

Start Here for July 9, 2024 Work Session

Inconsistent definition for ADU

- 18.20.090 (A) A second or secondary, self-contained, one-bedroom living unit with separate entrance and kitchen developed in conjunction with an existing single-family home and usually created in one of the following was:
 - 1) From existing space in the primary dwelling;
 - 2) From a combination of existing and newly created space associated with the primary dwelling;
 - 3) From a space within an existing accessory building, such as a detached garage, or
 - 4) From the addition of a new accessory building associated with an existing single-family home.
- Same definition for R-10, A-2
- In Core Residential, the “one-bedroom” limitation is not listed.
- Definition in Chapter 18.195 definitions: means a second or secondary, self-contained, dwelling unit with separate entrance and kitchen, developed in conjunction with an existing single-family residence.

Proposal:

- Modify the Definition in Chapter 18.195: A second or secondary, self-contained dwelling unit with separate entrance, kitchen and sleeping space developed in conjunction with a primary dwelling. An accessory dwelling unit may be created from space in the primary dwelling, from space within an accessory building, a new accessory building, or a combination of new and existing space in either an accessory building or the primary dwelling.
- Remove the definition in the R-7, R-10, A-2 and CR zones and refer to the Chapter 18.195.

RLUIPA – M-1 General Industrial Zone

Prohibits the imposition of burdens on the ability of parishioners to worship as they please and gives religious institutions (RI) equal footing as a theater, community center, or other similar use.

- M-1 - CU for any conditional use allowed in a commercial zone

Question: should this conditional use category continue, if so, then *RI* would be added as a CU.

	C-2 Highway Commercial	CMU Central Mixed Use	CC Corridor Commercial	GMU Gateway Mixed Use
Outdoor storage and display of merchandise	✓	✓	✓	✓
Government or other similar institutional uses	✓			
Warehouse or wholesale operation	✓			
Above ground utility yard and (above ground storage tanks only in C-2))	✓			✓
Large machinery or farm equipment sales, service or rental	✓			
A planned unit development under Chapter 18.110	✓	✓	✓	✓
Requests to exceed the permitted building height	✓	✓	✓	✓
Churches and associated church activities	✓	✓		
Service stations and fuel distribution, provided storage tanks are underground	✓			✓
Multi-family units, including a residential facility consistent with state law, and all shall be consistent with A-2 standards	✓			
Indoor mini-storage facility	✓			
Certified Child Care	✓	✓		
Marijuana retail sites, wholesale sales facilities and medical marijuana dispensaries, subject to other provisions...	✓			
Ground floor residential dwelling units		✓	✓	
Commercial parking lot or garage		✓	✓	✓
Research and Development			✓	✓
Light Industrial Uses, except listed prohibited uses			✓	✓
School, public or private, nursery, primary, middle, junior or senior high, college or university			✓	

Industrial Zones

M-1

- 18.55.030(B) – **eliminate** – allows any CU in commercial uses
- 18.55.030(M) – **eliminate** mini storage
- 18.55.020 (F) and (G) – **eliminate** – new office improvements and existing non conforming structures can be converted to office uses

LI

- 18.54.020(F) **eliminate** - Wholesale and or card-lock fuel station with approved loading and queuing space
- 18.54.030(D), (J) and (O) – **eliminate** - restaurants, power generation plants, and sewage treatment plants.

Final action on AH development application (ORS 197.311)

- Owned by a nonprofit corporation organized as a religious corporation within the UGB,
 1. Can apply:
 - Clear and Objective standards; or
 - Discretionary standards related to health, safety, habitability or infrastructure.
 2. Shall Approve the development of AH (60% AMI, 60 year covenant) if not zoned for housing if:
 - The property is not zoned for industrial uses; and
 - The property is contiguous to property zoned to allow residential uses.
 3. Shall be subject ONLY to the restrictions applicable to the contiguously zoned residential property without requiring a rezone. If there is more than one contiguous residential property, the zoning of the property with the greatest density applies.

Current definition of contiguous – see abut – means contiguous to, adjoining with a common boundary line.

Proposed definition of contiguous (from Hillsboro):

Having a property line, zoning boundary or wall in common, does not apply to buildings, uses, or property separated by a street or alley.

Height increase?

Existing

- Industrial:
 - M-1 – 35 feet
 - LI – 35 feet
- Town Center:
 - CMU – 3 stories or 40 feet, whichever is less; minimum of 16 feet in height
 - CR – 35 feet
 - CC – 3 stories of 40 feet, whichever is less
- Other Commercial:
 - GMU – 3 stories or 45 feet, whichever is less; height up to 40 feet with expanded setbacks
 - C-2 – 35 feet* CUP to exceed the permitted building height.
- MF:
 - A-2 – 35

Proposed

- Industrial:
 - M-1 – **75** feet
 - LI – **45** feet
- Town Center:
 - CMU – **5** stories or **60** feet, **with Baseline or Adair Frontage, 45 feet everywhere else**; minimum of 16 feet in height
 - CR – 35 feet
 - CC – 3 stories of 40 feet, whichever is less
- Other Commercial:
 - GMU – 3 stories or 45 feet, whichever is less; height up to 40 feet with expanded setbacks
 - C-2 – **40 feet**,
- MF:
 - A-2 – **45**

Questions:

C-2 should a CUP allow for greater height?

Should we change anything in the Solar Balance requirements?

GMU – Permitted Uses

Remove (B) Light industrial uses

Add a new permitted use: Public and private utilities including telephone exchanges, electric substations and data centers – but not gas regulator stations, water wells and public works yards.

18.75.030 Conditional uses permitted.

The following uses and their accessory uses are permitted when in accordance with Chapter [18.105](#) CMC:

(A) Research and development.

(B) Light industrial uses principally permitted under CMC [18.54.020](#), except those specifically listed in CMC [18.75.040](#).

18.54.020 Permitted uses.

The following uses are permitted outright with the appropriate site design review:

(A) Secondary manufacturing and processing of products made from components previously prepared from raw materials.

(B) Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, water wells and public work yards.

(C) Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.

(D) Research and development companies, experimental and/or testing laboratories.

(E) Internet and telephone system retail sales without counter sales, which are shipped out or shipped directly to customers of products prepared on site. The total retail sales area shall be less than 25 percent of the total building area in which the use is located.

(F) Wholesale and/or card-lock fuel stations with approved loading and queuing space.

(G) Electronics, building materials and home appliance recycling in an enclosed structure.

(H) Blueprinting, printing, publishing, or other reproduction services.

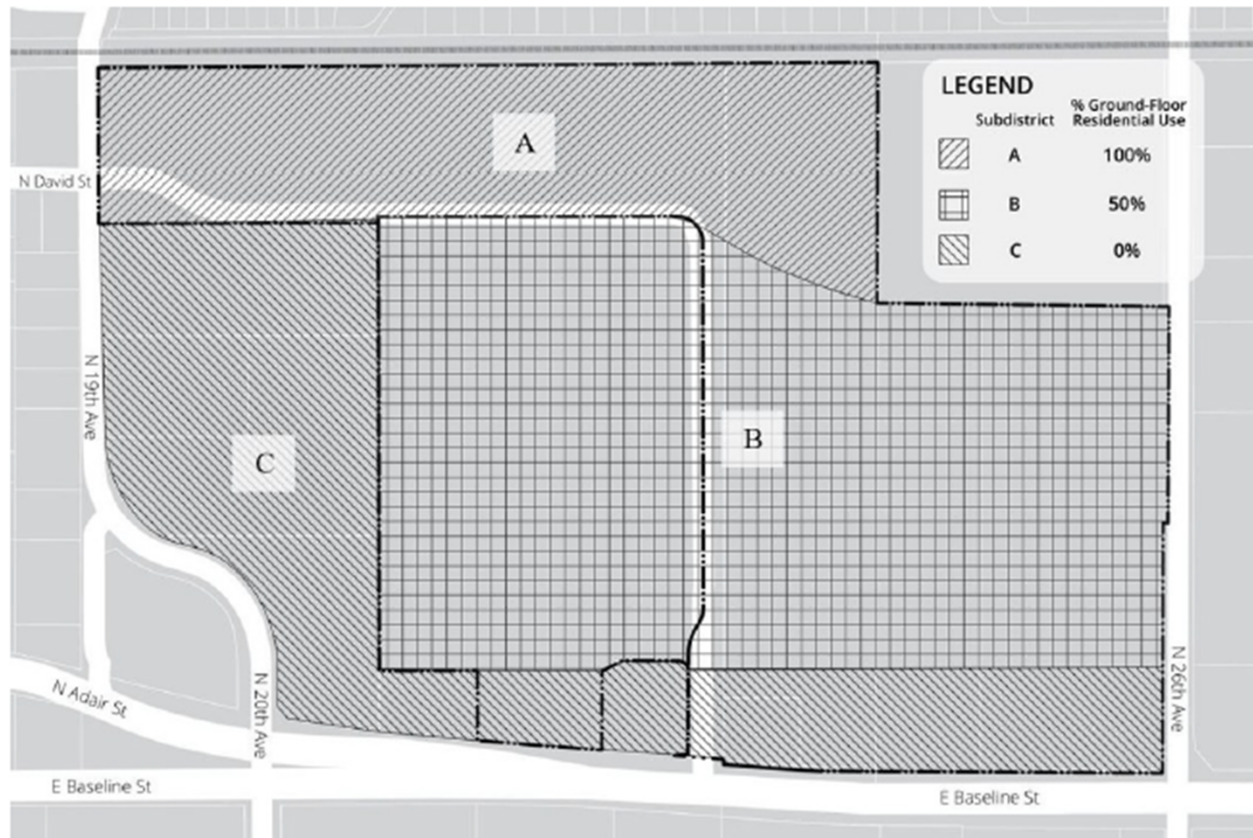
(I) Self-service storage facilities.

(J) Medical, dental and similar laboratories.

(K) Type "A" or Type "B" mobile vendor, as described in Chapter [5.35](#) CMC. [Ord. 916 § 2 (Exh. B), 2010; Ord. 2016-015 § 1 (Exh. A), 2016.]

Question: Add any other options under 18.54.020 as PUs in the GMU?

GMU – Mixed Use



Market forces are not producing the 50% ground floor commercial component. Hindering development. And potentially limiting existing entitlements from moving forward.

Consider allowing the developer to submit an application with up to 100% residential on the ground floor in B, but allow up to 50% residential on all floors above, at the choice of the developer.

Miscellaneous Issues

Extensions of time

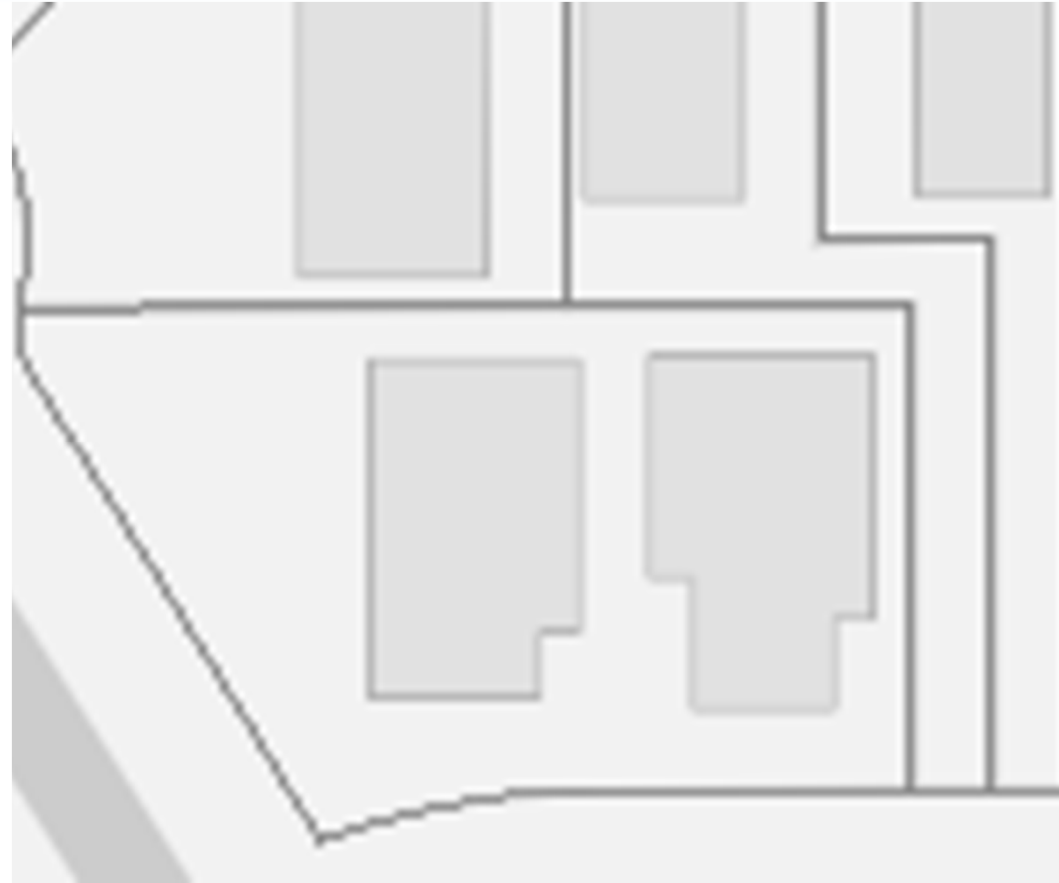
- See Astoria (Exhibit 4)

A-2 setback anomaly

Rear: 10 feet for a single story structure plus 5 feet for each additional story as measured from the foundation of the structure.

Side: For MF residences in the A-2, side yard setback is 5 feet for a single story structure plus 5 feet for each additional story as measured from the foundation of the structure.

Middle Housing – the outside perimeter applies to the future parcels – not interior separation. Building Code regulates the interior yard requirements.



Middle Housing/Expedited Land Division

- When codified, the Middle Housing Expedited Land Division and Expedited Land Division requirements were combined into one sub-heading. They should be separate.
- 17.05.060 Middle Housing Land Divisions ~~and Expedited Land Divisions~~
- 17.05.060(F) Preliminary Plat Procedures for ~~Expedited and Middle Housing~~ Land Division
- 17.05.060(G) Final Plat Procedures for ~~Expedited and Middle Housing~~ Land Division
- ~~17.05.060(G)(1) Expedited Land Division~~ – move to new section
17.05.070(E)
- 17.05.060(G)~~(2)~~ Just striking the Number – the text will remain
- ~~17.05.060(H)~~ **17.05.070** Expedited Land Divisions *17.05.070(A) Purpose* An Expedited land division (ELD) shall be defined and may be used as provided under ORS 197.360 through 197.380.

Middle Housing/Expedited Land Division

- ~~17.05.060(H)(1)~~ Selection **17.05.070(B) Applicability** An applicant who wishes to use an ELD procedure for a partition, subdivision, or planned unit development instead of the regular procedure type assigned to it must request the use of the ELD in writing at the time the application is filed, or the right to use it is waived.
- ~~17.05.060(H)(2)~~ **17.05.070(C)** Review Procedure and Approval Criteria
- ~~17.05.060(H)(3)~~ **17.05.070(D)** Appeal Procedure
- ~~17.05.060(G)(1)~~ **17.05.070(E) Final Plat Requirements for Expedited Land Division**