

Summary Report

March 23, 2015

To: Land Use Subcommittee
From: Matt Hastie and Serah Breakstone, Angelo Planning Group
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Re: Comprehensive Plan Policy Issues Analysis - Land Use Topics

OVERVIEW

This memo presents an analysis of policy issues related to land use that have been identified for discussion by the Land Use Subcommittee, as well as the project Community Advisory Committee (CAC). These represent issues where the County may revise current policies or adopt new policies to address these issues as part of the Comprehensive Plan update.

The basis for identifying these issues included:

- Has been identified as an issue of concern by community members.
- Represents a frequent or long-standing area of concern for County staff and/or decision makers.
- Involves a policy area or regulatory requirement where the County has discretion and wants to explore multiple options.
- Was identified through an initial review of existing Comprehensive Framework Plan and Rural Area Plan policies as a gap in the County's policies.

Using this information, the project team prepared a brief list of possible policy issues for review and discussion with the CAC and relevant subcommittees. The CAC added other issues that they felt should be considered as well. A preliminary list of issues related to farm and forest lands, rural economy and land uses has been provided to the CAC for their preliminary review.

The policy issues that are analyzed in this memo are related to the following land use topics:

- Accessory dwelling units (ADUs)
- Parcel aggregation
- County permitting process
- Use restrictions in rural centers
- Rural design standards
- Tree protection in certain zones

For each issue topic (as applicable), this memo provides an analysis using the outline below.

1. Description of key policy issues and background information
2. Relationship to state law and potential level of County discretion or flexibility
3. Geographic applicability:

- Do local conditions or Rural Area Plan policies appear to merit a differing approach among different rural areas?
- 4. Existing policies:
 - Does the County have existing policies to address this issue?
 - Are current policies or requirements the same across the entire county or do they differ among rural planning areas?
- 5. Related concerns expressed by community members
- 6. Other considerations, including staff experience in addressing this issue as part of the development and permitting process

The information contained in this report was derived from a variety of sources including several internal memoranda on key code provisions prepared by County assistant planner, Rithy Khut. Those memoranda provide more detailed information on some of the issues discussed here. CAC and subcommittee members may want to refer to those memoranda for additional information.

ISSUE DESCRIPTIONS AND ANALYSES

ACCESSORY DWELLING UNITS

An accessory dwelling unit (ADU) is a second dwelling unit created on property that already has a primary dwelling. The second unit is created auxiliary to, and is smaller than, the primary dwelling. ADUs can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, conversion of an existing garage or the construction of an entirely new building.

State requirements are very prescriptive regarding the types and number of dwellings allowed in farm and forest zones, including accessory dwelling units (ADUs). Counties have limited discretion in this matter from a policy perspective beyond being more prescriptive than the state. Currently, Multnomah County allows secondary dwellings as temporary health hardship dwellings in all rural zones except some rural center zones. It allows accessory farm dwellings and farm help dwellings for a relative of the farm operator in farm zones. These allowances are consistent with state law. No other types of accessory dwelling units are allowed in the EFU and CFU zones under state law.

Other than those dwellings discussed above, the County does not allow ADUs and is very limited in where they can be allowed. This use is not permitted in the MUA-20 and RR zones because the Rural Residential Rule (OAR 660-04-0040) states that, "... a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area." Both the MUA-20 and RR zones are considered to be rural residential areas under the Rule.

Of the County's rural zones, the only ones that could potentially allow for ADUs are the Rural Center zones. These zones are specifically excluded from the restrictions of the Rural

Residential Rule as “land inside an acknowledged unincorporated community boundary established pursuant to OAR Chapter 660, division 22.”

However, of the five rural center zones encompassing Springdale, Orient, Pleasant Home, Burlington, and Sauvie Island, only Springdale would be eligible to include ADUs as an allowed use. This is because the County’s adopted Urban/Rural Reserves Policy states: “The County will not amend the zoning to allow new uses or increased density in rural and urban reserve areas except in compliance with applicable state rules.” This policy reflects the requirement of the Oregon Administrative Rule that governs urban and rural reserves. Pleasant Home, Burlington and Sauvie Island are designated rural reserves; Orient is partially urban reserve and partially rural reserve. Springdale is undesignated so is not subject to the restriction of the County’s urban/rural reserves policy.

Therefore, ADUs could only be permitted in the Springdale Rural Center (SRC) zone as a way to expand housing options and provide more affordable housing.

KEY POLICY QUESTIONS

Following are key policy questions

- *Should the County allow ADUs in the Springdale Rural Center?*
- *If so, what would be an appropriate review process for ADUs and how should they be regulated in terms of size, design, location and other possible restrictions?*

STATE REQUIREMENTS AND DEGREE OF DISCRETION

Outside of resource lands, ADUs are restricted by the state’s Rural Residential Rule and the County’s Urban/Rural Reserves Rule which is consistent with state law. The County only has discretion to allow ADUs in the SRC zone and to determine the appropriate review type and development standards that should apply.

GEOGRAPHIC APPLICABILITY

This issue is only applicable to the Springdale rural center since all other rural lands in the County are prohibited from having ADUs due to state law and adopted County policy.

EXISTING COUNTY POLICIES

Currently, neither the Comprehensive Framework Plan nor the rural area plans contain policy language specific to ADUs. However, Policy 21 Housing Choice of the Framework Plan does have policy language that could be considered supportive of ADUs, including the following:

POLICY 21 The County’s policy is to support and assist in the provision of an adequate number of housing units at price ranges and rent levels affordable to the region’s

households, and to allow for variety in housing location, type and density, the County will:

- A. Encourage the provision of housing affordable to residents of all incomes.*
- B. Support the provision of housing for the elderly, including low-maintenance, small units within existing communities.*
- C. Support the provision of housing in sizes and styles which suit the needs of smaller households, including single adults and couples without children.*
- D. Encourage more efficient utilization of housing in communities to eliminate over-housing of the elderly and under-housing of large families.*
- E. Maintain a non-exclusionary housing policy.*
- F. Reevaluate its regulations and, where possible, streamline or eliminate requirements to reduce development costs.*
- G. Take a direct role in conserving the existing housing stock.*
- H. Accommodate innovative housing construction techniques which decrease development costs.*
- I. Cooperate with the private sector to expand the supply of housing which is affordable to low and moderate income residents.*

COMMUNITY MEMBER COMMENTS

The following comments regarding ADUs were provided during open house events:

- Allow ADUs to provide in-care living, necessary affordable housing and additional rental income.
- Allow guest houses on 5-acre or larger parcels.
- Allow guest houses to be here legally; built on huge properties (i.e., 5-10 acres or more).
- People with lots of acreage should be allowed to build more than 1 home - but restrict size of lots to no less than 5 acres.
- My main interest is to keep Corbett rural, but to also allow residents more housing options such as ADU's or granny flats.

OTHER CONSIDERATIONS

Many communities allow ADUs as a means to provide more housing options for residents. The applicable development standards and level of review for ADUs can vary widely. However, generally speaking, communities will regulate the following elements to some extent:

- How an ADU can be created. Options for creating an ADU are typically: 1) Converting an existing living area, 2) Finishing an existing basement or attic, 3) Building a new structure, or 4) Adding on to an existing structure

- Where ADUs are allowed. For example, ADUs are allowed on sites that are zoned residential and have an existing single-family home. ADUs are sometimes also allowed in conjunction with a duplex.
- Whether or not an ADU can be established in conjunction with a home occupation.
- Maximum size of the ADU. For example, in some communities the maximum size of an ADU may be no more than 75% of the living area of the house or 800 square feet, whichever is less.
- Other development standards such as maximum height and setbacks.
- Design standards that might include elements like main entrance location and exterior finishes that are compatible with the primary home.
- Whether or not additional parking is required for the ADU.

The permitting process for ADUs may sometimes just require a building permit (no land use review) or may require a Type I or II land use review, depending on the community and the residential zone. A Type II review would include notice to neighbors and give them an opportunity to comment during review and appeal approval of the ADU if desired.

There are many examples of ADU code available should the County decide to allow them in the SRC zone.

PARCEL AGGREGATION

In Multnomah County, as part of the development review process, the county requires the owner to demonstrate that their piece of property is a “lot of record”. The main goal of the lot of record requirements is to confirm the property’s legal status, which determines whether the property is eligible for potential development under the development code. The lot of record regulations are a requirement in all zones in the county and verification is a prerequisite to apply for building permits or other development applications.

Within many of the resource zones, the lot of record criteria include aggregation requirements. To be considered a lot of record, a group of contiguous parcels or lots under the same ownership must be aggregated to comply with a minimum lot size of 19 acres. Additionally, properties that were adjacent, in common ownership and included a property under 19-acres in size on February 20, 1990 must always remain in the same ownership going forward. Properties that are currently aggregated but were not in common ownership on February 20, 1990 may be conveyed independently. Property aggregation is used to align with the Comprehensive Framework Plan’s goal to protect farm and forest land from development by retaining large parcel sizes for commercial farm and forest use.

These aggregation requirements impact the number of dwellings that a property owner may build because state law generally only allows one dwelling unit per legal lot of record on resource lands.

KEY POLICY QUESTIONS

Following is a key policy question associated with this topic for discussion by the subcommittee and which will inform potential updates to County policies and development code requirements:

- *Should the county adjust policies and standards to remove the aggregation requirement, thereby allowing additional dwellings if the land meets the other lot of record requirements?*

STATE REQUIREMENTS AND DEGREE OF DISCRETION

The aggregation requirement as applied by Multnomah County is not required by state law. The state mandates that counties adopt the concept of “tract” requirements in both exclusive farm and forest zones, but the County’s aggregation requirements go beyond what is necessary to meet the state mandate. As such, the County has flexibility to modify its aggregation requirements and still be consistent with state law.

GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to resource lands in all rural areas. Currently, aggregation requirements are mostly consistent throughout the four rural areas, with the following exceptions:

- Aggregation is not required in the CFU-5 zone in the West Hills Rural Area
- Dis-aggregation is allowed (if certain criteria are met) in the CFU-4 zone in the East of Sandy Rural Area

These exceptions are in place due to existing development patterns. More explanation is provided in a memo from County staff dated February 17, 2015.

EXISTING COUNTY POLICIES

The existing Comprehensive Plan Framework document contains some policy language in Policy 8 Rural Residential Land Area that establishes the aggregation requirement:

1. The Zoning Code shall include an Exclusive Farm Use Zone consistent with ORS 215.283 and with:*

...

f. Provisions for the aggregation of contiguous substandard lots under single ownership;

In addition, the rural area plans (with the exception of the Draft Sauvie Island RAP) also contain policy language related to aggregation. The following is from the West Hills RAP:

POLICY 2. Preserve resource-based land uses related to forest practices as the primary land use in the West Hills.

STRATEGY: Allow non-forestry related uses such as residences on CFU-2 Forest Lands as follows:

- a. dwellings on 160 acre tracts or 200 acre non-contiguous tracts.*
- b. dwellings on existing lots of record owned continuously by the current owner or antecedents of the current owner since 1985 which are capable of producing less than 5,000 cubic feet per year of commercial timber.*
- c. dwellings on existing lots of record which contain at least eleven existing lots and five existing dwellings within a 160 acre square template centered on the lot of record containing the proposed dwelling.*

All dwellings potentially authorized under any of these conditions must meet additional development standards and lot aggregation requirements to ensure public safety, public health and welfare, and protection of natural and environmental resources.

COMMUNITY MEMBER COMMENTS

Several people who attended the initial public open houses for the comprehensive plan update project verbally expressed that they do not support the County's aggregation requirements. Although there were no written comments directly relating to lot aggregation, several comments wanted the County to loosen subdivision and lot size requirements. There were other people who did not want density to increase and wanted lots to remain large in order to protect the rural character and environment.

OTHER CONSIDERATIONS

Aggregation requirements were first adopted in 1975 when the County adopted the Rural Lands – Conservation (RL-C) zone. With no initial guidance from the state on its application and use, the County implemented the aggregation requirement as part of a mix of zoning standards to meet statewide planning goals and to address increasing development pressures from the rapidly urbanizing Portland Metropolitan region. The aggregation requirement has been in continual use since 1975 and was fully reevaluated during the last revision of the Lot of Record requirements in 2001. Removing or loosening the aggregation requirement will result in increasing developmental pressures on rural lands from the urban areas.

Another important consideration is that, having already issued a significant number of final land use decisions and conditions of approval centered on aggregation for different properties, removing the requirements could cause a problematic and fractured regulatory framework and could possibly result in many non-conforming situations.

USE RESTRICTIONS IN RURAL CENTERS

New industrial or commercial businesses in rural centers, such as Orient, Springdale and Burlington are restricted in terms of size and types of uses; industrial uses are also restricted by number of employees. The size restrictions vary among the rural areas but are generally as follows:

Small-Scale Low Impact Commercial or Industrial Use - As used in the rural community of Springdale, these terms have the following meanings:

(a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.

(b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 15,000 square feet of floor space with a maximum footprint of 7,500 square feet.

Commercial uses are intended to serve the immediate community and surrounding rural area or the travel needs of people passing through the area. For industrial uses, some rural areas allow the use to expand up to a total of 40 employees if the use employs primarily local residents. These restrictions are supported by policy language in the Framework Plan and rural area plans, and address state requirements for unincorporated communities. However, there is some flexibility available for the County to increase the size limitations and still be consistent with state law.

The Orient Commercial Industrial (OCI) zone is more restrictive than the others by requiring that industrial and commercial uses “primarily support the needs of residents of the rural area or tourists visiting the area.”

KEY POLICY QUESTIONS

Following is the key policy question for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should the limitation on commercial and industrial uses be relaxed to open up rural centers to a wider range of business sizes than currently allowed?*

STATE REQUIREMENTS AND DEGREE OF DISCRETION

OAR Chapter 660, division 22 is called the Unincorporated Communities Rule. OAR 660-22-0030 establishes the uses that a County may allow in unincorporated communities. Per the administrative rule, small-scale and low-impact commercial and industrial uses may be allowed; such uses are defined as follows:

A small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of

floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.

A small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.

More intense industrial uses may also be allowed if the comprehensive plan provides an analysis demonstrating compliance with certain conditions related to the local work force and employment projections.

Currently, the County size limitations on industrial uses in rural centers are more restrictive than state law. As such, some flexibility exists for the County to increase allowable size and still be consistent with state law.

GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County to some degree since they all include rural centers where these standards apply. Depending on proximity to the urban growth boundary and other considerations, policies for this topic may vary among the rural areas.

EXISTING COUNTY POLICIES

The Comprehensive Framework Plan contains the following policy related to commercial and industrial uses in rural centers:

Policy 7 Rural Center Land Area

1. The Zoning Code should include the following provisions:

b. Limited commercial and industrial uses on appropriate lot sizes, mixed uses, home occupations, cottage industries, natural resource and extractive industries, and community facilities as conditional uses or uses under prescribed conditions;

In addition, the West of Sandy RAP contains specific policy language (Policy 22) that establishes the size limitations found in the code.

New commercial and industrial uses within the Orient Rural Community will be small-scale and low impact in nature as defined by the State Unincorporated Communities Rule. These uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the Orient Rural Community and the Pleasant Home Rural Service Center.

Strategies:

1. Multnomah County will update the Community Development Ordinance to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary, the plan does not attempt to justify new uses that are larger than the small-scale, low impact limits in the Rule.

- o Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
- o Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 10,000 square feet and to approval criteria in the ordinance.

COMMUNITY MEMBER COMMENTS

The following comments regarding uses in rural centers were provided during open house events:

- I'd like there to be more opportunities to work and live in the same community. Where I live, businesses have been actively cut out of the landscape.
- If the smart growth goal is to reduce how far people drive to work, then people should be able to live and work here in the community. There used to be several mechanic shops, stores, hotels and restaurants in Springdale, Corbett and Chanticleer Point.
- Provide a rural center at skyline/Cornelius pass to provide basic services for local residents in the already built up area to reduce the number of longer trips needed by local residents.

OTHER CONSIDERATIONS

County staff has produced a memo (dated March 10, 2015) that provides information about rural centers and their establishment in Multnomah County. That memo contains additional detail about how the rural area codes differ in regard to uses in the rural centers.

The Unincorporated Communities Rule states that “counties shall adopt an individual plan and zone designations reflecting the projected use of each property for all land in each community.” Burlington and Springdale plans were adopted in 2010 and Orient and Pleasant Home plans were adopted in 2002.

RURAL DESIGN STANDARDS

Planning staff note that proponents of commercial uses frequently question the necessity of existing design standards, such as those related to parking and landscaping. Currently, commercial development in the rural area is required to provide parking based on ratios that vary by use. Landscaping is also required at a minimum coverage of 15% of the site footprint. Additional design standards, such as provision of usable open space, apply depending on the type of development. Such requirements are generally supported by policy language found in

the Comprehensive Framework Plan. However, Policy 7 of the Framework Plan also states that design standards for the rural areas should be different from design standards in the urban areas. Currently, that does not appear to be the case; design standards found in Section 11.15 for urban areas are essentially the same as those in the rural area codes.

KEY POLICY QUESTIONS

Following is the key policy question for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should design review standards, particularly those related to parking and landscaping for rural commercial businesses, be similar to what is required in urban settings, or something less?*

STATE REQUIREMENTS AND DEGREE OF DISCRETION

The State does not have specific rules regarding design standards for commercial or industrial developments, however, counties are given the ability to apply design standards in order to mitigate and minimize the impact of uses on the surrounding lands devoted to farm and forest use.

GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County since they all include zones and uses where the design standards would be applicable.

EXISTING COUNTY POLICIES

The Comprehensive Framework Plan, Policy 7 Rural Center Land Area includes the following language regarding design standards:

B. The following strategies should be addressed in the preparation of the Community Development Ordinance:

1. The Zoning Code should include the following provisions:

e. Standards for parking, landscaping and setbacks which are rural in nature and which are consistent with the character of Rural Centers. These standards shall be different from urban area standards.

Policy 19 Community Design includes the language below:

The County's policy is to maintain a community design process which:

A. Evaluates and locates development proposals in terms of scale and related community impacts with the overall purpose being a complementary land use pattern.

B. Evaluates individual public and private developments from a functional design perspective, considering such factors as privacy, noise, lights, signing, access, circulation, parking, provisions for the handicapped and crime prevention techniques.

C. Maintains a design review process as an administrative procedure with an appeal process, and based on published criteria and guidelines, criteria and guidelines shall be developed specifically for commercial, industrial and residential developments.

D. Establishes criteria and standards for preexisting uses commensurate with the scale of the new development proposed.

E. Evaluates individual public and private development according to design guidelines in the applicable adopted community plan.

Strategies:

3. The Zoning Ordinance should include provisions related to:

...

f. Variable parking requirements with prescribed conditions; and

g. Site Development Standards for: (1) The retention of natural features and significant vegetation; (2) Landscaping.

In addition, the West of Sandy RAP contains the following policy language:

Policy 24

Accommodate the changing conditions within the Orient Rural Community and the Pleasant Home Rural Service Center while preserving their rural function and appearance.

Strategies:

Multnomah County should develop and adopt design standards regulating commercial and industrial development which reflect and enhance the rural character of the Orient Rural Community.

COMMUNITY MEMBER COMMENTS

Several comments indirectly related to this issue were given at the open houses.

OTHER CONSIDERATIONS

No other considerations have been identified to date.

TREE PROTECTION

Tree protection in the rural areas is addressed on several different levels. The Significant Environmental Concern (SEC) designation is applied to natural and manmade features that are considered to be of public value. This includes river and stream corridors, lakes, watersheds, shorelines, wetlands, wildlife habitat, tourist attractions, archaeological sites and scenic views, among others. The SEC requirements do not explicitly mandate tree protection, but they do require the following elements, which would inherently include tree protection:

- Maximum possible amount of landscaping, open space, vegetation or other enhancement between a water resource and a use.
- Protection of forest land
- Protection of fish and wildlife habitats
- Protection of vegetation along rivers and streams
- Protection of valued vegetation, including endangered or fragile habitats

In the farm and forest resource zones, development is restricted to the extent that additional tree protection provisions associated with development are not considered necessary. Furthermore, restrictions on harvesting trees would be contradictory to the intent of the County's forest resource zones where the primary permitted use is timber growing and harvesting. In addition, planting a sufficient number of trees to meet State Department of Forestry stocking requirements is required on CFU lands as a condition of approval for placing a dwelling on the property.

The only areas where it appears that no tree protection provisions exist are those lands in the RR and RC zones where the SEC overlay does not apply. The County has the discretion to implement policy and development ordinances that either encourage or require tree protection in those areas where it does not already occur.

KEY POLICY QUESTIONS

Following is the key policy question for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should the County consider adopting specific policy language to encourage or require tree protection in those areas that are not covered by the SEC overlay or a resource zone?*

STATE REQUIREMENTS AND DEGREE OF DISCRETION

No specific state requirements have been identified. Tree removal in environmentally sensitive areas may be subject to state and federal protection laws.

GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the different rural areas in the County to some degree since they all include RR and RC zones where tree protection policies would apply.

EXISTING COUNTY POLICIES

Other than conserving CFU forest lands for commercial forest management, there do not appear to be any policies specifically related to tree protection in the Framework Plan or rural area plans.

COMMUNITY MEMBER COMMENTS

There were no comments on this topic during open houses conducted for the Comprehensive Plan update. However, this issue was raised by a CAC member during discussion of potential land use policy issues to consider during the Comprehensive Plan update.

OTHER CONSIDERATIONS

No additional considerations have been identified to date.

COUNTY PERMITTING PROCESS

A number of comments from open house participants expressed frustrations with the current permitting process and called for changes in the process to provide some additional flexibility and clarity.

Currently, the County does not appear to have policy language that establishes how the permitting process functions or the types of discretion given to various decision makers. These types of issues are typically addressed in the development and procedural code but not in a comprehensive plan. However, the County could consider adopting some policy language that outlines how the permitting process will be administered, with an overall intent of keeping the permitting process streamlined and as simple as possible.

KEY POLICY QUESTIONS

Following is the key policy question for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *Should the County adopt some policy language to guide the permitting process as described above?*

STATE REQUIREMENTS AND DEGREE OF DISCRETION

Various statutes and administrative rules may specify whether a use is allowed as an outright permitted use or as a review use, and the timeframes in which land use decisions must be rendered, but they do not call out the details of how a local government processes land use applications. Generally speaking, there is a great deal of discretion available to the County in how to structure its permitting processes.

GEOGRAPHIC APPLICABILITY

This issue is applicable or relevant to all of the different rural areas in the County.

EXISTING COUNTY POLICIES

The County Framework Plan and rural area plans do not appear to contain any policy language specific to the permitting process.

COMMUNITY MEMBER COMMENTS

Among the comments from the open houses that have been offered for streamlining the land use permitting process are these:

- Give the Planning Director more discretion to interpret and administer the code
- Provide a simple track for applications that meet all the code provisions
- Development proposals that can't meet all the standards should be referred to a hearings board or planning commission to determine whether the intent of the standards are met
- Appeals should go to a citizen board or county commissioners rather than an attorney hearings officer.

OTHER CONSIDERATIONS

No additional considerations have been identified to date.