




September 12, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 788**

On June 27, 2014 you were notified about initial public hearings for proposed Ordinance No. 788 before the Planning Commission on August 6, 2014 and the Board of Commissioners (Board) on September 2, 2014. The Board ordered substantive amendments to this ordinance on September 2, 2014. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 788** and are summarized below.

Ordinance Purpose and Summary

A-Engrossed Ordinance No. 788 proposes to amend the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC) relating to Housekeeping and General Update changes.

Who Is Affected

Residents in urban and rural unincorporated areas of Washington County will be affected.

What Land is Affected

Urban and rural unincorporated areas of Washington County will be affected.

Originally-filed Ordinance No. 788 Provisions

- Amends the Comprehensive Framework Plan for the Urban Area to include Portland Public Schools as a service provider for a single parcel of land located in Area 93, which is within the county's jurisdiction.
- Replace references to "church" or "churches" with "religious institution" or "religious institutions" in all sections of the CDC except for Sections 106-178, 390-16 and 430-116; "church" is struck from Section 430-109.4 to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
- Clarifies the definition of "Development" in CDC Section 106.
- Updates Section 107, Planning Participants, to reflect changes made to the Planning Commission Rules of Procedure adopted by Board action in January of 2013, that the Planning Commission shall annually elect officers at or after its first meeting in January.
- Corrects cross-reference errors in sections of the CDC relating to the Comprehensive Framework Plan for the Urban Area, the Rural/Natural Resource Plan, non-existent CDC sections, duplicative text, and makes minor format changes for consistency with other sections of the CDC.
- Corrects CDC Sections 201 & 602 concerning development permit expirations to reflect changes made through Ordinance No. 757, and adds cross-references to CDC Sections 605 and 610.
- Amends CDC Section 204 to reflect the Department of Land Use & Transportation's end of business day.
- Amends CDC Sections 300 and 307 to clarify language regarding residential density calculations.
- Amends CDC Section 390 - North Bethany Subarea Overlay - to correct a special use cross-reference and clarify its description; language is simplified regarding Planned Development roadway standards.
- Adds language to clarify CDC Section 404.
- Amends CDC Sections 421 and 709 - Flood Plain and Drainage Hazard Area Development - to update map references.

Department of Land Use & Transportation · Planning and Development Services
Long Range Planning

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- Amends CDC Section 430 to remove content-based sign standards that are inconsistent with Federal law and reflect a home occupation requirement that is already included under CDC Section 430-117 (Accessory Dwelling Unit).
- Clarifies CDC Section 440-10 regarding access to county and public roads.
- Provides full name for an acronym and adds cross-reference to CDC Section 605.

Proposed A-Engrossed Ordinance No. 788 Provisions

Retains all provisions described above, except for proposed changes affecting Community Development Code Sections as follows:

- Remove previously proposed changes to Section 300, regarding density and open space, because in certain cases they could apply more stringent requirements than the current CDC (amendments too substantive for a housekeeping and general update ordinance);
- Add cross references to Section 330-6.2 regarding existing exemptions to dwelling prohibitions in the Institutional District;
- Change punctuation within a previously proposed changed to Section 390-8.4 A (regarding Boarding Houses and Bed and Breakfast facilities in North Bethany);
- Update Section 419-3 to reflect an International Building Code change regarding the fence height that requires a building permit;
- Reformat Section 430-1, regarding accessory structures, for clarity;
- Amend previously proposed language changes under Sections 430-33 & 430-119.2 (sign standards for certain uses) to prevent misinterpretation;
- Clarify existing CDC language (regarding cell tower design) under Section 430-109.4 A;
- Update filing and recording provisions of Section 602-1 for consistency with prior Ordinance No. 757, and to correct a department name;
- Amend Section 610-1 (rural land divisions and property line adjustments) to correct cross-reference issues, relocate certain standards to appropriate subsections, and remove reference to a restriction made inapplicable by prior Ordinance No. 763.

Public Hearings - Time and Place

Board of County Commissioners

September 23, 2014
6:30 pm

October 7, 2014
10:00 am

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

On October 7, 2014 the 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 on October 7, the ordinance would become effective on November 28, 2014.

**Urban Comprehensive
Plan Policies Amended**

- Policy 15 - Roles & Responsibilities for Serving Growth

**Community Development
Code Standards Affected**

- Section 106 - Definitions
- Section 107 - Planning Participants
- Section 201 - Development Permit
- Section 204 - Notice of Type I, II or III Development Actions
- Section 300 - Introduction (Land Use Districts)
- Section 304 - R-9 District (Residential 9 Units per Acre)
- Section 305 - R-15 District (Residential 15 Units per Acre)
- Section 306 - R-24 District (Residential 24 Units per Acre)
- Section 307 - R-25+ District (Residential 25 Units or More per Acre)
- Section 308 - Future Development 20 Acre District (FD-20)
- Section 309 - Future Development 10 Acre District (FD-10)
- Section 330 - Institutional District (INST)
- Section 342 - Exclusive Forest and Conservation District (EFC)
- Section 346 - Agriculture and Forest District (AF-10)
- Section 348 - Agriculture and Forest District (AF-5)
- Section 373 - Historic and Cultural Resources Overlay District
- Section 375 - Transit Oriented Districts
- Section 377 - Special Industrial Overlay District (SID)
- Section 380 - Convenient Access to Transit Overlay District
- Section 390 - North Bethany Subarea Overlay District
- Section 404 - Master Planning
- Section 418 - Setbacks
- Section 419 - Height
- Section 421 - Flood Plain and Drainage Hazard Area Development
- Section 424 - Creation of Parcels in the EFU, EFC and AF-20 Districts
- Section 430 - Special Use Standards
- Section 440 - Nonconforming Uses and Structures
- Section 602 - General Provisions (Land Divisions and Property Line Adjustments)
- Section 605 - Land Divisions and Property Line Adjustments Inside an Urban Growth Boundary
- Section 610 - Land Divisions and Property Line Adjustments Outside an Urban Growth Boundary
- Section 709 - Alterations to Flood Plain and Drainage Hazard Areas

**How to Submit
Comments**

Submit oral or written testimony to the Board at one of the public hearings. Written testimony may be mailed or faxed to the Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072
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Proposed Ordinance is available at the following locations:

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 North First Ave., Suite 350
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

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SEP 11 2014

Washington County
County Clerk1
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3
4 IN THE BOARD OF COUNTY COMMISSIONERS

5 FOR WASHINGTON COUNTY, OREGON

6
7 A-ENGROSSED ORDINANCE 788An Ordinance Amending the Comprehensive
Framework Plan for the Urban Area and the
Community Development Code Relating to a
General Update and Housekeeping8
9 The Board of County Commissioners of Washington County, Oregon, ordains as follows:10 SECTION 111 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, and subsequently amended by
14 Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588,
15 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694,
16 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, 764, 769, 771, and 775.17 B. The Board of County Commissioners of Washington County, Oregon, recognizes
18 that the Community Development Code Element of the Comprehensive Plan (Volume IV) was
19 readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently
20 amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393,
21 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454,
22 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529,

1 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610,
2 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667,
3 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725,
4 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, and 769-776.

5 C. Subsequent ongoing planning efforts of the County indicate the need for minor
6 limited non-policy changes to the Community Development Code and Comprehensive Framework
7 Plan for the Urban Area. The Board recognizes that such changes are necessary from time to time
8 for the benefit and welfare of the residents of Washington County, Oregon.

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

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

21 SECTION 2

22 The following exhibits, attached and incorporated herein by reference, are hereby adopted as

1 amendments to the following documents:

2 1. Exhibit 1 (1 page) – Amends the Comprehensive Framework Plan for the Urban Area as
3 follows:

4 a. Policy 15 (Roles and Responsibilities for Serving Growth);

5 2. Exhibit 2 (24 pages) – Amends the following sections of the Community Development
6 Code:

7 a. All Sections that contain references to church or churches, except for Sections
8 106-178, 390-16 and 430-116;

9 b. Section 106 – Definitions;

10 c. Section 107 – Planning Participants;

11 d. Section 201 – Development Permit;

12 e. Section 204 – Notice of Type I, II, or III Development Actions;

13 f. Section 304 – R-9 District (Residential 9 Units Per Acre);

14 g. Section 305 – R-15 District (Residential 15 Units Per Acre);

15 h. Section 306 – R-24 District (Residential 24 Units Per Acre);

16 i. Section 307 – R-25+ District (Residential 25 Units or More Per Acre);

17 j. Section 308 – Future Development 20 Acre District (FD-20);

18 k. Section 309 – Future Development 10 Acre District (FD-10);

19 l. Section 330 – Institutional District (INST);

20 m. Section 342 – Exclusive Forest and Conservation District (EFC);

21 n. Section 346 – Agriculture and Forest District (AF-10);

22 o. Section 348 – Agriculture and Forest District (AF-5);

- p. Section 373 – Historic and Cultural Resource Overlay District;
- q. Section 375 – Transit Oriented Districts;
- r. Section 377 – Special Industrial Overlay District (SID);
- s. Section 380 – Convenient Access to Transit Overlay District;
- t. Section 390 – North Bethany Overlay District;
- u. Section 404 – Master Planning;
- v. Section 418 – Setbacks;
- w. Section 419 – Height;
- x. Section 421 – Flood Plain and Drainage Hazard Area Development;
- y. Section 424 – Creation of Parcels in the EFU, EFC and AF-20 Districts;
- z. Section 430 – Special Use Standards;
- aa. Section 440 – Nonconforming Uses and Structures;
- bb. Section 602 – General Provisions;
- cc. Section 605 – Land Divisions and Property Line Adjustments Inside a UGB;
- dd. Section 610 – Land Divisions and Property Line Adjustments Outside a UGB;
- ee. Section 709 – Alterations to Flood Plan and Drainage Hazard Areas.

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.

1 SECTION 7

2 This Ordinance shall take effect on November 28, 2014.

3 ENACTED this ____ day of _____, 2014, being the _____ reading and
4 _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS
6 FOR WASHINGTON COUNTY, OREGON

7 _____
8 CHAIRMAN

9 _____
10 RECORDING SECRETARY

11 READING

11 PUBLIC HEARING

12 First _____
13 Second _____
14 Third _____
15 Fourth _____
16 Fifth _____
17 VOTE: *Aye*: _____

12 First _____
13 Second _____
14 Third _____
15 Fourth _____
16 Fifth _____
17 *Nay*: _____

18 Recording Secretary: _____ Date: _____

Policy 15 - Roles and Responsibilities for Serving Growth, of the Comprehensive Framework Plan for the Urban Area, is amended to reflect the following:

POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Implementing Strategies

The County will:

s. Identify the following service providers for Area 93, an approximately 160-acre area that is generally located east of NW 125th Avenue and north of NW Thompson Road, as shown in the Area 93 Service Area Provision Map:

1. Sewer: Clean Water Services
2. Storm water: Clean Water Services
3. Public Water: Tualatin Valley Water District
4. Parks, trails, and open space: Tualatin Hills Park & Recreation District
5. Schools: Beaverton School District and Portland Public Schools
6. Law enforcement: Washington County including Enhanced Sheriff's Patrol District
7. Fire protection and emergency services: Tualatin Valley Fire and Rescue
8. Roads: Urban Road Maintenance District

Sections of the Community Development Code are amended to reflect the following:

1. MULTIPLE CDC SECTIONS - CHURCH REFERENCES

Replace all CDC references to church or churches with religious institution or religious institutions except for Sections 106-178, 390-16 and 430-116.

2. SECTION 106 – DEFINITIONS

106-57 Development Any man-made change to improved or unimproved real estate or its use, including but not limited to construction, installation or change of land or a building or other structure, change in use of land or a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

3. SECTION 107 – PLANNING PARTICIPANTS

107-2 Planning Commission

107-2.3 Rules and Procedures:

B. The Planning Commission shall, at ~~or before~~ its first meeting ~~in after~~ July-January each year, elect and install one of its members to serve as Chairman and another to serve as Vice-Chairman.

4. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

201-2.10 In the EFU, EFC, AF-20, and MAE Districts only, operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the construction of access roads, subject to the following:

C. Access to the site from a public road shall comply with the sight distance standards of Section 501-8.5 ~~EF~~.

201-4 Expiration

201-4.1 Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a Development Permit shall expire automatically four (4) years from the date of issuance unless one of the following occurs first:

- A. The Development Permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction; or
- B. An application for an extension is filed pursuant to Section 201-5; or
- C. The development has commenced as provided in Section 201-6.
- D. Upon final approval by the County of a permit, if the permit is appealed to a body of competent jurisdiction, the four-year permit period shall be tolled until a final, unappealed decision by a competent jurisdiction is made.

In addition to A., B., C. and D., ~~land divisions and property line adjustments shall expire automatically four (4) years from the date of preliminary or final approval, and property line adjustments whichever is applicable, shall expire automatically four (4) years from the date of approval~~ as specified in Article VI.

201-4.2 For dwellings allowed under the following provisions, a Development Permit shall expire automatically four (4) years from the date of issuance unless one of the actions outlined under Section 201-4.1 occurs first:

- A. Replacement Dwellings in the ~~EFU, EFC and AF-20~~ Districts;

201-6 When a Development has Commenced

201-6.1 This provision applies to authorized projects that are initiated prior to the expiration of the development permit, but ~~are not completed before the expiration date. Once development has commenced, the holder of the development permit is allowed to complete the development .After development has commenced,~~ and the development permit does not expire ~~Permit does not expire, unless~~ except in the case of a partition or subdivision as noted under CDC Sections 605-2.1.A(4)(c) and 610-2.1.A(4)(c), or in the case of permit revocation it is revoked pursuant to Section 201-7.

5. SECTION 204 – NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS

204-3 Type II Actions

204-3.2 The public notice shall contain:

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

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

204-4 Type III Actions

204-4.2 The notice of public hearing shall be mailed to:

B. All property owners of record:

(5) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, all property owners within the associated Airport Safety Overlay District or Airport Safety and Land Use Compatibility Overlay District (~~whichever is applicable~~ Sections 387 and 388).

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

304-8 Building Façade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41-40 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

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

305-8 Building Façade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1320) feet of a street designated as a Corridor or Main Street Design Type by Policy 404 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour.

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

306-8 Building Façade Requirements

The following standards shall apply to detached dwellings units, and single family attached dwellings units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1320) feet of a street designated as a Corridor or Main Street Design Type by Policy 404 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hours:

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

307-6 Density

307-6.1 The permitted density in the R-25+ District is as follows:

B. R-25+ property which meets the following criteria shall develop at no more than forty (40) units per acre and no less than thirty-two (32) units per acre, except as otherwise specified by Section 300-2 or 307-6.1 C.

- (1) The subject property is within one-quarter (1/4) mile of the Transit Service with twenty (20) minute headways during peak hours;
- (2) The subject property is within one-quarter (1/4) mile of a developed Community Business District or Transit Oriented Retail Commercial District, or equivalent level in a city; and
- (3) The subject property is within one-half (1/2) mile of an existing, approved, or planned employment center facility with a current or projected minimum of two-hundred and fifty (250) employees.

307-8 Building Façade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1320) feet of a street designated as a Corridor or Main Street Design Type by Policy 404 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

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

308-5 Prohibited Uses

308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three [3] purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.42.

11. SECTION 309 – FUTURE DEVELOPMENT 10 ACRE DISTRICT (FD-10)

309-5 Prohibited Uses

309-5.4 Keeping of fowl for sale, keeping of swine (except for up to three [3] purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 309-4.42.

12. SECTION 330 – INSTITUTIONAL DISTRICT (INST)

330-6 Prohibited Uses

330-6.2 New dwelling units or new manufactured dwellings, except as provided in Section 330-4, 330-5, or 330-3.6 or ~~Section 430-1.2 D. – Accessory Use.~~

13. SECTION 342 - EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-5 Creation of Lots or Parcels by a Land Division Through a Type II Procedure

~~342-5.2~~ — Creation of a parcel less than eighty (80) acres, only for uses listed in the following sections: ~~342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility or primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers). See Section 610-1.1 B. (2) for required standards.~~

342-5.2 Creation of a parcel less than eighty (80) acres, ~~only for~~ uses listed in the following sections may be permitted: - See Section 610-1.1 C B. (2) for required standards.

A. Campground - Section 342-4.1 B.;

B. Cemetery - Section 342-3.2 B.;

C. Communication facilities & transmission towers - Sections 342-3.2 M. and 342-4.1 J.;

D. DEQ-mandated solid waste disposal site - Section 342-3.1 I.;

E. Exploration for geothermal, gas, oil, etc. - Section 342-3.1 C.;

F. Fire station - Section 342-4.1 H.;

G. Firearms training facility - Section 342-4.1 C.;

H. Log scaling and weigh stations - Section 342-3.2 F.;

I. Mining and processing of oil, gas and other subsurface resources - Section 342-4.1 D.;

J. Navigation and aviation aids - Section 342-3.2 A.;

K. Parks - Section 342-3.2 I.;

L. Permanent facility or primary processing of forest products - Section 342-4.1 E.;

M. Permanent logging equipment repair and storage - Section 342-3.2 J.;

N. Production of geothermal, gas, oil, etc. - Section 342-3.1 G.;

O. Reservoirs and water impoundments - Section 342-3.2 L.;

P. Solid waste disposal site - Section 342-4.1 I.;

Q. Utility facilities for generating power -Section 342-3.2 R; and

R. Water intake facilities and related facilities - Section 342-3.2 S.

342-5.3 Creation of a parcel with an existing dwelling in EFC District – Section 424-8. The property owner shall sign and record an agreement form, in the ~~Deed and Mortgage records of the County~~ Department of Assessment & Taxation, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

342-5.4 Division of a Lot or Parcel with at least two (2) existing lawfully established dwellings in the EFC District which existed prior to November 4, 1993 – Section 424-9. The property owner shall sign and record an agreement form, in the ~~Deed and Mortgage records of the County~~ Department of Assessment & Taxation, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

14. SECTION 346 – AGRICULTURE AND FOREST DISTRICT (AF-10)

346-3 Uses Permitted Through a Type II Procedure

346-3.7 Temporary Use - Section 430-135.2 A. ~~and B.~~

15. SECTION 348 – AGRICULTURE AND FOREST DISTRICT (AF-5)

348-3 Uses Permitted Through a Type II Procedure

348-3.7 Temporary Use - Section 430-135.2 A. ~~and B.~~

16. SECTION 373- HISTORIC AND CULTURAL RESOURCE OVERLAY DISTRICT

373-11 Removal of Designation

373-11.3 The resource has ceased to exist or is no longer of significance to the public, based on reevaluation of the criteria for a listing in the Cultural Resources Inventory under Comprehensive Framework Plan for the Urban Area Policy 11, Strategy a. or Rural/Natural Resource Plan Policy 12~~3~~, Strategy a.; or

17. SECTION 375 – TRANSIT ORIENTED DISTRICTS

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

21. Special recreation uses in Transit Oriented Districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2) acres of the special recreation use site that qualifies as common open space, as defined in Section 431-3.3~~4~~, may be subtracted from gross site acreage. Special recreation uses in Transit Oriented Districts shall offer several different recreation facilities (e.g., tennis courts, swimming pool, handball courts, and fitness equipment on one site) rather than providing only one (1) type of recreation facility such as a soccer field complex or a large water park. Special recreation uses in Transit Oriented Districts shall comply with the standards of Section 430-131, except where there is a conflict with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.

18. SECTION 377 – SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)

377-4 Standards

377-4.1 Within the Industrial District, a contiguous area of largely undeveloped land of fifty (50) or more acres may be designated “Special Industrial Overlay District” (SID) on the community plan map through line application of the overlay. Areas are considered contiguous even if separated by streets, roads, easements and natural features. Areas designated SID should have adequate and convenient access to an arterial and should have relatively few separate ownerships to facilitate consolidation.

377-4.4 Under Option B, SID Process (Section 377-4.3 B.), the following development conditions shall be available at the initiation of an applicant, once prescribed conditions have been met:

D. Expansion of Existing, Contiguous Industrial Development

(2) Once the entire SID, as designated by the Community Plan, has been developed to sixty-seven (67) percent of its potential and one (1) thirty (30) acre parcel in Tier III remains vacant and cannot meet the conditions set forth in 377-4.4 C., the SID restrictions on that thirty (30) acre parcel and remaining buildable vacant land within the SID may be removed, with the exception of the use provisions of the SID, through the Plan Amendment process under the conditions of Strategy SM under Policy #1 of the Comprehensive Framework Plan.

377-5 Uses Permitted

377-5.4 Uses which may be permitted through a Type III Procedure.

C. Transit Stations or Park and Ride Lots - Sections 430-89 and 430-1397.

19. SECTION 380 – CONVENIENT ACCESS TO TRANSIT OVERLAY DISTRICT

380-2 Conflicts

In the event of a conflict between the requirements of this district and requirements of any other provision of the Code or a community plan, except any Code provision specific to Section 418-3 (Corner Vision), 421, 422 or 501-8.5-~~E~~F. (Sight Distance), the requirements of this district shall control.

380-4 Development Standards

380-4.2 Pedestrian Plaza

A pedestrian plaza is a small semi-enclosed area which provides a place for pedestrians to sit, stand or rest. They are generally located at a transit stop, a building entrance or an intersection. They connect directly to adjacent sidewalks, walkways, transit stops and buildings. Pedestrian plazas have amenities, such as seating and pedestrian scaled lighting.

- C. In addition to meeting the standards of ~~308-5.2 B.~~380-4.2 B., all developments that generate an additional one thousand (1000) ADT shall provide a pedestrian plaza that has a total area of, at a minimum, three hundred (300) square feet, and includes at a minimum, four (4) sitting spaces.

20. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-6 Prohibited Uses

390-6.2 The following structures and uses are prohibited in all non-residential districts in the North Bethany Subarea.

- A. Structures or uses not specifically authorized by Section 390.
- B. The use of a manufactured dwelling, except as provided in Sections 430-135.1 A. – Temporary Uses ~~and 430-1.2 – Accessory Use.~~
- C. New residential uses except as provided in Sections ~~311-3.6~~390-13.3 H. and ~~311-3.16~~390-14.3 G. and K.

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

390-8.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and 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.

- A. Boarding House, including a Bed & Breakfast for more than five (5) persons in an existing dwelling – Section 430-19.

390-14 Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.3 Uses Permitted Through a Type II Procedure

C. Commercial School, such as vocational, music, dance, martial arts, when developed as part of a mixed-use development – Section 390-16.93.

K. Live / Work Housing – Section 390-16.57.

390-15 Institutional North Bethany District (INST NB)

390-15.5 Dimensional Requirements

C. Height:

(4) The height of telecommunication facilities are regulated by the Permitted Use sections of this District, Sections 201, 430-1, 430-109, ~~845-7~~ and other applicable provisions of this Code.

390-17 North Bethany Planned Development Standards

390-17.9 Modification of Standards through the Planned Development, Excluding Planned Developments for Cluster Housing

B. Allowed Modifications

(2) The reduction of private roadway pavement width may be ~~made~~ allowed, subject to fire district approval, if provisions are made to provide off-street parking in addition to that required ~~in~~ by the Off-Street Parking Section 413-5; of this Code. ~~In no event shall the reduction exceed that approved by Tualatin Valley Fire and Rescue;~~

(3) Maximum height limitations may be increased up to seventy (70) feet;

(4) Parking requirements for non-residential development may be reduced ~~up to thirty (30) percent~~ as provided in Sections 413-448 through 413-12;

390-17.10 Standards for the Public or Private Open Space Option

B. The open space shall be improved and landscaped to reflect the intended character of the development, the requirements of Section 390-17.10 C below, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space), other Code standards, including the landscaping and screening and buffering requirements of Sections 407 and 411, and Density Restricted Lands designated by the North Bethany Subarea Plan. However, Commercial or Institutional Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-123).

390-22 Additional North Bethany Subarea Development Standards

390-22.3 Neighborhood Circulation

A. Streets

- (3) Streets shall be designed to be consistent with other applicable requirements of the North Bethany Subarea Plan, such as the requirements for Primary Streets, the street tree program, Area of Special Concern provisions for Road Corridors, and street related design elements.
- (4) Traffic management elements incorporated into the street cross sections shall be consistent with the North Bethany Street Design Cross-Sections and the Washington County Road Design and Construction Standards. Curb extensions, colored and/or textured pavement treatments, or medians may be allowed on any public street based on prior approval from the County Engineer and findings that the treatment will be safe, will not result in an unreasonable amount of public maintenance, and will maintain the functional classification of the facility.

In addition to the requirements of Section 390-2422.3 A.(3) above, the Review Authority may approve other traffic management measures on any North Bethany street based on prior approval from the County Engineer through the engineering modification process. Any prior engineering approval for such measures is to be considered preliminary and subject to subsequent land use approval.

390-22.4 Signs

Signage in the North Bethany Subarea shall comply with the following requirements:

A. Standards

- (1) Signage attached to a building shall complement the building's character (e.g., wall signs shall not cover building columns).
- (2) In all of the residential districts in the North Bethany Subarea, the standards of Section 414-1 shall apply.
- (3) In all of the non-residential districts in the North Bethany Subarea, the standards of Section 414-2 shall apply, except as noted in this Section.

B. Exceptions to Section 390-2422.4 A.

- (1) Façade-mounted, non-residential signs shall not exceed five (5) percent of the area of the façade upon which it is mounted, up to a maximum of two hundred (200) square feet per façade or four hundred (400) square feet per building.
- (2) Ground-mounted monuments or site entry markers up to fifteen (15) feet in height may be approved subject to the following:
 - (3a) Total area and volume of the portion of the monument or marker incorporating sign letters shall not exceed forty-five (45) square feet or ninety (90) cubic feet; and
 - (4b) Position of the monument or marker shall not obscure roadway visibility or result in potential traffic hazard(s) as may be determined by the County Engineer.

390-28.4 General Requirements

~~390-28-4.2 A parcel without frontage on a public road may be approved when:~~

- ~~A. There is no dwelling on the property;~~
- ~~B. The property line locations are consistent with the applicable requirements of the North Bethany Subarea Plan (e.g. provisions applicable to the subject site, a park, or regional stormwater facility proposed for the site);~~

~~C. The applicant demonstrates that access to the parcels, consistent with the requirements of the Primary District and applicable standards of this Code and the North Bethany Subarea Plan, will be provided when the parcels created by the partition are developed; and~~

~~D. Necessary access easements or access rights are recorded to provide access to a new parcel(s) that will not have frontage on a public street. Access easements shall be a minimum of thirty (30) feet in width, or as approved by the Fire Marshal. Alternative access agreements (such as temporary access) may be allowed as approved by County Counsel.~~

~~390-28-4.3 Prior to final approval, the following documentation shall be submitted to the Director:~~

~~A. A copy of the restrictive covenant or other legally binding document approved by County Counsel which addresses the items described below. The document shall be recorded in the Washington County Deed Records and shall be binding upon all heirs, successors and assigns.~~

~~(1) Identify the parcel or parcels that will be owned by THPRD or CWS and state that the use of the parcel(s) is limited for use as a park and/or regional stormwater facility;~~

~~(2) That existing and all future owners agree to the requirement that no development shall be permitted on any parcel created by the partition unless approved by a subsequent land use application or permitted by Section 390-28.2 B;~~

~~(3) The subsequent land use application for each parcel shall be conditioned to satisfy all deferred County standards as permitted by Section 390-28.2;~~

~~(4) That existing and all future owners agree to execute one or more property line adjustments in order to facilitate the development of each parcel consistent with the applicable standards of this Code and the North Bethany Subarea Plan, including but not limited to roads, parks and regional stormwater facilities;~~

~~(5) The conditions of approval of the partition application shall be included in the restrictive covenant or other legally binding document; and~~

~~(6) The restrictive covenant or other legally binding document required by this Section shall not be released unless approved by the Director and County Counsel.~~

~~B. A copy of any recorded use, ownership and maintenance rights of any easements or tracts that are subject to any of the created parcels.~~

~~C. Documentation from CWS that all applicable CWS standards have been satisfied.~~

21. SECTION 404 – MASTER PLANNING

404-1 Type I, Site Analysis of a New Use or Expansion of an Existing Use

404-1.1 On-site analysis is required for all development except:

- C. One duplex on an approved duplex lot (Section 430-13.3) if the proposed duplex dwelling is exempt from public facilities standards per Section 501-2.2;

22. SECTION 418 - SETBACKS

418-3 Corner Vision

Lots or parcels on street corners (public and/or private) shall maintain a sight triangle with no sight obstruction between three (3) feet and ten (10) feet in height as measured from street grade. Sight obstructions include, but are not limited to, fences, vegetation, berms, and structures. The sight triangle shall be measured from the street corner (apex), a distance of twenty (20) feet along each street side (see Figure 1). For the purpose of this Section, street corner is defined as that point where the extended edge of the road surface of two intersecting streets meet. The County may require additional vision clearance based on a hazard identified by the County. Nothing in this Section shall supersede proper application of the sight distance standards in Section 501-8.5 ~~EF~~.

23. SECTION 419 - HEIGHT

419-3 A fence, lattice work, screen or wall (includes retaining wall) not more than seven (7) feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to eight (8) feet. Any fence over ~~six (6)~~ seven (7) feet in height requires a building permit. Any retaining wall over four (4) feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).

24. SECTION 421 - FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421-1.1 The maps entitled "~~Flood Plain Series Insurance Rate Map, Washington County, Oregon.~~" ~~Revision 5/01/1974, 1/03/1978, 1/1981 and 5/25/1983 and 12/12/1983 based upon data from the U.S. Army Corps of Engineers; U.S.G.S.; U.S.B.; S.C.S.; and Washington County effective dates 9/30/1982 and 2/18/2005,~~ together with the ~~Flood Insurance Rate Maps and the~~ "Flood Insurance Study for Washington County" maps, as may be amended from time to time, including the Flood Boundary and Floodway Map, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) hereby are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. But where the maps are not available, or where the Director determines more updated information is available, the Director may use any base flood elevation and floodway data available from a federal or state source, or from a licensed professional engineer, ~~any other authoritative source,~~ to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

421-8.2 Construction standards for new dwellings and substantial improvements to existing dwellings in flood areas:

E. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting the above requirement must either be certified by a registered professional engineer, or must meet or exceed the following minimum criteria:

(3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without manual intervention.

421-9.3 In new manufactured dwelling parks and subdivisions, or in expansions to existing manufactured dwelling parks and subdivisions, or where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured dwellings not placed in a manufactured dwelling park or subdivision, the following shall be required:

A. Stands or lots shall be elevated on compacted fill or on pilings so that the ~~lowest floor of the manufactured dwelling will be at least one (1) foot above the flood surface elevation;~~ bottom of the chassis is elevated to be at or above the Base Flood Elevation. The Oregon Manufactured Dwelling Specialty Code also requires that all electrical crossover connections shall be a minimum of twelve (12) inches above the Base Flood Elevation. The more restrictive requirement shall prevail.

- B. Adequate surface drainage and access for a hauler are provided; and
- C. In the instance of elevation on pilings, that:
 - (1) Lots are large enough to permit steps;
 - (2) Piling foundations are placed in stable soil not more than ten (10) feet apart; and
 - (3) Reinforcement is provided for pilings more than six (6) feet above the ground level.

421-9.4 Placement of, or substantial improvements to, manufactured dwellings on sites outside of a manufactured dwelling park or subdivision, or in a new or existing manufactured dwelling park or subdivision, or in an expansion to an existing manufactured dwelling park or subdivision, shall be elevated on compacted fill or on pilings so that the ~~lowest floor of the manufactured dwelling will be at least one (1) foot above the flood surface elevation; bottom of the chassis is elevated to be at or above the Base Flood elevation;~~ bottom of the chassis is elevated to be at or above the Base Flood elevation; ~~elevation~~ Elevation on pilings shall meet the requirements of Section 421-9.3 C.

25. SECTION 424 - CREATION OF PARCELS IN THE EFU, EFC AND AF-20 DISTRICTS

424-5 Creation of a Parcel with an Existing Historic Dwelling in the EFU and AF-20 District

To create a parcel with an existing dwelling to be used for historic property:

- 424-5.1 The dwelling shall be listed on the National Register of Historic Places.
- 424-5.2 A replacement dwelling to be used in conjunction with farm use may be approved for the vacant parcel at the time the parcel is created if the dwelling has been approved through Subsection 340-4.1 ~~KM.~~ or 344-4.1 ~~KM.~~, whichever is applicable.
- 424-5.3 The Review Authority shall not approve the land division unless any additional tax imposed for the change in use has been paid.

26. SECTION 430 - SPECIAL USE STANDARDS

430-1 Accessory Uses and Structures

430-1.1 Residential:

B. Development Standards:

- (8) An accessory structure is considered “detached” if:
 - ~~(a)-~~ The distance between the closest walls of the primary building and the accessory building(s) is greater than twenty (20) feet; or
 - ~~(b);~~ if When closer than twenty (20) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway or carport.
- (9) A variance or hardship relief change to ~~this dimensions~~ under Section 430-1.1 B. (8) is prohibited.

430-1.2 Commercial and Institutional:

- (5) An accessory structure is considered “detached” if:
 - ~~(a)-~~ The distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or
 - ~~(b);~~ if When closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway.

430-1.3 Industrial:

- (5) An accessory structure is considered “detached” if:
 - ~~(a)-~~ The distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or
 - ~~(b);~~ if When closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway.

430-33 Commercial Activities in Conjunction with Farm Use

430-33.4 Sign:

A. Only One (1) sign (only) shall be allowed per use shall; and

B. It shall have a maximum area of thirty-five (35) square feet.

~~A. Be for commercial identification only;~~

~~B. Have a maximum area of thirty-five (35) square feet.~~

430-63 Home Occupation

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1 C does not apply to bed and breakfast facilities). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons). A home occupation shall not be conducted on a site that includes an accessory dwelling unit, from either the primary dwelling unit or the accessory dwelling unit, except as allowed under Section 201-2.18 (CDC Section 430-117.1 J):

430-109 Receiving and Transmitting Antennas, Communication and Broadcast Towers

430-109.4 Communication Towers (i.e., Facility 2) may be located in all land use districts, excluding those towers regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2, through the Procedure Type I provided:

A. The tower is designed to resemble an object, which is not other than a wireless telecommunication facility, in appearance, physical dimensions, proportion and scale. The object shall be one that and which is already present exists or would commonly exist on-site or in the surrounding area based on the site's land use designation and natural environment features. Examples include, such as an indigenous evergreen tree, or man-made objects, such as a flag pole, or light pole, pole post, pole signs, a clock or bell tower, a church steeple, cross or other/ religious symbol, or a silo, that are or would be commonly found on the site or in the surrounding area based upon the site's land use designation. The tower's physical dimensions are proportionate and scaled to resemble the natural or manmade object.

430-113 Recycle Drop Box

430-113.4 The maximum sign area shall be four (4) square feet ~~and shall be for identification purposes only; and.~~

430-117 Single Family Accessory Dwelling Unit

430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

J. A home occupation shall not be conducted from either the primary or the accessory dwelling unit, except as provided for by Section 201-2.18;

430-119 Sawmill, Lumber Manufacturing

430-119.2 Signs:

- A. Only One (1) sign (only) shall be allowed per use shall; and
- B. It shall have a maximum area of thirty-five (35) square feet.
- ~~A. Be for commercial identification only;~~
- ~~B. Have a maximum area of thirty-five (35) square feet.~~

27. SECTION 440 - NONCONFORMING USES AND STRUCTURES

440-10 Alteration or Expansion of Uses Not Conforming to the Access Requirements to Public or County Roads

Approval of an alteration, expansion or change in occupancy of a Type II use which currently does not conform with the requirements of Section 501-8.5 (Access to County and Public Roads) shall require that the use be brought into compliance with these standards when such changes create a twenty-five (25) percent or greater increase in the existing Average Daily Trips (ADT). Compliance must be assured

prior to the issuance of final approval or building permits for the expansion, addition or alteration.

28. 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 two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the ~~Washington County~~ Department of ~~Records~~Assessment & Taxation, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land.

Plats to lawfully establish unlawfully created units of land must be filed within ninety (90) days of the County's validation of the property – Section 216. Within ~~two (2)~~four (4) years of approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the ~~Washington County~~ Department of ~~Records~~Assessment & Taxation.

602-2 Expiration

The final approval for a land division, ~~or the approval of a property line adjustment~~ shall expire after two (2) years, and the approval for a property line adjustment shall expire after four (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.

602-7 Relocation of Access(es) for a Final Approved Partition for Nonfarm Parcels

For a final approved partition for the creation of a nonfarm parcel(s), a Type II procedure shall be used to process an application to relocate an approved access(es), including a private road, subject to the following:

- A. No existing or final approved property lines can be relocated;
- B. The access(es) can only be relocated on the property which was part of the initial application; and

C. The request complies with the standards of Subsection 501-8.5 ~~EE~~. (Sight Distance Standards).

29. SECTION 605 - LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB

605-1 Property Line Adjustment (Property Line Relocation)

605-1.3 Review Standards

The proposed property line adjustment must be found to comply with the applicable provisions of this Code and the applicable Community Plan, including the definition set forth above and the dimensional requirements of the district except as described in Section 605-1.1 B. No property line adjustment shall result in a boundary line that violates the setback standards of the applicable land use district unless a variance to the setback is approved. Property line adjustments shall comply with Section 501-8.5 (Access to County and Public Roads) except as provided in this subsection. Property line adjustments for parcels or lots which do not meet the sight distance standards of Section 501-8.5 ~~EE~~, (including existing accesses), shall be approved if the parcel or lot's sight distance is not decreased as a result of the property line adjustment.

605-2 Urban Land Divisions (Partitions and Subdivisions)

605-2.1 Procedures

Partitions and subdivisions shall be processed through a two-step process consisting of a preliminary review and a final review.

A. Preliminary Review:

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type I procedure when in an approved Special Industrial Overlay District (SID) and in conformance with the approved SID - Section 377-

**30. SECTION 610 - LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS
OUTSIDE A UGB**

610-1 Property Line Adjustments

610-1.1 A. General Limitations

Property line adjustments are limited as follows:

- (1) In the EFC District, no lot or parcel shall be reconfigured to qualify for a Lot of Record Dwelling under Section 430-37.2 E. (2). ~~With the exception of equal land area adjustments described under Section 610-1.1 B (1), all property line adjustments in the EFC District shall be reviewed under Section 610-1.1 C.~~

610-1.1 B. Property Line Adjustments Permitted Through a Type I Procedure

Property lines in the EFC District may be adjusted through a Type I procedure only if equal land areas are exchanged consistent with CDC Section 610-1.1.B. (2), below. All other property line adjustments in the EFC District shall be reviewed under Section 610-1.1 C.

Property lines in the EFU, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND and MAE Districts shall be adjusted through a Type I procedure provided:

- (1) Both properties meet or exceed the minimum lot or parcel size for the applicable district; or
- (2) Equal land areas are exchanged; or

- (4) For properties entirely outside the boundary of a city, one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable district before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable district; or
- (5) For properties entirely outside the boundary of a city, both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the property line adjustment.

C. Property Line Adjustments Permitted Through a Type II Procedure

Except as otherwise allowed under CDC Section 610-1.1.B. (2), in the EFC District, on lots or parcels located entirely outside the boundary of a city, property

lines may be adjusted through a Type II procedure when the following standards are met:

610-1.3 Review Standards

In addition to the applicable requirements of Section 610-1.1, property line adjustments shall meet the following standards:

- A. No additional lot(s) or parcel(s) shall be created as a result of the property line adjustment;
- B. No property line adjustment shall result in a lot line that violates the setback or dimensional standards of the applicable land use district unless a variance to the standard is approved; and

31. 709 - ALTERATIONS TO FLOOD PLAIN AND DRAINAGE HAZARD AREAS

709-1 The maps entitled "~~Flood Insurance Rate Map Plain Series, Washington County, Oregon, effective dates 9/30/1982 and 2/18/2005 Revision 5/10/74, 1/03/78, 1/81 and 5/25/83 and 12/12/83 based upon data from the U.S. Army Corps of Engineers; U.S.G.S.; U.S.B.; S.C.S.; and Washington County, together with the Flood Insurance Rate Maps, with amendments, and the "Flood Insurance Study for Washington County," with amendments, including the Flood Boundary and Floodway Map, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. But where the maps are not available, or where the Director determines more updated information is available, the Director may use any base flood elevation and floodway data available from a federal or state source, or from a licensed professional engineer any other authoritative source, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.~~"