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¹Article 22: Residential Development Standards

22.010 Purpose

The purpose of this Article is to provide development standards for single and multi-dwellings, manufactured homes and recreational vehicle parks.

22.020 Concept

The provisions of this Article are supplementary to the Base Development Standards contained in Article 12 of this Code. These standards are intended to insure an acceptable living environment for future residents of a development proposal and to minimize impact to adjacent residents and property owners.

²22.030 Applicability

A development permit shall not be issued for any parcel or lot where compliance with the provisions of this Article has not been met.

The standards specifically apply to:

- (1) Planned Unit Development (PUD) Development Standards (Section 18.090)
- (2) Multi-Dwelling Projects
- (3) Modified Setback Option
- (4) Manufactured Housing
 - (a) Individual lots within the Manufactured Housing District
 - (b) Manufactured Dwelling Parks
 - (c) Health condition
- (5) Single detached¹⁰, single attached and duplex residences
- (6) Recreational Vehicle Parks
- (7) ¹⁰Accessory dwelling units

⁹22.040 Procedures

For procedure types for site plan review for various categories of housing development, see Schedule 12-2, and Schedule 12-3 for the RTC zones.

22.041 Pre-application Conference

The applicant shall request a pre-application conference with the Director as provided in Section 3.041 of this Code.

22.100 Multi-Dwellings

The provisions of this section apply to development containing multi-dwellings.

22.101 Density. Potential and actual densities shall not exceed that allowed by the applicable zoning district and comprehensive Plan designation. The ability to achieve maximum density may be affected by the degree of compliance with the standards of this section and, in particular, the provision for open space.

22.102 Open Space

(1) Purpose: Open space is area outdoor of residences that is generally open to air and sunlight and free of structures. Open space has many benefits. It buffers between uses and reduces feelings of overcrowding. It provides access to the sunlight and air. It often provides aesthetic or environmental benefits. Recreational open space provides opportunities for outdoor recreation and socializing. Pervious open space reduces storm runoff and recharges ground water.

(2) Types of Open Space: Open space as required by this section may be one of two types:

(a) Recreational Open Space: Recreational open space is area on a lot that is suitable for recreational use such as play, picnics, gardens, or sports. While recreational open space generally contains pervious surfaces, it may include impervious surfaces necessary to the recreational activity such as decks or sports courts. Recreational open spaces may be any of the following:

(i) lawn or similar living ground cover that allows active recreational use. This does not include areas covered with decorative rock, landscaping bark, shrubs, or similar materials.

(ii) decks, patios, balconies, picnic areas, gazebos, or similar facilities that are designed solely for recreation.

(iii) active recreation facilities such as playgrounds, swimming pools, and sports courts.

(iv) walking, jogging, biking, or similar trails, including adjoining natural areas. This does not include trails within a required exterior yard.

(v) cultivated gardens.

- (b) **Pervious Open Space:** Pervious open space must include surfaces permeable to water. This includes required landscaped yards, buffer areas, other landscaped areas, ponds, creeks, and other natural areas. It does not include streets, accessways, parking areas, areas covered by structures, or areas covered by asphalt, concrete, or decorative rock.
- (3) **Minimum Requirements.** All multi-dwelling projects shall provide open space as shown in Schedule 22-1¹⁰a and b, unless the special open space requirements in subsection (4) below apply. Where only a total is provided in Schedule 22-1a or b, the open space may be recreational, pervious or any combination of the two types.

Multi-Dwelling Open Space Requirements Schedule 22-1 ¹⁰ a			
Zone	Minimum Percent of Lot Required to be Open Space		
	Recreational*	Pervious*	Total
UR	15%	25%	40%
R-1	15%	25%	40%
R-2	15%	25%	40%
R-3	15%	20%	35%
R-4	15%	15%	30%

*Recreational open space with pervious surfaces may be used to fulfill minimum requirements in either category.

Multi-Dwelling Open Space Requirements Schedule 22-1b			
Zone	Minimum Percent of Lot Required to be Open Space		
	Recreational	Pervious	Total
GC	-	-	10%
RTC-I	-	-	10%
RTC-II	-	-	10%
RTC-III	-	-	10%
CBD	-	-	0%

- (4) **Special open space requirements for smaller lots.** For lots that are one-half (0.5) acre or less in size in the R-2, R-3 and R-4 zones, the following open space requirements apply. The requirements in this section supersede those requirements in Schedule 22-1a.

- (a) A minimum of 20 percent of the lot must be dedicated to open space. The open space may be recreational, pervious, or any combination of the two types.
 - (b) Open space areas not otherwise developed with recreational facilities shall be landscaped.
- (5) Exceptions. In the GC, CBD and RTC zones, the open space requirement may be reduced to zero percent (0%) if the development is located within a one-quarter mile radius of an existing public park or open space.

22.104 Separation Between Buildings at Property Lines. As required by applicable zoning district.

22.105 Exterior Elevations. To preclude large expanses of uninterrupted building surfaces, exterior elevations shall incorporate design features such as offsets, balconies, projections, or similar elements along each face of the building facing a public right-of-way or abutting property. Along the vertical face of the structure, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

- (1) Recesses (elevated decks, patios, entrances, etc.) with a minimum depth of four (4) feet, or
- (2) extensions (elevated decks, patios, entrances, floor area, etc.) with a minimum depth of four (4) feet, or
- (3) offsets or breaks in roof elevations of three (3) or more feet in height.

22.200 Modified Setback Option.

22.210 Purpose. The purpose of this provision is to allow structures in residential zones to locate on or near side or rear property lines. This allows flexibility in housing types and design, better utilization of remaining yard areas, and reduction of development costs.

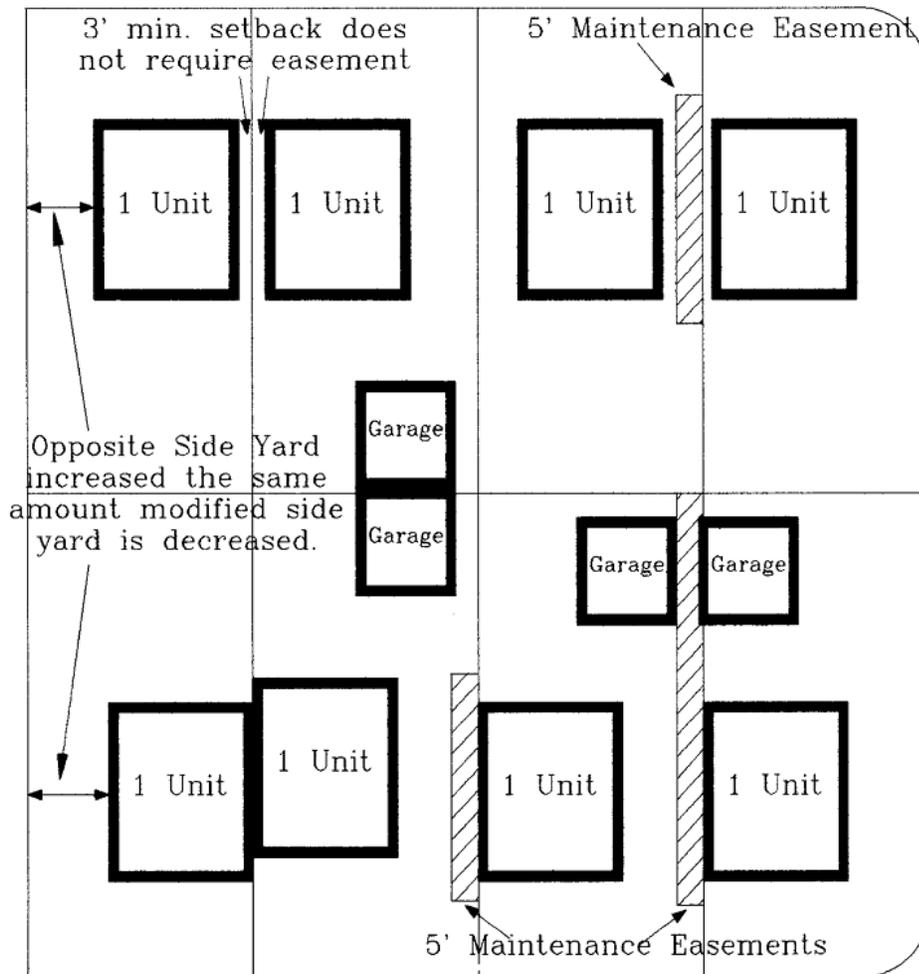
22.211 Applicability

- (1) The modified setback option allows modification of the residential interior side and rear yard requirements given in Section 12.152, Schedule 12-6. See Concept Sketch: Modified Setback Option. The modified setback must meet the standards of Section 22.220 below.
- (2) The modified setback option may not be used for exterior yards or for yards subject to a zone buffer as given in section 23.034 of this Code.
- (3) The modified setback option requires the consent of the abutting property owner according to Section 22.230 below.

Modified Setback Standards

Where the modified setback option is used, the following standards shall be met:

- (1) Where a side yard is reduced in width, the opposite side yard on the subject lot shall be increased an amount equal to the reduction.
- (2) Where a structure would be built within three feet of a side or rear property line, a five-foot wide maintenance easement shall be recorded on the abutting property according to Section 22.230. If the building would be attached to a building on the adjacent property, an agreement shall be recorded between the property owners describing the maintenance rights and obligations for the common wall.
- (3) Encroachments into a modified setback yard are allowed as provided in Section 12.400 of this Code. Encroachments shall not conflict with required exiting paths or maintenance easements. No portion of a structure or architectural feature shall project over a property line.
- (4) Development shall comply with the alternative solar standards of Section 22.623 of this Code. For purposes of calculating solar setbacks, attached buildings on abutting lots shall be considered one building on one lot.
- (5) The development shall meet the required architectural features standards. Attached buildings on separate lots shall be considered one building for this purpose.
- (6) The structure shall meet the applicable building code standards relating to wall separations.
- (7) A three-foot wide exiting path shall be maintained from any exit to a right-of-way as required by the applicable building code. Where this exiting path is on an abutting property, an access easement shall be recorded as provided in Section 22.230.



Concept sketch: Modified Setback Option

22.230

Recording Requirements

Any modified setback requires the consent of the abutting property owner. For single lot development, this is done through a recorded covenant and/or easement. For subdivisions or other multi-lot development, this is done through covenants or restrictions recorded on or accompanying the plat.

- (1) Recording Covenants. The property owner of the lot abutting the modified setback shall sign and record with the County Recorder a covenant and/or easement. For subdivisions or other multi-lot development, this is done through covenants or restrictions recorded on or accompanying the plat.
 - (a) Identify the lot and lot line where a modified setback would be allowed and the lot it abuts.
 - (b) State that buildings on the lot with the setback modification may be located at the specified distance from the property line.

- (c) Contain the consent of the owner of the lot abutting the modified setback.
 - (d) Be recorded with the County Recorder.
- (2) Maintenance Easement. Where a maintenance easement is required, the easement shall:
- (a) Be at least five feet wide and be configured to allow the abutting property owner access to maintain the wall of the modified setback building.
 - (b) Be kept free of obstacles sufficient to allow at all points a minimum three-foot wide access to the modified setback wall. Any fence within the easement shall be equipped with a workable gate as necessary to provide access.
 - (c) Be signed by the owner of the property and be recorded with the County Recorder. The easement shall specify the location and width of the easement, and shall state the restrictions listed above.
- (3) Recording Covenants and Easements on a Plat. Where the modified setback is proposed as part of a subdivision, partition, or Planned Unit Development Plat, the required easements shall be shown on the plat. The covenants and restrictions shall either be noted on the plat or on separate documents to be recorded with the plat.

22.300 Manufactured Housing Development Standards

³22.310 Purpose. The purpose of this section are as follows:

- (1) To provide for a compatible mix of housing types within the Manufactured Housing District.
- (2) To provide standards which promote safety and livability within and around manufactured dwelling parks.
- (3) To allow temporary housing which allows a family member to care for a relative with a serious health condition.

⁴22.330 Class “A” Standard: Individual Lots

22.331 Applicability. The standards of this section apply to the siting of manufactured housing on individual lots.

22.332 Insignia and Compliance

- (1) All units must meet the Manufactured Home construction and Safety Standards Act of 1974 of the U.S. Department of Housing and Urban

Development, as amended, and bear the “Insignia of Compliance” with the date of manufacture.

- (2) Used units must be certified upon inspection by the Building Officials to be in excellent condition and safe and fit for residential occupancy.

22.333

Foundation

- ⁸(1) Except as authorized in Subsection (2), the manufactured home shall be placed on an excavated and back-filled foundation, shall be enclosed at the perimeter with cement blocks or concrete such that the manufactured home is located not more than 12 inches above grade. The Building Official may modify this requirement as necessary due to topographic conditions such as a sloping lot, drainage problems, or location in the floodplain.
- ⁸(2) The requirement of Subsection (1) shall not be required when all of the following are met:
 - (a) The proposed manufactured dwelling is a replacement for an existing manufactured dwelling installed in accordance with law in effect at the time, and the existing foundation did not meet the excavation and backfill requirements of Subsection (1).
 - (b) There is no dwelling on the property other than the manufactured dwelling to be replaced.
 - (c) The replacement dwelling was manufactured no more than five years prior to the date of application for the installation permit.
 - (d) The property is an existing authorized lot of record, lot, or parcel created prior to August 5, 1998.
 - (e) The property has not been vacant for more than one year.
 - (f) The property has an existing private sanitary sewer service lateral connected to a municipal sanitary sewer main.
 - (g) The requirement for an excavated, backfilled foundation installed in accordance with Subsection (1) would result in either of the following:
 - (i) The excavation would preclude re-use of an existing gravity sewer lateral; or
 - (ii) The excavation would preclude gravity stormwater and groundwater drainage of the excavated area to existing public storm drainage facilities, by either surface or subsurface drainage from the excavated area to the public facility.
 - (h) When full compliance with Subsection (1) would preclude gravity sewer or drainage as provided above, all or a portion of the foundation

shall be excavated and backfilled to the extent that excavation can be accomplished while allowing for re-use of the existing sanitary sewer lateral and provision of gravity drainage facilities, while meeting minimum clearance requirements of the building code.

- (3) Nothing in Subsection (2) is intended to restrict the Building Official's authority to modify the requirement as specified in Subsection (1) or to preclude application for a variance for situations not covered in Subsection (2).

22.334 Development Standards

- (1) The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
- (2) Roofing. Roofing shall be as follows:
 - (a) Three in twelve pitch, minimum.
 - (b) Composition or wood shingles, shakes or similar material.
- (3) Siding Material. Siding material shall be wood or masonry, or material that gives the appearance of wood or masonry.
- (4) Additions and Accessory Buildings. A garage or carport must be constructed on the same lot as the manufactured home. A garage is required if over fifty percent of the adjacent lots which have a dwelling unit also have a garage. Additions, attachments and accessory buildings, such as porches, garages, etc., shall be constructed according to the Uniform Building Code, Oregon Edition. The exterior of any such addition shall be constructed of wood or masonry or material that gives the appearance of wood or masonry.
- (5) Architectural Features. The manufactured home shall meet the architectural requirements of Section 22.400.
- (6) Thermal Envelope. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

22.335 Submittal Requirements. The application for placing a manufactured home on a individual lot shall contain the following and shall be processed the same as a single family residence.

- (1) Minor Site Plan prepared in accordance with Section 19.072.
- (2) Application form and fee.

⁵22.340 Class “B” Standard: Manufactured Dwelling Parks

22.341 Applicability. The standards of this section apply to the siting and development of manufactured dwellings in Manufactured Dwelling Parks.

22.342 Permitted Uses. Manufactured Dwelling Parks may contain manufactured dwellings, as defined in Article 30 of this Code, and accessory structures, community laundry and recreational facilities and other common buildings for use by park residents only, and one site-built residence for use of a manager responsible for operating the property.

22.343 State Development Standards. The development standards of the Manufactured Dwelling Park shall be as provided in Oregon Administrative Rule 918 Division 600 as administered by the Oregon Department of Commerce. The rule covers standards for construction, plan review, construction inspections, setbacks, space coverage, skirting and other park requirements. These OAR development standards shall apply except where other standards in this section are more restrictive.

22.344 Local development Standards

- (1) Park Area. The minimum total area for a manufactured dwelling park shall be two (2) acres.
- (2) Space Area. The minimum space area for a manufactured dwelling space in a manufactured dwelling park shall be 2000 square feet. Park density shall not exceed the maximum density of the zoning district.
- (3) Setbacks. All manufactured dwellings and other structures shall be set back from property lines and public rights-of-way as required by Schedule 12-6.
- (4) Insignia and Compliance
 - (a) All units must either meet the manufactured Home Construction and Safety Standards Act of 1974 of the U.S. Department of Housing and Urban Development, as amended, and bear the “Insignia of Compliance” with the date of manufacture, or meet all applicable regulations in effect at the time of manufacture.
 - (b) Used units must be certified upon inspection by the Building Official to be in excellent condition and safe and fit for residential occupancy.

22.345 Reference Standards : For other applicable standards, refer to other sections of this Code as follows:

- (a) Solar Standards, Article 22.
- (b) Landscaping, Article 23.
- (c) Environmental Standards, Article 24.

- (d) Park access, parking and traffic circulation, Articles 25 and 27.
- (e) Park lighting, Article 23 and 27.
- (f) Signs: Article 26.
- (g) Utilities: Article 28.

22.346 Buffering. The Manufactured Dwelling Park shall be buffered from adjoining use and development by using Buffer Type D-3, as provided in Schedule 23-4, Section 23.034 of this Code.

22.347 Submittal. The following material will be submitted with the application:

- (1) Professional Design Review. The applicant for a proposed manufactured dwelling park shall certify in writing that the talents of a registered architect or professional designer, landscape architect, and registered engineer or land surveyor licensed by the State of Oregon have been utilized in the design and development of the project. The names, state license numbers and seal of signature of those professionals employed shall appear on the cover sheet of Park design drawings.
- (2) Site Plan. Pursuant to the submittal requirements for a Major Site Plan Map (Section 19.072) a site plan shall be prepared and submitted as part of the application.

⁶22.350 Class “C” Standard: Manufactured Home for Health Condition

22.351 Applicability. Where a serious health condition exists and continuous care of a family member is required, a manufactured home may be temporarily allowed on an existing lot subject to the provisions of this section.

22.352 Development Standards.

- (1) All units must meet the Manufactured Home Construction and Safety Standards Act of 1974 of the U.S. Department of Housing and Urban Development, as amended, and bear the “Insignia of Compliance” with the date of manufacture.
- (2) Used units must be certified upon inspection by the Building Official to be in excellent condition and safe and fit for residential occupancy.
- (3) Installation of the unit shall meet the requirements of OAR 814, Division 23 as the requirements apply to setup, tie downs, sewer, water, electrical and utility connections.
- (4) The unit shall be skirted around the entire perimeter in accordance with OAR 814-23-070.

- (5) The unit shall be sited within setbacks required by the Zoning District, or a variance to setback obtained as provided in Section 6.020 or 6.030.
- (6) No roof, porch or other accessory structure shall be added for the unit above, except a structure needed to provide access to the home.

22.353 Criteria for Approval. The review body's decision shall be based upon the following criteria:

- (1) Compliance with the development standards specified in Section 22.352.
- (2) Manufactured home is situated on the same lot upon which the applicant's home is situated.
- (3) The occupants of the manufactured home and the permanent home must be related by blood or adoption, such as parent-child, grandparent-grandchild, brothers or sisters.
- (4) A licensed physician has certified the health condition.
- (5) Applicant agrees to annual review of permit and agrees to remove manufactured home within 60 days when health condition is no longer valid.

22.354 Submittal Requirements. The application for a manufactured home for health conditions shall include the following:

- (1) Minor Site Plan prepared in accordance with Section 19.072.
- (2) Certification from a licensed physician that the health condition warrants constant attention.
- (3) Application form and fee.
- (4) Security sufficient to insure removal of the manufactured home when the health condition is no longer valid, such as a bond, letter of credit, cash, savings account, or similar form of security acceptable to the Director and City Attorney.

⁷22.400 Architectural Features for Single and Duplex Residences.

22.401 Purpose. The purpose of this section is to establish and maintain the residential scale and character of neighborhoods by precluding large expanses of uninterrupted building surfaces.

22.402 Applicability. All single detached¹⁰, single attached and duplex residences shall have architectural features along any face of the building that is visible from a street. A building face is considered visible from a street if it is less than 60 feet from a street right-of-way, is at an angle of 45 degrees or less from a street right-of-way, and is not blocked from view by another structure for over half of its face.

22.403 Required Architectural Features. The architectural features required in Section 22.402 shall include two of the following for the first 40 feet of length, and one for each additional 30 feet of length or any part thereof:

- (1) A roof overhang along the full face of one foot or greater.
- (2) A break in the normal roof elevation of three or more feet in height, such as a dormer or hip roof.
- (3) A recess with a minimum depth and width of three feet, such as an entry.
- (4) A permanent extension with a minimum depth and width of three feet and height of eight feet, such as a bay window or a covered deck, porch, or patio.
- (5) A permanent uncovered deck, porch, or patio with a minimum depth and height (including railing) of 3 feet, and a minimum length of 15 feet.

22.500 Recreational Vehicle Park Development Standards

22.510 Purpose. To provide development standards for parks serving recreational vehicles.

22.520 Length of Stay. There shall be no limit to the length of stay for patrons of the park, provided the following requirements are met:

- (1) All standards of this section are continuously met.
- (2) All park rules are adhered to.

22.530 Development Standards

22.531 State Standards. RV Parks shall conform to Oregon Administrative Rules, Chapter 333, Divisions 3 and as amended at a minimum. These OAR development standards shall apply except where other standards in this section are more restrictive.

22.532 Local Standards.

- (1) The space provided for each RV shall not be less than 625 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than RVs and landscaped areas.
- (2) Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 18 feet in width if parking is not permitted on the edge of the roadway, shall be paved with asphalt or concrete and designed to permit easy access to each RV space.
- (3) A space provided for an RV shall be paved with compacted fine gravel, asphalt or concrete and be designed to provide runoff of surface water.

- (4) The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, shall be landscaped with turf, shrubs or other living groundcover. One large variety deciduous shade tree shall be provided per RV space, so located to provide mid-day and afternoon shade in summer. The tree shall be a minimum of one inch (1") in caliper and eight feet (8') in height upon planting.
- (5) Each RV space shall be provided with municipal piped water and municipal sanitary sewage disposal system service. An RV staying in the park shall be connected to the water and sewage service provided by the park.
- (6) Each RV space shall be provided with electrical service.
- (7) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- (8) The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per RV space. Parking spaces shall be paved with fine crushed rock, asphalt or concrete.
- (9) The park shall provide toilets, lavatories and showers for each sex in the following ratios: for each 50 recreational vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; and one toilet, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate building, or, if in the same building shall be separated by a soundproof wall.
- (10) The park shall provide on utility building or room containing one clothes washing machine, one clothes drying machine and space for clothes sorting.
- (11) Building spaces required by subsections (9) and (10) of this section shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature no lower than 65° Fahrenheit, shall have floor of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.
- (12) The park shall be buffered from surrounding use and development by a 5' setback and landscape strip at all interior side and rear lot lines, and the required 10' setback and landscape strip at front and exterior lot lines. Side and rear lot lines shall also be screened by a 6' sight obscuring fence, and the landscape strip shall have as a minimum requirement that provided in Section 23.034 (3), Buffer Strip Landscaping.

- (13) The park shall be maintained in a neat appearance at all times. There shall be no outdoor storage of materials or supplies except articles commonly used in travel, such as lawn chairs, table, hibachi and travel chest. Indoor storage shall be confined to one building at the rear or side of the lot, built according to the Uniform Building Code, Oregon edition.
- (14) The park shall provide each RV space with a patio slab of concrete or asphalt, measuring 8' x 12' at a minimum.
- (15) No manufactured housing or site built housing shall be permitted on the site, except only one unit for manager of the RV park.

22.533 Upgrading Required.

- (1) Due to the transient nature of RV Park use, and notwithstanding Section 1.080, Validity and Prior Approval, all RV parks existing at the time of adoption of this Code shall be required to submit a plan for upgrading the RV park to the standards of this Code.
- (2) The upgrading plan shall be submitted and approved within 12 months of adoption of this Code, and upgrading shall be completed within 36 months of upgrading plan approval.
- (3) Review and approval for upgrading existing RV parks shall be the same as review and approval of proposed RV parks under this section, including fee submittal.
- (4) Failure to submit such an upgrading plan shall result in initiation of proceedings to revoke the RV Park Development Permit, subject to the provisions of Section 3.028.

22.540 Review Procedure

- (1) Development of an RV Park shall be reviewed using the procedures specified in Schedule 12-2 of this Code.
- (2) A complete submittal shall be made as provided in Section 3.050, which submittal shall include a major site plan as provided in Section 19.072 of this Code.

22.600 Solar Standards

22.610 Purpose

Access to sunlight contributes significantly to the public's health and welfare. This section seeks to provide a reasonable amount of access to sunlight to residences and by encouraging new residences to have solar orientation, and by limiting the shadow other structures may cast on them. This section also seeks to balance this need for providing solar access with the need to provide flexibility in density, location, and design of housing.

The benefits of access to sunlight include:

- (1) Solar radiation falling on a structure acts as a natural heat and light source, thereby conserving energy. Studies have shown that homeowners can save significantly in their annual heating and lighting costs by providing solar access to their homes.
- (2) Access to sunlight has been shown to have significant positive effects on the public's general health and demeanor.
- (3) Sunny, naturally lit homes not only have an aesthetic appeal, but also have been shown to command a higher resale value.
- (4) Active solar energy systems may be used to convert sunlight to electricity, thereby reducing energy bills and dependence on other energy sources.

22.611 Effects

- (1) Protection from shade is accomplished through a solar setback standard, Section 22.620. These standards require that structures shading most residential lots be situated far enough from the north edge of the lot so that shade cast on ht adjoining lot to the north is minimized.
- (2) Solar building orientation is encouraged, and solar access is protected while preserving housing design options through the solar lot design standards, Section 22.630.
- (3) Protection from shade by vegetation is accomplished on a case by case basis through a solar access permit procedure, Section 22.640.

22.620 Solar Setback Standards

22.621 Applicability.

Any structure that requires a building permit on a lot to the south of a lot in a residential zone shall comply with Section 22.622 or 22.623 unless the applicant can demonstrate that any of the following apply:

- (1) Slopes. The average north facing slope from the northern property line to the natural grade at the building site exceeds 15 percent.
- (2) Pre-existing shade. The structure will shade an area that is shaded by one or more of the following:
 - (a) An existing or approved building or structure.
 - (b) A topographic feature.
 - (c) A non-exempt tree that will remain after development of the site. It is assumed that a tree will remain after development if it is: situated in a

required setback, part of a developed area, public park, or legally reserved open space, part of landscaping or other features required pursuant to this Code, or is protected by a covenant or other restriction.

- (3) Insignificant Benefit. The shadow cast by the proposed structure shades one or more of the following:
 - (a) A non-developable area, such as a roadway, an area within a required setback, or a public use, excluding public open space uses.
 - (b) A wall of an existing non-residential structure or unheated space, such as a garage, excluding solar greenhouses and other similar solar structures.
- (4) Insignificant shadow. The structure casts a shadow less than four feet wide.
- (5) R-4 lot. The structure will be constructed on an R-4 zoned lot that is being developed at a density greater than 17.5 dwelling units per acre.
- (6) Solar Envelopes, Building Lines, and Recorded Exemptions Recorded under Prior Ordinances. Construction on a lot with a recorded solar envelope, solar building line on the lot to the north, or other recorded exemption may be exempt from the standards in Section 22.622 or 22.623, provided the construction complies with the conditions of the envelope, building line, or exemption.
- (7) Modified Setback Option. Development using the modified setback option shall comply with the alternative solar standards of Section 22.623. For purposes of calculating solar setbacks, attached buildings on abutting lots shall be considered one building.

22.622

Base Solar Setback Calculation

- (1) Calculating Minimum Solar Setback

The shade point of a structure shall be set back from the northern lot line not less than the setback specified in Schedule 22-2, or the amount calculated by the following formula:

$$SSB = (1.96 \times SPH) - 57 + (N/2)$$

Where:

- SSB = The solar setback, in feet (the horizontal distance between the shade point and the northern lot line, in feet. See Article 30: Definitions);
- SPH = The shade point height, in feet (see Concept Sketch: Determining Shade Point and Article 30: Definitions); and

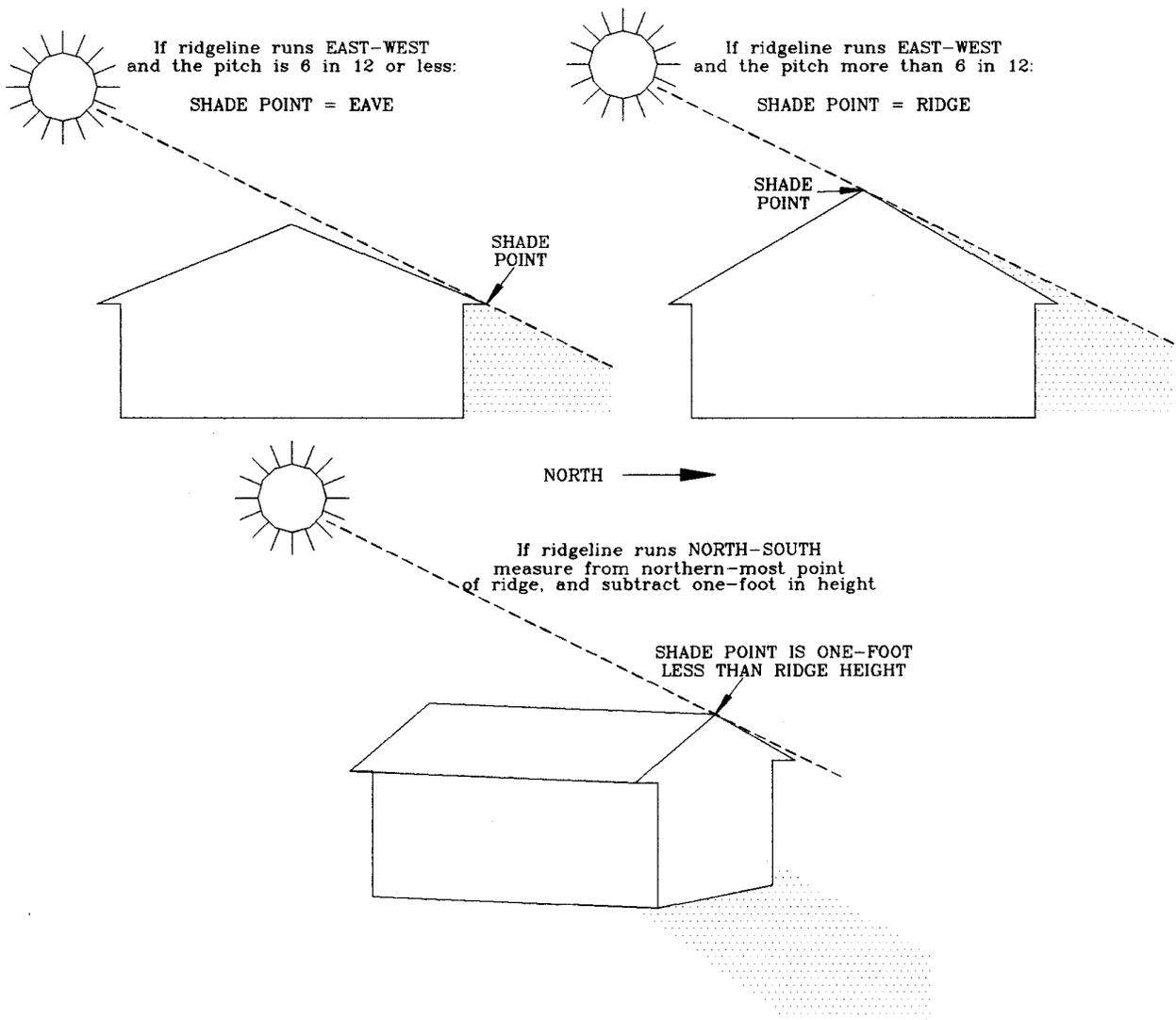
N = The north-south lot dimension, in feet (See Article 30: Definitions). If the north-south lot dimension is more than 80 feet, a value of 80 is used.

(2) Calculating Maximum Shade Point Height

The maximum shade point height shall be less than or equal to the height specified in Schedule 22-3, or as computed using the following formula:

$$SPH = \frac{(2 \times SSB) - N + 114}{3.92}$$

where the variables have the same meaning as in 22.622(1).



Concept Sketch: Determining Shade Point

Schedule 22-2: Minimum Solar Setbacks							
Shade Point Height in feet (SPH)	North-South Lot Dimension in feet (N)						
	80+*	75	70	65	60	55	50
	Minimum Solar Setbacks in feet (SSB)**						
10	2.6	0.1	0.0	0.0	0.0	0.0	0.0
11	4.6	2.1	0.0	0.0	0.0	0.0	0.0
12	6.5	4.0	1.5	0.0	0.0	0.0	0.0
13	8.5	6.0	3.5	1.0	0.0	0.0	0.0
14	10.4	7.9	5.4	2.9	0.4	0.0	0.0
15	12.4	9.9	7.4	4.9	2.4	0.0	0.0
16	14.4	11.9	9.4	6.9	4.4	1.9	0.0
17	16.3	13.8	11.3	8.8	6.3	3.8	1.3
18	18.3	15.8	13.3	10.8	8.3	5.8	3.3
19	20.2	17.7	15.2	12.7	10.2	7.7	5.2
20	22.2	19.7	17.2	14.7	12.2	9.7	7.2
21	24.2	21.7	19.2	16.7	14.2	11.7	9.2
22	26.1	23.6	21.1	18.6	16.1	13.6	11.1
23	28.1	25.6	23.1	20.6	18.1	15.6	13.1
24	30.0	27.5	25.0	22.5	20.0	17.5	15.0
25	32.0	29.5	27.0	24.5	22.0	19.5	17.0
26	34.0	31.5	29.0	26.5	24.0	21.5	19.0
27	35.9	33.4	30.9	28.4	25.9	23.4	20.9
28	37.9	35.4	32.9	30.4	27.9	25.4	22.9
29	39.8	37.3	34.8	32.3	29.8	27.3	24.8
30	41.8	39.3	36.8	34.3	31.8	29.3	26.8
35	51.6	49.1	46.6	44.1	41.6	39.1	36.6
40	61.4	58.9	56.4	53.9	51.4	48.9	46.4
45	71.2	68.7	66.2	63.7	61.2	58.7	56.2

* For lots with a north-south lot dimension of more than 80 feet, use 80.

** Where the minimum required solar setback would be less than the minimum setback allowed in the zoning district, the setback required in the zoning district governs. See Section 22.621 for exceptions in the R-4 zone.

Schedule 22-3: Maximum Shade Point Heights (in feet)

Solar Setback in feet (SSB)	North-South Lot Dimension in feet (N)						
	80+*	75	70	65	60	55	50
	Maximum Shade Point Height in feet (SPH)**						
3	10.2	11.5	12.8	14.0	15.3	16.6	17.9
4	10.7	12.0	13.3	14.5	15.8	17.1	18.4
5	11.2	12.5	13.8	15.1	16.3	17.6	18.9
6	11.7	13.0	14.3	15.6	16.8	18.1	19.4
7	12.2	13.5	14.8	16.1	17.3	18.6	19.9
8	12.8	14.0	15.3	16.6	17.9	19.1	20.4
9	13.3	14.5	15.8	17.1	18.4	19.6	20.9
10	13.8	15.1	16.3	17.6	18.9	20.2	21.4
11	14.3	15.6	16.8	18.1	19.4	20.7	21.9
12	14.8	16.1	17.3	18.6	19.9	21.2	22.4
13	15.3	16.6	17.9	19.1	20.4	21.7	23.0
14	15.8	17.1	18.4	19.6	20.9	22.2	23.5
15	16.3	17.6	18.9	20.2	21.4	22.7	24.0
16	16.8	18.1	19.4	20.7	21.9	23.2	24.5
17	17.3	18.6	19.9	21.2	22.4	23.7	25.0
18	17.9	19.1	20.4	21.7	23.0	24.2	25.5
19	18.4	19.6	20.9	22.2	23.5	24.7	26.0
20	18.9	20.2	21.4	22.7	24.0	25.3	26.5
25	21.4	22.7	24.0	25.3	26.5	27.8	29.1
30	24.0	25.3	26.5	27.8	29.1	30.4	31.6
35	26.5	27.8	29.1	30.4	31.6	32.9	34.2
40	29.1	30.4	31.6	32.9	34.2	35.5	36.7
45	31.6	32.9	34.2	35.5	36.7	38.0	39.3
50	34.2	35.5	36.7	38.0	39.3	40.6	41.8
55	36.7	38.0	39.3	40.6	41.8	43.1	44.4

* For lots with a north-south lot dimension of more than 80, use 80.

** Where the maximum shade point height exceeds the maximum height allowed in the zoning district, the standards of the zoning district govern. See Section 22.621 for exceptions in the R-4 zone.

22.623 Alternate Solar Standards

As an alternative to the solar setback and maximum shade point heights given in Section 22.622 above, a structure may be built provided the applicant can demonstrate that it complies with any of the following:

(1) Performance Standard Option

A structure may be built such that it will shade no more than 50 percent of the south-facing ground floor wall of any existing residential structure to the north on January 21 at noon. To use this option, the applicant must submit a site plan with calculations and drawings that demonstrate this standard will be met.

Where there is no existing residential structure on any affected lot to the north, this performance standard option may be used if the applicant can demonstrate that:

- (a) the proposed structure would meet the performance standard for any residential structure built at existing grade on the affected lot to the north; or
- (b) no new residential building is likely to be built on the affected lot to the north that would cause the proposed structure to violate the performance standard. No new residential building is likely to be built on a lot that is already built to the maximum density, where the existing structures on the northern lot are less than 35 feet from its south property line, where the area within the shadow is improved with items such as driveways or non-residential buildings, or other circumstances would prevent construction in that area.

(2) Solar Building Line Option

This option allows a higher shade point where the affected lot to the north agrees to not build within the shadow of the proposed building.

The solar building line must comply with all of the following:

- (a) It must be oriented within 30 degrees of east.
- (b) It must be recorded with the County Clerk, either on a plat or separate documents. The plat or documents must bear the consent of the affected property owner to the north, and must state that the owner agrees that no residential structures may be built on the property south of the line.

Where the solar building line option is used, the shade point of structures on the southern lot must be set back south of the solar building line as determined by the following formula:

$$SSBL = (1.96 \times SPH) - 12$$

Where

SSBL = The setback from the solar building line to the shade point (in feet).

SPH = Shade point height (in feet).

22.624 Application Required. An application for a development or building permit subject to this section shall include a site plan prepared in accordance with Section 19.072 of this Code, and the following information:

- (1) The north-south lot dimension.
- (2) The shade point height.
- (3) If the performance standard option is used, the following must be included:
 - (a) The slope of the subject lot and the affected lot(s) to the north.
 - (b) Location, wall height, and distance from the south property line of existing residential structures on the affected lot(s) to the north.
 - (c) The shadow pattern of the proposed structure and calculations showing the percentage of the south wall of the affected structure to be shadowed.
- (4) If the solar building line option is used, evidence of the recorded solar building line.
- (5) Any other information necessary to determine compliance with this section.

22.630 Solar Lot Design Standard

22.631 Applicability and Purpose. The following requirements apply to all proposed subdivisions in residential zones. The standards are intended to encourage new subdivision lots to be oriented such that solar access to residences built on them will have access to sunlight, and will not excessively shade adjacent lots.

22.632 Solar Lot Design Standard.

- (1) At least 80 percent of lots in a residential subdivision shall:
 - (a) have a north-south dimension of at least 80 feet; or
 - (b) have a solar building line located on the lot(s) to the north of the subject lot. The solar building line shall be at least 85 feet north of the south property line of the subject lot. Construction on the lot shall be setback from the recorded solar building line in accordance with Section 22.623(2).

- (2) Any proposed lot that has a north-south lot dimension of at least 80 feet and a solar front line that is oriented within 30 degrees of east-west may be counted as though two of the lots in the subdivision meet the standards given in subsection (1) above.
- (3) Any proposed lot where any structure built on that lot would be exempt from solar setback standards as given in Section 22.621 of this Code shall not be included in the total number of lots in the subdivision when calculated the number of lots in subsection (1) above.

22.633 Solar Oriented Lot Bonuses.

Every fifth lot in a proposed subdivision that has a north-south lot dimension of at least 80 feet and a solar front line that is oriented within 30 degrees of east-west may be reduced in minimum lot width five percent, and reduced in lot area five percent. The lot reduced in size shall be considered to have the minimum lot area otherwise required for density calculations.

22.634 Exceptions. The Review Body may allow exceptions to the solar lot design standard where:

- (1) Topography, lot dimensions and standards, existing street patterns, existing development, adopted street plans or standards, or similar conditions would preclude redesign of the subdivision to meet the solar lot standard; or
- (2) Complying with the solar lot standard would reduce the total number of lots able to be platted in the subdivision.

Where an exception is granted, the review body may require that the subdivision comply with the solar standard to the extent practical.

22.640 Solar Access Permit (Applies to Vegetation Only)

22.641 Purpose and Description

- (1) Purpose. The purpose of the Solar Access Permit is to provide solar access to a productive solar energy system by establishing, on a case-by-case basis, limits on the growth of vegetation on certain lots in the vicinity of the solar energy system.
- (2) Description. Under this section, a person who uses a solar energy system, such as an unshaded south wall or an active or passive solar collector, can prevent that system from being obstructed by vegetation on other lots in the vicinity. It describes how to apply for such protection, how the permit is issued, and how it is enforced.

22.642 Applicability. An owner of property zoned R1, R2, R3, R4 and UR may apply for, and be subject to, a solar access permit.

22.643

Application for Permit. An application shall be on forms provided by the City and shall be completed by a solar access specialist approved by the City. The forms shall include:

- (1) A legal description of the lot on which the solar energy system is or will be situated, and proof that the applicant is the owner of the lot, or written authorization to make the application from the owner of the lot.
- (2) Evidence that a solar energy system is or will be installed.
- (3) A scaled drawing of the solar energy system showing the energy system's dimensions.
- (4) A sun chart.
- (5) The solar heating hours for which protection is sought.
- (6) A list of the lots, all or a portion of which, are within 150 feet as measured within 55 degrees east or west of true south of the solar energy system, including unbuildable areas, and, the following information for each such lot: the legal description; the owner of record and his or her address, and vegetation identified as exempt and non-exempt.
- (7) A plan of the applicant's property, drawn to scale, accurately showing the location of the following: vegetation shown on the sun chart required by Section 22.643 (4), labeled exempt or non-exempt; other vegetation that may shade the solar energy system, labeled exempt or non-exempt; and the solar energy system, its height above grade, distance from property lines, and orientation from true south.
- (8) For each affected lot, a description of the requested Solar Access Permit Height Limitations.
- (9) Evidence the height of the requested solar envelope at a northern lot line is not less than the permitted height of the solar fence on that lot under the Solar Setback standards.
- (10) Evidence the solar energy system will be situated on the applicant's property so each other property affected by the permit is restricted to the minimum extent practicable.
- (11) The required application fee.

22.644

Review Procedure.

- (1) A Solar Access Permit shall be processed according to the procedures in Schedule 2-1.
- (2) Notice that an application for a permit has been filed shall be mailed to all the property owners affected if the permit is granted.

- (3) When the permit application is filed, the City shall file a notice of intent to record a solar access permit in the chain of title of all affected properties.
- (4) If the permit is not granted, if the applicant withdraws the application request, or if the permit is not recorded within 30 days after it is granted, the City shall remove the notice of intent to file a solar access permit from the chain of title of the affected properties.
- (5) If legal title changes or creation of equitable interest in an affected property occurs between the time of notice and before recordation of the permit, within 15 days after recordation, any new affected party may petition the Director to re-open the permit proceedings. The Director shall re-open the proceedings as a new meeting.

22.645 Recordation

- (1) Recordation. Within 30 days of receiving a permit, the applicant shall record the permit in the chain of title of the applicant's property and each affected property.

22.646 Permit Enforcement

- (1) Enforcement Request. A solar access permittee may request that the Director enforce the provisions of the Solar Access Permit by providing the following information to the Director:
 - (a) A copy of the Solar Access Permit.
 - (b) A new sun chart documenting that non-exempt vegetation is shading the solar energy system during protected solar heating hours and no higher than 10 feet.
 - (c) The legal description of the lot on which the alleged non-exempt vegetation is situated, the address of the property owner, and a scaled plot plan showing the non-exempt vegetation on the lot.
 - (d) Evidence that the solar energy system still exists and is operating.
 - (e) Evidence that the solar energy system still exists and is operating.
 - (f) If the permittee allows non-exempt vegetation to encroach 10 feet or more into his protected area before filing a request for enforcement shall be denied.
- (2) Enforcement Notice. If the Director finds that the permittee's request for enforcement is complete and accurate, the Director shall notify by registered mail to the last known address the owner of the property on which the

allegedly shading vegetation is situated. The notice shall include information submitted to the Director under Section 22.645 (1); a description of the rights and responsibilities of the affected property owner under the provisions of the Solar Access Permit, including potential charges and hearing rights; and a form to submit to the Director to request a hearing. Also the notice shall describe the specific actions the alleged violator is required to take to comply with the permit if the violation exists as alleged.

- (3) Enforcement Process. Within 14 days of the date the notice was mailed under Section 22.645 (2), the owner of the property on which the allegedly shading vegetation is situated, or his/her representative, may request to review the alleged violation pursuant to Sections 2.040 through 2.046 of this Code.
- (4) Remedy and Assignment of Costs. Within 30 days after the Director mails written notice of the violation or, if a meeting is requested, within 30 days after the final decision finding a violation exists, the owner of the property on which the offending vegetation is situated shall trim the vegetation and notify the Director of his or her action. If the owner does not trim the vegetation in that time, the City shall employ, contract, or assign staff to trim the offending vegetation so that it does not violate the permit. The permittee shall be charged for the cost of trimming any non-exempt vegetation that was listed on the recorded permit. The owner of the property on which the offending vegetation is situated shall be charged for the cost of trimming any non-exempt vegetation that was not listed on the permit. Charges shall be a lien on the property until paid.

22.647 Permit Termination. The permittee or affected property owner shall notify the Director if the solar energy system does not function for 12 consecutive months. The Director shall revoke the solar access permit if the solar energy system does not function for 12 consecutive months or if requested by the permittee or his or her successor in interest. The Director shall send the permittee and all other owners of property affected under the permit a Notice of Termination by first class mail, within 30 days after the Director mails the Notice of Termination, the City shall record the Notice in the chain of title for each property that was affected by the permit.

22.680 Applicable Terms.

Refer to Article 30 for definitions.

¹⁰22.700 Additional Standards for Single Attached Development

¹⁰22.701 Purpose. These additional developments standards for single attached are intended to promote compatibility with single-family neighborhoods, attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.

¹⁰22.702 Standards. All new single attached developments shall meet the following standards.

- (1) Number of consecutive units. Single attached developments with street-facing driveways and/or garages are limited to six consecutive attached units.

Single attached developments that have no street-facing driveways or garages (rear access only) have no limitation on number of attached units, but shall not exceed 300 feet in length.

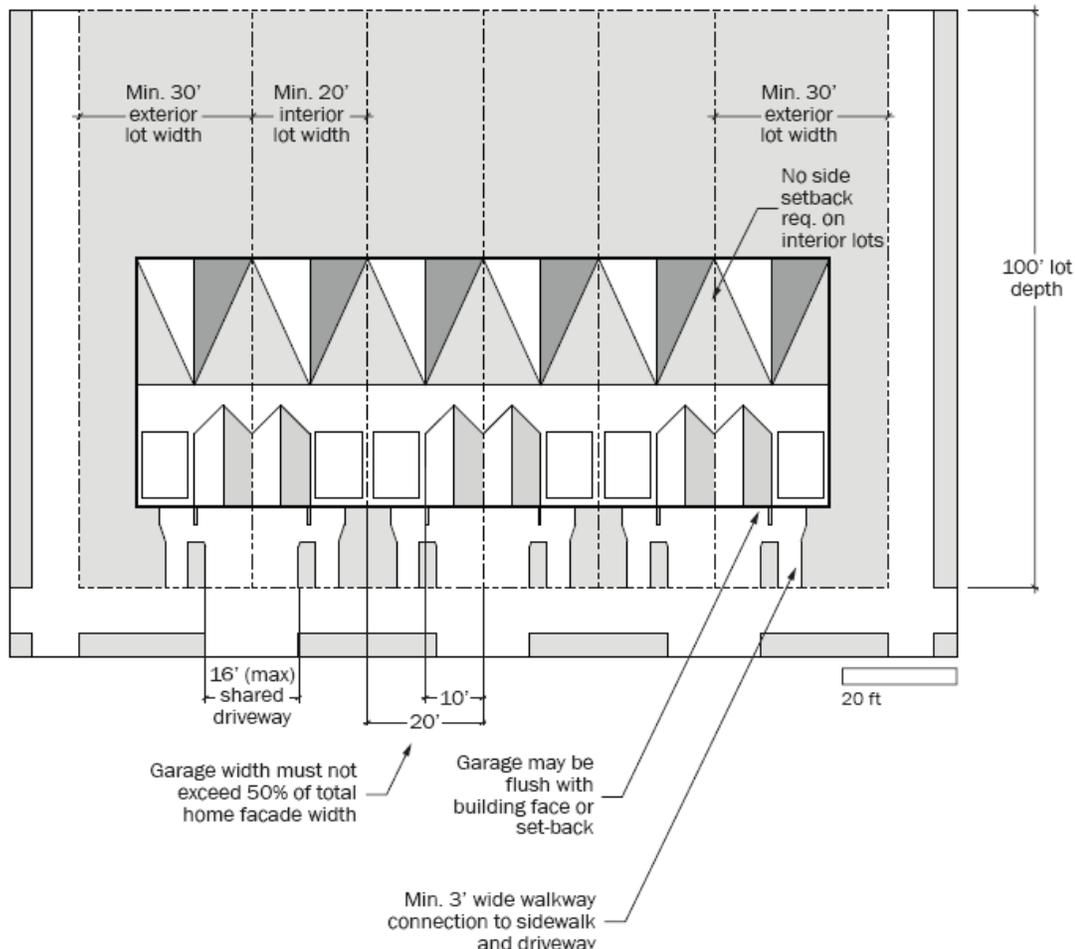
- (2) All units shall include at least three of the following features on any building elevation that faces the street (if on a corner lot, this standard applies on the street-facing elevation where the dwelling takes access).
 - (a) covered porch at least 5 feet deep
 - (b) Entry area recessed at least 2 feet from the exterior wall to the door
 - (c) Bay or bow window that projects at least 1 foot from exterior wall
 - (d) Offset on the building face of at least 16 inch from one exterior wall surface to the other
 - (e) Dormer
 - (f) Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls
 - (g) Roof line offsets of at least 16 inches from the top surface of one roof to the top surface of the other
 - (h) Attached garage
 - (i) Cupola
 - (j) Horizontal lap siding
 - (k) Brick covering at least 40% of the building elevation that is visible from the street
- (3) The design of front building elevations may not be repeated on more than four consecutive units.
- (4) Driveway and garage standards. Single attached developments with street-facing garages shall meet the following criteria:
 - (a) Where two abutting units have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;
 - (b) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;
 - (c) The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing primary dwelling façade.

- (d) Where the street-facing façade of a primary dwelling unit is less than 22 feet long, an attached garage is not allowed as part of that façade.
 - (e) A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.
- (5) Common areas. Any common areas shall be owned and maintained by a homeowners association or other legal entity, unless a public dedication is approved by the City. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

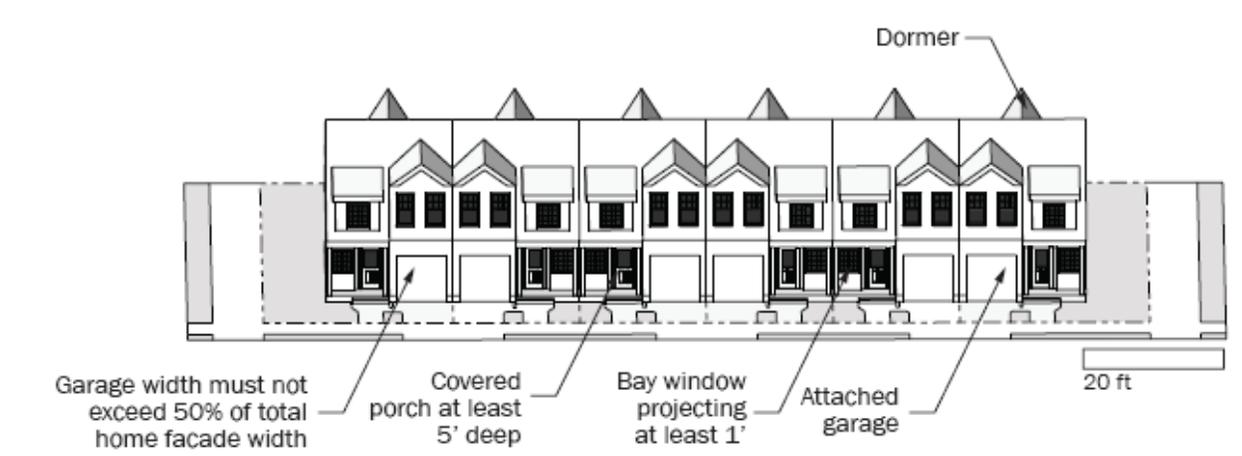
¹⁰22.703

Alternative design. As an alternative to Section 22.702, single attached dwellings of three or more units may be designed to de-emphasize individual units and create the impression of a larger, single-family dwelling. Elements that could be used to achieve such an impression include shared porches and upper floor extensions, unified exterior colors/treatments, continuous overhangs above the ground floor and continuous rooflines extending across units. Architectural features similar to those required for single family detached dwellings (Article 22.400) should also be used. Single attached development using this alternative design approach shall be reviewed as a Major Site Plan in the R-2, R-3 and R-4 zones and through a PUD in all other zones where single attached is allowed per Schedule 12-2.

¹⁰**Single attached development site standards**



¹⁰Single attached development building standards



¹⁰Single attached development examples



¹⁰Single attached development examples (less repetition and less emphasis of narrowness of individual units)



Townhomes Example- Stonewater Condos, Hillsboro, Oregon



Alley Accessed Garages



Typical Plan (NTS)

¹⁰22.720 Accessory Dwelling Unit Standards

¹⁰22.721 Purpose. These standards are intended to support the provision of affordable and decent housing while providing homeowners with alternative financial resources, thereby encouraging maintenance of existing housing stock. It is the intent of this section that development of accessory dwelling units not diminish the single-family character of a neighborhood and that any single-family residence containing an accessory dwelling maintain the appearance of a single-family dwelling as viewed from the street.

¹⁰22.725 Creation of an accessory dwelling unit. An accessory dwelling unit may only be created on a lot with one single-family detached dwelling through one of the following methods:

- (1) Conversion of existing space in one of two ways:
 - (a) Conversion of attached space (for example, attached garage, basement or attic)
 - (b) Conversion of detached space (for example, detached garage or storage shed).
- (2) Addition of new space in one of two ways:
 - (a) Addition of a new unit attached to a single-family dwelling.
 - (b) Addition of a new, detached unit (this includes accessory dwelling units added to a detached garage, either on the second story or same level).

¹⁰22.727 Applicability. The standards in this section apply to all new accessory dwelling units.

¹⁰22.730 Density exemption. Accessory dwelling units are exempt from the residential density standards of this code.

¹⁰22.732 Development and design standards.

- (1) Standards for all accessory dwelling units:
 - (a) No more than one accessory dwelling unit per lot is permitted.
 - (b) No portion of an existing building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.
 - (c) Building design standards:
 - (i) The size of the accessory dwelling unit shall not exceed 1,000 square feet.

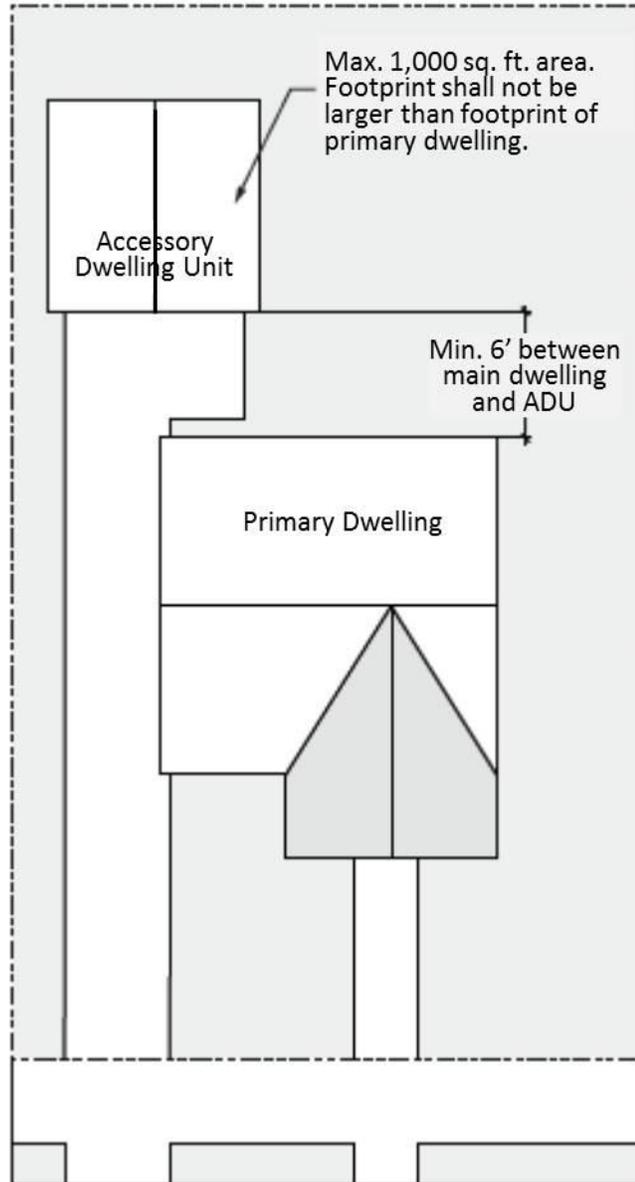
- (ii) Exterior access to an attached accessory dwelling unit shall be located in side or rear yards or by means of the existing main entrance or front-facing basement entrance.
 - (iii) Exterior finish materials shall visually match in type, size and placement, the exterior finish materials of the primary dwelling.
 - (iv) The roof pitch shall be the same as the predominant roof pitch of the primary dwelling.
 - (v) If the street-facing façade of the accessory dwelling unit is visible from the street, windows shall match, in proportion and orientation, the windows of the primary dwelling.
 - (vi) If the primary dwelling has eaves, the accessory dwelling must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required on the accessory dwelling unit.
 - (vii) Fire escapes or exterior stairs for access to an attached upper level accessory dwelling unit shall not be located on the front of the primary dwelling.
- (2) Additional standards for detached accessory dwelling units. The following additional standards apply only to conversion of an existing detached space or creation of a new detached unit.
- (a) The accessory dwelling unit shall be located at least six feet behind the primary dwelling, unless the accessory dwelling unit is in an existing detached space that does not meet this standard.
 - (b) The height of the accessory dwelling unit shall not exceed 1.5 stories or 18 feet, whichever is less.
 - (c) The building footprint of the accessory dwelling unit shall not be larger than the footprint of the primary dwelling.

¹⁰22.735 Approval criteria. Applications for accessory dwelling units must meet the following criteria.

- (1) The applicant must demonstrate that the accessory dwelling unit complies with all development and design standards in 22.732 above.
- (2) The applicant must demonstrate the proposed modifications comply with applicable building and fire safety codes.
- (3) Ownership and Tenancy. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.

- (4) Business License Required. A business license is required for operation of rental property in accordance with the Municipal Code.

¹⁰**Detached ADU site standards**



¹⁰Examples of detached and attached ADUs



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- ¹ Revised 1-3-96
 - ² Revised 3-16-94; Revised 1-3-96
 - ³ Revised 3-3-91
 - ⁴ Revised 3-16-94
 - ⁵ Revised 3-3-91
 - ⁶ Revised 3-3-91
 - ⁷ Revised 3-16-94
 - ⁸ Revised 10-1-03 by Ordinance 5194
 - ⁹ Revised 4-20-05 by Ordinance 5285
 - ¹⁰ Revised 11/12/14 Ordinance 5630