10 For partitions, subdivisions, and any other development that results in the addition of dwellings (as defined in Section 106-69), the applicant shall provide documentation from the appropriate school district that adequate levels of service are available or will be available to the proposed development within the time frame required by the school district.

\*\*\*

## **19. SECTION 602 – GENERAL PROVISIONS**

### **602-1 Filing and Recording**

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

\*\*\*

### **602-2 Expiration**

The final approval for a land division shall expire after 2 years, and the approval for a property line adjustment shall expire after 4 years, unless prior to expiration:

- A. The land division or property line adjustment has been filed and recorded (as approved); or
- B. An extension according to the provisions of Section 201-5 has been requested; or
- C. Development has commenced pursuant to Section 201-6.

### **602-3 Subsequent Land Divisions and Property Line Adjustments**

- A. Land Division

A land division with preliminary approval may be revised in accordance with Section 602-5 (Minor Revisions to Preliminary Approved Land Divisions). A

land division with final approval is subject to Section 602-6 (Revisions to Land Divisions with Final Approval).

Once final approval is obtained, no subsequent land division may be approved on the same development site prior to filing and recording in accordance with Section 602-1.1, unless the final approval has expired in accordance with Section 602-2, or is revoked in accordance with Section 201-7, withdrawn, or otherwise invalidated.

**B. Property Line Adjustment**

No subsequent land division or property line adjustment may be approved on the same lot or parcel until the previously approved ~~land division or~~ property line adjustment has been filed and recorded in accordance with the provisions of Section 602-1, or the previous approval expires in accordance with Section 602-2, or is revoked in accordance with Section 201-7, withdrawn, or otherwise invalidated.

**602-4 Recordation Prior to Sale**

~~A~~No lot or parcel approved for property line adjustment shall not be sold prior to filing and recording as specified in Section 602-1, unless the approval expires in accordance with Section 602-2, or is withdrawn or otherwise invalidated. A lot or parcel created by a land division is not eligible for sale until the final plat is filed and recorded per Section 602-1.

**602-5 Minor Revisions to Preliminary Approved Land Divisions**

602-5.1 Minor revisions to a preliminary approval for a land division may be made through a Type I procedure for the following:

- A. Lot dimensions;
- B. Street locations;
- C. Lot patterns;
- D. Density decreases;
- E. Phasing of the development, including the addition of phasing or adjusting approved phasing, subject to Section 602-5.2 G.; and
- F. Inclusion of a gated private street, subject to Section 409-4.6.

602-5.2 Minor revisions shall meet the following standards:

\*\*\*

G. No deferment, exemption or exception of Article V services is allowed when phasing is added to accommodate a property line adjustment after preliminary approval. Applications shall demonstrate that required Article V public services

and facilities are provided for each property subject to a property line adjustment.

- 602-5.3 All other revisions shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

\*\*\*

**602-6 Revisions to Land Divisions with Final Approval**

Revisions to a partition or subdivision which has received final approval, with the exception of land divisions for the creation of nonfarm parcels pursuant to Section 602-7, shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

\*\*\*