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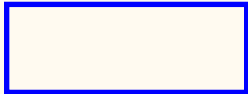


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101 TITLE AND STRUCTURE OF CODE

101-1 Title

This Code shall be known as the Washington County Community Development Code.

101-2 Structure of Code

101-2.1 This Code is comprised of seven articles which contain specific standards that regulate specific aspects of development and the development process.

101-2.2 Article I, Introduction and General Provisions, describes the general applicability of this Code and contains definitions applicable to this Code.

101-2.3 Article II, Procedures, sets forth the procedures to be used for reviewing and decision making for development proposals. In addition to Article II, Article VII, Public Transportation Facilities, specifies procedures to be used for reviewing and decision making for development proposals for public transportation facilities.

101-2.4 Article III, Land Use Districts, contains the primary and overlay land use districts which establish the primary uses permitted in each district. In addition to Article III, uses/development are also permitted by Article VI, Land Divisions and Property Line Adjustments; and Article VII, Public Transportation Facilities.

101-2.5 Article IV, Development Standards, contains development standards that are applicable to uses permitted by Article III and Article VI. Standards in Article IV are only applicable to uses authorized by Article VII when expressly stated in Article VII. The review of Type II and III uses subject to Article IV is through a two-step approval process, consisting of preliminary review and final review.

101-2.6 Article V, Public Facilities and Services, sets forth public facility and service requirements that are applicable to development permitted by Articles III and VI.

101-2.7 Article VI sets forth the standards that are applicable to property line adjustments, partitions and subdivisions. These development actions are also subject to specific standards in Article IV.

101-2.8 Article VII, Public Transportation Facilities, establishes the public transportation facilities permitted in each district, sets forth the procedures for reviewing and decision making for development proposals for public transportation facilities authorized by the Transportation Plan, and sets forth the development standards that are applicable to these uses. In addition to the development standards in Article VII, specific standards in Articles III and IV are applicable to public transportation facilities when required by Article VII.

101-2.9 Article VIII, Land Use and Zoning for Certain Portions of Unincorporated City of Tigard Area, sets forth the regulations applicable to that area of land generally described in the County's West Tigard Community Plan and the Bull Mountain Community Plan, including Walnut Island and an area north of the Tualatin River and east of Highway 99, but excluding the area immediately adjacent to King City.

102 PURPOSE

The purpose of this Code is to implement the Washington County Comprehensive Plan through the adoption and coordination of planning and development regulations which provide for the health, safety and general welfare of the citizens of Washington County. Standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan that are applicable to development applications, including but not limited to urban land divisions, are specified in this Code.

103 SCOPE

Land within the unincorporated portion of Washington County may be used, or developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as the Comprehensive Plan and this Code permit. The provisions of this Code, including standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan that development applications are required to comply with, apply to any person developing or using land or a structure, and to the person's successor(s) in interest.

104 CONSISTENCY WITH PLAN AND LAWS

104-1 All use or development of land or structures in unincorporated Washington County shall comply with the Washington County Comprehensive Plan, the Washington County Charter, and applicable Regional, State, Federal and Local laws. Determination of compliance with Regional, State, Federal or Local laws shall be made by the applicable Regional, State, Federal or Local authority responsible for administering the subject law(s). A determination of compliance with such law shall not be a standard or condition of approval, except that proof that mandatory permits have been obtained may be required by specific standards of this Code or as a condition of approval imposed by the Review Authority. Nothing in this Code shall relieve a use or development from compliance with other applicable laws except as provided herein.

104-2 Unless otherwise specified, the provisions of this Code shall be held to be minimum requirements. Where this Code imposes greater restrictions than are imposed or required by other provisions of law or by other rules or regulations, the provisions of this Code shall control.

105 SEVERABILITY

105-1 If any portion of this Code is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Code.

105-2 The Comprehensive Plan mandates the implementation of a stream-lined process that allows for a master application and consolidated review of all issues relating to a proposed development. To accomplish this goal, this Code includes provisions similar to those which formerly appeared in separate ordinances and which are not "planning" or "zoning" regulations as meant by Chapter X of the Washington County Charter. Examples include the establishment of fees for development actions,

technical standards for drainage and roads, and nuisance control. These provisions are included for purposes of convenience and efficiency only and remain distinct and separate from the “zoning” and “planning” provisions of this Code for purposes of Chapter X. To the extent that regulations have not been deemed to be encompassed by Chapter X, similar regulations herein shall be severable and are subject to the notice and enactment procedures of Chapter V of the Charter exclusively.

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106 DEFINITIONS

106-1 The definitions contained in this Code are used as follows:

106-1.1 Words used in present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.

106-1.2 The term “shall” is always mandatory and the word “may” is permissive.

106-1.3 Any word or term not herein defined shall be used as defined by “Webster’s Third New International Dictionary”, copyright 1993, located in the Washington County Law Library.

106-1.4 Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein. Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in the OAR.

106-3 Access The right to cross between public and private property, allowing pedestrians and vehicles to leave or enter property.

106-5 Accessory Building or Structure A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use (An Accessory Dwelling Unit is not considered an Accessory Building or Structure, see definition for Single Family Accessory Dwelling Unit, Section 106-194).

106-7 Adult Bookstore An establishment having at least fifty (50) per cent of its merchandise items, books, magazines, other publications, films or video tapes which are for sale, rent or viewing on the premises and which are distinguished or characterized by their emphasis on matters depicting the specified sexual activities or specified anatomical areas defined herein.

106-9 Adult Motion Picture Theater An establishment used primarily for the presentation of motion pictures or video tapes having as a dominant theme material distinguished or characterized by an emphasis on matters depicting specified sexual activities or specified anatomical areas as defined herein.

106-10 Airport The strip of land used, or intended for use, for taking off and landing aircraft, together with all adjacent land and water area used, or intended for use, in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Public Use Airports are open to the flying public considering performance and weight of the aircraft being used; facilities may or may not be attended or have services available.

Private Use Airports, as referenced in this Code, have restricted access, except for aircraft emergencies, based upon prior arrangements made with the airport sponsor. An example of a private use airport is a residential airstrip that is collectively owned, operated and utilized by adjacent residents.

Personal Use Airports, as reference in this Code, are restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airport.

- 106-10.1 Aircraft Any contrivance used or designed for navigation of or flight in the air, but does not mean a one-person motorless glider which is launched from the earth's surface solely but the operator's power.
- 106-10.2 Airport Direct Impact Area The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone (RPZ) and approach surface.
- 106-10.3 Airport Elevation The highest point of an airport's usable runway, measured in feet above mean sea level.
- 106-10.4 Airport Imaginary Surfaces Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface. Imaginary areas for public use airports with instrument approaches are defined by the primary surface, runway protection zone (RPZ), approach surface, horizontal surface, conical surface and transitional surface.
- 106-10.5 Airport Noise Impact Boundary Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 LDN.
- 106-10.6 Airport Sponsor The owner, manager, or other person or entity designated to represent the interests of an airport.
- 106-10.7 Approach Surface A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway.
- A. For private use airports with only visual approaches, the inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 450 feet for that end. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.
- In the case of North Plains Gliderport, the approach surface is applied only to the eastern end of the runway and extends for a horizontal distance of 5,000 feet, at a slope increment of 40 feet outward for each one foot upward.
- B. For utility runways at public use airports having only visual approaches, the inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways.
- 106-10.8 Conical Surface A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

- 106-10.9 Department of Aviation The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
- 106-10.10 FAA The Federal Aviation Administration.
- 106-10.11 FAA's Technical Representative As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.
- 106-10.12 Helipport An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.
- 106-10.13 Horizontal Surface A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet for all runways designed as utility.
- 106-10.14 Obstruction Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- 106-10.15 Other than Utility Runway A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
- 106-10.16 Primary Surface A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 200 feet for private use runways, and 250 feet for utility runways having visual approaches.
- 106-10.17 Public Assembly Facility A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
- 106-10.18 Runway A defined area on an airport prepared for landing and takeoff of aircraft along its length.

- 106-10.19 **Runway Protection Zone (RPZ)** An area off the runway end used to enhance the protection of people and property on the ground. An RPZ is required for all runways at public use airports identified by the Department of Aviation. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end.
- For the runway at Stark's Twin Oaks Airpark (exclusively serving small aircraft with visual only approach), the outer width of each RPZ is 450 feet. The RPZ extends from each end of the primary surface for a horizontal distance of 1,000 feet for utility runways of public use. (Note: RPZ dimensions are specified by airport type in OAR 660, Division 13, Exhibit 4.)
- 106-10.20 **Significant** As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
- 106-10.21 **Transitional Surface** Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces.
- 106-10.22 **Utility Runway** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- 106-10.23 **Visual Runway** A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.
- 106-10.24 **Water Impoundment** Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.
- 106-11** **Alley** A street or road primarily intended to provide secondary access to the rear or side of lots or buildings and not intended for normal through vehicular traffic.
- 106-13** **Alteration** A change or modification in use of a structure or a parcel of land; or addition or modification in construction of a structure. Alterations to nonconforming uses or structures are governed by Section 440.
- 106-15** **And/or** For the purposes of this Code "and/or" means, and something, or something, or any combination thereof.
- 106-17** **Appearance of Record** One or more of the following: an oral statement made at the hearing sufficiently identifying the speaker; a written statement giving the name and address of the maker of the statement and introduced into the record prior to

or at the public hearing (A person's name and address on a petition introduced into the record constitutes an appearance of record); any signed comments submitted to the Planning Director for review during the comment period for Type II actions.

- 106-19** Applicant The person in whose name a development proposal is pursued. For purposes of this Code, applicant includes any person authorized to represent the applicant.
- 106-21** Average Daily Traffic (ADT) The average number of vehicles passing a specified point during a twenty-four (24) hour period, as specified for a particular use generator by the Institute of Transportation Engineers or as determined by other documented traffic engineering studies as approved by the Director.
- 106-22** Base Flood See Regional Flood, Section 106-175.
- 106-23** Basement That portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjacent ground. This shall not be deemed a story unless the ceiling is six (6) feet or more above the grade.
- 106-25** Board Unless otherwise specified, Board shall mean the Board of County Commissioners of Washington County.
- 106-27** Building Any structure having a roof supported by columns or walls and used for housing or enclosure of persons, animals, chattels or property of any kind.
- 106-29** Business Employment of one or more persons for the purpose of earning a livelihood.
- 106-31** Canopy Tree Any plant material having the capability of growth that will produce vegetative canopy above a trunk not less than ten (10) feet high.
- 106-33** Change in Use A change in tenant or activity occupying a parcel of land, a premise or structure, which creates a change in vehicular trip generation activities, as defined by the Institute of Transportation Engineers, which changes the parking classification as set forth in Section 413, or which changes the occupancy classification as defined by the Uniform Building Code.
- 106-34** Commercial Activities in Conjunction with Farm Use Commercial activities are limited to providing products and services essential to the practice of commercial agriculture.

A commercial activity in conjunction with farm use includes, but is not limited to, processing facilities which convert harvested agricultural crops from their natural state into new products, i.e., drying, freezing, canning, etc. In addition, the preparation and storage of a product which includes significant amounts of agricultural crops not raised by the operator of the storage facility shall also be considered a commercial activity. The storage, sale and application of farm chemicals used in conjunction with the growing of farm crops necessary to serve nearby farm uses shall also be considered a commercial activity subject to meeting the following standards:

- A. The chemicals shall be limited to those used in conjunction with the growing of farm crops; chemicals used only for other uses, such as forest uses, cannot be stored, sold or applied; and
- B. The sale of farm chemicals shall be limited to quantities purchased by operators of commercial farm enterprises which contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm markets.

- 106-35** Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.
- 106-36** Community Plans Plans which provide specific land use designations on property within the unincorporated urban area of the County and also provide detailed policy direction to guide development based upon community needs and desires. Previous Plans of Development are not included in this definition.
- 106-37** Compatible Capable of existing together in harmony; capable of orderly, efficient integration and operation with other elements in a system considering building orientation, privacy, lot size, buffering, access, and circulation.
- 106-39** Compliance Permit A permit required prior to occupying a site approved through Development Review. To receive a compliance permit, a developer shall construct or install the required improvements or shall provide the County with an approved assurance that all improvements will be carried out in accordance with the terms of the Development Review Approval.
- 106-41** Comprehensive Framework Plan (CFP) This document provides a framework of policies and strategies to be used as the basis for more specific planning activities, functional elements (e.g., transportation, housing, solid waste), Community Plans, regulatory ordinances and capital improvement programs. The CFP, together with the Resource Document, Community Development Code and these more specific plans comprise the County's Comprehensive Plan.
- 106-43** Comprehensive Plan A generalized coordinated land use map and policy statement of the County that interrelates all functional and natural systems and activities relating to the use of the land, including, but not limited to, the Comprehensive Framework Plan which includes the following components: the individual Community Plans, the Rural Natural Resource Plan, the Community Development Code, and the Transportation Plan.
- 106-44** Cultural Resource Any site, structure, object, district or building which demonstrates national, State or local historic, architectural, archaeological or cultural significance.
- 106-45** Cubic Foot Per Acre Per Year The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

- 106-46** Cubic Foot Per Tract Per Year The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- 106-47** Day Unless otherwise specifically stated, day shall mean calendar day (a 24 hour period of time).
- 106-48** Day Care Facility A facility operated by an agency, organization or individual providing care for six or more children or adults during a part of the 24 hours of a day. A day care facility does not include:
- A. A nursery school (see Section 430-121);
 - B. A facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion;
 - C. A facility operated by a school district, political subdivision of the State of Oregon or a governmental agency;
 - D. A residential facility licensed under ORS 443.400 to 443.445;
 - E. Baby-sitters; or
 - F. A family day care provider (see Section 430-53.2 and 53.6).
- 106-49** Deed Restriction A covenant or contract constituting a burden on the use of private property for the benefit of property owners in the same subdivision, adjacent property owners, the public or Washington County, and designated to mitigate or protect against adverse impacts of a development or use to ensure compliance with a Comprehensive Plan.
- 106-51** Demolish To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or resource.
- 106-53** De Novo Hearing A new hearing conducted in a similar manner to an initial hearing. The record, findings, and conclusions below may be disregarded. A limited de novo hearing is one in which the Review Authority hears specific issues in the same manner as an initial hearing. The other issues are reviewed based on the record of the prior Review Authority.
- 106-55** Density The intensity of residential land uses per acre, stated as the number of dwelling units per gross acre.
- 106-57** Development Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of land or a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging,

grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing.

- 106-58** Development Permit The Director's or Hearings Officer's written approval shall be the Development Permit for any Type I, Type II, or Type III decisions. A "permit" issued by the building official authorizing performance of a specified activity is a Type I development permit.
- 106-59** Development Review The process of reviewing a proposed development action for conformance with this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. Development review may be processed through a two step process consisting of a preliminary review and a final review. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.
- 106-60** Development Site A lot or parcel or combination of lots or parcels upon which any development, as defined by Section 106-57, occurs.
- 106-61** Dimensional Standard
- A. A numerical measurement for a distance or area standard of this Code, such as a setback, lot depth or width, building height, lot area, sign area; or
 - B. A percentage of a distance or area measurement of this Code, such as maximum lot coverage or minimum required area for landscaping.
- 106-62** Director The person appointed by the Board of County Commissioners who is given the responsibility for administering this Code, or a designated representative appointed by the Director.
- 106-63** Drainage Hazard Area Those areas subject to flooding as the result of a twenty-five (25) year storm based upon the Intensity-Duration-Frequency curve of the Columbia Region Association of Government Drainage Plan.
- 106-64** Drainage Master Plan A comprehensive, basin-wide plan for the provision of the major elements of a storm water drainage system including pipes, culverts, ditches, detention ponds and natural water courses to accommodate the ultimate level of development provided by the Comprehensive Framework Plan, which includes the Rural/Natural Resource Plan and Community Plans.
- 106-65** Drainageway The normal stream or drainage channel needed to convey the waters of a twenty-five (25) year storm.
- 106-67** Drainage Right-of-Way or Easement The lands dedicated or granted by easement to the public for the installation of storm water sewers, detention or retention basins or drainage ditches, or for preservation of a natural or man-made stream or water course which provides for the flow or temporary storage of water therein to safeguard the public against flood damage.
- 106-69** Dwelling A building (not including a tent or teepee) or portion thereof intended for residential occupancy, but not including hotels, motels or boarding houses.

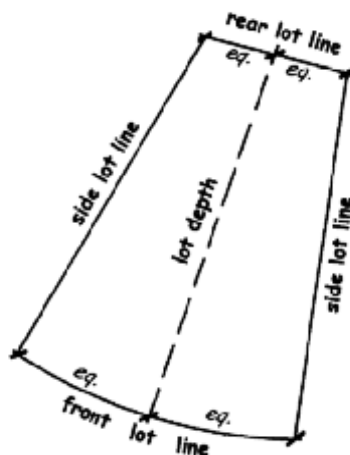
- 106-69.1 Dwelling Unit A single unit providing complete, independent living facilities for one or more persons which generally includes permanent provisions for living, sleeping, eating, cooking and sanitation.
- 106-69.2 Dwelling Unit (Attached) Two or more dwelling units with a common building wall or ceiling on individual lots or on a single lot, including "Residential Facility" as defined in ORS 197.660.
- A. A duplex is a structure that contains two primary dwelling units. The units shall share either a common building wall or a common floor/ceiling. The land underneath the units may or may not be divided into individual lots. The common building wall shall be shared for at least fifty (50) percent of the length of the side or rear of the unit. When the two units are attached by a common building wall between attached garages, the common garage building wall shall be shared the entire length of the garages.
 - B. A single family attached dwelling unit is an attached unit that shares one (1) or more common building walls with two (2) or more dwelling units and has access from the ground floor. A single family attached unit does not share a common floor/ceiling with another dwelling unit. The common building wall must be shared for at least fifty (50) percent of the length of the side or rear of the unit. When single family attached dwellings are attached by a common building wall between attached garages, the common building wall shall be shared the entire length of the garages. The land underneath the units may or may not be divided into individual lots. A single family attached unit is also known as a rowhouse or townhouse; and
 - C. A multi-family dwelling structure contains three (3) or more dwelling units that share a common floor/ceiling with one (1) or more units. The units may also share common building walls. The land underneath the structure is not divided into separate lots. Multi-dwelling structures include structures commonly known as garden apartments, apartments, and condominiums.
- 106-69.3 Dwelling Unit (Detached)
- A. Inside the UGB, a single dwelling unit, excluding a manufactured dwelling, which is not attached to any other dwelling unit, on a lot or parcel.
 - B. Outside the UGB, a single dwelling unit, including a manufactured dwelling, which is not attached to any other dwelling unit, on a lot or parcel.
- 106-71** Easement A right held by a person, or the public, to use the land of another.
- 106-71.1 Easement for Public Travel An area that is reserved for the physical placement of a transportation facility, such as, but not limited to a sidewalk, accessway, greenway, private street, or private drive. When an easement is reserved for multiple uses, such as a sidewalk and a public utility easement, the easement for public travel shall be only that area within the easement reserved for public travel.
- 106-73** Eating and Drinking Establishment Any establishment which is required to have an Oregon State Health Division Restaurant license or Oregon State Liquor License.

- 106-75** Effective Vehicular Barrier A fence or barrier consisting of wood, metal, masonry, boulders, earth berms or natural features arranged in such a way as to provide an effective barrier for vehicular traffic.
- 106-77** Elderly Household One (1) or two (2) person households headed by a person sixty-two (62) years of age or older.
- 106-78** Family Day-Care Provider A day-care (child care) provider who regularly provides day care (child care) in the provider's home in the family living quarters to fewer than thirteen (13) children, including children of the provider, regardless of full-time or part-time status.
- 106-79** Farm Use As defined by Oregon Revised Statutes
- 106-81** Fence (Sight Obscuring) A fence consisting of wood, metal, masonry, landscaped berm or natural feature arranged in such a way as to obstruct vision at the time of installation.
- 106-83** Flood Plain The flood-hazard area adjoining a stream or drainageway feature that is subject to inundation by a regional flood including the floodway and floodway fringe.
- 106-85** Floodway The channel of a river or other watercourse and the adjacent land areas as designated on the adopted maps that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 106-87** Floodway Fringe The area of the flood plain, lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area.
- 106-88** Food Market A retail establishment (e.g., grocery store) which sells to the public staple foodstuffs (e.g., flour, cereal, canned foods); beverages; meats; and other foods (e.g., fruit, vegetables, dairy products, baked goods, and deli foods); incidental household supplies used in or around the home (e.g., cleaning items, paper napkins, matches); and personal items used in the home (e.g., magazines, health and beauty aids, school supplies, greeting cards). Food markets may provide accessory deli seating. The sale of other non-foodstuffs (e.g., floral items, pharmaceuticals), or the provision of financial or personal services (e.g., video rental, photographic reproduction), are permitted provided the combined maximum floor area devoted to these uses does not exceed twenty (20) percent of the building floor area devoted to retail sales (e.g., does not include storage areas).
- 106-89** Forest Lands As defined by the Statewide Planning Goals and the Forest Practices Act (ORS 527.610-730 and 527.990).
- 106-91** Forest Uses As defined by the Statewide Planning Goals and the Forest Practices Act (ORS 527.610-730 and 527.990).
- 106-93** Frontage The portion of a lot or parcel which abuts a street or road.

- 106-95** Ground Cover Any low shrubs, grasses or herbaceous plants planted so as to have the capability to completely cover the ground.
- 106-97** Ground Level (Existing) The contour of the ground surface before grading.
- 106-99** Hearing Below The prior hearing.
- 106-101** Height The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
- 106-101.1** Height (Maximum Building Height) The vertical distance measured from the adjoining curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and edge of a gable, hip or gambrel roof; provided however, that where buildings are set back more than the required setback from the street line the height of the building shall be measured from the building grade. The building grade shall be the average of the finished ground level at the center of the walls of a building.
- 106-103** Industrial The use of land or structures to treat, process or manufacture materials into products.
- 106-105** Industrial Park Any planned industrial development which occurs on a single lot or parcel or contiguous lots or parcels designed as a coordinated environment for a variety of industrial and industrially related activities, having a master development plan, approved through a planned development procedure, that ensures internal compatibility as well as compatibility with adjacent uses which occur on a parcel or contiguous parcels under single ownership or development control.
- 106-107** Land Division The division of a lot or parcel into two or more new lots or parcels through a partition or subdivision.
- 106-109** Lot A unit of land that is created by a subdivision of land. Lot includes parcel unless the context provides otherwise.
- 106-111** Lot Area (Lot Size) The total area within the boundaries of a lot or parcel, except as may be provided in Article III.
- 106-113** Lot Line The lines bounding a lot as defined herein.
- 106-113.1 Front Lot Line For interior lots, a line separating the lot from the street right-of-way. For corner lots, the line separating the narrowest frontage from the street right-of-way.
- 106-113.2 Rear Lot Line The line which divides one lot from another opposite from the front lot line. For irregular or triangular lots, the rear lot line shall be a line ten (10) feet in length, within the lot, parallel to and at the maximum distance from the front lot line.
- 106-113.3 Side Lot Line For interior lots, the line separating one lot from the abutting lot(s) fronting on the same street. For corner lots, a line separating the longest frontage of the lot from the street.

106-115 Lot of Record (Rural - in the AF-10, AF-5, RR-5, R-COM, R-IND and MAE Districts. This definition does not apply in the EFU, EFC, or AF-20 Districts.)

Any lot or parcel lawfully created by a subdivision plat of record in the Ex Officio County Clerk's Office, or by deed or sales contract and of record in the Deed or Miscellaneous Records of Washington County, which is eligible to receive a building permit for any use permitted, if such permit would have issued but for the minimum lot size provisions of the district, regardless of whether or not contiguous tax lots are in the same ownership. Each tax lot lawfully created by a deed or sales contract prior to the effective date that the District is applicable to the subject property, shall be deemed a lot of record. When a tax lot consists of two (2) or more noncontiguous lots or parcels created as a result of a lawful partition by deed or sales contract prior to the effective date that the district is applicable to the subject property, each noncontiguous lot or parcel shall be considered a lot of record. A lot of record does not authorize development of a lot or parcel which does not comply with the requirements of a "parcel" as defined by Section 106-151.

106-117 Lot of Record (Applicable to all the urban districts) Any lot or parcel created by a lawful sales contract or deed and of record prior to March 26, 1984, the effective date of this Code. Two or more such lots or parcels which are contiguous and under identical ownership of record on the effective date of this Code shall be deemed separate lots of record only if the creation of the lot(s) or parcel(s) was approved by the County under a County Partitioning or Subdivision Ordinance. A lot of record does not authorize development of a lot or parcel which does not comply with the requirements of a "parcel" as defined by Section 106-151.**106-119** Lot Depth The perpendicular distance measured from the midpoint of the front lot line to the midpoint of the opposite lot line. See Figure No. 1.Section 106-119
Figure No. 1Section 106-121
Figure No. 1

- 106-121** Lot Width The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure No. 1.
- 106-123** Manufacturing The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose.
- 106-129** Mitigation Reducing the impacts of a proposed development and/or offsetting the loss of habitat values resulting from development. In fish, wildlife, and big game range areas, mitigation may include, but is not necessarily limited to, requiring: 1) clustering of structures near each other and roads, controlling location of structures on a parcel to avoid habitat conflicts, minimizing extent of road construction to that required for the proposed use; and, 2) replacing unavoidable loss of values by reestablishing resources for those lost, such as: forage for food production, escape or thermal shelter. In other areas of significant wildlife value, such as wetlands, riparian vegetation and special bird nesting sites, maintenance and enhancement of remaining habitat, setbacks and restoration of damage and avoiding damage would be appropriate.
- 106-131** Manufactured Dwelling
- 106-131.1 Residential Trailer A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- 106-131.2 Mobile Home A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- 106-131.3 Manufactured Home A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.
- 106-131.4 Does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450, any unit identified as a recreational vehicle by the manufacturer or a modular home.
- 106-133** Manufactured Dwelling Park A lot or parcel of land under single ownership on which two (2) or more manufactured dwellings are occupied as residences. The manufactured dwelling sites usually are rented or leased.
- 106-135** Manufactured Dwelling Subdivision A subdivision designed and approved for the sale of lots on which to place manufactured dwellings.
- 106-137** Manufactured Dwelling Space A plot of land within a manufactured dwelling park designed to accommodate one (1) manufactured dwelling.

- 106-139** Noise Sensitive Use A structure or use normally used for sleeping, or normally used as a school, church, hospital or public library. Structures or property used in industrial or agricultural activities are not “noise sensitive” unless they meet the above criteria in more than an incidental manner.
- 106-141** Nonconforming Use A structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan.
- 106-143** Office A room or building in which a person transacts business, a profession or similar activities. Such activities normally include administration, bookkeeping, record keeping, sales meetings and preparation for or follow-up after a sale, correspondence or other similar activities. Products or merchandise are not to be stored or manufactured in an office, although mail, telephone and incidental walk-in sales may be made in an office.
- 106-145** Occupancy Permit (Certificate of Occupancy) The permit provided in the Uniform Building Code which must be issued prior to occupying a building or structure or portion thereof. For the purposes of this Code, “occupancy permit” includes the final inspection approval for those buildings or structures not required to obtain an occupancy permit by the Uniform Building Code.
- 106-147** Overlay District A supplementary district placing special restrictions or allowing special uses of land beyond those required or allowed in the Primary District.
- 106-149** Owner The legal owner(s) of record as shown on the tax roles of the County, or where there is a recorded land sales contract in force, the purchaser thereunder.
- 106-151** Parcel As defined by Oregon Revised Statutes 215.
- 106-152** Partition As defined by Oregon Revised Statutes 215.
- 106-153** Partition Land As defined by Oregon Revised Statutes 92.
- 106-155** Pedestrian Way A publicly owned or dedicated and accepted way designated for public use by pedestrian traffic.
- 106-157** Performance Contract A contract between the owner and the County for installation or construction of improvements and the security given in addition thereto prior to final plat approval to insure such construction or installation, all in accordance with Articles V and VI.
- 106-159** Person An individual, firm, partnership, corporation, company, association, syndicate, organization, or any legal entity, and including a trustee, a receiver, assignee, or other similar representative thereof.
- 106-161** Planned Development An integrated, coordinated development of land, normally involving increased flexibility in use and design standards, with special incentives or restrictions on development.

- 106-163** Planning or Development Action An action by the County that concerns the adoption, amendment, or application of the Comprehensive Plan or this Code.
- 106-165** Plat Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, partition or replat.
- 106-167** Preliminary Plat Means a map and plan of a proposed subdivision, in the form required by Article VI.
- 106-169** Primary District A land use district as designated on the Community Plan Map, (i.e., R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, FD-10, NC, OC, CBD, GC, IND, INS, TO:RC, TO:BUS, TO:EMP, EFU, EFC, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND, MAE).
- 106-171** Primary Use The main use to which the premises are devoted and the principal purpose for which the premises exist.
- 106-172** Property Line Adjustment The relocation of a common property line between two abutting properties.
- 106-173** Quorum The minimum number of members of a body who must be present for the valid transaction of business. In all cases, except the Land Use Ordinance Advisory Commission, a quorum shall consist of a majority of the active members. For purposes of opening a meeting or hearing and continuing the matter to a time and date certain, a majority of those members in attendance shall constitute a quorum.
- 106-174** Terms Relating to Receiving and Transmitting Antennas, Communication and Broadcast Towers
- 106-174.1 Antenna A device for transmitting or receiving radio frequency (RF) signals or electromagnetic radiation, such as digital and analog signals, radio frequencies, broadcast signals, such as television and radio signals, and other communication signals. Antennas are typically mounted on a supporting tower, pole or mast, building or other suitable structure. Types of antennas include directional antennas, such as panel antennas, microwave dishes, and omni-direction antennas, such as whip antennas, but not domestic satellite dishes. Additionally, some antennas operate as both transmitting and receiving devices.
- 106-174.2 Base (or Primary Station) The primary sending and receiving site in a wireless service provider's telecommunication network and generally consisting of one or more antennas mounted on a communication tower.
- 106-174.3 Broadcast Tower A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission of radio or television signals. The actual broadcast tower itself may also function as the antenna, (i.e., for AM broadcast radio) if part of the apparatus is necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission. Broadcast towers are often

sited within a non-staffed broadcast facility for the transmission of radio or television signals.

- 106-174.4 Communication Tower A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission and/or receiving of radio frequency (RF) signals or electromagnetic radiation to provide wireless telecommunication service, including wireless Internet service.. Communication towers are often sited within a non-staffed wireless telecommunication facility for the transmission of radio frequency (RF) signals. Said facility usually consists of an equipment shelter, cabinet or other enclosed structure housing electronic equipment, a communication tower, and antennas, including repeaters and microcells, or other transmission and reception devices used to provide cellular, specialized mobile radio and personal communication services (PCS) services.
- 106-174.5 Equipment Shelter An enclosed structure or cabinet usually placed at or near the base of the communication tower within which are housed electrical and other equipment necessary for the operation of the facility. Cables connect the shelters to the antenna(s).
- 106-174.6 Federal Aviation Administration (FAA) The FAA, a division of the United States Department of Transportation, was established by the Federal Aviation Act of 1958, and is primarily responsible for the advancement, safety and regulation of civil aviation.
- 106-174.7 Federal Communications Commission (FCC) The FCC is an independent government agency that was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.
- 106-174.8 Microcell A low power facility used to provide increased capacity to wireless telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility. (See also "Repeater")
- 106-174.9 Non-Residential Districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INS, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND and MAE Land Use Districts.
- 106-174.10 Oregon Department of Aviation (ODA) The state agency that is responsible for developing aviation as an integral part of Oregon's transportation network; creating and implementing strategies to protect and improve Oregon's aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing commercial air service and general aviation in Oregon.
- 106-174.11 Radio Frequency Emission Electromagnetic radiation that is of low photon energy unable to cause ionization and is generated by a transmitting antenna.
- 106-174.12 Radio Frequency Engineer An engineer specializing in electrical or microwave engineering, licensed in the state of Oregon, with a degree in engineering, and experience to perform and certify radio frequency radiation measurements.

- 106-174.13 Receiving Antenna A device that only receives nonionizing electromagnetic energy and does not emit radio frequency energy.
- 106-174.14 Repeater A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from the base or primary station.
- 106-174.15 Replacement Tower A new communication or broadcast tower capable of supporting co-located antennas that is intended to replace an existing tower that is not capable of supporting co-located antennas. A replacement tower has the same height and base diameter, and same site improvements as the existing tower.
- 106-174.16 Residential Districts: R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5 Land Use Districts.
- 106-174.17 Site A parcel or portion of, which is owned or leased by one or more broadcast or wireless telecommunications providers and upon which a broadcast or communication tower and required site improvements, including landscaping, are located. With the exception of site access, these sites are usually fenced off from the remainder of the parcel.
- 106-174.18 Speculation or "Spec" Tower A tower for the purpose of providing location mounts for future antennas without a binding contractual commitment by a service provider to locate an antenna upon the tower at time of the original application submittal.
- 106-174.19 Stealth Design The design of new antennas or towers in a manner that camouflages, conceals, or disguises the facilities as described in Sections 430-109.3 and 430-109.6. The direct results of applying "stealth" technology are broadcast and communication towers designed in an aesthetically pleasing and acceptable manner typically. "Stealth" facilities are generally not easily discernible or easily noticeable.
- 106-174.20 Telecommunication Facility All equipment, including antennas for the transmitting and/or receiving of radio frequency signals or electromagnetic radiation (i.e., wireless telecommunication service and wireless Internet/"Wi-Fi"), broadcast signals (i.e., radio and television), and other communication signals, tower, accessory equipment, and improvements, such as landscaping, fencing and parking areas, located on the site.
- 106-174.21 Telecom Hotel A building or structure designed to warehouse telecommunications equipment, including utility hookups and connections to fiber-optic networks. Telecom hotels generally require thousands to hundreds of thousands of square feet, but relatively few employees.
- 106-174.22 "Top-Hat" Antenna Array A horizontal platform or enclosed framework of metal supports attached to a communication tower, or other building or structure, that is generally triangular or square in shape on which antennas are mounted. This type of antenna array is used to facilitate the transmission or reception of an omnidirectional or 360-degree signal.

106-174.23 Tower (e.g., broadcast and communication) types include:

- A. "Guyed tower" A tower that is permanently connected to the ground by cables (guy wires).
- B. "Lattice tower" A self-supporting multiple-leg tower comprised of an open framework of either structural steel or diagonal cables or a combination thereof.
- C. "Monopole" A self-supporting, single, upright pole and requiring no guy wires or diagonal cables to stabilize the structure. Monopoles are typically constructed of wood or steel.

106-174.24 Transmitting Antenna A device that emits and may receive nonionizing electromagnetic energy.

106-174.25 Uses Accessory to an Antenna A use that is customarily incidental to a receiving or transmitting antenna and is generally situated on the same property as the antenna, such an equipment shelter.

106-174.26 Visually Subordinate The relative visibility of a broadcast or communication tower where the tower does not noticeably contrast with the surrounding built or natural landscape. Visibly subordinate towers may be partially visible, but not visually dominate in relation to their immediate surroundings.

106-175 Recreational Vehicle Any vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and is primarily designed for human occupancy and to serve as temporary living accommodations for recreational, camping, travel or emergency purposes. Pursuant to OAR 918.525.0005(35), recreational vehicles include camping trailers, camping vehicles, motor homes, park model trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational use and any vehicle converted for partial use as a recreational vehicle. Recreational vehicle does not include a special use vehicle which is capable of providing eating or sleeping facilities unless the vehicle also is equipped with a holding tank, and liquid petroleum gas or a 110 to 240 volt electrical system used in conjunction with the eating or sleeping facilities.

106-175.1 Park Model Recreational Unit, or Park Model Trailer A recreational vehicle built on a single chassis, mounted on wheels, and designed to facilitate movement from time to time but not intended to be towed on a regular basis. Designed to provide recreational seasonal or temporary living quarters which may be connected to utilities necessary for the operation of installed fixtures and appliances. Pursuant to OAR 918.525, park model units greater than 320 square feet when in set-up mode may be dual labeled by the manufacturer as both a park trailer recreational vehicle and a manufactured home.

106-176 Regional Flood (Base Flood) Inundation during periods of higher than normal stream or drainage flow that has a one (1) percent chance of occurrence in any single year (100 year flood).

- 106-177** Regional Shopping Center A planned commercial center intended as a coordinated environment to serve shoppers at a regional level, developed with a comprehensive development plan for a parcel or adjacent parcels of land under single ownership or development control. A regional shopping center includes two or more major department stores which serve as anchor tenants and a variety of office, commercial, retail and related activities generally sharing common parking facilities. A major department store has over 50,000 square feet of floor area. A junior department store has less than 50,000 square feet.
- 106-179** Residential Home A residential treatment or training or an adult foster home licensed by or under the authority of the Department of Land Conservation and Development, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443-480 to 443-500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
- 106-181** Review Authority Any person or body empowered pursuant to this Code to review development proposals and grant an approval or denial.
- 106-183** Right-of-Way The area between the platted boundary lines of a street or public easement. Where not platted, the boundary lines of the street or public easement.
- 106-185** Riparian Corridor (Water Areas and Wetlands) This term shall have one of the following two meanings:
- (1) For areas that have not been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996), riparian corridor shall mean the area, adjacent to a water area, which is characterized by moisture-dependent vegetation, compared with vegetation on the surrounding upland, as determined by a qualified botanist or plant ecologist, or in no case less than a ground distance of twenty-five (25) feet on either side of the channel. Where, in its existing condition, a wetland or watercourse has no discernible channel which conveys surface water runoff, the riparian zone shall be measured from the center of the topographic trough, depression or canyon in which it is located.
 - (2) For areas that have been the subject of a Goal 5 analysis completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996), riparian corridor shall mean a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary, or the definition of the term used in OAR 660, Division 23. The boundary of a riparian corridor having this meaning shall be defined pursuant to OAR 660-23-090.
- 106-187** Roadway The portion or portions of a street right-of-way developed for vehicular traffic.

- 106-189** Rural Area The land area located in Washington County which is outside an acknowledged Urban Growth Boundary.
- 106-190** School, Commercial A facility where instruction is given to students in arts, crafts, or trades operated as a commercial enterprise as distinguished from public or private schools endowed and/or supported by taxation.
- 106-191** School, Nursery (Preschool) A school offering instruction or guided activity to preschool children for four (4) hours or less during a day. A facility providing care to preschool children for more than four (4) hours during a day is a day care facility (see Section 430-53.2).
- 106-192** Site Grading or Clearing Any site grading, excavation, fill, dredging or clearing except those excluded by Sections 201-1 and 410 or 407-3.2.
- 106-193** Sign A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign shall be considered to be a sign.
- 106-193.1 Electric Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.
- 106-193.2 Incidental A sign identifying or advertising associated goods, products, services or facilities available on the premises. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names, price signs or services rendered.
- 106-193.3 Flashing Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving, illuminated sign shall be considered a flashing sign.
- 106-193.4 Freestanding A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.
- 106-193.5 Ground Mounted A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.
- 106-193.6 Integral A sign carved into stone, concrete or similar vehicular material or made of bronze, aluminum or other permanent type construction indicating names of buildings, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the structures.
- 106-193.7 Marquee A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

- 106-193.8 Outdoor Advertising A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- 106-193.9 Projecting A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
- 106-193.10 Roof A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.
- 106-193.11 Temporary A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and intended to be displayed for a limited period of time.
- 106-193.12 Wall Flat A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
- 106-194** Single Family Accessory Dwelling Unit A second dwelling unit which occupies the same lot with a detached single family dwelling unit and that is subordinate to the primary dwelling. The accessory dwelling unit may be located within, attached to, or detached from the primary detached single family dwelling unit. The accessory unit functions as a complete, independent living facility with provisions within the unit for a separate kitchen, bathroom and sleeping area.
- 106-195** Solid Waste
- 106-195.1 Mixed Solid Waste Means solid waste that contains recoverable or recyclable materials, and materials that are not capable of being recycled or recovered for further use.
- 106-195.2 Source Separated Recyclables Means, at a minimum, recyclable materials designated "principle recyclable materials" by the State Environmental Quality Commission under ORS 459A.025, with the exception of yard debris. Currently these materials include newspaper, ferrous and non-ferrous scrap metal, used motor oil, corrugated cardboard, office paper, and tin cans (OAR 340-60-030).
- 106-195.3 Residual Mixed Solid Waste Means useless or discarded material commonly disposed of by residential and non-residential generators after some level of source separation and recycling has occurred.
- 106-195.4 Storage area Means the space necessary to store mixed solid waste and source separated recyclables that accumulate between collection days.
- 106-196** Specified Anatomical Areas Uncovered or less than opaquely covered, post-pubertal human genitals, pubic areas, post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state.
- 106-197** Specified Sexual Activities Human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, flagellation, torture or bondage either real or simulated.

- 106-199** Story That portion of a building included between a floor and the ceiling next above it, exclusive of a basement.
- 106-201** Street Plug or Reserve Strip A strip of land located between a subdivision and other property and not dedicated to public use, but conveyed to the County for the purpose of giving the County control over development of adjacent property.
- 106-203** Street Tree Any plant material located adjacent to a public street, having the capability of growth that will produce a vegetative canopy above a trunk not less than ten (10) feet high.
- 106-205** Structure Anything which is built, erected or constructed and located on or under the ground, or attached to something fixed to the ground. Structures include, but are not limited to, buildings, towers, walls (includes retaining walls), fences more than six feet in height, billboards, and utilities. Structures do not include paved areas.
- 106-207** Subdivide Land As defined by Oregon Revised Statutes 92.
- 106-209** Subdivision As defined by Oregon Revised Statutes 92.
- 106-211** Urban Unincorporated Area The land area located in Washington County which is within the acknowledged Urban Growth Boundaries and outside of city limits.
- 106-213** Urban Growth Boundaries (UGB) The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, which identify and separate urbanized land from rural and natural resource land.
- 106-214** Vanpool/Carpool Two (2) or more people who share the use and/or cost of a van or car for transportation to and from a destination.
- 106-215** Vegetated Corridor Lands that are located within the Clean Water Services boundary and are defined in the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. Vegetated corridors are generally preserved and maintained lands intended to protect the water quality functions of water quality sensitive areas.
- 106-216** Warehouse A structure or part of a structure used for storing goods, wares or merchandise, whether for the owner or for others.
- 106-217** Water Quality Sensitive Areas Lands that are located within the Clean Water Services boundary and are defined in the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. Water quality sensitive areas generally include, but are not limited to, existing or created wetlands, rivers, streams, springs and natural lakes.
- 106-218** Wetlands Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

- 106-219** Working Day Days that the Department of Land Use and Transportation is open for business.
- 106-220** Yard (Setback) An open space on a lot or parcel which is unoccupied or unobstructed by buildings or other structures from the ground upward, except by landscaping or vegetation or as provided in Section 418 or other sections of this Code. Required yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line of the lot or parcel a building will be constructed on, except as provided otherwise by the primary district.
- 106-220.1 Yard, Front A yard extending the full width of the lot, the depth of which is the minimum distance between the front lot line and a line parallel thereto at the nearest point of a building or structure.
- 106-220.2 Yard, Rear A yard extending across the full width of the lot between the rear of a building or structure and the nearest point of the rear lot line. In those instances where a dwelling's primary access (from a deck, patio, porch, or other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed (see Figures 1 and 2). Any additional screening and buffering setback required by Section 411 shall also be provided the length of the rear lot line.

Figure 1.

Example of a Detached Single Family Dwelling

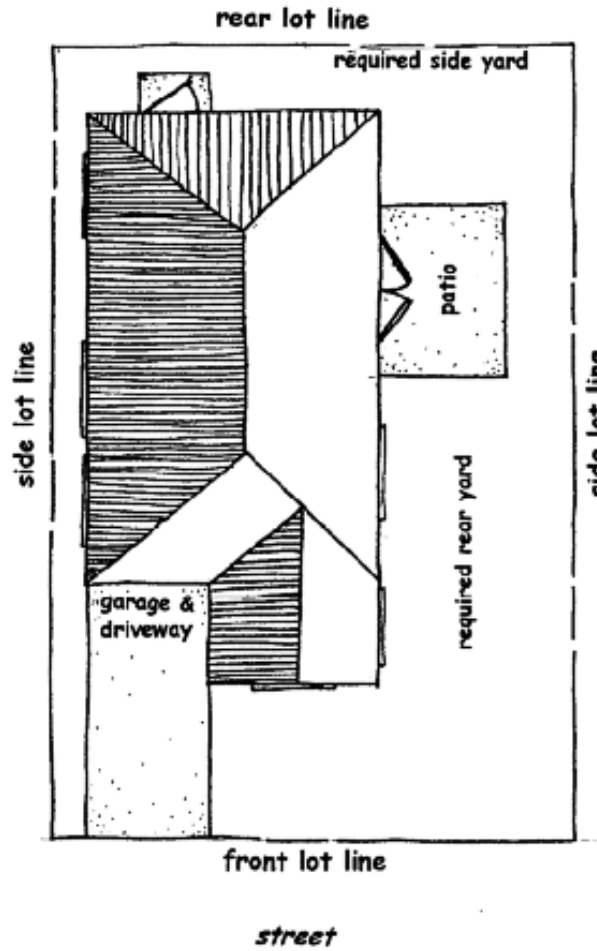
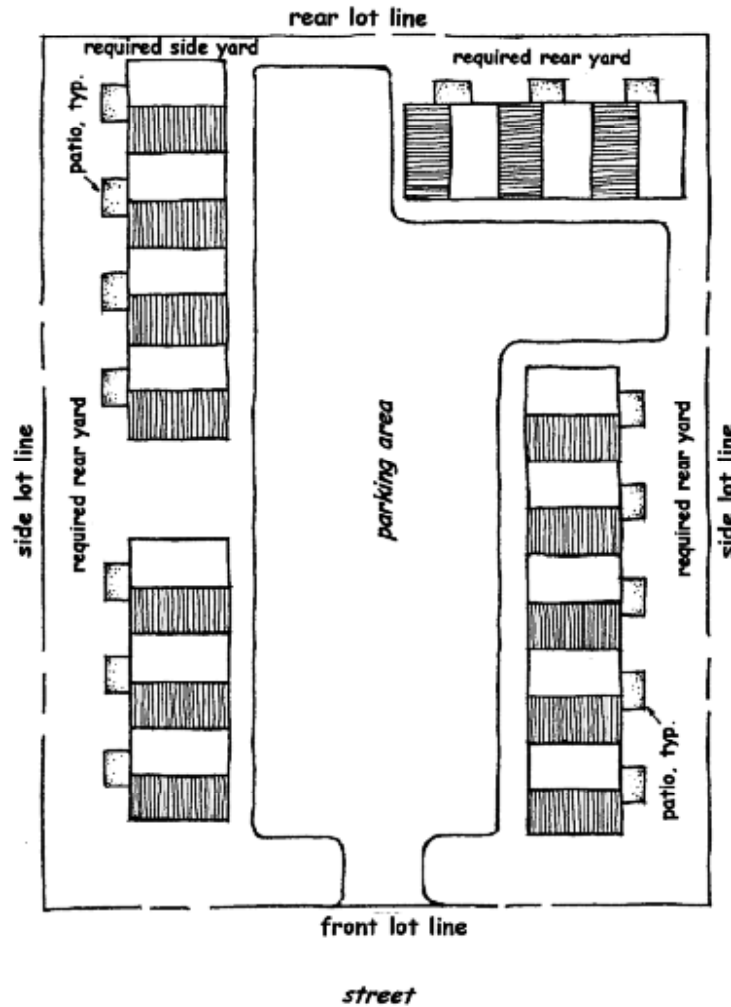


Figure 2.

Example of a Multi-Family Development



106-220.3 Yard, Side A yard between a building or structure and the side lot line extending from the front yard to the rear yard. The width of the side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building. In those instances where a dwelling's primary access (from a deck, patio, porch, other similar treatment) to the lot's main outdoor yard area (does not include the front yard) is oriented to a side lot line and not the rear lot line, the primary district's rear and side yards shall be reversed. (See Figures. 1 and 2 of Section 106-219.2 for an illustration.) Any additional screening and buffering setback required by Section 411 shall also be provided the length of the side lot line.

106-221 Zero-Lot-Line Attached or detached dwelling units which are constructed with zero side or rear setbacks.

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107 PLANNING PARTICIPANTS

The following are the major participants in the planning process in Washington County. The roles of these participants are generally outlined here. The roles and responsibilities may be further defined by the Board of Commissioners through Ordinance or Resolution and Order.

107-1 Board of Commissioners

- 107-1.1 The Board of Commissioners is the policy and ultimate decision-making body for the County except as otherwise provided by the Comprehensive Plan, the Constitution of the State of Oregon, Oregon State Statutes or the Washington County Charter. The Board of Commissioners retains and exercises all the powers granted to the County except as provided herein, by the Comprehensive Plan, or by action of the Board through either the adoption of an Ordinance or Resolution and Order.
- 107-1.2 The Board of Commissioners may, by Ordinance or Resolution and Order, create a Planning Commission or Commissions which shall act as the planning and development advisory body(s) to the Board and shall have such other powers and authority as described in this Code or as may be specified by the Board through Ordinance or Resolution and Order.
- 107-1.3 The Board of Commissioners, may, by Ordinance or Resolution and Order, create subcommittee(s) of the Planning Commission(s) and delegate to such subcommittee(s) such powers and authority deemed necessary by the Board.
- 107-1.4 The Board of Commissioners may, by Ordinance or Resolution and Order, create, revise or consolidate planning advisory committees for individual geographic areas of the County to consult within the preparation, adoption, revision and implementation of community plans for the respective areas. Advisory committees may be composed of residents, property owners, and business operators in the area.
- 107-1.5 The Board of Commissioners may, by Ordinance or Resolution and Order, designate a land use hearings officer to serve at its pleasure to hear and determine development actions and contested cases.
- 107-1.6 The Board of Commissioners may, by intergovernmental agreement pursuant to Oregon Revised Statutes, create joint Planning Commissions for any or all of the unincorporated area of Washington County and other such area as may be agreed upon.
- 107-1.7 The Board of Commissioners may interpret the Community Development Code where ambiguity exists as to the meaning of specific provisions. This interpretation, when made, shall be used to guide staff and the Review Authority in applying the Code to specific situations. The Board by ordinance or resolution and order shall develop procedures for implementing this section.

107-2 Planning Commission

107-2.1 Membership:

- A. There is hereby established a Planning Commission which shall consist of members appointed by the Board of Commissioners for four year terms or until their respective successors are appointed and qualified. The members' terms shall be staggered. The members of the Planning Commission existing on the day that this Code is adopted, may continue in office until the end of their respective terms. No member shall serve more than two consecutive four-year terms. Members may serve until a replacement is appointed.
- B. Upon the resignation, permanent disqualification or removal of any member of the Planning Commission, the Board may appoint a successor to fill out the remainder of the term. If the remainder of the term is less than two years the successor may be appointed by the Board for two additional full terms.
- C. Planning Commissioners shall serve at the pleasure of the Board and may be removed without cause at any time. This provision shall not apply during the current term of any Planning Commission member serving on the effective date of this ordinance. It shall govern all new appointees, including existing Planning Commission members appointed to additional terms. Existing members may be removed only as provided in former Section 107-2.1 C. during their current terms.
- D. Members of the Planning Commission shall serve without compensation other than reimbursement for duly authorized expenses as authorized by the Director.
- E. Members of the Planning Commission shall be residents of various geographic areas of the County. No more than two members shall be engaged principally in the buying, selling, or developing of real estate. No more than two members shall be engaged in the same occupation.

107-2.2 Responsibility and Authority:

- A. The Planning Commission shall advise the Board of County Commissioners on legislative planning and development issues such as the adoption, revision or repeal of any Comprehensive Plan or implementing Ordinance or Code related to the responsibilities and authority granted by applicable State law, the Washington County Charter and the Washington County Comprehensive Plan.
- B. The Planning Commission may initiate planning and development actions.
- C. The Planning Commission shall have the authority to act on planning and development matters as authorized in the Comprehensive Plan, this Code or Resolution and Order of the Board of Commissioners. The Planning Commission shall perform such other functions as may be authorized by this Code or other Ordinances or by Resolution and Order of the Board of County Commissioners.
- D. The Planning Commission may appoint a subcommittee or subcommittees of the Planning Commission to act upon such matters as the Planning Commission or

Board of Commissioners may delegate through Ordinance or Resolution and Order.

- E. The Planning Commission shall coordinate with, cooperate with and advise other Regional, County and City Planning Commissions and may upon request, or on its own initiative, furnish advice or reports to any city, county, regional, State, or Federal agency, department, officer or association, concerning any matter relating to County Planning.
- F. The Planning Commission members or their agents may, in the performance of their functions, enter upon any land and make examinations or surveys, take photographs or place and maintain the necessary monuments or markers thereon.

107-2.3 Rules and Procedures:

- A. The Planning Commission may conduct business only when a quorum of the members are present. For purposes of interpreting the Community Development Code or any provisions of these rules, a Planning Commissioner is not considered "present" for purposes of determining the votes needed on a matter when he/she has abstained from participation on that matter.
- B. The Planning Commission shall, at or before its first meeting in July each year, elect and install one of its members to serve as Chairman and another to serve as Vice-Chairman.
- C. Planning or development actions by the Planning Commission require a majority vote of those voting.
- D. A tie vote on a planning or development action shall not constitute an approval or denial of the request. If the final vote on the matter is a tie, the matter shall automatically be continued to the next regularly scheduled meeting for another vote. A member not present earlier may participate if the member indicates on the record that he or she has reviewed the material and listened to the tape of the hearing. If a tie vote remains after the second meeting the action is deemed to be denied.

107-3 Director

The Director shall:

- 107-3.1 Be responsible for the administration of planning and development activities within the County and shall be the chief administrator in charge of Planning. The Director's responsibilities shall be outlined in the job description and may include but are not limited to the following activities:
 - A. Schedule and assign cases for review and hearings;
 - B. Conduct all pertinent correspondence of the Hearings bodies;
 - C. Give notice as required by this Code;

- D. Maintain agendas and minutes of all Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer meetings;
 - E. Compile and maintain all necessary records, files and indexes for Planning and Development activities; and,
- 107-3.2 Provide professional expertise, staff assistance and act as secretary to the Land Use Ordinance Advisory Commission, Planning Commission and Hearings Officer, keeping an accurate, permanent and complete record of all proceedings.
 - 107-3.3 Provide professional expertise and staff assistance to the Board of County Commissioners as necessary for planning matters.
 - 107-3.4 Coordinate planning functions with other County Departments, other jurisdictions within the County and other agencies as is necessary to carry out planning duties.
 - 107-3.5 Provide assistance and information to the public on land use activities.
 - 107-3.6 Other activities as specified by the Board of County Commissioners.

107-4 Hearings Officer

107-4.1 Appointment:

A Hearings Officer may be appointed and removed at the discretion of the Board of Commissioners.

107-4.2 Duties:

The Hearings Officer shall conduct hearings and take action on development requests as specified by this Code and as may be further specified by Ordinance or Resolution and Order of the Board of Commissioners.

107-5 Land Use Ordinance Advisory Commission

107-5.1 Purpose:

The purpose of the Land Use Ordinance Advisory Commission and other provisions of this section is to implement Chapter X of the Washington County Charter. Chapter X is intended to ensure adequate notice of proposed land use ordinances to encourage meaningful citizen participation. The provisions of this section shall be liberally construed to this end.

107-5.2 Definitions:

- A. "Annual Land Use Notice" means a notice annually mailed to each property owner of record as shown in the current assessment roll and to each officially recognized citizen involvement organization. It also includes a display advertisement published at least twice per year in a newspaper of general circulation in Washington County.

- B. "Individual Notice" means written notice mailed by first class mail to those persons who have requested notice as provided in Chapter X of the Washington County Charter and to each officially recognized citizen involvement organization.
- C. "General Notification List" means a list of each officially recognized citizen involvement organization and those persons who have requested in writing individual notice of public hearings on all land use ordinances.
- D. "Land Use Ordinance" means one which adopts, amends or repeals a comprehensive plan, development or zoning code and related maps or otherwise directly governs the use of land. It does not include such subjects as: financing public improvements, road engineering and utility standards, building code, development fees, sewer or septic regulations or nuisance control.

107-5.3 Commission Membership:

- A. The Land Use Ordinance Advisory Commission shall be composed of five (5) members. Members shall be residents of Washington County. No member shall be an employee of Washington County whose regular duties involve application of any land use ordinance, or a member of the Planning Commission or Board of County Commissioners.
- B. The term of each member of the Commission shall be two (2) years, except for two (2) members of the first Commission appointed who shall serve a one (1) year term. Persons to serve for an initial one-year term shall be selected by lot. The terms of office scheduled to expire January 31, 1991, shall be changed to expire October 31, 1990. Effective October 31, 1990, terms shall begin on November 1 and expire on October 31 of the second year of the term.
- C. Members of the Commission shall be appointed by the Board of County Commissioners. The Board shall make appointments prior to expiration of terms, when possible, to maintain a five (5) member Commission. Upon resignation, removal for cause, or liability to serve of any member, the Board shall appoint a person to serve for the unexpired term. The appointee may serve two additional full terms.
- D. Prior to making appointments, the Board shall solicit nominations from the general citizenry, the Committee for Citizen Involvement, Citizen Participation Organizations and other organizations. Effective March 1, 1990, solicitation of nominations shall be made no later than August 1 of each year.
- E. In making appointments of Commission members, the Board may consider individual interests in the Commission's charge, expertise, geographic location, balance of viewpoints, and civil concern with the total membership to reflect, if possible, a balance of appointments by all five (5) County Commissioners.
- F. The Board may remove a member only for cause, including but not limited to:
 - (1) Failure to reside in Washington County;

- (2) Being in a position which excludes a person from eligibility under subsection A of this section;
- (3) Willful violation of any state law, charter provision or ordinance concerning conduct of public officials; or
- (4) Any person who fails to attend three (3) meetings in succession shall automatically cease to be a member of the Commission. However, if a member obtains prior permission from the Chairman to be absent from a meeting, that missed meeting shall not be counted for automatic dismissal from the Commission.
- (5) Other cause related to ability to serve as a Commission Member.

107-5.4 Commission Organization:

- A. The Commission shall hold an annual meeting for the purposes of selecting a chair and vice-chair from its membership, adopting rules of procedure and transacting any other business that may come before it. Such annual reorganizational meeting shall be called by the Chairman as soon after November 1 as new appointments are made. If the Chairman of the prior Commission is no longer a member, the meeting shall be called by the secretary. The meeting shall be held no later than December 31st.
- B. The Director, or a designated representative, shall serve as secretary to the Commission and shall assist in scheduling Commission meetings, giving notices of Commission meetings, and keeping all records of the Commission. The Director shall select a person to be the Commission secretary in October of each year for the ensuing term. The Director shall notify the Commission in writing of the person selected.

107-5.5 Commission Procedures:

- A. Meetings of the Commission, other than the annual meeting, may be called by the Chair, a majority of the Commission, the secretary or by the Board.
- B. The members of the Commission present at a meeting shall constitute a quorum and a majority of those present can transact business.
- C. The Commission shall act upon matters which come before it within time limits as set by order of the Board.
- D. The Commission shall adopt and may amend additional rules of procedure as necessary to conduct business. Such rules shall be subject to modification by the Board.

107-5.6 Commission Duties:

The Commission shall:

- A. Read all proposed land use ordinances and have the sole authority to draft the annual land use notice and the initial individual notice of the Planning

Commission hearing as specified in Section 104 of Chapter X of the Washington County Charter;

- B. Make recommendations to the Board regarding the timing and scope of proposed land use ordinances, and the size and format of the initial newspaper display notice; and
- C. Carry out other duties as may be specified by order of the Board.

107-5.7 Commission Compensation:

Members of the Commission shall not be compensated.

107-5.8 General Notification List:

- A. The Department shall maintain the general notification list.
- B. The list shall consist of:
 - (1) All individuals, companies, corporations, partnerships, nonprofit organizations and other such entities that have made a written request containing the name and complete mailing address of the requesting party together with the fee specified in Section 107-5.9; and
 - (2) The designated representative of all officially recognized citizen involvement organizations including citizen participation organizations and neighborhood associations.
- C. A general notification list shall be maintained for each legislative period, such period being March 1 through October 31 of each year. All requests, including payment of the fee, received on or after November 1 of a year and prior to March 1 of the following year shall be placed on the general notification list for the next legislative period. Requests received during a legislative period shall be valid only for the period in which they are received.

107-5.9 Notice Fee:

- A. The initial annual notice fee for placement on the general notification list shall be established by resolution and order of the Board based on a reasonable estimate of mailing costs.
- B. For purposes of this section, costs shall include expenses incurred for mailing the individual notice, such as materials, printing, collating, placing in envelopes, addressing, postage and similar costs. Costs shall not include staff time drafting said notice or maintaining the general notification list.
- C. All fees shall be placed in a notice fee account or fund to be used solely to pay the costs of mailing the individual notice to parties on the general notification list. Any year end balance or deficit in the notice fee account or fund shall be carried forward and used in computing any decrease or increase in the fee.

107-5.10 Annual Land Use Notice:

A. Content

The annual land use notice shall be drafted by the Land Use Ordinance Advisory Commission. The notice shall include, but not be limited to:

- (1) A general description of the land use ordinance adoption process;
- (2) An explanation that those on the general notification list will receive individual notice of the public hearings as provided in Section 104 of Chapter X of the Washington County Charter;
- (3) The address for submitting notification requests and a telephone number for persons with questions; and
- (4) The amount of the fee as described in Section 107-5.9.

B. Mailing

- (1) The annual land use notice shall be included with the ad valorem tax statements mailed by the Department of Assessment and Taxation and shall be mailed to each officially recognized Citizen Participation Organization at approximately the same time. In addition, the Board may direct that an annual land use notice may be mailed at such other times as deemed advisable.
- (2) Failure to receive notice shall not invalidate any ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person who did not receive notice.

C. Newspaper Notice

- (1) Newspaper notice shall be published once during the second week of January and once during the second week in October of each year. A newspaper notice also may be published at approximately the same time that any annual land use notice is mailed. It shall be published in a newspaper of general circulation in Washington County as declared by the Board. However, first publication of the newspaper notice during the calendar year 1987 need not be in March but may be at the earliest practicable date as ordered by the Board.
- (2) The content of the newspaper notice shall, at a minimum, be as set forth in subsection A of this section.
- (3) The notice shall be in the form of a display advertisement. It shall be located in the copy section of the newspaper rather than the classified advertisement or legal notice section.

107-5.11 Individual Notice:

- A. Individual notice shall be sent by first class mail to those on the current notification list. The County may rely on the name and address provided by the requesting person for inclusion on the list. Failure to receive notice shall not invalidate any ordinance unless caused by willful action and the failure to receive notice results in prejudice to the substantial rights of the person or entity who did not receive notice.
- B. Unless the Board directs the Land Use Ordinance Advisory Commission to draft individual notice of substantive amendments to a proposed ordinance, the notice shall be drafted by the Office of County Counsel.

107-6 Committee for Citizen Involvement (CCI)

107-6.1 Purpose: The purpose of the Committee for Citizen Involvement (CCI) is:

- A. To serve as the officially recognized citizen participation resource committee, which is representative of geographic areas and interests;
- B. To be dedicated and committed to the success of citizen participation in the government decision-making process;
- C. To evaluate citizen involvement process;
- D. To encourage and promote the expansion of the CPO program;
- E. To provide a direct line of communication between the citizens and county government; and
- F. To assist the County Board of Commissioners in complying with LCDC Goal #1 by developing a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

107-6.2 Membership:

- A. Will consist of the two representatives from each recognized CPO in Washington County and two alternates which shall make up the membership of the CCI.
- B. These representatives may be selected or appointed by any method approved by the individual CPOs.
- C. The term of each representative will be as determined by each CPO.

107-7 Citizen Participation Organization (CPO)

107-7.1 Purpose:

- A. To facilitate effective citizen involvement in the planning and development of Washington County.

B. To assist in the development of and revisions to the County Comprehensive Plan.

C. To participate in special projects and studies affecting communities.

107-7.2 Membership:

Membership in a CPO is open to all citizens of voting age who either reside, own land or own or operate a business within the boundaries of the CPO.

107-7.3 Bylaws:

Bylaws, including requirements for voting, shall be determined by each individual CPO.

107-7.4 Boundaries:

The boundaries of the individual CPOs shall be defined and may be amended through Ordinance or Resolution and Order of the Board of Commissioners.

107-7.5 Additional Duties and Responsibilities:

As may be determined by the Board of County Commissioners through Ordinance or Resolution and Order.

107-8 Neighborhood Organization

107-8.1 Purpose:

To provide recognition by the Board of County Commissioners of a citizen's group representing a small defined area of the County with specific interest in County activities affecting their area and to provide standing for the group in a specific land use matter.

107-8.2 Membership:

The organization must represent sixty (60) percent of the registered voters within its boundaries and must have at least fifty (50) members. Membership in the organization shall be open to all citizens of voting age who either reside, own land or own or operate a business within the boundaries of the organization.

107-8.3 Boundaries:

The boundaries of each neighborhood shall be defined by Resolution and Order, by the Board, and shall lie entirely within the unincorporated boundary of the County. Within the boundary, at least fifty (50) percent of the land must be developed for residential use.

110 TRANSITION TO DEVELOPMENT CODE

110-1 Intent and Purpose

110-1.1 The purpose of this Section is to provide an orderly transition from:

- A. The purpose of this Section is to provide an orderly transition from Article II of the 1973 Community Development Ordinance, Relating to Zoning, Article III, Relating to Subdivision and Land Partitioning, and the 1982 Rural Plan and implementing Ordinance to this Code and the Comprehensive Plan; and
- B. The Community Development Code Element of the Comprehensive Plan (Volume IV), adopted by Ordinance Number 308 and last amended by Ordinance Number 479 on August 5, 1997, to this Code, which includes amendments made by Ordinance Number 486 on October 28, 1997.

110-2.1 This Section is intended to protect the interests of those who have received and acted upon previous requests under those former Ordinances, while furthering the public interest, by ensuring that future development occurs pursuant to the provisions of this Code.

110-2 Pending Applications

110-2.1 All applications filed under Ordinance Numbers 263, 264, 265, 278, 279, and 280 shall continue to be processed pursuant to the provisions of the former Ordinance, except procedures, until a final decision is rendered by the County or the application is withdrawn. If approved, the development shall obtain any further approvals required by the former Ordinance and commence development within the time periods specified in that Ordinance.

110-2.2 All applications filed under Ordinance Number 308, as amended, prior to the effective date of Ordinance Number 486, that are for development located in a transit oriented district, shall continue to be processed pursuant to the provisions of this Code that were in effect prior to the effective date of Ordinance Number 486, except procedures, until a final decision is rendered by the County or any appellant body or the application is withdrawn. If approved, the development shall obtain any further approvals required by the former Code provisions and commence development within the time periods specified in the former Code provisions.

110-3 Transition Provisions for Approval Granted Under Article III of the 1973 Community Development Ordinance and Article VI, Subdivision and Partitioning

The following shall govern approvals granted pursuant to Article II of the 1973 Community Development Ordinance and Article VI, Subdivision and Partitioning prior to the effective date of this Code:

110-3.1 Preliminary land division plan approvals shall be valid for two (2) years from September 26, 1983 for those areas except for Raleigh Hills, Garden Home, Metzger-Progress, Sunset West and the Rural Natural Resource Area. Said areas to have two (2) years from March 26, 1984, except that an approval for a phased development shall be valid in accordance with the time table approved but not to

- exceed five (5) years total. Final approval shall be determined in accordance with the standards of the former Ordinances and former Comprehensive Plan and shall be valid for one (1) year. All further approvals, such as design review, must be obtained and the development commenced as defined in Section 201-6, within that period. No extensions shall be granted.
- 110-3.2 Final PUD master plan approvals shall be valid for two (2) years from the effective dates set forth in 110-3.1. Further approvals shall be obtained and commencement of development, as defined in Section 201-6, shall occur within that time and no further extensions shall be granted.
- 110-3.3 All rezonings to the provisions of Sections 251 through 265, Planned Residential District, of former Article II of the Community Development Ordinance which have not been commenced on the effective date of this Code hereby are void and of no further effect. The conditions of approval of any constructed or commenced P-R development shall continue unless in direct conflict with this Code or the Comprehensive Plan. P-R phases not yet commenced, as defined in Section 201-6, on the effective dates set forth in 110-3.1 are void. Nothing in this paragraph shall be deemed to void a valid nonconforming use or vested right.
- 110-3.4 Prior final design review approvals shall be valid for a period of two (2) years the dates set forth in 110-3.1. Administrative actions approved under the former Ordinances which have not obtained a required design review approval, and are not provided for above, shall have one (1) year from the dates set forth in 110-3.1 to obtain such approval under the former standards. All administrative actions not receiving such approval within one (1) year shall be subject to the Development Review Standards of this Code. If those standards cannot be met, a variance or hardship relief must be obtained or the prior approval shall be reversed and the development denied.
- 110-3.5 Notwithstanding any other provision, conditional use permits shall continue to be valid for a period of five (5) years from the dates set forth in 110-3.1, except for home occupations which shall be valid for one (1) year. Holders of conditional use permits may seek a Development Permit if the use is permitted, or continue beyond expiration as a nonconforming use. Nonconforming conditional uses shall continue to be subject to all conditions imposed at the time of approval. This provision shall not apply to the Mineral and Aggregate Overlay District, which shall be governed by Section 379.
- 110-3.6 Prior final land division approvals shall be void if not recorded within one (1) year of the dates set forth in 110-3.1.
- 110-3.7 All conditions of approval imposed under the former Ordinance shall continue in full force and effect, unless the condition directly contradicts a specific and more restrictive provision of this Code, or is otherwise provided in the applicable Community Plan. All land required under prior approvals to be utilized as Open Space shall remain in that status and shall be unbuildable. No density transfer or bonuses shall be granted for said land except as provided in the prior approval.
- 110-3.8 Notwithstanding any other provision, the applicant and owner of a property or their successor(s) may void all prior approvals and seek a development permit under this Code on development which has been approved but has not yet commenced.

110-4 All development permits issued pursuant to Ordinance Numbers 263, 264, 265, 278, 279, and 280 shall expire two (2) years from issuance. Extensions may be granted only if the Review Authority determines that this Ordinance imposes no substantive changes on the development.

110-5 Transition Provisions in Transit Oriented Districts

The following shall govern approvals granted pursuant to Ordinance Number 308, as amended, prior to the effective date of Ordinance Number 486 that are for development located in a transit oriented district:

- 110-5.1 All preliminary approvals shall be valid for two (2) years from the date of preliminary approval of a development application. All preliminary approvals shall expire two (2) years from the date of approval unless final approval has been granted. Final approval shall be determined in accordance with the former standards of Ordinance Number 308, as amended, and former requirements of the Comprehensive Plan. All final approvals shall be valid for one (1) year, except that a final approval of a phased development shall be valid in accordance with the time table approved but shall not exceed five (5) years total. No extensions to a preliminary or final approval shall be granted.
- 110-5.2 Special uses, approved prior to the effective date of Ordinance Number 486 which have not obtained a required design approval, shall have one (1) year from approval to obtain the required design review approval under the former standards. If those standards cannot be met or if the approval is not obtained within one (1) year of special use approval, the special use approval shall expire.
- 110-5.3 Under an application that has not received final approval prior to the effective date of Ordinance 486, an applicant shall not be allowed to use any of the provisions adopted by Ordinance Numbers 483, 484, 485, and 486 on any portion of the subject site. In order to use any of the provisions adopted by Ordinance Numbers 483, 484, 485, and 486, the application shall be withdrawn and a new application for the subject site shall be submitted which is consistent with this Code as amended by Ordinance 486 and the applicable provisions of Ordinance Number 483, 484, and 485.

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200 INTRODUCTION

This Article establishes the procedures to be used in reviewing and taking action on development proposals.

201 DEVELOPMENT PERMIT

201-1 Permit Required

Except as excluded in Section 201-2, and Section 702, no person shall engage in or cause a development to occur, as defined in Section 106-57, without first obtaining a Development Permit through the procedures set forth in this Code. The Director shall not issue any permit for the construction, reconstruction or alteration of a structure or a part thereof without first verifying that a valid Development Permit has been issued. Development authorized by a Development Permit shall occur only as approved.

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

- 201-2.1 Landscaping outside the flood plain and not involving a structure or parking lot;
- 201-2.2 Any change or repair to a building or other structure that does not alter or expand the use thereof, and, except as permitted by Section 440-2, does not require a building permit;
- 201-2.3 Erection of a tent for a lawful use not exceeding ten (10) days in any thirty (30) day period;
- 201-2.4 Farm use, except for grading or as provided in Section 201-2.12 as prohibited by Sections 421 and 422 and those specific farm uses specifically prohibited in urban land use districts. For the purposes of Section 201-2.4, "farm use" does not include the boarding or training of horses for profit;
- 201-2.5 An emergency measure necessary for immediate safety of persons or protection of property, except those authorized by Section 702 which are exempt from the requirements of this Code, provided however, that an application for a Development Permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency;
- 201-2.6 Propagation or cutting of trees except as specified in Section 407-3 provided the trees are not designated as a significant natural resource area in an urban Community Plan, designated for preservation through the master planning process for a development, designated for preservation in a prior development action or when inside the UGB, located within a flood plain or drainage hazard area;

- 201-2.7 Establishment, construction, maintenance, preservation or termination of local public streets substantially in the public right-of-way together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 421, 422, and 426;
- 201-2.8 Except in the EFU, AF-20 and EFC Districts, establishment, construction, maintenance, preservation or termination of the following authorized public facilities in the public right-of-way directly serving development or as shown on the Transportation Plan or adopted Public Facility Plan, together with piping and culverting and necessary drainage systems and accessory structures and easements: sewer and water lines, electrical and gas distribution lines, telephone and television cable transmission lines. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit. This development (alteration) permit shall be approved if the applicant demonstrates compliance with the applicable standards in the following sections: Sections 410, 416, 421, 422, and 426;
- 201-2.9 Maintenance, preservation or repair of local public streets or private streets, including culverting and piping, accessory drainage systems and necessary accessory structures, within a flood plain or drainage hazard area. Work shall comply with local, state and federal regulatory requirements, including the requirements of Article IV;
- 201-2.10 In the EFU, EFC, AF-20, and MAE Districts only, operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the construction of access roads, subject to the following:
- A. There shall be no work in a flood plain, drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource;
 - B. A permit is obtained from the Department of Geology and Mineral Industries (DOGAMI) prior to commencing work; and
 - C. Access to the site from a public road shall comply with the sight distance standards of Section 501-8.5 E.
- 201-2.11 The following structures accessory to a residential use:
- A. Playground equipment and structures;
 - B. Stone or brick barbecues;
 - C. Clotheslines;
 - D. Treehouses, playhouses and storage sheds less than one-hundred and twenty (120) square feet in area;
 - E. Arbors and trellises;

- F. Dog houses totaling no more than fifty (50) square feet;
- G. Hutches for rabbits and other small animals totaling no more than fifty (50) square feet;
- H. Houses for wild or domestic birds totaling no more than fifty (50) square feet;
- I. Basketball hoops, tetherball poles and other permanently mounted sports equipment;
- J. Above-ground swimming pools, hot tubs and spas with no permanent plumbing or electrical connections.

Such uses shall not be located in a required front or street side yard and shall be set back at least three (3) feet from a side (except a street side yard) or rear property line. Such uses, except uses authorized by Section 201-2.11 D., may be placed at a side or rear property line if a sight-obscuring fence at least six (6) feet in height is located along the property line. No portion of the structure shall extend over the property line. The maximum allowed height is fifteen (15) feet.

201-2.12 The following excavations or fills, except excavations or fills for public transportation facilities, provided that no excavation or fill shall occur in the flood plain, drainage hazard area or in an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan without first obtaining a Development Permit:

- A. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid Development or Building Permit;
- B. Cemetery graves;
- C. Excavations for wells, tunnels or utilities;
- D. Excavations or fills for public projects conducted by or under contract of the County;
- E. Exploratory excavations affecting or disturbing areas less than six thousand (6,000) square feet in size, under the direction of soil engineers or engineering geologists;
- F. Access roads developed to support forest-related activities, agricultural crop production or grazing activities, where the roads:
 - (1) Are located on property used for an interim agricultural or forest use;
 - (2) Are solely for providing access to water supplies, equipment or supply storage areas, livestock grazing areas, producing fields or orchards, or fence lines;
 - (3) Do not create a cut or fill greater than three (3) feet in height visible from a public road;

- (4) Are sixteen (16) feet or less in width;
 - (5) Do not divert drainage onto or cause increased erosion on adjacent properties; and
 - (6) Do not discharge or threaten to discharge silt onto adjacent properties or into streams shown on the latest USGS seven and one-half (7-½) minute topographic quadrangle map;
- G. Customarily accepted agricultural activities, including preparation of land for cultivation, other than grading for roadwork or pads for structures. Unless waived by the Building Official (a review fee may be required), these activities are subject to all of the following:
- (1) No piping of drainages serving off-site properties;
 - (2) If fill is proposed, finished grade is no higher than adjacent property at the property line, or fill or excavation area is outside the district setbacks;
 - (3) Preserves existing drainage pattern, including direction and flow capacity and velocity of an existing drainage swale or channel. A drainage swale is a local depression, which conveys water to or from an adjoining property. All ponds shall be located outside drainage channels;
 - (4) Except for ponds, surface material is either topsoil or if utilized for nursery purposes, the material is commonly used to grow nursery crops;
 - (5) Fill material does not contain hazardous or contaminated substances, putrescibles or material such as asphalt, concrete or tires;
 - (6) Compliance with Oregon Administrative Rule Chapter 603, Division 95 (Agricultural Water Quality Management Program);
 - (7) Grading area is returned to farm use within one calendar year of commencing site grading.
- H. Grading that is a soil or water conservation project regulated by the U.S. Department of Agriculture, Soil Conservation Service, and/or the Washington County Soil and Water Conservation District;
- I. An excavation which is less than two (2) feet in depth, or which does not create a cut slope greater than five (5) feet in height and steeper than one and one half (1-1/2) horizontal to one (1) vertical;
- J. A fill which does not exceed one-hundred-fifty (150) cubic yards on any one (1) lot or parcel placed on natural terrain and does not obstruct a drainage course, and where the fill will be:
- (1) Less than one (1) foot in depth and placed on natural slope flatter than five (5) horizontal to one (1) vertical; or
 - (2) Less than three (3) feet in depth when not intended to support structures.

- K. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary, in accordance with Section 430-105.6; and
 - L. Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above-ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures.
 - M. Farm related pipes, including but not limited to irrigation and drainage pipes, and necessary accessory structures, such as pumps.
- 201-2.13 Continued use of a valid nonconforming use or exercise of a vested right, except that any change, alteration, restoration or replacement of a nonconforming use shall require a Development Permit as provided in Section 440.
- 201-2.14 Family day care provider as defined in Section 106-78, except in the EFU, EFC, AF-20, AF-10, AF-5, RR-5, Industrial, R-IND and MAE Districts.
- 201-2.15 Emergency or routine repairs or maintenance of a lawfully established communication tower or antenna.
- 201-2.16 Transportation improvements required to fulfill a condition of approval of a development action.
- 201-2.17 Receive-only satellite dishes as accessory uses to a maximum diameter of ten (10) feet, located in a side or rear yard and no closer than three (3) feet to any property line, with the center of the dish mounted no more than six (6) feet above grade.
- 201-2.18 Except in the EFU, EFC and AF-20 Districts, a home occupation which meets the standards for a Type I home occupation set forth in Section 430-63 but involves no customers entering the premises;
- 201-2.19 Child care provided at a public or private school for before and/or after school care exclusively for students affiliated with the school.
- 201-2.20 Farm stands in the AF-5, AF-10, EFU, AF-20, and EFC Districts if:
- A. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than twenty-five (25) percent of the total annual sales of the farm stand; and
 - B. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

- 201-2.21 In the EFU, EFC and AF-20 Districts, boarding or training of horses for profit, subject to compliance with the standards in Section 430-21.
- 201-2.22 Shelter home, as defined in ORS 108.610(5), in the R-5, R-6, R-9, R-15 and R-24 Districts provided it is in an existing dwelling and on a lot that is at least fifteen-thousand (15,000) square feet in size.
- 201-2.23 Development that involves removal of vegetation down to duff or bare soil and is outside the flood plain, drainage hazard area or an area specifically identified as a significant natural resource in the Community Plan or the Rural Natural Resource Plan.
- 201-2.24 Utility facilities in the EFU and AF-20 Districts :
- A. The placement of utility facilities, with the exception of water and sewer facilities, overhead and in the subsurface of public roads and highways along the public right-of-way and when not located within a drainage hazard or flood plain hazard area.
 - B. The placement of utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - (1) A public right-of-way;
 - (2) Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
 - (3) The property to be served by the utility.
- 201-2.25 In the EFU and AF-20 Districts, onsite filming and activities accessory to onsite filming for less than forty-five (45) days - See ORS 215.306 for standards.
- 201-2.26 Residential Home, as defined in Section 106-179, in any district that allows a single family dwelling unit as a Type I action or in any district in an existing dwelling, except in the EFU and AF-20 Districts.
- 201-2.27 Private hunting and fishing operations in the EFC District which do not constitute development as defined in Section 106-57.
- 201-2.28 Annexation, boundary changes, or extraterritorial extensions pursuant to ORS 199.
- 201-2.29 Installation and maintenance of farm-related irrigation and drainage pipes within the 100-year flood plain, provided the disturbed soil is already farmed and is outside of the *Water Areas and Wetlands & Fish and Wildlife Habitat* Significant Natural Resource Area, as defined in Section 422, and that the land disturbance will not alter flood storage capacity or water velocities. The property owner shall be required to sign an affidavit stating that all spoils will be removed from the flood area and placed in an appropriate disposal site.

201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way, excluding street lights on power poles and traffic signal lights, where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where "pole" is defined as a monopole, double pole or lattice utility structure, subject to the following:

- A. Within the public road right-of-way, existing poles may be replaced with new poles in order to support the new antenna, provided the new pole is not more than fifteen (15) feet higher than pole to be replaced;
- B. No more than one (1) associated equipment cabinet not to exceed twelve (12) cubic feet may be mounted on the pole. The cabinet shall be painted with or constructed of material with a non-reflective neutral color that matches or is similar to that of the pole. All associated ground-mounted equipment shelters located in the right-of-way are subject to the applicable standards of ODOT or Washington County to occupy or perform operations upon the affected roadway;
- C. Antennas, excluding whip antennas, shall extend no more than ten (10) feet above the pole it is mounted on. Antennas, excluding whip antennas, shall be either flush-mounted or located within a cylindrical enclosure on top of the pole (including omni-directional antennas) in order to minimize visual impacts. Antennas shall be painted with a non-reflective neutral color that matches or is similar to that of the pole;
- D. All cabling shall be painted with non-reflective neutral colors that match or are similar to that of the pole. If cabling is contained in protective conduit then the conduit shall be of the same or similar color as the pole; and
- E. Service providers shall provide to the Review Authority upon completion of the installation, copies of all plans and elevation schematics for purposes of maintaining an accurate inventory of these exempt facilities. Service providers are encouraged, though not required, to include in future submittal materials pursuant to this Section, the same information for exempt facilities they maintain that were installed since October 5, 2000, the effective date of Ordinance 560.
- F. All applicable county, state and federal right-of-way and/or building permits

201-2.31 Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district as defined in ORS 540.505. Notwithstanding this exemption, said facilities within a flood plain or drainage hazard area shall obtain a development permit.

201-2.32 The placement of an antenna and/or antenna support structures (including guy wires) of amateur radio operators up to a maximum height of seventy (70) feet, provided the antenna is mounted to a permanent structure, and provided the antenna and any associated support structures are in compliance with district setback standards.

201-3 Issuance and Effective Date

- 201-3.1 The Development Permit shall be effective upon the expiration of any local appeal period. For the final decision of the County, the development permit shall be effective upon issuance.
- 201-3.2 In the event that a final approval of the Board or Hearings Officer is appealed to a body of competent jurisdiction, the Development Permit shall be issued after notice of the decision is provided and it shall be the responsibility of the person appealing the Board or Hearings Officer decision to seek appropriate judicial remedies halting action upon the permit. Notwithstanding issuance, however, the holder of the Permit shall proceed at the Permit holder's own risk and shall be deemed to have expressly assumed all risk of proceeding and shall save and hold harmless Washington County from any responsibility or liability for proceeding with development.
- 201-3.3 Every Development Permit shall be specific as to the approval granted or development authorized. It shall be subject to the standards and conditions set forth in this Code, excepting only those variances or exceptions authorized by the Review Authority, together with any conditions imposed by the Review Authority. The development permit shall be effective immediately unless otherwise conditioned.

201-4 Expiration

- 201-4.1 Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a Development Permit shall expire automatically two (2) years from the date of issuance unless one of the following occurs first:
- A. The Development Permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction; or
 - B. An application for an extension is filed pursuant to Section 201-5; or
 - C. The development has commenced as provided in Section 201-6.
 - D. Upon final approval by the County of a permit, if the permit is appealed to a body of competent jurisdiction, the two-year permit period shall be tolled until a final, unappealed decision by a competent jurisdiction is made.

In addition to A., B., C. and D., land divisions and property line adjustments shall expire automatically two (2) years from the date of preliminary or final approval, whichever is applicable, as specified in Article VI.

- 201-4.2 For dwellings allowed under the following provisions, a Development Permit shall expire automatically four (4) years from the date of issuance unless one of the actions outlined under Section 201-4.1 occurs first:
- A. Replacement Dwellings in the EFU, EFC and AF-20 Districts;
 - B. Non-Farm Dwellings in EFU and AF-20 Districts;
 - C. Marginal Lands Dwellings in the AF-20 District;
 - D. Lot of Record, Large Ownership and Template Dwellings in the EFC District; and

E. Caretaker residences for public parks and public fish hatcheries.

201-4.3 A Development Permit for a solar access permit shall expire automatically one-hundred-and-eighty (180) days from the date of issuance unless one of the requirements of Section 201-4.1 occur first as provided in Section 427-5.7.

201-4.4 A Development Permit for a solar access permit shall expire automatically if construction is abandoned or suspended for a period of one-hundred-and-eighty (180) days or more as provided in Section 427-5.7 B.

201-4.5 Section 201-4 does not apply to Development Permits for public transportation facilities authorized by Article VII.

201-5 Extension

201-5.1 Extension in all Districts Except the EFU and AF-20 Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. An extension may be granted for a maximum of two (2) years from the original date of expiration except as provided in Section 427-5.8. Subsequent two-year extensions may be granted, except as provided in Section 427-5.8. Extensions shall be granted only upon findings that:

- A. Commencement could not practically occur for reasons beyond reasonable control of the Permit holder;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit;
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval; and
- D. For residential development applications, the density is consistent with the density requirements of the primary district.

201-5.2 Extension in the EFU, AF-20 and EFC Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. Except as provided for below in Section 201-5.3, one extension may be granted for a maximum period of one (1) year from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional one (1) year extensions may be authorized where applicable criteria for the decision have not changed.

- A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;

- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit; and
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

201-5.3 Extension of Certain Dwelling Approvals in the EFU, AF-20 and EFC Districts

For the dwelling approvals listed under Section 201-4.2 only, if an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a Type II action. One extension may be granted for a maximum of two (2) years from the original date of expiration when findings are made demonstrating compliance with A, B, and C below. Additional extensions are not permitted.

- A. The applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible;
- B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit; and
- C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.

201-6 When a Development has Commenced

201-6.1 This provision applies to authorized projects that are initiated prior to the expiration of the development permit, but are not completed before the expiration date. Once development has commenced, the holder of the Development Permit is allowed to complete the development. After development has commenced, the Development Permit does not expire unless it is revoked pursuant to Section 201-7.

There are two processes for making decisions to determine whether or not development has commenced. The Type I process can be summarized as expending a minimum dollar amount of money physically altering the land or structure, or changing the use thereof or, in the case of development requiring a building permit, issuance of the building permit. The Type II process can be summarized as expending any combination of time, labor, or money physically altering the land or structure, or changing the use thereof; or expending a combination of time, labor, or money toward completion of a development project without physically altering the land or structure or changing the use thereof for reasons beyond reasonable control of the Permit holder.

201-6.2 Type I decision:

The authorized development has commenced when the holder of the Permit has:

- (1) Physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and

- (2) Such alteration or change is directed toward completion of applicable Code standards or Conditions of Approval for the development; and
- (3) Is sufficient in terms of money expended to demonstrate a good faith effort to complete the development. Sufficient means spending at least: \$5,000 for projects involving one dwelling on an existing lot or parcel, \$10,000 for partitions and subdivisions with four (4) lots, and \$25,000 for all other projects. The expenditures must be related to completion of the development; this money must have been spent on physically altering the property. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land; or
- (4) In the case of development requiring a building permit for a dwelling or commercial building permit, the land use sign-off for the permit or issuance of the building permit shall be conclusive evidence of commencing development. A Development Permit which otherwise would have expired [development has not commenced in accordance with (1), (2) and (3) above], but for issuance of a building permit, shall expire automatically upon expiration of the building permit. Nothing herein, however, shall be deemed to extend the life of said building permit as provided by law.

201-6.3 Type II decision:

The authorized development has commenced when the holder of the Permit has:

- (1) Physically altered the land or structure or changed the use thereof. Examples include one or more of the following: preliminary grading for roads, driveways, building sites or installation of utilities; interior remodeling of a structure; required off-site improvements; and
- (2) Such alteration or change is directed toward completion of the development; and
- (3) Is sufficient in terms of time, labor, or money expended to demonstrate a good faith effort to complete the development. Expenditures must be related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land; or
- (4) Physically altering the land or structure or changing the use thereof could not practically occur for reasons beyond reasonable control of the Permit holder and other effort expended is sufficient in terms of time, labor, or money spent to demonstrate a good faith effort to complete the development. Expenditures must be related to completion of the development. Expenditures that could apply to various other uses of the land or structure shall be excluded including the cost of purchasing land.

201-6.4 In the case of development authorized to be done in phases, each phase must be commenced within the time frame specified in the approval, or commenced within two (2) years of completion of the prior phase if no time table is specified. The date of phase completion in the case of a structure or structures shall be the date of

issuance of an occupancy permit or final building inspection by the Director for eighty (80) percent or more of the structure or structures.

201-7 Revocation of Development Permit

- 201-7.1 Revocation shall be processed as a Type I action. A Development Permit may be revoked upon a finding of:
- A. Noncompliance with the standards or conditions set forth in this Code, or any special conditions imposed upon the permit;
 - B. Intentional fraud, misrepresentation or deceit upon the part of the applicant as to an issue material to the issuance of the Development Permit;
 - C. Abandonment or discontinuance as determined by failure to make reasonable progress toward completion of a commenced development for a continuous period of one (1) year. Bona fide good faith efforts to market the development shall not constitute abandonment or discontinuance; or
 - D. A change in this Code, the Comprehensive Plan or State law which would make the approved development unlawful or not permitted, prior to the development obtaining a vested right or nonconforming use status.
- 201-7.2 Revocation shall be effective immediately upon the County providing written notice thereof to the holder of the Permit. Unless provided otherwise by the revoking authority, revocation terminates the authority to continue the use. Continued use without a current valid development permit shall be a violation of this Code.
- 201-7.3 The holder of a revoked Permit may reapply for a new Permit at any time as an entirely new application.
- 201-7.4 Revocation is available in addition to and not in lieu of any other remedy provided by law and is not a condition precedent to any such remedy.

201-8 Transferability of Development Permit

Unless otherwise provided in the Development Permit, a Development Permit shall be transferable provided the transferor files a statement with the Director signed by the transferee and recorded in the chain of title of the property, indicating that the transferee has been provided a copy of the Development Permit and all conditions of approval, understands the obligation and agrees to fulfill the conditions unless a modification is approved as provided in this Code. The transferor shall be jointly responsible for ensuring compliance until such a statement is filed, at which time the transferor's obligation shall be terminated.

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202 PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

All land use actions shall be classified as one of the following unless State law mandates different or additional procedures for particular land use actions or categories of land use actions or specified otherwise by Article VII of this Code:

202-1 Type I

202-1.1 Type I development actions involve permitted uses or development governed by clear and objective review criteria. Type I actions do not encompass discretionary land use decisions. Impacts have been recognized by the development and public facility standards. The intent and purpose of the District is not a consideration of approval in Type I uses.

202-1.2 The following are Type I actions:

- A. Those identified in this Code as Type I actions;
- B. Notwithstanding any other provision, structures or uses proposed to implement an approved Planned Development, if consistent with the approval:
 - (1) For purposes of this Section, consistency shall mean that the use or development was contemplated by and conforms with the prior approval.
 - (2) As regards public facilities impacts, the use or structure shall be processed as a Type I action only if the impacts, as measured by the accepted standard used in the prior approval, are less than or equal to the impacts identified in the prior approval. For example, trip generation of the proposed use or structure is less than or equal to the trip generation projected in the planned development approval.
 - (3) If the Director determines that the proposed use or structure was not contemplated, does not conform or requires the application of discretionary review criteria or conditions of approval, it shall be processed as listed in the applicable district. The Director's determination shall not be subject to appeal.

202-1.3 Type I development actions shall be decided by the Director without public notice or hearing. Notice of a decision shall be provided to the applicant or the applicant's representative and owners of the subject property. The decision may be reconsidered pursuant to Section 208 or appealed by the applicant as provided in Section 209. The hearing shall be conducted as a Type III hearing except that only the applicant and owners of the subject property shall be entitled to notice.

202-2 Type II

202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

202-2.2 The following are Type II actions:

- A. Those identified in this Code as Type II;
- B. In all districts other than residential, agricultural or forestry, development or uses not specifically identified or classified in this Code which are determined by the Director to be substantially similar with similar impacts to uses listed as Type I or Type II in the applicable land use district or other provisions of this Code, and probably would have been included in the District if considered during adoption of this Code. The determination may be challenged in the appeal of the decision on the proposed development but is not subject to appeal on its own.
- C. In the EFU, EFC and AF-20 Districts, development or uses specifically allowed by ORS 215.203 and ORS 215.213, or OAR 660, Division 6 or 33, may be determined by the Director to be allowed.

202-2.3 Notice of proposed Type II actions shall be sent as provided in Section 204. A fourteen (14) calendar day written comment period shall be provided from the time notice is mailed to provide interested persons with an opportunity to submit written comments about the proposed action before the Director makes a decision on the request. Upon close of the comment period the Director shall review all written comments actually received by the Department within the comment period and the applicant's response to the comments. The Director may also consider responses to questions by staff which clarify or amplify information which does not change the original request. Written comments received after the comment period and prior to issuance of a decision do not have to be considered by the Director. The Director shall then issue a decision. The Notice of the Decision shall be mailed pursuant to Section 204-3.4. Any party as defined by Section 205-3.2 may appeal the decision as provided in Section 209.

202-3 Type III

202-3.1 Type III actions involve development or uses which may be approved or denied, thus requiring the exercise of discretion and judgment when applying the development criteria contained in this Code or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan.

202-3.2 The following are Type III actions:

- A. Those identified in this Code as Type III;
- B. Those not identified or otherwise classified which are determined by the Director to be substantially similar to the uses or development designated as Type III, require the exercise of significant discretion or judgment, involve complex development issues, or which likely will have significant impact. The determination may be challenged on appeal of the decision on the proposed development but is not subject to appeal on its own; and

C. Quasi-judicial plan amendments.

- 202-3.3 Type III actions shall be decided by the Hearings Officer or Planning Commission after a Public Hearing, except that the Board shall decide Type III actions for quasi-judicial plan amendments which are required by state law to be decided by the governing body. Prior notice shall be given as provided in Section 204. Only decisions on quasi-judicial plan amendments shall be subject to reconsideration pursuant to Section 208. Decisions on Type III actions may be appealed to the Board of Commissioners pursuant to Sections 209 and 210, except Type III actions where the Hearings Officer or the Planning Commission is the final decision-maker.

Decisions of the Hearings Officer or Planning Commission for Type III development actions in transit oriented districts shall be subject to appeal to the Board of Commissioners pursuant to Section 209. Decisions of the Hearings Officer or Planning Commission for all other Type III development actions shall be the County's final decision.

202-4 Type IV

- 202-4.1 Type IV actions are legislative. They involve the creation, broad scale implementation or revision of public policy. These include amendments to the text of the Comprehensive Plan, Community Plans or the Community Development Code. Large scale changes in planning and development maps also may be characterized as legislative where a larger number of property owners are directly affected.

- 202-4.2 Type IV actions are made through adoption of County Ordinances.

- 202-4.3 Unless specifically provided otherwise, the procedures of this Article do not apply to legislative action which shall be adopted in accordance with the Washington County Charter and State law.

202-5 Determination of Proper Procedure Type

- 202-5.1 The Director shall determine whether an application or decision is a Type I, II or III action in accordance with the standards set forth above. Questions as to the appropriate procedure shall be resolved in favor of the Type providing the greatest notice and opportunity to participate. The decision of the Director is not subject to appeal on its own, but may be alleged as an error in an appeal of the decision on the proposed development. Upon appeal of the decision on the merits of a development action not specifically classified in this Code, the appeals authority may determine, based on the standards set forth in Section 202, that a different procedure type should have been used and direct that the proposed development action be processed accordingly.

- 202-5.2 The determination as to whether a matter is a Type IV Legislative matter shall be made by the Director in accordance with the standards of this Code and the County Charter. Concurrent actions involving legislative and nonlegislative actions shall be separated for proper processing. The decision of the Director is not subject to appeal on its own, but may be alleged as an error on appeal of the decision on the proposed development. Upon appeal of the final decision on the merits of the action, the appeals authority may determine, based on the standards set forth in Section

202 - PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

- 202 of this Code and the County Charter, that a different procedure type should have been used, and direct that the proposed development action be processed accordingly.
- 202-5.3 Notwithstanding any other provision, and, upon payment of the proper fee, an applicant may choose to have the proposal processed under a procedure Type (except legislative) which provides greater notice and opportunity to participate than would otherwise be required.
- 202-5.4 Notwithstanding any other provision, and, at no additional cost to the applicant, the Director may choose to process a Type II application under the Type III procedure in order to provide greater notice and opportunity to participate than would otherwise be required, or in order to comply with the time requirements for reviewing development applications in ORS 215.428.

203 PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS

203-1 Initiation and Withdrawal of Action

203-1.1 Type I, II and III development actions may be initiated only by:

- A. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owners or contract purchasers. For development allowed within a recorded easement, the signature of the other party to the easement is not required. In case of an application for a plan designation which requires that an exception be taken to Statewide Goals 3 and 4 pursuant to Goal 2, only one owner/applicant's signature is required. Contract purchasers shall indicate in writing that the contract vendor(s) has been notified of the application. If a lot or parcel has been divided without the approval of the County and such approval was required at the time the division occurred, a development action for approval of the improper division may be initiated by the owners of a portion of the existing lot or parcel, notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval;
- B. The Board of County Commissioners;
- C. The Planning Commission;
- D. The Director; or
- E. Public agencies or private entities that have statutory rights of eminent domain for projects they have the authority to construct.

203-1.2 The Director may withdraw any application, petition for review or motion for reconsideration at the request of the applicant or petitioner. Once accepted as complete, however, the applicant or petitioners shall be entitled to withdraw by right only if the Director determines that:

- A. Written consent to withdraw an application has been obtained from a majority of the owners or contract purchasers or the majority interest holders in the property, or all signers of the petition for review; and
- B. No existing violation of this Code or the Comprehensive Plan, which might best be cured by further processing the application, have been identified on the subject property.

203-1.3 If an application, petition for review or motion for reconsideration is withdrawn after public notice has been provided and the Review Authority has not rendered a decision, the Director shall provide written notification to all persons that were entitled to be mailed a public notice of pending review of the Type II or Type III action and all parties of record stating the application has been withdrawn.

203-1.4 Fees for applications and petitions for review withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the County.

203-2 Pre-Application Conference

203-2.1 No application for a Type II or Type III development action shall be received by the Director unless the applicant or the applicant's representative has:

- A. Attended a pre-application conference; or
- B. Signed a waiver, on a form prepared by the Director, waiving the pre-application conference requirement.

203-2.2 The purpose of the pre-application conference is to acquaint the applicant or representative with the requirements of this Code, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant. The applicant assumes the risk for delays or other problems caused by failure to attend.

It is impossible, however, for the conference to be an exhaustive review of all potential issues and the conference shall not bind or stop the County in any way from enforcing all applicable regulations.

203-2.3 Pre-application conferences shall be scheduled by the Director at the earliest reasonable time.

203-2.4 As soon as practicable, the Director shall provide the applicant or representative with a written summary of the meeting.

203-2.5 If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within one year of the conference, a new conference or waiver shall be required.

203-3 Neighborhood Meeting

203-3.1 Intent and Purpose:

The purpose of the neighborhood meeting is to provide a means for the applicant and surrounding neighbors and Citizen Participation Organization (CPO) representatives to meet to review a development proposal and identify issues regarding the proposal so they may be addressed prior to application submittal in a manner that is consistent with the requirements of this Code. This preliminary meeting is intended to result in an application that is more responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the neighborhood meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.

203-3.2 The following types of application shall be subject to the neighborhood meeting requirements:

A. Inside the UGB:

Partitions;

Subdivisions;

Type III Special Uses;

Type II Manufactured Dwelling Parks;

Type II Hardship Relief - (Article V only);

Type III Variances;

Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);

Residential Planned Developments;

Type II or III Development Review -Residential; and

Type II or III Development Review - Commercial, Industrial, or Institutional (required only when the proposal abuts a Residential District).

B. Outside the UGB:

Subdivisions - when greater than 10 lots;

Type III Special Uses;

Type II New Quarry applications;

Type III Variances;

Type II Alterations to a Nonconforming Use or Structure (Sections 440-6.2 A.(2) and 440-6.2 B.);

Type II Hardship relief - Lot area only;

Type II or III Development Review - Rural Commercial, Rural Industrial, MAE, (required only when the proposal abuts the AF-5, AF-10, or RR-5 District).

203-3.3 Neighborhood Meeting Requirements

Neighborhood meetings shall be held at a location within the boundaries of the applicable CPO. The meeting shall be held on a weekday evening, or weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding neighborhood and applicable CPO. The applicant shall also post notice of the neighborhood meeting by posting a sign on the subject site in advance of the meeting. The applicant shall prepare meeting notes of major points about the development proposal that were discussed at the meeting. The applicant shall be required to hold only one meeting prior to submitting an application for a specific site,

but may hold more if desired. The Board of County Commissioners shall establish by Resolution and Order specific requirements for notice of posting and conducting of neighborhood meetings for the categories of applications described in Section 203. The Board shall describe the requirements and procedures for each category of application. These requirements may be amended by Resolution and Order of the Board.

If the applicant fails to hold a neighborhood meeting and the application is deemed complete, failure to hold a neighborhood meeting in accordance with these provisions and the Resolution and Order prior to submittal of a complete application shall result in denial of the application.

203-4 Application

- 203-4.1 Applications for development actions shall be submitted in accordance with the format and upon such forms as may be established by the Director.
- 203-4.2 A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:
- A. A completed original application form, signed by all persons required for initiating an application under Section 203-1.1. No application shall be deemed complete if it is determined that all necessary authorization to file has not been obtained. Failure to provide such authorization shall result in denial of the application;
 - B. A current Washington County tax map(s) showing the subject property(ies);
 - C. Current county tax maps showing all properties in an adjoining county that are:
 - (1) Within five hundred (500) feet of the subject property(ies) in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property(ies) in the Rural area.

The tax maps shall be obtained from the adjoining county;
 - D. Documentation of the names and addresses of the owners of record of the properties described in C above recorded with the Department of Assessment and Taxation of the adjoining county;
 - E. Information required pursuant to Article V, Public Facilities Requirements;
 - F. Additional information required by other provisions of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code;
 - G. Additional information directly related to the applicable standards of this Code, including applicable standards and requirements of the Comprehensive Plan as specified by this Code as deemed essential by the Director to evaluate

- adequately the specific application for compliance with those criteria and standards;
- H. A written statement that explains the criteria and standards considered relevant to the application, states the facts relied upon in determining that the application meets the applicable criteria, standards, and explains the justification for approving the application based on the criteria and standards and facts set forth in the application. The findings must be substantive, not just recitations of the criteria and standards, and shall be supported by evidence in the application;
 - I. Evidence of compliance with the Neighborhood Meeting requirements required by Section 203-3, if required;
 - J. The applicable fees adopted by the Board of County Commissioners are hereby incorporated by reference as the fees herein. These fees may be amended by Resolution and Order by the Board; and
 - K. For lands within the Clean Water Services boundary, documentation from the Clean Water Services which specifies the conditions and requirements necessary for the applicant to comply with the Agency's stormwater connection permit, water quality, erosion control, and sanitary sewer standards.

203-5 Application Submittal and Acceptance

- 203-5.1 Applications shall be submitted to the Director in the number specified on the application form. The Director, however, may waive copies of specific documents, maps or exhibits upon a determination that the difficulty or burden of copying outweighs the usefulness of the copies.
- 203-5.2 No application shall be received by the Department for determination of completeness without the appropriate application fee.
- 203-5.3 Except as provided in Sections 203-5.5 and 203-5.6, the Review Authority shall take final action on an application for a development action, including resolution of all appeals under ORS 215.422, within one-hundred twenty (120) days for all applications inside the UGB and mineral aggregate extraction and one-hundred fifty (150) days for all applications (except mineral aggregate extraction) outside the UGB, after the application is deemed complete.
- 203-5.4 If an application is incomplete, the Review Authority shall notify the applicant of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. In response to this notice, the applicant is required to answer in writing before the end of the thirty (30) days whether it will or will not provide any additional evidence. The application shall be deemed complete for the purpose of Section 203-5.3 upon receipt by the governing body or its designee of the missing information. The applicant may affirmatively state its refusal to provide any additional information. It shall also be considered a refusal if no writing is received from the applicant stating whether it will or will not provide additional evidence, before the end of the thirty (30) days or evidence. If there is a refusal, the application shall be deemed complete for the purpose of Section 203-5.3 on the 31st day after the governing body first received the application. After a refusal, new evidence may only be submitted if the applicant agrees to another 30

days to determine completeness of the application and another 120-days (or 150-days depending on the application) to make a final decision.

- 203-5.5 If the application was complete when first submitted or the applicant submits the requested additional information within one-hundred eighty (180) days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
- 203-5.6 The 120-day and 150-day period set in Section 203-5.3 may be extended for a reasonable period of time at the request of the applicant.
- 203-5.7 The decision of the Director as to completeness of an application, including any required engineering, traffic or other such studies, shall be based on the criteria for completeness, adequacy and methodology set forth in this Code by Resolution and Order of the Board or by action of the Director. Rejection by the Director for incompleteness shall be based solely on failure to address the relevant standards or supply required information and shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.
- 203-5.8 The Review Authority shall approve or approve with conditions an application which the Director has determined to be incomplete only if it determines that sufficient, accurate information has been submitted and adequately reviewed by the Review Authority with an opportunity for review by affected parties or that conditions can be imposed to ensure proper review at the appropriate time. In all other cases the Review Authority shall defer or deny.

203-6 Staff Report

- 203-6.1 No decision on Type II and Type III proposed developments shall be made without a staff report. This report shall be provided to the applicant, CPO and Review Authority without charge. All others may obtain a copy upon request and payment of a reasonable fee to cover the cost of reproduction, overhead, and mailing.
- 203-6.2 A staff report shall be available no later than seven (7) calendar days before a hearing on Type III actions, including Plan Amendments, or any hearing on appeal. Staff reports are mailed approximately seven (7) days prior to the public hearings to the applicant and interested parties who request them. Mailing the report does not guarantee sufficient time prior to the public hearing to respond to the conditions of approval. Obtaining a copy of the staff report in person at the County best assures ample time for review and comment at the public hearing.
- 203-6.3 Notwithstanding the above, the staff report may be amended as necessary to address issues or information not reasonably known at the time the report is due.

204 NOTICE OF TYPE I, II OR III DEVELOPMENT ACTIONS

204-1 General Provisions

204-1.1 All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever ever occurs first.

204-1.2 The records of the Department of Assessment and Taxation shall be used for determining the property owner of record. Persons not on file with that Department at the time an application is filed need not be notified. Failure actually to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. A sworn certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate. Mortgagees, lien holders, vendors and sellers receiving notice shall promptly forward a copy by mail to the purchaser.

204-1.3 For notice purposes, the boundary of the subject property shall be the property which is the subject of the application, together with all contiguous property under identical ownership.

For notice purposes for development actions for public transportation facilities or utilities within existing or proposed public rights of way or utility easements, the boundary of the subject area shall be the limits of the area of development within the existing or proposed right-of-way or easement.

For notice purposes for airport-related development actions within Public and Private Use Airport Overlay Districts, the boundary of the subject notice area shall be the limits of the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).

204-1.4 Outside the UGB, in addition to any other notice for Type II and III development actions, the applicant shall post the subject property in conformance with standards as set forth by resolution and order of the Board of County Commissioners. Failure to post the subject property and file an affidavit of posting with the Director within twenty-one (21) days of acceptance of a complete application shall result in denial of the application.

204-2 Type I Actions

204-2.1 No public notice of review is required.

204-2.2 Written notice of the decision of the Review Authority shall be provided to the applicant and property owner of record.

204-3 Type II Actions

204-3.1 A public notice of pending review shall be mailed to:

A. The applicant or representative and owners of the subject property;

B. All property owners of record:

- (1) Within five hundred (500) feet of the subject property in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property in the Rural area.
 - (3) When an access management plan is proposed, property owners within the study area defined in 501-8.5 C (3)(a); or
 - (4) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, property owners within the associated Airport Safety Overlay District, or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
- C. The recognized Citizen Participation Organization in which subject property is located;
- D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
- (1) The subject property is:
 - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or
 - (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
 - (2) Notwithstanding the provisions of Subsection D. (1), a public notice need not be provided as set forth in Subsection D. (1) if the proposed action would:
 - (a) Allow a structure less than thirty-five (35) feet in height; and
 - (b) The subject property is outside the runway approach surface as defined by the Department of Transportation.
 - (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
- E. The Oregon Department of Agriculture or the United States Department of Agriculture for applications for the propagation, cultivation, maintenance and harvesting of aquatic and insect species.

204-3.2 The public notice shall contain:

- A. The name of the applicant or representative and the County case file number;
- B. A description of the subject property reasonably sufficient to inform the reader of its location;

- C. A concise description of the proposed development action and a listing of review standards;
 - D. A statement that the complete application, standards and other such information are available at the County for review, and the phone number of a County contact person;
 - E. A statement that this is an opportunity for interested parties to submit written comments about the proposed request; that prior to making a decision, the Director will consider any written comments actually received by the Department within a fourteen (14) calendar day comment period; that written comments may be received after the comment period, but that the Director does not have to consider these comments prior to making a decision; that the Director will then make a decision and send a summary of the decision to those persons whose written comments are received by the Department, including comments received after the comment period, and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and that any person entitled to a notice of the decision, may appeal the decision as provided in Section 209;
 - F. The comment closing date, which ends at 5:00 p.m. that day, in bold letters; and
 - G. The following statement in bold letters: **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.**
- 204-3.3 After close of the fourteen (14) calendar day comment period, the Director promptly shall issue a decision based upon review of the use of development in light of the applicable standards and the comments received. In addition to comments from those entitled to notice, the Director shall consider the written comments of persons who demonstrate that their substantial rights may be adversely affected or aggrieved by the decision.
- 204-3.4 Notice of the decision shall be provided to the applicant, all persons who submitted written comments, all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1; and the Citizen Participation Organization in which the subject property is located. The notice shall contain:
- A. A brief summary of the nature of the action, the decision and conditions of approval, if any;
 - B. A description of the subject property reasonably sufficient to inform the public of its location;
 - C. The date the decision was provided and the due date for an appeal;
 - D. A statement that the decision may be appealed and a public hearing held by filing a signed petition for review within ten (10) calendar days of the date the decision

was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who responded in writing to the notice of pending review and all persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, are entitled to appeal the decision; and

- E. A statement that the complete case, including findings and conclusions and conditions of approval, if any, are available for review at the County.

204-4 Type III Actions

- 204-4.1 Notice of public hearing shall be sent by mail at least twenty (20) days before the hearing.
- 204-4.2 The notice of public hearing shall be mailed to:
- A. The applicant or representative and owners of the subject property;
 - B. All property owners of record:
 - (1) Within five hundred (500) feet of the subject property in the Urban area; or
 - (2) Within one thousand (1,000) feet of the subject property in the Rural area.
 - (3) When a new exception area is proposed, all property owners within one thousand (1,000) feet of the perimeter of the proposed exception areas, in addition to all property owners within the proposed exception area;
 - (4) When an access management plan is proposed, all property owners within the study area defined in 501-8.5 C. (3)(a); or
 - (5) When airport-related development is proposed on property within a Public or Private Use Airport Overlay District, all property owners within the associated Airport Safety Overlay District or Airport Safety and Land Use Compatibility Overlay District (whichever is applicable).
 - C. The recognized Citizen Participation Organization within which the subject property is located;
 - D. The owner of an airport, defined by the Department of Transportation as a public use airport when:
 - (1) The subject property is:
 - (a) Within five-thousand (5,000) feet of the side or end of a runway of an airport determined by the Department of Transportation to be a visual airport; or

- (b) Within ten-thousand (10,000) feet of the side or end of the runway of an airport determined by the Department of Transportation to be an instrument airport.
- (2) Notwithstanding the provisions of Subsection D. (1) notice of hearing need not be provided as set forth in Subsection D. (1) if the proposed action would:
 - (a) allow a structure less than thirty-five (35) feet in height; and
 - (b) the subject property is outside the runway approach surface as defined by the Department of Transportation; and
- (3) Failure of an airport owner to receive notice which was mailed shall not invalidate any decision.
- E. Tenants of a mobile home or manufactured dwelling park when a request for a plan amendment which would change the land use designation of the property which includes all or part of the park. Failure of a tenant to receive a notice which was mailed shall not invalidate any plan amendment.

204-4.3 The notice of public hearing shall contain:

- A. The name of the applicant or owner;
- B. The nature of the proposed development;
- C. A description of the subject property reasonably sufficient to inform the public of its location;
- D. The designation of the Review Authority and the time, date and place of the hearing;
- E. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal;
- F. A statement that the hearing will be conducted in accordance with the Rules of Procedure adopted by the Board;
- G. The following statement: **NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER;**
- H. The applicable review criteria that apply to the application;
- I. A statement that failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;

- J. The name of a County representative to contact and the telephone number where additional information may be obtained;
 - K. A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - L. A statement that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and
 - M. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- 204-4.4 In addition to all other notice, at least ten (10) calendar days before a Type III public hearing for a quasi-judicial plan amendment, notice shall be provided in a newspaper of general circulation in the portion of the County affected.
- 204-4.5 Additional notice of any hearing may be required in accordance with the Rules of Procedure adopted by the Board.
- 204-4.6 Notice of the decision shall be provided to the applicant, the owners of the subject property and all persons who made an appearance of record. The notice shall contain:
- A. A brief summary of the decision, and conditions of approval, if any;
 - B. A description of the subject property reasonably sufficient to inform the public of its location;
 - C. The date the decision was provided and the due date for an appeal;
 - D. For quasi-judicial plan amendments, a statement that the decision may be appealed and a public hearing held by filing a signed petition for review within fourteen (14) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal or request reconsideration of the decision. A statement that a motion for reconsideration may be filed as provided in Section 208, but that filing a motion does not stop the appeal period from running.

For Type III development actions in transit oriented districts, a statement that the decision may be appealed and a public hearing held by filing a signed petition or review (appeal) within ten (10) calendar days of the date the decision was provided. The statement shall note that the petition shall be filed with the Department of Land Use and Transportation by 5:00 p.m. of the closing date of the appeal period. The elements of a petition for review set forth in Section 209-

3, and the fee, shall be listed. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision; and

E. For decisions on a development permit for which there is no local appeal:

(1) The date the written decision was signed by the review authority; and

(2) A statement that the decision is final when the written decision is signed by the review authority and that any appeal must be made to the Land Use Board of Appeals no later than twenty-one (21) days after the date the decision is final. The statement shall note that only those persons who made an appearance of record are entitled to appeal the decision.

F. A statement that the complete case, including findings and conclusions, and conditions of approval, if any, are available for review at the County.

204-5 Notice of Hearing and Notice of Decision on Appeal

Notice of a public hearing conducted by the Review Authority to review a Type II decision by the Director, an appeal of a Type III quasi-judicial plan amendment decision to the Board, or an appeal of a decision on a Type III development action in transit oriented districts to the Board shall be provided in the same manner as required for Type III actions. Notice of hearing on appeal to the Board of Commissioners of a Type III request described above shall be provided as required for initial hearing on the Type III proposal. Notice of decision on appeal shall be provided to all parties of record. In addition, notice of hearing on appeal to the Board shall be provided to all parties to the hearing conducted by the Review Authority.

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205 PUBLIC HEARINGS

Public hearings on all development actions including appeals, but not including legislative actions, shall be conducted in accordance with this Section.

205-1 Notice

Notice of public hearing shall be provided in accordance with Section 204 of this Code and the Rules of Procedure adopted by the Board.

205-2 Rules of Procedure

Public hearings shall be conducted in accordance with the Rules of Procedure adopted by the applicable Review Authority.

At the beginning of the hearing for an application, a statement shall be made to those in attendance that:

- A. Lists the applicable substantive criteria;
- B. States that testimony and evidence must be directed toward the criteria described in A. of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and
- C. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
- D. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County to respond to the issue precludes an action for damages in circuit court.

205-3 Parties

205-3.1 The following persons, or their authorized representatives, may participate during the comment period or public hearing:

- A. The applicant or applicant's representative and the owners of the subject property;
- B. Those persons entitled to notice;
- C. Any other person who demonstrates to the Review Authority that the person's rights may be adversely affected or aggrieved by the decision; and
- D. At a public hearing on appeal, any person who made an appearance of record in the prior proceeding.

205-3.2 Only parties shall be entitled to appeal a decision. Only persons who make an appearance of record shall be parties to a Type I or Type III action. Only the applicant, persons who submitted written comments, persons entitled to notice of

pending review, and the Citizen Participation Organization in which the subject property is located shall be deemed parties to a Type II action.

205-3.3 Appearance of record shall mean:

- A. An oral statement made at the hearing sufficiently identifying the speaker and the speaker's address; or
- B. A written statement giving the name and address of the maker of the statement and introduced into the record prior to or at the public hearing. A person's name and address on a petition introduced into the record constitutes an appearance of record.

205-4 Record

205-4.1 Absent mechanical failure or inadvertent error, a verbatim written or mechanical record of the hearing shall be made. In addition, written minutes giving a true reflection of the matters discussed and the views of the participants may be taken. Such minutes shall substitute for a verbatim record in the event of mechanical failure or inadvertent error.

205-4.2 Failure to comply with Section 205-4.1 shall not invalidate any action provided that a de novo appeal or other relief is available.

205-5 Procedural Rights

Subject to the specific standards and limitations set forth in this Code, the following procedural entitlements shall be provided at the public hearing:

- 205-5.1 A reasonable opportunity for those persons entitled to notice or who may be adversely affected or aggrieved by the decision to present evidence;
- 205-5.2 A reasonable opportunity to cross-examine witnesses, including staff, provided that right is asserted at the first reasonable opportunity. Staff similarly shall be entitled to reasonable cross-examination of witnesses;
- 205-5.3 A reasonable opportunity for rebuttal of new material;
- 205-5.4 An impartial review authority as free from potential conflicts of interest and pre-hearing ex-parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials:
 - A. Review Authority members shall disclose the substance of any significant pre-hearing ex-parte contacts with regard to the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly.
 - B. A member of the Review Authority shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest: The member or the member's spouse, brother, sister, child, parent, father-in-law,

mother-in-law, partner, any business in which the member is then serving or has served within the previous two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interests shall be disclosed at the meeting of the Review Authority where the action is being taken.

- C. Disqualification of a Review Authority member due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote.
- D. If all members abstain or are disqualified, the administrative rule of necessity shall apply. All members present who declare their reasons for abstention or disqualification shall thereby be requalified to act.

205-6 Presentations

- 205-6.1 The Review Authority may set reasonable time limits for oral presentations. The Review Authority may determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral if the Review Authority determines that a reasonable opportunity for oral presentations has been provided.
- 205-6.2 No testimony shall be accepted after the close of the public hearing unless the Review Authority sets a deadline for such testimony and provides an opportunity for review and rebuttal prior to making a decision.
- 205-6.3 Counsel for the Review Authority may be consulted solely on legal issues without reopening the public hearing. Objections alleging that counsel is discussing or testifying as to factual matters shall be heard.
- 205-6.4 The presiding officer shall preserve order at all public hearings and shall decide questions of order subject to a majority vote of the Review Authority. Persons who become disruptive or abusive may be ejected from the hearing.

205-7 Continuance

- 205.7-1 All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public. If additional documents or evidence are provided by any party, the Review Authority may allow a continuance or leave the record open for at least seven (7) days to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.428.
- 205-7.2 Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Review Authority shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony pursuant to Subsection B below.
 - A. If the Review Authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial

evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence or testimony for the purpose of responding to the new written evidence.

- B. If the Review Authority leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the Review Authority for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Review Authority shall reopen the record and any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
- C. A continuance or extension granted pursuant to Section 205-7 shall be subject to the limitations of ORS 215.428 unless the continuance or extension is requested or agreed to by the applicant.
- D. Unless waived by the applicant, the Review Authority shall allow the applicant at least seven (7) days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

205-7.3 For the purposes of Section 205-7:

- A. "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.
- B. "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

205-8 Evidence

- 205-8.1 The Review Authority may place any person submitting testimony under oath or affirmation. Once sworn or affirmed, all testimony subsequently given by the person during the hearing or a continuation thereof shall be deemed to be under oath.
- 205-8.2 Cumulative, repetitious, immaterial or irrelevant evidence may be excluded. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission or evidence shall not invalidate or preclude action unless shown to have prejudiced the substantial rights of a party.
- 205-8.3 Members of the Review Authority may take official notice of judicially cognizable facts of general, technical or scientific facts within their specialized knowledge. Such notice shall be stated and may be rebutted.

- 205-8.4 Exhibits shall be marked to provide identification upon review. Unless required for an appeal, all exhibits shall be retained by the County for a period of not less than thirty (30) calendar days after expiration of all appeals. Exhibits may be disposed of as provided by the Director.
- 205-8.5 Any member of the Review Authority may visit the subject property and may use information gained to reach a decision, provided the information relied upon is disclosed and an opportunity to rebut provided.

206 BURDEN OF PROOF

- 206-1 Except as otherwise provided, the applicant shall bear the burden of proof that the proposal is in compliance with the applicable standards. In addition, evidence of mistake in adoption of the plan designation or development regulations or subsequent change in the affected area are relevant considerations.
- 206-2 Unless specifically identified as jurisdictional, failure to comply with a provision of this Article shall invalidate an action only if it prejudices the substantial rights of the person alleging the error. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person's substantial rights.

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207 DECISION

207-1 Decision Types

After review of all evidence submitted into the record the Review Authority may:

- 207-1.1 Approve or deny all or part of the application;
- 207-1.2 Approve all or part with modifications or conditions of approval as described in Section 207-5;
- 207-1.3 Defer a decision as provided in Section 207-6;
- 207-1.4 Dismiss without prejudice due to procedural error or remand to correct a procedural error.

207-2 Announcement of Decision

No decision is final for the purposes of reconsideration or appeal until it has been reduced to writing and signed by the Review Authority or its designee. If a public hearing has been held, the Review Authority may announce a tentative decision at the close of the public hearing, but shall in any case announce a date certain on which the decision shall be adopted or issued. If no public hearing has been held, the decision shall be announced in writing and made available to all parties as simultaneously as reasonably possible.

207-3 Basis for Decision

An approval or denial of a development action shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth in the applicable provisions of State law, the Comprehensive Plan, this Code and other applicable laws as determined by the Review Authority.

207-4 Findings and Conclusions

The Review Authority shall provide brief and concise findings of fact, conclusions of law and an order for all development approvals, conditional approvals or denials. The findings and order shall set forth the criteria and standards considered relevant to the decision, state the facts relied upon and briefly indicate how those facts support the decision. In the case of denial, it shall be sufficient to address only those standards upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

207-5 Conditions of Approval

- 207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

207-5.2 In addition to conditions imposed pursuant to Section 207-5.1, a condition is valid and enforceable when the applicant has:

- A. Requested the condition;
- B. Consented to the condition in writing or on the record; or
- C. Established or commenced the development or use (other than a valid nonconforming use) prior to approval; or
- D. Submitted graphics or other application materials that were reviewed and approved by the Review Authority; the application must substantially comply with the application materials except as modified by the Review Authority.

207-5.3 Contract for Conditions:

When the approval requires a contract, conditions shall be set forth in a contract executed by the County and the applicant and approved as to form by legal counsel for the County. If a contract is required, no development permit shall be effective until the conditions are recorded. As a condition of approval, the County may require that the contract or a memorandum thereof be filed in the County Deed Records and shall appear in the chain of the title of the subject property, if recording is required. In addition to any personal remedy, the condition shall constitute a burden running with the land in favor of Washington County and, unless otherwise provided, shall be removed only with the written authorization of the Board of County Commissioners. The contract shall be enforceable by and against the parties, their heirs, successors and assigns. The contract, however, shall not restrict the authority of Washington County from taking future development actions affecting the property.

207-5.4 Assurance of Compliance with Conditions:

A bond, cash deposit or other security acceptable to the Review Authority may be required from the applicant in an amount sufficient to ensure compliance with a condition of approval.

207-5.5 Time Limits on Conditions:

Conditions shall be fulfilled within the time limitations set forth or a reasonable time if no time limitations are specified. Failure to fulfill a condition within said time may result in initiation of revocation of the approval, citation or such other enforcement action as the County deems appropriate.

207-5.6 Failure to Fulfill Previous Conditions:

Notwithstanding any other provision, the Review Authority shall refuse to issue an approval with conditions, and deny an application, upon a determination that the applicant, or any officer, or principal of the applicant, willfully has failed to fulfill conditions of approval imposed in any previous development action and a determination that such a decision would encourage compliance or is necessary to protect the public from future noncompliance.

207-5.7 Modification or Removal of Conditions:

Modification or removal of conditions of approval may be sought on appeal or as a new development action. A new development action shall be processed through the same procedure as was used to impose the conditions. Modification or removal of conditions of approval shall only be granted if the Review Authority determines that:

- A. The applicant or owner has demonstrated that a mistake of law or fact occurred, and that the mistake was substantial enough to warrant modification or removal of conditions to correct the mistake; or
- B. The condition(s) could not be implemented for reasons beyond reasonable control of the permit holder and the modification will not require a significant modification of the original decision; or
- C. The circumstances have changed to the extent that the condition(s) is no longer needed or warranted; or
- D. The different condition(s) would better accomplish the purpose of the original condition.

207-6 Continuances by Planning Commission

207-6.1 The Planning Commission may continue the public hearing and defer a decision to a date certain. No new notice is required for hearings continued to a date certain. Any deferral to a date certain that exceeds thirty (30) days without consent of the applicant shall be in the form of an order setting forth the reasons for deferral. Such a deferral may be treated as a denial by the applicant for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen (14) calendar days of written notice of the deferral.

207-6.2 An indefinite deferral shall require new notice to all persons identified in Section 204. An indefinite deferral without the consent of the applicant shall be in the form of an order setting forth the reason for deferral and may be treated by the applicant as a denial for purposes of reconsideration and appeal if the applicant files a petition for review within fourteen (14) calendar days of written notice of the deferral.

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208 RECONSIDERATION OF DIRECTOR, HEARINGS OFFICER OR PLANNING COMMISSION DECISIONS**208-1 Reconsideration as Extraordinary Remedy**

Reconsideration of a Type I decision on a development action or Type III quasi-judicial plan amendment decision is available only as an extraordinary remedy upon a determination by the Review Authority that:

- 208-1.1 The party requesting reconsideration has sufficiently alleged in writing that a mistake of law or fact occurred;
- 208-1.2 The alleged mistake, if found to have occurred, was a substantial factor in the decision; and
- 208-1.3 Reconsideration is appropriate to avoid delay or hardship which may be caused by an appeal.

208-2 Motion for Reconsideration

A motion for reconsideration must be filed with the Director within seven (7) calendar days of the date the notice of decision is provided. The motion shall address the factors set forth in 208-1 above. The applicable fee adopted by the Board of County Commissioners shall be submitted with the request.

A motion for reconsideration may be filed by the applicant, the Director, or a party of record.

208-3 Motion for Reconsideration Does Not Stop Appeal Period From Running

Filing a motion for reconsideration is not a precondition to appealing the decision and does not stay the deadline for filing an appeal. To preserve the right to appeal, a party must file a petition for review as provided in Section 209. If the initial Review Authority grants reconsideration, and ultimately rules in favor of the party filing for reconsideration, the party may terminate its appeal.

208-4 Motion for Reconsideration as Nonpublic Hearing Item

Motions seeking reconsideration of a Type III quasi-judicial plan amendment decision shall be summarily decided by the Review Authority as a nonpublic hearing item at the first reasonably available opportunity. For a Type I decision, within seven (7) calendar days, the Director shall issue a written notice of the decision to grant or deny the motion for reconsideration to the party requesting reconsideration. The decision as to whether to reconsider is not subject to appeal.

208-5 Process for Reconsideration

- 208-5.1 Upon granting the motion to reconsider a Type III quasi-judicial plan amendment decision, the Review Authority shall schedule and notify the parties of a new public hearing on the merits of the issues raised. The reconsideration of the decision shall be limited to the issues raised in the motion for reconsideration and the merits of the

issues raised. Such hearing shall be held at the next reasonably available opportunity.

- 208-5.2 Upon granting the motion to reconsider a Type I decision, the Director shall notify the parties of the reconsideration of the application on the merits of the issues raised. The reconsideration of the decision shall be limited to the issues raised in the motion for reconsideration and the merits of the issues raised. The review shall be done at the next reasonably available opportunity.

208-6 Reconsideration and Appeals

If the motion for reconsideration is denied or the decision is not altered upon reconsideration, any appeal timely filed shall be processed in accordance with Section 209. If the motion is granted and the Review Authority modifies the previous decision, the parties to the initial decision shall be notified within ten (10) days of the decision and may appeal the decision as modified pursuant to Section 209.

208-7 Limited Reconsiderations

No decision shall be reconsidered more than once.

209 APPEALS

209-1 Decision

A decision of the Review Authority for quasi-judicial plan amendments may be appealed within fourteen (14) calendar days after written notice of the decision is provided to the parties, or a decision by the Review Authority for all other development actions pursuant to Section 209-2 may be appealed within twelve (12) calendar days after written notice of the decision is provided to the parties when:

- 209-1.1 A party files a complete petition for review with the Director;
- 209-1.2 The Director files a complete petition for review; or
- 209-1.3 The Board of County Commissioners by Minute Order directs that an appeal be initiated. The grounds for directing an appeal shall be set forth in the Minute Order.

209-2 Appeal Authority

209-2.1 Type I or II Actions

The Hearings Officer or Planning Commission as designated by Resolution and Order of the Board shall hear appeals from Type I and II decisions of the Director. The Hearings Officer or the Planning Commission shall be the final decision-maker for the County on appeals of the final decision of the Director for Type I or II actions.

209-2.2 Type III Actions

- A. The Board of County Commissioners shall hear appeals of decisions of the Hearings Officer and Planning Commission for Type III quasi-judicial plan amendments and Type III development actions in transit oriented districts. The Board shall be the final decision-maker for the County on appeals of these actions.
- B. For all other Type III development actions, the Hearings Officer or the Planning Commission shall be the final decision-maker for the County.

209-3 Petition for Review

209-3.1 A petition for review shall contain the following:

- A. The name of the applicant and the County case file number;
- B. The name and signature of each petitioner and statement of the interest of each petitioner to determine party status. Multiple parties may join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this Contact Representative;
- C. The date that notice of the decision was sent as specified in the notice;

- D. The nature of the decision and the specific grounds for appeal. Unless otherwise directed by the appellate authority, the appeal of Type I and III decisions shall be limited to the issue(s) raised in the petition;
 - E. The number of pages of the petition and a statement that all pages are present; and
 - F. A statement setting forth the appeal fee specified in the Notice of Decision;
- 209-3.2 The petition for review shall be submitted with the appeal fee specified in the Notice of Decision to be paid by cash, check or money order;
- 209-3.3 In quasi-judicial plan amendment appeals to the Board, a request for a partial or full de novo hearing as provided in Section 209-5.4, if desired;
- 209-3.4 In quasi-judicial plan amendment appeals to the Board, a request for waiver of transcript preparation as provided in Section 209-4.1 if desired; and
- 209-3.5 Failure to file a petition for review with the Department of Land Use and Transportation by 5:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect. Failure to amend a petition to correct any other identified deficiency within fourteen (14) calendar days of notice thereof shall be a jurisdictional defect.
- 209-4 Transcript Requirements for Appeals of Quasi-Judicial Plan Amendment Decisions**
- 209-4.1 A transcript shall be prepared for all quasi-judicial plan amendment appeals of public hearing items unless waived by Minute Order of the Board. A transcript shall not be required for any other type of appeal to the Board. The Board may choose to waive the transcript requirement for quasi-judicial plan amendments only if:
- A. The hearing is de novo; or
 - B. Waiver is consented to by all parties, and the Board, by Minute Order, determines that the issues raised in the petition are such that the usefulness of a transcript is outweighed by the cost, delay or hardship of preparing the transcript.
- 209-4.2 Unless and until the Board approves a request for waiver of a transcript pursuant to Section 209-4.1, the Director shall promptly provide the appellant with a written estimate of the cost for preparation of a transcript by the County. The appellant shall within fourteen (14) days of notification pay the estimated cost or notify the Director in writing that the appellant will prepare the transcript. The appeal may be dismissed if the appellant fails to pay the cost for preparation of a transcript unless the Board approves a request for waiver of transcript pursuant to Section 209-4.1.
- 209-4.3 In lieu of a transcript prepared by the County and payment of the required fee, the County shall allow any party to an appeal proceeding held on the record, at the party's own expense, to prepare a complete transcript of the public hearing by the review authority or a transcript of relevant portions of the hearing provided:

- A. When a transcript is prepared for only relevant portions of the public hearing, all parties, including staff, shall agree and stipulate to the portions of the hearing that are relevant and should be transcribed. The transcript shall then be prepared for those stipulated portions of the hearing. If the parties cannot agree, then the preparer of the transcript shall prepare a complete transcript of the hearing. If the Board finds that a partial transcript would have been sufficient, the preparer shall be reimbursed by the party requesting preparation of a complete transcript for the cost of preparation of the unnecessary portions of the transcript.
- B. The transcript shall be prepared within four (4) weeks from the date that the Department provides the appellant with a written estimate of the cost of a Department prepared transcript pursuant to 209-4.2.
- C. A Certificate of Typist shall be submitted with the completed transcript. The Certificate of Typist shall contain the following:
 - (1) The name of the applicant and the county case file number;
 - (2) The name of the person who provided the tape(s) of the hearing;
 - (3) The number of pages of the transcript and that all pages are present; and
 - (4) A sworn notarized statement that the transcript constitutes a true and accurate record of the complete or stipulated portions of the proceedings;
- D. The appeal may be dismissed if the appellant fails to either pay the fee required by Section 209-4.2 or to provide a transcript and Certificate of Typist within the time prescribed in Section 209-4.3 B. and 209-4.3 C.

209-5 Nature of Hearing

- 209-5.1 All hearings on appeal shall be conducted as public hearings in accordance with Section 205.
- 209-5.2 Review of the final decision of the Director in Type II actions shall be de novo. At the public hearing of an appeal of a Type II action, participants shall be limited to the applicant, those who made the appeal and those persons that were entitled to be mailed a public notice of pending review of the Type II action pursuant to Section 204-3.1, and those who made written comments as prescribed in Section 202-2.3.
- 209-5.3 Appeal to the Board of all final decisions of the Hearings Officer shall be confined to the record except as provided in Section 209-5.8. Except as provided in Section 209-5.4 through Section 209-5.6, appeal to the Board of all final decisions of the Planning Commission on quasi-judicial plan amendments shall be confined to the record. The record shall include:
 - A. All materials received as evidence at any previous stage;
 - B. Verbatim Record:
 - (1) For quasi-judicial plan amendments, unless waived by the Board, a verbatim record of the hearing below, in the form of audio tapes, together

with a transcription thereof prepared pursuant to Section 209-4.2 or 209-4.3, or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error.

- (2) In appeals of all other development actions, unless waived by the Board, a verbatim record of the hearing below in the form of audio tapes or the minutes thereof if no verbatim record is available due to mechanical failure or inadvertent error. However, a party may prepare all or a portion of the transcript for submission to the Board;

- C. The findings and conclusions supporting the action being appealed; and
- D. Oral and written argument from the parties as defined by Section 205-3.1, or their representatives presented during the hearing or appeal but not including new evidence.

209-5.4 A party, or the Director, may request that the Board conduct a de novo or partial de novo hearing on appeal for a quasi-judicial plan amendment. The party filing the petition for review must make such a request as part of the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired. When practicable, the requesting party shall advise the other parties and attempt to gain their consent. The request shall:

- A. Reference the name, case number and date of the decision;
- B. Contain the name and address of the requesting party;
- C. Indicate the reasons for the request without addressing the merits of the land use action; and
- D. Indicate any persons known to be opposed to the request.

209-5.5 The request for a de novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Board shall grant the request only upon findings that:

- A. A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
- B. The substantial rights of the parties will not be significantly prejudiced; and
- C. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

209-5.6 Hearings before the Board of County Commissioners on items on appeal, either on the record, partial de novo, or de novo hearings, shall have the following time limitations:

- A. If the item is heard on the record, the appealing party will have fifteen (15) minutes to present his/her arguments. The opposition will have fifteen (15) minutes to present their arguments. The appealing party will also have five (5) minutes for rebuttal.
- B. For partial de novo hearings, the appealing party will have twenty (20) minutes to present his/her arguments. The opposition will have twenty (20) minutes to present their arguments. The appealing party will also have five (5) minutes for rebuttal.
- C. For a completely de novo hearing, the appealing party will have thirty (30) minutes to present his/her arguments. The opposition will have thirty (30) minutes to present their arguments. The appealing party will also have five (5) minutes for rebuttal.
- D. The Board Chairman retains the authority to allow additional time as he/she deems appropriate and only if the party requesting the additional time has delivered to the Director or County Administrator, at least one (1) week in advance of the hearing, a written statement of the reasons for the request for additional time.

209-5.7 In conjunction with determining whether to conduct a de novo hearing for the appeal of a quasi-judicial plan amendment, the Board may remand the matter to the prior Review Authority. The decision on whether to remand shall not be appealable. Upon remand, the appealing party shall be entitled to return of the appeal fee less actual costs incurred by the County. Appeal from a decision on remand shall be taken as any other appeal.

209-5.8 Notwithstanding the above, on appeal of a quasi-judicial plan amendment, the Board may solicit or admit new evidence during a hearing on the record for the appeal of any decision, including decisions by the Hearings Officer, after considering the factors listed in Section 209-5.5.

209-6 Decision of the Board

209-6.1 Decisions of the Board are governed by Section 207.

209-6.2 In addition to the decisions listed in Section 207-1, on appeal of a quasi-judicial plan amendment, the Board may remand consideration of the appeal of a quasi-judicial plan amendment to the prior Review Authority for further proceedings as the Board directs.

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210 RECONSIDERATION OF BOARD DECISION FOR THE APPEAL OF QUASI-JUDICIAL PLAN AMENDMENTS

- 210-1** The Board may reconsider a decision for appeal of a quasi-judicial plan amendment on its own motion or upon a petition for reconsideration filed by a party with the Director within seven (7) calendar days after written notice of the decision is provided.
- 210-2** Filing a petition for reconsideration is not necessary to exhaust administrative remedies and perfect an appeal to a body of competent jurisdiction.
- 210-3** The motion or petition shall state the alleged errors necessitating reconsideration. A fee may be established by Resolution and Order.
- 210-4** The Board shall summarily decide whether to reconsider at the time the motion is made or at the next reasonably available regular Board meeting following filing of the petition. Reconsideration shall require the consent of three (3) Commissioners.
- 210-5** If reconsideration is granted, the matter shall be scheduled for a public hearing before the Board at the next reasonably available hearing date. Notice of the hearing shall be sent by mail no later than twenty (20) calendar days prior to the hearing to all persons who made an appearance of record below. The hearing shall be conducted as a hearing on the record and new evidence or testimony shall be limited to grounds upon which the motion or petition for reconsideration was granted.
- 210-6** No final decision shall be reconsidered by the Board more than once. If more than one petition for reconsideration is received in the seven (7) calendar day period provided in Section 210-1, the petitions shall be consolidated.

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211 DATE OF FINAL DECISION

211-1 Decisions of the Director, the Hearings Officer or Planning Commission on an application shall be deemed final and effective upon expiration of the appeal period if no petition for review is filed within that time. Decisions of the Hearings Officer or Planning Commission on a Type III application, except Type III development applications in transit oriented districts, or on appeal of a Director decision on a Type I or II application, shall be deemed final and effective on the date notice of the decision was provided to the parties. Once final and effective, a decision cannot be appealed.

211-2 Decisions of the Board on an application shall be deemed final as follows:

211-2.1 If no petition for reconsideration is timely filed, the decision shall be deemed final on the date notice of the decision was provided to the parties.

211-2.2 If a petition for reconsideration is filed and denied, the decision shall be deemed final on the date notice of the denial of reconsideration is provided to the parties.

211-2.3 If a petition is filed and reconsideration granted, the decision shall be deemed final on the date notice of the decision on the development, as reconsidered, is provided.

211-3 Only a final decision of the Board, or the Hearings Officer on decisions for which the Hearings Officer is the final decision-maker, is appealable to the Land Use Board of Appeals.

211-4 For purposes of appeals to LUBA, a written decision of the Director or Hearings Officer is final on the date it is signed.

212 REMAND FROM APPELLATE BODIES

When an application may be remanded from an appellate body, such as the Land Use Board of Appeals, to the County for further proceedings, the Review Authority may decide whether the matter shall proceed before the Review Authority or a subordinate review authority, such as the Hearings Officer or Director. For applications where the decision of the Board was appealed, the Board shall decide at a regular meeting as a nonpublic hearing item whether the matter shall proceed before the Board or a subordinate review authority.

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213 VESTED RIGHTS

213-1 Through a Type III procedure, in the course of any County land use process, the Review Authority may decide whether a vested right exists.

213-2 Whether a vested right is found to exist shall be based on the consideration of the following factors as well as any guidance from the Oregon Courts:

- A. The ratio of expenditures incurred to the total cost of the project;
- B. The good faith of the landowner;
- C. Whether or not the landowner had notice of any proposed zoning or amendatory zoning before starting the improvements;
- D. Whether the expenditures have any relation to the completed project or could apply to various other uses of the land;
- E. The kind of project, the location, and ultimate cost; and
- F. Whether the acts of the landowner rise beyond mere contemplated use or preparation, such as leveling of land, boring test holes, or preliminary negotiations with contractors or architects.

213-3 The County shall not decide an issue of whether a vested right exists unless it is associated with a Type I, II or III development action or a Type IV legislative process. Consideration of a vested right shall not occur unless a decision has been rendered by the County for the associated Type I, II or III development action or Type IV legislative process. The County will not consider subsequent requests to consider a vested right when the initial decision has expired. A vested right issue not associated with an accompanying Type I, II, III or IV action shall not be decided by the County and may be subject to the jurisdiction of the Circuit Court of the State of Oregon.

Once a determination has been made by the County that a vested right exists, the development must be completed pursuant to the vested development permit. The vested development permit shall be subject to the requirements of Sections 201-3, 201-4, 201-5, 201-7, and 201-8.

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215 ENFORCEMENT

215-1 No person shall engage in or cause to occur any development; erect, construct, reconstruct, alter, maintain, use or transfer any building or structure; or alter, use or transfer any land in violation of this Code, or the applicable Community Plan.

215-2 Maximum fines upon conviction are as follows:

215-2.1 \$1,000 per offense for intentional violations;

215-2.2 \$250 per offense for all others;

215-2.3 Each day of violation shall constitute a separate offense.

215-3 Justice, District and Circuit Courts shall have jurisdiction over prosecutions under this Code as provided by Law.

215-4 The fines provided for in this Section are in addition to and not in lieu of any other remedy provided by law, including, but not limited to denial or revocation of a Development Permit, injunction, mandamus, abatement or civil damages as provided by State law.

215-5 No building or development permit shall be issued unless it has first been determined that such building or structure, as proposed, and the land upon which it is proposed to be located, complies with all applicable provisions of this Code, with approved site plans, and with conditions of approval, or is exempt therefrom. In addition to any other materials required by law, applications for building permits shall be accompanied by a valid Development Permit or a statement specifying the applicable exemption.

215-6 A request to enforce a solar access permit shall, in addition to the requirements of Section 215, contain the information required in Section 427-5.4.

215-7 Prosecutions of Violations

215-7.1 Citation

A county officer, as defined in the uniform citation ordinance, may issue a citation for violation of this chapter and the rules and regulations adopted pursuant thereto. Citations shall conform to the requirements of the uniform citation ordinance.

215-7.2 Citation - Other enforcement procedures not excluded. The provisions of this chapter are in addition to and not on lieu of any other procedures and remedies provided by law, including equitable relief and damages.

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300 INTRODUCTION

Article III of the Washington County Community Development Code consists of the primary and overlay districts which apply to the unincorporated areas of Washington County. These districts are provided to implement the goals and policies of the Comprehensive Plan. In addition to the standards listed in each District, all development is subject to all other applicable provisions of this Code, including Article IV, Development Standards; Article V, Public Facilities; and Article VI, Land Divisions. Additionally, all development is subject to the applicable requirements and standards of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:

300-1 Intent and Purpose

The intent and purpose of the land use districts is to implement the policies of the Comprehensive Plan and land use designations on the community plan maps and the Rural/Natural Resource Plan. The purpose is to provide for a full range of uses to implement the land use needs set forth in the community plans and the Rural/Natural Resource Plan.

In addition to the standards of the land use districts, all development, including land divisions, shall comply with the following applicable standards and requirements of the community plans, the Rural/Natural Resource Plan, and the Transportation Plan:

300-1.1 Community Plan provisions:

- A. General Design Elements;
- B. Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation Requirements;
- C. Significant Natural Resource Designations;
- D. Historic and Cultural Resource Designations;
- E. Mineral and Aggregate Resource Designations (District A and B designations);
- F. Major Bus Stop Designations;
- G. Interim Light Rail Station Overlay Designations;
- H. Transportation Circulation Designations;
- I. Street Corridor, Arterial Access and Pedestrian System Designations;
- J. Parking Maximum Designations;
- K. Local Street Connectivity Lands Designations;
- L. Pedestrian Connectivity Areas; and
- M. Transportation Functional Classification Map.

300-1.2 Rural/Natural Resource Plan Provisions:

- A. Significant Natural Resource Designations;
- B. Historic and Cultural Resource Designations;
- C. Mineral and Aggregate Resource Designations (District A and B designations);
- D. Habitat Protection Plan;
- E. Implementing Strategy E of Policy 10; and
- F. Transportation Functional Classification Map.

300-1.3 Transportation Plan

- A. Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
- B. The Functional Classification System Map;
- C. The Lane Numbers Map;
- D. The Special Area Streets Overlay Maps
- E. The Regional Street Design Overlay Map
- F. The Transit System Map;
- G. The Pedestrian System Maps
- H. The Off-Street Trail System Maps
- I. The Planned Bicycle System Map

300-1.4 Comprehensive Framework Plan for the Urban Area

Policy 41, Urban Growth Boundary Expansions

300-2 Residential Density Calculation

To determine the maximum or minimum number of units which may be constructed on a site for residential uses, the site size (in acres) shall be multiplied by the maximum or minimum number of units per acre allowed on the site, as designated on the applicable Community Plan, except as specified otherwise below or by Table C of Section 375.

EXAMPLE

$$\begin{aligned} \text{Acres} \times \text{units per acre} &= \text{number of units allowed} \\ 1.6 \times 5 &= 8.0 \text{ or } 8 \text{ units} \end{aligned}$$

- 300-2.1 Site size shall include the area of the subject lot(s) or parcel(s), in acres or portions thereof, excluding all areas currently dedicated for public right-of-way.
- 300-2.2 Allowable density shall be as designated on the Community Plan Map or Rural Plan.
- 300-2.3 No portion of the allowable density shall be permitted to be transferred from one land use designation to another land use designation, except as permitted in accordance with the Planned Development provisions of Section 404-4.5.
- 300-2.4 The number of units which may be constructed on the subject site shall be subject to the limitations of the applicable provisions of this Code, including the requirements of Section 300-3 and such other things as landscaping, parking, flood plain, buffering, slopes and other site limitations.
- 300-2.5 When the maximum or minimum number of units allowed on a site results in a fraction of .5 or more, the number of units allowed shall be the next highest whole number, provided all minimum district requirements other than density can be met.
- 300-2.6 Land that is dedicated to a park and recreation provider as public park land may be used to calculate the minimum or maximum density, provided the land is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.
- 300-2.7 When allowed by a legislative or quasi-judicial plan amendment:
- A. Assisted living units, that are part of a mixed use residential development, may be used to satisfy the minimum density requirement; and
 - B. Land used for a private park, that is available to the general public outside of the residential development the park is located in, may be excluded from the acreage used to calculate the minimum density provided the park is developed for recreational uses, and is not comprised of flood plain, drainage hazard, wetland, slopes over ten (10) percent, or a Significant Natural Resource area.
- 300-2.8 Categories of land listed in Section 300-3.1 may either be excluded from the acreage used to calculate the minimum or maximum density or be used to calculate the minimum or maximum density.

300-3 Density Transfers for Unbuildable Lands

300-3.1 Applicability:

Transfer of density from one area of land to another shall be permitted for any unbuildable portion of a lot or parcel when a portion of the subject lot or parcel is within one of the following areas:

- A. Flood Plain;
- B. Drainage Hazard;
- C. Jurisdictional Wetland;

- D. Slopes over twenty (20) percent;
- E. Significant Natural Resource area;
- F. Power line easement or right-of-way;
- G. Future right-of-way for transitway, designated arterials and collectors;
- H. In transit oriented districts, land within an area identified in A through G above, or land needed for public or private streets, including sidewalks, accessways, greenways, public parks and plazas, and common open space as defined in Section 431-2.3;
- I. Water Quality Sensitive Areas; or
- J. Vegetated Corridors.

300-3.2 Density may be transferred only as follows:

- A. Within a single lot or parcel within the same land use designation; or
- B. To an adjoining lot or parcel that is a subject of the development application provided it is also within the same land use designation as the other lot or parcel.

300-3.3 Density Transfer Calculations:

The number of units which may be transferred shall be calculated as follows:

- A. Determine the total density for the subject lot(s) or parcel(s).
- B. Determine the total number of units in the buildable portion and the unbuildable portion of the total site.
- C. Transfer the density of the unbuildable portion of the site to the buildable portion of the site, provided that the transferred density does not more than double the density allowed on the buildable portion of the site.

300-3.4 For the purpose of this Section, buildable shall mean all portions of the subject lot(s) or parcel(s) not included within a category listed in Section 300-3.1, and unbuildable shall mean all portions of the lot(s) or parcel(s) included in one of the categories in Section 300-3.1.

300-4 Development at Less than Maximum Density

The standards of the applicable district shall apply regardless of whether the proposed development meets the maximum density.

302 R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-1 Intent and Purpose

The R-5 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than five (5) units per acre and no less than four (4) units per acre, except as specified otherwise by Section 300-2 or Section 302-6. The primary purpose is to protect existing neighborhoods developed at five (5) units per acre or less. Infill development on all parcels two (2) acres or less may occur only through application of the infill policy (Section 430-72).

302-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

302-2.1 Accessory Uses and Structures - Section 430-1.

302-2.2 Bus Shelter - Section 430-23.

302-2.3 Detached Dwelling Unit on an existing lot or parcel that does not exceed sixteen-thousand five-hundred (16,500) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A.

302-2.4 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a telecommunication facility.

302-2.5 Home Occupation - Section 430-63.1.

302-2.6 Parks - Section 430-95.

302-2.7 Recycle Drop Box - Section 430-113.

302-2.8 Temporary Use - Section 430-135.1.

302-2.9 Manufactured Home on an existing lot or parcel that does not exceed sixteen-thousand five-hundred (16,500) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76.

302-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

302-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

302-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

302-3.1 Ambulance Service - Section 430-9.1.

302-3.2 Flag lot - Section 430-45.

302-3.3 Home Occupation - Section 430-63.2.

302-3.4 Infill - Section 430-72.

302-3.5 Parks - Section 430-97.

302-3.6 Construction of a local street not in conjunction with a development application or within existing right-of-way.

302-3.7 Temporary Use - Section 430-135.2 A.

302-3.8 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

302-3.9 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care center - Section 430-53.2.

D. Recreation center.

E. Gymnasium.

F. Indoor swimming pool.

302-3.10 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

302-3.11 Detached Dwelling Unit on an existing lot or parcel with a buildable area greater than sixteen-thousand five-hundred (16,500) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 B.

302-3.12 Manufactured Home on an existing lot or parcel with a buildable area greater than sixteen-thousand five-hundred (16,500) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76 and Section 430-37.1 B.(1-3).

302-3.13 Guest House - Section 430-55.

302-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

302-4.1 Attached Dwelling Units - Section 430-13.

302-4.2 Boarding House, includes Bed & Breakfast - Section 430-19.

302-4.3 Campground - Section 430-25.

302-4.4 Cemetery - Section 430-27.

302-4.5 Church - Section 430-29.

302-4.6 Golf Course (may include Country Club) - Section 430-51.

302-4.7 Group Care - Section 430-53.

302-4.8 Heliport (Personal use only) - Section 430-59.

302-4.9 Hospital - Section 430-65.

302-4.10 Kennel - Section 430-73.

302-4.11 Public Building - Section 430-103.

302-4.12 Public Utility - Section 430-105.

302-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

302-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

302-4.15 Single-Family Accessory Dwelling Unit - Section 430-117.1.

302-4.16 School - Section 430-121.

302-4.17 Special Recreation Use - Section 430-131.

302-4.18 Storage Area for Recreation Vehicles - Section 430-133.

302-5 Prohibited Uses

- 302-5.1 Structures or uses not specifically authorized by Section 302.
- 302-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized as a temporary use in Section 302-2.9, 302-2.10, 302-3.7, or 302-3.13.
- 302-5.3 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 302-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 302-5.5 Keeping of fowl for sale, keeping swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 302-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing June, 1983 airport year 2000 LDN fifty-five (55) contour.
- 302-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 302-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 302-5.9 Auto wrecking yards.

302-6 Density

- 302-6.1 In the R-5 District:
- A. The permitted residential density shall be no more than five (5) units per acre and no less than four (4) units per acre, except as permitted by Section 300-2 or by 302-6.2 below; and
 - B. A lot shall be at least fourteen thousand (14,000) square feet in area in order to be divided.
- 302-6.2 The Review Authority may exclude slopes between fifteen (15) and twenty (20) percent from the acreage used to calculate the minimum density when the following standards are met:
- A. The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquefaction hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical

engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and

- B. The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquefaction hazards, or other geologic hazards.

302-6.3 Development to the required minimum density may be phased over time through future land divisions when the following standards are met:

- A. A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:
 - (1) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;
 - (2) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;
 - (3) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm water and water quality facilities and any necessary buffers; and
 - (4) The location of unbuildable categories of land listed in Section 300-3.1;
- B. The size, configuration and location of proposed lots or parcels to be created through an application, and the location of dwellings and structures on the proposed lots or parcels, shall not preclude:
 - (1) Future development of the subject property to the minimum density as shown in the future development plan; and
 - (2) Future development or redevelopment of adjacent properties to the permitted density;
- C. No future street, easement, or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and
- D. For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

302-7 Dimensional Requirements

302-7.1 Lot Area:

- A. The average lot area of lots within a proposed development (land divisions and property line adjustments) shall be no less than six thousand (6,000) square feet (does not include tracts); and
- B. The minimum lot area of a lot shall be five-thousand five-hundred (5,500) square feet.

302-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Fifteen (15) foot front yard to the front building wall and twelve (12) feet to a porch or other covered or enclosed entryway;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard;
- E. Fifteen (15) foot rear yard;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

302-7.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved

as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

302-7.4 Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

- A. Lot width - forty (40) feet;
- B. Lot depth - sixty (60) feet;
- C. Lot width at the street or access point - forty (40) feet except as allowed through Section 430-45 (flag lots); and
- D. Lot width at street on a cul-de-sac, eyebrow corner, hammerhead terminus, or other street terminus - twenty (20) feet.

302-8 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the provisions of Section 413.

302-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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303 R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-1 Intent and Purpose

The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

303-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 303-2.1 Accessory Uses and Structures - Section 430-1.
- 303-2.2 Bus Shelter - Section 430-23.
- 303-2.3 Attached Dwelling Units (Duplex on an approved duplex lot only).
- 303-2.4 Detached Dwelling Unit on an existing lot or parcel that does not exceed thirteen-thousand one-hundred (13,100) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-37.1 A.
- 303-2.5 Expansion of any Type II or III use which meets the following:
 - A. Is exempt from application of public facility standards of Section 501-2;
 - B. Is not in an area of Special Concern as designated on the applicable Community Plan map; and
 - C. Is not a telecommunication facility.
- 303-2.6 Home Occupation - Section 430-63.1.
- 303-2.7 Parks - Section 430-95.
- 303-2.8 Recycle Drop Box - Section 430-113.
- 303-2.9 Temporary Use - Section 430-135.1.
- 303-2.10 Manufactured Home on an existing lot or parcel that does not exceed thirteen-thousand one-hundred (13,100) square feet in buildable area (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - Section 430-76.
- 303-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

303-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

303-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

303-3.1 Ambulance Service - Section 430-9.1.

303-3.2 Attached Dwelling Unit - Section 430-13.

303-3.3 Flag lot - Section 430-45.

303-3.4 Home Occupation - Section 430-63.2.

303-3.5 Infill - Section 430-72.

303-3.6 Manufactured Dwelling Park - Section 430-77.

303-3.7 Manufactured Dwelling Subdivision - Section 430-79.

303-3.8 Parks - Section 430-97.

303-3.9 Construction of a local street not in conjunction with a development application or within existing right-of-way.

303-3.10 Single-Family Accessory Dwelling Unit - Section 430-117.1.

303-3.11 Temporary Use - Section 430-135.2 A.

303-3.12 Zero Lot Line Development - Section 430-147.

303-3.13 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

303-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care center - Section 430-53.2.

D. Recreation center.

E. Gymnasium.

F. Indoor swimming pool.

- 303-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 303-3.16 Detached Dwelling Unit on an existing lot or parcel with a buildable area greater than thirteen-thousand one-hundred (13,100) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - 430-37.1 B.
- 303-3.17 Manufactured Home on an existing lot or parcel with a buildable area greater than thirteen-thousand one-hundred (13,100) square feet (buildable area is exclusive of unbuildable land categories listed in Section 300-3.1) - 430-76 and Section 430-37. B.(1-3)
- 303-3.18 Guest House - Section 430-55.

303-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 303-4.1 Boarding House, includes Bed & Breakfast - Section 430-19.
- 303-4.2 Campground - Section 430-25.
- 303-4.3 Cemetery - Section 430-27.
- 303-4.4 Church - Section 430-29.
- 303-4.5 College - Section 430-31.
- 303-4.6 Golf Course (may include Country Club) - Section 430-51.
- 303-4.7 Group Care - Section 430-53.1 through 53.5.
- 303-4.8 Heliport (Personal use only) - Section 430-59.
- 303-4.9 Hospital - Section 430-65.
- 303-4.10 Kennel - Section 430-73.
- 303-4.11 Public Building - Section 430-103.
- 303-4.12 Public Utility - Section 430-105.
- 303-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

- 303-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 303-4.15 School - Section 430-121.
- 303-4.16 Special Recreation Use - Section 430-131.
- 303-4.17 Storage Area for Recreation Vehicles - Section 430-133.

303-5 Prohibited Uses

- 303-5.1 Structures or uses not specifically authorized by Section 303.
- 303-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized under Section 303-2.10, 303-2.11, 303-3.6, 303-3.7, 303-3.11, or 303-3.18.
- 303-5.3 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 303-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 303-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 303-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 303-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 303-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 303-5.9 Auto wrecking yards.

303-6 Density

- 303-6.1 The permitted residential density shall be no more than six (6) units per acre and no less than five (5) units per acre, except as permitted by Section 300-2 or by 303-6.2 below.
- 303-6.2 The Review Authority may exclude slopes between fifteen (15) and twenty (20) percent from the acreage used to calculate the minimum density when the following standards are met:

- A. The applicant submits an engineering geology report that demonstrates the subject area should not be built to the minimum density due to landslide or soil liquification hazards, or other geologic hazards. The engineering geology report shall be prepared by a registered civil engineer experienced in geotechnical engineering and/or a certified engineering geologist or a registered professional geologist. The report shall be accepted as complete by the Building Engineer prior to submission of an application. The Building Engineer may require an outside peer review to assist in the review of the engineering geology report. The applicant shall be responsible for the costs of such a review; and
 - B. The Review Authority finds that building to the minimum density would result in, or be in jeopardy of, landslide or soil liquification hazards, or other geologic hazards.
- 303-6.3 Development to the required minimum density may be phased over time through future land divisions when the following standards are met:
- A. A future development plan shall be submitted which demonstrates how the entire site can be ultimately developed consistent with the minimum density and other applicable standards of the Code. The plan shall include:
 - (1) Complete parcelization of the subject property, including the size and configuration of all lots or parcels;
 - (2) Vehicular and pedestrian access and circulation necessary to serve the ultimate development on the subject property and adjacent properties;
 - (3) Public facilities and services necessary to serve the ultimate development, including location and required easements and tracts. Public facilities and services shall include, but are not limited to, water, sewer, fire protection, and drainage, including storm water and water quality facilities and any necessary buffers; and
 - (4) The location of unbuildable categories of land listed in Section 300-3.1;
 - B. The size, configuration and location of proposed lots or parcels to be created through an application, and the location of new dwellings and structures on the proposed lots or parcels, shall not preclude:
 - (1) Future development of the subject property to the minimum density as shown on the future development plan; and
 - (2) Future development or redevelopment of adjacent properties to the permitted density;
 - C. No future street, easement or public facility shall be located on the subject property in a manner that would preclude future development to the minimum density as shown on the future development plan or preclude development of adjacent properties to the permitted density; and
 - D. For subdivisions, each phase of a subdivision shall comply with the minimum density requirement.

303-7 Dimensional Requirements

303-7.1 Lot Area:

A. For single family detached dwellings:

- (1) The average lot area within a proposed development (including property line adjustments) shall be no less than four-thousand five-hundred (4,500) square feet (does not include tracts); and
- (2) The minimum lot area shall be four thousand (4,000) square feet.

B. The minimum lot area for single family attached units shall be three-thousand five-hundred (3,500) square feet.

303-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Fifteen (15) foot front yard to the front building wall and twelve (12) feet to a porch or other covered or enclosed entryway;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard;
- E. Fifteen (15) foot rear yard;
- F. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- G. Additional setbacks may be required as specified in Sections 411 and 418.

303-7.3 Height:

- A. The maximum height for structures shall be forty (40) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the forty (40) foot building height limit to a maximum height of sixty (60) feet.

- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

303-7.4 Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

- A. Lot width for detached units - thirty-five (35) feet;
- B. Lot width for attached units - thirty (30) feet;
- C. Lot depth - sixty (60) feet;
- D. Lot width at the street or access point for detached units - thirty-five (35) feet except as may be allowed through Section 430-45 (flag lots);
- E. Lot width at the street or access point for attached units - thirty (30) feet except as may be allowed through Section 430-45 (flag lots); and
- F. Lot width at the street on a cul-de-sac, eyebrow corner, hammerhead or other street terminus - twenty (20) feet.

303-8 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the provisions of Section 413.

303-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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304 R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-1 Intent and Purpose

The R-9 District is intended to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2. The purpose of the R-9 District is to provide areas for detached and attached houses on small lots as well as areas for manufactured homes on individual lots and manufactured dwelling subdivisions and parks.

304-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 304-2.1 Accessory Uses and Structures - Section 430-1.
- 304-2.2 Attached Dwelling Units (duplex on approved duplex lot only).
- 304-2.3 Bus Shelter - Section 430-23.
- 304-2.4 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot or parcel does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1 A.
- 304-2.5 Expansion of any Type II or III use which meets the following:
 - A. Is exempt from application of public facility standards of Section 501-2;
 - B. Is not in an area of Special Concern as designated on the applicable Community Plan map; and
 - C. Is not a telecommunication facility.
- 304-2.6 Home Occupation - Section 430-63.1.
- 304-2.7 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot or parcel does not exceed ten-thousand (10,000) square feet in area - Section 430-76 and Section 430-37.1 B.(1-3).
- 304-2.8 Parks - Section 430-95.
- 304-2.9 Recycle Drop Box - Section 430-113.
- 304-2.10 Single Family Accessory Dwelling Unit - Section 430-117.1.
- 304-2.11 Temporary Use - Section 430-135.1.

- 304-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 304-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

304-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 304-3.1 Ambulance Service - Section 430-9.1.
- 304-3.2 Attached Dwelling Units.
- 304-3.3 Detached Dwelling Unit, not otherwise permitted by Section 304-2.4 - 430-37.1 B.
- 304-3.4 Flag lot - Section 430-45.
- 304-3.5 Home Occupation - Section 430-63.2.
- 304-3.6 Manufactured Dwelling Park - Section 430-77.
- 304-3.7 Parks - Section 430-97.
- 304-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 304-3.9 Storage Area for Recreation Vehicles - Section 430-133.
- 304-3.10 Temporary Use - Section 430-135.2 A.
- 304-3.11 Zero Lot Line Development - Section 430-147.
- 304-3.12 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 304-3.13 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
 - A. Clubhouse.
 - B. Meeting hall.
 - C. Day care center - Section 430-53.2.
 - D. Recreation center.

- E. Gymnasium.
- F. Indoor swimming pool.

- 304-3.14 Day Care Facility - Section 430-53.2 I.
- 304-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 304-3.16 Manufactured Home, not otherwise permitted by Section 304-2.8 - Section 430-76 and Section 430-37.1 B.(1-3)
- 304-3.17 Manufactured Dwelling Subdivision - Section 430-79.
- 304-3.18 Guest House - Section 430-55.

304-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 304-4.1 Access to an existing solid waste disposal site - Section 430-127.3.
- 304-4.2 Boarding House - (Includes Bed and Breakfast) - Section 430-19.
- 304-4.3 Campground - Section 430-25.
- 304-4.4 Cemetery - Section 430-27.
- 304-4.5 Church - Section 430-29.
- 304-4.6 Golf Course (may include Country Club) - Section 430-51.
- 304-4.7 Group Care - Section 430-53.1 through 53.5.
- 304-4.8 Heliport (Personal use only) - Section 430-59.
- 304-4.9 Hospital - Section 430-65.
- 304-4.10 Kennel - Section 430-73.
- 304-4.11 Public Building - Section 430-103.
- 304-4.12 Public Utility - Section 430-105.
- 304-4.13 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

304-4.14 Broadcast Towers a maximum height of one-hundred (100) feet - Section 430-109.

304-4.15 School - Section 430-121.

304-4.16 Special Recreation Use - Section 430-131.

304-5 Prohibited Uses

304-5.1 Structures or uses not specifically authorized by Section 304.

304-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized under Section 304-2.8, 304-2.12, 304-3.5, 304-3.9, or 304-3.17.

304-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.

304-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours, except as approved in conjunction with a development.

304-5.5 Keeping of fowl for sale, keeping of swine (except for up to three purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.

304-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

304-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.

304-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.

304-5.9 Auto wrecking yards.

304-6 Density

In the R-9 District, the permitted residential density is no more than nine (9) units per acre and no less than seven (7) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

304-7 Dimensional Requirements

- G. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- H. Additional setbacks may be required as specified in Sections 411 and 418.

304-7.3 Height:

- A. The maximum height for detached dwelling units and single family attached dwelling units shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. The maximum height for all other structures shall be forty (40) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) and forty (40) foot building height limits to a maximum height of sixty (60) feet.
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- F. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

304-7.4 Lot Dimensions:

The minimum dimensions for any new lot or parcel shall be:

- A. For attached units:
 - (1) Lot width - twenty-four (24) feet;
 - (2) Lot depth - sixty (60) feet;
 - (3) Lot width at the street - twenty-four (24) feet, except as may be allowed through Section 430-45 (flag lot); and
 - (4) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.
- B. For detached units:
 - (1) Lot width - thirty (30) feet;
 - (2) Lot depth - sixty (60) feet;

- (3) Lot width at the street - thirty (30) feet except as may be allowed through Section 430-45 (flag lot); and
- (4) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

304-7.5 Required Outdoor Yard Area

- A. For detached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred and fifty (450) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.
- B. For single family attached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred (400) square feet shall be provided on each lot, of which no dimension shall not be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

304-8 Building Facade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one thousand three hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

304-8.1 Garage Frontage

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or
- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:
 - (1) The garage front is located at least eight (8) feet behind the entire width of the remaining frontage of the dwelling; and
 - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet

304-7.1 Lot Area:

- A. The minimum lot area for detached units shall be two thousand eight-hundred (2,800) square feet per unit except as permitted through a Planned Development. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Section 304-7.4 is met.
- B. The minimum lot area for attached units shall be two thousand four-hundred (2,400) square feet per unit, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Section 304-7.4 and 420 are met.

304-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

The minimum yard requirements shall be:

- A. Twelve (12) foot front yard to the front building wall and a nine (9) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with F. below;
- B. Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- C. Ten (10) foot street side yard;
- D. Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- E. Fifteen (15) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of F below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setback standards of F below and Section 430-117.2 F.;
- F. A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of the R-9 District that was in effect on January 1, 1998, plus any screening and buffering setback now required by Section 411;

above grade except where interior floor levels prevent such placement, in which case the lower window sill shall be not more than a maximum of four (4) feet above the finished exterior grade; and

- (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A, B, or C above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through public or private streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

304-9 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

304-10 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

305 R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-1 Intent and Purpose

The intent and purpose of the R-15 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2.

305-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 305-2.1 Accessory Uses and Structures - Section 430-1.
- 305-2.2 Attached Dwelling Units (duplex on approved duplex lot only).
- 305-2.3 Bus Shelter - Section 430-23.
- 305-2.4 Expansion of any Type II or III use which meets the following:
 - A. Is exempt from application of public facility standards of Section 501-2;
 - B. Is not in an area of special concern as designated on the applicable Community Plan map; and
 - C. Is not a telecommunication facility.
- 305-2.5 Home Occupation - Section 430-63.1.
- 305-2.6 Parks - Section 430-95.
- 305-2.7 Recycle Drop Box - Section 430-113.
- 305-2.8 Single Family Accessory Dwelling Unit - Section 430-117.1.
- 305-2.9 Temporary Use - Section 430-135.1.
- 305-2.10 Detached dwelling unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1 A.
- 305-2.11 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-76.
- 305-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

305-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

305-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

305-3.1 Ambulance Service - 430-9.1.

305-3.2 Attached Dwelling Units.

305-3.3 Boarding House - Section 430-19.

305-3.4 Detached Dwelling Unit, not otherwise permitted by Section 305-2.10 - Section 430-37.1 B.

305-3.5 Flag Lot - Section 430-45.

305-3.6 Home Occupation - Section 430-63.2.

305-3.7 Manufactured Dwelling Park - Section 430-77.

305-3.8 Manufactured Dwelling Subdivision - Section 430-79.

305-3.9 Parks - Section 430-97.

305-3.10 Construction of a local street not in conjunction with a development application or within existing right-of-way.

305-3.11 Temporary Use - Section 430-135.2 A.

305-3.12 Zero Lot Line Development - Section 430-147.

305-3.13 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

305-3.14 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care center - Section 430-53.2.

D. Recreation center.

- E. Gymnasium.
- F. Indoor swimming pool.

305-3.15 Day Care Facility - 430-53.2 I.

305-3.16 Manufactured Home, not otherwise permitted by Section 305-2.11 - Section 430-76 and Section 430-37.1 B.(1-3)

305-3.17 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

305-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

305-4.1 Access to an existing solid waste disposal site - Section 430-127.3.

305-4.2 Church - Section 430-29.

305-4.3 Group Care - Section 430-53.1 through 53.5.

305-4.4 Heliport (Personal use only) - Section 430-59.

305-4.5 Kennel - Section 430-73.

305-4.6 Professional Office - Section 430-101.

305-4.7 Public Building - Section 430-103.

305-4.8 Public Utility - Section 430-105.

305-4.9 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

305-4.10 Broadcast Towers a maximum height of one-hundred (100) feet - Section 430-109.

305-4.11 Special Recreation Use – Section 430-131.

305-5 Prohibited Uses

305-5.1 Structures or uses of land not specifically authorized by Section 305.

305-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized in Section 305-2.9, 305-2.11, 305-3.7, 305-3.8, 305-3.11, or 305-3.17.

- 305-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 305-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.
- 305-5.5 Keeping of fowl for sale, keeping of swine (except for up to three purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 305-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 305-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 305-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 305-5.9 Auto wrecking yards.

305-6 Density

In the R-15 District, the permitted residential density is no more than fifteen (15) units per acre and no less than twelve (12) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

305-7 Dimensional Requirements

305-7.1 Lot Area:

- A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 305-7.4 B. and 420 are met.
- B. The minimum lot area for attached units shall be one-thousand six-hundred (1,600) square feet, except as permitted through a Planned Development. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 305-7.4 B. and 420 are met.

305-7.2 Yard (Setback) Requirements. Yards shall be measured from the property line, sidewalk, or easement for public travel, whichever is closest to the building line.

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.2 F.
- (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 C., plus any screening and buffering setback now required by Section 411.

B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, shall be:

- (1) Ten (10) foot front yard to the front building wall and six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard, except as necessary to comply with (6) below;

- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.
 - (5) Twelve (12) foot rear yard, except as necessary to comply with (7) below;
 - (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwelling units under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 305-7.2 C., plus any screening and buffering setback now required by Section 411.
 - (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- C. The minimum yard requirements for all other uses (e.g., single family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:
- (1) Twenty (20) foot front yard;
 - (2) Twenty (20) foot front yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
 - (3) Twenty (20) foot rear yard;
 - (4) Side yards:
 - (a) Five (5) foot - one (1) story.
 - (b) Seven (7) foot - two (2) stories.
 - (c) Ten (10) foot - three (3) stories.
 - (d) Fifteen (15) foot - four (4) stories.
 - (e) Twenty (20) foot - five (5) stories.
 - (f) Ten (10) foot street side yard except as specified in (d) or (e) above.
 - (g) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.

- D. Additional setbacks may be required as specified in Sections 411 and 418.
- E. Required yards shall be horizontally unobstructed except as provided in Section 418.

305-7.3 Height:

- A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code;
- B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of this Code.
- C. The maximum height for all other structures shall be fifty (50) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed thirty-five (35) or the fifty (50) foot building height limits to a maximum height of sixty (60) feet;
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- F. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

305-7.4 Lot Dimensions:

- A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:
 - (1) Lot width - one hundred (100) feet;
 - (2) Lot depth - one hundred (100) feet; and
 - (3) Lot width at the street - forty (40) feet, except as may be allowed through Section 430-45 (flag lot).
- B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:
 - (1) For attached units:
 - (a) Lot width - twenty (20) feet;
 - (b) Lot depth - sixty (60) feet;

- (c) Lot width at the street - twenty (20) feet, except as allowed through Section 430-45 (flag lot); and
- (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

(2) For detached units:

- (a) Lot width - twenty-three (23) feet;
- (b) Lot depth - sixty (60) feet;
- (c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (Flag Lots); and
- (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

305-7.5 Required Outdoor Yard Area

- A. For detached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of four-hundred (400) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.
- B. For single family attached dwellings, a minimum contiguous rear or side yard (does not include a street side yard) outdoor area of three-hundred (300) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

305-8 Building Facade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour.

305-8.1 Garage Frontage

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or

- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) when:
- (1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and
 - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade.
 - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through streets, (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

305-9 Parking Requirements

Required off-street parking and on-street parking shall be provided in accordance with the requirements of Section 413.

305-10 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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306 R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-1 Intent and Purpose

The intent and purpose of the R-24 District is to implement the policies of the Comprehensive Plan for areas designated for residential development of no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 300-2.

306-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 306-2.1 Accessory Uses and Structures - Section 430-1.
- 306-2.2 Attached Dwelling Unit (duplex on approved duplex lot only).
- 306-2.3 Bus Shelter - Section 430-23.
- 306-2.4 Expansion of any Type II or III use which meets the following:
 - A. Is exempt from application of public facility standards of Section 501-2;
 - B. Is not in an area of special concern as designated on the applicable Community Plan map; and
 - C. Is not a telecommunication facility.
- 306-2.5 Home Occupation - Section 430-63.1.
- 306-2.6 Parks - Section 430-95.
- 306-2.7 Recycle Drop Box - Section 430-113.
- 306-2.8 Single-Family Accessory Dwelling Unit - Section 430-117.1.
- 306-2.9 Temporary Use - Section 430-135.1.
- 306-2.10 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten thousand (10,000) square feet in an area - Section 430-37.1.
- 306-2.11 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten thousand (10, 000) square feet in area - Section 430-76.
- 306-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

306-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

306-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

306-3.1 Ambulance Service - Section 430-9.1.

306-3.2 Attached Dwelling Units.

306-3.3 Boarding House - Section 430-19.

306-3.4 Detached Dwelling Unit, not otherwise permitted by Section 306-2.10 - Section 430-37.1.

306-3.5 Flag Lot - Section 430-45.

306-3.6 Home Occupation - Section 430-63.2.

306-3.7 Parks - Section 430-97.

306-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.

306-3.9 Temporary Use - Section 430-135.2 A.

306-3.10 Zero Lot Line Development - Section 430-147.

306-3.11 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

306-3.12 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care center - Section 430-53.2.

D. Recreation center.

E. Gymnasium.

F. Indoor swimming pool.

- 306-3.13 Day Care Facility - 430-53.2 I.
- 306-3.14 Manufactured Home, not otherwise permitted by Section 306-2.11 - Section 430-76 and Section 430-37.1 B.(1-3).
- 306-3.15 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

306-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 306-4.1 Church - Section 430-29.
- 306-4.2 Group Care - Section 430-53.1 through 53.5.
- 306-4.3 Heliport (Personal use only) - Section 430-59.
- 306-4.4 Kennel - Section 430-73.
- 306-4.5 Professional Office - Section 430-101.
- 306-4.6 Public Building - Section 430-103.
- 306-4.7 Public Utility - Section 430-105.
- 306-4.8 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 306-4.9 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 306-4.10 Special Recreation Use – Section 430-131.

306-5 Prohibited Uses

- 306-5.1 Structures or uses not specifically authorized by Section 306.
- 306-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized in Sections 306-2.9, 306-2.11, 306-3.9, or 306-3.15.
- 306-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
- 306-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.

- 306-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 306-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 306-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 306-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 306-5.9 Auto wrecking yards.

306-6 Density

In the R-24 District , the permitted residential density is no more than twenty-four (24) units per acre and no less than nineteen (19) units per acre, except as otherwise specified by Section 300-2.

For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

306-7 Dimensional Requirements

306-7.1 Lot Area:

- A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 306-7.4 and 420 are met.
- B. The minimum lot area for attached units shall be one-thousand three-hundred (1,300) square feet. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Sections 306-7.4 and 420 are met.

306-7.2 Yard (Setback) Requirements.

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

- A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of (6) below and Section 430-117.2 F.; and
- (6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 C., plus any screening and buffering setback now required by Section 411.

B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard, except as necessary to comply with (6) below;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet

(as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.

- (5) Twelve (12) foot rear, except as necessary to comply with (7) below;
 - (6) A perimeter setback shall be provided along the perimeter of a development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 306-7.2 C., plus any screening and buffering setback now required by Section 411.
 - (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- C. The minimum yard requirements for all other uses (e.g., single-family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:
- (1) Twenty (20) foot front yard;
 - (2) Twenty (20) foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
 - (3) Twenty (20) foot rear yard;
 - (4) Side yards:
 - (a) Five (5) foot - one (1) story;
 - (b) Seven (7) foot - two (2) stories or ten (10) foot when adjacent to lower density district;
 - (c) Ten (10) foot - three (3) stories;
 - (d) Fifteen (15) foot - four (4) stories;
 - (e) Twenty (20) foot - five (5) stories;
 - (f) Ten (10) foot street side yard except as specified in (d) or (e) above;
 - (g) To determine the minimum setback for a different primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- D. Additional setbacks may be required as specified in Sections 411 and 418.

- E. Required yards shall be horizontally unobstructed except as provided in Section 418.

306-7.3 Height:

- A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of the Code.
- C. The maximum height for all other structures shall be fifty (50) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet or the fifty (50) foot building height limit to a maximum height of sixty-five (65) feet.
- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

306-7.4 Lot Dimensions:

- A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:
 - (1) Average lot width - one hundred (100) feet;
 - (2) Average lot depth - one hundred (100) feet;
 - (3) Lot width at the street - forty (40) feet, except as allowed through Section 430-45 (flag lot).
- B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:
 - (1) For attached units:
 - (a) Average lot width - fourteen (14) feet;
 - (b) Average lot depth - sixty (60) feet;
 - (c) Lot width at the street - fourteen (14) feet.
 - (2) For detached units:
 - (a) Average lot width - twenty-three (23) feet;
 - (b) Average lot depth - sixty (60) feet;

- (c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (flag lot);
- (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

306-7.5 Required Outdoor Yard Area

A minimum contiguous rear or side yard (does not include a street side yard) outdoor area of two-hundred and fifty (250) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

The required outdoor area may be reduced to one-hundred and forty (140) square feet when the following standards are met:

- A. The outdoor area shall consist of one-hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. The outdoor area shall be located within a side or rear yard;
- B. The development site shall be located within one-thousand (1,000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and
- C. Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

306-8 Building Facade Requirements

The following standards shall apply to detached dwellings units, and single family attached dwellings units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20)-minute or more frequent service during the peak hours:

306-8.1 Garage Frontage

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or

- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:
- (1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and
 - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade; and
 - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or
- D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

306-9 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

306-10 Article IV - Development Standards

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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307 R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-1 Intent and Purpose

The intent of the R-25+ District is to implement the policies of the Comprehensive Plan for areas designated for residential development of twenty-five (25) units or more per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2 or Section 307-6. The purpose of the district is to provide areas for high density attached housing.

307-2 Uses Permitted Through Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 307-2.1 Accessory Uses and Structures - Section 430-1.
- 307-2.2 Bus Shelter - Section 430-23.
- 307-2.3 Expansion of any Type II or III use which meets the following:
 - A. Is exempt from application of public facility standards of Section 501-2;
 - B. Is not in an area of special concern as designated on the applicable Community Plan map; and
 - C. Is not a telecommunication facility.
- 307-2.4 Home Occupation - Section 430-63.1.
- 307-2.5 Parks - Section 430-95.
- 307-2.6 Recycle Drop Box - Section 430-113.
- 307-2.7 Single-Family Accessory Dwelling Unit - Section 430-117.1.
- 307-2.8 Temporary Use - Section 430-135.1.
- 307-2.9 Detached Dwelling Unit on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-37.1.
- 307-2.10 Manufactured Home on an existing lot or parcel that was approved for the construction of a detached dwelling unit through a subdivision or partition, provided the lot does not exceed ten-thousand (10,000) square feet in area - Section 430-76.
- 307-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

307-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

307-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 307-3.1 Ambulance Service - Section 430-9.1.
- 307-3.2 Attached Dwelling Units.
- 307-3.3 Boarding House - Section 430-19.
- 307-3.4 Detached Dwelling Unit, not otherwise permitted by Section 307-2.9 - Section 430-37.1.
- 307-3.5 Flag Lot - Section 430-45.
- 307-3.6 Home Occupation - Section 430-63.2.
- 307-3.7 Parks - Section 430-97.
- 307-3.8 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 307-3.9 Temporary Use - Section 430-135.2 A.
- 307-3.10 Zero Lot Line Development - Section 430-147.
- 307-3.11 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 307-3.12 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:
 - A. Clubhouse.
 - B. Meeting hall.
 - C. Day care center - Section 430-53.2.
 - D. Recreation center.
 - E. Gymnasium.
 - F. Indoor swimming pool.

307-3.13 Manufactured Home, not otherwise permitted by Section 307-2.10 - Section 430-76 and Section 430-37.1 B.(1-3).

307-3.14 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

307-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

307-4.1 Group Care - Section 430-53.1 through 53.5.

307-4.2 Heliport (Personal use only) - Section 430-59.

307-4.3 Kennel - Section 430-73.

307-4.4 Neighborhood Commercial Use - Section 430-83.

307-4.5 Park and Ride Facility - Section 430-89.

307-4.6 Professional Office - Section 430-101.

307-4.7 Public Building - Section 430-103.

307-4.8 Public Utility - Section 430-105.

307-4.9 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.

307-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

307-4.11 Special Recreation Use - Section 430-131.

307-4.12 Transit Center - Section 430-137.

307-5 Prohibited Uses

307-5.1 Structures or uses not specifically authorized by Section 307.

307-5.2 The use of a manufactured dwelling or recreation vehicle as a residence except where specifically authorized in Sections 307-2.8, 307-2.10, 307-3.9, or 307-3.14.

307-5.3 Any parking or storage of tractor trailers, semi-trucks or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.

- 307-5.4 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot for more than forty-eight (48) hours except as approved in conjunction with a development.
- 307-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
- 307-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 307-5.7 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 307-5.8 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 307-5.9 Auto wrecking yards.

307-6 Density

- 307-6.1 The permitted density in the R-25+ District is as follows:
- A. R-25+ property which meets the general standards of the R-25+ District shall develop at no more than twenty-five (25) units per acre and no less than twenty (20) units per acre, except as otherwise specified by Section 300-2, 307-6.1 B., or 307-6.1 C.
 - B. R-25+ property which meets the following criteria shall develop at no more than forty (40) units per acre and no less than thirty-two (32) units per acre, except as otherwise specified by Section 300-2 or 307-6.1 C.
 - (1) The subject property is within one-quarter ($\frac{1}{4}$) mile of the Transit Service with twenty (20) minute headways during peak hours;
 - (2) The subject property is within one-quarter ($\frac{1}{4}$) mile of a developed Community Business District or Transit Oriented Retail Commercial District, or equivalent level in a city; and
 - (3) The subject property is within one-half ($\frac{1}{2}$) mile of an existing or planned employment center with a minimum of two-hundred and fifty (250) employees.
 - C. To develop over forty (40) units per acre, to a maximum of one-hundred (100) units per acre, in addition to the criteria of Section 307-6.1 B., the following criteria must be met:
 - (1) An additional ten (10) percent of the site shall be devoted to Open Space;
 - (2) At a minimum, the average unit size shall be eight-hundred (800) square feet;

- (3) The maximum height shall be one-hundred (100) feet except as provided in Section 419; and
- (4) The maximum lot coverage for residential structures shall be forty (40) percent, not including accessory structures or parking.

307-6.2 For developments with detached dwelling units, and attached dwelling units or assisted living units, where the detached dwelling units comprise sixty (60) percent or more of the total density, building permits for the final fifteen (15) percent of the proposed number of detached dwelling units shall not be issued until at least fifty (50) percent of the proposed number of attached dwelling units or assisted living units have been constructed or are under construction.

307-7 Dimensional Requirements

307-7.1 Lot Area:

- A. The minimum lot area for detached units shall be two-thousand one-hundred (2,100) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when the standards of Sections 307-7.4 and 420 are met.
- B. The minimum lot area for attached units shall be one-thousand three-hundred (1,300) square feet. No partitioning or subdividing to less than twenty thousand (20,000) square feet is permitted except when the standards of Sections 307-7.4 and 420 are met.

307-7.2 Yard (Setback) Requirements.

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

A. The minimum yard requirements for detached dwelling units shall be:

- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
- (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
- (3) Eight (8) foot street side yard;
- (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This

easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings;

- (5) Twelve (12) foot rear yard. A five (5) foot rear yard may be provided to a detached garage which is accessed from the front street, provided the standards of (6) below are met. If a Single Family Accessory Dwelling Unit (Section 430-117) is provided on the second story of the garage, the building shall meet the applicable setbacks standards of(6) below and Section 430-117.2 F.; and
 - (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 C., plus any screening and buffering setback now required by Section 411.
- B. The minimum yard requirements for single family attached dwelling units, not to exceed a maximum height of thirty-five (35) feet, shall be:
- (1) Ten (10) foot front yard to the front building wall and a six (6) foot front yard to a porch or other covered or enclosed entryway, except as necessary to comply with (6) below;
 - (2) Twenty (20) foot front or street side yard to garage vehicle entrance, or four (4) foot rear yard to garage vehicle entrance from an alley;
 - (3) Eight (8) foot street side yard, except as necessary to comply with (6) below;
 - (4) Five (5) foot side yard, except for:

Lots or parcels created through a subdivision or partition application that was approved by the Review Authority to have side yards less than five feet (as little as zero (0) feet). Lots or parcels with a side yard less than five (5) feet shall provide a perpetual minimum six (6) foot wide private-maintenance easement between buildings on adjoining lots when the distance between buildings on adjoining lots is less than ten (10) feet. This easement shall be kept clear of structures or any other object from the ground upward which could physically preclude access to the easement and the adjacent buildings.
 - (5) Twelve (12) foot rear, except as necessary to comply with (7) below;
 - (6) A perimeter setback shall be provided along the perimeter of the development site when the adjacent property was developed with detached dwellings under dimensional standards in effect prior to November 27, 1998. The required perimeter setback shall be the applicable front, side, street side, or rear yard setback of Section 307-7.2 C., plus any screening and buffering setback now required by Section 411.

- (7) To determine the minimum setback for a different Primary Land Use District adjacent to this district, a ten (10) foot minimum shall be used.
- C. The minimum yard requirements for all other uses (e.g., single-family attached units which exceed thirty-five (35) feet in height, apartments, institutional uses) shall be:
- (1) Twenty (20) foot front yard;
 - (2) Twenty (20) foot yard to garage vehicle entrance, measured from the property line, sidewalk, or easement for public travel;
 - (3) Twenty (20) foot rear yard;
 - (4) Side yards:
 - (a) Five (5) foot - one (1) story;
 - (b) Seven (7) foot - two (2) stories or ten (10) foot when adjacent to lower density district;
 - (c) Ten (10) foot - three (3) stories;
 - (d) Fifteen (15) foot - four (4) stories;
 - (e) Twenty (20) foot - five (5) stories;
 - (f) Ten (10) foot street side yard except as specified in (d) or (e) above;
 - (g) To determine the minimum setback for a different primary Land Use District adjacent to this District, a ten (10) foot minimum shall be used.
- D. Additional setbacks may be required as specified in Sections 411 and 418.
- E. Required yards shall be horizontally unobstructed except as provided in Section 418.

307-7.3 Height:

- A. The maximum height for single family detached dwellings shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height of accessory structures shall be fifteen (15) feet, except as modified by other Sections of the Code.
- C. The maximum height for all other structures shall be sixty-five (65) feet, except as modified by other Sections of this Code.
- D. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height

limit to a maximum height of sixty (60) feet or the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.

- E. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

307-7.4 Lot Dimensions:

- A. The minimum dimensions for new lots twenty-thousand (20,000) square feet or greater shall be:
- (1) Average lot width - one hundred (100) feet;
 - (2) Average lot depth - one hundred (100) feet; and
 - (3) Lot width at the street - forty (40) feet except as allowed through Section 430-45 (flag lots).
- B. The minimum dimensions for new lots of less than twenty-thousand (20,000) square feet shall be:
- (1) For attached units:
 - (a) Average lot width - fourteen (14) feet;
 - (b) Average lot depth - sixty (60) feet; and
 - (c) Lot width at the street - fourteen (14) feet.
 - (2) For detached units:
 - (a) Average lot width - twenty-three (23) feet;
 - (b) Average lot depth - sixty (60) feet;
 - (c) Lot width at the street - twenty-three (23) feet, except as may be allowed through Section 430-45 (flag lot); and
 - (d) Lot width at the street on a cul-de-sac or hammerhead street terminus - twenty (20) feet.

307-7.5 Required Outdoor Yard Area

A minimum contiguous rear or side yard (does not include a street side yard) outdoor area of two-hundred and fifty (250) square feet shall be provided on each lot, of which no dimension shall be less than ten (10) feet. A recorded outdoor yard use easement provided on an adjoining lot may also be used to satisfy the requirements of this Section.

The required outdoor area may be reduced to one-hundred and forty (140) square feet when the following standards are met:

- A. The outdoor area shall consist of one-hundred and forty (140) contiguous square feet of which no dimension shall be less than ten (10) feet. The outdoor area shall be located within a side or rear yard;
- B. The development site is located within one-thousand (1,000) feet of an existing transit stop that has twenty (20) minute or more frequent service during the peak hour; and
- C. Common open space, as defined by Section 431-3.4, is provided within the development site consistent with the standards of Sections 431-7.2 and 431-7.3. The common open space shall consist of at least one (1) acre of contiguous land that is developed for recreational uses.

307-8 Building Facade Requirements

The following standards shall apply to detached dwelling units, and single family attached dwelling units with individual vehicular access to a street, that are located within one-thousand three-hundred and twenty (1,320) feet of a street designated as a Corridor or Main Street Design Type by Policy 41 of the Comprehensive Framework Plan for the Urban Area, or an existing or planned transit route with twenty (20) minute or more frequent service during the peak hour:

307-8.1 Garage Frontage

- A. No more than forty (40) percent of the width of the ground floor of a dwelling shall be an attached garage (the garage width is the interior width of the garage at the garage face); or
- B. Up to fifty (50) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior width of the garage at the garage face) provided the garage front is located at least five (5) feet behind the front building wall (the front building wall does not include a porch or other projections); or
- C. For lots with front loaded double car garages, up to sixty (60) percent of the width of the ground floor of a dwelling may be an attached garage (the garage width is the interior of the garage at the garage face) when:
 - (1) The garage front is located at least ten (10) feet behind the entire width of the remaining frontage of the dwelling; and
 - (2) A minimum of twenty (20) square feet of windows on the front exterior wall of living space (e.g., living or family room; does not include an enclosed porch) is provided. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prevent such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade; and
 - (3) The lots are interspersed among other lots within the development that meet the garage frontage standards of A. and B. above; or

- D. The width of an attached garage may exceed the dimensional requirement of A., B., or C. above when the applicant demonstrates compliance with the principles of Section 431-5.3 pursuant to the Type III procedure and Departmental review requirements for Type III actions in Transit Oriented Districts.
- E. The above garage frontage standards do not apply to lots on non-through streets (e.g., cul-de-sacs) unless the street is connected by an accessway to another street.

307-9 Parking Requirements

Required off-street and on-street parking shall be provided in accordance with the requirements of Section 413.

307-10 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

308 FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)

308-1 Intent and Purpose

The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

308-2 Uses Permitted Through a Type I Procedure:

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

308-2.1 Accessory Uses and Structures - Section 430-1.

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

308-2.3 Bus Shelter - Section 430-23.

308-2.4 Detached Dwelling Unit (one) - when a city's future comprehensive plan designation for the subject property is single family residential; or when the County land use district that was applicable to the property prior to designating the subject property FD-20 permitted a detached dwelling through a Type I procedure - Section 430-37.1.A. and 430-37.1.B.(1) & (2).

308-2.5 Home Occupation - Section 430-63.1.

308-2.6 Parks - Section 430-95.

- 308-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources
- 308-2.8 Temporary Use - Section 430-135.1.
- 308-2.9 Manufactured Home - Section 430-76.
- 308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

308-3 Uses Permitted Through a Type II Procedure

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

- 308-3.1 Home Occupation - Section 430-63.2.
- 308-3.2 Parks - Section 430-97.
- 308-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 308-3.4 Temporary Use - Section 430-135.2 A.
- 308-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 308-3.6 Day Care Facility - 430-53.2 I.
- 308-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

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

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

- 308-4.1 Cemetery - Section 430-27.

- 308-4.2 Church - Section 430-29.
 - 308-4.3 Commercial Chicken or Rabbit Raising.
 - 308-4.4 Commercial Greenhouse.
 - 308-4.5 Commercial Training Tracks, Riding Arenas and/or Stables (See Boarding of Horses - Section 430-21).
 - 308-4.6 Contractor's Establishment.
 - 308-4.7 Day Care Center - Section 430-53.2.
 - 308-4.8 Public Building - Section 430-103.
 - 308-4.9 Public Utility - Section 430-105.
 - 308-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
 - 308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
 - 308-4.12 School - Section 430-121.
- 308-5 Prohibited Uses**
- 308-5.1 Structures or uses not specifically authorized in Section 308.
 - 308-5.2 Structures or uses prohibited by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.
 - 308-5.3 The use of a recreation vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4.
 - 308-5.4 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
 - 308-5.5 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 308-4.3.
 - 308-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
 - 308-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
 - 308-5.8 Auto wrecking yards.

308-5.9 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

308-6 Dimensional Requirements

In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

308-6.1 Lot Area:

The minimum lot area shall be twenty (20) acres unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan for the Urban Area.

308-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

308-6.3 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

308-6.4 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

308-7 Additional Standards

308-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.

308-7.2 Lawful nonconforming uses in the FD-20 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.

308-7.3 Property in an Area of Special Concern on the Future Development Areas Map in the Comprehensive Framework Plan for the Urban Area is subject to the applicable Area of Special Concern provisions in Plan Policy 41.

308-8 Access

All lots in this District shall either:

308-8.1 Abut a public street; or

308-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

308-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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309 FUTURE DEVELOPMENT 10 ACRE DISTRICT (FD-10)

309-1 Intent and Purpose

The FD-10 District applies to the unincorporated portions of some city active planning areas where these cities are the only available source of urban services. The FD-10 District is in limited agricultural, forest, or residential use. The FD-10 District recognizes the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use activities develops and such lands are annexed to a city.

309-2 Uses Permitted Through a Type I Procedure:

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

309-2.1 Accessory Uses and Structures - Section 430-1.

309-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility.

309-2.3 Bus Shelter - Section 430-23.

309-2.4 Detached Dwelling Unit (one) only in areas designated for residential use by the applicable city - Section 430-37.1.

309-2.5 Home Occupation - Section 430-63.1.

309-2.6 Parks - Section 430-95.

309-2.7 Public and Private Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources

309-2.8 Temporary Use - Section 430-135.1.

309-2.9 Manufactured Home - Section 430-76.

- 309-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 309-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

309-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 309-3.1 Home Occupation - Section 430-63.2.
- 309-3.2 Parks - Section 430-97.
- 309-3.3 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 309-3.4 Temporary Use - Section 430-135.2 A.
- 309-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 309-3.6 Day Care Facility - 430-53.2 I.
- 309-3.7 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

309-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 309-4.1 Cemetery - Section 430-27.
- 309-4.2 Church - Section 430-29.
- 309-4.3 Commercial Chicken or Rabbit Raising.
- 309-4.4 Commercial Greenhouse.
- 309-4.5 Commercial Training Tracks, Riding Arenas and/or Stables (See Boarding of Horses - Section 430-21).
- 309-4.6 Contractor's Establishment.

- 309-4.7 Day Care Center - Section 430-53.2.
- 309-4.8 Public Building - Section 430-103.
- 309-4.9 Public Utility - Section 430-105.
- 309-4.10 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 309-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

309-5 Prohibited Uses

- 309-5.1 Structures or uses not specifically authorized in Section 309.
- 309-5.2 The use of a recreation vehicle as a residence except where specifically authorized as a temporary use in Sections 309-2.8 and 309-3.4.
- 309-5.3 The outdoor parking or storage of any five (5) or more vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
- 309-5.4 Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot, except as provided in Section 309-4.3.
- 309-5.5 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 309-5.6 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 309-5.7 Auto wrecking yards.
- 309-5.8 Any parking or storage of tractor-trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

309-6 Dimensional Requirements

In applying the minimum lot size provisions of this District, the boundary lines used in the deed or sales contract shall be used. If a lot is bounded by a dedicated road, fifty (50) percent of the area of the road contiguous to the lot shall be considered as a portion of the lot. If the lot is severed by the road, one hundred (100) percent of the road area within the lot shall be considered a portion of the lot. This provision shall be liberally construed in favor of the landowner.

- 309-6.1 Lot Area:

The minimum lot area shall be ten (10) acres.

309-6.2 Lot of Exception:

Exceptions to the minimum lot area may be granted by the Review Authority subject to the following:

- A. No lot created through this provision may be reduced below eight (8) acres;
- B. The request is in accord with the intent and purpose of this District;
- C. The request is processed through a Type II procedure; and
- D. The Review Authority may impose reasonable conditions consistent with the intent and purpose of this District for the lots approved.

309-6.3 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Thirty (30) foot street side yard;
- D. Twenty-five (25) foot rear yard;
- E. Additional setbacks may be required as specified in Sections 411 and 418; and
- F. Required yards shall be horizontally unobstructed except as provided by Section 418.

309-6.4 Height:

- A. The maximum height for structures shall be thirty-five (35) feet, except as modified by other Sections of this Code.
- B. The maximum height for accessory structures shall be fifteen (15) feet except as modified by other Sections of this Code.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- E. For any detached dwelling or manufactured dwelling (except manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use), and their accessory structures, the maximum building height shall comply with the Solar Balance Point Standard in Section 427-4.

309-6.5 Lot Dimensions:

- A. The minimum lot width at the street shall be forty (40) feet;
- B. The minimum lot width at the building line shall be seventy (70) feet; and
- C. The minimum lot depth shall be one-hundred (100) feet.

309-7 Additional Standards

The following additional standards are applicable to new development in the FD-10 District:

- 309-7.1 All new permitted uses shall be constructed in a manner which does not interfere with future conversion of the land to planned urban densities and/or uses.
- 309-7.2 Lawful nonconforming uses in the FD-10 District may be expanded or rebuilt to the limit of available services, through a Type II procedure when in conformance with the adopted Comprehensive Plan for the area. Expansion or replacement shall be subject to the provisions of development review and shall not include new uses.

309-8 Access

All lots in this District shall either:

- 309-8.1 Abut a public street; or
- 309-8.2 Have an easement of record at least forty (40) feet wide at the street or as approved by the appropriate fire marshal. In cases where no fire marshal has jurisdiction, the easement shall be subject to the standards of Fire District #1.

309-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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311 NEIGHBORHOOD COMMERCIAL DISTRICT - (NC)

311-1 Intent and Purpose

The purpose of the Neighborhood Commercial District is to allow small to medium sized shopping and service facilities and limited office use in Neighborhood Commercial Centers. This District is intended to provide for the shopping and service needs of the immediate urban neighborhood. Neighborhood Commercial locations should be easily accessible by car and foot from neighborhoods in the area. Centers should have minimal negative impact on surrounding residential properties.

311-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

311-2.1 Accessory Uses and Structures - Section 430-1.

311-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

311-2.3 Bus Shelter - Section 430-23.

311-2.4 Parks with up to a maximum total gross area of ten-thousand (10,000) square feet - Section 430-95.

311-2.5 Recycle Drop Box - Section 430-113.

311-2.6 Temporary Use - Section 430-135.1.

311-2.7 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that

are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

- 311-2.8 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 311-2.9 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

311-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 311-3.1 Access to a manufactured dwelling park - Section 430-77.14.
- 311-3.2 Ambulance Service - Section 430-9.1.
- 311-3.3 Convenience Groceries, with a maximum gross floor area of five-thousand (5,000) square feet - Section 430-35.
- 311-3.4 Day Care Facility - Section 430-53.2.
- 311-3.5 Drive-In or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses.) - Section 430-41.
- 311-3.6 Dwelling units provided:
- A. The ground floor is used for neighborhood commercial uses;
 - B. Height and yard requirements are the same as the Neighborhood Commercial District requirements; and
 - C. Maximum density of fifteen (15) units per acre.
- 311-3.7 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

- A. Clubhouse.
 - B. Meeting hall.
 - C. Day care center - Section 430-53.2.
 - D. Recreation center.
 - E. Gymnasium.
 - F. Indoor swimming pool.
- 311-3.8 Eating and Drinking Establishments with a maximum gross floor area of three-thousand five-hundred (3,500) square feet. Those with a drive-in or drive up windows shall address Section 430-41.
- 311-3.9 Financial Institutions such as branch banks, insurance agents, real estate offices - with a maximum gross floor area of five-thousand (5,000) square feet per use.
- 311-3.10 Food Market with a maximum gross floor area of thirty-five thousand (35,000) square feet, limited to one (1) per Neighborhood Commercial Center.
- 311-3.11 Personal Service Establishments such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios - with a maximum gross floor area of five-thousand (5,000) square feet per use.
- 311-3.12 Professional Offices, including veterinary clinics or offices which do not include boarding facilities other than indoor boarding for immediate, critical care. There shall be a maximum floor area of three-thousand five hundred (3,500) square feet per use.
- 311-3.13 Radio Station.
- 311-3.14 Retail Businesses such as variety, hardware, drug, dry goods, clothing, photography, hobby and similar retail uses - with a maximum gross floor area of ten-thousand (10,000) square feet per use.
- 311-3.15 Service Station - Section 430-123.
- 311-3.16 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 311-3.17 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.
- 311-3.18 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 311-3.19 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 311-2.2:

- A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for motor vehicles used by the principal use;
 - C. Central heating, air conditioning and refrigeration plants.
- 311-3.20 Nursery School - Section 430-121.
- 311-3.21 Parking not in conjunction with a Permitted Use - Section 430-91.
- 311-3.22 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 311-3.23 Food and Service Catering.
- 311-3.24 Commercial School - such as vocational music, dance, martial arts.
- 311-3.25 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

311-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 311-4.1 Churches - Section 430-29.
- 311-4.2 Public Buildings - such as a post office, police and fire stations at a scale oriented to the surrounding neighborhood - Section 430-103.
- 311-4.3 Public Utility - Section 430-105.
- 311-4.4 Special Recreation Use - Section 430-131.
- 311-4.5 Food Market - with a maximum gross floor area of fifty-thousand (50,000) square feet, limited to one (1) food market greater than five-thousand (5,000) square feet per neighborhood commercial center.
- 311-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- 311-4.7 Broadcast Towers – Section 430-109.

311-5 Prohibited Uses

- 311-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.
- 311-5.2 Adult Book Stores - Section 430-3.
- 311-5.3 The use of a manufactured dwelling, except as provided in Section 430-135.1 A. - Temporary Uses and 430-1.2 D. - Accessory Use.
- 311-5.4 New residential uses except as provided in Sections 311-3.6 and 311-3.16.
- 311-5.5 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 311-5.6 Auto wrecking yards.

311-6 Dimensional Requirements

311-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

311-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

A. Twenty (20) foot front yard;

B. Side yards:

(1) When abutting a Residential or Office Commercial District, the side yard shall be no less than required by the abutting district;

(2) Except on corner lots, and as in one (1) above there is no required side yard;

(3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet;

C. Twenty (20) foot rear yard; and

D. Additional setbacks may be required as specified in Sections 411 and 418.

311-6.3 Height:

A. The maximum height for structures shall be thirty-five (35) feet except as modified by other Sections of this Code.

B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or

extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty-five (65) feet.

- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

311-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The minimum average lot depth shall be eighty-five (85) feet; and
- C. The minimum lot width at the access point shall be forty (40) feet.

311-7 Article IV - Development Standards

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

312 OFFICE COMMERCIAL DISTRICT (OC)

312-1 Intent and Purpose

The intent of this District is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of this District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through the Planned Development process.

312-2 Uses Permitted Under a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

312-2.1 Accessory Uses and Structures - Section 430-1.

312-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

312-2.3 Bus Shelter - Section 430-23.

312-2.4 Recycle Drop Box - Section 430-113.

312-2.5 Temporary Use - Section 430-135.1.

312-2.6 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

- 312-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 312-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

312-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 312-3.1 Access to a manufactured dwelling park - Section 430-77.16.
- 312-3.2 Accessory Uses to an Office Commercial Center.
- A. The following accessory uses may be allowed when the conditions of Section 312-3.2 B. (1 - 6) are met:
 - (1) Convenience Grocery - Section 430-35.
 - (2) Drive-In or Drive-Up Restaurants - Section 430-41.
 - (3) Eating and Drinking or Food Specialty Establishments - limited to a maximum, gross floor area of five-thousand (5,000) square feet per use.
 - (4) Personal Service Establishments such as laundry, dry cleaner, photo studio, barber, shoe repair and similar uses - limited to a maximum gross floor area of five-thousand (5,000) square feet per use.
 - (5) Retail Business such as variety, hardware, drug, clothing, hobby or similar uses - limited to a maximum gross floor area of ten-thousand (10,000) square feet per use.
 - (6) Service Station - 430-123.
 - (7) Special Recreation Use - Section 430-131.

- B. The Accessory Uses of Section 312-3.2 A. may be allowed provided the following conditions are met:
- (1) The use is scaled to serve the tenants of the complex or surrounding office commercial area;
 - (2) Uses are located on the first or second story of the structure except that restaurants and cafeterias may be located on any floor;
 - (3) Gross floor area of the Accessory Uses does not exceed twenty (20) percent of the gross ground floor area of new or existing structures, and in no case more than provided for the use in 312-3.2 A. No more than twenty (20) percent of a development may be used for accessory uses;
 - (4) The Accessory Use shall not be developed prior to construction of the office commercial space on which the twenty (20) percent area is based;
 - (5) The access is by an internal office complex street;
 - (6) Siting and signage are internally oriented. A conceptual master signage plan for the office complex or surrounding office commercial area shall be submitted which demonstrates that proposed signage for accessory uses will be internally oriented to the office complex or surrounding office commercial area.
 - (7) A conceptual master plan for development of the office complex or surrounding office commercial area shall be submitted which shows:
 - (a) The relationship of proposed accessory uses to the primary office uses; and
 - (b) Compliance with the standards of Section 312-3.2 B.

312-3.3 Ambulance Service - Section 430-9.1.

312-3.4 Commercial School - such as vocational, music, dance, martial arts.

312-3.5 Day Care Facility - Section 430-53.2.

312-3.6 Drive-Up Banks - Section 430-41.

312-3.7 Expansion of existing eating and drinking establishments, limited to a maximum gross floor area of five-thousand (5,000) square feet.

312-3.8 Expansion of existing special recreation uses existing on or before March 26, 1984. For required standards see Section 430-131.

312-3.9 Finance, Insurance and Real Estate.

312-3.10 Funeral Home, Crematorium.

312-3.11 Heliport (Personal use only) - Section 430-59.

- 312-3.12 Medical and Health Services - such as laboratories, clinics, offices, supplies, rental, sales and service.
- 312-3.13 Membership Organizations, including churches.
- 312-3.14 Offices.
- 312-3.15 Park and Ride Facility - Section 430-89.
- 312-3.16 Public Utility - Section 430-105.
- 312-3.17 Radio Station.
- 312-3.18 Service Businesses - including but not limited to adjustment and collection agencies, advertising agency, business management services, credit agency, duplicating, addressing, blue printing, photocopying, mailing and stenographic services, employment agency, office equipment rental agencies, telephone answering service, and other business services such as bondsmen, drafting, detective agencies, notary public and like services, building services such as cleaning and mail order stores.
- 312-3.19 Service Station, Car Wash - Section 430-123.
- 312-3.20 Transit Center - Section 430-137.
- 312-3.21 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 312-3.22 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 312-3.23 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- 312-3.24 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 312-2.2:
 - A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - C. Central heating, air conditioning and refrigeration plants;
 - D. Educational facilities;
 - E. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
 - F. Clinics, cafeterias, lounges and recreational facilities for employees; and

G. Laundry facilities.

312-3.25 Nursery School - Section 430-121.

312-3.26 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

312-3.27 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

312-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

312-4.1 Heliport - Section 430-59.

312-4.2 Hospital - Section 430-65.

312-4.3 Public Buildings - such as museums, art galleries, privately owned buildings with a similar use - both public and private uses subject to Section 430-103.

312-4.4 Uses which may be permitted through the Planned Development Process:

A. Convention Center, Hotel, Motel when:

- (1) The use does not unduly duplicate an existing use;
- (2) Location best serves public interest in orderly provision of goods, services and amenities; and
- (3) The use will not detrimentally impact the existing uses in the County.

B. Attached Dwelling Units as part of a mixed use Office Commercial Development when:

- (1) No more than fifty (50) percent of the gross floor area of the Planned Development is used for residential purposes; and
- (2) The following density requirements are met:
 - (a) Twenty-four (24) units per acre are proposed and R-24 District dimensional requirements are met if the use is not in the structure with an Office Commercial Use; or
 - (b) Density does not exceed twenty-four (24) units per acre, but no minimum density is required when the use is in the same structure as the Office Commercial Use.

312-4.5 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

312-4.6 Broadcast Towers – Section 430-109.

312-5 Prohibited Uses

312-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2.

312-5.2 Drive-In or drive-up establishments except as listed in 312-3.2 A. (2) and 312-3.6

312-5.3 The use of a manufactured dwelling except as provided in Section 430-135.1 - Temporary Uses, and Section 430-1.2 D. - Accessory Use

312-5.4 New Dwelling units except as provided in 312-4.4 B.

312-5.5 Shopping Centers.

312-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

312-5.7 Auto wrecking yards.

312-6 Dimensional Requirements

312-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

312-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

- A. Twenty (20) foot front yard;
- B. Ten (10) foot side yard;
- C. On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet;
- D. Twenty (20) foot rear yard; and
- E. Additional setbacks may be required as specified in Sections 411 and 418.

312-6.3 Height:

- A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections.

- B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

312-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The width at the access point shall be forty (40) feet; and
- C. The minimum average lot depth shall be eighty-five (85) feet.

312-7 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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313 COMMUNITY BUSINESS DISTRICT (CBD)

313-1 Intent and Purpose

Commercial centers in this District are intended to provide the community with a mix of retail, service and business establishments on a medium to large-scale. Medium through high density residential uses, as well as various office and institutional uses, may be permitted.

313-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

313-2.1 Accessory Uses and Structures - Section 430-1.

313-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

313-2.3 Bus Shelter - Section 430-23.

313-2.4 Recycle Drop Box - Section 430-113.

313-2.5 Temporary Use - Section 430-135.1.

313-2.6 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.

313-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

- 313-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

313-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 313-3.1 Access to a manufactured dwelling park - Section 430-77.14
- 313-3.2 Adult Book Stores - Section 430-3.
- 313-3.3 Ambulance Service - Section 430-9.1.
- 313-3.4 Automotive Parts and Related Services - Tire, battery and auto and boat accessory stores, indoor motorcycle sales and auto parts stores.
- 313-3.5 Convenience Grocery - Section 430-35.
- 313-3.6 Eating and Drinking Establishments - Those with drive-in or drive-up windows shall address Section 430-41.
- 313-3.7 Commercial School - such as vocational, music, dance, martial arts.
- 313-3.8 Drive-in or Drive-up Establishments (includes beverage venders, film sales, locksmith and other similar uses) - Section 430-41.
- 313-3.9 Fabrication, Processing and Repair Facilities - Limited to primarily retail sales of custom products fabricated, processed, printed, repaired or installed on the premises within an entirely enclosed building (may include windshield, running boards, vehicle oil and lubrication, minor repair and other similar uses).
- 313-3.10 Financial, Insurance and Real Estate Services and Institutions.
- 313-3.11 Food Market - All types.
- 313-3.12 Fuel Dealership - Section 430-49.

- 313-3.13 Funeral Home, Mausoleum and Crematorium.
- 313-3.14 Group Care Facilities - Section 430-53.1 through 430-53.5.
- 313-3.15 Lodging Place - Hotel, Motel under fifty (50) units.
- 313-3.16 Medical and Health Services - including laboratories, clinics, offices, supplies, rental, sales & service, veterinary offices and clinics which do not have outdoor kennels, animal hospitals and ambulance services.
- 313-3.17 Membership Organizations - including churches.
- 313-3.18 Offices.
- 313-3.19 Outdoor storage in conjunction with a permitted use provided:
 - A. The storage area does not exceed ten (10) percent of the floor area of the permitted use; and
 - B. The storage area is screened from all surrounding uses, parking areas, and public rights-of-way.
- 313-3.20 Park and Ride Facility - Section 430-89.
- 313-3.21 Commercial Parking Facility.
- 313-3.22 Personal Service Establishments - including but not limited to laundry, dry cleaning, garment repair, barber and beauty shops, shoe repair, photographic studios and clothing rental establishments.
- 313-3.23 Public Building - Section 430-103.
- 313-3.24 Public Utility - Section 430-105.
- 313-3.25 Radio Station.
- 313-3.26 Retail Business Establishment with a maximum gross floor area of fifty-thousand (50,000) square feet.
- 313-3.27 Service Businesses - including but not limited to adjustment and collection agencies, advertising agency, business management services, credit agency, duplicating, addressing, blue printing, photocopying, mailing and stenographic services, employment agency, office equipment rental agencies, telephone answering service, and other business services such as bondsmen, drafting, detective agencies, notary public and like services, building services such as cleaning and mail order stores.
- 313-3.28 Service Station, Car Wash - Section 430-123.
- 313-3.29 Special Recreation Use - Section 430-131.
- 313-3.30 Theaters (not including Drive-in Theater).

- 313-3.31 Transit Center - Section 430-137.
- 313-3.32 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 313-3.33 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 313-3.34 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- 313-3.35 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 313-2.2:
 - A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - C. Maintenance and utility shops for equipment used by the principal use;
 - D. Central heating, air conditioning and refrigeration plants;
 - E. Educational facilities;
 - F. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
 - G. Clinics, cafeterias, lounges and recreational facilities for employees;
 - H. Living quarters for custodians and caretakers;
 - I. Laundry facilities; and
 - J. Electrical substation.
- 313-3.36 Nursery School - Section 430-121.
- 313-3.37 Parking not in conjunction with a Permitted Use - Section 430-91.
- 313-3.38 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 313-3.39 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

313-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all

other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

313-4.1 Heliport - Section 430-59.

313-4.2 Retail Business Establishments exceeding a maximum gross floor area of fifty-thousand (50,000) square feet.

313-4.3 Uses Which May be Permitted Through a Type III Planned Development Procedure:

In addition to the requirements of Section 313-4, the following uses may be permitted when processed through a Type III Planned Development. The review of the proposed use shall consider whether the use will unduly duplicate an existing use if the proposed location will best serve the public interest and not detrimentally impact existing uses in the County.

A. Lodging Places - Hotel, Motel over fifty (50) units.

B. Regional Scale Facilities - such as arena, auditorium, convention center, exhibition hall, stadium, zoo, hospitals, amusement parks.

C. Regional Shopping Center.

D. Residential Dwelling Units, subject to the following:

(1) Twenty-five (25) units per acre when not in conjunction with a commercial use. The standards of the R-25+ District shall apply; and

(2) When in conjunction with a commercial use and included within the same structure there shall be no minimum density required. The standards of the Community Business District shall apply.

313-4.4 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

313-4.5 Broadcast Towers – Section 430-109.

313-4.6 Uses Accessory and Incidental to a Residential Development Provided for the Service and Convenience of the Residents:

A. Clubhouse.

B. Meeting hall.

C. Day care center - Section 430-53.2.

D. Recreation center.

E. Gymnasium.

F. Indoor swimming pool.

313-5 Prohibited Uses

- 313-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.
- 313-5.2 The use of a manufactured dwelling except as provided in Section 430-135.1 - Temporary Uses and 430-1.2 D. - Accessory Use.
- 313-5.3 New dwelling units except pursuant to Section 313-4.3 D.
- 313-5.4 Mobile home, boat, trailer and auto sales.
- 313-5.5 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 313-5.6 Auto wrecking yards.

313-6 Dimensional Requirements

313-6.1 Lot Area:

The minimum lot area shall be eight-thousand five hundred (8,500) square feet.

313-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Twenty (20) foot front yard;
- B. Side and rear yards:
 - (1) Where abutting a residential district the side and rear yard shall be no less than that required by the abutting district;
 - (2) Except on corner lots, and as in one (1) above, there are no required side or rear yards;
 - (3) On a corner lot the side or rear yard abutting the street shall be twenty (20) feet; and
- C. Additional setbacks may be required as specified in Sections 411 and 418.

313-6.3 Height:

- A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections of this Code.

- B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

313-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The width at the access point shall be forty (40) feet; and
- C. The minimum average lot depth shall be eighty-five (85) feet.

313-7 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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314 GENERAL COMMERCIAL DISTRICT (GC)

314-1 Intent and Purpose

This District is intended to provide for commercial land to serve the traveling public and to provide for commercial uses which require large sites and a high degree of visibility. This District is intended to recognize the existing strip commercial development pattern in the County, but discourage future extensions of strip commercial development. In addition, the General Commercial District recognizes office uses existing on September 26, 1983. These existing office structures may continue to be used for professional office uses, but expansion of the structures will be subject to the nonconforming use requirements of this Code.

314-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

314-2.1 Accessory Uses and Structures - Section 430-1.

314-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

314-2.3 Bus Shelter - Section 430-23.

314-2.4 Recycle Drop Box - Section 430-113.

314-2.5 Temporary Use - Section 430-135.1.

314-2.6 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private

street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

- 314-2.7 Co-located antennas, excluding antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 314-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

314-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 314-3.1 Access to a Manufactured Dwelling Park - Section 430-77.14
- 314-3.2 Adult Book Stores - Section 430-3.
- 314-3.3 Ambulance Service - Section 430-9.
- 314-3.4 Automobile and vehicle repair, welding shop, and automobile or vehicle service part facilities. All repair shall be done within an enclosed building.
- 314-3.5 Automobile, boat, recreational vehicle and motorcycle sales and rental showrooms and lots. Service facilities must be within an enclosed building.
- 314-3.6 Building supply and equipment and retail lumber yards which may include fabrication of products to be used in residential construction incidental to a retail yard when fabricated within an enclosed building.
- 314-3.7 Cabinet, electrical, plumbing, sheet metal, welding, electroplating, heat and air conditioning, sign and upholstery shops, in an enclosed building not exceeding ten-thousand (10,000) square feet in gross floor area, including fabrication, sales and show rooms.
- 314-3.8 Convenience Grocery - Section 430-35.

- 314-3.9 Eating and Drinking Establishments - Those with drive-in or drive-up windows shall address Section 430-41.
- 314-3.10 Fabrication Processing and Repair Facilities - Limited to retail sales of custom products fabricated, processed, printed, repaired or installed on the premises, within an entirely enclosed building.
- 314-3.11 Farm implement, truck and heavy equipment sales showrooms and lots and storage for new and used equipment, trucks or implements. All repair shall be done within an enclosed building.
- 314-3.12 Farmers Market.
- 314-3.13 Feed Stores, farm and garden equipment and outdoor sale of plant material, lawn furniture, playground equipment.
- 314-3.14 Fuel Dealership - Section 430-49.
- 314-3.15 Lodging Places - Hotel, Motel.
- 314-3.16 Manufacturing as an accessory use to a permitted use using no more than twenty-five (25) percent of the total floor area.
- 314-3.17 Manufactured Dwelling Sales and Service.
- 314-3.18 Motor Pool.
- 314-3.19 Movie Studio.
- 314-3.20 Nursery and open air business including wood yard, bark dust and gravel, consistent with the intent and purpose of this District.
- 314-3.21 Outdoor Storage in Conjunction with a permitted use.
- 314-3.22 Park and Ride Facility - Section 430-89.
- 314-3.23 Commercial Parking Facility.
- 314-3.24 Public Building, limited to post office, motor vehicle drive test center and motor vehicle field offices.
- 314-3.25 Public Utility - Section 430-105.
- 314-3.26 Radio Station.
- 314-3.27 Retail Businesses whose principal activity is the sale of furniture, or similar uses consistent with the purpose of the District, with a minimum floor area of five-thousand (5,000) square feet.
- 314-3.28 Equipment Rental Service.

- 314-3.29 Service Establishments including such things as printing, publishing, lithography, employment agencies, laundry and cleaning facilities and services.
- 314-3.30 Service Station, Car Wash - Section 430-123.
- 314-3.31 Special Recreation Use - Section 430-131.
- 314-3.32 Storage, mini-warehouses, moving and storage, and recreation vehicle storage.
- 314-3.33 Theater, including indoor and drive-in - Sections 430-3 and 430-43.
- 314-3.34 Transit Center - Section 430-137.
- 314-3.35 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.
- 314-3.36 Veterinary Hospital, Clinic and Office.
- 314-3.37 Wholesale Business with a retail outlet when the use requires a minimum floor area of ten-thousand (10,000) square feet.
- 314-3.38 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 314-3.39 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.
- 314-3.40 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 314-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;;
 - C. Maintenance and utility shops for equipment used by the principal use;
 - D. Central heating, air conditioning and refrigeration plants;
 - E. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
 - F. Clinics, cafeterias, lounges and recreational facilities for employees;
 - G. Day care facilities primarily for employees;
 - H. Electrical substations; and
 - I. Administrative Office.
- 314-3.41 Parking not in conjunction with a Permitted Use - Section 430-91.

- 314-3.42 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- 314-3.43 Drive-in or Drive-up Establishment (includes beverage venders, film sales, locksmith and other similar uses) - Section 430-41.
- 314-3.44 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

314-4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 314-4.1 Amusement Park - Section 430-11.
- 314-4.2 Auditorium, Stadium, Convention Center, Exhibition Hall or Hospital when:
 - A. The use will not unduly duplicate an existing use;
 - B. The location will best serve the public interest;
 - C. The use will not detrimentally impact existing uses in the County; and
 - D. The proposed use is reviewed as a Type III planned development.
- 314-4.3 Campground - Section 430-25.
- 314-4.4 Heliport - Section 430-59.
- 314-4.5 Solid Waste Transfer Station - Section 430-129.
- 314-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- 314-4.7 Broadcast Towers – Section 430-109.

314-5 Prohibited Uses

- 314-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.
- 314-5.2 The use of a manufactured dwelling except as provided by Section 430-135.1 - Temporary Uses and Section 430-1.2 D. - Accessory Use.
- 314-5.3 New dwelling units.

314-5.4 Office Uses except in office structures existing on June 28, 1983, or as an accessory to a permitted use as provided in Section 430-1.2.

314-5.5 Shopping Centers.

314-5.6 The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

314-5.7 Auto wrecking yards.

314-6 Dimensional Requirements

314-6.1 Lot Area:

The minimum lot area shall be fifteen-thousand (15,000) square feet.

314-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

A. Twenty (20) foot front yard;

B. Side and Rear Yards:

- (1) Abutting a Residential or Office Commercial District, the side and rear yard shall be no less than that required by the abutting district;
- (2) Except on corner lots and as in one (1) above, there are no required side or rear yards;
- (3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet; and

C. Additional setbacks may be required as specified in Sections 411 and 418.

314-6.3 Height:

A. The maximum height for structures shall be sixty-five (65) feet except as modified by other Sections of this Code.

B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.

C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

314-6.4 Lot Dimensions:

- A. The minimum average lot width shall be eighty-five (85) feet;
- B. The lot width at the street shall be forty (40) feet; and
- C. The minimum average lot depth shall be eighty-five (85) feet.

314-7 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

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320 INDUSTRIAL DISTRICT (IND)

320-1 Intent and Purpose

The intent and purpose of this District is to provide sites for all types of industrial uses, to provide for the recognition and regulation of existing industrial sites and to provide the regulatory framework for future industrial development, as well as to allow some commercial, office and service uses as accessory uses through mixed use developments where all uses conform to the environmental performance standards of Section 423.

320-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

320-2.1 Accessory Uses and Structures - Section 430-1.

320-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

320-2.3 Bus Shelter - Section 430-23.

320-2.4 Recreation facilities solely for employees of a permitted development.

320-2.5 Temporary Use - Section 430-135.1.

320-2.6 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

- 320-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 320-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of sixty-five (65) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

320-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 320-3.1 Access to a manufactured dwelling park - Section 430-77.14.
- 320-3.2 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 320-2.2:
- A. Garages for storage and maintenance of motor vehicles used by the principal use;
 - B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - C. Maintenance and utility shops for equipment used by the principal use;
 - D. Central heating, air conditioning and refrigeration plants;
 - E. Water storage, drainage and treatment facilities;
 - F. Fire protection facilities;
 - G. Educational facilities;
 - H. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
 - I. Clinics, cafeterias, lounges and recreational facilities for employees;
 - J. Living quarters for custodians and caretakers;
 - K. Rental and development information offices;

- L. Laundry facilities;
 - M. Electrical substations;
 - N. Administrative offices related to the principal use;
 - O. Day-care facility primarily for use by employees and their families;
 - P. Office and administrative uses unrelated to the permitted use where no more than ten (10) percent of the floor area of the use is used for the unrelated activity; and
 - Q. Retail outlets for warehousing or manufacturing operations, limited to ten (10) percent of total floor area. The retail area shall be physically separated, by a wall or other barrier, from the warehousing or manufacturing operations. Warehousing and storage areas shall not be used as showrooms.
- 320-3.3 Airport - Section 430-7.
- 320-3.4 Heliport - Section 430-59.
- 320-3.5 Industrial Business Park - Section 430-71.
- 320-3.6 Manufacturing, assembly, compounding, fabrication, packaging or treatment of the following:
- A. Articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, shale, textiles, tobacco, wood (excluding sawmills, lumber mills and planing mills), yarns, and paint;
 - B. Ceramic products using previously pulverized clay, figurines and pottery;
 - C. Communication and electronic equipment and supplies;
 - D. Manufactured dwellings, recreational vehicles and canopies;
 - E. Medical and medical-related products such as electromedical apparatus, surgical and medical instruments, artificial limbs, hearing aids, dentures, ophthalmic goods, and other medical/dental devices;
 - F. Musical instruments;
 - G. Products such as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries, food, and beverage products;
 - H. Scientific, precision and research instruments and engineering laboratories;

- I. Sign manufacture and maintenance including electric, billboard and commercial advertising structures; and
- J. Toys, novelties and metal and rubber stamps.

320-3.7 Movie Studio.

320-3.8 Park and Ride Facility - Section 430-89.

320-3.9 Public Utility - Section 430-105.

320-3.10 Processing and Storage:

- A. Bottling plants, creameries, laboratories, and tire retreading, recapping and rebuilding;
- B. Cold Storage plants, including storage and office;
- C. Contractors equipment, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition;
- D. House or building mover, including storage yard;
- E. Mini-warehouses;
- F. Moving and storage;
- G. Spinning or knitting of cotton, wool, flax, or other fibrous materials;
- H. Storage and distribution;
- I. Storage yard for building materials;
- J. Trucking Terminal;
- K. Storage buildings, recreational vehicle storage and storage of new or used heavy equipment, implements or non-passenger vehicles;
- L. Warehouses;
- M. Wholesale business;
- N. Garbage hauling operations, including office and administrative uses; equipment and vehicle maintenance, repair and storage; and temporary storage of source separated recyclables. The storage of putrescible wastes, other than waste generated by the operation's office and administrative uses, is prohibited; and
- O. Recycling center - Section 430-115.

320-3.11 Retail Commercial Uses:

- A. Heavy equipment and non-passenger vehicle sales, including trucks and farm equipment;
- B. Manufactured dwelling and trailer distribution and sales;
- C. Retail or combination retail and wholesale lumber and building materials yard; and
- D. Rental service stores and yards for heavy equipment, tools, non-passenger vehicles, cargo vehicles such as vans and pickups, and similar uses.

320-3.12 Service and Wholesale Commercial Uses:

- A. Ambulance service - Section 430-9;
- B. Blacksmith shop;
- C. Boat building and repair, including associated service parts facility and associated sales of boats constructed or repaired on site;
- D. Cabinet, electrical, plumbing, sheet metal welding, electroplating and similar fabrication shops;
- E. Circus, carnival or other type temporary outdoor amusement enterprise for more than ten (10) days;
- F. Drive-in theaters - Section 430-43;
- G. Farm equipment and implement dealer;
- H. Fuel oil distributors;
- I. Government and special district facilities;
- J. Heavy equipment and heavy machinery repair, including farm equipment;
- K. Industrial schools, manufacturing institute and training centers;
- L. Laundry, dry-cleaning and dyeing plants;
- M. Parcel delivery service;
- N. Passenger and non-passenger vehicle repair, including associated service parts facilities;
- O. Photographic laboratories, blue printing, photo-engraving, photocopying, printing, publishing, and bookbinding, including on-site commercial service associated with said use;
- P. Wholesale lumber and building materials yard;
- Q. Research and development laboratory;

R. Veterinary or dog and cat hospital, kennels or boarding places; and

S. Welding shop.

320-3.13 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.

320-3.14 Transit Center - Section 430-137.

320-3.15 A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation.

320-3.16 Construction of a local street not in conjunction with a development application or within existing right-of-way.

320-3.17 Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.

320-3.18 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

320-3.19 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

320-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

320-4.1 Amusement Park - Section 430-11.

320-4.2 Race track (auto, motorcycle, horse or dog) - Section 430-107.

320-4.3 Stadiums, arenas and exhibition halls when developed through a Planned Development.

320-4.4 The following uses may be allowed provided they are located no less than six-hundred (600) feet from any residential district, and not located in an industrial park:

A. Aggregate products:

- (1) Concrete mixing plant; manufacture of concrete products; crusher, stone, or rock; manufacture of cement;
- (2) Lime, gypsum or plaster of paris;
- (3) Manufacture of brick, clay products, tile or terra cotta;

- (4) Manufacture of concrete products entirely within an enclosed building;
- (5) Stone, marble, and granite monument works;

B. Manufacture of:

- (1) Acid;
- (2) Ammonia;
- (3) Anti-knock compounds for gasoline;
- (4) Asbestos products;
- (5) Asphalt;
- (6) Cable and transmission;
- (7) Candles;
- (8) Cans;
- (9) Carborundum;
- (10) Cellulose and cellulose products;
- (11) Guns;
- (12) Insecticide and fungicide;
- (13) Linseed oil, turpentine, lacquer or varnish;
- (14) Manufacture and storage of explosives;
- (15) Paint shellac;
- (16) Paper and paper by-products;
- (17) Phenol or phenol products; and
- (18) Roofing paper, shingles.

C. Processing and storage:

- (1) Animal or boneblack processing;
- (2) Brewery, distillery, or winery;
- (3) Distillation of bones;
- (4) Fat rendering;

- (5) Grain elevator and flour milling;
- (6) Junk, rags, paper, or metal salvage;
- (7) Junkyards, subject to the standards in Sections 430-15.1 through 430-15.9;
- (8) Petroleum storage, major and/or refining;
- (9) Incineration or reduction of garbage, offal, dead animals or refuse only from the Portland Metropolitan Area, and when in compliance with a regionally approved waste management plan;
- (10) Rolling, drawing, or alloying ferrous or nonferrous metals;
- (11) Rubber, treatment or reclaiming plant;
- (12) Sawmills, lumber mills, planing mills, and molding plants; and
- (13) Slaughter house.

320-4.5 Solid Waste Transfer Station - Section 430-129.

320-4.6 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.

320-4.7 Broadcast Towers – Section 430-109.

320-4.8 Auto wrecking yards – Section 430-15.

320-5 Prohibited Uses

320-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2.

320-5.2 The use of a manufactured dwelling except as provided in Sections 320-3.2 J. and 430-135.1 - Temporary Uses.

320-5.3 New dwellings except as provided in this District.

320-5.4 Commercial or retail uses except as specifically provided in this District.

320-5.5 The location of places of public assembly or day care in airport approach zones. Location of these facilities shall be avoided in any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.

320-6 Dimensional Requirements

320-6.1 Dimensional requirements for uses allowed through a Type II procedure:

A. Lot area:

The minimum lot area, except for a lot of record, shall be one (1) acre.

B. Yard requirements:

The minimum yard requirements shall be:

- (1) Forty (40) foot front yard;
- (2) Side and Rear Yards:
 - (a) Where abutting a residential district, the side and rear yard shall be no less than twenty (20) feet;
 - (b) Street side and rear yards shall be no less than twenty (20) feet;
 - (c) Except on corner lots, and as in (a) and (b) above, there are no required side or rear yards; and
 - (d) Additional setbacks may be required as specified in Sections 411 and 418.

C. Height:

- (1) The maximum height for structures shall be sixty-five (65) feet except as modified by other Sections of this Code.
- (2) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.
- (3) The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

D. Lot Dimensions:

- (1) The minimum average lot width shall be one-hundred (100) feet;
- (2) The minimum average lot depth shall be one-hundred and fifty (150) feet; and
- (3) The minimum lot width at the access point shall be forty (40) feet.

E. Maximum lot coverage:

The maximum lot coverage shall be fifty (50) percent of the total lot area.

320-6.2 Dimensional requirements for uses allowed through a Type III procedure.

A. Lot area:

The minimum lot area, except for a lot of record, shall be two (2) acres.

B. Yard requirements:

- (1) Yard requirements shall be the same as those required for Type II uses (Section 320-6.1 B.).
- (2) Where a lot or lots abut more than one street, both street frontages shall be considered as front yards for yard, setback and landscaping requirements.

C. Height:

- (1) The maximum height for structures shall be sixty-five (65) feet, except as modified by other Sections of this Code.
- (2) Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the sixty-five (65) foot building height limit to a maximum height of eighty (80) feet.
- (3) The height of receiving and transmitting antennas and communication towers is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

D. Lot Dimensions:

- (1) The minimum average lot width shall be two-hundred (200) feet;
- (2) The minimum average lot depth shall be two-hundred (200) feet; and
- (3) The minimum lot width at the access point shall be forty (40) feet.

E. Maximum lot coverage:

The maximum lot coverage shall be sixty (60) percent of the total lot area.

320-7 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

330 INSTITUTIONAL DISTRICT (INS)

330-1 Intent and Purpose

This District is intended to implement the policies of the Comprehensive Plan by providing standards and procedures for reviewing proposed institutional facilities necessary for support of community development. The purpose of the District is to provide for identification of existing and proposed institutional facilities on the Community Plan maps. This District is intended to allow the public service providers and governmental agencies the assurance that future sites identified through long range and capital improvement planning will be available for the uses specifically identified when they are needed.

330-2 Designation of Institutional Uses

Institutional uses may be designated as institutional on the Community Plan maps through the plan update process or through a Type III Plan Amendment. Institutional uses may be established as provided in other land use districts through the procedures specified in the applicable district.

330-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

330-3.1 Accessory Uses and Structures - Section 430-1.

330-3.2 Any Type II or III use, expansion of an existing use or change of occupancy which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a telecommunication facility allowed through a Type II or III procedure.

330-3.3 Bus Shelter - Section 430-23.

330-3.4 Parks - Section 430-95.

330-3.5 Recycle Drop Box - Section 430-113.

330-3.6 Temporary Use - Section 430-135.1.

- 330-3.7 Facility 3 and 4 Communication Towers that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
 - B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.
- 330-3.8 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 330-3.9 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
- A. Do not exceed a maximum height of seventy-five (75) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

330-4 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- 330-4.1 Establishment of a Type III Institutional use, when the use has previously been approved to locate on the subject property through a Type III procedure.
- 330-4.2 Expansion of an existing Institutional use which does not meet the criteria of Section 330-3.2 A. through E.
- 330-4.3 Parks and Playgrounds - Section 430-97.
- 330-4.4 Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- 330-4.5 Construction of a local street not in conjunction with a development application or within existing right-of-way.
- 330-4.6 Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 330-3.2:

- A. Garages for storage and maintenance of motor vehicles used by the principal use;
- B. Storage of motor fuels and lubricating oils for vehicles used by the principal use;
- C. Maintenance and utility shops for equipment used by the principal use;
- D. Central heating, air conditioning and refrigeration plants;
- E. Water storage, drainage and treatment facilities;
- F. Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
- G. Clinics, cafeterias, lounges and recreational facilities for employees;
- H. Living quarters for custodians and caretakers;
- I. Laundry facilities;
- J. Day care facilities;
- K. Electrical substations;
- L. Administrative offices;
- M. Rectories, parsonages, and convents in conjunction with a church; and
- N. Vendor stands for Tri-Met Light Rail Stations, located on property owned by Tri-Met, that sell items such as food, drinks, flowers, newspapers and magazines, etc.

330-4.7 Day Care Facility - 430-53.2 I.

330-4.8 Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

330-5 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

330-5.1 Airport - Section 430-7.

330-5.2 Ambulance Service - Section 430-9.2.

330-5.3 Campground - Section 430-25.

330-5.4 Cemetery - Section 430-27.

- 330-5.5 Change of Use from one Type III use to another Type III use.
- 330-5.6 Church - Section 430-29.
- 330-5.7 College - Section 430-31.
- 330-5.8 Golf Course - Section 430-51.
- 330-5.9 Group Care (except day car facilities which are permitted as a Type II use pursuant to Section 330-4.6 J.) - Section 430-53.1 through 430-53.5.
- 330-5.10 Heliport - Section 430-59.
- 330-5.11 Hospital - Section 430-65.
- 330-5.12 Park and Ride Facility - Section 430-89.
- 330-5.13 Private Club (not including public eating and drinking establishment) - Section 430-99.
- 330-5.14 Public Building - Section 430-103.
- 330-5.15 Public Utility - Section 430-105.
- 330-5.16 School - Section 430-121.
- 330-5.17 Transit Center - Section 430-137.
- 330-5.18 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- 330-5.19 Broadcast Towers – Section 430-109.

330-6 Prohibited Uses

- 330-6.1 Structures or uses not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as permitted through a Type I, II, or III procedure, as determined through the provisions of Section 202-2.2.
- 330-6.2 New dwelling units or new manufactured dwellings, except as provided in Section 330-3.6 or Section 430-1.2 D. - Accessory Use.
- 330-6.3 The location of service facilities such as schools, hospitals, nursing homes, public assembly and high density residential in airport approach zones. These facilities shall be avoided in any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
- 330-6.4 Auto wrecking yards.

330-7 Dimensional Requirements

330-7.1 Lot Area:

- A. The minimum lot area shall be as required for the specific use as listed in Article IV.
- B. Where no specific site size is required, site size and yard shall be based upon a site plan submitted by the applicant. The site plan shall consider especially, the compatibility of the facility with the existing surrounding uses and the uses allowed by the plan designation.

330-7.2 Screening and Buffering:

In order to reduce the negative impacts of institutional uses on surrounding uses, the minimum buffering requirements for institutional uses shall be as follows:

- A. Type I and Type II Institutional uses shall not be required to provide any Screening and Buffering except when allowed through Section 330-4.2.
- B. Screening and Buffering Type #1 (Section 411-6.1) shall be provided in conjunction with the following Institutional uses:
 - (1) Cemetery;
 - (2) Golf Course; and
 - (3) Public Utility.
- C. Screening and Buffering Type #2 (Section 411-6.2) shall be provided in conjunction with the following Institutional uses:
 - (1) Ambulance Service;
 - (2) Campground;
 - (3) Church;
 - (4) College;
 - (5) Group Care;
 - (6) Private Club;
 - (7) Public Building;
 - (8) School;
 - (9) Transit Center; and
 - (10) Transit Station.

- D. Screening and Buffering Type #3 (Section 411-6.3) shall be provided in conjunction with the following Institutional uses:
- (1) Airport;
 - (2) Heliport;
 - (3) Helistop; and
 - (4) Hospital.
- E. For Institutional uses not specified above, the Review Authority shall determine the Screening and Buffering requirements on the basis of the requirements for the most similar Institutional use as listed above.

330-7.3 Yard Requirements:

- A. The minimum yard requirements for all yards shall be twenty (20) feet.
- B. Additional setbacks may be required as specified in Sections 411 and 418.

330-7.4 Height:

- A. The maximum height for structures shall be one-hundred (100) feet except as modified by other Sections of this Code.
- B. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

330-8 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-3.

340 EXCLUSIVE FARM USE DISTRICT (EFU)

340-1 Intent and Purpose

The intent of the Exclusive Farm Use District is to preserve and maintain commercial agricultural land within the County.

The purpose of the Exclusive Farm Use District is to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm use and related supportive uses which are deemed appropriate.

This EFU District is provided to meet the Oregon statutory and administrative rule requirements.

340-2 Definitions

Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein (e.g., High-value farmland, tract, date of creation). Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land and are different from ORS, those definitions shall apply as defined in the OAR.

340-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

340-3.1 Accessory Uses and Structures - Section 430-1.

340-3.2 Alteration, restoration or replacement of a lawfully established dwelling. In the case of replacement, the existing dwelling shall be removed or demolished. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.1 and 8.3.

340-3.3 Property Line Adjustment - Section 610-1.1.

340-3.4 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

340-4 Uses Permitted Through a Type II Procedure

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless

the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

- A. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.2 and 8.3.
- B. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
- C. Facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposing to separate a processing facility from the farm operation on which it is located is prohibited.
- D. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), to allow a second farm dwelling is subject to the following standards:
 - (1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;
 - (2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and
 - (3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.
- E. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- F. One Detached Dwelling Unit not provided in conjunction with farm use on a site up to three (3) acres. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-85.3 (Nonfarm Dwelling).
- G. Operations for the exploration of geothermal resources as defined by ORS 522.005 and for the exploration of oil and gas as defined by ORS 520.005 within

a flood plain or drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.

- H. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- I. Property Line Adjustment. See Section 610-1.1 for required standards.
- J. Broadcast and Communication Towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.
- K. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.
- L. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of this Section, replacement means to provide one additional dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- M. Site for the takeoff and landing of model aircraft, including such buildings as may reasonably be necessary. Buildings or facilities shall not be more than five-hundred (500) square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this requirement. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this requirement. For the purpose of this requirement, "model aircraft" means a small-scale version of an airplane, glide, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- N. Schools - Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- O. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
- P. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
- Q. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 340-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to

be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 and OAR 660-33 (Utility facilities necessary for public service).

- R. Utility facilities (except water and sewer facilities) - The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way when in a flood plain or drainage hazard area.
- S. Winery - Section 430-145.1.
- T. Fire service facilities providing rural fire protection services.

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

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 340-4.1 C. - Section 430-33.
- B. Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Dwelling Units in conjunction with farm use for additional farm related dwelling(s) necessary for full time farm help - Sections 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- E. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
 - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
 - (2) Is situated on a lot or parcel existing on November 4, 1993;
 - (3) Qualifies for a farm dwelling under ORS 215.213(2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
 - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- F. Forest Products, Primary Processing - Section 430-47.
- G. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 340-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the

dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.

- H. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- I. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- J. Operations for the extraction and bottling of water.
- K. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- L. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035.
- M. Propagation, cultivation, maintenance and harvesting of aquatic or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- N. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- P. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- Q. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- R. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 340-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- S. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- T. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

340-4.3 Required Findings:

The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

- 340-4.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

340-5 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Sections 340-5.1 and 340-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 340-5.1 Uses which may be allowed, but are not subject to Section 340-5.3:
- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half ($\frac{1}{2}$) mile of a community college.
 - B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
 - C. Kennels for breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
 - D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85.
 - E. Operations for the exploration for minerals as defined by ORS 517.750.
- 340-5.2 Uses which may be allowed subject to Section 340-5.3:
- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.

- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.
- D. Firearms training facility as provided in ORS 197.770.
- E. Golf Course - Section 430-50. This use is not permitted on high-value farmland.
- F. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland.
- G. Living History Museum - Section 430-74.
- H. Kennels, except the breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- I. Operations conducted for:
 - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under Section 340-4.1.H;
 - (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to the following:
 - (a) A Development Permit is required for mining more than one-thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre;
 - (b) A Development Permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Rural Natural Resource Plan which has been acknowledged by the Land Conservation and Development Commission; and
 - (c) For the purposes of this Section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials

conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines;

- (3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement except processing of aggregate into asphalt cement when located within two (2) miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling forty (40) acres or more that are planted as of the date the application for batching and blending (processing) is filed. Asphalt batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and
- (4) Processing of other mineral resources and other subsurface resources.
- J. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103.
- K. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.
- L. Utility Facility (commercial) for the generation of power for sale for public use - Section 430-141.
- M. Broadcast and Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height.

340-5.3 Required Findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. The proposed use will not:
 - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

340-5.4 The above uses that are not permitted on high-value farmland may maintain, enhance or expand existing facilities on the same tract, subject to other requirements of law or this Code.

340-6 Prohibited Uses

340-6.1 Structures or uses of land not specifically authorized by Section 340.

340-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.

340-6.3 Outdoor advertising displays and structures except as provided in Section 414.

340-6.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June 1983, Airport year 2000 LDN fifty-five (55) contour.

340-6.5 Auto wrecking yards.

340-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.

340-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

340-7 Creation of Lots or Parcels by a Land Division

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

340-7.1 Creation of lots or parcels for farm use not less than eighty (80) acres through a Type II procedure - Section 424-1.

340-7.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.

340-7.3 Creation of a lot or parcel for a nonfarm use, not including a dwelling, through a Type II procedure - Section 424-4.

340-7.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.

340-7.5 Creation of a parcel with an existing dwelling to be used as a residential home as defined in Subsection 106-179, through a Type III procedure - Section 424-6.

340-8 Dimensional Requirements

340-8.1 Lot Area:

See Section 340-7 - Creation of Lots or Parcels.

340-8.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

340-8.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

340-8.4 Minimum Lot Width at the Street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

340-8.5 Minimum Well Spacing:

Exempt-use wells for domestic purposes (as defined in ORS 537.545) shall be located at least one-hundred (100) feet from all property lines, except that a well may be located at least ten (10) feet from a property line if the well is at least one-hundred (100) feet from all existing exempt-use wells for domestic purposes on adjacent parcels, as provided in Section 403-2.1 F. For the purposes of measuring well spacing, the width of public right-of-way abutting the property may be used in determining the one-hundred (100) foot spacing from adjacent parcels.

340-9 Access

All lots in this District shall either:

340-9.1 Abut a public street, or

340-9.2 Have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.

340-9.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

340-10 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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342 EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-06 and ORS 215.

The purpose of this District is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources of the County and to prohibit uses of land which are not compatible with the management and development of forest resources, in order to minimize the potential for damage from fire, pollution, soil erosion and conflict caused by development. This District is suited for application to forest land as well as associated scenic lands, recreation land, wildlife habitat or other sensitive land forms or watershed areas.

The EFC District is provided to meet Oregon statutory requirements for forest lands. Uses permitted by the Forest Practices Act are not subject to the requirements of this Section.

For all permitted uses, the property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. All new buildings, including accessory buildings, in this District shall comply with the fire structure siting and fire safety standards of Section 428.

342-2 Uses Permitted through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

- 342-2.1 Accessory Uses and Structures - which meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.
- 342-2.2 Forest products - temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.
- 342-2.3 Property Line Adjustment - Section 610-1.1 B.
- 342-2.4 Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, not including structures.
- 342-2.5 Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- 342-2.6 Alteration or restoration of a lawfully established dwelling. For required standards, see Section 430-8.1.

- 342-2.7 Replacement of a lawfully established dwelling which meets the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Sections 430-8.1 and 8.3.
- 342-2.8 Detached dwelling unit (one) which meets the Type I fire structure siting and fire safety standards in Section 428-3. See Section 430-37.2 F. for required standards.
- 342-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2, provided that all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-109.3.
- 342-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, provided that the tower and all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 – For required standards, see Section 430-109.4.

342-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

- 342-3.1 Permitted Uses which are exempt from Section 342-3.3:
- A. Alteration or restoration of a lawfully established dwelling that is not permitted through a Type I procedure. For required standards see Sections 430-8.2 and 8.3.
 - B. Caretaker residences for public parks and fish hatcheries.
 - C. Exploration for geothermal, gas, oil, and other associated hydrocarbons within a flood plain, drainage hazard area, or an area identified in the Rural Natural Resource Plan as a Significant Natural Resource.
 - D. Detached dwelling unit (one). For required standards see Sections 430-37.2 F.
 - E. Forest products - temporary portable facility, with structures for primary processing, which may not be used as a dwelling or for overnight accommodations. See Section 430-47 for required standards.
 - F. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

- G. Production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
 - H. Property line adjustment, which is exempt from Section 342-3.2.
 - I. Solid waste disposal site - Section 430-127.1.
 - J. Structures accessory to fish and wildlife enhancement, which may not be used as a dwelling or for overnight accommodations.
 - K. Temporary forest labor camps.
 - L. Towers and fire stations for forest fire protection. For required standards see Section 430-103.
 - M. Replacement of a lawfully established dwelling. For required standards see Section 430-8.1, 430-8.2, and 430-8.3.
 - N. Accessory structures which do not meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-1.
- 342-3.2 Permitted Uses which are subject to Section 342-3.3:
- A. Aids to navigation and aviation.
 - B. Cemeteries.
 - C. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations - Section 430-27.
 - D. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 342-3.3 if that section was addressed in a prior application. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.
 - E. Improvement of public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
 - F. Log scaling and weigh stations.
 - G. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way fifty (50) feet or less in width.
 - H. New electric transmission lines with right-of-way widths of up to one-hundred (100) feet as specified in ORS 772.210.
 - I. Parks - Section 430-97. Public parks include only the uses specified under OAR 660-034-0035.
 - J. Permanent logging equipment repair and storage.

- K. Private hunting and fishing operation with accessory structures - Section 430-100.1.
 - L. Reservoirs and water impoundments, except as permitted by Section 342-4.1 K.
 - M. Microwave facilities, Broadcast and Communication Towers, excluding communication towers allowed under Section 342-2.10, and transmission towers up to two-hundred (200) feet in height - Section 430-109.
 - N. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
 - O. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 342-3.3 if that section was addressed in a prior application.
 - P. Temporary Use - Section 430-135.1 H.
 - Q. Uses to conserve soil, air and water quality and fisheries resources with structures, which may not be used as a dwelling or for overnight accommodations.
 - R. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten (10) acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
 - S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - T. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
 - U. Youth camps as provided in OAR 660-006-0031. This use is exempt from Section 342-3.3 B.
 - V. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 342-3.3 The proposed use will not:
- A. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; nor
 - B. Significantly increase fire hazard or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.

342-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article

IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

- A. Airport, expansion of existing airports only - Section 430-7.
- B. Campground - Section 430-25.
- C. Firearms training facility, as provided in ORS 197.770.
- D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Ch. 520, and not otherwise permitted by Section 342-3.1 C. or Section 342-3.1 G.
- E. Permanent facility for the primary processing of forest products.
- F. Private accommodations for fishing occupied on a temporary basis - Section 430-100.3
- G. Private seasonal accommodations for fee hunting operations - Section 430-100.2.
- H. Public Building - limited only to fire stations for rural fire protection - Section 430-103.
- I. Solid Waste Disposal Site - Section 430-127.2.
- J. Microwave facilities, Broadcast and Communication Towers and transmission towers greater than two-hundred (200) feet in height - Section 430-109.
- K. All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related alterations.

342-4.2 Required findings:

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

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

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

- 342-5.1 Creation of minimum eighty (80) acre parcels - Section 424-3.
- 342-5.2 Creation of a parcel less than eighty (80) acres, only for uses listed in the following sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility or primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers). See Section 610-1.1 B. (2) for required standards.
- 342-5.3 Creation of a parcel with an existing dwelling in EFC District – Section 424-8. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-5.4 Division of a Lot or Parcel with at least two (2) existing lawfully established dwellings in the EFC District which existed prior to November 4, 1993 – Section 424-9. The property owner shall sign and record an agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- 342-6 Prohibited Uses**
- 342-6.1 Structures or uses of land not specifically authorized by Section 342.
- 342-6.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.
- 342-6.3 Outdoor advertising displays and structures except as provided in Section 414.
- 342-6.4 The location of service facilities which house groups of people, and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 342-6.5 Auto wrecking yards.
- 342-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 342-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

342-7 Dimensional Requirements

342-7.1 Lot Area:

See Section 342-5, Creation of Lots or Parcels.

342-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard; and
- D. Thirty (30) foot street side yard;

342-7.3 Height:

- A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

342-7.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

342-8 Access

All lots in this district shall either:

342-8.1 Abut a public street, or

342-8.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

342-8.3 Private driveways and private roads which are not subject to the standards of the Forest Practices Act shall comply with the standards of Section 428-3 and 428-4.

342-8.4 Roadways which are used only for forest uses and are subject to the standards of the Oregon Forest Practices Act, are not subject to the requirements of Subsection 342-8. These roadways shall be subject to the requirements of Subsection 342-8 and any other applicable Code standards if the roadways are used for uses other than uses governed by the Oregon Forest Practices Act, such as a residential dwelling.

342-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), and 428 (Forest Structure Siting and Fire Safety Standards), are applicable as required by Subsection 403-4.

344 AGRICULTURE AND FOREST DISTRICT (AF-20)

344-1 Intent and Purpose

The intent of the Exclusive Agriculture and Forest AF-20 District is to provide an exclusive farm use zone within the County which recognizes that certain lands therein may be marginal.

The purpose of the District is to allow EFU uses and parcels, and through the provisions of Section 425, to provide a process and criteria for identifying marginal lands within the District. In addition, Section 344-8 provides for special uses for lands so identified.

This AF-20 District is provided to meet Oregon statutory and administrative rule requirements.

344-2 Definitions

Where words or terms are defined by ORS or OAR and are applicable to this Code, those definitions shall apply as defined herein (e.g., High-value farmland, tract, date of creation). Where words or terms are further defined by OAR Chapter 660, Division 33 Agricultural Land, and are different from ORS, those definitions shall apply as defined in OAR.

344-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

344-3.1 Accessory Uses and Structures - Section 430-1.

344-3.2 Alteration, restoration or replacement of a lawfully established dwelling. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Sections 430-8.1 and 8.3.

344-3.3 Property Line Adjustment - Section 610-1.1.

344-3.4 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

344-4 Uses Permitted Through a Type II Procedure:

The uses listed in Section 344-4.1 and 344-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless

the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

- A. Alteration, restoration or replacement of a lawfully established dwelling not permitted through a Type I procedure. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-8.2 and 8.3.
- B. Dwelling Unit(s) occupied by a relative of the farm operator or farm operator's spouse who assists or will assist with the management of the farming. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-37.2 C.
- C. Facility for the processing of farm crops located on a farm operation that provides at least one-quarter ($\frac{1}{4}$) of the crops processed at the facility. The building established for the processing facility shall not exceed ten-thousand (10,000) square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than ten-thousand (10,000) square feet to processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility. Any division or property line adjustment proposes to separate a processing facility from the farm operation on which it is located is prohibited.
- D. Life Estate in an Existing Dwelling as provided in ORS, Ch. 215.213(8), to allow a second farm dwelling subject to the following standards.
 - (1) When adequate findings are submitted which indicate that the second dwelling is to be used in conjunction with the primary farm related use at the property;
 - (2) Upon termination of the Life Estate, the original or second dwelling shall be removed; and
 - (3) Conditions of approval of the second dwelling shall assure that (2) above is enforced.
- E. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- F. One Detached Dwelling Unit not provided in conjunction with farm use on a site up to three (3) acres. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use. For required standards see Section 430-85.3 (Nonfarm Dwelling).
- G. Operations for the exploration of geothermal resources as defined by ORS 522.005 and for the exploration of oil and gas as defined by ORS 520.005 within

- a flood plain or drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
- H. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
 - I. Property Line Adjustment - See Section 610-1.1 for required standards.
 - J. Broadcast and Communication towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11.
 - K. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.
 - L. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places. For the purpose of this Section, replacement means to provide one additional dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
 - M. Site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than five-hundred (500) square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this requirement. The site shall not include an aggregate surface or hard surface area unless the surface pre-existed the use approved under this requirement. For the purpose of this requirement, "model aircraft" means a small-scale version of an airplane, glide, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
 - N. Schools - Elementary and Nursery only, including all buildings essential for school operation. For required standards see Section 430-121. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
 - O. Land application of reclaimed water, agricultural or industrial process water or biosolids – See ORS 215.246, 215.247, 215.249 and 215.251 for requirements.
 - P. Temporary Use - Section 430-135.1 H. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.
 - Q. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 344-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service

to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 (Utility facilities necessary for public service).

- R. Utility facilities (except water and sewer facilities) - The placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way when in a flood plain or drainage hazard area.
- S. Winery - Section 430-145.1.
- T. Fire service facilities providing rural fire protection services.

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

- A. Commercial Activities in Conjunction with Farm Use not including the processing of farm crops as described in Section 344-4.1 C. - Section 430-33.
- B. Dwelling Unit in conjunction with farm use - Section 430-37.2 A. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- C. Dwelling Units in conjunction with farm use for additional farm related dwelling(s) necessary for full time farm help - Sections 430-37.2 D. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- D. Dwelling Unit in conjunction with the propagation or harvesting of a forest product - Section 430-37.2 B. This use is not permitted on high-value farmland. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- E. Dwelling Unit in conjunction with a wildlife habitat conservation and management plan pursuant to ORS 215.804 subject to the following standards:
 - (1) A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use;
 - (2) Is situated on a lot or parcel existing on November 4, 1993;
 - (3) Qualifies for a farm dwelling under ORS 215.213 (2)(a) or (b) or a nonfarm dwelling under ORS 215.213(3); and
 - (4) Will not be established on a lot or parcel that is predominantly composed of soils rated as Class I or II, when not irrigated, or rated Prime or Unique by the United States National Resources Conservation Service or any combination of such soils.
- F. Forest Products, Primary Processing - Section 430-47.
- G. Home Occupation - Section 430-63. Applications to renew a home occupation do not have to address Section 344-4.3 if that section was addressed in a prior application. A home occupation on high-value farmland shall be operated in the

dwelling or other buildings normally associated with uses permitted in the district. A home occupation shall not unreasonably interfere with other uses permitted on surrounding land in the EFU, EFC and AF-20 Districts.

- H. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- I. Onsite filming and activities accessory to onsite filming for more than forty-five (45) days - See ORS 215.306 for standards.
- J. Operations for the extraction and bottling of water.
- K. Parking log trucks [no more than seven (7) log trucks] - See ORS 215.311 for standards.
- L. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Public parks include only the uses specified under OAR 660-034-0035.
- M. Propagation, cultivation, maintenance and harvesting of aquatic or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- N. Residential home as defined in Section 106-179, in an existing dwelling. This use is exempt from Section 430-53 (Group Care Facilities). A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- O. Room and board arrangements, including a bed and breakfast facility, for a maximum of five (5) unrelated persons in an existing dwelling. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- P. Solid Waste Disposal Site - Section 430-127.1. This use is not permitted on high-value farmland.
- Q. Stockpiling of aggregate, sand and gravel for road maintenance purposes. For required standards see Section 430-132.
- R. Temporary Use - Section 430-135.2 A. Applications to renew a temporary use do not have to address Section 344-4.3 if that section was addressed in a prior application. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for this use.
- S. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District.
- T. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

344-4.3 Required Findings:

The proposed use will not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor
- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

344-4.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

344-5 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 344-5.1 and 344-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

344-5.1 Uses which may be allowed, but are not subject to Section 344-5.3:

- A. Armed forces reserve center, including an armory or National Guard support facility, if the center is within one-half mile of a community college.
- B. Churches and Cemeteries in Conjunction with Churches - Section 430-29. This use is exempt from Section 344-5.3. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
- C. Kennels for breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- D. Nonfarm Detached Dwelling Unit. For required standards see Section 430-85.
- E. Operations for the exploration of minerals as defined by ORS 517.750.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- A. Airport (personal use only) including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25. This use is not permitted on high-value farmland, and shall not be approved on land within three (3) miles of an urban growth

boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.

- C. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 429.245 and OAR 340-96-020. This use is not permitted on high-value farmland. Composting facilities shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024 (1), (2) or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one (1) unit (7.5 cubic yards) in size that are transported in one (1) vehicle.
- D. Firearms training facility as provided in ORS 197.770.
- E. Golf Course - Section 430-50. This use is not permitted on high-value farmland.
- F. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland.
- G. Living History Museum - Section 430-74.
- H. Kennels, except the breeding, kenneling and training of greyhounds for racing - Section 430-73. This use is not permitted on high-value farmland.
- I. Operations conducted for:
 - (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under Section 344-4.1 H;
 - (2) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources subject to the following:
 - (a) A development permit is required for mining more than one-thousand (1,000) cubic yards of material or excavation preparatory to mining of a surface area of more than one (1) acre;
 - (b) A development permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Rural Natural Resource Plan which has been acknowledged by the Land Conservation and Development Commission; and
 - (c) For the purposes of this Section, "mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of

access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines;

- (3) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, except processing of aggregate into asphalt cement when located within two (2) miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling forty (40) acres or more that are planted as of the date the application for batching and blending (processing) is filed. Asphalt batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and
- (4) Processing of other mineral resources and other subsurface resources.
- J. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103.
- K. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.
- L. Utility facility (commercial) for the generation of power for sale for public use - Section 430-141.
- M. Broadcast and Communication towers greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height.

344-5.3 Required findings:

- A. The proposed use is compatible with farm uses described in Oregon Revised Statutes, Chapter 215;
- B. The proposed use does not interfere seriously with "accepted farming practices" as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm use;
- C. The proposed use does not materially alter the stability of the overall land use pattern of the area; and
- D. The proposed use will not:
 - (1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

344-5.4 The above uses that are not permitted on high-value farmland may maintain, enhance, or expand existing facilities on the same tract, subject to other requirements of law or this Code.

344-6 Prohibited Uses

344-6.1 Structures or uses of land not specifically authorized by Section 344.

344-6.2 The use of a recreation vehicle for a residence, except as provided for under Section 430-135.2 A.

344-6.3 Outdoor advertising displays and structures except as provided in Section 414.

344-6.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing, June, 1983 airport year 2000 LDN fifty-five (55) contour.

344-6.5 Auto wrecking yards.

344-6.6 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.

344-6.7 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

344-7 Creation of Lots or Parcels by a Land Division

In addition to the standards listed below, all land divisions shall comply with the applicable standards of Section 610 (Land Divisions Outside the UGB).

344-7.1 Creation of lots or parcels for farm use not less than eighty (80) acres or more through a Type II procedure - Section 424-1.

344-7.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.

344-7.3 Creation of lots or parcels for nonfarm uses, not including a dwelling, through a Type II procedure - Section 424-4.

344-7.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.

344-7.5 Creation of a parcel with an existing dwelling to be used as a residential home, as defined in Subsection 106-179, through a Type III procedure - Section 424-6.

344-8 Marginal Lands

- 344-8.1 Designation of Marginal Lands through a Type II procedure - Section 425.
- 344-8.2 All uses allowed under Section 344-3, 344-4 and 344-5 are allowed on marginal lands under the same procedures and standards.
- 344-8.3 Uses permitted through a Type I Procedure.

The following uses are permitted subject to the applicable standards as set forth in Article IV and as may otherwise be indicated:

- A. Detached dwelling (one) on any size lot or parcel:
- (1) If the lot or parcel were created prior to July 1, 1983;
 - (2) Is subject to all flood plain or hazard area regulations; and
 - (3) When the applicant signs and records, in agreement form, in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against commonly accepted farm or forest practices which may occur on adjacent lands.
- B. Intensive farm or forest operations including but not limited to farm use as defined in ORS 215.203.
- C. Part-time farms.
- D. Wood lots.
- 344-8.4 Other than the additional uses of Section 344-8.3 all lands designated marginal are subject to all of the other provisions of the AF-20 District.
- 344-8.5 Land designated as marginal shall not qualify for assessment as zoned farmland.

344-9 Dimensional Requirements

- 344-9.1 Lot area:
See Section 344-7 - Creation of Parcels.
- 344-9.2 Yard Requirements:
The minimum requirements shall be:
- A. Thirty (30) foot front yard;
 - B. Ten (10) foot side yard;
 - C. Twenty (20) foot rear yard;
 - D. Thirty (30) foot street side yard; and

E. Additional setbacks may be required as specified in Section 418.

344-9.3 Height:

A. The maximum height for dwellings and residential accessory structures shall be thirty-five (35) feet.

B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.

C. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.

D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

344-9.4 Minimum lot width at the street:

The minimum width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.

344-10 Access

All lots in this District shall either:

344-10.1 Abut a public street; or

344-10.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

344-10.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographic location. Where no fire protection agency has jurisdiction, access ways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

344-11 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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346 AGRICULTURE AND FOREST DISTRICT (AF-10)

346-1 Intent and Purpose

The AF-10 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

This District is appropriate in rural lands with steep topographic characteristics where there are limited public facilities and services.

346-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 346-2.1 Accessory Uses and Structures - Section 430-1.
- 346-2.2 Conservation Areas and Structures (public and private) for the conservation of water, soil, open space, forest or wildlife resources (exempt from waiver).
- 346-2.3 Detached Dwelling Unit (one), on a lot of record or legally created lot.
- 346-2.4 Home Occupation - Section 430-63.1.
- 346-2.5 Property Line Adjustment - Section 610-1.1.
- 346-2.6 Parks - Section 430-95.
- 346-2.7 Temporary Use - Sections 430-135.1 C. (6) and (7); 430-135.1 H.
- 346-2.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. For required standards see Section 430-8.1.
- 346-2.9 Boarding or training of horses for profit, not to exceed a total of fourteen (14) horse stalls (includes stalls for the owner's horses) - Section 430-21.
- 346-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

- 346-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

346-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 346-3.1 Family Day Care Provider - Section 430-53.6.
- 346-3.2 Home Occupation - Section 430-63.2.
- 346-3.3 Parks - Section 430-97.
- 346-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- 346-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 346-3.6 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- 346-3.7 Temporary Use - Section 430-135.2 A. and B.
- 346-3.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.
- 346-3.9 Day Care Facility - Section 430-53.2 I.
- 346-3.10 Boarding or training of horses for profit with fifteen (15) or more horse stalls (includes stalls for the owner's horses) - Section 430-21.

346-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 346-4.2.

- 346-4.1 Uses which may be allowed:

- A. Airport, including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25.
- C. Cemetery - Section 430-27.
- D. Church - Section 430-29.
- E. Contractor's establishment – Section 430-34.
- F. Day Care Facility - Section 430-53.2.
- G. Golf Course - Section 430-50.
- H. Heliport - Section 430-59.
- I. Housing for Seasonal Farm and Forest Labor - Section 430-67.
- J. Hunting and Fishing Preserve (including Trout Farm) -Section 430-69.
- K. Kennel - Section 430-73.
- L. Operation for Exploration of Geothermal Resources as defined by ORS 522.005.
- M. Private Club - Section 430-99.
- N. Public Building, limited to Governmental Structures, community buildings and museums, which serve the local area - Section 430-103.
- O. School - Section 430-121.
- P. Shooting Clubs - Section 430-125.
- Q. Solid Waste Disposal Site - Section 430-127.
- R. Utility Facility (Commercial) for the generation of power for sale for public use - Section 430-141.
- S. Veterinary or Animal Hospital.
- T. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
- U. Outdoor Performing Arts Center - Section 430-88.
- V. Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- W. Emergency Response/Safety Training Center - Section 430-44.

- X. Home Occupation - Section 430-63.3.
 - Y. Broadcast Towers to a maximum height of one hundred (100) feet - Section 430-109.
- 346-4.2 Required Findings:
- A. The requested use is compatible with the surrounding uses or can be made more compatible through conditions of approval.
 - B. The proposed use does not interfere seriously with “accepted farming practices” as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest uses.
 - C. The applicant has signed and recorded in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against customarily accepted farming or forestry practices.

346-5 Prohibited Uses

- 346-5.1 Structures or uses of land not specifically authorized by Section 346.
- 346-5.2 The use of a recreation vehicle for a residence, except as provided for under Section 430-135.2 A.
- 346-5.3 Outdoor advertising displays, advertising signs or structures except as provided in Section 414.
- 346-5.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 346-5.5 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 346-5.6 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 346-5.7 Auto wrecking yards.
- 346-5.8 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 346-5.9 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

346-6 Dimensional Requirements

- 346-6.1 Lot Area:

- A. Lot area as used in this subsection shall be determined as follows:
- (1) The lot area shall be the entire area described in the deed to which the owner holds title, including such land as may be described in the deed as "subject to the rights of the public to any portion lying within the right-of-way," or similar clause. If the lot described in the deed has not been surveyed, a survey may be required to determine the exact acreage.
 - (2) If the lot was created by a plat, the lot area is the sum of the net area for the lot as shown on the plat plus land contiguous to the lot shown as having been dedicated to the public for road right-of-way.
- B. The minimum lot area shall be ten (10) acres except:
- (1) For lots of record; and
 - (2) The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density.

346-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

346-6.3 Height:

- A. Maximum height of dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. No structure or structural parts shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- D. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

346-6.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet or the lot shall have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

346-7 Access

All lots in this District shall either:

346-7.1 Abut a public street; or

346-7.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

346-7.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirement of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

346-8 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

348 AGRICULTURE AND FOREST DISTRICT (AF-5)

348-1 Intent and Purpose

The AF-5 District is intended to retain an area's rural character and conserve the natural resources while providing for rural residential use in areas so designated by the Comprehensive Plan.

The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.

348-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 348-2.1 Accessory Uses and Structures - Section 430-1.
- 348-2.2 Conservation Areas and Structures (public and private) for the conservation of water, soil, open space, forest or wildlife resources (exempt from waiver).
- 348-2.3 Detached Dwelling Unit (one), on a lot of record or legally created lot.
- 348-2.4 Home Occupation - Section 430-63.1.
- 348-2.5 Property Line Adjustment - Section 610-1.1.
- 348-2.6 Parks - Section 430-95.
- 348-2.7 Temporary Use - Sections 430-135.1 C. (6) and (7); 430-135.1 H.
- 348-2.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. For required standards see Section 430-8.1.
- 348-2.9 Boarding or training of horses for profit, not to exceed a total of fourteen (14) horse stalls (includes stalls for the owner's horses) - Section 430-21.
- 348-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

- 348-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

348-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 348-3.1 Family Day Care Provider - Section 430-53.6.
- 348-3.2 Home Occupation - Section 430-63.2.
- 348-3.3 Parks - Section 430-97.
- 348-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- 348-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 348-3.6 Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- 348-3.7 Temporary Use - Section 430-135.2 A. and B.
- 348-3.8 Day Care Facility - Section 430-53.2 I.
- 348-3.9 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.
- 348-3.10 Boarding or training of horses for profit with fifteen (15) or more horse stalls (includes stalls for the owner's horses) - Section 430-21.

348-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 348-4.2.

348-4.1 Uses which may be allowed:

- A. Airport, including associated hangar, maintenance and service facilities - Section 430-7.
- B. Campground - Section 430-25.
- C. Cemetery - Section 430-27.
- D. Church - Section 430-29.
- E. Contractor's Establishment – Section 430-34.
- F. Day Care Facility - Section 430-53.2.
- G. Golf Course - Section 430-50.
- H. Heliport - Section 430-59.
- I. Housing for Seasonal Farm and Forest Labor - Section 430-67.
- J. Hunting and Fishing Preserve (including a trout farm) Section 430-69.
- K. Kennel - Section 430-73.
- L. Operation for Exploration of Geothermal Resources as defined in ORS 522.005.
- M. Private Club - Section 430-99.
- N. Public Building, limited to Governmental Structures, community buildings and museums, which serve the local area - Section 430-103.
- O. Schools - Section 430-121.
- P. Shooting Clubs - Section 430-125.
- Q. Utility Facility (Commercial) for the generation of power for sale for public use and transmission towers over two-hundred (200) feet in height - Section 430-141.
- R. Veterinary or Animal Hospital.
- S. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
- T. Emergency Response/Safety Training Center - Section 430-44.
- U. Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- V. Home Occupation - Section 430-63.3.
- W. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

348-4.2 Required Findings:

- A. The requested use is compatible with the surrounding uses or may be made more compatible through conditions of approval.
- B. The proposed use does not interfere seriously with “accepted farming practices” as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest use.
- C. The applicant has signed and recorded in the Deed and Mortgage Records of the County a waiver of the right to remonstrate against customarily accepted farming practices.

348-5 Prohibited Uses

- 348-5.1 Structures or uses of land not specifically authorized by Section 348.
- 348-5.2 The use of a recreation vehicle for a residence, except as provided for under Section 430-135.2 A.
- 348-5.3 Outdoor advertising displays, advertising signs or structures except as provided in Section 414.
- 348-5.4 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 348-5.5 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 348-5.6 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 348-5.7 Auto wrecking yards.
- 348-5.8 The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except in conjunction with an approved development or with a farm use.
- 348-5.9 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, except in conjunction with an approved development or with a farm or forest use.

348-6 Dimensional Requirements**348-6.1 Lot Area:**

- A. Lot area as used in this subsection shall be determined as follows:
 - (1) The lot area shall be the entire area described in the deed to which the owner holds title, including such land as may be described in the deed as “subject to the rights of the public to any portion lying within the right-of-

way," or similar clause. If the lot described in the deed has not been surveyed, a survey may be required to determine the exact acreage.

- (2) If the lot was created by a plat, the lot area is the sum of the net area for the lot as shown on the plat plus land contiguous to the lot shown as having been dedicated to the public for road right-of-way.

B. The minimum lot area shall be five (5) acres except:

- (1) For lots of record; and
- (2) The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density.

348-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Ten (10) foot side yard;
- C. Twenty (20) foot rear yard;
- D. Thirty (30) foot street side yard; and
- E. Additional setbacks may be required as specified in Section 418.

348-6.3 Height:

- A. Maximum height of dwellings and residential accessory structures shall be thirty-five (35) feet.
- B. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- D. No structure or structural part shall exceed the height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.

348-6.4 Minimum lot width at the street:

The minimum lot width at the street shall be thirty (30) feet, or the lot shall have an easement of record at least thirty (30) feet at the street or as approved by the appropriate fire marshal.

348-7 Access

All lots in this District shall either:

348-7.1 Abut a public street; or

348-7.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

348-7.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

348-8 Article IV - Development Standards

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

350 RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)

350-1 Intent and Purpose

The intent of the Rural Residential District is to recognize rural areas which qualify for an exception to LCDC Goals 3 and 4 and which have been committed or developed for suburban residential use with minimum farm and forest uses and to provide for rural residential uses.

350-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 350-2.1 Accessory Uses and Structures - Section 430-1.
- 350-2.2 Detached Dwelling unit (one) on a legally created lot or parcel.
- 350-2.3 Home Occupation - Section 430-63.1.
- 350-2.4 Property Line Adjustment - Section 610-1.1.
- 350-2.5 Parks - Section 430-95.
- 350-2.6 Temporary Use - Sections 430-135.1 C. (6) and (7); Section 430-135.1 H.
- 350-2.7 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist. In the case of replacement, the existing dwelling shall be removed, demolished, or converted to an accessory structure, pursuant to Section 430-8.1. For required standards see Section 430-8.1.
- 350-2.8 Boarding or training of horses for profit, not to exceed a total of eight (8) horse stalls (includes stalls for owner's horses) - Section 430-21.
- 350-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 350-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

350-3 Uses Permitted Through a Type II Procedure

The following uses are permitted, subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate

against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 350-3.1 Family Day Care Provider - Section 430-53.6.
- 350-3.2 Home Occupation - Section 430-63.2.
- 350-3.3 Parks - Section 430-97.
- 350-3.4 Public Utility - (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- 350-3.5 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- 350-3.6 Temporary Use - Section 430-135.2 A.
- 350-3.7 Day Care Facility - Section 430-53.2 I.
- 350-3.8 Alteration, restoration or replacement of a lawfully established dwelling on a lot or parcel upon which two (2) or more lawful dwellings exist that is not permitted through a Type I procedure. For required standards see Section 430-8.2.
- 350-3.9 Boarding or training of horses for profit with nine (9) or more horse stalls (includes stalls for the owner's horses) - Section 430-31.

350-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 350-4.2.

- 350-4.1 Uses which may be allowed:
 - A. Airport, including associated hangar, maintenance and service facilities - Section 430-7.
 - B. Cemetery - Section 430-27.
 - C. Church - Section 430-29.
 - D. Golf Course, Country Club - Section 430-50.
 - E. Day Care Facility - Section 430-53.2.
 - F. Heliport - Section 430-59.
 - G. Kennel - Section 430-73.

- H. Operation for Exploration of Geothermal Resources as defined by ORS 522.005.
 - I. Public Buildings, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.
 - J. Public Utility - Section 430-105.
 - K. Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
 - L. School - Section 430-121.
 - M. Special Recreation Use - Section 430-131.
 - N. Storage Area for Recreation Vehicles (Community) Camper, Travel Trailer, Mobile Home, Boat - Section 430-133.
 - O. Veterinary or Animal Hospital.
 - P. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
 - Q. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 350-4.2 Required Findings:
- A. The requested use is compatible with the surrounding uses or may be made more compatible through conditions of approval;
 - B. The proposed use does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) or forestry uses on adjacent lands devoted to farm or forest use; and
 - C. The applicant has signed and recorded in the Deed Records of the County a waiver of the right to remonstrate against customarily accepted farm or forestry practices as a condition of approval.
- 350-5 Prohibited Uses**
- 350-5.1 Structures or uses of land not specifically authorized by Section 350.
 - 350-5.2 The use of a recreation vehicle as a residence.
 - 350-5.3 Outdoor advertising displays, advertising signs of structures except as provided in Section 414.
 - 350-5.4 The outdoor storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.

- 350-5.5 The location of service facilities such as schools, hospitals, nursing homes and public assembly in airport approach zones. These facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.
- 350-5.6 Mounting a communication tower or antenna, that is not a permitted accessory use, on a detached dwelling.
- 350-5.7 Mounting an antenna, that is not a permitted accessory use, on a communication tower that is accessory to a detached dwelling.
- 350-5.8 Auto wrecking yards.
- 350-5.9 Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment used in conjunction with a farm or forest use.

350-6 Dimensional Requirements

350-6.1 Lot Area:

The minimum lot area shall be five (5) acres except:

- A. For lots of record;
- B. The lot area for new lots or parcels created through the land division process of Article VI may be varied by twenty (20) percent provided there is no increase in lot density; and
- C. Lot of Exception

Through a Type II procedure, new lots or parcels less than four (4) acres, but no less than one (1) net acre may be approved upon findings that the lots or parcels:

- (1) Were located within the Wolf Creek Highway or Tigard Water District at the time the site was zoned RR-5, July 5, 1982, and has water pressure adequate to provide for fire flow;
- (2) Have received subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency; and
- (3) Will be served by adequate roads.
- (4) The intent and purpose of this district is not violated.
- (5) Conditions may be attached at the time of approval to:
 - (a) Require dedication of right-of-way to provide adequate roads;
 - (b) Carry out the intent and purpose of the district; and
 - (c) Require increased setbacks from the boundaries.

350-6.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Thirty (30) foot front yard;
- B. Twenty (20) foot street side yard;
- C. Ten (10) foot side yard;
- D. Twenty-five (25) foot rear yard;
- E. Required yards shall be horizontally unobstructed except as provided in Section 418; and
- F. Additional setbacks may be required as specified in Sections 411 and 418.

350-6.3 Height:

- A. The maximum building height shall be thirty-five (35) feet.
- B. The maximum height for accessory structures shall be fifteen (15) feet, excluding agricultural buildings.
- C. Normal building appurtenances and projections such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other structures placed on or extending above roof level may exceed the thirty-five (35) foot building height limit to a maximum height of sixty (60) feet.
- D. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- E. The height of telecommunication towers are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

350-6.4 Lot Dimensions:

The minimum dimensions for any new lot shall be:

- A. Average lot width - one-hundred (100) feet;
- B. Average lot depth - one-hundred (100) feet;
- C. The minimum lot width at the street shall be forty (40) feet, or the lot shall have an easement of record at least forty (40) feet wide at the street, or as approved by the appropriate fire marshal; and
- D. Lot width at the street on a cul-de-sac - thirty (30) feet.

350-7 Access

All lots in this District shall either:

350-7.1 Abut a public street; or

350-7.2 Have an easement of record at least forty (40) feet wide at the street, or as approved by the appropriate fire marshal.

350-7.3 Access roadways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

350-8 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

352 RURAL COMMERCIAL DISTRICT (R-COM)

352-1 Intent and Purpose

The intent and purpose of the Rural Commercial District is to implement the rural commercial policies of the Comprehensive Plan and to meet convenience goods and service needs of rural residents while protecting the historic character of rural centers and the agricultural or forestry character of the area.

Rural Commercial centers shall be designed to be compatible with the surrounding environment and generally not to exceed five (5) acres.

352-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-2.1 Accessory Uses and Structures - Section 430-1.

352-2.2 Bus Shelters - Section 430-23.

352-2.3 Residential use in conjunction with a permitted commercial use provided:

- A. The residence is situated on the principal lot;
- B. The residence has an approved sanitary sewage disposal system; and
- C. There is only one (1) dwelling structure per lot.

352-2.4 Temporary Uses - Section 430-135.1 A., B., C. (4 and 5), D., E., F., and H.

352-2.5 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

352-2.6 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

352-2.7 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and

- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

352-3 Uses Which May Be Permitted Through a Type II Procedure

The uses listed in Section 352-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

352-3.1 Permitted Uses:

- A. Ambulance Service - Section 430-9.
- B. Auto Repair within an enclosed building.
- C. Bus and Train Terminals.
- D. Church – Section 430-29.
- E. Commercial Recreation Facilities such as indoor theaters, bowling alleys, indoor skating rinks or similar uses when:
 - (1) The use is conducted wholly within a fully enclosed building; and
 - (2) Yards are no less than fifty (50) feet from any abutting residential, agriculture and forest, or natural resource district boundaries.
- F. Contractor's establishment for such things as installation of drain tiles, logging contractor, farming contractor and similar uses – Section 430-34.
- G. Eating and Drinking Establishments.
- H. Fabrication, Processing and Repair Facilities, appropriate for the rural community and which serve the rural/natural resource population base. These uses are exempt from Section 352-3.2.
- I. Farm or forest related equipment, machinery or truck repair, including associated service parts facilities, within an enclosed building. These uses are exempt from Section 352-3.2.

- J. Farm or forest implement and equipment sales when the sales area is fenced or a landscaped buffer is provided. These uses are exempt from Section 352-3.2.
- K. Institutional uses, including institutions for human care, educational, social institutions including but not limited to grange hall, community center, public buildings and service institutions, serving the local area, when the application includes:
 - (1) A total site plan indicating any proposed buildings, parking, landscaping and future phased development; and
 - (2) A schedule for development.
- L. Lumber Yard, provided there is:
 - (1) A site obscuring fence no higher than eight (8) feet; or
 - (2) A Type #3 landscape buffer approved through Development Review.
 - (3) This use is exempt from Section 352-3.2.
- M. Offices.
- N. Open air businesses, except as provided for by Section 430-135.1 B. (1) and (2), for the sale of farm or forest products for such uses as plant material, produce and firewood. These uses are exempt from Section 352-3.2.
- O. Personal Service Establishment.
- P. Public Building, limited to governmental structures, community buildings and museums, serving the local area - Section 430-103.
- Q. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- R. Private Club - Section 430-99.
- S. Radio Station.
- T. Recycling Center - Section 430-115.
- U. Sale of merchandise in an enclosed building.
- V. Service Station and/or Car Wash - Section 430-123.
- W. Temporary Use - Section 430-135.2 A. This use is exempt from Section 352-3.2.
- X. A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation. This use is exempt from Section 352-3.2.

- Y. Veterinarian or Animal Hospital.
- Z. Winery, including a tasting room and sales - Section 430-145.2.
- AA. Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- BB. Uses Accessory and Incidental to an Allowed Use:
 - (1) Garages for storage and maintenance of motor vehicles used by the principal use.
 - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use.
 - (3) Maintenance and utility shops for equipment used by the principal use.
 - (4) Central heating, air conditioning and refrigeration plants.
 - (5) Water storage, drainage and treatment facilities.
 - (6) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use.
 - (7) Day care facilities primarily for employees.
 - (8) Electrical substations.
- CC. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

352-3.2 Required findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services; and
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities.

352-4 Uses Which May Be Permitted Through a Type III Procedure

The uses listed in Section 352-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is

specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-4.2.

352-4.1 Uses which may be allowed:

- A. Special Recreation Uses - Section 430-131.
- B. Communications Towers greater than two-hundred (200) feet in height - Section 430-109.
- C. Broadcast Towers – Section 430-109.

352-4.2 Required findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services;
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community without adverse impact on surrounding farm and forest activities; and
- D. That the applicant has signed and recorded in the Deed Records of the County, a waiver of the right to remonstrate against customarily accepted farm or forestry practices.

352-5 Prohibited Uses

352-5.1 Structures or uses of land not specifically authorized by Section 352.

352-5.2 The use of a recreation vehicle for a residence.

352-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided within any existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.

352-5.4 Auto wrecking yards.

352-6 Dimensional Requirements

352-6.1 Lot Area:

The minimum lot area shall be twenty-thousand (20,000) square feet where a community water system is available, and two (2) acres where a community water system is not available.

352-6.2 Yard Requirements:

The minimum yard requirements shall be as follows:

- A. Twenty (20) foot front yard;
 - B. Side and Rear Yards:
 - (1) When abutting a district which is not a commercial or industrial district, the side or rear yard shall be no less than required by the abutting district;
 - (2) On corner lots, the side or rear yard adjacent to the street shall be twenty (20) feet;
 - (3) Except as in (1) and (2) above, there is no required side or rear yard; and
 - (4) The side or rear yard may be eliminated where the side or rear yard is adjacent to a railroad;
 - C. Additional setbacks may be required as specified in Sections 411 and 418; and
 - D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or use thereof provided the structure or use is not made more nonconforming by the change or alteration.
- 352-6.3 Height:
- A. The maximum building height shall be seventy-five (75) feet except as may be modified by Section 419.
 - B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
 - C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.
- 352-6.4 Minimum Lot Width and Depth:
- A. The minimum average lot width shall be one-hundred (100) feet;
 - B. The minimum average lot depth shall be one-hundred (100) feet; and
 - C. The minimum lot width at the street shall be forty (40) feet or as approved through Development Review.
- 352-6.5 Access:
- All lots in this District shall abut a public street or have access as approved through Development Review.

352-7 Article IV - Development Standards

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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354 RURAL INDUSTRIAL DISTRICT (R-IND)

354-1 Intent and Purpose

The Rural Industrial District is intended to provide areas for industrial uses outside the Urban Growth Boundary where an exception to Goals 3 or 4 has been taken and where a full range of urban services will not be required.

The purpose of the district is to provide for the processing and manufacture of timber and forest related products, farm crops and produce, minerals and aggregates near the resources, and for the repair of mechanical equipment related to farm and forest uses.

354-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

354-2.1 Accessory Uses and Structures - Section 430-1, and

- A. Restaurant or cafeteria facilities for employees within an existing structure; and
- B. Caretaker or dormitory residence in conjunction with a permitted use provided:
 - (1) The residence has an approved sanitary sewage disposal system; and
 - (2) There shall be only one (1) dwelling structure on the site.

354-2.2 Temporary Uses - Sections 430-135.1 A. and C. (5); 430-135.1 H.

354-2.3 Forest Products - Temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.

354-2.4 Facility 3 and 4 Communication Towers that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district as defined by Section 430-109. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

354-2.5 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

354-2.6 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

354-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 354-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

354-3.1 Permitted Uses:

- A. Ambulance Service - Section 430-9.1
- B. Contractor's Establishment – Section 430-34. These uses are exempt from Section 354-3.2.
- C. Farm or forest related equipment, machinery and truck repair, including associated service parts facilities. These uses are exempt from Section 354-3.2.
- D. Manufacturing of tile, pottery and ceramics, including storage and wholesale distribution.
- E. Public Building, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.
- F. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Section 430-105.3 through 430-105.7.
- G. Primary processing, packaging, treatment, bulk storage and wholesale distribution of any of the products produced from the following:
 - (1) Manufacture and processing of mineral and aggregate materials (includes batch plant);

- (2) Production, processing, assembling, packaging, treatment of farm crops or forest products; and
 - (3) These uses are exempt from Section 354-3.2.
- H. Communication Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height - Section 430-109.
- I. Recycling Center - Section 430-115.
- J. Restaurant or cafeteria facilities for employees in a new building when in conjunction with a permitted use.
- K. Sawmills and lumber manufacturing, which are exempt from Section 354-3.2. For required standards see Section 430-119.
- L. A second caretaker's residence in conjunction with a permitted use provided:
 - (1) The residence has an approved sanitary sewage disposal system; and
 - (2) The applicant demonstrates a need for the second dwelling for such things as security or maintenance.
- M. Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- N. Temporary Use - Section 430-135.2 A. This use is exempt from Section 354-3.2.
- O. A Type I or Type II Home Occupation in a nonconforming residence as an interim temporary use subject to the standards of Section 430-63.1 - Type I Home Occupation or Section 430-63.2 - Type II Home Occupation. This use is exempt from Section 354-3.2.
- P. Veterinarian or Animal Hospital.
- Q. Winery, including an accessory tasting room and incidental sales - Section 430-145.2.
- R. Logscaling and Weigh Stations.
- S. Uses Accessory and Incidental to an Allowed Use:
 - (1) Garages for storage and maintenance of motor vehicles used by the principal use;
 - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - (3) Maintenance and utility shops for equipment used by the principal use;
 - (4) Central heating, air conditioning and refrigeration plants;

- (5) Water storage, drainage and treatment facilities;
 - (6) Fire protection facilities;
 - (7) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
 - (8) Clinics, lounges and recreational facilities for employees;
 - (9) Day care facilities primarily for employees;
 - (10) Electrical substations; and
 - (11) Administrative Offices.
- T. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

354-3.2 Required Findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services; and
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities.

354-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 354-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-4.2.

354-4.1 Uses which may be allowed:

- A. Auto Wrecking Yard - Section 430-15.
- B. Heavy Industrial Uses - Section 430-57.
- C. Solid Waste Transfer Station - Section 430-129.
- D. Special Recreational Use - Section 430-131.

- E. Utility Facility (commercial) for the generation of power for sale for public use, and transmission towers over two-hundred (200) feet in height.
- F. Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- G. Broadcast Towers – Section 430-109.

354-4.2 Required Findings:

- A. That the proposed use will support the needs of the rural residents and agricultural and forest uses;
- B. That the proposed use meets the criteria of being small in size, rural in character and that it does not require urban services;
- C. That the proposed use is limited to basic convenience and service needs of the rural and natural resource community and will not cause adverse impacts on surrounding farm and forest activities; and
- D. That the applicant has signed and recorded in the Deed Records of the County, a waiver of the right to remonstrate against customarily accepted farm or forestry practices.

354-5 Prohibited Uses

- 354-5.1 Structures or uses of land not specifically authorized by Section 354.
- 354-5.2 New residences except as provided in Section 354-2.1 B., Section 354-3.1 L. and Section 354-3.1 N.
- 354-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided in existing June, 1983 Airport Year 2000 LDN fifty-five (55) contour.

354-6 Environmental Requirements

All industrial uses shall comply with the environmental performance standards of Section 423.

354-7 Dimensional Requirements

354-7.1 Lot Area:

The minimum lot area, except for a lot of record, shall be five (5) acres.

354-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Forty (40) foot front yard for all structures;

B. Side and Rear Yards:

- (1) Where abutting a district which is not an industrial or commercial district, the side and rear yard shall be no less than that required by the abutting district;
- (2) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet; and
- (3) Except in (1) and (2) above, there are no required side or rear yards.
- (4) The side or rear yard may be eliminated where the side or rear yard is adjacent to a railroad.

C. Additional setbacks may be required as specified in Sections 411 and 418.

D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or uses provided the structure or use may not be made more nonconforming by the change or alteration.

354-7.3 Height:

- A. There is no maximum height requirement in the R-IND District.
- B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

354-7.4 Minimum lot width and depth:

- A. The minimum average lot width shall be one-hundred (100) feet;
- B. The minimum average lot depth shall be one-hundred (100) feet; and
- C. The minimum lot width at the street shall be fifty (50) feet.

354-8 Access

All lots in this District shall abut a public street or have access as approved through Development Review.

354-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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356 LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)

356-1 Intent and Purpose

The intent of the MAE District is to provide lands for land extensive industrial uses in the rural areas of the County.

The purpose of the District is to provide land for farm and forest related uses needed to support the natural resource base and consistent with the rural character and level of services. Land Extensive Industrial uses require large land areas, a low ratio of employees to land and sites free of natural hazards with immediate access to a collector, arterial or limited access highway. For MAE uses, lands must have an approved water and sewage disposal system and adequate capacity to accommodate drainage runoff of development.

356-2 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

356-2.1 Accessory Uses and Structures - Section 430-1, and including:

A. Caretaker or dormitory residence in conjunction with a permitted use provided:

- (1) There is an approved sanitary sewage disposal system; and
- (2) There shall be only one (1) dwelling structure on the site;

B. Restaurant or cafeteria facilities for employees within an existing building.

356-2.2 Detached Dwelling (one per lot), in conjunction with a permitted use.

356-2.3 Forest Products - Temporary, portable facility for primary processing, not including structures, as defined by Section 106-205. See Section 430-47 for required standards.

356-2.4 Home Occupation - Section 430-63.1.

356-2.5 Temporary Use - Sections 430-135.1 C. (5) and (6); 430-135.1 H.

356.2.6 Facility 3 and 4 Communication Towers that:

A. Do not exceed a maximum height of sixty-five (65) feet; and

B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private

street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

356-2.7 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

356-2.8 Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

356-3 Uses Permitted Through a Type II Procedure

356-3.1 The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- A. Ambulance Service - Section 430-9.
- B. Batch Plant.
- C. Contractor's establishment - Section 430-34.
- D. Home Occupation - Section 430-63.2.
- E. Operations for the exploration of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, within a flood plain, drainage hazard area or an area identified in the Rural Natural Resource Plan as a significant natural resource.
- F. Operations for the production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- G. Production, Processing, Assembling, Packaging or Treatment of Materials subject to the provisions of Section 356-3.2 and when the use meets the intent and purpose of the District.

- H. Public Building, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.
- I. Public Utility - Facilities necessary for public service (except commercial facilities for the purpose of generating power for public use by sale) - Sections 430-105.3 through 430-105.7.
- J. Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, Section 430-109.
- K. Research and Development Laboratories related to farm and forest uses subject to the provisions of Section 356-3.2.
- L. Recycling Center - Section 430-115.
- M. Restaurant or cafeteria facilities for employees in a new building when in conjunction with a permitted use.
- N. A second caretaker's residence in conjunction with a permitted use provided:
 - (1) The residence has an approved sanitary sewerage disposal system; and
 - (2) The applicant demonstrates a need for the second dwelling for such things as security or maintenance.
- O. Stockpiling of aggregate, sand and gravel for road maintenance purposes - Section 430-132.
- P. Storage and Distribution Facilities for agriculture and forest related products - subject to the provisions of Section 356-3.2.
- Q. Temporary Use - Section 430-135.2 A.
- R. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.
- S. Log Scaling and Weigh Stations.
- T. Uses Accessory and Incidental to an Allowed Use:
 - (1) Garages for storage and maintenance of motor vehicles used by the principal use;
 - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - (3) Maintenance and utility shops for equipment used by the principal use;;
 - (4) Central heating, air conditioning and refrigeration plants;
 - (5) Water storage, drainage and treatment facilities;

- (6) Fire protection facilities;
- (7) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
- (8) Clinics, lounges and recreational facilities for employees;
- (9) Day care facilities primarily for employees;
- (10) Electrical substations; and
- (11) Administrative Offices.

U. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

356-3.2 For Section 356-3.1 G., K., and P., an applicant shall provide the following information:

- A. How the proposed use conforms to the Goals and Implementing Strategies of the Framework Plan.
- B. The impact of the proposed use on the area considering:
 - (1) The physiographic characteristics of the site (i.e., topography, drainage, etc.) and the suitability of the site for the particular land use improvements; and
 - (2) The existing land uses, private improvements and public facilities in the area.
- C. How the following requirements will be met:
 - (1) Public water or an on-site source approved by the Water Master, Washington County Department of Health and the appropriate fire marshal;
 - (2) Approval of a subsurface sewage disposal system by the Washington County Department of Health or the Department of Environmental Quality; and
 - (3) Whether the site has access to a collector, arterial or limited access highway.

356-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

- 356-4.1 Airport - Section 430-7.
- 356-4.2 Auto Wrecking Yard - Section 430-15.
- 356-4.3 Race Track, Drag Strip - Section 430-107.
- 356-4.4 Solid Waste Disposal Site - Section 430-127.
- 356-4.5 Solid Waste Transfer Station - Section 403-129.
- 356-4.6 Utility Facility for the Generation of Power for sale, and Transmission Towers over two-hundred (200) feet in height - Section 430-141.
- 356-4.7 Communication Towers greater than two-hundred (200) feet in height - Section 430-109.
- 356-4.8 Broadcast Towers – Section 430-109.

356-5 Prohibited Uses

- 356-5.1 Structures or uses of land not specifically authorized by Section 356.
- 356-5.2 The use of a recreation vehicle as a residence.
- 356-5.3 The location of service facilities which house groups of people and public assembly facilities in airport approach zones. Such facilities shall be avoided in existing June, 1983 airport year 2000 LDN fifty-five (55) contour.

356-6 Environmental Requirements

All industrial uses shall comply with the environmental performance standards of Section 423.

356-7 Dimensional Requirements

- 356-7.1 Lot area, except for a lot of record:
 - A. The minimum lot area for uses listed as Sections 356-2.3, 356-2.4 and 356-2.5 shall be ten (10) acres.
 - B. Industrial uses shall have a minimum lot area of five (5) acres.
 - C. Minimum lot size for an individual industrial use may be reduced to two (2) acres when:
 - (1) A subdivision plat for the industrial site has been approved and recorded;
 - (2) A public water and sanitation system has been approved; and
 - (3) The site has approved public access.

356-7.2 Yard Requirements:

The minimum yard requirements shall be:

- A. Forty (40) foot front yard;
- B. Side and Rear Yards:
 - (1) When abutting a district which is not a commercial or industrial district, the side or rear yard shall be no less than that required by the abutting district, or twenty (20) feet, whichever is greater;
 - (2) On a corner lot, the side or rear yard adjacent to the street shall be forty (40) feet; and
 - (3) Except as in (1) and (2) above, there is no required side or rear yard.
- C. Additional setbacks may be required as specified in Sections 411 and 418.
- D. Front yards and street side yards existing before March 26, 1984 which are made nonconforming by the provisions of this Section shall be deemed in conformity with the provisions of this Section relating to front and street side yards for the purpose of otherwise lawful changes or alterations in the structures or uses provided the structure or use may not be made more nonconforming by the change or alteration.

356-7.3 Height:

- A. The maximum height shall be sixty-five (65) feet except as may be modified by Section 419.
- B. No structure or structural part shall exceed height standards established for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.
- C. The height of telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

356-7.4 Minimum Lot Width and Depth:

- A. The minimum average lot width shall be two-hundred (200) feet;
- B. The minimum average lot depth shall be two-hundred (200) feet;
- C. The minimum lot width at the street shall be fifty (50) feet; and
- D. The minimum lot width at the street on a cul-de-sac shall be forty (40) feet.

356-8 Access

All lots in this District shall abut a public street or have access as approved through Development Review.

356-9 Article IV - Development Standards

In addition to the requirements of this District, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Subsection 403-4.

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373 HISTORIC AND CULTURAL RESOURCE OVERLAY DISTRICT

373-1 Intent and Purpose

The intent and purpose of this Overlay District is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of sites, structures, objects, buildings and historic districts within the County that reflect special elements of the County's architectural, archeological, artistic, cultural, engineering, aesthetic, historical, political, social and other cultural heritage and to facilitate restoration and upkeep of historic buildings, structures or other physical objects or geographical areas in order to:

- 373-1.1 Safeguard the County's heritage as embodied and reflected in such resources;
- 373-1.2 Encourage public knowledge, understanding and appreciation of the County's history and culture;
- 373-1.3 Foster community and neighborhood pride and sense of identity based on recognition and use of cultural resources;
- 373-1.4 Promote the enjoyment and use of historic and cultural resources appropriate for the education and recreation of the people of the County;
- 373-1.5 Preserve diverse and harmonious architectural styles reflecting phases of the County's history; and encourage complimentary design and construction areas impacting cultural resources;
- 373-1.6 Enhance property values and increase economic and financial benefits to the County and its inhabitants;
- 373-1.7 Identify and resolve conflicts between the preservation of cultural resources and alternative land uses; and
- 373-1.8 Integrate the management of cultural resources and relevant data into public and private land management and development processes.

373-2 Definitions

As used in this section, the words listed below have the following meaning:

- 373-2.1 Building A house, barn, church, hotel, or similar construction that is created to shelter any form of human activity. Building may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.
- 373-2.2 District A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
- 373-2.3 Object The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is

associated with a specific setting or environment, such as statuary in a designed landscape. Examples: sculpture, monuments, mileposts, boundary markers, statuary, and fountains.

- 373-2.4 **Rehabilitation** A term often used interchangeably with renovation, involves modification or change to an existing building. Rehabilitation extends the useful life or utility of the building through repairs or alterations, sometimes major, while the features of the building that contributed to its architectural, cultural or historical character are preserved.
- 373-2.5 **Restoration** Often prefaced by “historical” or “architectural”, restoration involves the careful and meticulous return of a building, usually on its original site, to its appearance at a particular period of time by removal of later work or replacement of missing earlier work.
- 373-2.6 **Site** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.
- 373-2.7 **Structure** The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating shelter.

373-3 Review Authority

The review of applications identified in this Section (373) shall be consistent with the procedure type specified.

373-4 Resource Designation Procedures

- 373-4.1 The Historic and Cultural Resource Overlay District shall be applied to specific resources through a Plan Amendment process (Type III or Type IV). Consistent with provisions in the Comprehensive Framework Plan for the Urban Area and the Rural/Natural Resource Plan, the owner of a property which is the site of a cultural resource, or the Board, Planning Commission or Director, may initiate a quasi-judicial (Type III) plan amendment to apply the Overlay District. Any individual may request application of the Overlay District through a legislative (Type IV) process.
- 373-4.2 The Review Authority shall apply the Historic and Cultural Resource Overlay District to all buildings and structures in the Washington County Cultural Resources Inventory, consistent with the recommended program decisions of the “Goal 5 Conflicts and Consequences Analysis (ESEE) for Cultural Resources,” which is an appendix to the Cultural Resources Inventory. However, the Review Authority or the Appeal Authority may choose not to apply the Historic and Cultural Resource Overlay District based on compelling evidence and findings submitted by the property owner. The evidence and findings shall include a site-specific analysis of the economic, social, environmental and energy (ESEE) consequences of allowing a proposed conflicting activity (e.g., relocation or demolition) versus preservation of the resource. Economic burden may be a basis for a decision not to apply the Overlay District after consideration is given to all the ESEE consequences of application of the Overlay District versus allowing the proposed conflicting activity. The degree of economic burden will be weighed against the significance of the resource. The

availability of alternatives which retain historic values and encourage continued use or adaptive reuse of the property will be considered.

- 373-4.3 In order for the Review Authority or the Appeal Authority to determine that an economic burden will be placed on the owner of a resource if the Overlay District is applied to it, the owner must demonstrate that one of the following would occur. Where an estimate or opinion is called for from an expert or a professional in a given field (such as real estate, architecture, historic preservation or development), the expert or professional consulted shall be mutually acceptable to the owner and the Director.
- A. The continued presence of a resource on a property would significantly reduce the value of the property relative to its value if the resource was to be removed or demolished. To demonstrate this, the property owner shall submit the following evidence:
- (1) The most recent assessed value of the subject property.
 - (2) Two independent appraisals, by licensed appraisers, of the property's present value with the resource on site, and the property's value with the resource removed.
- B. Carrying costs (including property taxes, insurance and maintenance) for the property would be significantly higher with the continued presence of the resource than if it is removed from a property or demolished, and it is not likely that sufficient income could be derived from the resource in its present condition or after it is rehabilitated within the constraints of the district, to compensate for the higher costs. To demonstrate this, the property owner shall submit the following evidence:
- (1) The information specified in Sections 373-4.3 A. (1) and (2).
 - (2) Records or at least two (2) estimates by insurance brokers of the cost of insuring the resource.
 - (3) If rehabilitation is necessary, at least two (2) estimates of the cost of rehabilitating the resource by contractors experienced in the rehabilitation of historic resources.
 - (4) If rehabilitation is necessary, at least two (2) estimates of the cost of maintaining the resource after its rehabilitation by contractors experienced in the maintenance of historic resources.
 - (5) If rehabilitation is unnecessary, copies of receipts for the materials, labor and services needed to maintain the resource for at least the previous two years.
 - (6) At least two (2) estimates by real estate professionals and/or business consultants of the rent or income that could be derived from the resource when improved to a usable condition.

- C. In the case of a non-income producing resource (e.g., a church or an owner-occupied house) on a property an owner is unwilling to sell, the costs of rehabilitating and/or maintaining the resource significantly exceed the cost of demolishing the resource and constructing and maintaining a building or structure that is similar in function and size. To demonstrate this, the property owner shall submit the following evidence:
- (1) If rehabilitation is necessary, the information specified in Section 373-4.3 B. (3) and (4).
 - (2) If rehabilitation is unnecessary, the information specified in Section 373-4.3 B. (5).
 - (3) At least two (2) estimates by contractors of the cost of demolishing the resource.
 - (4) At least two (2) estimates by contractors of the cost of constructing and maintaining a replacement building or structure that is similar in size and function.

373-4.4 After considering all the site-specific evidence and findings relating to ESEE consequences, the Review Authority or Appeal Authority may decide against permanently applying the Historic and Cultural Resource Overlay District to a resource. The Review Authority or Appeal Authority may, however, temporarily apply the Overlay District for up to one-hundred and eighty (180) days from the date of final action on the quasi-judicial plan amendment or land use ordinance before it. During that period, the County shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or private acquisition and/or relocation. If no means of protecting the resource is found within the 180-day period, the Historic and Cultural Resource Overlay District shall automatically be removed from the property. If alteration or demolition of the resource is intended by the property owner, the County shall ask the property owner to contact the Washington County Museum or another appropriate agency or organization such as the Historic Preservation League of Oregon to allow them the opportunity to salvage and record the resource before it is altered or demolished.

373-5 Applicability of the Overlay District

When the Historic and Cultural Resource Overlay District is applied to a resource, the tax lot that contains the resource shall be so designated on the relevant plan maps. This does not mean, however, that the entire tax lot is subject to the provisions of Section 373. Instead, the only buildings and structures on the tax lot subject to the Overlay District's provisions are those described in the Cultural Resources Inventory as significant, important, or contributing to the significance of the overall resource.

373-6 Permits

373-6.1 No development permit shall be issued for exterior alteration, relocation or demolition of any designated resource or any potential resource which is under consideration for designation while a public hearing or any appeal thereof is pending.

- 373-6.2 Any changes, alteration, rehabilitation, restoration and/or addition to the exterior design, material or external appearance of a designated historic or cultural resource including but not limited to siding, windows, doors, and other architectural features or appurtenances, roofing materials or roof lines, and any other architectural components of the original resource shall be reviewed through a Type II procedure.
- 373-6.3 A development permit to alter the exterior of a designated resource shall be approved if the Review Authority finds the following:
- A. The alteration will not impair or change the essential historic form and integrity of the historic property. The distinguishing historic qualities, features or character of the historic property and its site will not be impaired or altered unless:
 - (1) There is an immediate hazard to public safety and no alternative approach exists which would retain the features or minimize the impact of the proposed alteration;
 - (2) There are mandatory building or handicap codes or requirements, and it is not reasonably possible to retain the historic features or minimize the impact of the proposed alteration and also to comply with those codes or requirements; or
 - (3) The only alternative to the alteration would be demolition of the historic property.
 - B. The alteration will not create an earlier historic appearance which is different than the remainder of the property or which has no historic basis.
 - C. Distinctive stylistic features and examples of skilled craftsmanship have been retained to the greatest extent possible.
 - D. The alteration is compatible in design, size, arrangement, proportion, detail, scale, color, texture, material and character with the rest of the historic property and the nearby area.
 - E. Signs, lighting and other appurtenances, such as walls, fences, awnings and landscaping, will be visually compatible with the traditional architectural character of the historic property.
- 373-6.4 The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be used for guidance in the review of a development permit involving alteration of a historic and cultural resource.
- 373-6.5 Reasonable conditions may be imposed in granting an alteration permit. Particular conditions may be imposed based on the following considerations:
- A. Deteriorated architectural features should be repaired rather than replaced whenever possible. Deteriorated architectural features that cannot be repaired should be replaced with material which matches the original material in design, color, texture and other visual qualities. Whenever possible, repair or replacement of architectural features should be based on accurate duplications of features and composition of materials, substantiated by historic, physical, or

pictorial evidence rather than on conjectural designs or the availability of architectural elements from other buildings or structures.

- B. When surface cleaning of buildings or structures takes place, it should be undertaken with the gentlest effective means possible. Sandblasting and other abrasive cleaning methods that may damage the historic property should not be employed.
- C. Every reasonable effort should be made to protect known archeological resources affected by and adjacent to any alteration project.

373-6.6 Ordinary Maintenance and Repair

Nothing in this Section (373) shall be construed to prevent the ordinary maintenance or repair in or on any resource designated by this Section (373) that does not involve a change in design, material or external appearance thereof as defined in 373-6.2.

373-6.7 Any application to relocate or demolish a designated historic or cultural resource shall be reviewed through a Type III procedure.

373-6.8 Approval of a development permit to relocate a designated resource shall be based on all the following findings:

- A. The designated resource is in a land use district (e.g., R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, Neighborhood Commercial, Community Business, General Commercial, Office Commercial, TO:RC, TO:BUS, TO:EMP, Industrial, MAE, Rural Industrial or Rural Commercial) that allows higher density development; is an accessory building or structure to a historic farm house (e.g., a barn, garage or shed) in the R-5 or R-6 district; or is on land that is needed to accommodate the planned widening or realignment of a public road or transportation facility;
- B. The designated resource cannot reasonably be used in conjunction with the proposed use;
- C. It can be demonstrated that development of the site with the proposed use will occur within two years of approval of the development permit to relocate the designated resource;
- D. The location of the designated resource on a proposed development site precludes reasonable development of the site, and the locational problem cannot be reasonably resolved by an on-site relocation of a designated resource or the clustering of the proposed development;
- E. The designated resource is structurally capable of relocation;
- F. The proposed relocation site is a contextually appropriate setting for the designated resource; and
- G. The owner of the relocation site agrees, as a condition of the purchase agreement, to apply within ninety (90) days of relocation to the appropriate local jurisdiction for protection of the resource.

- 373-6.9 Approval of a permit to demolish a designated resource that does not qualify for abatement shall be based on findings A, B, C, and D in Section 373-6.8. Additionally, the Review Authority shall find:
- A. The designated resource cannot be moved because of structural inadequacies; or
 - B. The property owner has been unable to find an appropriate relocation site for the building despite a documented effort, for a period of at least ninety (90) days, to sell or offer it to other property owners; and
 - C. The property owner has documented that the Washington County Museum, and another appropriate agency or organization such as the Historic Preservation League of Oregon has been offered the opportunity to salvage and record the resource.
- 373-6.10 Where relocation or demolition would otherwise be allowed under Sections 373-6.8 and 6.9, yet preservation of a resource on its present site is in the public interest and complies with the intent of Statewide Planning Goal 5, the review authority or the appeal authority may delay issuance of a permit to relocate or demolish the resource for up to one-hundred and twenty (120) days from the date of the final decision to allow for public or private acquisition of the site which would result in preservation of the resource.

373-7 Exemptions

Pursuant to ORS 197.772(3) the Director, through a Type I procedure, shall allow a property owner to be exempt from Section 373 of the historic and cultural resource overlay district. While this provision exempts the property from the requirements of Section 373, it does not remove the designation. The designation may be removed through the procedures of Section 373-11.

373-8 Building Code Requirements

- 373-8.1 Any alteration or relocation of a historic or cultural resource shall be subject to the applicable regulations under the Uniform Building Code.
- 373-8.2 As provided in Section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a historic or cultural resource may be made without conformance to all the requirements of the Uniform Building Code when authorized by the building official, provided:
- A. Any unsafe conditions as described in the Uniform Building Code are corrected;
 - B. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and
 - C. The building official seeks the advice of the Oregon State Historic Preservation Officer, or designee.

In the case of appeals related to the application of the Uniform Building Code to a historic or cultural resource, the County Building Code appeals board or the appropriate State appeals board shall seek the advice of the State Historic Preservation Officer.

373-9 Partitions and Subdivisions

When considering the partition or subdivision of a parcel of land which is the site of a designated historic or cultural resource, the Review Authority shall not allow a significant feature of the original site, as identified in the County Inventory, to be located on a separate parcel from the resource.

373-10 Uses Allowed

Allowed uses of an Historic and Cultural Resource within a designated Historic and Cultural Resource Overlay District shall be the same as those allowed in the primary district. However, with the exception of the EFU, EFC and AF-20 districts, other uses may be permitted by the Review Authority through a Type III procedure as an extraordinary method to preserve or improve a resource which would probably not be preserved or improved otherwise. In the EFU, EFC and AF-20 Districts home occupations as defined by and meeting the criteria of ORS 215.448 may be permitted through a Type III procedure in a designated historic building or structure. Uses which would not be allowed in the primary district shall be conditioned by the Review Authority to minimize any adverse impacts on neighboring properties.

373-11 Removal of Designation

Unless revoked, the Historic and Cultural Resource Overlay District Designation may be removed only through a Plan Amendment process (through a Type III or Type IV procedure). The designation may be removed only upon substantial evidence that:

- 373-11.1 A property owner has requested removal of the designation pursuant to ORS 197.772; or
- 373-11.2 The original designation was in error; or
- 373-11.3 The resource has ceased to exist or is no longer of significance to the public, based on reevaluation of the criteria for a listing in the Cultural Resources Inventory under Comprehensive Framework Plan Policy 11, strategy a. or Rural/Natural Resource Plan Policy 13, Strategy a.; or
- 373-11.4 The economic, social, environmental and energy (ESEE) consequences of protection of the resource substantially exceed the ESEE consequences of allowing the conflicting use or activity. As an element of the ESEE analysis, evidence and findings necessary to demonstrate economic burden shall be as described in Section 373-4.3.

If the Review Authority only finds evidence of the criterion in 373-11.4, it may continue the hearing on the matter to a date certain no longer than one-hundred and eighty (180) days from the date the application was accepted. During this period, the County shall explore all reasonable means of protecting the resource, including exploring informational and financial assistance for the property owner or public or

private acquisition and/or relocation. If, by the second hearing date a means of assuring the protection of the resource has not been found, and the application has not been withdrawn, it shall be approved. If demolition of the resource is intended, conditions of approval shall be that: (1) the property owner documents that the Washington County Museum and another appropriate agency or organization such as the Historic Preservation League of Oregon have been given the opportunity to salvage and record the resource; and (2) the applicant shall demolish the resource, after obtaining necessary permits, within 180 days of final approval. If the demolition does not occur within that period, the County may initiate revocation of its action to remove the Overlay District, pursuant to Section 201-7.1.

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375 TRANSIT ORIENTED DISTRICTS

375-1 Intent and Purpose

The intent of the transit oriented districts is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately one-half mile of light rail transit stations, within one-quarter mile of existing and planned primary bus routes and in town centers and regional centers.

The purpose of the transit oriented districts is to limit development to that which (1) has a sufficient density of employees, residents or users to be supportive of the type of transit provided to the area; (2) generates a relatively high percentage of trips serviceable by transit; (3) contains a complementary mix of land uses; (4) is designed to encourage people to walk; ride a bicycle or use transit for a significant percentage of their trips.

375-2 Transit Oriented District Names and Acronyms

The following are the transit oriented districts, by name and acronym, addressed by this Section:

Transit Oriented Residential District, 9-12 units per acre (TO:R9-12)

Transit Oriented Residential District, 12-18 units per acre (TO:R12-18)

Transit Oriented Residential District, 18-24 units per acre (TO:R18-24)

Transit Oriented Residential District, 24-40 units per acre (TO:R24-40)

Transit Oriented Residential District, 40-80 units per acre (TO:R40-80)

Transit Oriented Residential District, 80-120 units per acre (TO:R80-120)

Transit Oriented Retail Commercial District (TO:RC)

Transit Oriented Employment District (TO:EMP)

Transit Oriented Business District (TO:BUS)

Throughout the remainder of this Section, individual transit oriented districts will be referenced by acronym rather than name.

375-3 Definitions

As used in this Section, the words listed below have the following meaning:

375-3.1 Bulk Product Sales A retail or wholesale-to-the-public use that sells primarily institutional sized or multi-pack products in bulk quantities.

375-3.2 Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.

- 375-3.3 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.
- 375-3.4 Floor Area Ratio The amount of enclosed gross floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of .5 means one square foot of floor area for every two square feet of site area (e.g., 20,000 square feet of floor area for a site area of 40,000 square feet).
- 375-3.5 Floor Area, Gross The sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. but excluding any space where the floor-to-ceiling height is less than six feet, as well as nonhabitable basement areas and structure floors devoted to parking.
- 375-3.6 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 375-3.7 Interior Yard The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
- 375-3.8 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is or will be sited facilities related to a light rail transit stop (e.g., the station platform, a park and ride lot, entry roads, bus stops, etc.) as determined by the Review Authority after reviewing documents including:
- A. The approved development plans for the station; and
 - B. The most recent engineering drawings issued by Tri-Met.
- 375-3.9 Neighborhood Park A public park no greater than three acres in size, excluding unbuildable lands set forth in Section 300-3.1 A. through F., containing recreational facilities such as playground equipment, ball courts, swimming pools, etc.
- 375-3.10 Park and Ride Lot A parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.
- 375-3.11 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 375-3.12 Retail Business Include businesses such as variety, hardware, drug, dry goods, clothing, book, office supply and similar stores, as well as eating and drinking establishments.
- 375-3.13 Site Coverage The part of a development site occupied by buildings. Parking structures do not qualify as buildings except where the first floor of a parking structure is in retail or office use.
- 375-3.14 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

375-4 Permitted Uses and Review Procedures

Uses that are permitted in each of the transit oriented districts are described in Table A. The procedure through which uses may be permitted is also specified in Table A.

375-4.1 Uses Which May be Permitted Through a Type I Procedure

Type I uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards, and Guidelines) and all other applicable standards of the Code. If a Type I use does not follow all of the applicable minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

375-4.2 Uses Which May be Permitted through a Type II Procedure

Type II uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. If a Type II use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use, shall be required to demonstrate compliance with the applicable design principles or standards in Section 431, and shall not be subject to Section 403-3.1.

375-4.3 Uses Which May be Permitted through a Type III Procedure

Type III uses are permitted subject to the specific standards for the use set forth in Table A and in applicable Special Use Sections of Section 430, as well as the general standards for the applicable District, the Development Standards of Article IV, including Section 431 (Transit Oriented Design Principles, Standards and Guidelines) and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Uses that are identified as a Type III use in Table A (not including Type I or II uses that do not follow the design standards in Sections 431 as described in Sections 375-4.1 and 375-4.2) may either follow the design standards in Section 431 or demonstrate compliance with the design principles in Section 431.

375-4.4 Transit Oriented Development Review Committee

- A. The Director shall establish a Development Review Committee to act in a technical advisory capacity for the review of all Type II and Type III development applications in transit oriented districts.
- B. The Development Review Committee shall consist of representatives of all Type II and Type III affected Department of Land Use and Transportation divisions and Department contractors, appropriate County departments and other appropriate or affected agencies.

- C. It shall be the duty of the Development Review Committee to review all development applications in transit oriented districts for completeness and conformance to the applicable requirements of this Code, the applicable Community Plan, and the Transportation Plan. The Development Review Committee shall make recommendations to the Review Authority about an application's conformance with the applicable review requirements.

375-5 Prohibited Uses

- 375-5.1 Uses in each of the transit oriented districts that are identified in Table A as a prohibited use.
- 375-5.2 Structures or uses not specifically authorized by the applicable transit oriented district, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2.
- 375-5.3 New Facility 3 and 4 Communication Towers.
- 375-5.4 New Broadcast Towers.
- 375-5.5 Telecom Hotels.

375-6 Change or Expansion of Existing Uses or Structures

- A. Uses prohibited in a transit oriented district that were lawfully in existence at the time of application of the district are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.
- B. All other uses and structures that were lawfully in existence at the time of application of the transit oriented district may be expanded upon findings that the proposed expansion complies with the development standards in this Section and Section 431, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

Notwithstanding the above, future expansions shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of application of the transit oriented district, unless a master plan is prepared by the applicant and approved by the County which describes how additional development on the site will achieve, through phases if necessary, full

compliance with all applicable standards and provisions of this Code and the applicable community plan.

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

The following use or design limitations apply where specified in Table A:

1. The total gross floor area of commercial uses on a development site in the TO:BUS District shall not exceed forty (40) percent of the total gross floor area of all development on the development site, excluding floor area for hotels and associated conference rooms.
2. The total gross floor area of commercial uses on a development site in the TO:EMP District shall not exceed twenty (20) percent of the total gross floor area of all development on the development site.
3. Commercial uses shall be permitted in the TO:R24-40, TO:R40-80 and TO:R80-120 Districts through a Type III procedure only if:
 - (1) It can be demonstrated they primarily serve adjacent residences and offices;
 - (2) They are located on the first floor of a multi-story building; and
 - (3) The proposed site is located at the intersection of an Arterial street and a Collector street, an Arterial street and a Special Area Collector, an Arterial street and a Special Area Commercial Street, a Special Area Collector and a Collector, or a Special Area Collector and a Special Area Neighborhood Route; or

The proposed site is located on an Arterial, a Collector, a Special Area Collector, a Special Area Commercial Street, or a Special Area Neighborhood Route and is located across the street from lands designated either TO:RC or TO:BUS.

When all these criteria are met, up to ten (10) percent of the total gross floor area of a development, not exceeding ten-thousand (10,000) square feet, may be used for commercial uses.

4. Commercial uses in the TO:EMP District over five-thousand (5,000) square feet in gross floor area shall primarily serve employees of existing uses in the district. This means the review authority must find, based on evidence, that it is likely that at least fifty (50) percent of the projected customers of a proposed commercial use over five-thousand (5,000) square feet in gross floor area in the TO:EMP district will be employees of businesses located on the same property or adjacent properties.
5. Food markets in the TO:RC District shall be subject to the following size limitations:
 - (1) Food markets encompassing up to fifty-thousand (50,000) square feet in gross floor area shall be reviewed through, at minimum, the Type II procedure.

- (2) Food markets encompassing between fifty-thousand and one (50,001) and seventy-five-thousand (75,000) square feet in gross floor area shall be reviewed through the Type III procedure.
6. Hotels in the TO:RC District shall have their sleeping quarters and meeting rooms only on the second floor and above.
7. Service stations shall be subject to the standards of Section 430-123. Additionally, service stations within two-thousand six-hundred (2,600) feet of a light rail station platform shall only be allowed within a multi-story structure that has a total gross floor area that is at least twice the first floor gross floor area. Service bays shall not be visible from an adjacent public street.
8. Short term commercial parking facilities shall rent parking spaces for occupancy by the hour. They shall only be allowed within a multi-story structure that has a total gross floor area that is at least twice the first floor gross floor area.
9. Commercial schools in the TO:RC District shall not exceed ten-thousand (10,000) square feet in gross floor area.
10. Theaters in the TO:BUS District shall meet the following development standards:
 - (1) Ground coverage for the theater building shall not exceed seventy-thousand (70,000) square feet; and
 - (2) The theater building shall not contain more than three-thousand five-hundred (3,500) seats for viewing.
11. The total gross first floor area of office uses on a property in the TO:RC District shall not exceed fifty (50) percent of the total gross first floor area of all existing uses on the property.
12. Where specified in a community plan, the percentage of gross floor area occupied by office uses in the TO:BUS District may be limited.
13. Office uses are permitted in the TO:R40-80 and TO:R80-120 Districts if located to allow shared parking with residences. The total gross floor area of office uses on a property in the TO:R40-80 District shall not exceed fifty (50) percent of the total gross floor area of all development on the property at build-out of an approved master plan, except where further limited by the applicable community plan. The total gross floor area of office uses on a property in the TO:R80-120 District shall not exceed twenty-five (25) percent of the total gross floor area of all development on the property.
14. Attached dwelling units (i.e., condominiums, apartments) and group residences are only allowed on the upper floors of non-residential buildings (i.e., retail uses) in the TO:RC District. Residential uses shall not be permitted as stand alone uses (i.e., structures). Residential uses shall, however, be allowed to be located on the upper floors of a parking structure designed to also serve a mixed-use transit oriented retail commercial or business development.

15. Townhouses, rowhouses, apartments, and group residences, are allowed in the TO:BUS District. As specified in the applicable community plan, a minimum number of dwelling units or amount of residential development may be required on a site designated TO:BUS.
16. Warehouses are permitted in the TO:EMP District only if used for storing materials or products needed in or a product of a manufacturing process occurring on site, or in the maintenance and operation of on-site facilities.
17. The storage and maintenance of equipment and material used in the construction and maintenance of capital improvements such as water and sewer lines, park and recreation facilities, and schools, may occur in conjunction with administrative offices if such storage and maintenance occurs beyond one-thousand three-hundred (1,300) feet of a light rail station platform, and if the minimum floor area ratio standard for the site has been met or can be met upon build-out of an approved master plan.
18. The gross floor area of institutional uses on a property in the TO:BUS District shall not exceed ten (10) percent of the total gross floor area of all development on the property.
19. Churches in the TO:RC, TO:BUS and TO:EMP Districts shall share all needed parking with other uses. Churches in the TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts shall be located on sites that do not exceed seven (7) acres in size.
20. Elementary (primary) schools in the TO:R9-12 and TO:R12-18 Districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2) acres used by the school for play equipment, covered play areas and play fields may be subtracted from gross site acreage. Elementary schools shall comply with the standards of Section 430-121, except where there are conflicts with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
21. Special recreation uses in transit oriented districts shall be located on sites that do not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards, up to two (2) acres of the special recreation use site that qualifies as common open space, as defined in Section 431-3.3, may be subtracted from gross site acreage. Special recreation uses in transit oriented districts shall offer several different recreation facilities (e.g., tennis courts, swimming pool, handball courts, and fitness equipment on one site) rather than providing only one (1) type of recreation facility such as a soccer field complex or a large water park. Special recreation uses in transit oriented districts shall comply with the standards of Section 430-131, except where there is a conflict with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
22. Accessory recreation uses are accessory and incidental to a residential development and provided for the service and convenience of the residents of the development. Accessory recreation uses to a residential development include the following facilities:

- (1) Clubhouse;
 - (2) Meeting hall;
 - (3) Day care center-Section 430-53.2;
 - (4) Recreation center;
 - (5) Gymnasium; and
 - (6) Indoor swimming pool.
- 23.a. Accessory uses and structures, as defined in Section 430-1, shall be permitted in all TO Districts subject to the provisions of Section 430-1.
- 23.b. Accessory outdoor seating related to the principal eating or drinking establishment use may be permitted, provided that the outdoor space is placed within a common open space and does not occupy public sidewalks. Sidewalks may be utilized for accessory outdoor seating if they meet the unobstructed width standards set forth in Section 431-5.1 B.(4) and approval is obtained from the Operations Division Manager. In addition, the area devoted to the accessory outdoor seating does not exceed:
- (1) an area greater than the equivalent of fifteen (15) percent of the dining, drinking, or both floor area; or
 - (2) seven-hundred and fifty (750) square feet.
- If outdoor dining is to exceed either fifteen (15) percent of the dining, drinking, or both floor area or seven-hundred and fifty (750) square feet, the additional area in excess of seven-hundred and fifty (750) square feet must provide additional parking at a ratio as provided by the appropriate zoning district. (NOTE: The area devoted to accessory outdoor seating areas may be excluded from the development's total gross floor area for purposes of determining compliance with the FAR requirements.)
24. Type I temporary uses and structures, as defined in Section 430-135.1, shall be allowed in all TO Districts subject to the provisions of Section 430-135.1.
25. Type I home occupations, as defined in Section 430-63, shall be allowed in all TO Districts subject to the provisions of Section 430-63.1.
26. Telecommunication facilities, excluding those identified in Section 375-5, shall be allowed subject to the applicable provisions of Section 430-109.
27. When permitted in Transit Oriented Districts, group care facilities, including day care facilities, shall be subject to the provisions of Section 430-53, except that where in conflict, the dimensional and density requirements of this district shall supersede the dimensional requirements of Section 430-53.

28. Elementary (primary) schools in the TO:EMP District shall be located on an approved master plan development site occupied in common with the primary use in a campus development as defined by Section 431-3.3. The portion of the master plan development site occupied by the elementary school shall not exceed seven (7) acres in size. For purposes of calculating compliance with minimum floor area ratio standards of the TO:EMP District, up to two (2) acres used by the school for play equipment, covered play areas and play fields may be subtracted from gross site acreage. Elementary schools in the TO:EMP District shall comply with the standards of Section 430-121, except where there are conflicts with the provisions of this section and Section 431, the standards of this section and Section 431 shall control.
29. Mid-rise apartments in the TO:R18-24 District shall not exceed the maximum building height standard for the district, and shall comply with density transition standards for the district described in Section 431-8.2 D.
30. One (1) detached dwelling may be allowed on an existing lot or parcel, that was approved through a subdivision or partition plat for the construction of a detached dwelling, provided that the lot or parcel does not exceed ten-thousand (10,000) square feet in area.
31. Where specified in a Community Plan, outdoor storage and display of plants in conjunction with a retail nursery/garden center shall be allowed through a Type II process.
- 32.a. A Retirement Housing Community, as defined in Section 430-53.7, may be permitted through a Type II or III procedure pursuant to Table A: Permitted and Prohibited Uses in Transit Oriented Districts, if the Retirement Housing Community use and location are specified in a Community Plan and permitted by an Area of Special Concern.
- 32.b. A modification to the maximum building height provision of Table B: Dimensional Requirements for Transit Oriented Districts, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:
 - (1) The Retirement Housing Community achieves ninety (90) percent of the maximum density allowed by the applicable land use district;
 - (2) Eight-five (85) percent of the community's parking is provided within an above-ground or below-ground parking structure; and
 - (3) The visual impact of the additional building height is mitigated by the site's unique physical attributes such as changes in topography or significant stands of large trees.
- 32.c. A modification to the maximum front yard setback provision of Table B: Dimensional Requirements for Transit Oriented Districts, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:

- (1) The community achieves ninety (90) percent of the maximum density allowed by the applicable land use district;
- (2) Those setback areas which require a modification are designed and built to be enhanced and energized urban streetscapes that encourage interaction among residents of the development and adjoining neighborhoods. Pedestrian amenities and areas that are urban in nature, rather than suburban, are integral elements of the enhanced streetscape design. Amenities such as public plazas, sitting areas, covered walkways, public art, pedestrian scaled lighting, and significant water features (e.g., creek and fountain) are incorporated within the urban streetscape and are proportionately scaled to the surrounding walkways, landscaping and buildings. Required vehicular accessways are not considered to be elements of the urban streetscape although they may be located within the front yard setback area and may cross or be located adjacent to the urban streetscape;
- (3) Buildings are located as close to the edge of the urban streetscape as practicable given final topographic contours and the location and size of vehicular accessways;
- (4) The urban streetscape, excluding any vehicular accessway, is limited in width to forty (40) feet along the frontage of one-third (1/3) of the above-ground buildings;
- (5) Landscaping within the setback area includes a mixture of deciduous and evergreen trees, low shrubs and groundcover that allow for clear views from the public right-of-way through the setback area to the building frontages. The use of high shrubs and evergreen trees that function as screens shall be minimized to allow for clear views through the landscaped areas; and
- (6) A variety of pedestrian areas and amenities are provided at regular intervals along the street frontage and throughout the setback area to facilitate public interaction between the Retirement Housing Community residents, residents from adjoining neighborhoods, visitors and staff. These pedestrian areas and amenities include:
 - (a) An equal amount of active and passive pedestrian areas are provided where the public can meet and interact. A variety of hard surfaces (e.g., wood, textured concrete, brick, and gravel) are used throughout these pedestrian areas; and
 - (b) The following pedestrian amenities are included:
 1. Two (2) outdoor plazas;
 2. Sitting areas with benches, furniture and low planter walls;
 3. Pedestrian walkways through the urban streetscape that connect buildings directly to the urban streetscape and street;

4. Pedestrian-scaled lighting; and
5. Covered walkways connecting buildings to the street through the use of structures such as arcades, arbors, colonnades, or breezeways.

32.d. A modification to the requirements of Section 431-6.1 allowing off-street surface parking lots to be located in places other than the side or rear of buildings, may be approved for a Retirement Housing Community through a Type III procedure based on findings that:

- (1) A maximum of fifteen (15) percent of the parking spaces provided within the Retirement Housing Community are located within off-street surface parking lots;
- (2) Off-street surface parking lots are small in size to mitigate visual impacts and include a maximum of forty (40) parking spaces;
- (3) The visual appearance of such surface parking lots is enhanced with landscape features (e.g., street trees, arbors, and water features) and pedestrian amenities (e.g., covered walkways, sitting areas); and
- (4) On-street parking is provided on the street in front of the site.

375-8 Dimensional Requirements for Transit Oriented Districts

Dimensional requirements for development in each of the transit-oriented districts are specified in Table B.

375-9 Density Requirements for Transit Oriented Districts

Density requirements for development in each of the transit-oriented districts are specified in Table C.

375-10 Development Standards for Transit Oriented Districts

In addition to the requirements of this district, the standards of Article IV - Development Standards, including Section 422 (Significant Natural Resources), are applicable as required by Section 403-3.

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Commercial Uses:		(1)	(2)				(3)	(3)	(3)
Retail Business ≤ 5,000 sq. ft. floor area (23.b.)	II	II	II	N	N	N	III	III	III
Retail Business > 5,000 sq. ft. floor area	II	II	III (4)	N	N	N	N	N	N
Food Market (5)	II or III	II	N	N	N	N	N	N	N
Bulk Product Sales	N	N	N	N	N	N	N	N	N
Hotels	II (6)	II	II	N	N	N	N	N	N
Motels	N	N	N	N	N	N	N	N	N
Service Stations (7)	II	II	II	N	N	N	N	N	N
Car Washes	N	N	N	N	N	N	N	N	N
Storage Facilities (e.g., mini-warehouses, vehicle storage)	N	N	N	N	N	N	N	N	N
Short-Term Commercial Parking Facility	N	II (8)	N	N	N	N	N	N	N
Kennels	N	N	N	N	N	N	N	N	N
Commercial Schools (e.g., vocational, music, dance)	II (9)	II	II	N	N	N	N	N	N
Vehicle Rental Without Storage Facilities	II	II	N	N	N	N	N	N	N
Theaters (not including drive-in theaters)	N	II (10)	N	N	N	N	N	N	N
Expansion of a Type II or III use	I	I	I	N	N	I	I	I	I
Change of use for a Type II or III use	I	I	I	N	N	I	I	I	I
Storage of materials and display of merchandise outdoors	N (31)	N	N	N	N	N	N	N	N

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

DISTRICT									
USE	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Office Uses:	(11)	(12)						(13)	(13)
Professional Offices	II	II	II	N	N	N	N	II	II
Financial, Insurance, Real Estate Office	II	II	II	N	N	N	N	II	II
Medical Offices and Clinics	II	II	II	N	N	N	N	II	II
Veterinary Offices Without Outdoor Kennels	II	II	II	N	N	N	N	N	N
Service Businesses (e.g., collection agencies, business management services)	II	II	II	N	N	N	N	II	II
Administrative Offices	II	II	II	N	N	N	N	II	II
Expansion of a Type II or III use	I	I	I	N	N	N	N	I	I
Change of use for a Type II or III use	I	I	I	N	N	N	N	I	I
Residential Uses	(14)	(15)							
Detached Dwellings (30)	N	N	N	II	II	II	N	N	N
Duplexes and Tri-Plexes	N	N	N	II	II	II	N	N	N
Townhouses and Rowhouses	N	II	N	II	II	II	II	II	II
Manufactured Homes	N	N	N	II	II	II	N	N	N
Low-Rise Apartments (1-2 stories)	II	II	N	N	II	II	II	II	II
Mid-Rise Apartments (3-5 stories)	II	II	N	N	N	II (29)	II	II	II
High-Rise Apartments (6+ stories)	II	II	N	N	N	N	II	II	II
Day Care Facility - Section 430-53.2 (27)	II	II	II	II	II	II	II	II	II

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Residential Uses (continued):									
Group Care – Sections 430-53.1 and 430-53.4 (27)	II	II	N	II	II	II	II	II	II
Group Care - Section 430-53.7 (32.a.)	N	N	N	II	II	II	II or III (32.b.-d.)	II	II
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Accessory Dwelling Units (Section 430-117.2)	N	N	N	II	II	N	N	N	N
Industrial Uses:									
Manufacturing	N	N	II	N	N	N	N	N	N
Research and Development	N	N	II	N	N	N	N	N	N
Warehouses	N	N	II (16)	N	N	N	N	N	N
Equipment Storage	N	N	II (17)	N	N	N	N	N	N
Expansion of a Type I or III use	N	N	I	N	N	N	N	N	N
Change of use for a Type II or III use	N	N	I	N	N	N	N	N	N
Institutional Uses:									
Hospitals	N	N	N	N	N	N	N	N	N
Churches (19)	II	II	III	III	III	III	III	III	III
Elementary Schools (20)	N	N	N	III	III	N	N	N	N
Schools (middle, high, colleges)	N	N	N	N	N	N	N	N	N
Public Buildings	III	III	III	III	III	III	III	III	III
Expansion of a Type II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type II or III use	I	I	I	I	I	I	I	I	I

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Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Parks:									
Regional	N	N	N	N	N	N	N	N	N
Community	N	N	N	N	N	N	N	N	N
Neighborhood - Sections 430-95 and 97	I or II	I or II	I or II	I or II	I or II	I or II	I or II	I or II	I or II
Special Recreation Uses (21)	III	III	III	III	III	III	III	III	III
Accessory Recreation Uses (22)	II	II	II	II	II	II	II	II	II
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Accessory, Secondary and Temporary Uses and Structures:									
Accessory Uses and Structures (23.a. and 23.b.)	II	II	II	I	I	I	I	I	I
Temporary Uses and Structures (24)	I	I	I	I	I	I	I	I	I
Home Occupations (25)	N	N	N	I	I	I	I	I	I
Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3(26)	I	I	I	I	I	I	I	I	I
Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4(26)	I	I	I	I	I	I	I	I	I

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Accessory, Secondary and Temporary Uses and Structures:									
Facility 2 communication towers greater than one-hundred (100) feet and up to two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109(26)	II	II	II	N	N	N	N	N	N
Facility 2 communication towers greater than two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109(26)	III	III	III	N	N	N	N	N	N
Expansion of a Type I, II or III use	I	I	I	I	I	I	I	I	I
Change of use for a Type I, II or III use	I	I	I	I	I	I	I	I	I
Elementary Schools Accessory to a Campus Development (28)	N	N	II	N	N	N	N	N	N

- I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.
- II = Permitted through a Type II process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.
- III = Permitted through a Type III process.
- () = Use or design limitation(s) specified in Section 375-7.
- N = Prohibited.

Table B. Dimensional Requirements for Transit Oriented Districts

DEVELOPMENT DIMENSION	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum Lot Area	None	None	None	2000 sq. ft.	2000 sq. ft.	None	None	None	None
Minimum Average Lot Width	None	None	None	24 feet	20 feet	None	None	None	None
Minimum Average Lot Depth	None	None	None	60 feet	60 feet	None	None	None	None
Minimum Building Height: - within 1300' of a station platform or within a Regional Center	20 feet	20 feet	None	None	None	None	None	None	None
- beyond 1300' from a station platform	None	None	None	None	None	None	None	None	None
- within a designated Town Center Core, as defined by an adopted Community Plan	20 feet at street corners	20 feet	None	None	None	None	None	None	None
- within a designated Town Center but outside a Town Center Core, as defined by an adopted Community Plan	None	None	None	None	None	None	None	None	None
Maximum Building Height (B)	60 feet	80 feet (A)	80 feet	40 feet	40 feet	50 feet	60 feet (F)	80 feet	80 feet
Yard Depth									
- frontage minimum (C)	None	None	None	10 feet	10 feet	10 feet	None	None	None
- frontage maximum (D)	10 feet	10 feet	None	15 feet	15 feet	15 feet	10 feet (G)	10 feet	10 feet
- interior minimum (E)	None	None	None	None	None	None	None	None	None
- interior maximum	None	None	None	None	None	None	None	None	None

- (A) Except where a community plan specifies a higher maximum height.
- (B) Where a building fronts on a pedestrian street, a ten (10) foot setback from the front façade is required for all floors above the third. Normal building appurtenances and projection such as spires, belfries, cupolas, chimneys, ventilators, elevator housings or other roof-mounted structures may extend above the height limit. Building height may be limited pursuant to Section 431-8.
- (C) Except as necessary to comply with Section 418, accommodate utility lines and easements.
- (D) Required maximum frontage yard dimensions: (1) shall apply to at least 50% of the first floor of a building facing a pedestrian street, as defined in Section 431-3.8; and (2) may be exceeded where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transportation operations.
- (E) No minimum interior yard setback is required for transit oriented district except as necessary to comply with the screening and buffering standards of Sections 411 and 431 and the standards of the Uniform Building Code or the Conference of American Building Officials (CABO) Code, whichever is applicable.
- (F) A modification to the maximum building height may be approved subject to Section 375-7.32.b. Such modification may exceed the required sixty (60) foot building height maximum by no more than fifty (5) feet for a total of one hundred-ten (110) feet.
- (G) A modification to the maximum front yard depth may be approved subject to Section 375-7.32.c.

Table C. Density Requirements for Transit Oriented Districts

Required minimum and maximum development density for transit oriented districts are shown below. Densities are in terms of dwelling units per acre (d.u./ac.) for residential development, except group care uses (see Section 430-53), or floor area ratio (FAR) for mixed use or nonresidential development. Required densities are applicable to a development site after subtracting any unbuildable portion of a lot that is within one of the areas identified in Section 300-3.1 H. A transfer of density from an unbuildable portion of a lot to another area shall be permitted pursuant to Section 300-3.

Minimum density requirements may be satisfied through build-out of an approved phased Master Plan.

DENSITY REQUIREMENTS	DISTRICT								
	TO:RC (3)	TO:BUS (3)	TO:EMP	TO:R9-12	TO:R12-18	TO:R18-24	TO:R24-40	TO:R40-80	TO:R80-120
Minimum: - Within 1,300' of station platform or within a Regional Center	.5 FAR	.5 FAR (1)	.5 FAR	9 d.u./ac. or .35 FAR (2)	12 d.u./ac. or .5 FAR (2)	18 d.u./ac. or .5 FAR (2)	24 d.u./ac. or .65 FAR (2)	40 d.u./ac. or .8 FAR (2)	80 d.u./ac. or 1.0 FAR (2)
- Between 1,300' and 2600' from station platform	.35 FAR	.5 FAR	.35 FAR	same	same	same	same	same	same
- Beyond 2,600' from station platform	.25 FAR	.35 FAR	.35 FAR	same	same	same	same	same	same
- Within a Town Center Core, as defined by an adopted Community Plan	.35 FAR	.5 FAR	same	same	same	same	same	same	same
- Within a Town Center but outside a Town Center Core, as defined by an adopted Community Plan	.25 FAR	.35 FAR	same	same	same	same	same	same	same
Maximum: - Within 1,300' of station platform or within a Regional Center	None (2)	None (2)	None (2)	12 d.u./ac. (No FAR)	18 d.u./ac. (No FAR)	24 d.u./ac. (No FAR)	40 d.u./ac. (No FAR)	80 d.u./ac. (No FAR)	120 d.u./ac. (No FAR)
- Beyond 1,300' from station platform	None (2)	None (2)	None (2)	same	same	same	same	same	same

- (1) Within 1,300' of a transit center, the minimum density for development shall be 1.0 FAR.
- (2) If non-residential or mixed-use development is proposed in excess of the minimum FAR standard, the applicant shall demonstrate that the transportation system serving the development site has adequate planned capacity to accommodate additional site-generated traffic, consistent with the County's adopted level of service standard.
- (3) The total square footage (FAR) of the residential component of a mixed-use development may be counted towards the minimum required FAR provisions of this section for mixed-use developments, provided that the total square footage of the residential component does not exceed 50-percent of the non-residential floor area requirement.

377 SPECIAL INDUSTRIAL OVERLAY DISTRICT (SID)

377-1 Purpose and Intent

377-1.1 The purpose of the Special Industrial Overlay District is:

- A. To protect and enhance development opportunities for industrial uses which may require large sites in a planned campus industrial park setting;
- B. To provide the opportunity for small and medium size industrial uses to locate in proximity to large single user industrial uses;
- C. To provide an opportunity for the market place to demonstrate actual development through the industrial lot size requirements demanded by industrial uses;
- D. To preserve large lots for single major industrial uses until such a time as there is no demonstrated demand or need for such large lots.

377-1.2 The intent of the Special Industrial Overlay District is to recognize the need to provide large lots for single major industrial uses while recognizing that small and medium sized industrial uses may require siting in proximity to large uses in order to service such large uses. Additionally, the Special Industrial Overlay District recognizes the potential employment growth opportunities of small and medium industrial uses and provides a stable planned campus industrial park atmosphere which may accommodate such firms as employment and site size requirements change through time.

377-1.3 For the above reasons, development in the Special Industrial Overlay District is limited to the following categories of mutually compatible uses which require a park-like setting:

- A. High technology, light manufacturing, research and development, processing, storage and distribution;
- B. Freestanding offices, under Sections 377-5.2 and 377-5.3 only; and
- C. Planned industrial parks containing light manufacturing uses and related service and trade activities.

377-2 Terms and Definitions

For the purposes of this Overlay District (Section 377), the following definitions shall apply:

377-2.1 Special Industrial Overlay District

An overlay district which may be applied in addition to the industrial designation in which additional provisions apply for the purpose of creating a unique setting.

377-2.2 SID Process

The procedure, as codified in the Special Industrial Overlay District Section, whereby tiers are established within the overlay district.

377-2.3 Committed Development

- A. An arms length transfer of ownership, or a lease or build-to-lease agreement between two (2) legal entities based upon fair market value, including term of payment, and not for the purposes of circumventing the requirements of this Code.
- (1) Fair market value will be based on demonstration by the applicant of the value of three comparable planned and designated industrial sites, comparable in size, services and natural features. The fair market value of the applicant's site must prove to be within twenty-five (25) percent of the average value of the three comparable sites; or
 - (2) For ground-lease arrangements or the transfer of ownership on lots of thirty (30) acres or greater, committed development may be demonstrated based upon the appraisal of real property. The appraisal shall be performed within the following conditions:
 - (a) Washington County shall make available to the applicant a list of three (3) M.A.I. certified appraisers;
 - (b) The applicant shall select one (1) from the list provided;
 - (c) Washington County shall contract the appraiser for the purposes of demonstrating compliance with the terms of Committed Development;
 - (d) The applicant shall reimburse Washington County for costs incurred on the appraisal.
 - (3) Approval of a Building Siting and Architectural Design application under the requirements of Section 406 of this Code that demonstrates full commitment of the subject area to complete urban development consistent with the provisions of the SID such that no further parcelization is or will be required.
- B. The applicant may prove committed development, by demonstrating that the area has been physically improved, by providing copies of building permits for allowed buildings where such buildings demonstrate full commitment of the subject area to complete urban development consistent with the provisions of the SID such that no further parcelization is or will be required.

377-2.4 Tier

An area of land within a Special Industrial Overlay District delineated in the Master Plan-Site Analysis process and designated for a certain level of development activity according to prescribed conditions within the overlay district.

377-2.5 Industrial Park

A planned industrial development designed as a coordinated environment for a variety and mix of industrial and industrial support uses, having a comprehensive development plan which ensures compatibility among uses and with adjacent properties, which occurs on a parcel or adjacent parcels under single ownership or development control.

377-2.6 Gross Area

The total land area within the SID boundary, including development which existed prior to the establishment of the district, expressed in acres or fractions thereof.

377-2.7 Net Buildable Area

The total land area within the SID, excluding present and future rights-of-way, restricted hazard areas, public open space, flood plain, bodies of water, and restricted resource protection areas, expressed in acres or portions thereof.

377-3 Designation of Special Industrial Overlay District

The Special Industrial Overlay District shall be designated on the community plan maps through the community planning process, through the plan update process or through a plan amendment under the policies and criteria set forth in the Comprehensive Framework Plan.

377-4 Standards

These standards apply in addition to the general provisions of the Industrial District.

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

377-4.2 Prior to the issuance of any development permit, the Master Plan-Site Analysis must be processed and approved for the entire SID. The Master Plan-Site Analysis is to be considered a schematic commitment of three (3) tier types to certain levels of use and minimum lot size. It does not require the legal partitioning of the three (3) tiers into three (3) lots, nor does it require the subdivision of lots with the tiers until such a time as development occurs.

A. This does not, however, preclude an applicant from submitting a Master Plan-Site Analysis for the SID which would include all possible tiers. Where such a Plan is submitted and approved, all remaining tiers shall be processed under a Type I procedure as long as the subsequent application is consistent with the Plan initially approved. If an application is determined to be inconsistent with the initial plan approval, a Type II procedure shall be followed.

- B. The Master Plan, once approved, is binding on the property and development may occur only under the conditions of the SID provisions, regardless of ownership.
- C. All variances under Section 435 (Variances and Hardship Relief) are specifically prohibited in this district.

377-4.3 Within the SID, development shall conform to the following requirements regardless of ownership pattern. Development within the SID may occur under only one (1) of the following two (2) options:

A. Option A - Thirty (30) Acre Minimum Lot Size:

Through the Site Analysis, processed as a Type II procedure, lots may be partitioned or subdivided to a thirty (30) acre minimum lot size for the use of a single major industrial user, a user which requires or will ultimately require a total of at least thirty (30) acres for its operation. Uses permitted on such parcels are those listed in Sections 377-5.1 through 377-5.2. Industrial Parks are not permitted.

B. Option B - SID Process:

Under the utilization of this option, a Site Analysis shall be submitted for the entire area covered by the SID which shall be processed through a Type III procedure without the flexibility permitted under that process but instead with the flexibility permitted herein. The Site Analysis shall designate three (3) tiers as described in "C" below.

C. Descriptions:

(1) Tier I

A maximum twenty (20) percent of the initial gross acreage of the SID as delineated on the community plan map with a two (2) acre minimum lot size and uses permitted as listed in Sections 377-5.1, 377-5.2 and 377-5.3.

(2) Tier II

A maximum twenty (20) percent of the SID gross acreage with a minimum lot size of ten (10) acres and uses permitted as listed in Sections 377-5.1, 377-5.2 and 377-5.3.

(3) Tier III

A minimum sixty (60) percent of the SID with a thirty (30) acre minimum lot size and uses permitted as listed in Sections 377-5.1 and 377-5.2.

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

A. Committed Development Adjustment:

(1) Tier I

- (a) Following the development of sixty-seven (67) percent of the net acreage in Tier I, an applicant may initiate a petition to permit land division down to a five (5) acre minimum lot size in Tier II. Uses permitted shall continue as prescribed for Tier II.
- (b) The application shall be a Site Analysis application and shall be processed through a Type II procedure with the applicant demonstrating that the sixty-seven (67) percent development condition has been met and is in compliance with other applicable standards of this Code.

(2) Tier II

Following the development of sixty-seven (67) percent of the combined net acreage in Tier I and Tier II of the first SID, an applicant may petition for a second SID on any vacant area of fifty (50) acres or greater in Tier III. Such an application shall be made as a Site Analysis application and shall be processed through a Type II procedure unless previously approved under Section 377-4.2 A., then it shall be processed as a Type I. The burden of demonstrating that sixty-seven (67) percent development of Tier I and II has been met and is in compliance with the applicable standards of this Code rests on the applicant.

B. Additional Tiers:

The total number of times the SID process of creating new tiers may be applied is determined by the formula below:

$$\text{Formula: } \frac{\text{Gross Acreage of SID}}{50 \text{ Acres}} = \text{Maximum Number times the SID Process may be applied}$$

$$\text{Example: } \frac{210 \text{ Gross Acres}}{50 \text{ Acres}} = 4.2 \text{ Times}$$

Result: The SID process may be applied four (4) times in this Special Industrial District creating a potential total of 9 final tiers.

Note: If the formula results in a fraction 0.5 or above, an additional SID process may occur if the conditions in Section 377-4.4 C. can be met.

C. Final SID:

When the SID has been legally applied, and when in subsequent applications, Tiers I and II have been sixty-seven (67) percent or more developed, and when the option of going through one additional SID process to create an additional set of tiers remains except the remaining acreage in Tier III is less than the fifty (50) acre minimum required for application of an SID, then any vacant buildable land remaining in Tiers I and II from previous tier phases may be added to Tier III to

create a fifty (50) acre parcel for the application of an additional SID with the following limitations:

- (1) No more than a combined total of five (5) acres of vacant buildable land may be transferred from Tiers I and II of the previous phase for such purposes;
- (2) Land so transferred must be contiguous and incorporated into the overall design of the SID in a cohesive and comprehensive manner which lends itself to the orderly provision of services and creates compatible lotting patterns and uses of land; and
- (3) Such a transfer shall occur through a Type I lot line adjustment.

D. Expansion of Existing, Contiguous Industrial Development

- (1) When an existing, approved industrial use requires expansion to a contiguous area, and when such expansion can only occur on the last remaining thirty (30) acre parcel within the SID as a result of other contiguous areas being fully committed to development, the use of the last remaining thirty (30) acre parcel within the SID for industrial expansion will be permitted under the following conditions:
 - (a) Expansion must be from a contiguous, existing industrial development;
 - (b) The proposed expansion involves a single-user industrial use;
 - (c) The proposed expansion will require a minimum of five (5) acres;
 - (d) The proposed expansion will not create a remaining lot of less than five (5) acres in the last remaining thirty (30) acre parcel;
 - (e) No further parcelization of the lot used for expansion shall be permitted; and
 - (f) The above described process shall occur through a Type II lot line adjustment. The expansion under these provisions shall not create a new, separate lot, but rather shall be an addition to the previous lot.
- (2) Once the entire SID, as designated by the Community Plan, has been developed to sixty-seven (67) percent of its potential and one (1) thirty (30) acre parcel in Tier III remains vacant and cannot meet the conditions set forth in 377-4.4 C., the SID restrictions on that thirty (30) acre parcel and remaining buildable vacant land within the SID may be removed, with the exception of the use provisions of the SID, through the Plan Amendment process under the conditions of strategy M under Policy #1 of the Comprehensive Framework Plan.

377-4.5 Special Conditions

A. Preexisting Lots:

- (1) Preexisting lots within the boundary of an SID shall be considered as a part of the appropriate Tier of the first SID based upon their lot size.
- (2) The lot size of any preexisting lot shall be maintained until the Master Plan-Site Analysis for the entire SID is made, at which time it may be partitioned into lots which meet the minimum lot size permitted in the Tier in which it is included.
- (3) Development on preexisting lots shall be preceded by a Master Plan-Site Analysis application for the entire SID.

B. Once the initial application of tiers within the SID process has occurred, that is, the Master Plan-Site Analysis has been approved, identifying the three (3) tiers, and once development occurs on any part of the SID under the approved Master Plan, the tiers become fixed and cannot be transferred or altered except as permitted by the provisions of the SID, with the following exceptions:

(1) Trades

In the event a landowner has an opportunity to sell, lease or lease-to-build a vacant parcel or vacant parcels previously approved as part of Tier I, II or III, and the purchaser or lessee desires the parcel(s) to be located in a tier of SID not previously contemplated and approved for that lot size or location, the landowner may petition for a lot location trade within the SID. A parcel location trade shall involve only vacant buildable lands and such a trade shall involve equal amounts of land such that the net results of potential lot parcelization is exactly equal to what it would be both before and after such a trade. The adjustment shall be approved if the parcel locations resulting from the trade can be incorporated into the overall design of the SID in a cohesive manner which lends itself to acceptable patterns and uses of land. Parcel location trades will be processed as a Type I procedure. Notwithstanding any other parcel procedure, lot line adjustments shall be processed as a trade.

C. Mortgage Lot in a Special Industrial District

The creation of a mortgage lot within the Special Industrial District may be considered through a Type I procedure subject to the following cited limitations:

- (1) The proposed mortgage lot shall be limited to and located in Tier III of an approved Special Industrial Overlay District;
- (2) The parent lot, from which the mortgage lot is to be created, shall be a lawfully created lot located in Tier III of an approved Special Industrial Overlay District;
- (3) The parent and mortgage lot shall both have legal access;

- (4) The proposed mortgage lot shall be a minimum of ten (10) acres in size;
- (5) An affidavit, approved as to form by County Counsel, shall be completed, signed, notarized and filed with the Director of Records and Elections for filing under Deed Records stating that the applicant agrees:
 - (a) That in the event of a sale or transfer, both lots will be sold simultaneously as a unit to the same buyer,
 - (b) That the mortgage lot and the balance of the parent lot will be consolidated into one (1) tax lot as soon as the applicant secures title to either, and in the event of foreclosure, the balance of the parent lot becomes unbuildable unless subject to the benefits accruing through a valid reiteration of a subsequent Special Industrial Overlay District approval.
- (6) A lawfully created lot in Tier III of an approved Special Industrial Overlay District shall be eligible for only one (1) mortgage lot at any point in time.

377-5 Uses Permitted

The following lists of uses are uses which may be permitted under the review procedure indicated except when the particular use has been reviewed and approved through the Master Plan-Site Analysis process for a specific location within the SID, then the application for a development permit for the approved use shall be a Type I procedure unless the use has been changed in location, nature and size.

377-5.1 Uses Permitted Through a Type I Procedure:

- A. Accessory Uses and Structures - Section 430-1.
- B. Temporary Use - Section 430-135.
- C. Bus Shelter - Section 430-23.
- D. Recycle Drop Box - Section 430-113.
- E. Uses which are exempt from the Public Facilities standards as specified in Section 501-2 of this Code.
- F. Facility 3 and 4 Communication Towers that:
 - (1) Do not exceed a maximum height of sixty-five (65) feet; and
 - (2) Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site- Section 430-109.

- G. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- H. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:
 - A. Do not exceed a maximum height of sixty-five (65) feet; and
 - B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

377-5.2 Uses Permitted Through a Type II Procedure:

- A. Development, manufacture or assembly of:
 - (1) Communication equipment, electronic equipment and supplies;
 - (2) Scientific and precision instruments and equipment;
 - (3) Engineering laboratory, scientific and research instruments; and
 - (4) Electromedical apparatus, biomedical, surgical and medical instruments, artificial limbs, hearing aids, dentures, ophthalmic goods, and other medical or dental devices.
- B. Research and Development:
 - (1) Research and development laboratories; and
 - (2) Industrial trade or skill schools and training centers.
- C. Processing and Storage of:
 - (1) Photographic laboratories, blue printing, photoengraving, photocopying, printing, publishing and bookbinding, including on-site commercial service associated with said use;
 - (2) Wholesale business, storage buildings and warehouses; and
 - (3) Storage and distribution.
- D. Construction of a local street not in conjunction with a development application or within existing right-of-way.
- E. Communication Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height - Section 430-109.

- F. Uses Accessory and Incidental to an Allowed Use, not Otherwise Permitted by Section 377-5.1 E.:
- (1) Garages for storage and maintenance of motor vehicles used by the principal use;
 - (2) Storage of motor fuels and lubricating oils for vehicles used by the principal use;
 - (3) Maintenance and utility shops for equipment used by the principal use;
 - (4) Central heating, air conditioning and refrigeration plants;
 - (5) Water storage, drainage and treatment facilities;
 - (6) Fire protection facilities;
 - (7) Educational facilities;
 - (8) Buildings for storage of documents, records, testing and research equipment, experimental models and other personal property related to the principal use;
 - (9) Clinics, cafeterias, lounges and recreational facilities for employees;
 - (10) Living quarters for custodians and caretakers;
 - (11) Rental and development information offices;
 - (12) Laundry facilities;
 - (13) Electrical substations;
 - (14) Administrative offices related to the principal use;
 - (15) Day-care facility primarily for use by employees and their families; and
 - (16) Retail outlets for warehousing or manufacturing operations, limited to ten (10) percent of total floor area. The retail area shall be physically separated, by a wall or other barrier, from warehousing and or manufacturing operations. Warehousing and storage areas shall not be used as showrooms.
- G. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

377-5.3 Uses Which May be Permitted Within an Industrial Park:

- A. Industrial parks may be established within the Special Industrial Overlay District on a minimum of ten (10) contiguous acres in Tier I or II under a Type III Master Plan-Primary Use Procedure with the flexibility of standards provided for in the

Master Plan-Primary Uses provisions only. The application for the Industrial Park may be processed simultaneously with the application for establishing the tiers through the SID, as a Master Plan-Primary Use application.

- B. Specific uses may be approved through this process if the nature, size and location of the use is identified and the public facilities standards of Section 501 are met. If approved through the Master Plan application, such uses will be eligible for a development permit through a Type I procedure. Uses not approved in this manner or uses which are changed after approval of the Master Plan application shall be reviewed through a Type II Procedure prior to issuance of a development permit.
- C. All uses listed in Sections 377-5.1 and 377-5.2 may be permitted within industrial parks. Uses listed under Section 377-5.4 may be permitted through the Type III procedure. Additional uses may also be permitted in industrial parks under the following conditions:
 - (1) The minimum lot size shall conform to the appropriate tier, except each SID as defined by the Community Plan is permitted one (1), one (1) acre minimum lot size lot for one use listed in Section 377-5.2 C. (3) and one (1), one (1) acre minimum lot size lot for one use listed in Section 377-5.3 C. (7)(a).
 - (2) The building floor area shall be determined based on buildings in existence at the time of application together with buildings for uses approved through the application.
 - (3) The maximum ground floor building area shall in no case exceed the maximum allowed by computing the total permitted building floor area in the industrial park based on the lot coverage allowed.
 - (4) No more than fifteen (15) percent of the combined total ground floor building area within the industrial park may be utilized for the uses specified in (6) and (7) below to insure the primary character of the district remains industrial.
 - (5) Such uses shall be limited to a scale to serve persons working in the Special Industrial Overlay District and only secondarily to serve residents in the area. Such uses are limited to a maximum building floor area size of five-thousand (5,000) square feet per business premise.
 - (6) Uses which may be permitted under the aforementioned conditions through a Type II procedure:
 - (a) Restaurant, delicatessen or cafeteria primarily for employees if located on an interior street within the industrial park;
 - (b) Recreation facilities, indoor or outdoor exercise facilities, primarily for employees; and
 - (c) Day-care facilities primarily for employee families.

- (7) No more than twenty-five (25) percent of the combined total ground floor building area within the industrial park may be utilized for the following office uses in order to maintain the primarily industrial character of the district. These uses shall be supportive of or related to the permitted industrial uses in the SID. Free standing office buildings must be occupied by a single tenant which utilizes at least twenty-five (25) percent of the gross building floor area. Uses which may be permitted under the above conditions through a Type II procedure:
- (a) Offices for financial institutions, banks and credit unions; and
 - (b) Professional offices for accounting, auditing and bookkeeping; architectural; engineering including surveying; medical; law; other professional uses.

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

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. The Review Authority shall make specific findings with respect to the use being compatible to the intent and purpose of the district. Approval may be further conditioned by the Review Authority pursuant to Section 207-6.

- A. Parcel Delivery Service.
- B. Government and Special District Facilities.
- C. Transit Stations or Park and Ride Lots - Sections 430-89 and 430-139.
- D. Public Utility - Section 430-105.
- E. Heliport - Section 430-59.
- F. Solid Waste Transfer Station - Section 430-129.
- G. Communication Towers greater than two-hundred feet in height - Section 430-109.
- H. Broadcast Towers – Section 430-109.

379 MINERAL AND AGGREGATE OVERLAY DISTRICT

379-1 Intent and Purpose

379-1.1 The purpose of the Mineral and Aggregate Overlay District is to protect mineral and aggregate resources for future use, to provide for the development and utilization of resources currently needed for economic development consistent with the requirements of LCDC statewide Goal 5 and to regulate resource extraction and processing activities to balance their impact on existing adjacent land uses.

379-1.2 The intent of the Mineral and Aggregate Overlay District is to:

- A. Provide for public awareness of existing and potential mineral and aggregate resource extraction and processing activities;
- B. Establish clear and objective operational standards for the extraction and processing of mineral and aggregate resources;
- C. Simplify the review and permit processes for mineral and aggregate resource extraction and processing activities;
- D. Ensure the reclamation of lands after mineral and aggregate resources extraction activities are completed;
- E. Balance significant Goal 5 resources when evaluating and designating new mineral and aggregate sites; and
- F. Protect significant aggregate resources from new conflicting uses.

379-2 Application of the Mineral and Aggregate Overlay District

379-2.1 The Mineral and Aggregate Overlay District shall consist of two distinct elements, District A and District B.

379-2.2 "District A" may be applied only in the FD-20, FD-10, EFU, EFC, AF-20, AF-10, AF-5, RR-5, MAE, R-IND and IND Districts.

379-2.3 "District B" may be applied to any Land Use District.

379-3 Elements of the Mineral and Aggregate Overlay District

379-3.1 District A:

Mineral and Aggregate Overlay District A shall be applied to sites upon which extraction, processing and stockpiling activities are currently undertaken and to sites which may be identified for extraction, processing and stockpiling activities in the future. A District A site may consist of one or more tax lots or portion(s) of single tax lots. A District A designation may be applied only to those primary Land Use Districts identified in Section 379-2.

379-3.2 District B:

Mineral and Aggregate Overlay District B shall be applied to properties or portions of properties adjacent to or within one-thousand (1,000) feet of all District A sites except when District A sites are located inside of or within one-half mile of the Regional Urban Growth Boundary, in which case District B shall also include all those properties designated as urban within one-half mile of a District A site except where the County has no jurisdiction. The extent and location of District B shall be directly dependent upon the extent and location of District A and shall be determined at the time a District A site is proposed and designated.

379-4 Designation of Mineral and Aggregate Overlay District

379-4.1 The Mineral and Aggregate Overlay District may be applied on the Comprehensive Plan Maps through the initial legislative planning process, the plan update process or through a legislative plan map amendment under the policies set forth in the Comprehensive Framework Plan and the criteria contained in Section 379-4.2.

379-4.2 Notwithstanding the provisions of this Code, an application for a Mineral and Aggregate Overlay District designation through a Type IV legislative plan amendment process may be initiated by the owners, contract purchasers or authorized agent of the owner or contract purchasers of a proposed District A site and shall be based upon the following criteria:

- A. A demonstration of conformance with the applicable policies and strategies of the Comprehensive Framework Plan;
- B. A report from a certified geologist, mining engineer or qualified engineering testing firm verifying the location, type, quality and quantity of mineral and/or aggregate resources. The quality of the aggregate resource shall meet the following minimum requirements:
 - (1) Abrasion (AASHTO T96) Loss of not more than 30% by weight;
(OSHD TM 211)
 - (2) Oregon Air Degradation Loss of not more than 30% by weight;
(OSHD TM 208)
 - and
 - (3) Sodium Sulphate Soundness Not more than 12% by weight;
(OSHD TM 206)
- C. A demonstration of conformance with the dimensional requirements in Section 379-13.1;
- D. If the proposed District A is within or adjacent to an EFU, EFC or AF-20 land use district, submittal of the following required findings is necessary:
 - (1) The proposed use will not:

- (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective;

- (2) The applicant has signed a waiver of the right to remonstrate against commonly accepted farm or forest practices; and
 - (3) In the EFC District, the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- E. A report identifying all potential and mapped conflicting uses including farm and forest uses, dwelling units, and significant natural and cultural resources;
- F. If existing conflicting uses are identified, the applicant shall provide a program based upon the economic, social, environmental and energy consequences analysis that will minimize any negative effects of the mineral and aggregate resource related activities on the identified conflicting uses; and
- G. A report from a certified geologist, engineer or hydrologist examining the potential impact of mineral and aggregate resources on groundwater supplies and wells in the surrounding area.

379-5 Exemptions from the Mineral and Aggregate Overlay District Regulations

379-5.1 The following mineral and aggregate related activities addressed in OAR 632-30-016 are exempt from the provisions of Section 379, except in the EFU and AF-20 Districts. Operators or landowners claiming any of these exemptions may be asked to establish the validity of the exemption by providing a copy of an exemption certificate issued by the Department of Geology and Mineral Industries.

- A. Mining, quarrying, crushing, screening or washing of extracted materials used exclusively for the construction of access roads. To maintain this exemption, no more than five thousand (5,000) cubic yards of material may be removed during any consecutive twelve (12) month period. Such excavations greater than six-thousand (6,000) square feet shall be subject to the provisions of Section 410, Grading and Drainage.
- B. Excavation or grading operations conducted in the process of farming or cemetery operations. To maintain this exemption, no more than five-thousand (5,000) cubic yards of material may be used for another purpose during any period of twelve (12) consecutive months.
- C. Excavation of mineral and aggregate materials from the beds and banks of any waters in the County when conducted pursuant to a permit issued under ORS 541.605 to 541.660 by the Division of State Lands.

- D. On-site construction operations within a County approved construction site.
- E. Surface mining operations which involve less than five-thousand (5,000) cubic yards total material disturbance and/or less than one (1) acre of ground during any consecutive twelve (12) month period and are used strictly for on-site purposes. Such excavations greater than six-thousand (6,000) square feet shall be subject to the provisions of Section 410, Grading and Drainage.
- F. Exploratory excavations for mineral and aggregate resources which involve less than five-thousand (5,000) cubic yards total material disturbance and/or less than one (1) acre of ground. Mineral exploration activities which do not exceed the "5,000 cubic yards and/or 1 acre of land" threshold criteria at any one area are exempt until the total area affected equals one (1) acre for each eight (8) acres prospected or explored or a total of five (5) acres, whichever is first. Such exploratory excavations disturbing more than six-thousand (6,000) square feet shall be subject to the provisions of Section 410, Grading and Drainage.
- G. Excavation operations conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance.

379-5.2 In the EFU and AF-20 Districts, the following mineral aggregate related activities addressed in ORS 215.298 are exempt from the provisions of Section 379.

- A. Mining for no more than one-thousand (1,000) cubic feet of material or excavation preparatory to mining of a surface area of more than one acre. To maintain this exemption, no more than five-thousand (5,000) cubic yards of material may be used for another purpose during any period of twelve (12) consecutive months; and
- B. Excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or nonsurface impacts of underground mines.

379-6 Uses Permitted Through a Type I Procedure in District A

Uses permitted through a Type I procedure in the Primary Land Use District except those uses defined as noise sensitive uses, subject to the applicable standards as set forth in Article IV and Section 379-13 and 379-14.

379-7 Uses Permitted Through a Type II Procedure in District A

The following uses are permitted subject to the applicable standards as set forth in Article IV and Sections 379-13 and 379-14.

379-7.1 Mining or quarrying operations for the extraction of rock, clay, soil, sand, gravel or other minerals;

- 379-7.2 The following uses when in conjunction with a mineral and aggregate extraction operation:
- A. Crushing, washing and screening of mineral and aggregate materials;
 - B. Stockpiling of mineral and aggregate materials and earth products;
 - C. An office, shop or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment;
 - D. Sale of products produced from a mineral and aggregate extraction and processing operation;
 - E. One detached dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman;
 - F. Asphalt batch plant, except in the EFU and AF-20 Districts;
 - G. Concrete batch plant;
 - H. Asphalt batch plant in the EFU or AF-20 Districts, except when located within two (2) miles of a planted vineyard. Batch plants approved on or before October 3, 1989, or a subsequent renewal of an existing approval, are exempted from this limitation and may be located within two (2) miles of a vineyard; and
 - I. Storage of equipment or machinery and supplies necessary for mineral and aggregate extraction or processing.

379-7.3 Noise sensitive uses otherwise allowed through a Type I procedure in the Primary Land Use District; and

379-7.4 Uses permitted through a Type II procedure in the Primary Land Use District.

379-8 Uses Which May Be Permitted Through a Type III Procedure in District A

Uses which may be permitted through a Type III procedure in the Primary Land Use District, subject to the applicable standards as set forth in Article IV and Section 379-13 and 379-14, and as may be conditioned by the Review Authority.

379-9 Uses Permitted Through a Type I Procedure in District B

Uses Permitted Through a Type I Procedure in the Primary Land Use District except those uses defined as noise sensitive uses, subject to the applicable standards as set forth in Article IV.

379-10 Uses Permitted Through a Type II Procedure in District B

The following uses are permitted subject to the applicable standards as set forth in Article IV.

379-10.1 Noise sensitive uses allowed through Type I and Type II procedures in the Primary Land Use District subject to the applicable standards in Section 379-14.

379-10.2 Uses otherwise permitted through a Type II procedure in the Primary Land Use District.

379-10.3 The affected quarry operator and quarry owner shall be notified of Type II actions pursuant to Section 204-3.

379-11 Uses Which May be Permitted Through a Type III Procedure in District B

379-11.1 Uses which may be permitted through a Type III procedure in the Primary Land Use District, subject to the applicable standards as set forth in Article IV and Section 379-14, and as may be conditioned by the Review Authority.

379-11.2 The affected quarry operator and quarry owner shall be notified of Type III actions pursuant to Section 204-4.

379-12 Prohibited Uses

Structures or uses not specifically authorized by Section 379.

379-13 Development Standards - District A

An applicant shall submit a plan for a mineral and aggregate resource extraction site, prepared by a certified geologist, mining engineer, engineering testing firm or other qualified personnel, which demonstrates compliance with the following standards:

379-13.1 Dimensional Requirements

A. Lot Area:

The minimum area shall be that necessary to meet setback requirements in Section 379-13.1 B.

B. Setbacks:

(1) Mineral and aggregate extraction

(a) One-hundred (100) feet from any District A boundary.

(b) Five-hundred (500) feet from a noise sensitive use existing at the time this District was applied.

(c) When a District A boundary abuts another District A boundary or a designated mineral or aggregate resource in an adjacent county, no setback for mineral and aggregate extraction is required along the common boundary line.

(2) Processing of mineral and aggregate materials

(a) Five-hundred (500) feet from any District A boundary.

- (b) Seven-hundred and fifty (750) feet from a noise sensitive use existing at the time this District is applied.
- (3) Office, shop or other accessory structure
 - (a) Fifty (50) feet from an exterior property line.
 - (b) One-hundred (100) feet from a noise sensitive use existing at the time this District is applied.
- (4) Detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman.
 - (a) Fifty (50) feet from the front property line.
 - (b) Ten (10) feet from a side or rear property line.
- (5) Storage of operational or non-operational equipment for the production and/or processing of mineral and aggregate materials.
 - (a) Fifty (50) feet from any District A boundary.
 - (b) One-hundred (100) feet from a noise sensitive use existing at the time this District is applied.
- (6) Storage of overburden to be saved for reclamation uses may be allowed within setbacks subject to conformance with the reclamation plan.

C. Height:

The maximum height of any structure, except mineral and aggregate processing equipment, shall be thirty-five (35) feet.

D. Signs:

Maximum sign area shall not exceed thirty-five (35) square feet per entrance.

379-13.2 Screening and Fencing

- A. Adequate screening with indigenous plantings shall be preserved or established, wherever possible, to screen the view of the site and all related equipment from any public road, urban land use district and any existing noise sensitive use located within one-thousand (1,000) feet of the site. The appropriate type of screening and buffering in Section 411 shall be determined by the Review Authority. For the purpose of determining the appropriate screening and buffering type, mineral and aggregate extraction shall be considered an industrial use.
- B. Fencing shall be required to eliminate any safety hazards that use of site may create for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the Review Authority.

379-13.3 Access

- A. All private access roads from mineral and aggregate sites to public highways, roads or streets shall be paved or graveled. If graveled, the access road shall be graded and oiled as needed during the period from June to September to minimize dust.
- B. If access from a mineral and aggregate site uses graveled public highways, roads or streets, the Review Authority shall require the mineral and aggregate site operator to grade and oil these roadways regularly to the extent needed to minimize impacts on adjacent land uses.
- C. An effective vehicular barrier or gate shall be required at all access points to the site.

379-13.4 Hours of Operations

- A. Blasting shall be restricted to the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays or the following holidays:
 - (1) January 1
 - (2) Memorial Day
 - (3) July 4
 - (4) Labor Day
 - (5) Thanksgiving Day
 - (6) December 25
- B. The Review Authority may grant exceptions to the hours of operation for those mineral and aggregate extraction operations that are subject to restricted operating hours through a Type II procedure pursuant to the following:
 - (1) There are no noise sensitive uses located within one-thousand (1,000) feet of the mining site; or
 - (2) If noise sensitive uses are located within one-thousand (1,000) feet of the mining site, the increased activity will not exceed noise standards established by the Department of Environmental Quality; or
 - (3) In the case of blasting, the operator shall be responsible for notifying noise sensitive uses within one-thousand (1,000) feet by first class mail which is mailed at least ninety-six (96) hours prior to the date and approximate time of the blasting activity for which the operator receives an exception.
- C. The Review Authority may grant exceptions to the hours of operation for those mineral and aggregate extraction operations that are subject to restricted operating hours through a Type I procedure when additional hours of operation

are needed to accommodate increased production to alleviate a public emergency. A public emergency includes damage to public road or structure which requires significant amounts of aggregate for repair or rebuilding.

379-13.5 Environmental Standards

Mineral and aggregate resource extraction, processing and stockpiling shall conform to the applicable standards as set forth in Section 423, Environmental Performance Standards. The applicable noise and emission standards on the effective date of this Ordinance shall be those adopted by the Oregon Department of Environmental Quality as set forth in Oregon Administrative Rules, Chapter 340, dated June 1983. The Board may consider future revisions to these standards. Said revisions may be adopted by the Board by Resolution and Order after a Type III hearing with a generalized notice to all owners of record within two-hundred and fifty (250) feet of District "B" boundary.

379-13.6 Safety Standards

- A. All buildings, structures, and equipment used for the production or processing of mineral and aggregate materials shall be maintained in such a manner to assure that such buildings, structures and equipment will not become hazardous.
- B. Access to all mineral and aggregate sites shall be gated and locked when not in operation.

379-13.7 Site Reclamation

A site reclamation plan (prepared in conjunction with a State of Oregon surface mining operating permit) which demonstrates that the mineral and aggregate extraction site will be reclaimed for the land uses specified in the Primary District shall be submitted. The reclamation plan shall be prepared by the applicant or the applicant's agent and approved by the State of Oregon Department of Geology and Mineral Industries pursuant to ORS Chapter 517, and the standards and procedures contained in OAR Chapter 632, Division 30 or Division 35, whichever is applicable.

379-13.8 Performance Agreement

- A. The operator of a mineral and aggregate site shall provide the County sufficient evidence on an annual basis that the operator has in full force and effect the bond or security deposit required by ORS 517.810 to assure conformance with the State-required reclamation plan. Failure of the applicant to maintain the required bond or security deposit shall constitute a violation of Section 379.
- B. Mineral and aggregate operations shall be insured for \$500,000.00 against liability and tort arising from production activities or operations incidental thereto conducted or carried on by virtue of any law, ordinance or condition and such insurance shall be kept in full force and effect during the period of such operations. A prepaid policy of such insurance which is effective for a period of one year shall be deposited with the County prior to commencing any mineral and aggregate operations. The policy shall be renewed annually with proof of renewal deposited with the County annually. Failure to deposit such policy or to maintain continual insurance coverage shall constitute a violation of Section 379.

379-14 Development Standards - District B

In addition to the development standards required by the primary land use district, the establishment of noise sensitive uses and the creation of new parcels that are eligible for a dwelling within Mineral and Aggregate Overlay District B shall be subject to the following.

379-14.1 Setbacks

The location of new noise and dust sensitive uses, constructed after the establishment of District B, shall be situated on the parcel to minimize potential adverse effects of noise and dust. The location of new noise and dust sensitive uses shall take into consideration the surrounding topography and transportation system and, if necessary, setbacks greater than those required by the primary land use district may be imposed by the Review Authority.

379-14.2 Noise Reduction Measures

Noise reduction measures may be required of the owners of new noise sensitive uses constructed after the establishment of District B when determined by the Review Authority to be necessary to ensure compliance by the District A use with applicable noise regulations. Noise reduction measures may include, but not be limited to, vegetative buffers, berms, walls, insulation and orientation of windows, and shall be determined by the Review Authority.

379-14.3 Waiver of Remonstrance

Prior to issuance of any building permits for new noise sensitive uses after establishment of this District, the owner shall sign and record, in agreement form, in the Deed and Mortgage Records of the County, a waiver of remonstrance that the occupant of the property will not object to mineral and aggregate resource extraction and processing activities as provided for in District A.

379-14.4 Creation of New Lots or Parcels

A notation shall be placed on the instrument creating a new lot or parcel which states the lot or parcel is within Mineral and Aggregate District B and is subject to the standards of Section 379, Mineral and Aggregate Overlay District.

379-15 Review and Enforcement**379-15.1 Initial Review**

A. Initial Review of a mineral and aggregate resource operation shall be processed as a Type II action.

379-15.2 Six Month Review

A. Within six (6) months of commencing a mineral and aggregate resource extraction and processing operation, the operator shall submit appropriate evidence, prepared by qualified personnel, documenting that the operation

conforms to the standards contained in Section 379-13 and other applicable standards imposed by the Review Authority.

- B. Should the documentation required by Section 379-15.2 A. indicate that the operation does not conform to the applicable standards, the operator shall be given sixty (60) days in which to make necessary modifications. Should the operator fail to make the necessary modifications within the allotted sixty (60) day period, the Planning Director shall begin revocation proceedings as outlined in Section 201-7.

379-15.3 Periodic Review

- A. Following the initial review of operations required in Section 379-15.1 B., any permit issued to operate a mineral and aggregate operation pursuant to Section 379 shall be reviewed every five (5) years from the date of the initial review to determine whether additional conditions are necessary to bring the operation into compliance with the applicable land use regulations. Notwithstanding this periodic review, the permit may be reviewed by the Director at any time deemed necessary to update the conditions due to amendments to the requirements of this District or primary land use district at the time of the original approval, or if evidence exists that the operation is not in compliance with the conditions of approval. Should it be determined that an operation is not in compliance with the conditions of approval, the Director shall begin revocation proceedings as outlined in Section 201-7.
- B. The Planning Director shall send a notice by first class mail to the operator no less than sixty (60) days prior to the date of the scheduled periodic review.
- C. Periodic review of a mineral and aggregate resource operation shall be processed as a Type II action.

379-15.4 Enforcement

The Planning Director or his/her authorized designee, or a duly authorized peace officer, may issue a Uniform Citation for violation of Section 379, as provided for in Section 215, Enforcement.

379-16 Termination of a Mineral and Aggregate Overlay District Designation

A Mineral and Aggregate Overlay District (A and B) Designation shall be removed from a mineral and aggregate resource site when:

- 379-16.1 The mineral and aggregate resource site has been reclaimed in accordance with the provisions of ORS Chapter 517; OAR Chapter 632, Division 30 or Division 35, whichever is applicable; and Section 379.
- 379-16.2 The owner of the Mineral and Aggregate resource site submits evidence showing the Mineral and Aggregate Overlay District is no longer justified or needed. Such a request shall be processed as a Type IV action.

379-17 Nonconforming Uses and Uses Established by Conditional Use Permit

Notwithstanding other provisions of this Code, the following provisions shall be applicable to District A:

- 379-17.1 All existing mineral and aggregate related uses not conforming to the provisions of Section 379 may continue to operate according to the provisions of Section 440, Nonconforming Uses. Notwithstanding the provisions of Section 440, any application for expansion of a nonconforming mineral and aggregate related use shall apply for a Type II development permit according to the provisions of Section 379.
- 379-17.2 All mineral and aggregate related uses allowed previously by the County by conditional use permit and designated as a District A site shall continue to operate in accordance with the conditions of approval and need only apply for a Type II development permit at the time of review of conditions. At the time of review of conditions, the mineral and aggregate related use shall not be required to comply with the setback or lot size requirements of this District to the extent that such imposition would interfere with the existing established mineral and aggregate related use on the site.
- 379-17.3 All mineral and aggregate related uses nonconforming to the provisions of Section 379 as well as all mineral and aggregate related uses allowed previously by the County by conditional use permit, shall immediately have to comply with the following provisions of Section 379 except as provided in 379-17.4 below:
- A. 379-13.4 Hours of Operation
 - B. 379-13.5 Environmental Standards
- 379-17.4 The County finds that these requirements are necessary for the health, safety and environmental protection of the public. Any requirement of 379-13.4 (Hours of Operation) or 379-13.5 (Environmental Standards) that would unlawfully interfere with the vested right of a nonconforming use to continue shall be inapplicable to the nonconforming use; however, if violation of any requirement of 379-13.4 or 379-13.5 by a conforming or nonconforming use results in a nuisance, action may be brought to abate it.
- 379-17.5 All new mineral and aggregate related uses must comply with the provisions of Section 379.

380 CONVENIENT ACCESS TO TRANSIT OVERLAY DISTRICT

380-1 Intent and Purpose

The intent of the Convenient Access to Transit Overlay District is to ensure new retail, office and institutional buildings at or near major bus stops shall provide for convenient pedestrian access to transit. The requirements of this district implement the access to transit provisions of OAR 660-12-045(4)(b) and the applicable public transit provisions of the Regional Transportation Plan (RTP).

380-2 Conflicts

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

380-3 Applicability

380-3.1 Location The Convenient Access to Transit Overlay District shall apply to areas around major bus stops as shown on the applicable community plan maps. The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

This district also recognizes that the precise location of a major bus stop may shift to accommodate new development, to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses, and that implementing major transit stop provisions is best achieved using a fixed geographic area. Thus, this overlay district generally applies to properties within three-hundred (300) feet of the center point of the intersection closest to the major transit stop or stops.

380-3.2 Uses The Convenient Access to Transit Overlay District shall apply to all retail, office and institutional buildings that are located within the major bus stop areas as shown on the applicable community plan maps and that generate 14 or more additional ADT.

380-4 Development Standards

The applicant has the option of meeting either 380-4.1 or 380-4.2.

380-4.1 Building location and building entry

- A. All Buildings shall be located within twenty (20) feet of the bus stop, the street where the bus stop is located, or any other public street within the major bus stop area.
- B. If the applicant chooses to locate the building within twenty (20) feet of the bus stop or the street where the bus stop is located, an entrance intended for use by members of the general public shall face the subject stop or street or be within fifty (50) feet of the side of the building that faces the stop or street.

- C. If the applicant chooses to locate the building within twenty (20) feet of any other public street within the major bus stop area, an entrance intended for use by members of the general public shall face the subject public street or be within fifty (50) feet of the side of the building that faces the public street.

380-4.2 Pedestrian Plaza

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

- A. The applicant shall provide a pedestrian plaza. Subject to the current availability of right of way, tracts or easements, the following order shall be followed in determining the location of the pedestrian plaza:
- (1) The bus stop closest to the subject site, and within the major bus stop area.
 - (2) Any other bus stop within the major bus stop area.
 - (3) The closest corner of the public street intersection closest to the subject site.
 - (4) A location adjacent to the subject property.

If a pedestrian plaza already exists at the highest priority location, the applicant shall provide a pedestrian plaza at the next highest priority location. If adequate public right of way, tracts, or easements are not available at priority location 1 - 3, the applicant shall dedicate right of way, a tract, or easement in order to allow construction of the pedestrian plaza at priority location 4. The Review Authority shall determine whether or not adequate public right of way, tracts or easements are available. In the case of priority location 4, the review authority shall determine whether the applicant shall dedicate right of way, a tract, or an easement.

- B. A pedestrian plaza shall include, at a minimum, all of the following features:
- (1) Total area shall be, at a minimum, one-hundred and fifty (150) square feet.
 - (2) Shall be paved with bricks, pavers, or similar material.
 - (3) Shall include at least two (2) sitting spaces. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
 - (4) Shall include pedestrian scale lighting which is designed to be dimensionally less than lighting intended to accommodate automobile traffic; and

- (5) Shall include low walls, planters, or landscaping that separates the plaza from adjoining parking lots and vehicle maneuvering areas.
- C. In addition to meeting the standards of 308-5.2 B., all developments that generate an additional one-thousand (1,000) ADT shall provide a pedestrian plaza that has a total area of, at a minimum, three-hundred (300) square feet, and includes at a minimum, four (4) sitting spaces.

380-5 Additional Transit Improvements

- A. A transit passenger landing pad accessible to disabled persons shall be provided at the bus stop closest to the subject site within the major bus stop area. If all stops within the major bus stop area have an accessible landing pad, no new landing pads are required.
- B. Lighting shall be provided at the bus stop closest to the subject site within the major bus stop area. The lighting should have a minimum of 0.5 footcandles average illumination and a uniformity ratio not exceeding 5:1. If all stops within the major bus stop area have adequate lighting, no new lighting is required.
- C. An applicant required to provide a pedestrian plaza or other improvement shall provide a legal and enforceable document, contract or process which assures that required improvements shall be accomplished.
- D. Final review of a required pedestrian plaza and other improvements shall be through a Type I procedure, unless otherwise specified by the Review Authority.

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381 INTERIM LIGHT RAIL STATION AREA OVERLAY DISTRICT

381-1 Intent and Purpose

The intent of the Interim Light Rail Station Area Overlay District is to direct and encourage development that is transit supportive and pedestrian oriented in areas within approximately a one-half mile radius of planned Westside light rail transit station sites pending the development and adoption of site specific station area plans.

The purpose of this District is to limit development during this interim period to that which has a sufficient (1) density of employees, residents or users, (2) number of trips serviceable by transit and (3) pedestrian oriented design so as to be supportive of light rail transit and pedestrian travel and reinforce the substantial public investment in Westside light rail transit.

381-2 Applicability

The Interim Light Rail Station Area Overlay District shall apply to lands within approximately one-half mile of light rail station sites, as shown on applicable community plan maps.

In identifying areas subject to this district, consideration was given to parcel size, ownership patterns, the existing transportation network, existing development patterns, development and redevelopment opportunities, the ability of pedestrians to access transit easily, the amount and location of vacant land, and other relevant factors.

The standards of this district shall apply only to development on portions of lots or parcels within the boundaries of the district, and not to development on adjacent lots or parcels under common ownership or portions of lots or parcels located outside the district.

381-3 Designation of Interim Light Rail Station Area Overlay District

The Interim Light Rail Station Area Overlay District shall be applied to community plan maps through the legislative (Type IV) planning process. The Overlay District may be removed through a legislative planning process, but not through a quasi-judicial plan map amendment process, unless it is to be replaced by Transit Oriented District listed in Section 375-2.

381-4 Definitions

As used in this Section, the words listed below have the following meaning:

381-4.1 Adjacent The location of a building sited on a parcel or lot abutting a street, major pedestrian route, transit station, etc. and not separated by an existing or planned intervening building.

381-4.2 Bulk Retail Use A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.

- 381-4.3 Campus Development A development which meets the following criteria:
- (1) Is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five (5) acres in size; and
 - (2) Includes multiple buildings which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.
- 381-4.4 Commercial Parking Facility A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.
- 381-4.5 Drive-through Facilities Facilities allowing transactions for goods or services without leaving a motor vehicle.
- 381-4.6 Floor Area Ratio The amount of enclosed gross floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 1 to 2 means one square foot of floor area for every two square feet of site area (e.g., 20,000 square feet of floor area for a site area of 40,000 square feet). Total gross floor area is measured from the exterior faces of a building or structure and includes pedestrian spaces. Floor area does not include basement areas used for storage or parking.
- 381-4.7 Frontage Yard The yard between a building and a street or public right-of-way or easement for public travel.
- 381-4.8 Interior Yard The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
- 381-4.9 Light Rail Station Site The location of land owned or leased or to be owned or leased by Tri-Met upon which is to be sited facilities related to a light rail transit stop (e.g., the station platform, a park and ride lot, entry roads, bus stops, etc.) as determined by the Review Authority after reviewing documents including:
- A. The Final Environmental Impact Statement for the Westside Corridor Project, dated August, 1991 or as subsequently adopted by the Tri-Met Board;
 - B. The Detailed Definition of Alternatives Hillsboro Corridor Alternatives Analysis dated July, 1991, as approved by the Federal Transit Administration or subsequently reflected in the Draft or Final Environmental Impact Statements for the Hillsboro extension of the Westside Corridor Project; and
 - C. The most recent engineering drawings issued by Tri-Met.
- 381-4.10 Major Pedestrian Route Any pedestrian way in a public right-of-way or easement that is or is likely to be used by a significant number of people as a means of accessing public transportation service to an area, including access to light rail transit stations.

- 381-4.11 Park and Ride Lot A parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.
- 381-4.12 Parking Structure A parking garage located above or underground consisting of two or more levels.
- 381-4.13 Pedestrian Oriented Development Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.
- 381-4.14 Pedestrian Space An area or plaza for use by the public on a controlled basis which may be on public or private property and which includes at least four of the following features:
- A. At least one (1) sitting space for each five-hundred (500) square feet. Seating shall be a minimum of sixteen (16) inches in height and thirty (30) inches in width. Ledge benches shall have a minimum depth of thirty (30) inches.
 - B. Protection from weather such as awnings.
 - C. Outdoor lighting at a pedestrian scale.
 - D. At least one (1) tree of two (2) inches in diameter at four (4) feet above grade per eight-hundred (800) square feet, on average, of pedestrian space.
 - E. Water feature(s), public art or kiosk(s).
 - F. Outdoor eating area(s) and/or food vendor(s).
- 381-4.15 Pedestrian Way Any paved public or private travel route intended for pedestrian use, whether shared with other transportation modes (e.g., a bicycle/pedestrian path) or intended solely for pedestrian use.
- 381-4.16 Transit Street Any street that is an existing public transit route, or any street that is likely to be a public transit route. All public streets with a functional classification of Principal Arterial, Arterial or Collector, as defined in the Washington County Transportation Plan, shall be considered likely to be a public transit route.
- 381-4.17 Warehouse A structure that is primarily used for storing or wholesaling goods, wares or merchandise.

381-5 Notification

In addition to the notification requirements of Section 204 of this Code, notice of all Type II and III development applications shall be provided to the Tri-County Metropolitan Transportation District of Oregon (Tri-Met), the Cities of Hillsboro, Beaverton and Portland, and Metro, in the manner provided by Section 204 of this Code.

381-6 Conflicts

Notwithstanding Section 401, in the event of a conflict between the standards of this district and the standards of any other provision of this Code, the standards of this district shall control.

381-7 Permitted Uses

Except as prohibited by Section 381-8, allowed uses shall be those listed by the underlying district, in accordance with the procedure type specified by the underlying district.

381-8 Prohibited Uses

Notwithstanding contrary provisions of an underlying district, the following uses may not be established as new uses within this interim overlay district, nor may existing uses or the use of existing structures be converted to the following uses within this overlay district:

- 381-8.1 Building Materials Sales and Supplies, excluding hardware stores not exceeding five-thousand (5,000) square feet in gross floor area.
- 381-8.2 Bulk Retail Uses.
- 381-8.3 Car Washes.
- 381-8.4 Cemeteries.
- 381-8.5 Cold Storage Plant.
- 381-8.6 Commercial parking facilities within three-hundred (300) feet of a light rail transit station site boundary.
- 381-8.7 Commercial surface parking lots within thirteen hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.8 Detached dwelling units (including manufactured dwellings) except for one dwelling on an existing parcel or lot, or where developed in accordance with the density provisions of Section 381-10.1 A. as part of a residential development with both attached and detached housing.
- 381-8.9 Drive-through facilities within three hundred (300) feet of a light rail station site boundary.
- 381-8.10 Drive-through facilities greater than three hundred (300) feet from a light rail station site boundary where the drive-through component of the operation or service is the primary method of selling or servicing.
- 381-8.11 Fuel Dealerships and storage yards (including card locks).
- 381-8.12 Funeral Homes and Mortuaries.

- 381-8.13 Furniture Stores.
- 381-8.14 Junk Yards.
- 381-8.15 Kennels.
- 381-8.16 Main Post Offices.
- 381-8.17 Manufactured Home Sales.
- 381-8.18 Mini-Warehouses.
- 381-8.19 Motor Vehicle Service Stations (unless included within a parking structure or underground parking garage) and service facilities (including oil and lubrication services, tire and muffler installation and service, or other motor vehicle services) within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.20 Motor Vehicle Maintenance and Repair Facilities within one-thousand three-hundred (1,300) feet of a light rail transit station site boundary.
- 381-8.21 Motor Vehicle or Boat Sales, Leasing, Rental or Storage, except motor vehicle rental where the rental vehicles are not stored on site.
- 381-8.22 New Parks except for neighborhood parks not exceeding ten (10) acres in size as defined by the Tualatin Hills Park and Recreation District at the time of adoption of this district, unless it is found by a Review Authority, based on evidence and findings submitted by an applicant, that land proposed for a park other than a neighborhood park is unsuitable for the development of transit supportive land uses due to topography or other physical constraints.
- 381-8.23 Recreational Vehicle Parks and Campgrounds.
- 381-8.24 Retail Nursery.
- 381-8.25 Solid Waste Transfer Stations.
- 381-8.26 Travel Trailer rental or sales establishment.
- 381-8.27 Truck Stops.
- 381-8.28 Warehouses storing materials or products that are not primarily manufactured on site or used in the manufacturing process occurring on site or in the maintenance and operation of manufacturing facilities except for buildings constructed prior to the adoption of this District that were originally designed to be used primarily for warehouse use.

381-9 Change or Expansion of Existing Uses or Structures

- A. Uses identified in Section 381-8 that were lawfully in existence at the time of adoption of Ordinance No. 418 are considered to be approved uses. However, because such uses are not considered to be transit-supportive, future

expansions of a lawfully existing use identified in Section 381-8 shall be limited in total to a maximum of twenty (20) percent of the gross floor area present at the time of the adoption of this District, upon findings that the proposed expansion complies with the development standards in this Code, including this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard.

- B. All other uses and structures that were lawfully in existence at the time of adoption of Ordinance 418 may be expanded upon findings that the proposed expansion complies with the development standards in this Section, to the extent reasonably practicable. Where the use, design or configuration of an existing development makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of the particular development standard, the Review Authority shall waive the application of that standard. Interior alterations of lawful existing structures shall not be subject to the standards of Sections 381-10 and 11.
- C. The provisions of this subsection do not apply to or authorize any change or expansion of an existing use or structure that is or becomes non-conforming due to regulation of the underlying district.

381-10 Minimum Density Requirements

381-10.1 Residential

- A. Notwithstanding any contrary density standard in an underlying residential district, including residential districts with a lesser maximum density (i.e., the R-6 and R-9 Districts), the density of residential development within this district shall be the greater of:
 - (1) Seventy-five (75) percent of the allowed maximum density of an underlying residential district; or
 - (2) Twelve (12) dwelling units per acre for that portion of the District located within one-thousand three-hundred (1,300) feet of the proposed site of the light rail transit station boundary, and nine (9) dwelling units per acre for that portion of the District located beyond one-thousand three-hundred (1,300) feet from the proposed site of the light rail station boundary.

If more than fifty (50) percent of property in single or common ownership is located within one-thousand three-hundred (1,300) feet of the proposed station boundary all of the property in common ownership shall be developed at a minimum of twelve (12) dwelling units per acre. If less than fifty (50) percent of such property is located within the one-thousand three-hundred (1,300) foot radius, the minimum required density shall be nine (9) dwelling units per acre, provided however that if the area within the one-thousand three-hundred (1,300) foot radius is one acre or larger in size, that portion of

the property within the one-thousand three-hundred (1,300) foot radius shall develop at a minimum of twelve (12) dwelling units per acre.

- B. Section 381-10.1 A. shall not apply to development of one (1) detached dwelling on an existing parcel or lot as permitted pursuant to Section 381-8.8.
- C. The maximum density specified by Section 381-10.1 A. may be increased pursuant to the provisions of Section 381-11.1 G.

381-10.2 Non-residential

The floor area ratio of non-residential structures developed on lots or parcels in this district shall equal or exceed 1 to 2. For contiguous lots or parcels totaling at least five (5) acres in size that are jointly master planned for development in phases, this floor area ratio shall be achieved by the completion of the final phase of development. Pedestrian spaces shall count as floor area for the purpose of meeting the minimum floor area ratio requirement.

381-11 Development Standards

381-11.1 Site and Building Design

- A. If a building is adjacent to a transit street or a major pedestrian route at least one major building entry shall be oriented to the adjacent transit street and/or major pedestrian route. Upon provision of light rail service, this entrance shall remain open to the public during normal business hours.

B. Lot Area

The minimum area for new lots or parcels where the primary district is any residential district shall be twenty-thousand (20,000) square feet. No partitioning or subdividing to less than twenty-thousand (20,000) square feet is permitted except when it is demonstrated that the subdivision or partitioning will occur so as not to preclude complete development of the site at the minimum density specified by Section 381-10.1.

C. Yard Requirements

Except as necessary to comply with Section 418-3, or where the applicant demonstrates and the Review Authority finds that larger yards are needed to mitigate noise and vibration impacts of transit operations, the yard requirements of this district shall be:

- (1) In a residential district:
 - (a) Minimum ten (10) foot frontage yard setback;
 - (b) Maximum fifteen (15) foot frontage yard setback;
 - (c) No minimum interior yard except as necessary to comply with the screening and buffering standards of Section 411 and the standards

of the Uniform Building Code or the CABO (Conference of American Building Officials) Code, whichever is applicable; and

- (d) Minimum eighteen (18) foot setback yard to garage vehicle entrance.

In residential subdivisions platted at the time of adoption of this district the yard requirements of the underlying district shall apply.

- (2) In a nonresidential district:
- (a) Minimum five (5) foot frontage yard setback on a street if there is less than ten (10) feet between the ultimate street curb location and the lot line;
 - (b) No required frontage yard if there is at least ten (10) feet between the ultimate street curb location and the lot line, or if the frontage is on a public right-of-way or easement for public travel other than a street;
 - (c) In the Office Commercial District and the Community Business District there shall be a maximum ten (10) foot frontage yard setback for at least fifty (50) percent of the frontage of a building adjacent to a public street or major pedestrian route (pedestrian space shall be considered part of the building);
 - (d) No minimum interior yard, except as necessary to comply with the screening and buffering standards of Section 411 and the standards of the Uniform Building Code.
- D. (1) Off-street surface parking shall not be located between an adjacent building and a major pedestrian route, a transit street or a light rail transit station site, except as specified by Section 381-11.1 D. (2) or (3).
- (2) If a building is adjacent to more than one of the facilities described in Section 381-11.1 D. (1), the Review Authority shall approve off-street surface parking between the building and one of the facilities and waive the maximum yard setback provisions of Sections 381-11.1 C. (1) and (2). In determining where off-street surface parking shall be allowed in this situation, the following order of pedestrian access priority shall be given to facilities:
- (a) LRT transit station platforms
 - (b) Major pedestrian routes with direct access to an LRT station
 - (c) Transit streets
- (3) Off-street surface parking for campus development within the Industrial and Institutional districts may be located between an adjacent building and a major pedestrian route, a transit street or a light rail station site upon finding that:

- (a) Identified pedestrian ways are provided to connect each building within the campus area and to directly connect the building complex to the most appropriate transit street(s) and/or major pedestrian route(s); and
 - (b) All pedestrian ways between the building complex and adjacent transit facilities shall:
 - (i) Comply with Section 381-11.3 C.;
 - (ii) Be clearly identifiable to a pedestrian through measures such as signage;
 - (iii) Be lighted; and
 - (iv) Be as short as reasonably practicable.
- E. Exterior building walls facing and adjacent to a major pedestrian route shall contain windows covering at least fifty (50) percent of the length and twenty-five (25) percent of the face area of the ground floor level. Ground level wall areas include all exterior wall areas up to nine (9) feet above the finished grade. This requirement shall apply only to non-residential development within the Office Commercial and Community Business districts.
- F. The permanent outdoor display and storage of materials and equipment by commercial uses shall be prohibited. Signs, outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this requirement.
- G. Notwithstanding Sections 404-4 and 435, residential densities and nonresidential building height may be increased up to twenty-five (25) percent, in exchange for pedestrian space, mixed development within the parameters of the underlying district, or parking in a structure or underground.

381-11.2 Landscape Design

- A. Notwithstanding the minimum landscaping requirements of Section 407 of this Code, the minimum landscaping requirements for development in this district shall be ten (10) percent of the buildable land area for non-residential development and fifteen (15) percent of the buildable land area for residential development. Exterior pedestrian spaces shall be allowed as a substitute for fifty (50) percent of the required landscaping in areas adjacent to major pedestrian routes.
- B. Trees shall be planted along uncovered pedestrian ways connecting building entrances to a transit street or major pedestrian route. The trees shall be planted at appropriate intervals to provide continuous shade when trees reach maturity.

381-11.3 Circulation and Access

- A. Pedestrian ways shall be provided to connect building entrances to the nearest transit street(s) or major pedestrian route(s), or both if practicable.

- B. Driveways shall not intersect with pedestrian ways from a transit street or major pedestrian route to a building, unless no practicable alternative exists.
- C. All pedestrian ways that pass through an automobile parking lot shall be separated from the automobile parking area by grade, different paving material, or landscaping. Walkways on private property shall be at least five (5) feet in paved, unobstructed width.

381-11.4 Parking

- A. Off-street parking spaces developed for uses on lots or parcels in this district shall comply with the provisions of Section 413 (Parking and Loading).
- B. Applications for development within this district shall address shared parking opportunities pursuant to Section 413-2.9 of the Community Development Code.

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- A. Where the light rail right-of-way divides a campus development in single ownership into two portions, where both a light rail station and a park-and-ride lot are to be located within that campus development in Tri-Met's final land use order, and where that campus development has an industrial land use designation and employs more than three-thousand seven-hundred (3,700) people on-site, the standards in Section 381 shall not apply to development proposed within that portion of the campus development containing the larger proportion of the gross square footage, provided that:
 - (1) The portion of the campus development containing the larger proportion of gross square footage retains an industrial land use designation;
 - (2) The proposed development, including new development, expansion of existing development or conversion of existing development to other uses, is permitted under the provisions of the industrial designation;
 - (3) The proposed development does not involve retail commercial or residential uses; and
 - (4) The number of employees working on-site at the campus development is at or above three-thousand seven-hundred (3,700) people at the time of the proposed development, and the proposed development will not result in a reduction in the number of employees working on-site below three-thousand seven-hundred (3,700) people.
- B. Proposed development within that portion of the divided campus development containing the lesser proportion of gross square footage shall comply with the applicable standards in Section 381.

383 STATE AND REGIONAL PARK OVERLAY DISTRICT

383-1 Intent and Purpose

The intent of the State and Regional Park Overlay District is to facilitate the development of state and regional parks that meet the provisions of Oregon Administrative Rule 660, Division 34 and the applicable provisions of this Code.

383-2 Applicability of the Overlay District

The State and Regional Park Overlay District designation shall be applied on the appropriate Plan map once the Board of County Commissioners gives their final approval of a State or Regional Park Master Plan. Uses which are not consistent with an approved Master Plan shall require an amendment to the State or Regional Park Master Plan before processing a development application.

383-3 Conflicts

The requirements of this section are in addition to the standards of the underlying district. In the event of a conflict between the requirements of this section and requirements of any other provision of the adopted State or Regional Park Master Plan, the requirements of this section shall control. In the event of a conflict between the requirements of an adopted State or Regional Park Master Plan and requirements of the underlying land use district, the requirements of the Master Plan shall control.

383-4 Uses Permitted Through a Type I Procedure

- A. Park uses, consistent with a State or Regional Park Master Plan subject to clear and objective standards of review.
- B. Park uses accessory to the uses identified in an approved State or Regional Park Master Plan.
- C. Accessory buildings, not to exceed 120 (one-hundred twenty) square feet.

383-5 Uses Permitted Through a Type II Procedure

- A. Park Uses, consistent with a State or Regional Park Master Plan subject to discretionary standards of review.

383-6 Dimensional Requirements

- A. Setbacks:

The minimum setbacks shall be that of the underlying land use district except that the following facilities shall be a minimum of 200 (two-hundred) feet from the perimeter park boundary:

- (1) Day use areas;
- (2) Group camp;

- (3) Horse camp;
- (4) Tent/RV campground;
- (5) Group tent camp; and
- (6) Walk-in camp.

B. Height:

The maximum height for any structure shall be sixty (60) feet.

C. Parking and Landscaping:

The parking and landscaping standards shall be as provided in an approved State or Regional Park Master Plan.

383-7 Minor Revisions to State or Regional Park Master Plans without Master Plan Amendments

The purpose of minor revisions are to allow flexibility in site design in order to accommodate changes that inevitably occur between the master planning process and final plans. When revisions are proposed, the original master plan must remain fundamentally intact. For example, site plans, street layouts, and use areas may not be reversed (flip-flopped). The Type I minor revision process only allows changes that have no off-site impacts. Therefore, only limited changes are allowed through this process.

A. Minor revisions to an approved State or Regional Park Master Plan may be made through a Type I procedure to the location or size of structures, uses and roads, subject to the following:

- (1) The change will not result in the location of a use, structure, or road within 200 (two-hundred) feet of the perimeter park boundary;
- (2) The change will not result in an increase in average daily trips as compared to the average daily trips in the traffic analysis prepared for the State or Regional Park Master Plan.
- (3) A maximum of 20 (twenty) percent one-time increase in the number of planned parking spaces in any parking lot or park use area;
- (4) Extension of a road to provide access to a planned use that is expanded or relocated only if the extension is needed to serve the expanded or relocated use; and
- (5) Building locations, parking areas, and use areas shall not be relocated in areas designated Water Areas and Wetlands, Water Areas and Wetlands and Fish and Wildlife Habitat, or Significant Natural Areas.

B. No reduction to the screening and buffering standards (Section 411) are allowed.

- C. All other revisions consistent with the approved State or Regional Park Master Plan shall be processed as a new Type II application, subject to the standards herein and those in effect at the time the new application is submitted. Allowed changes may include a maximum 20 (twenty) percent increase in the total number of campsites, a maximum 20 (twenty) percent increase in floor area of permanent buildings, except restroom and shower buildings, garbage and recycling collection buildings, campground registration buildings and storage buildings which may expand beyond 20 (twenty) percent, subject to land use review.
- D. Revisions to add uses, structures or roads not included the State or Regional Park Master Plan, or changes to the location or size of structures, uses and roads not allowed as specified above, will require an amendment to the Master Plan, per the standards in the State Park Administrative Rules.

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385 PRIVATE USE AIRPORT OVERLAY DISTRICT

385-1 Purpose

The purpose of the Private Use Airport Overlay District is to recognize the locations of certain private use and privately owned public use airports and heliports and to provide for their continued operation and vitality consistent with state law. This Overlay District also recognizes the locations of and provides for the continued operation and vitality of public use airports not protected under ORS 836.610(1).

385-2 Applicability

This Overlay District applies to the following private use airports: Apple Valley AP, Meyer's Riverside AP, North Plains Gliderport, Olinger Strip, Sunset Airstrip, and to the life flight heliport at Providence St. Vincent Medical Center, pursuant to ORS 836.608(2). This Overlay District additionally applies to Skyport, a public use airport.

385-3 Continued Operation and Determination of Existing Uses

Operation of the following uses may be continued at their current levels as of the effective date of this ordinance (November 27, 2003) upon demonstration that the use existed at the airport at any time during 1996.

In response to requests for building permits or other expansions pursuant to Section 385-4 which may or may not otherwise require a Type II or Type III procedure, or in response to citizen complaints, the Review Authority may require a determination regarding the existence and level of a particular listed use in 1996. This determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, and shall be processed via a Type II Procedure. This determination may be processed independently or concurrently with another Type II or Type III procedure.

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

- D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 308A.056.
- L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying

parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving.

385-4 Expansion of Existing Uses

The expansion of uses identified in Section 385-3 of this Overlay District that existed at any time during 1996 is permitted as provided in this section.

A. Expansions Permitted Through a Type I Procedure

The following expansions of existing uses are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code.

- (1) Construction of additional hangars and tie-downs.
- (2) Basing additional aircraft at the airport.
- (3) Increases in flight activity.

B. Expansions Permitted Through a Type II Procedure

The expansions of existing uses listed in Section 385-3 are permitted subject to the specific standards for the use set forth below as well as the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5 and as described in Section 385-8.

- (1) Growth of existing uses that require building permits, other than those existing uses identified in subsection A. of this Section, shall be permitted through a Type II procedure, provided the growth:
 - (a) Can be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;
 - (b) Does not force a significant change or significantly increases the costs of conducting existing uses on surrounding lands; and
 - (c) Does not exceed the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

385-5 Uses Which May be Permitted Through a Type III Procedure

Airport related uses identified in Section 385-3 of this Overlay District shall be permitted via a Type III public hearing process upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions, and/or additional requirements may be conditioned pursuant to Section 385-8.

- A. The use is or will be supported by adequate types and levels of facilities and services and transportation systems consistent with the County's adopted and acknowledged 2020 Transportation Plan;
- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

385-6 Limitations on Height of Structures

All uses, activities, facilities and structures allowed in the Private Use Airport Overlay District shall comply with the requirements of Section 386, Private Use Airport Safety Overlay District.

385-7 Dimensional Requirements

The minimum dimensional requirements shall be that of the underlying land use district except where further restricted by applicable Conditions of Approval.

385-8 Additional Requirements

As a condition of approval of any conditional use proposed within the Private Use Airport Overlay District, the Review Authority may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress, and building heights.
- D. Additional landscaping, screening and other improvements.
- E. Glare-resistant materials in the construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the Comprehensive Plan.

386 PRIVATE USE AIRPORT SAFETY OVERLAY DISTRICT

386-1 Intent and Purpose

The intent of the Private Use Airport Safety Overlay District is to encourage and support the continued operation and vitality of private use airports that were the base for three or more aircraft on December 31, 1994, and certain privately-owned public use airports, by establishing safety standards to promote air navigational safety at these airports as well as the safety of those living near these airports.

386-2 Applicability

The Private Use Airport Safety Overlay District shall apply to Apple Valley AP, Meyer's Riverside AP, North Plains Gliderport, Olinger Strip AP, Skyport AP, Providence St. Vincent Medical Center HP, and Sunset Airstrip, pursuant to ORS 836.608(2) and OAR 660-013-0155(1).

This Overlay District applies certain height restrictions to new development in underlying land use districts according to those described in the definition for Approach Surface, as outlined under Section 106-10.7.

386-3 Imaginary Surface Delineation

The airport elevation and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this overlay district and shall be made part of the Airport Safety and Land Use Compatibility Element of the Rural/Natural Resource Plan Map.

The helipad elevation and the location and dimensions of the primary surface, transitional surface and approach surface shall be delineated for the Providence St. Vincent Medical Center Heliport and shall be made part of the Airport Safety and Land Use Compatibility Element of the Cedar Hills-Cedar Mill Community Plan Map.

All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this Overlay District.

386-4 Notice of Land Use and Permit Applications within Overlay District Area

Written notice of applications and decisions for land use or limited land use decisions, including Comprehensive Plan or Map amendments, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

386-5 Height Limitations on Allowed Uses in Underlying District

All uses permitted by the underlying district shall comply with the height limitations in this Section. When height limitations of the underlying district are more restrictive than those of this Overlay District, the underlying district height limitations shall control.

- A. Except as provided in subsection B. of this Section, no structure or appurtenance shall be constructed to penetrate, nor tree, plant or other object of natural growth shall be planted which within ten years of growth can be expected to penetrate, an airport imaginary surface.
- B. Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation.

386-6 Procedures

An applicant seeking a Type II or Type III approval in an area within this Overlay District shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Land Development Services Division shall provide the applicant with appropriate base maps upon which to locate the property;
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level in order to compare absolute height relative to that of the nearby airport runway; and
- C. If a height variance is requested, letters of “support” or “no impact” from the airport sponsor and the Department of Aviation are required.

386-7 Nonconforming Uses

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District.
- B. Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C. No Type II or Type III approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay District.

387 PUBLIC USE AIRPORT OVERLAY DISTRICT

387-1 Purpose

The purpose of the Public Use Airport Overlay District is to encourage and support the continued operation and vitality of certain public use airports by allowing airport-related commercial and recreational uses in accordance with state law.

387-2 Applicability

This Overlay District applies to Stark's Twin Oaks Airpark, pursuant to ORS 836.610(1).

387-3 Conformance with Public Use Airport Safety and Compatibility Overlay District

All uses, activities, facilities and structures allowed in the Public Use Airport Overlay District shall comply with the requirements of Section 388, Public Use Airport Safety and Compatibility Overlay District. In the event of a conflict between the requirements of this land use overlay district and those of the Public Use Airport Safety and Compatibility Overlay District, the requirements of the latter shall control.

387-4 Uses Permitted Through at Type I Procedure

The following uses and activities are permitted subject to the general standards of this Overlay District, the Development Standards of Article IV and all other applicable standards of the Code. In addition, the Twin Oaks Airpark is located within an area identified by the Oregon Water Resources Department as the Bull Mountain-Cooper Mountain Critical Groundwater Area. Pursuant to this, groundwater consumption and activities on site that impact groundwater resources may be limited, as described in ORS Ch. 537 and OAR Ch. 690.

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed based operator facilities; a residence for an airport caretaker or security officer; pilots' lounge and associated eating establishment; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

- D. Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 308A.056.

387-5 Uses Permitted Subject to the Acceptance of the Airport Sponsor

The following uses and activities and their associated facilities and accessory structures are permitted in the Public Use Airport Overlay District upon demonstration of acceptance by the airport sponsor.

- A. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and

sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).

- B. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.

387-6 Dimensional Requirements

The minimum dimensional requirements shall be that of the underlying land use district except where further restricted by applicable Conditions of Approval.

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388 PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY OVERLAY DISTRICT

388-1 Intent and Purpose

The purpose of the Public Use Airport Safety and Compatibility Overlay District is to encourage and support the continued operation and vitality of public use airports with visual only approaches by establishing compatibility and safety standards to promote air navigational safety at such public use airports and to reduce potential safety hazards for persons living, working or recreating near such public use airports.

388-2 Applicability

The Public Use Airport Safety and Compatibility Overlay District shall be applied to the area surrounding Stark's Twin Oaks Airpark. In the future, this overlay district may apply to new or existing public use airports with visual approaches that have been identified by the Oregon Department of Aviation as requiring this level of protection, pursuant to ORS 836.600; ORS 836.619; OAR 660-013-0070; OAR 660-013-0080.

388-3 Imaginary Surface and Noise Impact Boundary Delineation

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface, transitional surface and direct impact boundary shall be delineated for each airport subject to this overlay district and shall be made part of the Airport Land Use and Safety Overlay District Element of the Rural/Natural Resource Plan Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay district.

388-4 Notice of Land Use and Permit Applications within Overlay District Area

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan amendments, in an area within this overlay district, shall be provided to the airport sponsor and the Department of Aviation as provided pursuant to Section 204.

388-5 Height Limitations on Allowed Uses in Underlying Districts

All uses permitted by the underlying district shall comply with the height limitations in this Section. When height limitations of the underlying district are more restrictive than those of this overlay district, the underlying district height limitations shall control.

- A. Except as provided in subsections B. and C. of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport

runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, the Review Authority may authorize structures up to thirty-five (35) feet in height.

- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

388-6 Procedures

An applicant seeking a Type II or a Type III approval in an area within this Overlay District shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Land Development Services Division shall provide the applicant with appropriate base maps upon which to locate the property;
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level; and
- C. If a height variance is requested, letters of “support” or “no impact” from the airport sponsor, the Department of Aviation, and the FAA are required.

388-7 Land Use Compatibility Requirements

Applications for land use or building permits for properties within the boundaries of this Overlay District shall comply with the requirements of this chapter as provided herein.

A. Noise

Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within identified airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 LDN, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 LDN.

B. Outdoor lighting

Any new or expanded industrial, commercial or recreational use shall submit an outdoor lighting plan to determine that the new use will not project lighting directly

onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare

No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial emissions

No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference

No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio-communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.

F. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Areas

The land uses identified in Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in this section, a limited use means a use that is allowed subject to special standards specific to that use.

TABLE 1

Location	Public	Residential	Commercial	Industrial	Institutional	Farm Use	Roads/ Parking	Utilities	Parks/Open Space	Golf Courses	Athletic Fields	Sanitary Landfills	Water Treat- ment Plants	Mining	Water Impoundments	Wetland Mitigation
RPZ ¹	L ²	N	N	N	N	P ³	L ⁴	L ⁵	L ⁶	L ⁷	N	N	N	N	N	N
Approach Surface ⁸	L ⁹	L ¹⁰	L ⁹	L ⁹	L ⁹	P ³	P	L ⁵	P	L ^{7,9}	L ⁹	N	N	L ¹¹	N ¹ 2	L ¹³
Direct Impact Area	P	L ¹⁴	L ¹⁵	P	L ¹⁵	P ³	P	L ⁵	P	L ⁷	L ¹⁴	N	N	L ¹¹	L ¹⁶	L ¹³

P = Use is Permitted

L = Use is Allowed Under Limited Circumstances (See Footnotes)

N = Use is Not Allowed

Table 1 Footnotes:

1. No structures shall be allowed within the RPZ. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the FAA.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Farming practices that minimize wildlife attractants are encouraged.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ, utilities, powerlines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation.
6. Public assembly facilities are prohibited within the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of this Chapter, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Within 10,000 feet from the end of the primary surface of a nonprecision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high density uses should not be permitted within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist.

10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre.
11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of this Chapter regulating water impoundments.
12. Water impoundments are prohibited within 5,000 feet from the end of a runway. See Section 388-8 regulating water impoundments beyond 5,000 feet from the edge or end of a runway.
13. Wetland mitigation required for projects located within an approach surface or airport direct or secondary impact area shall be authorized only upon demonstration, supported by substantial evidence, that it is impracticable to provide mitigation outside of these areas. Proposals for wetland mitigation shall be coordinated with the airport sponsor, the Department of Aviation, the FAA, and wetland permitting agencies prior to the issuance of required permits. Wetland mitigation shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways and approach surfaces. Conditions shall be imposed as are appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces. See Section 388-9 for best management practices for airports located near significant wetlands or wildlife habitat areas.
14. Within the transition surface, residential uses and athletic fields are not permitted.
15. Within the transition surface, overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.
16. See Section 388-8 prohibiting or regulating water impoundments beyond 5,000 feet from the edge or end of a runway.

388-8 Water Impoundments within Approach Surface Areas and Airport Direct Impact Boundaries

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this Section.

- A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
 - (1) Within an approach surface and within 5,000 feet from the end of a runway;
or
 - (2) On land owned by the airport sponsor that is necessary for airport operations.

388-9 Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surface Areas and Airport Direct Impact Boundaries

- A. Notwithstanding the requirements of Section 388-8, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 388-8 shall be allowed upon demonstration of compliance with the requirements of this Section.
- B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under Section 388-8 are recognized as lawfully existing uses.
- C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but

outside approach surfaces and areas regulated under Section 388-8 is encouraged.

- D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance (November 27, 2003), and new wetland mitigation projects, that are proposed within areas regulated under Section 388-8 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:
- (1) It is not practicable to provide off-site mitigation; or
 - (2) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.
- E. Wetland mitigation permitted under subsection D. of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.
- F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 388-8, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered through a Type II review process and shall be permitted upon demonstration that:
- (1) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and
 - (2) The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

388-10 Nonconforming Uses

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District.
- B. Notwithstanding subsection A. of this Section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Overlay District.

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401 INTRODUCTION

In addition to all the other applicable standards of this Code the standards of this Article are applied to all proposed development authorized by Article III, unless otherwise noted. In the event standards of this Article conflict with the provisions of the primary district the standards of this Article shall prevail.

Sections 405, 408, 409, 410, 411, 418, 420, 421, 422, 424, 426, 427, 428 and 431 are applicable to proposed development authorized by Article VI, unless otherwise noted. Uses authorized by Article VII are not subject to the standards of this Article unless specifically required by Article VII.

Additionally, all development, including land divisions, shall also comply with the applicable standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:

401-1 Community Plan Provisions:

- 401-1.1 General Design Elements;
- 401-1.2 Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation requirements;
- 401-1.3 Significant Natural Resource Designations;
- 401-1.4 Historic and Cultural Resource Designations;
- 401-1.5 Mineral and Aggregate Resource Designations (District A and B designations);
- 401-1.6 Major Transit Stop Designations;
- 401-1.7 Interim Light Rail Station Area Overlay Designations;
- 401-1.8 Transportation Circulation Designations;
- 401-1.9 Street Corridor, Arterial Access and Pedestrian System Designations;
- 401-1.10 Parking Maximum Designations; and
- 401-1.11 Local Street Connectivity Lands Designations.

401-2 Rural/Natural Resource Plan Provisions:

- 401-2.1 Significant Natural Resource Designations;
- 401-2.2 Historic and Cultural Resource Designations;
- 401-2.3 Mineral and Aggregate Resource Designations (District A and B designations);
- 401-2.4 Habitat Protection Plan; and
- 401-2.5 Implementing Strategy E of Policy 10.

401-3 Comprehensive Framework Plan for the Urban Area

401-3.1 Policy 41, Urban Growth Boundary Expansions

401-4 The Transportation Plan:

401-4.1 Policies 6, 7, 8, 10, 12, 14, 15, 22 and 23, including their implementing strategies;

401-4.2 The Functional Classification System Map;

401-4.3 The Lane Numbers Map;

401-4.4 The Special Area Streets Overlay Map;

401-4.5 The Regional Street Design Overlay Map;

401-4.6 The Transit System Map;

401-4.7 The Planned Bicycle System Map;

401-4.8 The Pedestrian System Maps; and

401-4.9 The Off-Street Trail System Maps.

401-5 General Provisions – Development Review

401-5.1 Procedures

Development review may be processed through a two step process consisting of a preliminary review and a final review. Preliminary review shall be through the procedure type listed in the applicable land use district. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.

401-5.2 Expiration

Preliminary approval shall expire automatically two (2) years from the date of approval unless final approval has been granted or development has commenced pursuant to Section 201-6 or an extension, according to the provisions of Section 201-5, has been requested and approved.

401-5.3 Review Standards

A. Preliminary Review:

The proposed project shall be reviewed for compliance with the applicable provisions of this Code, including Section 401-1, 401-2 and 401-3.

B. Final Review:

The request for final approval of a project shall be reviewed for consistency with the preliminary approval and shall comply with the standards and conditions of the preliminary approval.

401-5.4 Minor Revisions to Development Review Projects that have received Preliminary Approval

The purpose of minor revisions are to allow flexibility in site design in order to accommodate changes that inevitably occur between preliminary and final plans. When revisions are proposed, the original proposal must remain fundamentally intact. For example, site plans, street layouts, and lotting patterns may not be reversed (flip flopped). The Type I minor revision process only allows changes that have no off-site impacts. Therefore, only limited changes are allowed through this process.

A. Minor revisions to a preliminary approval for a development review project may be made through a Type I procedure for the following:

- (1) Lot dimensions;
- (2) Street locations;
- (3) Lot patterns;
- (4) Decreases in density;
- (5) Parking locations;
- (6) Changes in parking spaces;
- (7) Building locations; and
- (8) Decreases in building square footage.

B. Minor revisions shall meet the following standards:

- (1) Lot dimensions and patterns: Minor changes to lot dimensions and lot patterns may occur, but the overall-lotting pattern shall remain the same as the original;
- (2) Streets within a development that abut an adjacent property or an exterior adjacent street shall not be relocated more than one-half ($\frac{1}{2}$) the width of the right-of-way, easement or tract; or relocated so that they abut a different property from that approved in the preliminary plat approval, or as required in the primary district;
- (3) Stub streets within a development that abut an adjacent property or an exterior adjacent street shall not be changed to permanent "dead-end" streets (e.g., cul-de-sac or hammerhead) within the development;

- (4) Permanent "dead-end" streets within a development shall not be changed to a stub street which abuts an adjacent property or connected to an exterior adjacent street;
 - (5) The revisions shall continue to comply with the circulation standards of this Code. However, where connections were approved as direct, they must remain direct. Where connections were approved as circuitous, they must remain circuitous. The street network must maintain the planned functional classification of new and existing roads in the area. No modification to the review standards of Section 408 is allowed;
 - (6) Density decreases shall not exceed five (5) percent and must meet the minimum density standards required in the applicable land use district;
 - (7) Changes in parking spaces shall meet the requirements of Section 413;
 - (8) Building locations, parking areas and water quality facilities shall not be relocated in areas designated as Significant Natural Resources or relocated closer to any adjacent residential property;
 - (9) No reduction to the screening and buffering standards (Section 411) are allowed;
 - (10) For commercial and industrial development, no changes to the number of stories are allowed; and
 - (11) Outside the UGB, the commercial and industrial uses approved through the preliminary review must remain the same. Inside the UGB, the ADT at the access point(s) must not exceed the ADT reviewed by the County as part of the preliminary approval.
- C. All other revisions shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

401-5.5 Revisions to Development Review projects that have received Final Approval

Revisions to a project that has been reviewed through Section 401-4 and has received final approval shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

402 INTENT AND PURPOSE

It is the intent and purpose of the Development Standards to:

- 402-1** Promote site planning and design which consider the natural environment, creative and innovative project design, character of the neighborhood and the requirements of the Comprehensive Plan;
- 402-2** Maintain the required dimensional standards while promoting energy conservation, needed privacy, logical off-site development and harmony of scale, texture and color;
- 402-3** Consider use of native plant materials considering existing landscape elements, including landscaped areas along roadways and within parking lots, and to provide guidance in planting and maintenance while protecting existing trees from indiscriminate or unnecessary removal;
- 402-4** Insure the integrity of the roadway system while providing a safe and efficient transportation system which encourages alternatives such as pedestrian ways, bike paths and mass transit;
- 402-5** Protect lives and property from natural or man-made geologic, hydrologic or soils hazards through site development practices which protect and enhance the natural environment, minimizing soils erosion, sedimentation and drainage problems;
- 402-6** Provide standards which separate different land uses to eliminate or minimize potential negative impacts;
- 402-7** Improve the soil environment for vegetative growth;
- 402-8** Promote safe and efficient parking and loading areas for new development, changes of use or occupancy or enlargement of existing uses or structures;
- 402-9** Regulate the size, location and character of exterior signs, including identification of proprietor's products and services and provide for design, installation and maintenance to protect the public safety;
- 402-10** Regulate the spillover of light and glare on operators of motor vehicles, pedestrians and land uses while providing on-site direction, circulation, safety and crime inhibitors; and
- 402-11** Provide for enhanced views, improve the general living environment and prolong the economic life of a development while providing adequate services and facilities.

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403 APPLICABILITY

403-1 Compliance Permit

Prior to occupying a site approved through Development Review, a compliance permit is required. Before the compliance permit is issued, the developer shall construct or install the required improvements or shall provide the County with an approved assurance that all improvements will be carried out in accordance with the terms of the Development Review approval or the standards of this Code. The Board may, by Resolution and Order, specify acceptable assurance mechanisms and terms.

403-2 Master Plan - Minimum Requirements for all Development

At a minimum, through a Type I Procedure, all development, including land divisions and exemptions through Section 501-2, shall provide:

403-2.1 A Master Plan in a schematic form which contains the following when determined to be applicable by the Review Authority:

- A. Proposed Uses and Densities where applicable;
- B. Structure and Building Locations and Type;
- C. Landscape and Open Space, except for one detached dwelling on a lot of record inside the UGB and all single dwellings and agriculture or forest buildings outside the UGB;
- D. Roads, Parking and Circulation; and
- E. Phasing-Development Schedule if applicable.

A development application (Master Plan or Site Analysis application) for a development shall be for the entirety of the site, including all phases of a phased development. The development application shall demonstrate compliance, or demonstrate that it is feasible, for all portions of the site to comply with the standards of the Articles III (e.g., density, setbacks, height), IV (e.g., parking landscaping, grading and drainage), V (e.g., access spacing), and VI. When a residential development will occur in phases, or the development site is divided into multiple residential lots or parcels, each phase or lot or parcel shall develop to the density stated in the development application unless the original development application is modified consistent with the applicable density requirements and other applicable standards of this Code.

403-2.2 A statement that:

- A. The Development is permitted in the primary district; and
- B. The siting maintains all minimum dimensional requirements for the District and use.

403-2.3 Additional Evaluation Criteria

Except for detached dwelling units and their accessory structures, home occupations and agricultural uses, Master Plans for Type II and Type III uses shall also be evaluated for conformance to the following standards:

- A. Provision of facilities for the handicapped pursuant to the Uniform Building Code, 1979 Edition, if required by the Uniform Building Code;
- B. Incorporation of design features which reflect or complement the surrounding structural and architectural character through building style and materials;
- C. Use, in open space or park settings, of lines and materials (including plant materials) which blend with the natural features of the site or site background;
- D. Renovation or revitalization of existing structures identified within the Community Plan;
- E. Arrangement of structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:
 - (1) Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;
 - (2) Orient major service activity areas (e.g., loading and delivery areas) of a development away from existing dwellings;
 - (3) Contain all refuse storage areas within opaque enclosures and gates, built with the same type materials as the development. Refuse storage areas shall be located with easy access for trucks and shall be screened and buffered from residential living spaces; and
 - (4) "Street furniture" such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.
- F. For multi-family, commercial, industrial and institutional developments, lay out streets and building lots to allow buildings to maximize solar access, using techniques such as:
 - (1) East-west street direction so that principal building facades will face south;
 - (2) Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.
- G. For multi-family developments, structures shall be located, to the extent practicable, subject to compliance with all applicable review standards, so they will not shade the buildable area of urban residential property to the north that is or will be developed with a single-family dwelling or a manufactured dwelling in order to protect solar access to these properties;

- H. For single-family dwelling development, compliance with the standards of Section 427-3 (Solar Access Standards for New Development);
- I. Design buildings conducive to energy efficiency and conservation;
- J. Design entry areas in residential developments to act as an outdoor extension of each dwelling or transition between semi-public and private areas, using such techniques as:
 - (1) Changing the level, color, scale, texture or direction of a path; and
 - (2) The use of gates, fences, doors and landscaping.
- K. Design and cluster units to maximize privacy, using such techniques as:
 - (1) Facing main housing areas toward garden areas, open space and exposure to sun; and
 - (2) Placement of buildings to minimize the potential of windows facing directly toward primary living areas of other units/homes.
- L. Provide for storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be completely enclosed and easily accessible to dwelling units.

403-2.4 Needed Housing

Discretionary permit procedures and standards shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

403-3 Additional Standards Inside the UGB

In addition to the requirements of Table I, all Master Plan and Site Analysis applications shall address the requirements of Sections 404-419, 421-423, 427 and 429.

403-3.1 Type III development may be denied based on the following:

- A. The proposed development will have significant adverse impacts on property values in the area;
- B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or
- C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the County may be evaluated for its impacts on the entire area to be served.

403-3.2 Section 403-3.1 does not apply to residential Planned Developments or subdivisions in areas designated for R-6 or greater densities. Type III residential planned

developments or subdivisions other than in the R-5 District are presumed to be appropriate, provided that the specific standards of this Code are met.

- A. Such development may be denied or conditioned as provided in Article V;
- B. Conditions of approval may be imposed to mitigate adverse impacts;
- C. The flexibility in standards and open space provisions provided under the Type III process shall be used to permit development of a variety of housing types at the designated density while protecting identified significant natural features and accomplishing the objectives of the community design elements.

403-3.3 Section 403-3.1 does not apply to Plan Amendments except as may be set forth in the Comprehensive Framework Plan.

403-3.4 Section 403-3.1 does not apply to:

- A. Type I or II applications reviewed at a Type III proceeding; and
- B. Type I and II uses in transit oriented districts that are Type III uses because they do not follow the design standards in Section 431.

403-3.5 The standards of Section 403-3.1 do not have to be addressed by the applicant in the initial application submittal.

403-3.6 If objections to an application for a Type III development request are raised under the criteria of 403-3.1 in a specific and factual manner by an opponent or staff, the applicant shall be afforded reasonable opportunity to develop and present factual evidence and findings which address the objection(s) under the criteria in 403-3.1. Such issues shall be raised with sufficient specificity so as to afford the Review Authority, applicant and parties, adequate opportunity to respond to each objection. The Review Authority shall state at the public hearing whether the opponent or staff has submitted factual evidence that addresses the criteria in 403-3.1.

403-3.7 It shall be the applicant's responsibility to provide evidence that demonstrates compliance with the specific criteria of 403-3.1 under which the objection(s) was raised.

403-4 Additional Standards Outside the UGB

In addition to the requirements of Sections 401, 402 and 403, the following standards apply to development outside an urban growth boundary.

403-4.1 Section 406 Building, Siting and Architectural Design - Only applicable to commercial, industrial and institutional uses, and as necessary, for Special Uses as determined by the Review Authority, not including Special Use approval for single-family dwelling units.

403-4.2 Section 407 Landscape Design - Only to R-COM, R-IND, MAE, Special Uses of Section 430, as required by Section 407-4, Tree Preservation and Removal and as determined by the Review Authority.

- 403-4.3 Section 408 Neighborhood Circulation - Sections 408-5.1 and 408-5.2 apply only to land divisions within an Urban Reserve Area.
- 403-4.4 Section 409 Private Streets - Only Section 409-5 - Private Driveways and Private Streets Outside the UGB.
- 403-4.5 Section 410 Grading and Drainage, for any proposed road or public transportation facility and for structures prior to issuance of a building permit.
- 403-4.6 Section 411 Screening and Buffering - R-COM, R-IND, MAE, and Special Uses as identified or as determined by the Review Authority.
- 403-4.7 Section 413 Parking and Loading as applicable to Commercial, Institutional and Industrial Uses and as necessary for Special Use Permits as determined by the Review Authority. Surfacing requirements do not apply to single detached dwellings. Maximum parking requirements in Section 413-15.2 do not apply to development outside of an urban growth boundary.
- 403-4.8 Section 414 Signs - Agricultural Sign Requirements and as required for Rural Commercial, Rural Industrial and MAE Districts and Special Uses of Section 430 as determined by the Review Authority.
- 403-4.9 Section 417 Irrigation - Only applies when 407 (Landscape Design) applies.
- 403-4.10 Section 418 Setbacks
- 403-4.11 Section 419 Height
- 403-4.12 Section 421 Flood Plain and Drainage Hazard Area Development only as it applies to land divisions, construction of structures, roads, other public transportation facilities, and other permitted alterations to the flood plain or drainage hazard area.
- 403-4.13 Section 422 Significant Natural Resources
- 403-4.14 Section 423 Environmental Performance Standards (except for farm and forest uses).
- 403-4.15 Section 424 Creation of Parcels in the EFU, EFC and AF-20 Districts
- 403-4.16 Section 425 Designation of Marginal Lands in the AF-20 District
- 403-4.17 Section 426 Erosion Control
- 403-4.18 Section 428 Forest Structure Siting and Fire Safety Standards - Only applicable to the EFC District and as otherwise specified
- 403-4.19 Type III development may be denied based on the following:
 - A. The proposed development will have significant adverse impacts on property values in the area;

- B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or
 - C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the County may be evaluated for its impacts on the entire area to be served.
- 403-4.20 Section 403-4.19 does not apply to Plan Amendments except as may be set forth in the Comprehensive Framework Plan.
- 403-4.21 Section 403-4.19 does not apply to nonfarm dwelling applications in the EFU & AF-20 Districts.
- 403-4.22 Section 403-4.19 does not apply to Type I or Type II applications reviewed at a Type III proceeding.
- 403-4.23 The standards of Section 403-4.19 do not have to be addressed by the applicant in the initial application submittal.
- 403-4.24 If objections to an application for a Type III development request are raised under the criteria of 403-4.19 in a specific and factual manner by an opponent or staff, the applicant shall be afforded reasonable opportunity to develop and present factual evidence and findings which address the objection(s) under the criteria in 403-4.19. Such issues shall be raised with sufficient specificity so as to afford the Review Authority, applicant and parties, adequate opportunity to respond to each objection. The Review Authority shall state at the public hearing whether the opponent or staff has submitted factual evidence that addresses the criteria in 403-4.19.
- 403-4.25 It shall be the applicant's responsibility to provide evidence that demonstrates compliance with the specific criteria of 403-4.19 under which the objection(s) was raised.

404 MASTER PLANNING

Master Planning through the Site Analysis (Master Planning - Site Analysis) or Planned Development (Master Planning - Planned Development) is provided to encourage development which best utilizes the existing on- and off-site characteristics, to encourage flexibility and a creative approach in land development with a more efficient, aesthetic and desirable use of open space, and to establish desirable physical links within a community. It is not the intent of this Section to require full engineering or landscape drawings prior to receiving approval of a requested use. Preliminary (conceptual) plans shall be submitted with the Master Plan application. Prior to issuance of permits final drawings will be required.

Master planning may be processed through a two step process consisting of a preliminary review and a final review. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.

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

Site Analysis is the review of an entire site, including contiguous property under the same ownership.

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

- A. Development exempt from the public facilities standards of Section 501-2;
- B. A detached dwelling on a Lot of Record in the R-5 and R-6 Districts;
- C. One duplex on a Lot of Record if the proposed dwelling is exempt from public facilities standards;
- D. A single dwelling outside the UGB.

404-1.2 Except as provided in 404-1.1 Off-Site Analysis is required of all new development and expansions which exceed fifty (50) percent of the existing development.

404-1.3 Where required, an On-Site Analysis including the area within fifty (50) feet of the proposed development and future site, if any, shall contain the requirements as listed in Table I, below.

TABLE I

	Immediate Site	Future Site (Area of site not affected by the immediate development)
Topography	Two (2) foot minimum contour intervals unless provided otherwise by Section 410 or Section 421-3.1, as applicable	Ten (10) foot intervals.
Soils and Geology	Soil Map Survey Legend Percent of slope Soil Description* Soil limiting features Depth to seasonal or apparent water table. Depth to bedrock 120-123* Depth to soil fragipan (X) Pg. 8-49* Other restrictive features	Sq. ft. of disturbed soil area Soil description of graded or excavated areas Hazards (Wetness, etc.) Restrictive features, Kind of fill
Drainage	Surface flow direction Depth to seasonal or apparent water table. Off-Site impact to adjacent land and/or drainage ditch.	Flow Direction Off-Site impact to adjacent land and/or drainage ditch.
Vegetation	Sizes, species, location of trees 6" caliper or greater DBH General groups other species	General groupings and characteristics
Views and Vistas when identified on the applicable Community or Rural Plan	General description of objects, range limitation potential obstruction	General
Sun Exposure	Shadow Plan, or sufficient information to demonstrate compliance with Section 427-3, as applicable	Sun Direction, or sufficient information to demonstrate compliance with Section 427-3, as applicable
Structures	Location & Description	Approximate Location
Open Space	Section 405	

* Soil Information from Soil Conservation, Soil Survey Report, Washington County, July, 1982.

404-1.4 Off-Site Analysis

Where required, an off-site analysis inside the UGB shall include at a minimum:

- A. The land in an area created by an equal extension of the dimensions and configuration of the Master Plan in each direction (N, NE, E, SE, S, SW, W and NW) from the site.
- B. Where this extension crosses a limited access arterial or freeway, the road shall serve as one boundary.
- C. An analysis in this extended area shall show in conceptual form all items required by the On-Site Analysis, Future Site, (Table I) at the same scale as the On-Site Analysis and Master Plan. An aerial photograph identifying these areas is an acceptable data base.

404-2 Modification of Standards through the Site Analysis

Front, side and rear yard setbacks and lot dimensions (does not include lot area) may be reduced up to ten (10) percent, when the Review Authority finds, based on evidence in the record, that the modification is necessary to retain natural or topographic features, such as mature trees, drainage swales, slopes, ridge lines, or rock outcropping.

404-3 Type II, Site Analysis Inside the UGB

The public facilities requirements of a Type I Site Analysis may be reviewed through a Type II process only to determine whether the public facilities requirements can be met.

404-4 Planned Development

The Planned Development review process provides flexibility in standards and the location of permitted uses, compensated through innovative design and the dedication of public open space. The Planned Development review process shall not be utilized in transit oriented districts.

404-4.1 Only those uses allowed within the Primary District are permitted.

404-4.2 The Planned Development is processed through a Type II procedure, except where Type III process is required for a Planned Development.

404-4.3 A Planned Development in the R-5 District requires a Type III process.

404-4.4 Modification of Standards through the Planned Development.

Upon submission of an on- and off-site Site Analysis as described in Section 404-1, when the request conforms to the standards of this Code, the following modifications may be allowed:

- A. Standards regarding interior private streets, parking requirements, building lot coverage, yard requirements, building height, except the building height standards of Section 427-3, and landscaping may be varied if the applicant

submits written evidence and there is a finding by the Review Authority that all of the following can be achieved by the submitted plans:

- (1) The site design utilizes progressive concepts which reduce such major alterations of the site, such as excavations, retaining walls, steep road cuts and fill, and extensive grading;
- (2) The site design provides for open space and recreational facilities such as playgrounds, bike and pedestrian trails, swimming pools, tennis courts and similar facilities in Commercial, Industrial and Residential Districts according to the following:
 - (a) Twenty (20) percent on sites between zero (0) and ten (10) acres;
 - (b) Fifteen (15) percent on sites between ten (10) and fifty (50) acres; and
 - (c) Ten (10) percent on sites greater than fifty (50) acres.
- (3) This open space shall be improved and landscaped to reflect the intended character of the development, and as approved by the Review Authority and shall be in addition to that required by Section 405-1 (Open Space). However, Industrial and Commercial Planned Development proposals shall be allowed to use flood plain, drainage hazard, or riparian open space on the subject property to offset up to fifty (50) percent of this open space, provided that the area counted for offset is not used for parking (see Section 421-12);
- (4) There is maximum retention of the natural topographic features, such as drainage swales, slopes, ridgelines, rock outcroppings, vistas, natural plant formations and trees.

404-4.5 Allowed Modifications

Upon a finding that the applicant's plan substantially achieves all of the preceding criteria, the Review Authority may modify the identified standards within the following prescribed limits:

- A. Front, side and rear yards may be reduced to zero when in compliance with the Uniform Building Code, provided no less than eight (8) feet-four (4) inches remain between the overhangs, and the overhang does not project beyond the property line except where units are attached and Building Code requirements are met, and on the perimeter yards of a proposed development where the standards of the Primary District and the standards of Sections 411 and 430-147 shall be met;
- B. The reduction of private roadway pavement width may be made if provisions are made to provide off-street parking in addition to that required in the Off-Street Parking Section of this Code. In no event can the reduction exceed that approved by the appropriate fire district;
- C. Height limitations may be increased up to one-hundred (100) feet;

- D. Parking requirements may be reduced up to thirty (30) percent as provided in Section 413-14;
 - E. Lot size requirements may be reduced or eliminated. However, this modification shall not allow increased density;
 - F. Lot dimension requirements may be reduced or eliminated; and
 - G. The land use districts, as designated by the Community Plan for the subject site, may float within the boundaries of the proposed planned development.
- 404-4.6 The Planned Development process shall allow for the creation of attached dwelling units without limitation in all residential districts, except for Planned Developments less than two (2) acres located within the R-5 District, in which case the structure type shall be limited to duplexes. Attached dwellings in the R-5 District must meet the Planned Development Standards.

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405 OPEN SPACE

405-1 The following categories identified in the Site Analysis, Section 404-1, shall be preserved as open space, except as may be otherwise provided:

- 405-1.1 Confirmed land movement hazard areas, as identified through the application of the standards of Section 410, or mapped as a Significant Natural Area on the Community Plan;
- 405-1.2 Areas confirmed to have severe erosion potential due to soil type, geologic structure and vegetation, as identified through the application of the standards of Section 410, or mapped as a Significant Natural Area on the Community Plan;
- 405-1.3 Bodies of water such as rivers or lakes;
- 405-1.4 Land within the Flood Plain, Drainage Hazard Area or riparian zone, except as provided in Sections 421 and 422; or
- 405-1.5 Other specific areas identified for open space within the Community Plan.

405-2 Protection

Site Planning and development shall avoid disturbance of identified open space resources. Full use should be made of density transfers, siting of structures and roads, and other appropriate means in designing the development around the open space.

405-3 Classification

- 405-3.1 Private Open Space - Areas intended for the private use of an individual owner or group of owners (owners' association).
- 405-3.2 Public Open Space - Areas intended for common and public use either privately or publicly owned and maintained.

405-4 Maintenance

At a minimum, maintenance shall include the following:

- 405-4.1 In natural areas, areas of undisturbed vegetation or areas replanted with vegetation after construction and woodlands, woodland swamps or wetlands, maintenance is limited to removal of litter and hazardous plant materials. Except as provided by Section 421, natural water courses are to be maintained as free-flowing.

Stream channels shall be maintained so as not to alter flood plain or drainage hazard area levels, except as provided by Section 421;

- 405-4.2 For garden plots which are the division of open space into plots for cultivation as gardens by residents, maintenance may be limited to weeding and fallowing;

- 405-4.3 For recreational areas which are areas designed for specific active recreational uses such as totlots, tennis courts, swimming pools, ballfields, and similar uses, maintenance shall insure that no hazards, nuisances, or unhealthy conditions exist;
- 405-4.4 For greenways which are linear green belts linking residential areas with other open-space areas, maintenance shall insure that there exist no hazards, nuisances, or unhealthy conditions. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged;
- 405-4.5 For lawn areas which are grass with or without trees, maintenance may be limited to mowing to insure neatness and usability.

405-5 Ownership Maintenance

Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this Section by any of the following mechanisms or combinations thereof:

- 405-5.1 Dedication of open space to an appropriate public agency, when a public agency is willing to accept the dedication.
- 405-5.2 Ownership of the open space by a homeowners' association or property owner(s) assuming full responsibility for its maintenance.
- 405-5.3 Dedication of development rights of open space to an appropriate public agency with ownership remaining with the applicant or owner or homeowners' association. Maintenance responsibility shall remain with the property owner.
- 405-5.4 Deed-restricted private ownership which prevents development of the open space land and provides for maintenance.
- 405-6 All open space required by Section 404-4.4 A. (2) shall maintain a minimum dimension of ten (10) feet and a minimum area of one-thousand (1,000) square feet.**
- 405-7 Open space required by the provisions of the standards of Planned Development Section 404-4 shall be located within a one-quarter ($\frac{1}{4}$) mile of ninety (90) percent of the dwelling units affected by any reduction in standards.**

406 BUILDING, SITING AND ARCHITECTURAL DESIGN

406-1 Review Standards

The Review Authority shall evaluate all building and site plans, including detached dwelling units, for conformance to the following standards:

- 406-1.1 The development is permitted within the primary district;
- 406-1.2 The development is sited to maintain all minimum setback and lot coverage requirements; and
- 406-1.3 The development meets the maximum height requirements of the primary district.

406-2 Additional Requirements for Type II and Type III Development

In addition to the requirements of Section 406-1, all Type II and Type III structures and site plans shall:

- 406-2.1 Have a distance between primary structures on a single lot no less than the sum of the required setbacks;
- 406-2.2 When required by the Uniform Building Code, provide facilities for the disabled pursuant to the Uniform Building Code, edition in effect at this time;
- 406-2.3 Incorporate design features which reflect or complement the surrounding structural and architectural character through building style and materials. Use, in open space or park settings, lines and materials (including plant materials) which blend with the natural features of the site or site background;
- 406-2.4 Renovate or revitalize existing structures identified within the Community Plan;
- 406-2.5 Arrange structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:
 - A. Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;
 - B. Orient major service activity areas (e.g., loading and delivery areas) of the proposed development away from existing dwellings;
 - C. "Street furniture" such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.

406-3 Energy Conservation Guidelines

Type II and Type III Developments:

- 406-3.1 Where possible, lay out streets and building lots for multi-family, commercial, industrial and institutional developments to allow buildings maximum solar access, using techniques such as:
- A. East-west street direction so that principal building facades will face south;
 - B. Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.
- 406-3.2 Where possible, design multi-family, commercial, industrial and institutional buildings conducive to energy efficiency and conservation.
- 406-3.3 Where possible, subject to compliance with applicable review standards, design multi-family developments so structures will not shade the buildable area of urban residential property to the north that is or will be developed with a single-family dwelling or a manufactured dwelling in order to protect solar access to these properties.
- 406-3.4 Where applicable, compliance with the standards of Section 427-3.

406-4 Privacy Guidelines

Type II and Type III Developments, where possible shall:

- 406-4.1 Design entry areas in residential developments to act as an outdoor extension of each dwelling or transition between semi-public and private areas, using such techniques as:
- A. Changing the level, color, scale, texture or direction of a path; and
 - B. The use of gates, fences, doors and landscaping.
- 406-4.2 Design and cluster units to maximize privacy, using such techniques as:
- A. Facing main housing areas toward garden areas, open space and exposure to sun; and
 - B. Placement of buildings to minimize the potential of windows facing directly toward primary living areas of other units/homes.

406-5 Storage

Provide for storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be completely enclosed and easily accessible to dwelling units.

406-6 Mixed Solid Waste and Recyclables Storage Facilities

The mixed solid waste and source-separated recyclables storage standards of this section shall apply to new multi-unit residential buildings containing five or more units and to new commercial, industrial and institutional construction that is subject to a

Type II or III review procedure and is located inside the Regional Urban Growth Boundary.

New construction shall incorporate functional and adequate space for on-site storage and efficient collection of mixed solid waste and source-separated recyclables prior to pick-up and removal by haulers by complying with the standards of this Section.

To provide for flexibility in designing functional storage areas, this section provides three different methods to meet the objectives of providing adequate storage space for mixed solid waste and recyclables and improving the efficiency of collection. An applicant shall choose one of the following three methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; or 3) comprehensive recycling plan.

406-6.1 Minimum Standards Method

This method specifies a minimum storage area requirement based on the size and general use category of the new construction. This method is most appropriate when the specific use of a new building is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

The size and location of the storage area(s) shall be indicated on the site plan of any construction subject to this section. Compliance with the general and specific requirements set forth below is verified during the site plan review process.

A. General Requirements:

- (1) The storage area is based on the predominant use(s) of the building (e.g., residential, office, retail, wholesale/warehouse/manufacturing, educational/institutional, or other). If a building has more than one of the uses listed herein and that use occupies 20 percent or less of the floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed herein and that use occupies more than 20 percent of the floor area of the building, then the storage area requirement for the entire building shall be the sum of the requirement for the area of each use.
- (2) Storage areas for multiple uses on a single site may be combined and shared.
- (3) The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than 4 feet but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

B. Specific Requirements

(1) Multi-unit residential buildings containing 5-10 units shall provide a minimum storage area of 50 square feet. Buildings containing more than 10 units shall provide an additional 5 square feet per unit for each unit above 10.

(2) Non-residential buildings shall provide a minimum storage area of 10 square feet plus:

Office: 4 square feet/1,000 square feet gross floor area (GFA);

Retail: 10 square feet/1,000 feet GFA;

Wholesale/Warehouse/Manufacturing: 6 square feet/1,000 square feet GFA;

Educational and Institutional: 4 square feet/1,000 square feet GFA; and

Other: 4 square feet/1,000 square feet GFA.

406-6.2 Waste Assessment Method

This method tailors the storage area size to a waste assessment and management program for the specific user of a new building. It is most appropriate when the specific use of a building is known and the type and volume of mixed solid waste to be generated can be estimated.

A pre-application conference with the solid waste coordinator/ development review staff is required if the waste assessment method is proposed. A waste assessment form shall be used to estimate the volumes of source-separated recyclables/mixed solid waste generated. From this information, the applicant can design a specific management, storage and collection system. Techniques such as a compactor or cardboard bailer may be implemented to minimize the square footage of the site which must be set aside for a storage area.

The waste assessment form shall be completed and submitted with site plans. The plans must identify the size and location of interior or exterior storage area(s), specialized equipment, collection schedule, etc. required to accommodate the volumes projected in the waste assessment. The application shall demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method. The solid waste coordinator shall review and approve the waste assessment as part of the development review process.

406-6.3 Comprehensive Recycling Plan Method

The comprehensive recycling plan method is most appropriate when an applicant has independently developed a comprehensive recycling plan that addresses materials collection and storage for the proposed use. This method can be used when a comprehensive recycling plan has been developed for a specific facility. It is most suited to large non-residential uses such as hospitals, schools and industrial facilities.

The comprehensive recycling plan shall be submitted at the same time site plans are submitted for development review. The applicant shall submit plans and text that show how mixed solid waste and recyclables generated by the proposed development will be served under a comprehensive recycling plan. The application shall also demonstrate that the mixed solid waste and recyclables volumes expected to be generated can be stored in less space than is required by the Minimum Standards Method.

406-6.4 Location, Design and Access Standards for Storage Areas

The following location, design and access standards for storage areas are applicable to all three methods of compliance: 1) minimum standards; 2) waste assessment; and 3) comprehensive recycling plan.

A. Location Standards:

- (1) To encourage its use, the storage area for source-separated recyclables shall be co-located with the storage area for residual mixed solid waste.
- (2) Indoor and outdoor storage areas shall comply with Uniform Building Code requirements.
- (3) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.
- (4) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.
- (5) Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required for the use after deducting the area used for storage.
- (6) The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.
- (7) Exterior storage areas shall comply with the yard requirements of the primary district and the sight triangle requirements of Section 418-3.

B. Design Standards:

- (1) The floor area of an interior or exterior storage area required by Section 406-6 shall be excluded from the calculation of lot coverage and from the calculation of building floor area for purposes of determining minimum storage requirements.
- (2) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
- (3) Storage containers shall meet Uniform Fire Code standards and be made and covered with waterproof materials or situated in a covered area.

- (4) Exterior storage areas shall meet the enclosure and screening and buffering requirements of Section 403-2.3 E (3). Gate openings which allow access to users and haulers shall be provided. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position.
- (5) Storage area(s) and containers shall be clearly labeled to indicate the type of materials accepted.

C. Access Standards:

- (1) Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
- (2) Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet of vertical clearance is required if the storage area is covered.
- (3) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

406-7 Submittal Requirements

In all development review applications which are required to conform to the standards of Building Siting and Architectural Design, or are required to demonstrate compliance with standards related to building facades, the following information must be submitted:

- 406-7.1 Site Plan showing the location of all proposed structures, including required storage facilities for mixed solid waste and recyclables;
- 406-7.2 Building Floor Plans;
- 406-7.3 Building Elevations and Sections;
- 406-7.4 Building Materials for all nonresidential uses, except as specified otherwise by a provision of this Code; and
- 406-7.5 Building Shadow Plan.
- 406-7.6 For new development required to provide mixed solid waste and recyclables storage facilities, a written statement from the applicable franchised solid waste collection company concerning the adequacy of the proposed design and location of the storage facilities as required by Section 406-6.4 A. (6), 406-6.4 B. (4), and 406-6.4 C. (1, 2, and 3).

407 LANDSCAPE DESIGN

407-1 Minimum Landscape Standards

407-1.1 The minimum landscaping area requirements may include landscaping around buildings and in parking and loading areas, outdoor recreational use areas, and screening and buffering as required under Section 411.

407-1.2 Areas determined unbuildable due to slopes and flood plain and required as open space under Sections 405 or landscaping within parking areas under Section 407-1.6 shall not be used to calculate or satisfy minimum landscape requirements.

407-1.3 Residential:

A minimum of twenty-five (25) percent of the buildable land area pursuant to Section 407-1.2 shall be used for landscaping in residential districts. There shall be no minimum landscape requirement for detached dwellings or a duplex on a lot of record located in an urban residential district or rural district. Redevelopment or additions to attached dwelling developments shall meet the minimum area requirements of this Section.

407-1.4 Commercial, Industrial and Institutional Districts:

A. For new development, the minimum area required for landscaping shall be fifteen (15) percent of the land area.

B. For developed areas where fifteen (15) percent of the land area is not landscaped, where there are additions, alterations or changes, the following amounts of landscaping shall be provided until the fifteen (15) percent requirement is satisfied:

(1) On sites of two acres or less:

(a) Changes in use which require an increase in parking, or structural additions up to 1,999 square feet, shall be required to landscape at least five (5) percent of the entire developed site area.

(b) Structural additions of 2,000 to 4,999 square feet shall be required to landscape at least ten (10) percent of the entire developed site area.

(c) Structural additions of 5,000 square feet or more shall be required to meet the current minimum landscape requirement for new development.

(2) On sites of more than two acres:

(a) Changes in use which require an increase in parking shall be required to landscape at least five (5) percent of the developed site area.

(b) Any structural additions shall be required to provide landscaping proportional to the additional footage being proposed.

Example

Lot Area x 15% (req. landscaping) = X Existing
 Building Floor Area = Y
 Proposed Building Floor Area = Z

Z

Y = A (Addition as percent of total building area)

X x A = Required Amount of Landscaping

- (3) Where successive occupancy changes or additions occur the landscape requirement shall accumulate until total conformance is reached.

407-1.5 All areas of a building site not identified in a site plan or development plan application as intended for a specified immediate use, shall be landscaped except where enclosed and blocked from the view of public streets by solid fencing or buildings.

407-1.6 The following interior landscaping requirements shall apply to all parking areas for ten (10) or more vehicles:

- A. Ten (10) square feet of landscaping per parking space, excluding perimeter landscaping;
- B. Landscaped islands shall be a minimum of one hundred and twenty (120) square feet.

407-2 Standards for Landscaping Materials

Where landscaping is required by Section 407-1, the materials, installation and maintenance are subject to the following provisions:

407-2.1 Allowable Materials:

Landscaping is to include a combination of any of the following materials:

- A. Trees, shrubs, ground cover, vines, flowers and lawns;
- B. Brick, bark, timber, decorative rock or other decorative materials, provided that materials other than planting materials are not to exceed twenty-five (25) percent of the total area of landscaping; and
- C. Features including fountains, pools, artwork, walls and fences.

407-2.2 Prohibited Materials:

Landscaping required by Section 407 shall not include any plant material which:

- A. Is identified by the Director as having root structures that in their mature state may damage or interfere with the normal use of existing public or private underground electrical lines, cables or conduits, pipes or other underground structures; or public or private sidewalks, curbs, gutters or paved parking

turnaround areas, drainage improvements, or adjacent structures, foundations, or landscape materials; or

- B. Cast a shadow, which is greater than the shadow cast by a hypothetical wall seven feet high located along the property line, between 10 a.m. and 2 p.m. on December 21st, upon an existing solar collector.

407-2.3 Landscape materials should be selected and sited to produce a hardy and drought-resistant landscaped area. Selection should include consideration of soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site.

407-3 Tree Preservation and Removal

407-3.1 Applicability

Section 407-3 applies to all tree removal that is not excluded from development permits required by Section 201-2 or is not in conjunction with another Type II or Type III development action.

407-3.2 Exemptions from Tree Removal Permit Requirement

The requirements of Section 407-3 do not apply to the following:

- A. Trees identified and approved for removal through a Type II or III procedure in an approved Development Plan; or
- B. Removal of trees in conjunction with the development of a “conflicting use” of a Significant Natural Resource as specified in the applicable community plan, which was allowed pursuant to Oar 660-23-040(5)(c) (effective September 1, 1996), through a Type IV process; or
- C. Trees in a hazardous condition which presents an immediate danger to health or property.

407-3.3 Submission Requirements

Applications for tree removal shall include the following information:

- A. Written narrative containing:
 - (1) A description of the size, species and condition (e.g., diseased, healthy) of each tree or group of trees, proposed for removal or replacement;
 - (2) An explanation of the purpose of removal;
 - (3) A description of any associated flood plain or drainage hazard area alterations;
 - (4) Findings addressing the application requirements of Section 422; and

- (5) Findings addressing relevant design elements of the applicable community plan.

B. A Site Plan showing:

- (1) The location, size and species of trees six (6) inches or greater in diameter at four (4) feet above grade. For forested areas that are larger than five (5) acres, the general locations of trees may be shown with one or more detailed one (1) acre sample areas. Sample areas must be representative of the site.
- (2) A delineation of any flood plain, drainage or wetland areas in accordance with Sections 421 and 422.

C. An approved erosion control plan from the Clean Water Services.

407-3.4 Tagging Required:

Trees proposed for removal shall be identified for field inspection by means of flagging, staking, paint spotting or other means readily visible but not detrimental to a healthy tree.

If a proposed harvest area is located within twenty-five (25) feet of a rear or side property line, not including property lines adjacent to a public or private street, the applicant shall:

- A. Mark or stake the property line(s) so that it is readily visible; and
- B. Identify trees within twenty-five feet of the property line that are proposed to be removed in the manner described above.

407-3.5 Removal Standards:

- A. Compliance with Section 422 and any other applicable Code requirement; and
- B. Inside the UGB, the harvesting of forest tree species for the commercial value of the timber shall be subject to the following additional requirement:
 - (1) The harvesting of trees shall use a selective cutting procedure. Clear-cutting shall not be permitted.
 - (2) For the purposes of Section 407-3, clear-cut means any harvest unit that leaves fewer than fifty (50) living, healthy and upright trees per acre that are well-distributed over the unit and that measure at least eleven (11) inches in diameter at four (4) feet above grade. Species left should reflect the same species proportions existing prior to harvest.
- C. The Review Authority may require the applicant to identify a property line through a boundary survey when evidence has been submitted which indicates that trees that are proposed to be removed may be located on an adjacent property. If required, the boundary survey shall be made and recorded in the County Survey Division prior to the removal of any trees from the area in question.

407-4 Landscape Plan

The purpose of a landscape plan is to identify the type and placement of plant materials. By detailing the plantings, a landscape plan provides an effective means for evaluating whether chosen plant materials will survive in the climate and soils of a given site and satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time. Landscaping plans are to be prepared, processed and used as follows:

407-4.1 When Required:

Landscaping plans are required to be submitted as part of a development application, except for detached and duplex dwelling units located within the R-5, R-6 and Agricultural Districts.

407-4.2 Landscape Plan Content:

Landscape plans are to be neatly and accurately drawn, at a scale that will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscape plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans shall show:

- A. The location of all trees six (6) inches or larger in diameter at four (4) feet above grade existing in or within fifty (50) feet of the area of the site proposed for grading or other construction. Trees proposed to be removed are to be identified;
- B. Proposed landscaping details including the location, species, container size and number of trees, shrubs and ground cover;
- C. Details and location of proposed fencing, entryways, trash collection areas and freestanding signs;
- D. Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment; and
- E. Outdoor light fixtures, including their location, height and wattage.
- F. No fill material shall be placed adjacent to existing trees inside the drip line.

407-5 General Provisions and Guidelines

407-5.1 The landscape design shall incorporate existing significant trees and vegetation, which shall be protected during construction to the extent practicable.

407-5.2 Patterns of landscape design established on adjacent properties through a consistent use of species or spacing should be continued within a development.

407-6 Parking Area Landscaping

- 407-6.1 The landscaping located within and adjacent to access roads and parking areas shall consist of a mixture of ground covers, shrubs and trees.
- 407-6.2 Landscaped areas shall be located to provide shade for parking lots and to create small clusters of parking.
- 407-6.3 In addition to pedestrian ways, parking areas and access roads shall be separated from the exterior wall of a structure with landscaping except where loading and access ways exist.
- 407-6.4 A minimum five (5) foot landscape strip shall be created along any parking lot boundary, including access roads, except where the use of joint parking or a zero setback is approved.
- 407-6.5 Landscape "islands" located within parking areas shall maintain a minimum width and length dimension of five (5) feet (see Section 407-1.6).
- 407-6.6 Entryways into parking lots shall be bordered by a minimum five (5) foot wide landscape strip.
- 407-6.7 Landscape plans that do not meet the minimum area standard through requirements intended to provide landscaping around buildings and in parking and loading areas, and screening and buffering as required under Section 411, are required to focus landscaping along pedestrian walkways linking on-site building(s) to the street in order to meet the minimum area standard.

407-7 Urban Street Tree Standards

Inside an urban growth boundary, all new structures or land divisions fronting on public or private roadways or access drives, except the construction of a detached dwelling unit on an existing lot, shall be required to plant street trees in accordance with the following standards:

- 407-7.1 The species of street trees to be planted shall be chosen from the approved list of street trees unless approval of another species is given by the Director through a Type I procedure;
- 407-7.2 Exemption from the street tree requirements may be granted by the Director if existing trees can be used as a substitute. This exemption may be granted through a Type I procedure;
- 407-7.3 Street trees shall be installed at an average of one tree per thirty-five (35) feet of lineal road frontage;
- 407-7.4 Street trees shall be installed on public or private property no more than five (5) feet from the designated right-of-way; and
- 407-7.5 Street trees shall be a minimum of one and one-half (1 ½) inches in diameter.

407-8 Installation and Maintenance

- 407-8.1 Landscape plant materials will be installed to current nursery industry standards.
- 407-8.2 Landscape plant materials shall be properly guyed and staked to current industry standards. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
- 407-8.3 Mandated deciduous trees shall be fully branched, have a minimum caliper of one and one-half (1 ½) inches, and a minimum height of eight (8) feet in height at the time of planting. Reduction in the minimum size may be permitted, except where the plant material is required by Section 411, Screening and Buffering, if certified by a registered landscape architect that the reduction will not diminish the chance of survival or intended affect of the plant material.
- 407-8.4 Evergreen trees shall be a minimum of six (6) feet in height, fully branched, at the time of planting. Reduction in the minimum size may be permitted, except when the plant material is required by Section 411, if certified by a registered landscape architect that the reduction shall not diminish the plant material's chance of survival or intended affect.
- 407-8.5 Shrubs shall be supplied in one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) inches. Reduction in the minimum size may be permitted, except when the plant material is required by Section 411, if certified by a registered landscape architect that the reduction will not diminish the plant materials chance of survival or intended affect.
- 407-8.6 Ground cover plantings shall be planted at a maximum of thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2 ¼) inch container or equivalent if planted eighteen (18) inches on center. Reduction in the minimum size may be permitted, except when the plant material is required by Section 411, if certified by a registered landscape architect that the reduction will not diminish the plant materials chance of survival or intended affect.
- 407-8.7 Except as allowed by Sections 407-8.9 and 407-8.10, all landscaping required by this Code and approved by the Review Authority shall be installed prior to the issuance of any compliance permits.
- 407-8.8 Prior to requesting occupancy in an attached dwelling unit development, where landscaping has not been completely installed according to the approved plan, the applicant may choose either to post security or request compliance permits for not more than fifty (50) percent of the total number of units in the project, or if the project is being built in phases, not more than fifty (50) percent of the units in the phase being developed. If the latter choice is made, the compliance permits for the remaining units shall not be issued until the landscaping has been completely installed according to the approved plan.
- 407-8.9 Compliance permits may be issued prior to the complete installation of all required landscaping if security equal to one-hundred-ten (110) percent of the cost of the landscaping, as determined by the Director, is filed with the County to assure such

installation within a time specified by the Director, but not to exceed six (6) months after occupancy. The applicant shall provide the estimated cost of landscaping materials and installation to the satisfaction of the Director prior to approval of the security. "Security" may consist of a faithful performance bond payable to the County, cash, certified check, time certificate of deposit, or assignment of a savings account. The form shall meet with the approval of the Director. If the installation of the landscaping is not completed within the period specified by the Director, or within an extension of time authorized by the Review Authority, the security may be used by the County to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the County shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed properly shall cause the compliance permit to be withheld until the project is completed or cause the security to be used by the County.

- 407-8.10 All landscaping approved through the Development Review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a substantially similar manner as originally approved by the Review Authority, unless a modification is approved.

408 NEIGHBORHOOD CIRCULATION

408-1 Purpose and Intent

This Section is intended to implement the safe and convenient bike and pedestrian access and access to transit provisions of the administrative rule of the Oregon Department of Land Conservation and Development implementing Statewide Planning Goal 12 - Transportation, and to meet the street connectivity requirements of Title 6, Section 3 of Metro's Urban Growth Management Functional Plan. In recognition of the role that local street design plays in helping to preserve the effectiveness of the arterial and collector street system, this Section includes standards requiring a connected local street network in new development. This supports local travel needs so that local trips are not forced onto the arterial or collector street system. This Section is not necessarily intended to require a grid street system, but is intended to provide a development pattern which provides choices and convenient circulation for pedestrians, bicyclists and transit users as well as motorists.

This Section has been developed to provide a specific set of review standards which will result in a development pattern which is supportive of pedestrians, bicyclists and transit users. This section provides modification standards in recognition of the fact that any one or more of the specific review standards may not in all cases best meet the intent of the Transportation Planning Rule and/or Metro's Urban Growth Management Functional Plan.

408-2 Applicability

408-2.1 Notwithstanding the requirements of Section 408-10, Within an urban growth boundary the requirements of 408-4 - 408-9 shall apply as follows:

A. To all land divisions which result in any lot or parcel less than ten (10) acres.

B. To all Type II and Type III development except for the uses listed below:

- (1) Single detached dwelling units or duplexes on a lot of record;
- (2) Temporary Uses as defined in Section 430-135;
- (3) Home Occupations as defined in Section 430-63;
- (4) Flood Plain Alterations;
- (5) Development of General Commercial and Industrial property except for the uses listed below:
 - (a) Campground (430-25);
 - (b) Campus Development uses as defined in 381-4.3;
 - (c) Convenience Grocery (430-35);
 - (d) Eating and Drinking Establishment;

- (e) Industrial Business Park (430-71) and permitted Accessory Uses (320-3.2);
- (f) Lodging Places;
- (g) Park and Ride Facility (430-89);
- (h) Public Building;
- (i) Services Establishments; and
- (j) Transit Center (430-137).

(6) Specific land uses, as determined by the Review Authority, may be exempt from the provisions of this Section on a case by case basis, based on findings that:

- (a) The nature of the use will create minimal demand for pedestrians and bicycle use; and
- (b) The subject property does not front on an arterial; or
- (c) All properties abutting the subject site that do not have frontage on an arterial are developed; or
- (d) All properties abutting the subject site that do not have frontage on an arterial are designated as Industrial or General Commercial; or
- (e) Walking distances to the nearest arterial from all properties abutting the subject site that do not have frontage on an arterial will not increase more than two hundred (200) feet if the subject property were found to be exempt from this Section.

C. To construction of new parking lots or expansion of existing parking lots, except in conjunction with the land uses exempted in Section 408-2.1. B. (4) and (5).

D. To Parks (Type I) - Section 430-95.

E. On those undeveloped or underdeveloped lands of five acres or more that are added into the UGB after August 24, 2000, the effective date of A-Engrossed Ordinance 552, Local Street Connectivity, the provisions of Section 408-6 shall apply.

408-2.2 Outside the Urban Growth Boundary the standards of Section 408-6.2 shall apply to all proposed land divisions within an acknowledged Urban Reserve Area.

408-3 Definitions

As used in this Section, the words listed below have the following meaning:

- 408-3.1 "Accessway" means any off-street way which is intended for the primary use of pedestrians and/or bicycles.
- 408-3.2 "Bikeway" means any road, path, or way open to bicycle travel regardless of whether such facilities are designed for the preferential use of bicycles or are to be shared with other transportation modes. This includes a shared roadway, shoulder bikeway, bike lane or bike path.
- 408-3.3 "Greenways" means any off-street way which is intended for travel use by pedestrian and bicyclists, but also intended for recreational use. Greenways may include linear parks, open space corridors, or multi-purpose corridors, as long as they are particularly intended for travel use by pedestrians and bicyclists.
- 408-3.4 "Off-Site" shall mean all lands or facilities which are within the analysis area but is not on-site.
- 408-3.5 "On-Site" shall mean all lands in the development application and one-half (½) the right-of-way (to centerline) of roads lying adjacent to such lands.
- 408-3.6 "Pedestrian Oriented Uses" means those land uses which by their nature or neighborhood orientation attract a greater than average level of pedestrian use. Pedestrian oriented uses include but are not limited to schools, parks, transit stops, recreation centers, and neighborhood commercial centers.
- 408-3.7 "Pedestrian Way" means any paved way designated for the use by pedestrians regardless of preferential use by other transportation modes.
- 408-3.8 "Sidewalk" means a concrete way located generally parallel to a street and is generally within the right-of-way, which meets adopted design standards and is used primarily by pedestrians as a means of travel.
- 408-3.9 "Street" means a way which provides access to property, or provides travel between places by means of vehicles or other modes. A street may serve as a bikeway or pedestrian way.
- 408-3.10 "Underdeveloped" means a lot or parcel that has not been fully improved to a use permitted by the primary district through a Type II or III procedure, excluding the following Type II uses: home occupations, temporary uses, accessory uses and structures, and a detached dwelling.

408-4 Circulation Analysis

- 408-4.1 For all development on a site of two (2) acres or less the applicant shall submit a circulation analysis which meets the Off-Site analysis requirements of Section 404-1.4.
- 408-4.2 For all development on a site which exceeds two (2) acres, the applicant shall submit a circulation analysis which at a minimum includes the subject site and the entirety of all property within 300 feet of the proposed development site. This plan shall incorporate the following features both onsite and offsite:

- A. The neighborhood circulation plan shall be produced on paper that is 18" x 24" in size, or a size approved by the Director;
- B. Scale of Drawing - 1" to 100' is suggested, however, the scale may be increased or decreased at a scale approved by the Director;
- C. Existing and proposed topography for slopes of ten (10) percent or greater, with contour intervals not more than ten (10) feet;
- D. Drainage hazard areas, flood plains, and significant natural resources areas;
- E. The name, location, right-of-way, pattern and grades of all existing and approved streets, bikeways, and pedestrian ways;
- F. Proposed streets and off-street bike or pedestrian ways identified in the Transportation Plan or Community Plans;
- G. All permanent structures;
- H. Property lines;
- I. Pedestrian oriented uses within 1,000 feet of the site;
- J. Transit streets and facilities; and
- K. All streets and accessways proposed by the applicant.

408-5 Review Standards for Development on Lands Not Designated on the Community Plan Local Street Connectivity Maps

The following review standards shall: 1) be used to provide a generally direct and uncluttered pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and 2) to ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of Section 408-5. These standards are applicable to all lands that are not designated on a Community Plan's Local Street Connectivity Map.

- 408-5.1 For single-family or duplex residential development, on-site streets shall be provided which meet the following:
- A. Block lengths for local streets and collectors shall not exceed six hundred (600) feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-5.1 D., 408-5.5, 408-5.6 or 408-7 are met.
 - B. The total length of a perimeter of a block for local and collector streets shall not exceed eighteen hundred (1,800) feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 408-5.1 D., 408-5.5, 408-5.6 or 408-7 are met.

- C. Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impracticable due to the provisions of Section 408-5.1 D., or application of Sections 408-5.5, 408-5.6 or 408-7. When cul-de-sacs or closed end streets are allowed under these provisions, they shall be limited to two hundred (200) feet and no more than twenty five (25) dwelling units unless impracticable.
 - D. The Review Authority may approve a modification to the review standards of Section 408-5.1 A., B., or C. above based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to the following:
 - (1) Topography, although grades that may be too steep for a street are not necessarily too steep for an accessway;
 - (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;
 - (3) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
 - (4) Abutting undeveloped or underdeveloped property is not designated R-5, R-6, R-9, R-15, TO:R9-12, TO:R12-18, TO:R18-24, FD-10 or an urban reserve area;
 - (5) Arterial access restrictions; or
 - (6) Railroads.
 - E. Streets shall connect to all existing or approved stub streets which abut the development site.
- 408-5.2 For single-family or duplex residential development, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:
- A. For blocks abutting an Arterial or Collector, when block lengths exceed 600 feet, an accessway shall be provided to connect streets for every 400 feet of frontage or portion thereof;
 - B. Accessways shall connect with all existing or approved accessways which abut the development site;
 - C. Accessways shall provide direct access to abutting pedestrian oriented uses and transit facilities which are not served by a direct street connection from the subject property. Accessways shall provide future connection to abutting underdeveloped or undeveloped property which is not served by a direct street connection from the subject property, where the abutting property line exceeds 100 feet, except for designated Industrial or General Commercial land. Where the abutting property line exceeds four hundred (400) feet, additional accessways may be required by the Review Authority based on expected pedestrian demand. The Review Authority may reduce the number of required accessways to abutting properties if a) such a reduction results in spacing of

streets and/or accessways of three hundred and thirty (330) feet or less, and b) reasonably direct routes are still provided for pedestrian and bicycle travel in areas where pedestrians and bicycle travel is likely if connections are provided.

- D. Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use;
 - E. Accessways may be required to stub into adjacent developed property if the review authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and the adjacent developed property attracts a greater than average level of pedestrian use.
- 408-5.3 For all development which is not single-family or duplex residential, on-site streets shall connect to all existing or approved stub streets which abut the development site;
- 408-5.4 For all development which is not single-family or duplex residential, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:
- A. Accessways and internal pedestrian walks within the site as required by Sections 408-9.13 and 408-9.14 and 408-10;
 - B. Accessways shall provide future connection to abutting underdeveloped and undeveloped property for each abutting parcel where the property line exceeds 100 feet. Where abutting property lines exceed four hundred (400) feet, additional accessways may be required by the review authority based on expected pedestrian demand. Where the main building on the site is setback fifty (50) feet or less, the Review Authority may modify the accessway requirement to abutting properties based on a determination that the sidewalk in the public right of way provides a reasonably direct route. Accessways are not required to abutting underdeveloped or undeveloped properties that have an industrial land use designation. Additionally, accessways are not required to abutting undeveloped or underdeveloped residential property less than one acre in size.
 - C. Accessways shall connect with all existing or approved accessways which abut the development site;
 - D. Accessways shall provide direct access to nearby pedestrian oriented uses and transit streets or facilities;
 - E. Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use; and
 - F. Accessways may be required to stub into adjacent developed property if the review authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and current or probable future use of the adjacent property will generate pedestrian or bicycle trips that are likely to use the accessway.

408-5.5 The Review Authority may approve a modification to the review standards of Section 408-5 based on findings that strict compliance with the standards is not practicable due to topography, the standards of Sections 421 and 422, existing development patterns on abutting property which preclude the logical connection of streets or accessways, or the provisions of a Significant Natural Resource as identified in the Community Plan, and that the modification is the minimum necessary to address the constraint.

408-5.6 The Review Authority may approve a modification to the dimensional standards in Section 408-5 based on findings that these standards conflict with the standards of Article V or other traffic safety concerns identified through the development review process and that the modification is the minimum necessary to address the constraint.

408-6 Review Standards for Development on Lands Designated in the Community Plan Local Street Connectivity Maps

The following review standards shall apply to lands designated on a Community Plan's Local Street Connectivity Map and shall be used to: 1) meet Metro's street connectivity requirements; 2) provide a generally direct and unclircuitous pattern of streets and accessways to ensure safe and convenient access for motor vehicles, pedestrians, bicyclists, and transit users; and 3) ensure that proposed development will be designed in a manner which will not preclude properties within the circulation analysis area from meeting the requirements of this section.

408-6.1 In the event of a conflict between the standards in Section 408-6 and Local Street Connectivity maps element or specific Town Center or LRT Station Community Plan elements, the more specific Community Plan elements shall control.

408-6.2 For residential, office, retail, and institutional development, on-site streets shall be provided which meet the following:

- A. Block lengths for local streets and collectors shall not exceed 530 feet between through streets, measured along the nearside right-of-way line of the through street, except when the provisions of Sections 408-6.2 F., 408-6.4, 408-6.5 or 408-7 are met.
- B. The total length of a perimeter of a block for local and collector streets shall not exceed eighteen hundred (1,800) feet between through streets, measured along the nearside right-of-way line, except when the provisions of Sections 408-6.2 F., 408-6.4, 408-6.5 or 408-7 are met.
- C. Cul-de-sacs and permanent dead-end streets shall be prohibited except where construction of a through street is found to be impracticable due to the provisions of Section 408-6.2 F., or application of Sections 408-6.4, 408-6.5 or 408-7.
- D. Streets shall connect to all existing or approved stub streets which abut the development site.
- E. When cul-de-sacs are allowed, they shall be limited to two hundred (200) feet and no more than twenty five (25) dwelling units unless impracticable.

- F. The Review Authority may modify the review standards of Section 408-6.2 A., B., or C. above based on findings that the modification is the minimum necessary to address the constraint and the application of the standard is impracticable due to the following:
- (1) Topography, although grades that may be too steep for a street are not necessarily too steep for an accessway;
 - (2) Drainage hazard areas, wetlands, flood plains, or a Significant Natural Resource area;
 - (3) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
 - (4) Abutting undeveloped or underdeveloped property is not designated with an urban residential district, a transit oriented district, FD-10 or an urban reserve area;
 - (5) Arterial access restrictions; or
 - (6) Railroads.

408-6.3 For residential, office, retail, and institutional development, an on-site pedestrian and bicycle circulation system shall be provided which meets the following:

- A. For blocks abutting an Arterial or Collector, when block lengths exceed five hundred and thirty (530) feet, an accessway shall be provided to connect streets for every three hundred and thirty (330) feet of frontage or portion thereof;
- B. Accessways shall connect with all existing or approved accessways which abut the development site;
- C. Accessways shall provide direct access to abutting pedestrian oriented uses and transit facilities which are not served by a direct street connection from the subject property. Accessways shall provide future connection to abutting underdeveloped or undeveloped property which is not served by a direct street connection from the subject property, where the abutting property line exceeds 100 feet, except for designated Industrial or General Commercial land. Where the abutting property line exceeds four hundred (400) feet, additional accessways may be required by the Review Authority based on expected pedestrian demand. The Review Authority may reduce the number of required accessways to abutting properties if:
 - 1) Such a reduction results in spacing of streets and/or accessways of three hundred and thirty (330) feet or less, and
 - 2) Reasonably direct routes are still provided for pedestrian and bicycle travel in areas where pedestrians and bicycle travel is likely if connections are provided.
- D. Direct connection of cul-de-sacs and dead-end streets to the nearest available street or pedestrian oriented use;

- E. Accessways may be required to stub into adjacent developed property if the Review Authority determines that existing development patterns or other constraints do not physically preclude future development of an accessway on the developed property and the adjacent developed property attracts a greater than average level of pedestrian use.

408-6.4 The Review Authority may approve a modification to the review standards of Section 408-6, based on findings that strict compliance with the standards is not practicable due to:

- A. Topography;
- B. The standards of Sections 421 or 422;
- C. Existing development patterns on abutting property which preclude the logical connection of streets or accessways, or;
- D. The provisions of a Significant Natural Resource as identified in a Community Plan.

The modification shall be the minimum necessary to address the constraint.

408-6.5 The Review Authority may approve a modification to the dimensional standards in Section 408-6 based on findings that the application of these standards creates a conflict with the standards of Article V or other traffic safety concerns identified through the development review process and that the modification is the minimum necessary to address the constraint.

408-7 Modification of Standards For an Alternate Design Through a Type III Procedure

The Hearings Officer may approve a modification to the circulation analysis review standards of Section 408-5 or 408-6 through a Type III procedure based on findings that:

408-7.1 The applicant has submitted an alternate design which serves the purpose of providing safe, convenient and direct pedestrian and bicycle access and access to transit consistent with the standards of the Transportation Plan, the Community Plans, the Transportation Planning Rule (OAR 660-12), and Metro's Urban Growth Management Functional Plan; and

408-7.2 The development's proposed circulation analysis for pedestrian, bicycle and access to transit meets the following criteria:

- A. Does not preclude abutting property from meeting the review standards of Section 408-5 or 408-6;
- B. Provides streets or accessway connections to all existing or approved stub streets or accessways which abut the site;
- C. Provides arterial accessways as required by Section 408-5 and 408-6;

- D. Provides a street and pedestrian/bicycle circulation system which is compatible with abutting developed property;
- E. Provides safe, convenient and generally direct access to transit and nearby pedestrian oriented uses; and
- F. Walking distances on pedestrian ways within and from the new development are not increased from what would be developed under the requirements of Section 408-5 or 408-6.

408-8 Ownership, Liability and Maintenance of Accessways

To ensure that all accessways will be adequately maintained over time, the Review Authority shall require the following:

- 408-8.1 The developer shall incorporate the accessway in a recorded tract, and shall convey the tract to the County for ownership, liability and maintenance. The assurance provisions of Section 501-8.8 shall apply or
- 408-8.2 The developer shall incorporate the accessway in a recorded easement or tract which specifically requires the property owner and future property owner(s) to provide for the ownership, liability, and maintenance of the accessway. In this case, the review authority shall determine whether the accessway shall be recorded as an easement or as a tract.

408-9 Accessway and Greenway Design

- 408-9.1 Accessways shall be direct with at least one end of the accessway always visible from any point along the accessway.
- 408-9.2 Accessways shall have a maximum slope of five (5) percent wherever practical.
- 408-9.3 Accessways shall be no longer than three-hundred (300) feet in length between streets. Accessways less than one hundred-fifty (150) feet in length shall include a fifteen (15) foot wide right-of-way with a ten (10) foot wide paved surface to safely accommodate both bicycles and pedestrians. For accessways over one hundred-fifty (150) feet a twenty (20) foot right-of-way shall be provided with a ten foot wide paved surface. The length of the accessway shall be measured from the edge of right-of-way between streets.
- 408-9.4 Fencing along or within ten (10) feet of lot lines adjacent to accessways is permitted, provided that it is constructed of metal or wood and does not exceed five (5) feet in height. Solid, opaque fences are not permitted.
- 408-9.5 The paved portion of the accessway shall be free of horizontal obstruction and shall have a nine (9) foot, six (6) inch vertical clearance to accommodate bicyclists.
- 408-9.6 All accessways shall be landscaped. New landscaping materials shall be selected and sited in conformance with Section 407-2.3, and be limited to canopy trees, shrubs, ground cover, vines, flowers, lawns, brick, bark, timber, decorative rock or other decorative materials which meet requirements of Section 407-2.2.

- 408-9.7 Existing trees within the right-of-way are subject to preservation or removal according to procedures in Section 407-3.
- 408-9.8 Where street lighting is not present at accessway entrances, pedestrian scale lighting not to exceed 16 feet in height, having a minimum of 0.5 footcandles average illumination and a uniformity ratio not exceeding 5:1 shall be provided at both entrances to all accessways, and may also be required at intermediate points along the accessway as determined by a registered engineer. The following conditions shall also apply:
- A. The lamp shall include a high-pressure sodium bulb with an unbreakable lens; and
 - B. Lamps shall be oriented so as not to shine excessive amounts of light upon adjacent residences.
- 408-9.9 Accessway surfaces shall be constructed of asphaltic concrete according to the County Road Standards or other all-weather surfaces approved by the County Engineer.
- 408-9.10 Accessway curb ramps shall be provided where accessways intersect with streets.
- 408-9.11 Accessways shall be signed to prohibit access by unauthorized motor vehicles where accessways intersect with streets.
- 408-9.12 Accessways shall require a physical barrier at all intersections with streets, to prevent use of the facility by unauthorized motor vehicles. Barriers shall:
- A. Be removable, lockable posts permitting access by authorized vehicles;
 - B. Be reflectorized for night visibility and painted a bright color for day visibility; and
 - C. Be spaced five (5) feet apart.
- 408-9.13 When an accessway is provided between two properties, and at least one of the accessways is an internal connection, the accessway shall be 10 feet wide. For example, a shopping center required to provide a connection to an undeveloped office commercial property shall leave at least a ten (10) foot wide gap in any fence or berm built near the property line at the end of the connection.
- 408-9.14 When an accessway is required to connect to an existing accessway, and the existing accessway has a paved width less than ten (10) feet, a transition shall be provided between the two accessways as part of the required accessway.
- 408-9.15 Greenways, intended to partially fulfill the circulation review standards in 408-5, shall include a minimum thirty (30) foot wide right-of-way with a ten (10) foot wide paved surface. Greenways may exceed 300 feet. Greenways shall also meet the standards of 408-9.5 through 408-9.12.

408-9.16 The Review Authority may modify the accessway and greenway design standards based on findings that strict compliance with the standards is not practicable, and that the modification is the minimum necessary to address the constraint.

408-10 Internal Pedestrian Circulation

408-10.1 Number of Pedestrian Connections

- A. All developments that generate fourteen (14) or more additional ADT shall provide a pedestrian connection between the street and the main entrance of the primary structure on the lot. For lots with more than one street frontage, a connection shall be provided to each street. As an alternate for new development on lots with multiple buildings, a pedestrian connection shall be provided between the street and the center of the internal pedestrian network. These requirements do not apply to single-family or duplex residential development.
- B. All developments that generate five hundred (500) or more ADT shall provide:
 - (1) A connection from the main entrance of the primary structure to within twenty (20) feet of any transit stop located along the frontage of the subject property;
 - (2) A connection to within twenty (20) feet of any mid-block pedestrian crossing; and
 - (3) A connection for every two hundred (200) feet of street frontage including connections provided per (1) and (2) above. Connections shall be generally spaced to ensure direct access to buildings on the lot for pedestrians accessing the lot from any direction.
- C. As an alternative to 408-10.1 A. and B. (1-3) above, pedestrian connections shall be provided for new development as part of campus development which connect each building within the campus area and directly connect the building complex to the most appropriate street(s) or pedestrian route(s). More than one pedestrian connection may be required to a particular street or pedestrian route in order to decrease out of direction travel.
- D. In addition to pedestrian connections required by 408-10.1 A. and 408-10.1 B., connections shall be provided between the proposed development and all off-site pedestrian connections on adjacent properties or streets as required by Sections 408-5 or 408-6.
- E. Internal connections shall also be provided between different major developments on the lot, such as from one building to another, or between an on-site recreation facility to a building. Connections are not required between buildings or portions of a lot which are not intended for or likely to be used by pedestrians.
- F. For new development that is part of a larger existing use that shares common automobile parking spaces and access and is under common ownership, and the total larger use generates five hundred (500) or more ADT and does not meet the

standards of 408-10.1 B. 408-10.1 C., 408-10.1 D. or 408-10.1 E., the following pedestrian connections shall be provided:

- (1) For new development that results in an increase of more than ten (10) percent, but less than fifty (50) percent of the ADT of the larger use, a pedestrian connection shall be provided between the abutting street with the highest functional classification (except freeways) and the internal pedestrian network of the larger use or the main entrance of the primary structure on the site. If one or more abutting streets of the larger use have the same functional classification, a connection shall be provided to all streets with the highest functional classification. Pedestrian connections shall be designed consistent with Section 408-9.3.
- (2) For new development that results in an increase of fifty (50) percent or more of the ADT of the larger use, the larger use shall meet the standards of 408-9.1 B., 408-9.1 C., 408-9.1 D., and 408-9.1 E.

408-10.2 Reduction of Number of Pedestrian Connections

A reduction of the number of pedestrian connections required by 408-9.1 A. through D may be granted by the review authority based on a determination that reducing the number of connections would not result in an increase in out of direction travel from the street to any main building entrance for pedestrians accessing the site from: 1) an off-site accessway, 2) the sidewalk or shoulder along the street where the property has frontage, 3) a transit stop, 4) pedestrian crossings on Arterials and Collectors, and 5) from pedestrian oriented uses across a Collector or local street.

408-10.3 Pedestrian Connection Design

- A. Connections shall be as direct as practicable; circuitous routes shall be avoided.
- B. Where connections cross driveways, parking areas, or loading areas, the connection must be clearly identifiable through the use of striping, elevation changes, speed bumps, a different paving material, or other similar method. If striping is used to identify a connection, the striping must be thermal plastic striping or other heavy-duty material that will have relatively little maintenance. Where connections are parallel and adjacent to an auto travel lane, the connection must be safely separated from the auto travel lane through the use of a raised path, a raised curb, bollards, landscaping or other physical barrier.
- C. Connections shall be at least ten (10) feet in paved unobstructed width when bicycles are intended to share the connection. When bicycle travel is otherwise adequately provided, connections shall be at least five feet in paved unobstructed width. Connections which are likely to be used at night must be lighted. If lighting for other purposes provides adequate light to a pedestrian connection, separate lighting is not required.

408-11 Community Plan Pedestrian Connectivity Areas

- 408-11.1 Pedestrian connectivity areas are areas identified on the applicable community plans where pedestrian facilities are needed to improve local pedestrian connectivity. These are areas where the pedestrian facilities will connect neighborhoods and/or

provide a more direct route for pedestrians to use. Each pedestrian connectivity area identifies the locations that are to be connected. The appropriate types of pedestrian improvements within these areas are sidewalks along streets, accessways, off-street trails, off-street pathways, or a combination of these improvements.

- 408-11.2 The pedestrian connectivity areas identify the entirety of each parcel where the pedestrian facility may be provided across is shown. For other pedestrian connectivity areas, a particular type of facility and its location is identified, such as an accessway. Through the development review process, the appropriate type of facilities to be provided in these areas and their location will be identified, except in those areas where a specific facility is shown. The required pedestrian facilities shall be constructed as part of the development of the affected properties.

409 PRIVATE STREETS

A private street means any way that provides ingress to, or egress from, property by means of vehicles or other means, or that provides travel between places by means of vehicles, and over which the public has no right of use as a matter of public record.

409-1 Intent and Purpose

It is the intent of this Section to regulate the development of certain private streets to ensure that they are constructed to meet minimum safety and structural standards for their intended use, and that maintenance of these facilities is provided for.

409-2 Applicability

409-2.1 The requirements of Sections 409-3 and 409-4 shall apply to the development of private streets inside an urban growth boundary for the following:

A. Single-family and duplex residential:

- (1) Private streets over 100 feet in length;
- (2) Private streets which serve three or more lots or units; or
- (3) Private streets for flag lots.

B. Commercial, industrial, institutional, and multi-family residential:

- (1) Which provide access to more than one parcel, development, or multiple uses on a single parcel or development, and;
- (2) Which is not a parking aisle or parking lot driveway.

409-2.2 The requirements of Section 409-5 shall only apply to private streets outside an urban growth boundary.

409-2.3 In transit oriented districts, all private streets shall meet the requirements of Section 431. In the event there is a conflict between the requirements of Section 431 and this Section, the requirements of Section 431 shall control.

409-3 Urban Private Street Standards

409-3.1 A private street may be permitted when all of the following criteria are met:

- A. The street is not needed to provide access to other properties in the area in order to facilitate provisions of the applicable Community Plan(s), the Transportation Plan, or Section 431, access spacing, sight distance, and circulation standards and requirements, or emergency access standards or concerns;
- B. The street is not designated as a proposed facility in the Transportation Plan, or is not identified as a public street in the applicable Community Plan or by the requirements of Section 431;

- C. The street is not designated as a public street by a previous land use action, or by a study adopted by the County;
- D. The street does not serve as a collector or arterial street, or as a Special Area Commercial Street; and
- E. In transit oriented districts, the street is permitted as a private street by Section 431.

409-3.2 Notwithstanding the above criteria for access spacing, circulation, emergency access, and collector function, the review authority may approve a private street in conjunction with a proposed development upon adequate findings from the applicant that environmental or topographic constraints make construction of a public street impractical and that no serious adverse impacts will occur to surrounding properties or roads.

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

A. Local Residential Streets:

			STRUCTURAL STANDARDS		
	FUNCTION	**MIN. PAVEMENT WIDTH	SECTION	CURBS	SIDEWALKS
	One-way				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	Two-way				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	Alleys (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

B. Private Commercial and Industrial Streets:

	FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	One-way				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1,500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3,000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	3,000 Plus ADT	22 ft.	(4)	Yes	Both Sides
	Two-way				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1,500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3,000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	3,000 Plus ADT	40 ft.	(4)	Yes	Both Sides
	Alleys (One-way or two-way)				
(18)	1,500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1,500 Plus ADT	16 ft.	(4)	***Yes	None

** MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

***Curbs shall be required only if they are needed for drainage

C. Private Street Length:

For the purpose of this Section, private street length shall be measured as the distance between the near side curb line of the intersecting street and the far edge of pavement of the private road, including any turnaround.

409-3.4 Private Street Design and Construction

A. Construction Plans

- (1) Construction plans for private streets constructed per Sections 409-3.3 A(3), or (8-17) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.
- (2) Construction plans for private streets constructed per Sections 409-3.3 A. (1, 2, 4, 5, 6 or 7) are not required to be prepared by a civil engineer unless the applicant chooses to construct the street in accordance with the County road standards as provided by Section 409-3.6 A. (1).
- (3) Final construction plans for all private streets shall be submitted prior to final approval.

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), or (8 through 17) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.
- (2) Private streets constructed per Section 409-3.3 A. (1, 2, 4, 5, 6, or 7) shall be constructed prior to final plat approval unless approved otherwise by the Director. The applicant's engineer or contractor shall provide written certification that the street was constructed in accordance with the final construction plans prior to final approval, or prior to issuance of any building permit within the development when the Director permits the street to be constructed after final approval.

409-3.5 Private Street Tracts

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

- A. The sidewalk shall be located in an easement; and
- B. Except in transit oriented districts, a minimum twenty (20) foot setback to the garage vehicle entrance, measured from the sidewalk or easement for public travel, whichever is closest shall be provided. In transit oriented districts, the minimum setback to the garage vehicle entrance shall be no less than the minimum setback required by Section 375 or Section 431.

409-3.6 Structural Section Key:

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

- A. Structural Section Type:
 - (1) Three (3) inch Type "C" AC over six (6) inches compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
 - (2) Three (3) inch Type "C" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.

- (3) Two (2) inch Type "C" AC over two (2) inch Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (4) Two (2) inches Type "C" AC over three (3) inches Type "B" AC over two (2) inches of three-quarter ($\frac{3}{4}$) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.

B. Curb Standards Type:

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

C. Sidewalks:

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

D. Drainage:

All roadways shall be drained pursuant to the requirements of the Drainage Standards, Section 410.

E. Additional Street Design Requirements:

Street design characteristics not otherwise addressed in this section such as intersections, sight distance, and vertical and horizontal alignments, shall be designed to meet nationally accepted specifications and standards, and shall be approved by the appropriate fire district.

409-3.7 Emergency Access:

A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

409-3.8 Modification of Private Road Standards

A variance to the provisions of Section 409-3.3 may be approved by the Review Authority in accordance with Section 435 and the following:

- A. The design has been approved by the appropriate Fire Marshal;
- B. The design has been prepared, submitted and certified by a registered engineer (Oregon); and

- C. The design has been documented and references nationally accepted specifications or standards.

409-4 General Provisions For Urban Private Streets

- 409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets shall be submitted to the Review Authority prior to or in conjunction with final approval.
- 409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.
- 409-4.3 A traffic signing plan shall be provided for proposed private streets. At a minimum, the Review Authority shall require a standard "stop sign" at the intersection of private and public streets, "No Parking" signs as applicable, and a sign stating "private street, not maintained by Washington County" at the entrance to the public street. Dead end streets shall be so signed.
- 409-4.4 Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
- 409-4.5 Private street access to a County or public road shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards, the standards of this Section and Section 501-8.5. Additional sight distance may be required where a safety hazard exists.
- 409-4.6 Urban private streets providing access to residential developments in a Regional or Town Center, Light Rail Station Community, Main Street or Transit Corridor shall not be gated except when required by the Director to address an operational or safety issue or as permitted by Section 431-4.2E(2). Urban private streets outside of these areas that provide access to residential land divisions or attached unit residential developments from a County or public street may be gated when approved by the applicable Fire Marshal and the Washington County Traffic Engineering Division.

409-5 Private Streets Outside an Urban Growth Boundary

- 409-5.1 Private streets (driveways), or portions thereof, consisting of over one-hundred (100) feet in total length, shall demonstrate adequate accessibility for emergency vehicles. The length of the private street (driveway) is based upon the distance from the public road to the terminus of the private street (driveway), which may include portions of existing private streets (driveways) and/or easements across other properties. Private streets (driveways) subject to this review include those which provide access to one dwelling or more; or which provide access to any non-residential use, except for farm and forest uses. If new parcels are created, Section 409-5.2, below, applies.

The Fire Marshal shall have the first opportunity to review private streets (driveways), per item A., below. If the Fire Marshal fails to review the private street (driveway), approval by the Building Official or his designee is required, as outlined under item B., below. In these cases, the applicant shall provide evidence that the Fire Marshal waives his review.

A. Fire Marshal Review

For the purposes of this Subsection, private streets (driveways) shall be subject to Fire Marshal review within the appropriate jurisdiction. In cases where no Fire Marshal has jurisdiction, a private street (driveway) shall be subject to the review of the nearest or most likely fire protection jurisdiction to annex the property under consideration.

To demonstrate compliance, the applicant shall provide a statement from the Fire Marshal acknowledging that the entire length of the private street (driveway) is adequate for emergency vehicle access.

B. Building Official Review

(1) For private streets (driveways) or portions thereof, which have not previously been reviewed by the Fire Marshal, the Building Official shall review the entire length of the private street (driveway).

(2) Private streets (driveways) for which existing portions have previously been reviewed and approved by the Fire Marshal, the applicant shall demonstrate prior approval of the existing portion of the private street (driveway) by providing evidence of Fire Marshal approval of the constructed street. If the applicant does not provide adequate evidence of prior Fire Marshal approval, current standards are applicable.

(a) If Building Official review determines that a previously approved private street (driveway) still meets the standards under which it was originally approved, no changes shall be required to the previously approved portion of the street.

(b) If the Building Official finds that the private street (driveway) no longer meets the specifications previously approved by the Fire Marshal, he may require that the road be brought up to the originally-approved specifications before approving the access.

409-5.2 All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

A. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance may be required where safety hazards exist.

B. For each private street, there shall be a legal recorded document which includes:

(1) A legal description of the proposed easement;

(2) Ownership of the street;

(3) Use rights; and

- (4) A maintenance agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance. For new private streets, this agreement shall be a maintenance and construction agreement which addresses the above elements.
- C. Each private street shall have a sign stating: "private street, not maintained by Washington County." Dead end streets shall be so marked.
 - D. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.
 - E. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
 - F. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road and pay the prescribed fee. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.
 - G. If an existing driveway or privately maintained street is to be used as an access in a proposed land division, the applicant shall submit at preliminary review a letter from the appropriate Fire Marshal stating that the proposed access is satisfactory to serve the proposed parcels, or the letter shall set forth the improvements required to make the access satisfactory.
 - H. To establish a new private road, the applicant shall submit at preliminary review the following information:
 - (1) A written statement from the appropriate Fire Marshal setting forth the road standards that are applicable to the proposed development;
 - (2) Preliminary road construction plans, including right-of-way and road surface widths, grading, drainage and surface type (i.e., paving or gravel). Private streets shall comply with the grading and drainage standards of Section 410. Final construction plans shall be submitted prior to final approval; and
 - (3) A statement of the maximum number of dwellings, or lots or parcels the street can serve.
 - I. For private streets created through a partition, the applicant shall comply with one of the following:
 - (1) Prior to final approval of the partition, construct the private street in accordance with the plans and specifications approved in the preliminary approval. The appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee shall inspect and approve the private street for conformance to the standards originally approved. A written letter of approval shall be provided to the County prior to final approval of the partition; or

- (2) For each vacant parcel that is not served by the completed private road execute a restrictive covenant which states:

“This parcel is ineligible for a building permit except for farm or forest structures other than dwellings and shall be limited to farm and forest use until such time as the privately maintained road described in document # _____ (Date), has been approved by the appropriate Fire Marshal to a point where the parcel can be served. This restrictive covenant shall run with the land.”

The Director shall authorize the removal of the restrictive covenant after the private street has been constructed to serve any parcel subject to the restrictive covenant and the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee has certified the private street meets the standards specified in the recorded road construction agreement.

Prior to the issuance of a building permit, the appropriate Fire Marshal shall inspect and approve the private street after it has been constructed for conformance to the standards originally approved. A written letter of approval from the Fire Marshal shall be provided to the County prior to issuance of a building permit.

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410 GRADING AND DRAINAGE

410-1 General Provisions

410-1.1 All grading and drainage activities are to occur pursuant to the provisions of Appendix Chapter 33 of the 1994 Uniform Building Code and the applicable State of Oregon Plumbing Code, or their successors and this Code. All grading and drainage activities on lands located within the Clean Water Services boundary shall also occur pursuant to the provisions of the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. In the event of any conflict between the provisions of this Code, the Community Plan, the Rural/Natural Resource Plan, and Appendix Chapter 33 of the 1994 Uniform Building Code, or its successor, the more restrictive standard shall prevail.

Grading applications may be processed through a two-step procedure consisting of a preliminary review (grading plan) and a final review (grading permit), unless the Director consolidates the applications into one review.

No grading and drainage activities that are subject to Section 410 shall be undertaken without a grading permit.

For Type I development, preliminary grading plans may be submitted as a stand alone application. For development reviewed through the Type II and III procedure, preliminary grading plans are to be submitted with the development application.

The purpose of a preliminary grading plan (conceptual) is to determine whether or not it is feasible to comply with the grading permit review standards of Section 410-3. Full engineering drawings are not required at the preliminary review stage. However, preliminary grading plans shall be accurate enough to provide a basis for determining whether or not the proposed activity, as designed and to be implemented, will meet the applicable Code requirements for a grading permit.

All grading permit applications (the second step) shall include detailed plans, per Section 410-2, rather than preliminary grading plans.

410-1.2 Grading Plan

The grading plan shall include:

A. A vicinity map.

B. A site plan which includes the following:

- (1) A graphic representation drawn to a scale which is noted on the drawing. In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;
- (2) Except as required by Section 421, applications for land inside the UGB shall show existing and proposed topography using the following contour intervals:

- (a) For slopes of five (5) percent or less, contour intervals not more than one (1) foot; or
 - (b) For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; or
 - (c) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- (3) Except as required by Section 421, applications for land outside the UGB shall show existing and proposed topography using the following contour intervals:
- (a) For slopes of ten (10) percent or less, generalized existing contours and drainage channels, including areas of the subject site and adjoining properties that will be affected by the disturbance either directly or through drainage alterations; or
 - (b) For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- (4) Proposed elevations after grading is completed, including any modifications to drainage channels;
- (5) Any required retaining walls or other means of retaining cuts or fills including typical cross sections;
- (6) Typical cross sections showing existing and proposed elevations. Cross sections are to be taken through the areas that will show the most detail of the grading project;
- (7) The site plan shall show the area of the site where construction, grading, cut or fill is proposed, plus a minimum of fifty (50) feet surrounding the area;
- (8) Flow lines of surface waters onto and off the site;
- (9) Proposed building pad, areas with an impervious surface and existing and proposed finished floor and street elevations if building or parking construction is proposed;
- (10) Existing and proposed water quality sensitive areas, vegetated corridors, and drainage channels including drainage swales, wetlands, ditches and berms;
- (11) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains and drop inlets;
- (12) Location of any buildings or structures, parking areas or accessways existing or proposed on the site within fifty (50) feet of the area that may be affected by the proposed grading operations;

- (13) Location of any proposed streets; and
 - (14) Location of any proposed stockpile areas, either on site or off.
- C. Written narrative and/or supplemental information including all of the following:
- (1) Explanation of the reason for the proposed grading, which must be an allowed use in the district;
 - (2) Estimates of surface area disturbed by proposed grading and total parcel size;
 - (3) Estimates of cut/fill volume in cubic yards; and
 - (4) Estimates of existing and increased runoff resulting from the proposed improvements.
 - (5) Soil Map, including a soil survey legend, range of percent slopes (e.g., three [3] to seven [7] percent slopes), and soil description if no limitations exist from the USDA, Soil Conservation Service, Soil Survey Report, Washington County, July 1982. Soil limiting features must address depth to bedrock from pages 120-123 from the report, and other features which may be restrictive to construction, drainage and revegetation of property; (see http://www.or.nrcs.usda.gov/pnw_soil/or_data.html for Washington Co.)
 - (6) Provision for saving the site topsoil (surface 12") for later revegetation and landscaping, including the locations of any temporary stockpile areas;
 - (7) Provisions for the disposal of excavated material, including the location of disposal;
 - (8) Written statement demonstrating the feasibility of complying with Section 410-3. Demonstrating feasibility does not require detailed solutions, but there must be enough information for the review authority to find that solutions to problems are possible and likely.
- D. Erosion Control Plan:
- (1) For areas inside the Tualatin River and Oswego Lake sub-basins, an erosion control plan as required by Section 426 shall be submitted.
 - (2) For areas outside the Tualatin River and Oswego Lake sub-basins, an erosion control plan that complies with the requirements of the "Washington County Erosion Control Plans Technical Guidance Book," January 1991, or its successor, is required when:
 - (a) Grading requiring a permit is proposed to be conducted or left in an unfinished state during the period from October 1 through May 1; or
 - (b) Land disturbance activities are conducted in geologically unstable areas, on slopes in excess of twenty (20) percent, or there is disturbance of more than six-thousand (6,000) square feet of

development area, or within fifty (50) feet of any drainage hazard area or flood plain area.

410-1.3 Exemptions from Grading Plan and Permit Requirements:

In addition to those activities listed in Section 201-2.12, the following are exempt from Section 410 except as necessary to address Section 410-3.8:

- A. Refuse disposal sites approved by the County;
- B. Excavations or fills for public roads and transportation facilities substantially in the public right of way or as shown on a Transportation Plan or adopted Public Facility Plan, together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements or other public projects conducted or approved by the County or public facilities and service projects such as sewer and water lines;
- C. Surface mining operations approved in accordance with this Code;

410-1.4 Private Street Ditch Standards

- A. Existing roadside ditches alongside new development or the construction of new roadside ditches shall:
 - (1) Be constructed to pass all required flows;
 - (2) Have a maximum depth of no more than two (2) feet as measured from the shoulder of the road;
 - (3) Have side slopes no steeper than 2:1;
 - (4) Have sufficient grade to provide for water conveyance; and
 - (5) Have a maximum flow velocity when flowing full that does not exceed the erosive velocity limits of soils in the ditch. "Open Channel Hydraulics" by V. T. Chow, McGraw Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity.
- B. Any proposed roadside ditch improvement that does not meet the requirements in Section 410-1.4 A. shall be piped.
- C. All proposed or modified ditches shall have adequate erosion control provisions to prevent potential damage to the shoulder of the adjacent road as well as the ditch.
- D. No pipes, culverts or other structures shall be permitted to protrude into a ditch.

410-2 Grading Permit - Application Content

- 410-2.1 The grading permit plans shall be detailed (final drawings) rather than preliminary drawings (conceptual). The grading permit is to be prepared and certified by a registered civil engineer, and is to include specifications covering soils engineering or

engineering geology construction and material requirements in addition to the information required in Section 410-1.2 where:

- A. The grading will move more than five thousand (5,000) cubic yards or more; or
- B. Is located on slopes of twenty (20) percent or greater; or
- C. Grading for public improvements such as public roads, tracks, ponds and drainage facilities; or
- D. Is within an identified hazard area, or is located within a Flood Plain or Drainage Hazard area; or
- E. The Building Official determines that special conditions or unusual hazards exist.

If none of these conditions apply, then the plans need not be prepared by a registered civil engineer. Outside the UGB, the Building Official may determine that an engineer's certification is not required for Section 410-2.1 A.

410-2.2 In addition to the grading plan requirements of Section 410-1.2, and application for a grading permit shall include:

- A. If required by the Building Official, a compaction report where a site is proposed to be filled to be used for a building pad;
- B. If required by the Building Official, a soil engineering report, including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading;
- C. If required by the Building Official, an engineering geology report, including a description of site geology, conclusion and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading; and
- D. Intended means of revegetation, pursuant to Section 410-3.4, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.

410-3 Criteria for Approval

A grading permit, which shall apply only to the area of the site where construction, grading, cut or fill is proposed, may be issued only after the Review Authority finds:

- 410-3.1 The extent and nature of proposed grading is appropriate to the use proposed, and will not create site disturbance to an extent greater than that required for the use;
- 410-3.2 Proposed grading will not cause erosion to any greater extent than would occur in the absence of development or result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property; and

410-3.3 Appropriate siting and design safeguards shall ensure structural stability and proper drainage of foundation and crawl space areas for development with any of the following soil conditions:

- A. Seasonal, perched, high or apparent water table;
- B. High shrink-swell capability;
- C. Low bearing strength such as compressible organic; or
- D. Shallow depth-to-bedrock.

410-3.4 Revegetation:

Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this subsection to prevent erosion after construction activities are completed.

A. Preparation for Revegetation:

In preparation for grading and construction, top soil removed from the surface twelve (12) inches shall be stored on or near the sites and protected from erosion while grading operations are underway. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

B. Methods of Revegetation:

Acceptable permanent or temporary vegetation measures appropriate for the site and soil drainage conditions shall be seeded and fertilized by September 1st of each year. Establishment or green growth should take place by October 1st of each year, but is dependent upon suitable fall moisture. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Review Authority. Plant materials are to be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to be used to reduce irrigation demands.

410-3.5 Final Contours:

Contours, elevations and shapes of finished surfaces are to be blended with adjacent terrain consistent with land use and surface water management requirements to achieve a consistent grade and transition to the adjacent properties. Tops of cut slopes and bottoms of fills are to be rounded off to a minimum radius of five (5) feet to blend with the natural terrain. This section is not applicable to retaining walls.

- 410-3.6 Except for permitted piping and culverting, the proposed grading protects and preserves existing natural drainage channels;
- 410-3.7 The proposed grading will preserve the functioning of off-site drainage courses or bodies of water;
- 410-3.8 Comply with the applicable standards for permanent storm water quality control facilities adopted by the Oregon State Department of Environmental Quality, as set forth in OAR 340-41-455(3)(d-h). This standard is satisfied by submittal of a service provider letter from the Clean Water Services indicating the proposed development is in compliance with DEQ requirements or will be in compliance when the requirements set forth in the service provider letter are met.

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411 SCREENING AND BUFFERING

411-1 Applicability

- 411-1.1 Screening and Buffering requirements are in addition to the setback requirements in residential and institutional districts and inclusive of the setback requirements in the commercial and industrial districts, as well as the setback requirements and design standards of the transit oriented districts, and shall be provided on the subject site at the time of development.
- 411-1.2 Screening and Buffering shall apply to all Development permits as determined in Section 411-3 or as determined by the Review Authority.

411-2 Location

Screening and Buffering shall be located on the perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffering shall not be located on any portion of an existing or dedicated public or private street or right-of-way. In a case of two overlapping types of buffers, the higher type shall prevail.

411-3 Determination of Screening and Buffering Requirements

- 411-3.1 To determine the type of Screening and Buffering required, the following procedure shall be used:
- A. Identify the primary district of the subject site by referring to the applicable Community Plan;
 - B. Identify the primary district(s) of the surrounding properties by referring to the applicable plan(s);
 - C. Determine the Screening and Buffering type by referring to the Screening and Buffering Matrix (Section 411-5); and
 - D. Determine the Screening and Buffering Standards by referring to the Screening and Buffering Standards (Section 411-6).
- 411-3.2 Responsibility for Screening and Buffering:
- A. When a property is the first to develop adjacent to a vacant parcel, the first property shall provide the buffer identified in the vacant land use category as shown on the Screening and Buffering Matrix, Section 411-5.
 - B. The second use to develop shall, at the time it develops, provide all additional plant materials, landscaping, and land necessary to provide total screening and buffering required by the Screening and Buffering Matrix for developed uses.
 - C. Screening and buffering is not required when lots or parcels are separated by a public street or road.
 - D. Where two adjacent developments in different districts are developed with the same housing type and maintain the same standards as the lower density

district, the screening and buffering requirements may be reduced to the level of the lower density use through a Type II procedure when a recorded legal instrument (including a final subdivision plat) insures that the lot and house type will remain the same as the lower density requirements for the life of development.

411-4 Limitations

All areas for screening and buffering shall remain void of buildings, building mechanical equipment (e.g., heat pumps, air conditioners), parking, service areas (e.g., solid waste and recycleables storage and pick-up facilities, loading and delivery areas), signing, lighting (except lighting of pathways) and utilities (unless underground). Area required for screening and buffering may be used to satisfy landscape and open space requirements and be included in the density calculation of the site.

411-5 Screening and Buffering Matrix

ADJACENT LAND USE DISTRICT

	DEVELOPED							VACANT						
	R-5 R-6	R-9/R-15 TO:R9-12	R-24/R-25+ TO:R12-18	NC/OC TO:R18-24	CBD/GC TO:BUS TO:RC TO:R24-40	IND TO:EMP TO:R40-80 TO:R80-120	Other ¹	R-5 R-6	R-9/R-15 TO:R9-12	R-24/R-25+ TO:R12-18	NC/OC TO:18-24	CBD/GC TO:BUS TO:RC TO:R24-40	IND TO:EMP TO:R40-80 TO:R80-120	Other ¹
R-5 R-6	0	1	2	2	3	3		0	1	2	2	3	3	
R-9/R-15 TO:R9-12	2	0	0	1	3	4		1	0	0	1	1	3	
R-24/R-25+ TO:R12-18	3	2	0	1	3	4		2	1	0	1	1	1	
NC/OC TO:R18-24	4	4	3	0	0	3		3	3	2	0	0	1	
CBD/GC TO:BUS TO:RC TO:R24-40	5	4	4	0	0	1		4	3	3	0	0	0	
IND TO:EMP TO:R40-80 TO:R-80-120	6	6	6	5	4	0		5	5	4	3	1	1	
Other ¹	to be determined by review authority													

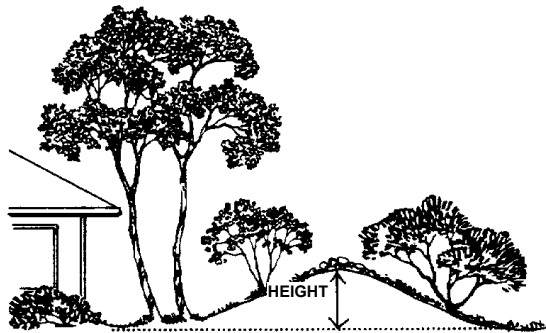
¹ When adjacent to the Urban Growth Boundary, City Limits or the Institutional District, the Screening and Buffering shall be determined by the Review Authority.

- 411-5.1 The numbers in the Screening and Buffering Matrix refer to the Screening and Buffering Standards in Section 411-6.
- 411-5.2 Required fences shall be located as near the property line as practical or most effective.
- 411-5.3 Walls, fences and berms shall be the requirement of the higher intensity use.
- 411-5.4 All plant unit fractions are rounded up, and existing vegetation may be used to satisfy planting requirements.
- 411-5.5 Screening and Buffering requirements for Commercial, Industrial, Institutional Districts and special uses outside the Urban Growth Boundary shall be determined by the Review Authority based on impact to surrounding uses.
- 411-5.6 Gaps in berms, fences, walls or landscaping are allowed if required by Section 408.

411-6 Screening & Buffering Standards

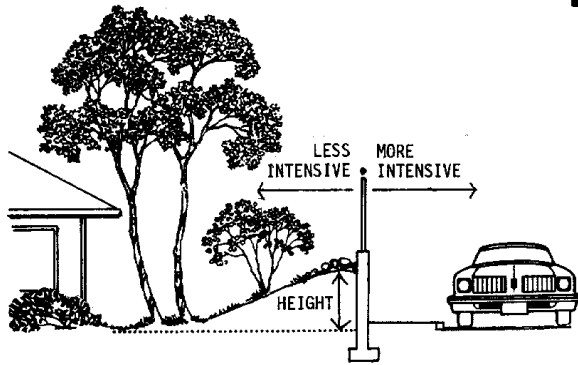
	SCREENING & BUFFERING TYPE	REQUIRED PLANT UNITS PER 100 LINEAL FEET	ADDITIONAL SETBACK OPTIONS (IN FEET)	PLANT UNIT MULTIPLIER	STRUCTURE REQUIRED (SEE SECTION 411-7)
411-6.1	#1	2 Canopy trees	5.0	1.0	S-1
		2 Understory trees	7.5	0.8	None
			10.0	0.6	None
			12.5	0.4	None
411-6.2	#2	2 Canopy trees	5.0	1.0	S-1
		4 Understory trees	7.5	0.8	S-1
			10.0	0.6	S-1
			12.5	0.4	S-1
411-6.3	#3	4 Canopy Trees	10.0	1.0	S-2
		4 Understory trees	15.0	0.8	S-2
		10 Shrubs	20.0	0.6	S-1
411-6.4	#4	5 Canopy trees	15.0	0.9	S-3
		10 Understory trees	20.0	1.0	S-2
		15 Shrubs	25.0	0.8	None
			30.0	0.6	None
411-6.5	#5	6 Canopy trees	25.0	0.6	S-4
		9 Understory trees	30.0	0.75	S-3
		36 Shrubs	40.0	1.0	B-2 or S-2
		18 Evergreen/conifer trees	50.0	0.8	B-1 or S-2
			75.0	0.6	None
411-6.6	#6	10 Canopy trees	40.0	.6	BW3
		15 Understory trees	75.0	.8	BW2
		60 Shrubs	100.0	1.0	BW1 or S-4
		30 Evergreen/conifer trees	115.0	1.0	None
		30 Evergreen/conifer trees	125.0	.8	None

411-7 Structures



BERM

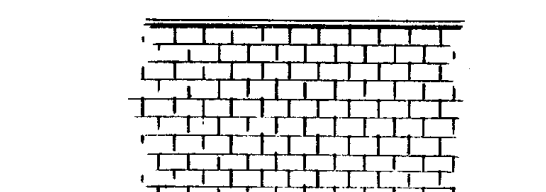
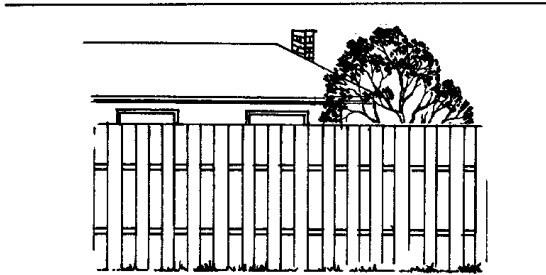
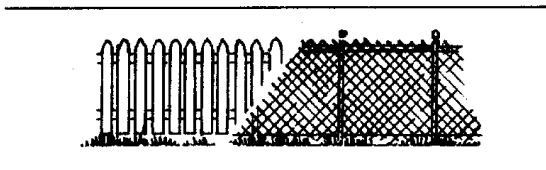
SYMBOL	HEIGHT	MATERIAL
B-1	4'	EARTHEN
B-2	5'	EARTHEN
B-3	6'	EARTHEN



BERM & WALL

SYMBOL	HEIGHT
BW-1	4' BERM W/ 6' WALL (S-4)
BW-2	5' BERM W/ 7' WALL (S-4)
BW-3	6' BERM W/ 8' WALL (S-4)

FENCE



SYMBOL	HEIGHT	MATERIAL
S-1	5'	WOOD/CYCLONE BARRIER FENCE
S-2	6'	SITE OBSCURING FENCE
S-3	6'	WALL OF: CEMENT BLOCK, ROCK, CONCRETE, BRICK, ETC.
S-4	8'	

413 PARKING AND LOADING

The following off-street parking and loading and on-street parking standards shall apply in all Districts. Requirements include minimum on-street parking (Section 413-6), minimum off-street parking (Section 413-9), minimum vanpool/carpool parking (Section 413-11), maximum off-street parking (Section 413-15), and minimum off-street loading (Section 413-16).

413-1 Development Permit for Parking Areas

A development permit shall be required for any area used for off-street parking except the parking allowed for a detached dwelling on an existing lot or parcel.

413-2 General Off-Street Parking and Loading Criteria

413-2.1 Off-street parking spaced within all districts, except non-residential Transit Oriented Districts, shall be provided on or within one hundred (100) feet of the site of the primary use. For non-residential uses within Transit Oriented Districts, off-street parking spaces shall be provided on or within four hundred (400) feet of the site of the primary use. Distance shall be measured in a straight line from the property line to the nearest space. Street and alleys shall be included in the measurement.

413-2.2 Off-street parking and loading requirements shall be provided in amounts specified for the particular use.

413-2.3 Development shall provide at least the minimum number of off-street parking spaces listed in Section 413-9, unless reduced by Sections 413-10, 413-12, 413-13 or 413-14. The minimum off-street parking requirements for a use not listed in Section 413-9 shall be the same as the most similar listed use, as determined by the Review Authority.

413-2.4 The maximum number of off-street parking spaces permitted within a new development shall be based upon a development's proximity to frequent transit service and location in either Zone A or Zone B as shown on the applicable Community Plan's Parking Maximum Designations. New development shall provide no more than the maximum number of off-street parking spaces listed in Section 413-15.2, unless adjusted by Section 413-15.3 or 15.4, or exempted by Section 413-15.5.

The maximum number of off-street parking spaces permitted for a use not listed in Section 413-10 shall be determined by the Review Authority based upon the following:

- A. Within Zone A, the maximum number of off-street parking spaces shall not exceed thirty-five (35) percent of the minimum number of off-street parking spaces established for the same use by Section 413-9 or 413-2.3.
- B. Within Zone B, the maximum number of off-street parking spaces shall not exceed sixty (60) percent of the minimum number of off-street parking spaces established for the same use by Section 413-9 or 413-2.3.

- 413-2.5 Development outside of an urban growth boundary is exempt from the maximum parking standards in Section 413-15.2.
- 413-2.6 Off-street garage facilities accessory to a residential use shall be used solely for:
- A. The storage of passenger vehicles owned by occupants of the dwelling structure or their guests;
 - B. One (1) unoccupied travel or utility trailer, or recreation vehicle;
 - C. One (1) boat; and
 - D. Farm equipment used in conjunction with farming on the premises.
- 413-2.7 Required residential parking and garage facilities shall not be used for the storage of commercial vehicles (other than a commuter vehicle), tractor-trailer, semi-truck, heavy equipment or for the parking of automobiles belonging to employees, owners, tenants, visitors or customers of business or manufacturing establishments.
- 413-2.8 Required parking spaces shall be available for the parking of operable automobiles of residents, guests, customers, patrons and employees only and shall not be rented, leased or assigned to any other person or organization, except as may be permitted under Section 413-2.7. No parking of vehicles, trucks or other equipment on wheels or tracks that are not associated with the legal use of the premises shall be permitted on the required parking areas.
- 413-2.9 Owners of two (2) or more adjoining uses, structures or parcels of land may use the same parking or loading area when the peak hours of such operation do not overlap. Full access to such parking or loading areas shall be exhibited in the deed, lease or contract.
- 413-3 General Requirements**
- 413-3.1 Development permits for parking shall be reviewed through a Type I procedure except as otherwise specified in this Code.
- 413-3.2 Proper maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner.
- 413-3.3 In case of enlargement of a building or use of land existing on the effective date of this Code, the number of parking and loading spaces required shall be based on floor area or capacity of the entire use.
- 413-3.4 In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately.
- 413-3.5 All applications for a development permit for parking and loading shall include a plot plan drawn to scale, showing the parking or loading facilities to be provided. The required plot plan shall include but not be limited to:

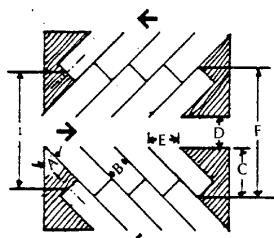
- A. Delineation of individual parking spaces;
- B. Circulation area necessary to serve spaces;
- C. Vehicular and pedestrian access to streets, alleys and properties to be served;
- D. Curb cuts;
- E. Dimensions, continuity and substance of screening;
- F. Grading, drainage, surfacing and subgrading details;
- G. Delineation of all structures or other obstacles to parking and circulation on the site;
- H. Specifications for signs and bumper guards; and
- I. Specifications of proposed landscaping (see Section 407-8).

413-3.6 Private driveways providing access to urban attached unit residential development from a County or public street shall not be gated unless approved by the governing Fire Marshal and the Washington County Traffic Engineering Division.

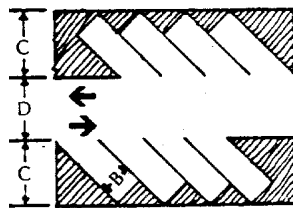
413-4 Off-Street Parking Lot Design

All off-street parking lots including up to fifty (50) percent of the spaces for compact cars, shall be designed in accordance with County standards for stalls and aisles as set forth in the following drawings and tables:

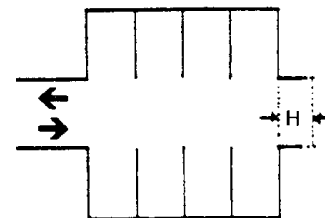
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>	<u>I</u>
	45°	8.5'	18.7'	12'	12'	49.4'	2'	5'	43.4'
	60°	8.5'	19.8'	14.5'	9.8'	54.1'	2.5'	5'	49.9'
	75°	8.5'	19.6'	23'	8.8'	62.2'	2.5'	5'	60.0'
	90°	8.5'	18'	24'	8.5'	59.5'	3'	5'	59.5'
"Compact Car"	90°	7.5'	15'	24'	7.5'	58.0'	2'	5'	58.0'



ANGLE INTERMESH ONE-WAY



ANGLE TWO-WAY



90° DEAD END TWO-WAY

A Parking Angle
B Stall Width

C Stall Depth
(no bumper overhang)

D Aisle Width
E Stall Width (parallel to aisle)
F Module Width
(no bumper overhang)

G Bumper Overhang
H Backing Area
I Module Intermesh

- 413-4.1 For one (1) row of stalls use "C" plus "D" as minimum bay width.
- 413-4.2 The minimum aisle width for two-way traffic and for emergency vehicle operations area is twenty-four (24) feet. The minimum aisle width for emergency vehicle (one-way traffic) is fifteen (15) feet.
- 413-4.3 Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
- 413-4.4 Parallel Parking:

Space dimensions are to be nine (9) by twenty-two (22) feet. Aisle dimensions for parallel parking are to be twelve (12) feet for one-way aisles and twenty-four (24) feet for two-way aisles.
- 413-4.5 Pedestrian Access:

In parking lots of one-hundred (100) or more spaces and two or more rows of parking stalls, separate pedestrian walkways shall be encouraged to minimize vehicular-pedestrian conflicts, and allow safe pedestrian movement within the lot.
- 413-5 Off-Street Parking Standards**
- 413-5.1 All required off-street parking and loading areas inside the Urban Growth Boundary shall be surfaced with concrete or asphaltic material to conform with either of the following standards:
- A. A minimum of four (4) inches of concrete for vehicles and six (6) inches for commercial vehicles or trucks; or
 - B. Two (2) inches of asphalt overlaying a six (6) inch base (compacted) of crushed stone.
- 413-5.2 Off-street parking and loading areas outside the UGB may be required by the Review Authority to be surfaced to the standards of 413-5.1 where:
- A. The site is adjacent to a paved limited access highway or arterial; or
 - B. Located adjacent to a developed RR-5 Rural Community; or
 - C. Where the Review Authority finds there is an adverse impact on adjacent properties.
- 413-5.3 Minimum standards for all required parking and loading areas outside the UGB shall consist of a gravel surface with four (4) inches of base rock with two (2) inches of three-quarter (3/4) inch minus leveling course.

- 413-5.4 Based upon approval of a grading plan pursuant to Section 410, for the purpose of temporary or overflow parking, or storage of heavy equipment or vehicles in the Industrial District, a gravel surface may be approved with a minimum four (4) inches of base rock with two (2) inches of three-quarter (3/4) inch minus leveling course.
- 413-5.5 All required off-street parking areas, except for detached or two unit attached dwellings on a single lot and areas outside the UGB not required to be surfaced to the standards of Section 413-5.1, shall be constructed with curbs of concrete or asphalt. Driveways for detached dwelling units that are less than one-hundred (100) feet in length shall be paved. All driveways for single family attached dwelling units shall be paved. Those areas constructed with a gravel surface may use curbs of wood or other materials as may be approved by the Review Authority.
- 413-5.6 Parking spaces in paved parking areas having more than three (3) stalls are to be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in gravel surfaced lots may be identified by wheel stop barriers.
- 413-5.7 Covered parking spaces are to have a vertical clearance of at least seven (7) feet, six (6) inches above the parking lot surface for all uses except residential.
- 413-5.8 The finished grade of a parking lot is not to exceed five (5) percent slope.
- 413-5.9 Parking and loading areas that are not associated with a structure shall have no less than a ten (10) foot front and rear yard setback and shall conform to the street side yard requirements of the primary district.
- 413-5.10 All parking lots shall be landscaped as required by Section 407-6.
- 413-5.11 The minimum driveway width for one single family detached dwelling unit shall be twelve (12) feet. The minimum driveway width for each single family attached dwelling unit with individual vehicular access to a street shall be twelve (12) feet. The minimum driveway depth for single family detached and single family attached units shall be twenty (20) feet (measured from the back of sidewalk or the property line as specified by the primary district). A twelve (12) foot wide and twenty (20) foot deep driveway shall be counted as one (1) off-street parking space. A twenty (20) foot wide and twenty (20) foot deep driveway shall be counted as two (2) off-street parking spaces.
- 413-5.12 Driveways for detached or single family attached lots with single car garages may be combined when the following standards are met as illustrated by Figure 1 below:

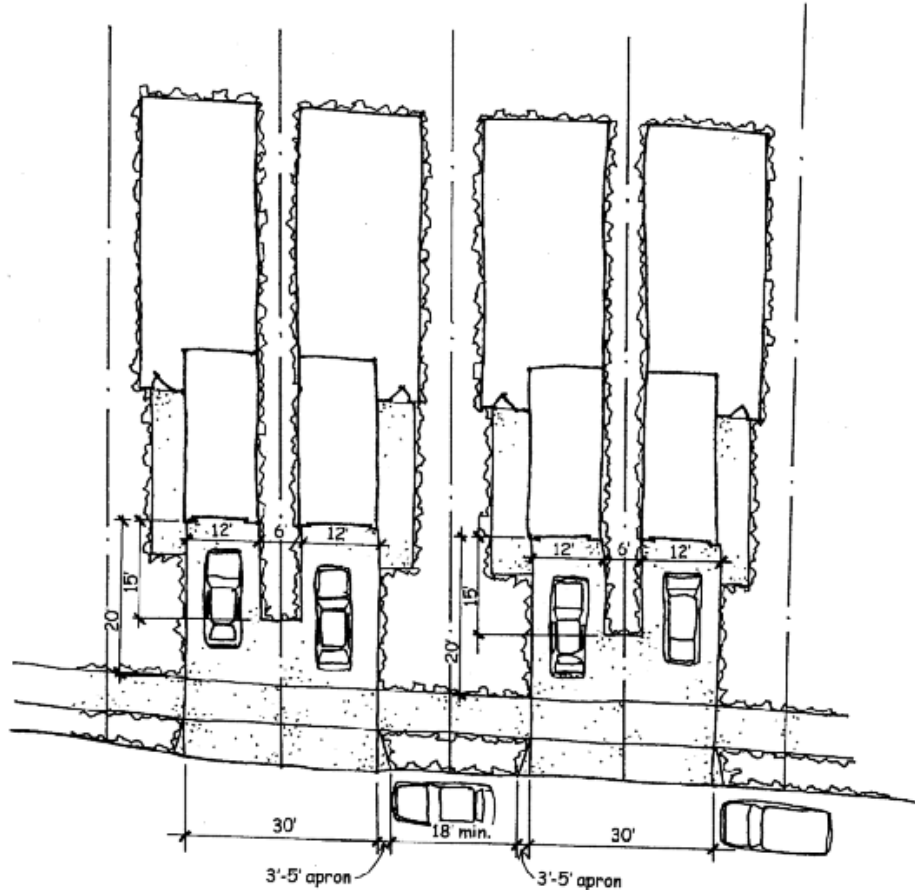


Figure 1

- A. A minimum six (6) foot wide planting area shall be provided between each driveway for a minimum length of fifteen (15) feet;
- B. The minimum driveway width for each unit shall be twelve (12) feet;
- C. The width of the driveway curb cut shall be the total width of the combined driveways and the common planting strip;
- D. There shall be at least eighteen (18) feet of curb face between combined and/or single driveways in order to provide one (1) on-street parking space between driveways;

413-6 On-Street Parking Requirements for Urban Residential Districts

The following on-street parking standards shall apply to all urban residential districts, including Transit Oriented Districts:

- 413-6.1. For single family detached dwelling units and single family attached dwelling units with individual on-site parking and individual vehicular access to a local or

Neighborhood Route public or private street, the following on-street parking shall be provided:

- A. For a dwelling with one (1) off-street parking space, a minimum of two (2) on-street parking spaces shall be provided along the dwelling's street frontage, except as provided in Sections 413-6.1 D. or 413-6.3.
- B. For a dwelling with two (2) off-street parking spaces, a minimum of one (1) on-street parking space shall be provided along the dwelling's street frontage, except as provided in Sections 413-6.1 D. or 413-6.3; and
- C. For dwellings with more than two (2) off-street parking spaces, a minimum of one (1) on-street parking space for every two (2) lots with more than two (2) off-street parking spaces shall be provided along the frontage of those lots, except as provided in Sections 413-6.1 D. or 413-6.3.
- D. The requirements for on-street parking are not applicable to flag lots or lots that are provided access from the terminus of a non-through street (e.g., cul-de-sac bulb or hammerhead).

413-6.2 Required on-street parking shall be provided along the affected lot's street frontage by parallel or angled parking (perpendicular parking is not allowed) in accordance with the standards of the Washington County Uniform Road Improvement Design Standards. Parallel parking spaces shall be at least eighteen (18) feet long for one (1) or two (2) adjoining spaces. When three (3) or more adjoining spaces are provided, the minimum length of each space shall be twenty (20) feet. Angled parking shall be provided on a street corner and not along the front of dwelling units. Driveway aprons and cross walk area shall not be used for on-street parking. Curb frontage with a fire hydrant or congregate mail boxes shall not be used to satisfy the required on-street parking standards.

413-6.3 Portions of the on-street parking required by Section 413-6.1 may be provided in parking courts that are interspersed throughout a development when the following standards are met:

- A. No more than eight (8) parking spaces shall be provided in a parking court;
- B. A parking court shall be located within one hundred (100) feet of the affected lot as in accordance with the requirements of Section 413-2.2.;
- C. No more than two (2) parking courts shall be provided within a block, with only one (1) parking court provided along a block side;
- D. A parking court shall be paved and shall comply with the standards of this Section and the grading and drainage standards of this Code;
- E. A parking court shall be landscaped in accordance with the standards of Section 407-6 and Sections 431-6.2 B. (3)(a and b);
- F. A parking court shall be illuminated;

- G. A parking court shall be privately owned and maintained. For each parking court there shall be a legal recorded document which includes:
- (1) A legal description of the parking court;
 - (2) Ownership of the parking court;
 - (3) Use rights; and
 - (4) A maintenance agreement and the allocation and/or method of determining liability for maintenance of the parking court;
- H. No portion of a parking court, including landscape areas, shall be used to satisfy any requirement for open space, recreational facilities or areas, or be used as a development's water quality or quantity facility; and
- I. A parking court shall be used solely for the parking of operable passenger vehicles.

413-7 Parking for Handicapped

All parking lots in conjunction with government and public buildings, as defined by Chapter 31 of the Uniform Building Code, are to include parking for the handicapped as set forth below. These spaces may be included within the total spaces required.

- 413-7.1 One space for the first fifty (50) spaces or fraction thereof; and one additional space for each additional fifty (50) spaces or fraction thereof.
- 413-7.2 Spaces shall conform to the requirements of Chapter 31 of the Uniform Building Code currently in effect.
- 413-7.3 Spaces are to be located nearest to the main pedestrian access point from the parking area to the building or use served by the parking, and are to be designed so persons using wheelchairs or assisted walking are not compelled to pass behind parked cars.
- 413-7.4 Parking for the handicapped shall be identified in accordance with the International Symbol of Accessibility for the Handicapped.
- 413-7.5 Parking lot design shall comply with all applicable requirements of Chapter 31 (Handicap Access) of the Uniform Building Code, edition currently in effect.

413-8 D.E.Q. Indirect Source Construction Permit

All parking areas which are designed to contain two-hundred-fifty (250) or more parking spaces, or to contain two (2) or more levels, shall obtain an Indirect Source Construction Permit and shall install oil and grease separators.

413-9 Minimum Off-Street Parking Requirements

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following:

USE		MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
413-9.1	Residential:	
	A. Detached	One (1) per each dwelling unit
	B. Attached including duplex	
	(1) 1 Bedroom or Studio	One (1) per each dwelling unit
	(2) 2 Bedroom	One and five-tenths (1.5) per each dwelling unit
	(3) 3 or more Bedroom	One and seventy-five hundredths (1.75) each per dwelling unit
	C. Boarding House	One (1) space for each sleeping room
	D. Manufactured Dwelling	Two (2) per each dwelling unit
413-9.2	Institutional:	
	A. Churches, temples, or buildings of similar use with fixed seats	One (1) space for each two (2) seats.
	B. Golf Course, Recreational Facilities, Sports Club, and Tennis or Racquetball Club	
	(1) Golf course open to the public, except miniature "par-3" course	Four (4) for each one (1) golf hole and one (1) for each employee
	(2) Private golf clubs	Parking will be based on a parking study submitted at the time of application for the use. Parking shall be reviewed through the same procedure as required for the use.
	(3) Recreational facilities and sports clubs	Four and three-tenths (4.3) spaces for each thousand (1000) square feet of gross floor area.
	(4) Tennis or racquetball clubs	One (1) space for each thousand (1000) square of gross floor area.
	C. Homes for the aged and convalescent homes	One (1) space for each four (4) beds, plus one (1) space for each employee, including nurses, on maximum working shift.

USE	MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
D. Hospitals	One (1) for each two (2) patient beds, plus one (1) space for each staff or visiting doctor and each employee, including nurses, on maximum working shift.
E. Libraries, museums, and post office buildings.	One (1) for each five hundred (500) square feet of gross floor area, plus one (1) space for each employee employed therein.
F. Lodge halls, meeting halls and community centers or buildings of similar use without fixed seats.	One (1) for each four (4) persons allowed by the maximum seating capacity as established by fire, building or health codes.
G. Passenger Terminal (bus, air or rail)	One (1) space for each one thousand (1,000) square feet of gross floor area plus one space for each two (2) employees.
H. Public office building not specified elsewhere	Two and seven-tenths (2.7) for each thousand (1000) square feet of gross floor area.
I. Schools	
(1) Preschool child care (day nurseries)	Two spaces plus one (1) for each employee.
(2) Elementary and junior high school	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.
(3) Senior high schools and colleges	One (1) for each five (5) students and staff.
J. Stadium, sports arena or similar place of assembly	One (1) for each three (3) seats or six (6) feet of benches, and one (1) for each employee on a maximum working shift.
K. Theaters and auditoriums	One (1) for each three (3) seats.
L. Telecommunication Facilities (unmanned) subject to Section 430-109	One (1) space per tower. The Review Authority may waive this requirement if the applicant can demonstrate that there is available on-site parking, on-street parking, leased or shared parking with adjacent or nearby uses authorized for use by a written agreement.
M. Telecommunication Facilities (manned) subject to Section 430-109	Two (2) spaces plus one space for each two (2) employees.

413-9.3	Business and Commercial	MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
A.	Assembly halls, without fixed seats for commercial recreation including pools or billiard parlors, dance halls, skating rinks and exhibition halls or buildings for similar assembly uses.	One (1) space for each hundred (100) square feet of gross floor area used for permitted use.
B.	Auto wash	One (1) for each employee. In addition, adequate waiting space for autos provided on the premises to accommodate fifty (50) percent of the hourly rate of capacity.
C.	Automobile service station	Two (2) for each lubrication, stall rack or pit; and one (1) for each gasoline pump.
D.	Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
E.	Bowling alleys	Four (4) for each one (1) bowling lane, plus one (1) for each employee on a maximum working shift.
F.	Commercial schools	To be determined through Development Review.
G.	Drive-in restaurant or similar drive-in used for the sale of beverages, food or refreshments for consumption off the premises.	Nine and nine-tenths (9.9) per thousand (1000) square feet of gross floor area.
H.	Establishments for sale and consumption on the premises of beverages, food or refreshments	Fifteen and three-tenths (15.3) per thousand (1000) square feet of gross floor area.
I.	Furniture and appliances, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses.	One (1) for each eight hundred (800) square feet of usable floor each used in processing, plus one (1) for each employee on maximum working shift.
J.	Laundromats and coin-operated dry cleaners.	One (1) for each two (2) washing machines.
K.	Miniature or "par 3" golf courses	Three (3) for each one (1) hole plus one (1) for each employee.

	USE	MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
	L. Mortuary	One (1) for each fifty (50) square feet of usable floor space, plus one (1) for each employee on maximum working shift.
	M. Motel, hotel or other commercial lodging establishment	One (1) for each one (1) unit for occupancy, plus extra spaces for dining rooms, ballrooms or meeting rooms as required by Section 431-9.3 A and H above, where the capacity of such areas exceeds the number of beds in the building.
	N. Motor vehicle and service establishments	One (1) for each two hundred (200) square feet of usable floor space sales room and one (1) for each one (1) auto service stall in the service room.
	O. Retail stores, except as otherwise specified herein	Four and one-tenth (4.1) for each thousand (1000) square feet of gross area.
413-9.4	Offices	
	A. Banks	Four and three-tenths (4.3) for each thousand (1000) square feet of gross floor area.
	B. Business offices or professional offices except as indicated pursuant to Section 413-9.4 C.	Two and seven-tenths (2.7) for each thousand (1000) square feet of gross floor area.
	C. Professional offices of doctors, dentists, or similar professions.	Three and nine-tenths (3.9) for each thousand (1000) feet of gross floor area.
413-9.5	Industrial	
	A. Industrial or research establishments, wholesale establishments, and industrial park	One and six-tenths (1.6) for each thousand (1000) square feet of gross floor area.
	B. Wholesale less than one hundred fifty thousand (150,000) gross square feet in size.	Five-tenths (0.5) for each thousand (1000) square feet of gross floor area.
	C. Warehouses greater or equal to one hundred fifty thousand (150,000) gross square feet in size.	Three-tenths (0.3) for each thousand (1000) gross square feet of floor area.

413-10 Reduction of Minimum Off-Street Parking Based on Transit

The following conditions must be met in order to reduce minimum off-street parking requirements based upon the availability of transit.

- 413-10.1 Through a Type II procedure, minimum off-street parking requirements may be reduced up to twenty (20) percent based upon the availability of transit. The following conditions (items A. and B., below) must be met in order to reduce minimum parking requirements based upon the availability of transit:
- A. The property must be located within one-quarter (1/4) mile of a transit route which provides at least twenty (20) minute or more frequent service between 10:00 a.m. and 2:00 p.m. each weekday; and
 - B. The use of the property must be office, retail or institutional.
- 413-10.2 When a development provides a transit amenity associated with a bus stop (including space for a landscaped buffer, enhanced pedestrian linkages, building awnings, covered walkways, pullout, or bus shelter or other amenity the transit district determines improves the convenience or safety of transit customers), parking spaces may be reduced at a ratio of 1 parking space for each 50 square feet of transit amenity space provided above and beyond the minimum required by this ordinance.

413-11 Vanpool/Carpool Parking

Preferential parking for vanpool/carpool shall be provided for all institutional, office, and industrial uses having 50 or more parking spaces as set forth below.

- 413-11.1 After any reductions based upon availability of transit in Section 413-10, at least ten (10) percent of the minimum employee or student spaces required in Sections 413-9.2, 413-9.4, and 413-9.5 shall be designated for exclusive use by vanpools/carpools.
- 413-11.2 Spaces reserved for exclusive use by vanpools/carpools shall have a minimum width of 9.5 feet and be clearly marked for vanpool/carpool use.
- 413-11.3 Vanpool/carpool spaces shall be generally located closest to the primary entrance for employees or students utilizing such spaces but not closer than spaces for handicapped parking or visitor parking. For developments with more than 20 required vanpool/carpool spaces and more than one primary entrance, 50 percent of all of the required vanpool/carpool parking may be clustered in one or more centralized, convenient locations.
- 413-11.4 In case of enlargement of a building or a change in the use of a building, the number of parking spaces required shall be based on floor area or capacity of the entire use of the building. If the building is part of a larger existing use with multiple buildings, only the subject building shall meet the parking requirements.

413-12 Reduction of Minimum Off-Street Parking Based on Vanpool/Carpool

Sites having fifty (50) or more parking spaces may reduce total minimum parking space requirements by two (2) standard or compact size spaces for every one (1) vanpool/carpool space provided. Vanpool/carpool spaces are exempt from the maximum parking requirements of Section 413-10.

413-13 Reduction of Minimum Off-Street Parking Based on Bicycle Parking

Sites having fifty (50) or more parking spaces may reduce total minimum automobile parking space requirements by one (1) standard or compact size space for every one (1) bicycle space provided.

413-14 Total Reductions to Minimum Off-Street Parking Requirements

The minimum number of off-street parking spaces required by Section 413-9 may be reduced through the application of Sections 413-10, 413-12 and 413-13 shall not exceed forty (40) percent of the required minimum spaces.

413-15 Maximum Off-Street Parking Requirements

413-15.1 In accordance with the Community Plans' Parking Maximum Designations, urban unincorporated properties shall be identified as being located in either Zone A or Zone B. Properties brought into the Urban Growth Boundary after adoption of the Parking Maximum Designations shall be considered to be located within Zone B for the purposes of Section 413 unless the property meets the following Zone A criteria. Zone A properties are located within one-quarter (1/4) mile of a bus route that provides twenty (20) minute peak hour service or within one-half (1/2) mile of a light rail station. Zone B properties are the remaining urban unincorporated areas.

413-15.2 The maximum number of allowable off-street parking spaces by type of use shall be determined by the following or Section 413-2.4:

MAXIMUM OFF-STREET PARKING RATIOS IN ZONE A AND ZONE B		
(parking ratios are based on spaces per 1,000 gross square feet unless otherwise stated)		
USE	Maximum Parking Zone A (Transit Accessible Areas)	Maximum Parking Zone B (Remaining Urban Areas)
Residential	None	None
Bank with drive-in	5.4	6.5
Business offices, office park, "flex space", or professional offices (except those for doctors, dentists or similar professions)	3.4	4.1

MAXIMUM OFF-STREET PARKING RATIOS IN ZONE A AND ZONE B		
(parking ratios are based on spaces per 1,000 gross square feet unless otherwise stated)		
USE	Maximum Parking Zone A (Transit Accessible Areas)	Maximum Parking Zone B (Remaining Urban Areas)
Professional offices of doctors, dentists, or similar professions	4.9	5.9
Public office building	3.4	4.1
Warehouse (greater than or equal to 150,000 gsf)	0.4	0.5
Senior high schools, colleges and universities (spaces per # of students and staff)	0.3	0.3
Tennis or racquetball clubs	1.3	1.5
Recreational facilities and sports clubs	5.4	6.5
Retail stores and shopping centers (except as otherwise specified in Section 413-9 or 413-15)	5.1	6.2
Theaters and auditoriums (spaces per # of seats)	0.4	0.5
Drive-in restaurant or similar drive-in used for the sale of beverages, food or refreshments for consumption off the premises	12.4	14.9
Establishments for sale and consumption on the premises of beverages, food or refreshments	19.1	23
Churches, temples, or buildings of similar use with fixed seats (spaces per # of seats)	0.6	0.8

413-15.3 Parking spaces in parking structures, fleet parking, parking for vehicles that are for sale, lease, or rent, and employee vanpool/carpool parking spaces are exempt from the maximum off-street parking standards in Section 413-15.2.

413-15.4 In Zone A, the Review Authority may approve through a Type II procedure off-street parking in excess of the maximum parking standards if a development is located more than a one-quarter (1/4) mile walk via easements for public travel to the closest bus stop with twenty (20) minute peak hour service, or if twenty (20) minute peak hour service is no longer provided within one-quarter (1/4) mile of a property. In either case, the maximum number of off-street parking spaces shall not exceed the Zone B maximum standard for the same use.

413-15.5 In either Zone A or B, the Review Authority may approve through a Type II procedure off-street parking in excess of the maximum parking standards based on findings that:

- A. The nature of the development will result in a higher off-street parking demand relative to similar uses in the same parking zone; and
- B. To the greatest degree practicable, the development includes the implementation of opportunities for shared parking, parking structures, utilization of public parking spaces and other appropriate demand management programs. Demand management programs may include, but are not limited to, subsidized transit passes, shuttle service, and carpool programs.

413-16 Minimum Off-Street Loading Requirements

In all primary districts, loading areas shall be provided according to the following schedule:

413-16.1 Residential:

None required, except for high rise (above three (3) stories) attached dwelling units which shall be provided with one (1) loading space as a minimum and shall provide one (1) additional loading space for each fifty (50) dwelling units over one-hundred (100) dwelling units.

USE		MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
413-16.2	Institutions	
	A. Convalescent home; institution for children; welfare; correction institute; institutions for the aged.	One (1) space where the number of beds exceed twenty-five (25)
	B. Hospital - Floor Area	
	5,000 to 40,000 square feet	One (1) space
	40,000 to 100,000 square feet	Two (2) spaces
	100,000 to 150,000 square feet	Three (3) spaces
413-16.3	Public Safety	
	A. Amusement park; bowling alley, dance hall or skating rink; indoor arena or theater; sports and commercial amusement; stadium or racetrack.	Minimum of one (1) space
	B. Auditorium	Minimum of one (1) space.

USE		MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
C.	Schools	Minimum of two (2) off-street loading spaces for school buses plus one (1) additional space for each two-hundred - fifty (250) bussed pupils.
413-16.4	Commercial	
	<u>Floor Area</u>	<u>Loading Space Required</u>
	Under 5,000 square feet	0
	5,000 to 25,000 square feet	1
	25,000 to 50,000 square feet	2
	50,000 to 100,000 square feet	3
413-16.5	Industrial	
	<u>Floor Area</u>	<u>Loading Space Required</u>
	Under 25,000 square feet	1
	25,000 to 50,000 square feet	2
	50,000 to 100,000 square feet	3

413-17 General Loading Requirements

- 413-17.1 It shall be unlawful to store or accumulate goods in a loading space if it renders it useless for loading and unloading operations.
- 413-17.2 Loading spaces shall be located on the site and directly accessible to main structures. The location of the loading spaces shall comply with the requirements of Sections 403-2.3 E. (2) and 406-2.5 B.
- 413-17.3 The minimum length and width of loading spaces shall be according to the requirements in the following table:

<u>Use</u>	<u>Length Linear Ft.</u>	<u>Width Linear Ft.</u>
A. All except wholesale and industrial	35	12
B. Wholesale storage and industrial	65	12

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414 SIGNS

The following sign regulations shall apply to all uses as indicated.

414-1 Residential Districts

414-1.1 Scope:

This Section (414-1) shall apply to all Residential Districts.

414-1.2 Size:

- A. One sign not exceeding two (2) square feet in area shall be permitted per dwelling unit. For attached dwellings exceeding three (3) units, one (1) or more additional signs not exceeding a total of twelve (12) square feet in area shall be permitted per structure.
- B. For Residential Developments (including subdivision identification) the maximum size and number of signs shall be controlled according to the following:
 - (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.
 - (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs identifying the project which have a total area of no more than forty-eight (48) square feet.
 - (3) Residential developments of forty (40) acres or more in area may have a sign or signs identifying the project with a total area of no more than one-hundred-two (102) square feet.

414-1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within ten (10) feet of a street right-of-way.

414-1.4 Height:

The following maximum heights shall apply to signs:

- A. If ground-mounted, the top shall not be over four (4) feet above the ground;
- B. If building mounted, shall be flush mounted and shall not project above the roof line; and
- C. If freestanding, shall not exceed twenty (20) feet in height.

414-1.5 Content:

The sign shall not be for commercial purposes, except for those uses permitted in Section 430-63.

414-1.6 Illumination:

Illumination if used shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign and upon the property within the premises.

414-2 Commercial and Institutional Districts

414-2.1 Scope:

This Section shall apply to all Commercial Districts and the Institutional District.

414-2.2 Size:

For each lot or parcel signing at the listed size may be allowed:

- A. Neighborhood Commercial (NC), Office Commercial (OC) and Institutional District (INS) signs shall not exceed thirty-five (35) square feet.
- B. Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM) signs shall not exceed the following area requirements:

Traffic Speed Allowed (mph)	Number of Traffic Lanes	Maximum Area Per Face (sq.ft.)
30 or less	3 or less	32
35 and over	3 or less	50
30 or less	4 or more	40
35 and over	4 or more	72

- C. Two (2) or more lots or parcels having a combined linear frontage of eighty-five (85) feet may combine their sign areas allowed by Section 414-2.2 B. for the purpose of providing one common free-standing or ground-mounted sign. The sign shall not exceed one hundred fifty (150) square feet.

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage shall face that street frontage.

- E. In addition to all other sign standards, incidental signs are governed by the following:

Maximum Sign Area	Street Front
20 sq. ft.	85 ft. or less
25 sq. ft.	86 - 90 ft.
30 sq. ft.	91 - 99 ft.
35 sq. ft.	100 ft. or more

F. Commercial Center:

Signs used for Commercial Center and individual tenant identification shall be allowed as follows:

- (1) Only one (1) sign of one-hundred-fifty (150) square feet shall be permitted for centers less than five (5) acres and greater than one (1) acre.
- (2) A maximum of two (2) signs of four-hundred (400) square feet shall be permitted for complexes for five (5) to fifty (50) acres.
- (3) A maximum of three (3) signs of four-hundred (400) square feet shall be permitted for complexes of more than fifty (50) acres.
- (4) Individual businesses are allowed a face building mounted sign for identification pursuant to Section 414-2.2 A. and B.

G. Outdoor Advertising Signs:

Outdoor advertising signs, excluding bench signs (see Section 414-5.2) shall be permitted only in the General Commercial (GC) District. Such signs shall not exceed three-hundred (300) square feet per face, nor shall the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following shall apply:

- (1) Minimum spacing shall be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)
Interstate Hwy	500	
Limited Access (Freeway)	500	1,000
Other Roads	None	500

- (2) For the purpose of applying the spacing requirements of Section (1) above, the following shall apply:
 - (a) Distances shall be measured parallel to the centerline of the highway;
 - (b) A back-to-back, double-faced or V-type sign shall be considered as one sign.

414-2.3 Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways or alleys.
- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 414-1.2 B. and 414-2.2 F. may be located anywhere on the premises except as follows:

- (1) A ground-mounted sign shall not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
- (2) A freestanding sign shall not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches.

D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than eight (8) feet six (6) inches (8' 6"). The maximum vertical dimension of signs shall be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

E. Wall signs shall not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

F. Permitted outdoor advertising signs may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

414-2.4 Height:

- A. Ground-mounted signs shall not exceed four (4) feet in height from ground level.
- B. Freestanding signs shall not exceed twenty-eight (28) feet in height from ground level.
- C. Outdoor advertising signs shall not exceed thirty-five (35) feet in height from ground level.

414-2.5 Content:

- A. Any of the signs pursuant to this Section (414-2) may be changeable copy signs.
- B. The primary identification sign for each firm shall contain its street number. The street number shall be clearly visible from the street right-of-way.

414-3 Industrial

414-3.1 Scope:

This Section shall apply to the Industrial District.

414-3.2 Number and Size:

- A. One (1) identification sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage shall be permitted.
- B. One freestanding or ground-mounted identification sign not exceeding fifty (50) square feet per lot or parcel.
- C. Industrial Park identification signing shall be controlled according to the following:
 - (1) A maximum of two (2) signs of three-hundred (300) square feet per face shall be permitted for industrial parks or complexes of less than ten (10) acres;
 - (2) A maximum of three (3) signs of four-hundred (400) square feet shall be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through a Type I procedure, provided the total sign area does not exceed twelve-hundred (1,200) square feet.

414-3.3 Location:

Shall be as provided in Section 414-2.3.

414-3.4 Content:

Shall be as provided in Section 414-2.5.

414-3.5 Illumination:

Shall be as provided in Section 414-6.

414-4 Agriculture and Forestry Signs

414-4.1 Scope:

This Section shall apply to the agricultural and forestry areas outside the Urban Growth Boundaries.

414-4.2 Size:

A maximum area of thirty-two (32) square feet per sign.

414-4.3 Location:

Signs shall be at least five (5) feet from a right-of-way, and shall be at least twenty-five (25) feet from an adjacent lot.

414-4.4 Illumination:

As provided in Section 414-6.

414-4.5 Maximum number of signs:

Acreage	No. of Signs
0 - 20	2
21 - 40	3
41 - 60	4
61 & over	5

414-5 Exemptions and Supplemental Criteria

The following signs are exempted from development permit requirement and from the standards set forth above.

414-5.1 Temporary Signs:

The following temporary signs are permitted subject to the standards of Section 414-5.1 F:

- A. Construction Signs;
- B. Real Estate Signs;
- C. Temporary Land Development Project Signs pertaining to the sale, lease, rent or development of a subdivision, shopping center, industrial park or similar land parcel;
- D. Political campaign signs; and
- E. Farm or Forest product signs.
- F. Temporary signs listed in A through E above shall meet the following standards:
 - (1) Shall not exceed sixteen (16) square feet in area;
 - (2) Shall be located on private property, not within any dedicated right-of-way; and
 - (3) Shall be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event.

414-5.2 Bench Signs:

On-premises and off-premises advertising on street benches provided:

- A. The benches shall not be higher than four (4) feet above ground;
- B. The advertising is limited to fourteen (14) square feet in area;
- C. The benches are not located closer than five (5) feet to any street right-of-way line;
- D. Benches are located in a manner not to obstruct vision;

E. The advertising shall be included as part of the total permitted sign area of the premise on which it is located.

414-5.3 Directory Signs are permitted when the maximum total area does not exceed one-hundred (100) square feet. Directory signs shall not front on any public street.

414-5.4 Farm Signs:

Names of occupants and other identification, painted or otherwise made a part of a surface or roof of a barn or other accessory building provided said identification sign is not for advertising purposes.

414-5.5 Flag:

A United States flag up to fifty (50) square feet in area.

414-5.6 Household Goods Sales:

A. Signs may not exceed a total area of four (4) square feet;

B. Shall be erected only during daylight hours;

C. Shall be removed within forty-eight (48) hours after erecting; and

D. Shall not be located in a manner which would cause a public safety hazard.

414-5.7 Integral Signs

414-5.8 Private Traffic Direction:

Signs directing traffic movement onto a premise or within a premise, not to exceed three (3) square feet in area for each sign. Illumination of these signs shall be in accordance with Section 414-6. Horizontal directional signs flush with paved areas are exempt from these standards.

414-5.9 Safety Signs:

Danger signs, trespassing signs, warning signs, traffic signs, memorial plaques, signs of historical interest, holiday signs, public and service information signs such as rest rooms, mailbox identification, newspaper container identification.

414-5.10 Street Banners for Public Events (Temporary)

414-6 Illumination

No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

414-6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or

highway, but may be used for indirect light illumination of the display surface of a sign.

414-6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three-hundred (300) milliamperes rating for white tubing or one-hundred (100) milliamperes rating for any colored tubing.

414-6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:

A. Within Residential districts:

 Illumination equivalent to four-hundred-twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center.

B. Within land use districts other than Residential:

 Illumination equivalent to eight-hundred (800) milliamperes rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

414-7 Prohibited Signs

Signs or lights which:

414-7.1 Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

414-7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

414-7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement;

414-7.4 Are roof signs except as allowed in Section 414-5.4;

414-7.5 Are freeway-oriented signs;

414-7.6 Are portable signs; and

414-7.7 Contain obscene material or language as defined by Oregon Revised Statutes.

414-8 Procedures

Applications for a sign permit shall be processed through a Type I procedure.

414-9 Nonconformity and Modification

Except as provided in Section 414-9.2 of this Chapter, signs in existence on the date of adoption of this Code, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained shall be regarded as nonconforming.

414-9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years.

414-9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code shall be removed on or before November 6, 1983, as was provided for purposes of amortization in Article II of the former Community Development Ordinance.

414-9.3 Nonconforming outdoor advertising signs under the provisions of Section 414-9 in conformance with ORS Chapter 377 shall not be considered to be nonconforming signs requiring removal. This provision applies to signs on all highways. Removal of such outdoor advertising signs shall be only as provided by Oregon Revised Statutes.

414-10 Compliance

Any sign which is altered, relocated, replaced or changed for the purpose of identifying a new or existing business on the site shall be brought immediately into compliance with all provisions of this Code.

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415 LIGHTING

415-1 Applicability

The roadways, access drives, parking lots and sidewalks of all new developments of attached units shall be lighted in conformance to the standards of this Section (415). This Section is not intended to apply to public street lighting.

415-2 Lighting Plan

Prior to the issuance of a Development Permit for a structure other than a detached dwelling or attached dwelling of less than three (3) units, an Exterior Lighting Plan shall be submitted in order to determine whether the requirements of this Section (415) have been met. This plan shall include:

415-2.1 Site Plan and Building Floor Plans and Elevations showing luminaire location;

415-2.2 Luminaire details;

415-2.3 Lighting coverage and cutoffs; and

415-2.4 Any additional information necessary to insure compliance with Section 415.

415-3 Definitions

415-3.1 Candle Power:

The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candle power is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

415-3.2 Cutoff:

The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

415-3.3 Cutoff angle:

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

415-3.4 Cutoff-type luminaire:

A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

415-3.5 Foot-candle:

A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of (1) candle.

415-3.6 Glare:

The brightness of a light source which causes eye discomfort.

415-3.7 Luminaire:

A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

415-3.8 Maximum permitted illumination:

The maximum illumination measured in foot-candles at the property line or, if required, interior screening and buffering line at ground level, in accordance with the standards of Section 415-4 below.

415-4 Standards

The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a non-cutoff type luminaire or a higher pole, up to forty (40) feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than ninety (90) degrees. The maximum light post height permitted is dependent on the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property. Exterior lighting shall meet one (1) of the following standards:

415-4.1 When light source or luminaire has no cutoff:

District	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
Residential & Institutional	0.20	10 feet
Commercial & Industrial	0.30	20 feet

415-4.2 When a luminaire has total cutoff of an angle greater than ninety (90) degrees, the maximum illumination and the maximum permitted luminaire height shall be:

District	Maximum Permitted Illumination	Maximum Permitted Height of Post
Residential & Institutional	0.5	20 feet
Commercial & Industrial	1.0	30 feet

415-4.3 When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:

District	Maximum Permitted Illumination	Maximum Permitted Height of Post
Residential & Institutional	0.5	20 feet
Commercial & Industrial	3.0	40 feet

415-4.4 Exemption for specified public outdoor recreation uses:

- A. Because of their unique requirements for nighttime visibility and their limited hours of operation, public ball diamonds, public playing fields, and public tennis courts are exempted from the exterior lighting standards of Sections 415-4.1 through 415-4.3 above. These outdoor recreational uses must meet all other requirements for this Section and of this Code.
- B. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
- C. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the property line or, if required, the interior screening and buffering line, shall not exceed two (2) foot-candles.

415-5 General Provisions

Notwithstanding any other provision of this Section (415) to the contrary:

415-5.1 No flickering or flashing lights shall be permitted.

415-5.2 Light sources or luminaires shall not be located within areas identified for screening or buffering except on pedestrian walkways.

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416 UTILITY DESIGN

416-1 General Provisions

- 416-1.1 All utility distribution facilities supplying electric, communication, or similar or associated service, installed in and for the purpose of supplying such service to any development shall be placed underground; provided however, that the word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than fifty-thousand (50,000) volts.
- 416-1.2 Notwithstanding Section 416-1.1, overhead utility distribution lines may be permitted upon approval of the Review Authority through a Type I procedure when terrain, soil, or geologic conditions prohibit underground installation, or when proposed development is part of an urban infill process and surrounding developments do not have underground utilities. Location of such overhead utilities shall be along rear or side lot lines wherever feasible.
- 416-1.3 Easements necessary for sewers, water mains, electric lines, or other public utilities shall be provided. The easements will vary according to the need of various utilities. When possible, the easement shall be located on one side of a lot line.
- 416-1.4 The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum, feasible disturbance of soil and site.

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417 IRRIGATION

Irrigation Standards are provided to insure healthy and proper growth habits of plant materials, accelerate the desired effects of required landscaping, reduce maintenance and promote longevity of plant materials.

417-1 Provision of Method of Irrigation

All developments, which are required to provide landscaping, shall provide appropriate methods of irrigation for the landscaping. Landscaping which exceeds one-thousand (1,000) square feet shall be irrigated with automatic sprinkler systems. Hose bibs and manually operated methods of irrigation may be approved by the Review Authority based upon written verification, submitted by a registered landscape architect, that the alternatives can satisfy the intent and purpose of the irrigation standards.

417-2 Irrigation System Details

Irrigation system details shall include:

- 417-2.1 A plan and schedule of equipment including gate valve, backflow preventor, control valves, piping, sprinkler heads, meter size and location; and
- 417-2.2 Water source, including type, size of service connection, flow in gallons per minute (GPM), static water pressure in pounds per square inch (PSI), and maximum pressure in PSI required to operate the irrigation circuit with the greatest pressure loss in the system.

417-3 General Provisions

- 417-3.1 The irrigation plan shall provide a full and uniform coverage to all landscape materials which require irrigation.
- 417-3.2 Irrigation techniques shall include methods of water conservation.

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418 SETBACKS

418-1 Obstruction in Required Yards

Required yards shall be horizontally unobstructed except as follows:

- 418-1.1 Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend, or project into a required side yard not more than two (2) inches for each (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may not project into a front or rear yard more than twenty-four (24) inches. Chimneys may project up to twenty-four (24) inches into a side yard setback, but no closer than three (3) feet to a property line.
- 418-1.2 Open balconies and unenclosed stairways more than thirty (30) inches in height and not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such porches may extend into a required front yard not more than thirty (30) inches.
- 418-1.3 A ground level deck not more than thirty (30) inches in height and not covered by a roof or canopy may be allowed in any yard regardless of the setback requirements.
- 418-1.4 A deck more than thirty (30) inches in height, not covered by a roof or canopy, may be allowed in a required rear yard not closer than five (5) feet to the rear property line when the rear yard abuts a designated open space or public non-buildable tract. Such tracts may include flood plains, power line easements, or drainage courses.

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

- 418-2.1 Where a yard or setback abuts a street having insufficient right-of-way width, the minimum yard or setback requirement shall be increased by half the additional right-of-way necessary to meet the County Standard. Classification of streets and roads shall be determined by the Transportation Plan, including the Functional Classification Transportation System Map.
- 418-2.2 Prior to issuance of a building permit where the land use action is subject to growth management, an applicant shall dedicate the additional right-of-way to meet the County Standard. Notwithstanding the above, outside the UGB, dedication of additional right-of-way to meet the County standards shall be required prior to the issuance of any building permit where required as a valid condition of approval.
- 418-2.3 Setback requirements shall be determined from future rights-of-way as set forth by the official Washington County Functional Classification System Map, and as indicated on the Washington County Transportation Plan. When a stub street abuts a site, the property owner shall place all on-site structures in such a way as to not preclude extension of that stub street into or through the site.

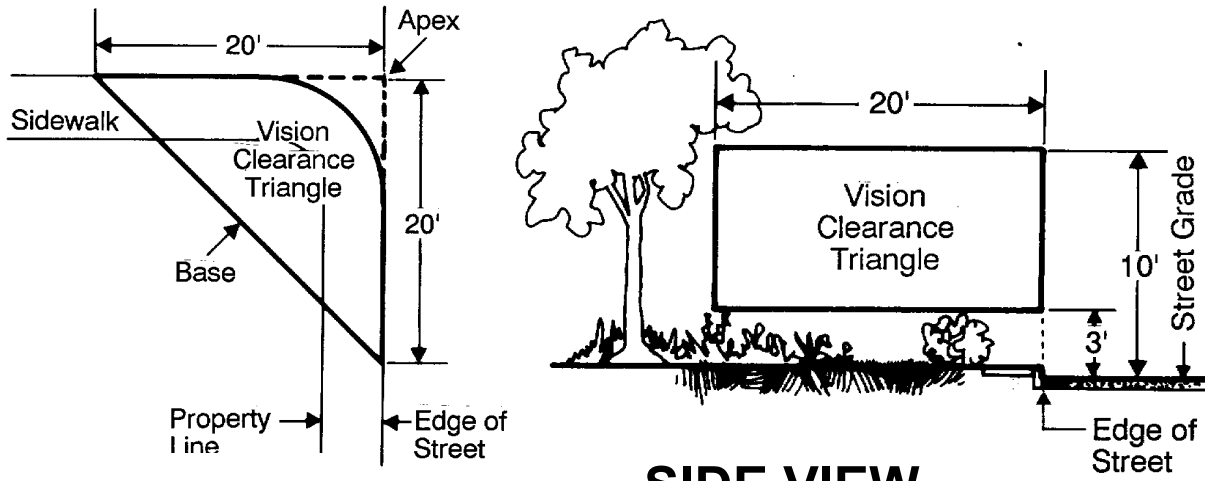
418-3 Corner Vision

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

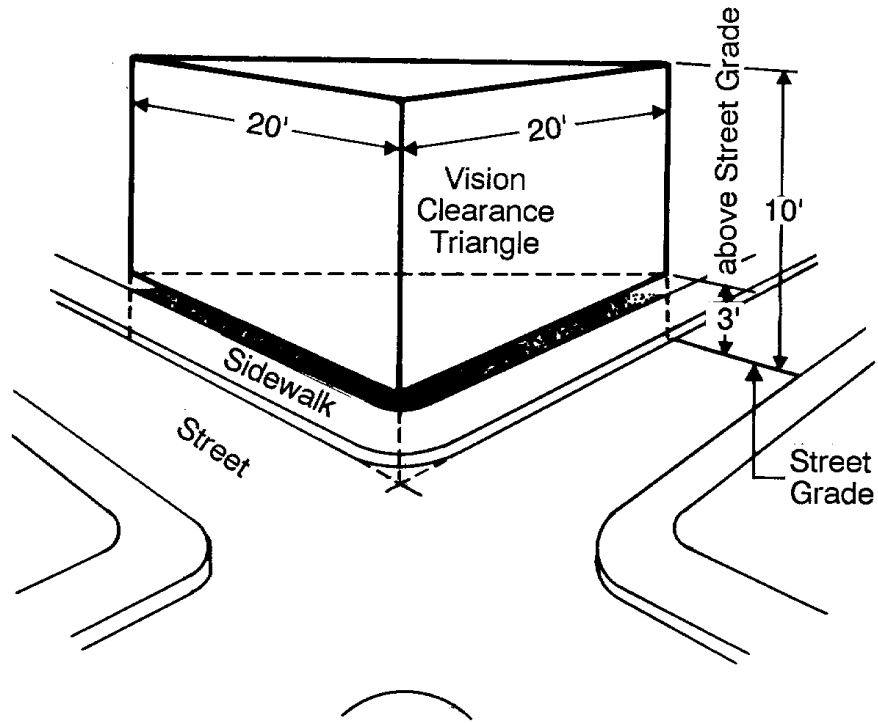
418-4 Fences and Retaining Walls

The setback requirements of this Code are not applicable to the following fence or retaining wall structures (or any combination thereof) except as required by Section 418-3:

- 418-4.1 A fence, wall (includes retaining wall), screen or lattice work not more than seven (7) feet in height.
- 418-4.2 A fence, wall (includes retaining wall), screen or lattice work not more than eight (8) feet in height along a rear, side or front yard which abuts an arterial or limited-access highway.
- 418-4.3 A combination fence [not more than six (6) feet in height] and retaining wall structure [not more than four (4) feet in height] located in a side or rear yard (for design standards see Section 419-4).
- 418-4.4 Tiered retaining wall structures not exceeding seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 418-4.5 All retaining wall structures, exceeding seven (7) feet in height, not within a required yard or setback area, on two or more contiguous properties, are exempt from the side yard setback requirement.
- 418-4.6 A wall not more than eight (8) feet in height along a side or rear property line as required by Section 411.



SIDE VIEW



PERSPECTIVE

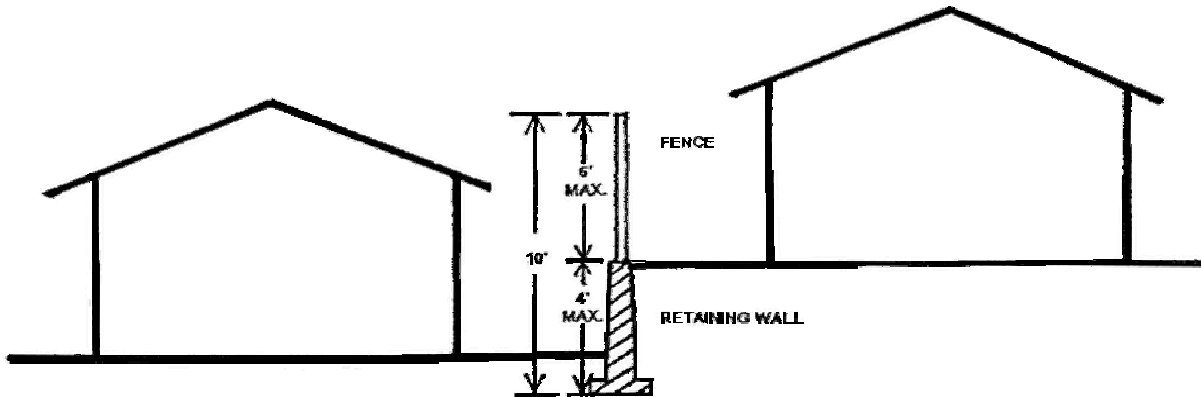
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419 HEIGHT

In addition to the height restrictions in the primary districts, the following limitations shall apply:

- 419-1** Within twenty (20) feet of another primary district with a lower height restriction, the height restriction of the adjacent district shall apply.
- 419-2** Beyond the twenty (20) foot area in Section 419-1 above, the height may increase on the subject property at a ratio of one (1) foot of height to one (1) foot of horizontal distance from the adjacent primary district with a lower height limitation, to the maximum height permitted in the primary district.
- 419-3** A fence, lattice work, screen or wall (includes retaining wall) not more than seven (7) feet in height may be located in any required side, front or rear yard, except as required by Section 418-3 (corner vision). Where a rear, side or front yard abuts an arterial or limited access highway, fence height along the yard may be increased to eight (8) feet. Any fence over six (6) feet in height requires a building permit. Any retaining wall over four (4) feet in height requires a building permit (the height measurement of a retaining wall is from the bottom of footing to the top of the retaining wall).
- 419-4** A combination fence and retaining wall structure may be located in a side or rear yard. This structure shall consist of a retaining wall [not more than four (4) feet in height] and a fence [not more than six (6) feet in height]. The fence portion shall be measured from the back-filled or highest side of this structure and may not exceed six (6) feet in height. The non-back-filled or lowest side measurement may not exceed a combined total of ten (10) feet in height. This provision may only be used when there is an existing or proposed grade difference between properties and a retaining wall is required by the Building Official (see Figure 1). This structure is exempt from a structural building permit only when the backfill is level for a proportional horizontal distance to the height of the retaining wall or as approved by the Building Official.
- 419-5** Tiered retaining wall structures shall not exceed seven (7) feet in height in any required yard. The maximum height measurement includes all tiers located within the yard or setback area. All non-tiered retaining walls located within the yard or setback area shall not exceed a combined total of seven (7) feet in height.
- 419-6** There shall be no limitation of vegetation such as hedges, except as provided in Section 418-3.
- 419-7** No structure or structural part shall exceed height standards for any airport in the County established in accordance with Federal Aviation Administration's Aviation Regulations.

Figure 1.



420 CREATION OF LOTS BELOW 20,000 SQUARE FEET IN THE R-15, R-24 and R-25+ DISTRICTS

To partition or subdivide below twenty-thousand (20,000) square feet in the R-15, R-24 and R-25+ Districts, approval shall be based on the following:

- 420-1** Placement of the dwelling units in a manner which will not preclude future development of the site unless the development plan indicates complete parcelization of the site;
- 420-2** A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads;
- 420-3** The location of urban services. If urban services are not available, the time table for their provision and the future location of the services;
- 420-4** Location of any natural features (flood plain or other hazards) which might inhibit full development;
- 420-5** Compliance to the requirements of Articles V and VI.

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421 FLOOD PLAIN AND DRAINAGE HAZARD AREA DEVELOPMENT

421-1 Lands Subject to Flood Plain and Drainage Hazard Area Standards

421-1.1 The maps entitled "Flood Plain Series, Washington County, Oregon" Revision 5/01/74, 1/03/78, 1/81 and 5/25/83 and 12/12/83 based upon data from the U.S. Army Corps of Engineers; U.S.G.S.; U.S.B.; S.C.S.; and Washington County, together with the Flood Insurance Rate Maps, with amendments, and the "Flood Insurance Study for Washington County," with amendments, including the Flood Boundary and Floodway Map, as provided for in the regulations of the Federal Emergency Management Agency (FEMA) (44 CFR part 59-60) hereby are adopted by reference as setting forth the flood plain, floodway and drainage hazard areas of Washington County. But where the maps are not available, the Director may use any base flood elevation and floodway data available from a federal or state source, or any other authoritative source, to determine the boundaries of the flood plain, floodway and drainage hazard areas of Washington County.

421-1.2 Recognizing that the scale may be such that the true and accurate flood plain or drainage hazard area cannot be determined from the maps referenced in Section 421-1.1 alone, all persons seeking a Development Permit for lands within said areas and two-hundred-fifty (250) feet of the map boundary of a flood plain or drainage hazard area identified in Section 421-1.1 except as noted below for land divisions and property line adjustments, shall submit with the Development Permit application:

- A. A delineation of the flood plain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations prepared by the County for the flood plain based upon maps referenced in Section 421-1.1, and upon any other available authoritative flood data approved by the Director, including but not limited to high water marks, photographs of past flooding or historical flood data; and
- B. A delineation of the drainage hazard area and drainageway by a registered surveyor or a registered engineer from surface elevations prepared by a registered engineer. Such delineation shall be based on mean sea level datum and be field located from recognized landmarks.
- C. Land divisions and property line adjustments outside the UGB may provide only generalized flood plain information, such as contour maps and aerial photos, which need not be prepared by an engineer. Notwithstanding this provision, for the purpose of implementing the requirements of Section 421-14.7, applicants may be required to submit detailed delineations as specified in 421-1.2 A. and B.

For each of the above, submitted plans shall be accurately drawn and at an appropriate scale that will enable ready identification and understanding of the submitted information. The plans shall include the locations of any existing or proposed property lines, buildings, structures, parking areas, streets, accessways, or other relevant information on the subject property, and within fifty (50) feet of the delineation.

421-1.3 Persons seeking to develop within a flood plain or drainage hazard area must do so with the understanding that they and their successors assume the risks and that the risks cannot be eliminated, even with strict compliance with the standards adopted

herein. This Section does not imply that lands outside of flood plain or drainage hazard areas, or development permitted within, will be free from flooding or flood damage.

421-2 Definitions

As used in this section, the words listed below have the following meaning:

- 421-2.1 Flood area A flood plain or drainage hazard area.
- 421-2.2 Structure A walled and roofed building, including a storage tank or silo, that is principally above ground. Structure does not include such things as pipes, culverts, roads, bridges and other transportation facilities.
- 421-2.3 Flood surface elevation Elevation of the surface water of a floodplain or drainage hazard area.

421-3 Submittal Requirements

In addition to the requirements of Section 203-4 and 410, an application for a flood plain or drainage hazard area alteration shall contain the following information for the area proposed to be disturbed which shall be prepared by a registered civil engineer. This information may be submitted with or be made part of a site plan or grading plan for the proposed development.

- 421-3.1 Existing and proposed topography within the boundaries of the flood area using the following contour intervals:
- A. For slopes of five (5) percent or less, contour intervals not more than one (1) foot;
 - B. For slopes greater than five (5) percent and up to and including ten (10) percent, contour intervals not more than two (2) feet; and
 - C. For slopes greater than ten (10) percent, contour intervals not more than five (5) feet.
- 421-3.2 For applications for Type II and III flood plain or drainage hazard area alterations, documentation which demonstrates compliance with the applicable review standards of Sections 421-7 through 421-14.

421-4 Uses and Activities Permitted Through a Type I Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or Clean Water Service's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type I procedure for the following:

- 421-4.1 Recreation or nature trails and removal of vegetation down to duff or bare soil provided:

- A. The area of disturbance is not designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element; and
 - B. The applicant obtains a permit for erosion control.
- 421-4.2 Property line adjustments.
- 421-4.3 Wildlife viewing areas, including interpretive signs, and off-street parking which requires no grading, and viewing platforms or structures, provided that all viewing platforms or structures:
- A. Are elevated by pilings;
 - B. Have the lowest floor at least one (1) foot above the flood surface elevation; and
 - C. A building permit is obtained for the proposed platform or structure.
- 421-4.4 Maintenance, preservation and repair of local public streets and private streets except as provided for by Section 421-16.7, including paving and grading of existing road surfaces, and grading and shaping of roadside ditches.
- 421-4.5 Above ground electrical, communication and signal transmission and distribution lines on a single-pole system. For the purposes of this section, a single-pole system is defined as above ground electrical, communication or signal lines and their supporting concrete, wood or metal poles, excluding self-supporting steel lattice-type structures.
- 421-4.6 Restoration and stabilization of the bank of a river or other watercourse or body of water for erosion control provided:
- A. The application includes a registered civil engineer's certification that:
 - (1) The project is in response to a demonstrated bank failure that resulted from a specific flood event or which has occurred within the last two years;
 - (2) The project only restores and stabilizes the bank to its original location before the demonstrated bank failure;
 - (3) The length of the bank involved does not exceed two hundred fifty (250) feet;
 - (4) The project is located outside an urban growth boundary; and
 - (5) If riprap is used, it will be keyed in to the bed and bank of the body of water as specified in OAR 141-089-0005.
 - B. Whether or not riprap is used, the length of bank within the project boundary, from the ordinary high water level to the top of the bank, shall be planted with vegetation that grows roots which will stabilize the bank. Plant species used shall be those in the 1987 or most current list entitled "Shrubs, Trees and Aquatic Plants for Wildlife Plantings" prepared by the Oregon Department of Fish and Wildlife. The plantings shall meet the following requirements, unless different

requirements are established for the project by the Oregon Division of State Lands through their permitting process:

- (1) At least five (5) plants shall be placed per one hundred (100) square feet of bank area; and
- (2) At least twenty (20) percent of the plants placed shall be trees.

C. Upon completion of the project, a registered civil engineer shall submit a statement certifying that the project was completed in compliance with the provisions of this section.

421-4.7 Maintenance, preservation or repair of off-right-of-way drainage facilities.

421-4.8 Vehicular access to a single family residence or for farm or forest uses; including culverting for driveway crossings provided the application includes a registered civil engineer's certification that the project complies with Sections 421-7.1 through 421-7.9.

421-4.9 Authorized airport related activities within the Public Use Airport Overlay District, as identified in section 387-4.

421-5 Uses and Activities Allowed Through a Type II Procedure

Unless specifically prohibited in the applicable Community Plan, the Rural/Natural Resource Plan Element, Section 422, or the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit may be approved in a flood area through a Type II procedure for the following:

421-5.1 One (1) detached dwelling (including a manufactured dwelling) together with no more than two (2) accessory structures and off-street parking on a parcel lawfully created prior to March 26, 1984, when the lot or parcel contains insufficient area outside of the flood area upon which to locate the dwelling, and/or accessory structures.

421-5.2 Substantial improvements to lawfully established structures that have not been abandoned where "substantial improvement" is defined as follows: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this Section "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure except as follows:

- (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions, or

- (2) Any alteration of a structure listed on the National Register of Historic Places or a State or local inventory of historic plans.

C. Applications for substantial improvements to structures shall comply with the requirements of Section 421-7, Section 421-8 or Section 421-9, whichever are applicable.

421-5.3 Improvements to a lawfully established structure when the cost of the improvement is less than fifty (50) percent of the market value of the structure and there is compliance with Section 421-7. For the purpose of this subsection, improvement means any repair, reconstruction, addition or improvement of a structure except as follows:

- A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State or local inventory of historic plans.

421-5.4 Accessory structure customarily provided in conjunction with the use set forth in the applicable primary District.

421-5.5 Subdivisions and partitions.

421-5.6 Water quality or quantity improvement facilities, or a required wetland mitigation project when:

- A. Mandated by a local, state or federal regulatory agency;
- B. In conjunction with an adopted Drainage Master Plan as defined by Subsection 106-64; or
- C. In conjunction with any other master plan for water or wetlands management improvements approved by Ordinance or Resolution and Order of the Board.

Sites that are designated as a Significant Natural Resource are subject to the requirements of Section 422.

421-5.7 Dams, weirs, ponds and similar water impoundment devices and mitigation and enhancement improvements, not authorized by Subsection 421-5.6 when in conjunction with an enhancement plan approved through Subsection 422-3.4.

421-5.8 Dams, weirs, ponds and similar water impoundment devices, and mitigation and enhancement improvements for farm or forest purposes when in conjunction with farm use as defined in ORS 215 or forest uses as defined by the Forest Practices Act.

421-5.9 Operations for the exploration for and production of geothermal resources, oil and gas.

- 421-5.10 Vehicular access to permitted uses, including driveway crossings, except as permitted by Section 421-4.8.
- 421-5.11 Construction or major improvement or alteration of underground pipes and conduits, including sewer, water and gas lines, transmission and distribution lines for geothermal resources, gas and oil, underground electrical, telephone and television transmission and distribution lines, including necessary accessory structures and drainage systems.
- 421-5.12 Removal of vegetation down to duff or bare soil in an area designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element.
- 421-5.13 Above ground electrical, communication and signal transmission lines, except as provided by Section 421-4.7.
- 421-5.14 Parks, golf courses and other recreational uses and associated off-street parking which require grading, excluding structures.
- 421-5.15 Recreation or nature trails and associated off-street parking, when grading, piping, culverting or bridges are required.
- 421-5.16 Creation or restoration of wetlands. , including wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries, pursuant to section 388-9.
- 421-5.17 Culverting and piping to implement an approved development, other than crossings for public and private streets and other public transportation facilities, in an area that is not designated as a Significant Natural Resource in the applicable Community Plan or the Rural/Natural Resource Plan Element when the pipe or culvert connects to an existing pipe, culvert or drainageway. Culverting and piping in a flood area may be subject to local, state and federal agencies.
- 421-5.18 Construction or major improvement or alteration of public local streets and private streets within the UGB, or approved as part of a land division, including culverting and piping, accessory drainage systems such as catch basins, and necessary accessory structures.
- 421-5.19 Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water inside an urban growth boundary or not otherwise permitted by Section 421-4.6.

421-6 Uses Allowed Through A Type III Procedure

Unless specifically prohibited by the applicable Community Plan, the Rural/ Natural Resource Plan Element, Section 422, or the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, a development permit for the following may be approved through the Type III procedure:

- 421-6.1 Parking area for adjacent multi-family, institutional, commercial or industrial development;

421-6.2 In any area designated as a Significant Natural Resource by the applicable Community Plan or the Rural/Natural Resource Plan Element, culverting or piping of a flood area that is designed to improve the overall drainage system to facilitate private development. Such requests shall be processed as a Type III Planned Development. Culverting or piping that is permitted by Section 421-5 is not intended to be addressed by this subsection; and

421-6.3 Low head hydroelectric power generation facilities.

421-7 Development Standards for all Type II and Type III Flood Plain and Drainage Hazard Area Uses or Activities

The applicant for a proposed flood plain or drainage hazard area development shall demonstrate compliance with the following applicable standards as required by Section 421-3 above:

421-7.1 Development proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase in flood levels within the community during the occurrence of the base (regional) flood discharge. Notwithstanding this provision, development that would result in such an increase may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. These properties are not required to be part of the application for the proposed development.

421-7.2 Development proposed on a flood plain site where the development does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not increase the flood plain elevation more than one (1) foot at any point in the community. Notwithstanding this provision, an increase in excess of one (1) foot may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation.

421-7.3 Development proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the cumulative effect of the

- proposal, when combined with all other existing and anticipated development within the basin based upon full development of the basin as envisioned in the applicable Community Plan or the Rural/Natural Resource Plan, will not result in any increase to the drainage hazard area elevation at any point in the community. Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.
- 421-7.4 Encroachments into a floodway shall be designed so as to minimize the risk that the encroachment will catch substantial debris or otherwise significantly impede floodwater flows. Designs may include, but are not limited to, adequate sizing of openings, secured breakaway bridges, diverters or spacing of supports.
- 421-7.5 The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area. Energy dissipation devices or other measures to control the mean velocity so as not to cause erosion of the flood area may be used to meet this standard. "Open Channel Hydraulics" by V. T. Chow, McGraw-Hill Book Company, Inc., 1988, is presumed to be the best available reference for maximum permissible velocity. "Hydraulic Engineering Circular No. 14," Hydraulic Design of Energy Dissipators for Culverts and Channels, published by the Federal Highway Administration, September 1983, is presumed to be the best available reference for the design of energy dissipators.
- 421-7.6 All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal amount of cut or storage within the boundary of the development site unless:
- A. The proposed cut and fill is found to be in compliance with an adopted Drainage Master Plan; or
 - B. Off-site excavation will be utilized to balance a fill, provided:
 - (1) The off-site excavation area will be part of the application for the development proposing to place the fill;
 - (2) The off-site excavation area will be located in the same drainage basin as the proposed fill area;
 - (3) The off-site excavation area will be located within points of constriction on the drainage system, if any, and as close to the fill site as practicable. The applicant's registered civil engineer shall conduct a storage routing analysis to determine the location of the fill;
 - (4) The off-site excavation area will be constructed as part of the development placing the fill;
 - (5) Any use or future development of the excavated area shall comply with the standards of Section 421 and Section 422 if the area is designated as a Significant Natural Resource; and
 - (6) Ownership of the excavated area shall be by one of the following mechanisms:

- (a) Dedication of the area to an appropriate public agency when a public agency is willing to accept the dedication;
- (b) Ownership of the area by the applicant of the proposed development;
- (c) Dedication of the development rights of the area to an appropriate public agency with ownership remaining with the property owner. Maintenance of the area shall be the responsibility of the applicant or property owner; and
- (d) Deed or easement-restricted private ownership which prevents any use or future development of the area as specified by Section 421-7.6 B. (5). Maintenance of the area shall be the responsibility of the applicant or property owner. A contract for conditions shall be required as specified by Section 207-5.3. The contract for conditions shall be recorded in the Washington County Deed Records.

421-7.7 There is adequate storm drainage behind a dike such as a lift pump or flap gate to drain the flood plain or drainage hazard area behind the dike.

421-7.8 That the environmental impact of the disturbance or alteration of riparian wildlife and vegetation has been minimized to the extent practicable as required by Section 422. Enhancement of riparian habitats through planting or other such improvements may be required to mitigate adverse effects. Significant features such as natural ponds, large trees and endangered vegetation within the flood area shall be protected when practicable.

421-7.9 Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.

421-7.10 Proposed partitions and subdivisions shall minimize flooding by complying with the applicable standards of Sections 410, 421, 426, 605-3.2 and 610-3.1, and Chapter 6 of the Clean Water Services Construction Standards.

421-7.11 Public utilities and facilities in proposed partitions and subdivisions shall be located and constructed in a manner that will minimize flood damage.

421-7.12 Proposed partitions and subdivisions shall provide adequate drainage to reduce exposure to flood damage by complying with the standards of Section 410 and applicable standards of Section 605-3.2 or 610-3.2, whichever is applicable.

421-8 Criteria for Dwellings

421-8.1 No new dwelling shall be constructed in a flood area if:

- A. The lot or parcel contains sufficient, suitable, existing buildable land area that is located outside the flood area so as to permit construction at least one (1) foot above the flood area; and

- B. The buildable land area shall be deemed suitable if it includes a minimum ten (10) foot perimeter setback around the proposed dwelling that is outside the flood area.

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

- A. All new dwellings and substantial improvements to existing dwellings shall have the lowest habitable floor, including any basement, elevated to at least one (1) foot above the flood surface elevation and shall be anchored so as to prevent flotation, collapse or lateral movement;
- B. New dwellings and substantial improvements to existing dwellings may be placed on pressure treated pilings when:
 - (1) Certified by a registered engineer as sufficient to prevent collapse or movement during a one-hundred (100) year flood.
 - (2) Pilings are placed on stable compacted fill on no greater than ten foot centers; and
 - (3) Pilings greater than six (6) feet high are reinforced;
- C. New dwellings and substantial improvements to existing dwellings may be placed on approved fill providing the building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, is above the flood surface elevation.
- D. All new construction and improvements to existing structures shall be done with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage. All new construction and improvements to existing structures shall be anchored to prevent flotation, collapse or lateral movement;
- E. Fully enclosed non-habitable areas below the lowest floor that are subject to flooding are permitted only if designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (2) The bottom of all openings shall be no higher than one foot above grade; and
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

421-9 Criteria for Manufactured Dwellings and Manufactured Dwelling Parks and Subdivisions

In addition to the criteria set forth in Sections 430-75, 430-77 and 430-79, manufactured dwellings and manufactured dwelling parks and subdivisions located in a flood area shall comply with the following standards:

- 421-9.1 Manufactured dwellings shall not be located within the floodway except in a manufactured dwelling park or subdivision existing on March 26, 1984;
- 421-9.2 Manufactured dwellings shall be anchored to resist flotation, collapse or lateral movement, by providing over-the-top and frame ties to ground anchors in accordance with the following:
- A. Require that over-the-top ties be provided at each of the four corners of the manufactured dwelling, with two additional ties per side at intermediate locations. Manufactured dwellings less than fifty (50) feet long require only one additional tie per side;
 - B. Require that frame ties be provided at each corner of the dwelling with five (5) additional ties per side at intermediate points. Manufactured dwellings less than fifty (50) feet long require only four (4) additional ties per side;
 - C. Notwithstanding Section 421-10.2 B. above, allow a manufactured dwelling to utilize only frame ties if:
 - (1) The dwelling was constructed in compliance with the Oregon Mobile Code in effect between 1972 and 1976 and bears a label to that effect;
 - (2) The dwelling was constructed in compliance with the "National Manufactured Housing Construction and Safety Standards Act;"
 - (3) The dwelling is multisectional (double-wide or greater); or
 - (4) The ground upon which the dwelling is located is at an elevation above the regional flood level.
 - D. All components of the anchoring system be capable of carrying a force of four-thousand-eight-hundred (4,800) pounds; and
 - E. Any additions to the manufactured dwelling be similarly anchored.
- 421-9.3 In new manufactured dwelling parks and subdivisions, or in expansions to existing manufactured dwelling parks and subdivisions, or where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured dwellings not placed in a manufactured dwelling park or subdivision, the following shall be required:
- A. Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the manufactured dwelling will be at least one (1) foot above the flood surface elevation;

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

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

421-10 Criteria for Non-Dwelling Structures

New construction or substantial improvement of non-dwelling structures shall have the lowest floor, including any basement, elevated to or above the flood surface elevation or, the structure together with attendant utility and sanitary facilities shall:

- 421-10.1 Be floodproofed so that below the flood surface elevation the structure is watertight with walls substantially impermeable to the passage of water;
- 421-10.2 Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:
 - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - B. The bottom of all openings shall be no higher than one foot above grade; and
 - C. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 421-10.3 Be constructed with approved materials and utility equipment resistant to flood damage, using approved construction methods and practices that minimize such damage;
- 421-10.4 Be anchored to prevent flotation, collapse or lateral movement;
- 421-10.5 Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and

421-10.6 Be certified by a registered professional engineer that the standards of Section 421-10 are satisfied.

421-11 Criteria for Utilities

421-11.1 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. The applicant shall obtain all applicable local, state or federal permits.

421-11.2 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into, or discharge from, the system. The applicant shall obtain all applicable local, state and federal permits.

421-11.3 On-site disposal systems shall be permitted only if located and designed to avoid impairment and eliminate contamination of flood waters. The applicant shall obtain all applicable local, state and federal permits.

421-11.4 Above ground electrical, communication and signal transmission and distribution lines and related accessory structures other than poles or towers shall be constructed at or above the flood surface elevation. Poles and towers shall be constructed and placed to minimize risk of damage.

421-11.5 Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

421-11.6 Construction of utilities shall be done in a way which minimizes the impact on the flood area. The site shall be restored, as far as practicable, to its original state.

421-12 Criteria for Piping, Culverting and Man-Made Creek Beds, Except as Permitted in Section 421-5

Piping or the use of culverts or man-made creek beds to drain or alter the water flow of a flood area shall be approved in conjunction with a Planned Development processed as a Type III action. The proposed development shall meet the following:

421-12.1 Include provisions for open space as required by Section 404-4;

421-12.2 Improve the drainage system or flood protection of all or a substantial portion of the land within the boundaries of the Planned Development application; and

421-12.3 The application, if located within the Tualatin Hills Park and Recreation District boundary, shall demonstrate that the applicant has worked with the Park District or other appropriate service provider to coordinate any plans for parks, open space or other use of the flood area. For applications outside of the boundary of the Tualatin Hills Park and Recreation District, the application shall demonstrate that the applicant has worked with the appropriate recreation service provider or other appropriate service provider to coordinate any plans for parks, open space or other use of the flood area.

- 421-12.4 These standards do not apply to piping or the use of culverting or man-made creek beds for:
- A. Uses and activities permitted by Section 421-5;
 - B. Improvements necessary to provide access to an approved commercial, industrial, institutional or multi-family parking area; or
 - C. Improvements which are in compliance with an adopted Drainage Master Plan.

421-13 Criteria for Parking for Multi-Family, Institutional, Commercial and Industrial Developments

- 421-13.1 Land within the flood area may be used for parking by Multi-Family, Institutional, Industrial or Commercial Developments, regardless of whether located on the same lot or parcel, if an approval for parking is obtained through the Type III procedure. The parking shall be approved only upon findings that:
- A. The parcel or lot could not develop at the planned density, including any density transfers or bonuses, due to lack of land area to provide ground level parking areas on the same lot or parcel outside the flood plain or drainage hazard area;
 - B. Adequate drainage can be provided to minimize the off-site impact of changes in water flow, direction or velocity caused by creation of the parking area;
 - C. The applicant will minimize to the extent practicable or as outlined in the appropriate Community Plan or Rural/ Natural Resource Plan, any adverse impacts on the natural integrity of the flood area, including wildlife and riparian vegetation. Significant features such as natural ponds, large trees and endangered vegetation shall be preserved to the extent possible. The application for the Development, if located in the THPRD boundary, shall demonstrate that the applicant has worked with the Tualatin Hills Park and Recreation District to coordinate any plans for parks, open space or other use of the flood area;
 - D. The parking area shall be posted to warn users that the area is within the flood area and shall not be used during periods of flood warning; and,
 - E. Vehicular access will be provided on a roadway no portion of which is below the flood surface elevation. The parking area shall be located and oriented to minimize to the extent practicable the need to fill to provide such access. All fill shall be structurally sound and designed to avoid erosion.

421-14 General Requirements and Prohibitions

- 421-14.1 Property owners shall maintain the flood area in such a manner as to prevent reduction of the natural carrying capacity. Maintenance outside of the public right-of-way shall be done by means of hand implements unless a Development Permit for an alteration is first obtained (lawn mowers are considered hand implements).

- 421-14.2 Storage of petroleum products, explosives, herbicides, pesticides, insecticides, poisons, defoliants, fungicides, desiccants, nematocides and rodenticide is prohibited.
- 421-14.3 Dumping of solid waste in the flood area is prohibited.
- 421-14.4 Section 421 is in addition to any and all Federal, State or special district laws and regulations in force at the time of approval of the Development Permit. Any permits required from a local, state or federal agency shall be obtained prior to any development within the flood area.
- 421-14.5 The standards and criteria of this Section are cumulative and in addition to any other requirements of this Code. Any more stringent provisions of an applicable Community Plan or the Rural/Natural Resource Plan Element shall control.
- 421-14.6 The Review Authority may condition any Type II or III development permit to the extent necessary to avoid any specifically identified deleterious impacts on the natural integrity of the flood area or to wildlife and vegetation within the flood area.
- 421-14.7 In the case of the partitioning or subdivision of land for the location of structures for human occupancy, such site shall provide a building site, which includes the ground under the structure plus a ten (10) foot setback around all sides of the structure, with a ground elevation at least one (1) foot above the flood surface elevation. No partition or subdivision shall create a lot whose dimensions do not meet this standard.
- 421-14.8 There shall be no dumping of fill in a flood area without a flood plain or drainage hazard area alteration permit.

421-15 Duties of the County

- 421-15.1 The County shall obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures located within the flood area and whether or not such structures contain a basement and, shall obtain and maintain for any floodproofed structure, the elevation to which the structure was floodproofed. Such information shall be public record.
- 421-15.2 The Director shall notify adjacent communities and the relevant State agency of any approval prior to alteration of a water course. The Director shall submit evidence of said notification to the Federal Insurance Administration.

421-16 Exemptions

Unless specifically prohibited in the applicable Community Plan, Rural/ Natural Resource Plan, or the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor, the following are exempt from the requirement of obtaining a Development Permit for a flood plain or drainage hazard area alteration:

- 421-16.1 Farming or raising of livestock not utilizing a structure;

- 421-16.2 Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yarder, backhoe, grader or similar heavy mechanized equipment is prohibited, except that such equipment may be used where local laws are superseded by the Forest Practice Act and Oregon Administrative Rules.
- 421-16.3 A wire boundary fence designed to impede as little as practicable the movement of water or water borne materials;
- 421-16.4 Accessory residential or institutional uses such as lawns, gardens and play areas, provided that no structure is permitted;
- 421-16.5 Recreational and accessory recreational uses such as parks or game fields, provided that no grading or structures are permitted;
- 421-16.6 Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Oregon Administrative Rules.
- 421-16.7 Maintenance, preservation or repair of public or private streets and other public transportation facilities, including culverting and piping, accessory drainage structures and necessary accessory structures that does not constitute "development" as defined by the Federal Emergency Management Agency. Work shall comply with local, state and federal regulatory requirements.
- 421-16.8 A recreational vehicle which meets one of the following criteria:
- A. Has been on site for fewer than one hundred and eighty (180) days; or
 - B. Is fully licensed and "ready for highway use." "Ready for highway use" means that the recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- 421-16.9 A nonconforming recreational vehicle which does not meet the criteria of Section 421-15.8:
- A nonconforming recreational vehicle which does not meet the criteria of Section 421-15.8 may be replaced, provided there is compliance with the standards of Section 421.
- 421-16.10 An emergency measure necessary for immediate safety of persons or protection of property, such as riprapping for erosion control, provided however, that an application for a Development Permit shall be promptly filed if the measure otherwise would require such a permit but for the emergency.
- 421-16.11 Line borings for installation of utilities when certified by a registered civil engineer: that the line is located at least 36 inches below ground surface in floodways, flood plains, and drainage hazard areas; that the land disturbance will not alter flood storage capacity or water velocities; that all construction will take place outside the delineated flood plain or drainage hazard area; and that all spoils will be removed from the flood area and placed in an appropriate disposal site.

422 SIGNIFICANT NATURAL RESOURCES

422-1 Intent and Purpose

The intent and purpose of these standards is to permit limited and safe development in areas with significant natural resources, while providing for the identification, protection, enhancement and perpetuation of natural sites, features, objects and organisms within the County, here identified as important for their uniqueness, psychological or scientific value, fish and wildlife habitat, educational opportunities or ecological role.

Development within riparian areas, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat shall comply with applicable state and federal regulatory guidelines.

422-2 Lands Subject to this Section

Those areas identified in the applicable Community plan or the Rural/Natural Resource Plan Element as Significant Natural Resources.

Significant Natural Resources have been classified in the Community Plans or the Rural/Natural Resource Plan Element by the following categories:

- 422-2.1 Water Areas and Wetlands - 100 year flood plain, drainage hazard areas and ponds, except those already developed.
- 422-2.2 Water Areas and Wetlands and Fish and Wildlife Habitat - Water areas and wetlands that are also fish and wildlife habitat.
- 422-2.3 Wildlife Habitat - Sensitive habitats identified by the Oregon Department of Fish and Wildlife, the Audubon Society Urban Wildlife Habitat Map, and forested areas coincidental with water areas and wetlands.
- 422-2.4 Significant Natural Areas - Sites of special importance, in their natural condition, for their ecological, scientific, and educational value.

422-3 Criteria for Development

- 422-3.1 The required master plan and site analysis for a site which includes an identified natural resource shall:
 - A. Identify the location of the natural resource(s), except in areas where a Goal 5 analysis has been completed and a program decision adopted pursuant to OAR 660, Division 23 (effective September 1, 1996);
 - B. Describe the treatment or proposed alteration, if any. Any alteration proposed pursuant to Section 422-3.1 B. shall be consistent with the program decision for the subject natural resource; and
 - C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

“Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County and to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations.”

422-3.2 Open Space Inside the UGB:

- A. Shall be identified as provided in Section 404-1, Master Planning - Site Analysis;
- B. When located in a park deficient area as identified on the significant natural resource map, the applicant shall notify the appropriate park provider of the proposed development.

422-3.3 Development Within a Riparian Corridor, Water Areas and Wetlands, and Water Areas and Wetlands and Fish and Wildlife Habitat:

- A. No new or expanded alteration of the vegetation or terrain of the Riparian Corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan Element) shall be allowed except for the following:
 - (1) Crossings for streets, roads or other public transportation facilities.
 - (2) Construction or reconstruction of streets, roads or other public transportation facilities.
 - (3) Installation or construction of the following utilities: sewer and water lines, electric, communication and signal lines; and gas distribution and transmission lines.
 - (4) Wildlife viewing areas and recreation or nature trails.
 - (5) Bank maintenance, restoration or stabilization, including riprapping for erosion control, of a river or other watercourse or body of water provided there is compliance with the requirements of Section 421-4.6. This use is not subject to Section 422-3.5 or Section 422-3.6.
 - (6) Detached dwellings and accessory structures on a lot of record, provided there is insufficient suitable, existing buildable land area to permit construction outside the riparian corridor (as defined in Section 106) or a significant water area or wetland (as identified in the applicable Community Plan or the Rural/Natural Resource Plan) and all required local, state or federal permits are obtained.
 - (7) Where it can be demonstrated, with concurrence of the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife, that a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat has been degraded, an enhancement of these areas which conforms to the definition and criteria listed in Section 422-3.4 may be permitted through a Type II procedure.

Enhancement or alteration of a nondegraded portion of these areas is permitted when it is in conjunction with and it is needed to support the enhancement of the degraded area. Where development is proposed that would have negative impacts on these areas it is the County's policy to follow state and federal regulatory guidelines for mitigation proposals.

- (8) All activities and uses associated with an expansion of Barney Reservoir; including but not limited to impoundment structures, water diversion and transmission facilities, road construction and related land alterations. Such activities and uses may be permitted through a Type III procedure.
 - (9) In addition in the Rural/Natural Resource Area:
 - (a) Propagation or harvesting of timber for personal consumption, provided that the use of a caterpillar tractor, yarder, backhoe, grader or similar heavy mechanized equipment is prohibited;
 - (b) Commercial forestry activities when in compliance with the Oregon Forest Practices Act and Administrative Rules; and
 - (c) Farming or raising of livestock not utilizing a structure.
 - (d) Operations for the exploration for and production of geothermal resources, oil and gas.
 - (10) All public use airport related uses and activities allowed pursuant to Section 387-4.
 - (11) Wetland mitigation, creation, enhancement and restoration within public use airport approach surface areas and airport direct impact boundaries shall be allowed upon demonstration of compliance with the requirements of Section 388-9.
- B. Where development or alteration of the riparian corridor is permitted under the above exceptions, the flood plain and drainage hazard area development criteria shall be followed.

422-3.4 Enhancement of a degraded riparian corridor, Water Areas and Wetlands or Water Areas and Wetlands and Fish and Wildlife Habitat permitted by Section 422-3.3 A. (7) shall meet the following:

- A. For the purposes of Section 422-3.3 A. (7) an enhancement is a modification, as a result of which no later than five (5) years after completion of the project, the quality and/or quantity of the natural habitats is measurably improved in terms of animal and plant species numbers, number of habitat types, and/or amount of area devoted to natural habitat.
- B. Proposal Preparation

In order to determine whether a proposed modification will result in an enhancement, preparation of the proposal, as well as construction and planning

work, shall be guided by a professional wildlife biologist or ecologist with experience and credentials in water areas/wetlands and riparian areas enhancement and who has reviewed the sources and their relevant references listed in Section 422-3.4.

C. Submittal Requirements

- (1) The proposal shall include detailed information and mapping of the site, including all of the following subjects:
 - (a) Hydrology, including 100 year flood and 25 year flow events/surface water flow patterns, and groundwater information, if available;
 - (b) Substrate(s) and existing rates of sedimentation;
 - (c) Existing vegetation, including species list and community types, with approximate percent coverage, and all trees six inches in diameter or larger;
 - (d) Animal life census (macrofauna species list), preferably based on mid-April to mid-May field observations, but at least conducted during spring, summer and/or early fall.
- (2) The proposal shall include a color photographic record (taken sometime between mid-spring and mid-fall) showing the major portion of the site at sufficient detail to compare with the later transformation.
- (3) The proposal shall include a map showing the expected outcome of the proposed enhancement, with detailed description of how this is to be accomplished.
 - (a) To the maximum feasible extent, the overall design of the site shall minimize parking and human activity directly adjacent to the Significant Natural Resource, and where avoidable shall incorporate special design techniques (e.g., thick or thorny vegetation or fencing) to reduce adverse impacts such as littering and harassment of wildlife and damage to vegetation.
 - (b) A surrounding vegetation buffer of closely spaced (six feet to eight feet) trees and shrubs shall be included within the outer twenty-five feet of the Significant Natural Resource area unless there are special circumstances or design measures.
 - (c) All plant materials shall be indicated in terms of number and size. Except for the outer perimeter of the buffer area, all plants shall be of a native species unless agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (d) As many existing trees over six inches in diameter as possible shall be preserved.

- (e) Vegetation plantings (e.g., trees and shrubs) which overhang standing water are encouraged. (Native vegetation is preferred.)
 - (f) Measures for the prevention of undesirable monotypic plant dominance, especially reed canary grass and blackberries, shall be included, such as periodic removal or application of herbicides agreed to by the Clackamas District biologist or other applicable district biologist of the Oregon Department of Fish and Wildlife.
 - (g) Ponds shall have varying open water depth up to a least three feet, unless required otherwise by the Oregon Department of Fish and Wildlife, Oregon Division of State Lands or the U.S. Corps of Engineers, and where the natural grade permits shall have gently sloped shores on at least two sides.
 - (h) Islands are encouraged to be two feet above normal water level, flat-topped, spaced every $\frac{1}{4}$ acre of open water, and no smaller than 450 sq. ft. where possible.
 - (i) Rocks and large tree trunks are encouraged to be placed in water areas.
- (4) The proposal shall be submitted by Washington County to the biologist for the Clackamas District or other applicable district biologist of the Oregon Department of Fish and Wildlife for review and comment, as well as to other regulating agencies with jurisdiction to review the proposed enhancement, including the Division of State Lands and the Army Corps of Engineers.
 - (5) The proposal shall include arrangement to ensure frequent and regular litter or trash clean-up unless dedicated to Tualatin Hills Park and Recreation District or any other jurisdiction.

D. Follow-up Requirements

- (1) The County shall require as a condition of approval that a detailed report by a wildlife biologist or ecologist, with map and color photographs, shall be submitted to the County by the current property owner two (2) years after completion of the modification and again after five (5) years. The reports shall document the current condition of the resource. These two follow-up reports shall be submitted by the County to the biologist for the Clackamas District or other applicable district for review and comment. If the approved enhancement plan has not been completed in five (5) years, the current property owner shall submit plans to the County Department of Land Use and Transportation for rectifying any significant deficiencies. Once approved, the amended plan shall be implemented.
- (2) The County may modify or revoke the Development Permit for the enhancement, or take other necessary enforcement measures to ensure compliance with these standards.

Any development requiring a permit from Washington County which is proposed in a Significant Natural Area, as identified by the applicable Community Plan or the Rural/Natural Resource Area Plan Element, shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area. Appropriate impact reducing measures shall include:

- A. Provision of additional landscaping or open space; and
- B. Relocation of the proposed site of a building, structure or use on the lot.

422-3.6 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated. This section shall not apply in areas where a Goal 5 analysis has been completed and a program decision has been adopted that allows a "conflicting use" to occur pursuant to OAR 660-23-040(5)(c) (effective September 1, 1996).

422-4 Density Transfer

Areas designated as a Significant Natural Resource may be eligible for density transfer as specified in Section 300-3.

422-5 State and Federal Regulatory Guidelines

Development within a riparian corridor, Water Areas and Wetlands, or Water Areas and Wetlands and Fish and Wildlife Habitat, shall obtain all required local, state and federal permits.

423 ENVIRONMENTAL PERFORMANCE STANDARDS

The provisions of Section 423 are known as performance standards. All uses and activities shall observe these standards in order to achieve the purpose and objectives of this Code. Continued compliance is required and may be required to be demonstrated by the owner, if the Director has reason to believe incidence of noncompliance has occurred.

423-1 Existing Uses

Activities, uses, equipment and processes existing as of the effective date of this Code that do not meet the standards set forth in this Section are subject to the following requirements:

- 423-1.1 Building expansions or installations of new uses shall conform to the applicable standards of this Section and are subject to the procedures and regulations of the nonconforming use section of this Code.
- 423-1.2 All uses not otherwise prescribed by this Section shall conform to applicable Federal, State, and local laws and regulations.

423-2 New Uses

Development after the effective date of this Code shall observe the following requirements:

- 423-2.1 When Federal, State and local standards apply, the most restrictive shall govern.
- 423-2.2 Prior to issuance of a development permit or certificate of occupancy, the Director may require:
 - A. Evidence that mandatory Federal, State and local permits have been or will be obtained.
 - B. Information demonstrating that the proposed development complies with applicable standards set forth in this Section. This information may be required as a report of findings prepared by qualified engineers or other technical consultants.

423-3 Measurements

Accurate and representative measurements, as necessary, shall be made according to accepted engineering practice. Measurements shall be made at or anywhere outside the property lines of the property from which an emission is generated.

423-4 Air Quality

All development shall comply with the State Department of Environmental Quality Air Quality Standards.

423-5 Odor

All development shall comply with the State Department of Environmental Quality Standards pertaining to odor.

423-6 Noise

All development shall comply with the State Department of Environmental Quality Standards relating to noise. Demonstration of compliance may be required by the Review Authority.

423-7 Vibration

No development shall generate ground vibration which is perceptible by the Director beyond the property line of origin without use of instruments. Ground vibrations caused by motor vehicles, trains, aircraft, or temporary construction work are exempt from strict application of these standards, but good faith efforts to control such vibrations shall be made by the originator.

423-8 Heat and Glare

Heat and glare shall be limited as follows:

423-8.1 Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.

423-8.2 Exterior lighting shall be directed entirely away from adjacent properties.

423-9 Storage

423-9.1 All materials, including wastes, shall be stored and all grounds maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

423-9.2 No open storage of materials and equipment shall be permitted unless contained by a site obscuring fence or landscaped screening.

423-9.3 Fencing will be allowed between the required landscaping and use where necessary to protect the property concerned or to protect the public from a dangerous condition subject to the following provisions:

A. No fence shall be constructed in the required setback from the public road right-of-way.

B. Fences shall be constructed as required through development review.

C. Fencing or sight obscuring screening for storage areas must be at least six (6) feet, but no more than ten (10) feet high.

423-9.4 Storage of Hazardous Materials

Developments which store hazardous materials must comply with State standards, OAR Chapter 340 Division 63, and the Federal standards, 40 CFR Part 262 and 264 and shall demonstrate such compliance. All hazardous materials must be stored above ground. Transport of and disposal of such materials shall be in conformance with all applicable local, State and Federal regulations with such compliance demonstrated.

423-10 Drainage and Waste Water

All development shall comply with the State Department of Environmental Quality Water Quality Standards for all runoff, drainage and waste water.

423-11 Adequate Water Supply

All development shall be required to have an adequate water supply. Adequacy shall include:

423-11.1 Adequate supply for the use prior to issuance of a building permit (see Section 501-7.1, Critical Services).

423-11.2 Outside the UGB, when any Special Use of Article IV will require an amount of water in excess of what would normally be used if the property were developed for rural homesites, the following information:

- A. An explanation of how the water will be supplied; and
- B. An explanation of the potential impact of the proposed water system on the surrounding properties.
- C. Approval of a subdivision outside the UGB proposing a community water supply shall be subject to the provisions of Section 423-11.2 A. and B.

423-12 Radioactive Materials

The handling and storage of radioactive materials, the discharge of radioactive materials into air or water, and the disposal of radioactive waste in connection with all uses shall be in conformance with all applicable local, State, and Federal regulations with such compliance demonstrated.

423-13 Toxic or Noxious Matter

All development shall comply with the State Department of Environmental Quality standards pertaining to omission of toxic or noxious matter and such compliance shall be demonstrated.

423-14 Determination of Violation

Alleged violations of the performance standards set forth in this Section shall be determined and enforced in the following manner:

423-14.1 County Determination:

Where it can be determined by the Director or a State official, the determination shall be so made and an order of compliance requiring correction of the violation within a reasonable time period shall be issued. If necessary to eliminate a violation, the Director shall take or cause to be taken, lawful action as provided for in the Washington County Community Development Code.

423-14.2 Third Party Determination:

Where determination of a violation entails the use of highly skilled personnel or expensive instruments not ordinarily available to the County, and when, in the judgment of the Director, a violation may exist, the Director shall so notify the person who owns or controls the use in question.

423-14.3 Notice:

The notice shall describe the particulars of the alleged violation and state the reasons why the Director believes the violation exists. The notice shall also require a determination of compliance or correction of the alleged violation within a reasonable time limit to be set by the Director. The notice shall further state that if the alleged violation is not corrected, a technical determination based on the performance standards set forth in this Code shall be made by qualified engineers or other technical consultants, and that if a violation as alleged is found, enforcement action shall be taken according to Section 215 of this Code.

423-15 Conflicting Provisions

Where standards set forth in this Section conflict with provisions elsewhere in the law, the more stringent shall govern.

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

In order to create a lot or parcel in the EFU, EFC, or AF-20 Districts, the following applicable standards shall be met. In addition to the following standards, in the EFU and AF-20 Districts, the applicable requirements of ORS 215 shall be met, and in the EFC District, the applicable requirements of OAR 660-06-026 shall be met. Findings shall be made for each of the applicable standards.

424-1 Creation of New Lots or Parcels for Farm Use in the EFU and AF-20 Districts

The creation of new lots or parcels for farm use in the EFU and AF-20 Districts may be approved subject to the following standards:

- 424-1.1 The minimum lot or parcel size shall be eighty (80) acres unless Section 424-1.2 requires the minimum lot area to be greater;
- 424-1.2 The proposed division of land shall be appropriate for the continuation of the existing commercial agricultural enterprise with the area. Parcels used or to be used for training or stabling facilities shall not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur;
- 424-1.3 The minimum lot area requirement shall not be reduced through a variance or hardship relief request pursuant to Section 435 or any other Code provision; and
- 424-1.4 The proposed division of land will not seriously interfere with preservation of fish and wildlife areas and habitats identified in the Washington County Comprehensive Plan or how the interference can be mitigated.

424-2 Creation of Forest Related Parcels of at Least Eighty (80) Acres in the EFC District

A forest related parcel of eighty (80) acres or more shall be approved subject to the following standards:

- 424-2.1 A variance or hardship relief request to reduce the minimum lot size below eighty (80) acres shall not be permitted.
- 424-2.2 The proposed parcels shall meet the applicable standards of Section 428.

424-3 Creation of a Parcel for a Nonfarm Dwelling in the EFU and AF-20 Districts

The creation of new lots or parcels for dwellings not in conjunction with farm use (nonfarm dwelling) may be approved subject to the following standards. For tracts that are predominately high-value farmland, address Sections 424-3.1, 3.3 and 3.4. For tracts that are not predominately high-value farmland, address Sections 424-3.2, 3.3 and 3.4.

- 424-3.1 On land identified as high-value farmland:
 - A. The dwelling has been approved through Section 430-85.1 A., B., D., E. and F. (nonfarm detached dwelling unit);

- B. The originating lot or parcel is at least 100 acres; and all of the following:
- (1) Is not stocked to the requirements under ORS 527.610 to 527.770;
 - (2) Is composed of at least 95 percent Class VI through VIII soils;
 - (3) Is composed of at least 95 percent soils not capable of producing 50 cubic feet per acre per year of wood fiber.
 - (4) Any new nonfarm lot or parcel will not be smaller than 20 acres and any residual lot or parcel that is not designated as a nonfarm parcel is at least 80 acres.

424-3.2 On land not identified as high-value farmland:

- A. The dwelling has been approved through Section 430-85.1D and 85.2, nonfarm detached dwelling unit;
- B. The originating lot or parcel is at least 82 acres. Any new nonfarm lot or parcel will not be smaller than 2 acres and any residual lot or parcel that is not designated as a nonfarm parcel is at least 80 acres.

424-3.3 The lot or parcel is created at the time the dwelling is approved.

424-3.4 The Review Authority shall not approve a subdivision or series partition for a nonfarm dwelling. The requirement regarding a series partition applies only to applications for a land division submitted after July 1, 1997. For the purposes of this subsection, "series partition" shall have the meaning given that term in ORS 92.305.

424-4 Creation of a Parcel for a Nonfarm Use (Not Including a Dwelling) in the EFU and AF-20 Districts

424-4.1 The lot or parcel is not larger than the minimum size necessary for the use; and

424-4.2 The parcel is created at the time the use is approved.

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

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

424-5.1 The dwelling shall be listed on the National Register of Historic Places.

424-5.2 A replacement dwelling to be used in conjunction with farm use may be approved for the vacant parcel at the time the parcel is created if the dwelling has been approved through Subsection 340-4.1 K. or 344-4.1 K., whichever is applicable.

424-5.3 The Review Authority shall not approve the land division unless any additional tax imposed for the change in use has been paid.

424-6 Creation of a Parcel With an Existing Dwelling Used as a Residential Home in the EFU and AF-20 Districts

To create a parcel with an existing dwelling to be used as a residential home:

- 424-6.1 The dwelling shall be used as a residential home as defined in Subsection 106-179; and
- 424-6.2 Before or concurrent with partition approval, the dwelling shall be approved through Section 340-5.1 D. or 344-5.1 D., whichever is applicable.
- 424-6.3 The Review Authority shall not approve the land division unless any additional tax imposed for the change in use has been paid.

424-7 Creation of a Parcel Less Than Eighty (80) Acres in the EFC District

New land divisions less than eighty (80) acres may be approved only for the uses listed in sections: 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F.. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility for the primary processing of forest materials); 342-4.1 I. (solid waste disposal site); 342-4.1 J. (communication facilities and transmission towers); subject to findings demonstrating compliance with the following:

- 424-7.1 The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- 424-7.2 The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
- 424-7.3 The parcel is not larger than the minimum size necessary for the use; and
- 424-7.4 The applicant shall sign and record in agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

424-8 Creation of a Parcel With an Existing Dwelling in the EFC District

A parcel with an existing dwelling may be approved upon findings that:

- 424-8.1 The parcel is five (5) acres or less, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten (10) acres;
- 424-8.2 The dwelling existed prior to June 1, 1995;

- 424-8.3 The configuration of the parcels will allow for the establishment of an alternate septic tank drainfield for the existing dwelling;
- 424-8.4 The remaining parcel (not containing the dwelling) is at least eighty (80) acres; and
- 424-8.5 Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remaining parcel (80 acre or larger). The restrictive covenant shall be irrevocable, unless the Director finds that the remaining parcel is no longer subject to Statewide Goal 3 (Agricultural Lands).

424-9 Division of a Lot or Parcel With at least Two Existing Dwellings in the EFC District

Division of a lot or parcel may be approved upon findings that:

- 424-9.1 At least two (2) dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- 424-9.2 Each dwelling complies with the criteria for a replacement dwelling under Section 430-8;
- 424-9.3 Except for one lot or parcel, each lot or parcel created under this subsection is between two (2) and five (5) acres, limited to the smallest practicable size;
- 424-9.4 At least one (1) dwelling is located on each lot or parcel created under this subsection; and
- 424-9.5 The applicant provides evidence that the landowner of a lot or parcel created under this subsection has recorded with the deed records for Washington County a deed restriction prohibiting the future dividing of the subject lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the County. The release shall be signed by the Review Authority and shall state that the applicable comprehensive plan or land use regulations have been changed so that the lot or parcel is no longer subject to Statewide Goal 4 (Forest Lands), or unless the land division is subsequently authorized by law or by a change in Statewide Goal 4 (Forest Lands).
- 424-9.6 A lot or parcel may not be divided under this subsection if approval of an existing dwelling on the lot or parcel specified that the dwelling could not be partitioned from the parent lot; or where eventual removal of the dwelling is required (e.g., temporary dwellings).

425 DESIGNATION OF MARGINAL LANDS

425-1 Parcel Size Criteria

425-1.1 Lands to be designated marginal must meet one of the following:

- A. At least fifty (50) percent of the proposed marginal land, plus the lots or parcels at least partially located within one-quarter ($\frac{1}{4}$) mile of the perimeter of the proposed marginal land consists of lots or parcels twenty (20) acres or less in size on July 1, 1983; or
- B. Is located within an area not less than two-hundred forty (240) acres of which at least sixty (60) percent is composed of lots or parcels that are twenty (20) acres or less in size on July 1, 1983; or
- C. The proposed marginal land is composed predominantly of soils in capability classes V through VIII in the Agricultural Capability Classification System in use by the United States Department of Agriculture Soil Conservation Service on the effective date of SB 237, 1983 Oregon Laws, and is not capable of producing fifty cubic feet of merchantable timber per acre per year in those counties east of the summit of the Cascade Range and eighty-five cubic feet of merchantable timber per acre per year in those counties west of the summit of the Cascade Range, as that term is defined in ORS 477.001(21).

425-1.2 For the purposes of Section 425-1.1 A. and 425-1.1 B.:

- A. Lots or parcels located within an urban growth boundary adopted by a city or by the Metropolitan Service District shall not be included in the calculation; and
- B. Only one lot or parcel exists if:
 - (1) A lot or parcel included in this area as defined in Section 425-1.1 A. is adjacent to one or more such lots or parcels;
 - (2) On July 1, 1983, greater than possessory interests are held in those adjacent lots or parcels by the same person, parents, children, sisters, brothers or spouses, separately or in tenancy in common; and
 - (3) The interests are held by relatives described in Section 425-1.2 B. (2) above, and one relative held the interest in the adjacent lots or parcels before transfer to another relative.
- C. For the purposes of Section 425-1.2 B.:
 - (1) Lots or parcels are not adjacent if they are separated by a public road; and
 - (2) Lot and parcel have the meanings given those terms in ORS 92.010.

425-1.3 Lots or parcels for the purposes of Section 425-1.1 B. shall not be included in the calculation of the two-hundred forty (240) acres if they are within an area for which the County has adopted an exception.

425-2 Management Criteria (Income Test)

If the land meets the criteria of 425-1, land may be designated as marginal when it has not been managed during three (3) of five (5) calendar years before January 1, 1983, as part of:

- 425-2.1 A farm operation that produced \$20,000 or more in annual gross income; or
- 425-2.2 A forest operation capable of producing an average over the growth cycle of \$10,000 in annual gross income.
- 425-2.3 The Board of County Commissioners will adopt, by Resolution and Order, the additional criteria required to determine the income requirements above. The County may, in any event, use statistical information compiled by the Oregon State University Extension Service, or other objective criteria to calculate income.

425-3 Parcels Within the Quarter-Mile Test Area

Notwithstanding the fact that only a certain amount of land is proposed to be designated marginal for the purposes of establishing the test area of 425-1, any lot or parcel that is within the test area and meets the income test set out in 425-2 may be designated as marginal land.

425-4 Notification

In addition to the notification required by Article II, Notice shall be sent to:

- 425-4.1 All property owners of record whose parcels are at least partially located within the one-quarter ($\frac{1}{4}$) mile of the proposed marginal land parcel, when the parcels have been used to determine eligibility through Section 425-1.1 A., as well as all property owners of record within five-hundred (500) feet of the perimeter of the designated quarter mile boundary, or
- 425-4.2 All property owners within five-hundred (500) feet of the perimeter of the designated two-hundred forty (240) acres when the parcels have been used to determine eligibility through Section 425-1.1 B.

425-5 Notation of Marginal Land Designation Approval

- 425-5.1 The Director designate shall make a notation on the Land Use Maps used by the Department of Land Use and Transportation which reads either MGL-A (approved) or MGL-D (denied) as appropriate.
- 425-5.2 All MGL-A notations shall be made known to the Department of Assessment and Taxation for their use.
- 425-5.3 The Director shall keep a master list of all MGL-A notations for use of the Department of Land Use and Transportation, the Department of Assessment and Taxation and for purposes of the State reporting requirements.

426 EROSION CONTROL

426-1 Purpose and Intent

This section is intended to implement the administrative rules of the Oregon Department of Environmental Quality mandating erosion control measures in the Tualatin River and Oswego Lake sub-basins which are to be applied during construction to control and limit soil erosion. These standards are to be applied only during construction to control and limit soil erosion.

426-2 Applicability

426-2.1 Notwithstanding any other provision of this Code, compliance with the following provisions shall be required of all land development, as defined below.

426-2.2 The following subsections shall apply to any new land development within the Tualatin River and Oswego Lake sub-basins, except those developments with application dates prior to January 1, 1990. The application date shall be the date on which a complete application for development approval is received by Washington County in accordance with the provisions of Article II.

426-3 Definitions

426-3.1 "Erosion Control Plan" shall be a plan containing a list of best management practices to be applied during construction to control and limit soil erosion. Erosion control plans shall be prepared in conformance with the Washington County Erosion Control Plans Technical Guidance Book, January 1991, or its successor.

426-3.2 "Land Development" refers to any human induced change to improved or unimproved real estate, including but not limited to construction, installation or expansion of a building or other structure, land division, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.

426-3.3 "Public Works Project" means any land development conducted or financed by a local, state or federal governmental body.

426-4 Erosion Control Plan

No preliminary plat, site plan, development permit, building permit or public works project shall be approved unless the conditions of the plat, permit or plan approval include an erosion control plan containing methods and/or interim facilities to be constructed or used concurrently with land development and to be operated during construction to control the discharge of sediment in the stormwater runoff. The erosion control plan shall be prepared in conformance with the Washington County Erosion Control Plans Technical Guidance Book, January 1991, or its successor.

426-5 Review

426-5.1 The erosion control plan shall be reviewed in conjunction with the requested development approval. If the development necessitating an erosion control plan is

exempted by Section 201-2 from the requirement to obtain a development permit, the approval of the erosion control plan shall be a Type I approval.

426-5.2 The Department may defer submittal of an erosion control plan for a land division if no construction or physical change to the land is to be commenced and the land division would not otherwise interfere with future compliance with this section. Approval shall be conditioned to require an approved erosion control plan prior to any physical change or construction.

426-6 Compliance

Failure to obtain or implement an approved erosion control plan shall be deemed a violation of this ordinance and may be enforced by citation or revocation of the relevant permit. Compliance with this section is required in addition to, and not in lieu of, Section 410, Grading and Drainage.

427 SOLAR ACCESS STANDARDS

427-1 Intent and Purpose

The purpose of this Section is to provide and protect property rights to solar access for urban single-family uses.

- A. The purpose of the Solar Access Standard for New Development, Section 427-3, is to ensure that land is developed so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.
- B. The purpose of the Solar Balance Point Standard, Section 427-4, is to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to Section 427-4 are to be administered at the time of issuance of a building permit.
- C. The purpose of the Solar Access Permit Standard, Section 427-5, is to protect solar access to solar features on lots designated or used for a single family detached dwelling or a manufactured dwelling under certain circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future trees and hedges on and off the applicant's site.

427-2 As used in this Section, the words below have the following meaning:

427-2.1 Crown Cover The area within the drip line or perimeter of the foliage of a tree.

427-2.2 Development Any partition, subdivision or planned development that is created under the County's land division or development regulations.

427-2.3 Exempt tree or vegetation The full height and breadth of vegetation that is:

- A. A species of deciduous tree identified by the Director as solar friendly. Solar friendly trees are certain types of deciduous trees which cast very little shade in the winter; or
- B. Any vegetation which is identified as exempt on a plat, a document or site plan recorded with a plat, or a Solar Access Permit.

427-2.4 Front lot line For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole, which is parallel to the front of the dwelling (see Figure 1).

427-2.5 Nonexempt tree or vegetation Vegetation or trees that are not exempt. Solar unfriendly trees and vegetation are trees and vegetation which cast sufficient shade to affect the performance of a solar feature.

- 427-2.6 Northern lot line The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two (2) lot lines have an identical angle relative to a line drawn east-west, or if the northern lot line is less than thirty-five (35) feet long, the northern lot line shall be a line thirty-five (35) feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).
- 427-2.7 North-south dimension The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).
- 427-2.8 Protected solar building line A line on a plat or map recorded with the plat that identifies the location on a lot where the area two (2) feet above grade may not be shaded by structures or nonexempt trees (see Figure 10).
- 427-2.9 Shade A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of twenty-one and three tenths (21.3) degrees and an azimuth ranging from twenty-two and seven tenths (22.7) degrees east and west of true south.
- 427-2.10 Shade point The part of a structure or nonexempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of twenty-one and three tenths (21.3) degrees and an azimuth ranging from twenty-two and seven tenths (22.7) degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of three (3) feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridge line of a structure oriented within forty-five (45) degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by three (3) feet. If a structure has a roof oriented within forty-five (45) degrees of a true east-west line with a pitch that is flatter than five (5) feet (vertical) in twelve (12) feet (horizontal) the shade point will be the eave of the roof. If such a roof has a pitch that is five (5) feet in twelve (12) feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).
- 427-2.11 Shade reduction line A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).
- 427-2.12 Shadow pattern A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of twenty-one and three tenths (21.3) degrees and an azimuth ranging between twenty-two and seven tenths (22.7) degrees east and west of true south (see Figure 12).
- 427-2.13 Solar access height limit A series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a solar access permit (see Figure 11).

- 427-2.14 Solar access permit A permit issued by the County that describes the maximum height that nonexempt vegetation is allowed to grow on lots to which a solar access permit applies.
- 427-2.15 Solar balance point The location on the lot where a structure would be an equal distance between the locations required by the maximum shade point height standard in Section 427-4.3 and the standard for allowed shade on a solar feature in Section 427-4.6.
- 427-2.16 Solar feature A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window or windows that contain(s) at least twenty (20) square feet of glazing oriented within forty-five (45) degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of Section 427.
- 427-2.17 Solar gain line A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated by a street, that intersects the solar feature on that lot (see Figure 7).
- 427-2.18 South or south facing True south, or twenty (20) degrees east of magnetic south.
- 427-2.19 Space A plot of land within a manufactured dwelling park designed to accommodate one (1) manufactured dwelling.
- 427-2.20 Sunchart One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a forty-five (45) degree and thirty (30) minute northern latitude in ten (10) degree increments and solar azimuth from true south in fifteen (15) degree increments.
- 427-2.21 Undevelopable area An area that cannot be used practicably for a habitable structure because of:
- A. Natural conditions, such as slopes exceeding twenty (20) percent in a direction greater than forty-five (45) degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion;
 - B. Man-made conditions, such as existing development which isolates a portion of the site and prevents its further development;
 - C. Setback or development restrictions that prohibit development of a given area of a lot by law or private agreement; or
 - D. Existence or absence of easements or access rights that prevent development of a given area.

427-3 Solar Access Standard for New Development

427-3.1 Applicability

The solar design standard in Section 427-3.2 shall apply to the following development applications, except to the extent the Review Authority finds that the applicant has shown one or more of the conditions listed in Sections 427-3.3 and 427-3.4 exist, and exemptions or adjustments provided for therein are warranted.

- A. Development applications to create lots or parcels for single family detached dwellings or manufactured dwellings in any urban residential district through a partition or subdivision application; and
- B. Development applications for a manufactured dwelling park in any urban residential district.

427-3.2 Solar Design Standard

A. Requirements for New Lots or Parcels

At least eighty (80) percent of the lots or parcels in a development subject to Section 427 shall comply with one or more of the alternatives listed in Section 427-3.2, provided, a development may, but is not required to, use the alternatives listed in Sections 427-3.2 A. (2) or 427-3.2 A. (3) to comply with Section 427-3.

- (1) Basic Requirement (see Figure 9). A lot or parcel complies with Section 427-3.2 if it:
 - (a) Has a north-south dimension of ninety (90) feet or more; and
 - (b) Has a front lot line that is oriented within thirty (30) degrees of a true east-west axis.
- (2) Protected Solar Building Line Alternative (see Figure 10): In this alternative, a lot or parcel complies with Section 427-3.2 if a solar building line is used to protect solar access in the following manner:
 - (a) A protected solar building line is designated on the plat or in documents recorded with the plat;
 - (b) The protected solar building line is oriented within thirty (30) degrees of a true east-west axis;
 - (c) There is at least seventy (70) feet between the protected solar building line and the middle of the north-south dimension of the lot or parcel to the south, measured along a line perpendicular to the protected solar building line; and
 - (d) There is at least forty-five (45) feet between the protected solar building line and the northern edge of the buildable area of the lot or parcel, or habitable structures are situated so that at least eighty (80)

per cent of their south-facing wall will not be shaded by structures or nonexempt vegetation.

- (3) Performance Alternative: In this alternative, a lot or parcel complies with Section 427-3.2 if:
 - (a) Habitable structures built on the lot or parcel will have their long axis oriented within thirty (30) degrees of a true east-west axis, and at least eighty (80) percent of their ground floor south wall(s) will be protected from shade by structures and nonexempt trees using appropriate deed restrictions; or
 - (b) Habitable structures built on the lot or parcel will orient at least thirty-two (32) percent of their glazing and at least five-hundred (500) square feet of their roof area to face within thirty (30) degrees east or west of true south, and that glazing and roof area are protected from shade by structures and nonexempt trees using appropriate deed restrictions.

B. Requirement for Manufactured Dwelling Parks

At least eighty (80) percent of the manufactured dwellings in a manufactured dwelling park subject to Section 427 shall be oriented with their long axis within thirty (30) degrees of east-west.

427-3.3 Exemptions from the Solar Design Standard

A development is exempt from Section 427-3.2 if the Review Authority finds the applicant has shown that one or more of the following criteria are applicable to the site. A development is partially exempt from Section 427-3.2 to the extent the Review Authority finds the applicant has shown that one or more of the following criteria are applicable to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Section 427-3.2.

A. Slopes:

The site, or a portion of the site for which the exemption is sought, is sloped twenty (20) percent or more in a direction greater than forty-five (45) degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

B. Off-site shade:

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features which will remain after development of the off-site property subject to compliance with one of the following criteria. Off-site features include but are not limited to structures, topography or nonexempt vegetation.

- (1) Shade from an existing or an approved off-site single-family dwelling or manufactured dwelling in an urban residential district is assumed to remain after development of the site.
- (2) Shade from off-site structures other than those listed in (1) above, is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
- (3) Shade from off-site vegetation is assumed to remain after development of the site if:
 - (a) The trees that cause the shade are situated in a required setback or they are part of a developed area, public park, or legally reserved open space;
 - (b) The trees are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or
 - (c) The trees are part of landscaping required by this Code, a community plan or a prior development action.
- (4) Shade from topographic features is assumed to remain after development of the site.
- (5) Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable permits have been approved on or before the date an application for the development is submitted.

C. On-site shade:

The site, or a portion of the site for which the exemption is requested, is:

- (1) Within the shadow pattern of on-site features, including but not limited to structures and topography which will remain after the development occurs; or
- (2) Contains nonexempt trees at least thirty (30) feet tall and more than six (6) inches in diameter measured four (4) feet above the ground which have a crown cover over at least eighty (80) percent of the site, or the relevant portion. The applicant can demonstrate such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least fifty (50) percent of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the Office of the County Recorder binding the applicant to comply with this requirement. The County shall be made a party to any covenant or restriction created to enforce any provision of this requirement. The covenant or restriction shall not be amended without written County approval.

- D. Completion of a phased subdivision which has received preliminary plat approval or a phased manufactured dwelling park which has received preliminary development review approval:

The site is part of a phased subdivision, or manufactured dwelling park none of which was subject to Section 427-3.

427-3.4 Adjustments to the Solar Design Standard:

The Review Authority shall reduce the percentage of lots or spaces that must comply with Section 427-3.2 to the minimum extent necessary if it finds the applicant has demonstrated it would cause or is subject to one (1) or more of the following conditions.

- A. Adverse impacts upon density, cost or amenities:

- (1) If the design standard in Section 427-3.2 A. is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs (e.g., more extensive utility lines or street improvements are required due to the solar access requirements) are at least five (5) percent more per lot or space than if the standard is not applied.

The following conditions, among others, could constrain the design of a development in such a way that compliance with Section 427-3.2 A. would reduce density or increase per lot costs as previously described. The applicant shall demonstrate which if any of these or other similar site characteristics apply to a development.

- (a) The portion of the site for which the adjustment is sought has a natural grade that is sloped ten (10) percent or more and is oriented greater than forty-five (45) degrees east or west of true south based on a topographic survey of the site by a registered professional land surveyor or USGS or other officially recognized topographic information.
- (b) There is a significant natural feature on the site, identified as such in the community plan or this Code, that prevents given streets, lots or spaces from being oriented for solar access, and it will continue to exist after the site is developed.
- (c) Existing road patterns must be continued through the site or must terminate on-site in order to provide adequate circulation, comply with future roadway alignments designated in the Transportation Plan or an adopted study, or to comply with the standards of the Washington County Uniform Road Improvement Design Standards in a way that prevents proposed streets, lots or spaces in the development from being oriented for solar access.

(d) An existing public easement or right-of-way prevents proposed streets, lots or spaces in the development from being oriented for solar access.

(2) If the design standard in Section 427-3.2 A. applies to a proposed lot(s) or space(s), significant development amenities that would otherwise benefit the lot(s) or space(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) or space(s) would result from having the lot(s) or space(s) comply with Section 427-3.2 A. is relevant to whether a significant development amenity is lost or impaired.

B. Impacts from existing shade:

The shadow pattern from nonexempt trees cover at least eighty (80) percent of the lot or space and at least fifty (50) percent of the shadow pattern will remain after development of the lot. A scaled survey of nonexempt trees on the site or a current aerial photograph of the site may be used to show the shadow pattern.

(1) Shade from nonexempt trees is assumed to remain if:

- (a) The trees are situated in a required setback;
- (b) The trees are part of an existing or proposed park, open space, or recreational amenity;
- (c) The trees are separated from the developable remainder of the parcel by an undevelopable area or feature; or
- (d) The trees are part of landscaping required by this Code, a community plan or a prior development action; and
- (e) The trees do not need to be removed for a driveway or other development.

(2) Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the property owner to retain the trees causing the shade on the affected lots or spaces.

427-3.5 Protection from Future Shade:

Structures and nonexempt vegetation must comply with applicable solar balance point standards on all lots in a development subject to Section 427-3, including lots or spaces for which exemptions or adjustments to Section 427-3.3 have been granted.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section 427-3.5. The County shall be made a party of any covenant or restriction created to enforce any provision of Section 427. The covenant or restriction shall not be amended without written County approval.

427-3.6 Application:

An application for approval of a development subject to Section 427-3 shall include:

- A. Maps and text sufficient to show the development complies with the solar design standard of Section 427-3.2, except for lots or spaces for which an exemption or adjustment from Section 427-3.2 is requested, including at least:
 - (1) The north-south lot dimension and front lot line orientation of each proposed lot or space.
 - (2) Protected solar building lines and relevant building site restrictions, if applicable.
 - (3) For the purpose of identifying trees exempt from Section 427-3.5, a map showing existing trees at least thirty (30) feet tall and over six (6) inches diameter at a point four (4) feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
 - (4) Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Section 427-3.2 is requested, maps and text sufficient to show that given lots, spaces or areas in the development comply with the standards for such an exemption or adjustment in Section 427-3.3 or 427-3.4, respectively.

427-4 Solar Balance Point Standard

427-4.1 Applicability

- A. The solar balance point requirements of this subsection shall apply to the following structures in all urban residential districts:
 - (1) All new single family dwellings, additions to existing single family dwellings and structures that are accessory to a single family dwelling; and
 - (2) All new manufactured dwellings, additions to existing manufactured dwellings and structures that are accessory to a manufactured dwelling. However, these standards do not apply to manufactured dwellings in a manufactured dwelling park or a manufactured dwelling approved as a temporary use. In the event a manufactured dwelling that is being used as a temporary use is converted to a permanent residence, the manufactured dwelling shall comply with the requirements of Section 427-4.
- B. The Review Authority may grant an exemption or adjustment to the solar balance point standards if the applicant has demonstrated that one (1) or more of the conditions listed in Section 427-4.4 or Section 427-4.5 exists, and exemptions or adjustments provided for these conditions are warranted.

- C. Nonexempt vegetation planted on lots or parcels subject to the requirements of Section 427-4.5 shall comply with the shade point height standards listed in Section 427-4.3 or Section 427-4.4.
- D. The solar balance point requirements shall be administered through the building permit for the proposed structure.

427-4.2 Solar Site Plan Required

An application for a building permit for a structure that is subject to the solar balance point standards shall include a site plan that shows the following:

- A. The maximum shade point height allowed by Section 427-4.3;
- B. The average elevation of the rear property line if the maximum shade point height is adjusted pursuant to Section 427-4.3 A. (2);
- C. The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation relative to true south; and, if applicable,
- D. The solar balance point for the structure as provided in Section 427-4.7.

427-4.3 Maximum Shade Point Height Standard

The height of the shade point shall comply with the requirements of either Section 427-4.3 A. or Section 427-4.3 B.

A. Basic Requirement

- (1) The height of the shade point shall be less than or equal to the height specified in Table A, or it may be computed using the formula listed in Section 427-4.3 A. (2). However, the maximum allowed height of the shade point may be increased one (1) foot above the calculated height for each foot that the average grade at the rear property line exceeds the average grade at the front property line. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the mid-point of the front lot line. It may be necessary to interpolate between the five (5) foot dimensions listed in Table A to determine the shade height when using Table A.
- (2) Formula to Determine the Height of the Maximum Shade Point

$$H = (2 \times \text{SRL}) - N + 150$$

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, (see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension more than ninety (90) feet shall use a value of ninety (90) feet for the purposes of the solar balance point standards.

B. Performance Alternative Requirements

The applicant shall comply with one of the following alternative requirements to determine the maximum shade point height standard.

- (1) The proposed structure, or applicable nonexempt vegetation, will shade not more than twenty (20) per cent of the south-facing glazing of habitable structure(s); or
- (2) The proposed structure or nonexempt vegetation shall comply with Section 427-3.2 B. or Section 427-3.2 C., whichever is applicable. For Section 427-3.2 B., nonexempt vegetation and the shade point of structures shall be set back from the protected solar building line two and one-half (2.5) feet for every one (1) foot of height of the structure or of the mature height of nonexempt vegetation over two (2) feet in height.

427-4.4 Exemption from the Maximum Shade Point Height Standard

The Review Authority may exempt a proposed structure or nonexempt vegetation from the requirements of Section 427-4.2 and Section 427-4.3 if the applicant demonstrates that one or more of the following conditions exist, based upon site plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Pre-existing Shade

The structure or applicable nonexempt vegetation will shade an area that is shaded by one or more of the following:

- (1) An existing or approved structure;
- (2) A topographic feature; or
- (3) A nonexempt tree that will remain after development of the site. It is assumed a tree will remain after development if:
 - (a) The tree is situated in a required building setback;
 - (b) The tree is part of a developed or landscaped area required by this Code, a community plan or a prior development action;
 - (c) The tree is part of a public park or landscape strip, or legally reserved open space;
 - (d) The tree is in or separated from the developable remainder of a parcel by an undevelopable area or feature;

- (e) The tree is on the applicant's property and not affected by the development; or
- (f) A restrictive covenant, which requires the preservation of tree(s) creating the shade, has been recorded in the Washington County Records Department.

B. Slope

The site has an average slope that exceeds twenty (20) percent in a direction greater than forty-five (45) degrees east or west of true south based on a topographic survey by a licensed professional land surveyor or USGS or other officially recognized topographic information.

C. Insignificant Benefit

The proposed structure or nonexempt vegetation shades one or more of the following:

- (1) An undevelopable area;
- (2) The wall of an unheated space, such as a garage;
- (3) Less than twenty (20) square feet of south-facing glazing; or
- (4) An undeveloped lot or parcel, other than a lot or parcel that was subject to the Section 427-3, where:
 - (a) There are at least four (4) single family detached or attached dwellings or at least four (4) manufactured dwellings within the same subdivision that are within two-hundred and fifty (250) feet of the lot; and
 - (b) A majority of the homes identified in Subsection (a) above have an average of less than twenty (20) square feet of south-facing glazing.

D. Public Improvement

The proposed structure is a publicly owned improvement.

427-4.5 Adjustments to the Maximum Shade Point Height Standard

The Review Authority may increase the maximum shade point height necessitated by one of the following conditions to the extent it finds the applicant has demonstrated that one or more of these conditions exist, based upon site plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Physical Conditions

Physical conditions preclude development of the site in a manner that complies with Section 427-4.3, due to such things as a public or private easement, a right

of way, a flood plain, a drainage hazard area, a Significant Natural Resource Area, slopes of twenty (20) percent or more, areas designated to be unbuildable by this Code, a community plan or a prior development action, or a lot size less than three-thousand (3,000) square feet.

B. Conflict Between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards

A proposed structure may be sited to meet the solar balance point standard described in Section 427-4.7, or be sited as near to the solar balance point as allowed by Section 427-4.7, if:

- (1) When the proposed structure is sited to meet the maximum shade point height, its solar feature will potentially be shaded as determined using Section 427-4.6; and
- (2) The applicant signs and records a form provided by the County which:
 - (a) Releases the applicant from complying with Section 427-4.3, and stipulates that the proposed structure may shade an area otherwise protected by Section 427-4.3;
 - (b) Releases the County from liability for damages resulting from the adjustment; and
 - (c) Is signed by the affected property owner(s) of the properties that would be shaded beyond the requirements of Section 427-4.3.
- (3) Prior to the issuance of a building permit for the proposed structure, the applicant shall record the above prescribed form in the Washington County Records Department, indexed by the properties identified in Section 427-4.5 B. (2)(c).

427-4.6 Analysis of Allowed Shade on Solar Feature

An applicant may, but is not required to, perform the calculations in or comply with the standards of Section 427-4.6 unless the solar balance point for the structure must be calculated as required by Section 427-4.7.

- A. Applicants are encouraged, but are not required, to design and site a proposed habitable structure so the lowest height of any solar feature(s) will not be shaded by buildings or nonexempt trees or hedges located on property to the south. The applicant may use the procedure listed in Sections 427-4.6 B. through 427-4.6 D. to determine if a proposed solar feature will be shaded by off-site shade.
- B. To calculate the shade height at the subject property's north property line, the applicant should determine which of the following alternatives best describes the source of shade on adjacent lots or spaces to the south:
 - (1) Existing structure(s) or nonexempt trees or hedges; or

- (2) The maximum shade that can be cast from future buildings or nonexempt trees or hedges, based on Table C. If the lot(s) to the south can be further divided, the north-south dimension is assumed to be the minimum lot width required for a new lot in that district.
- C. The height of the lowest point of any solar feature of the proposed structure is calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.
- D. The applicant can determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Section 427-4.6 C. by using the following formula or Table B.

Formula to Calculate the Maximum Shade Height at the North Property Line

$$\text{SFSH} = \text{SH} - (\text{SGL}/2.5)$$

Where:

- SFSH = the allowed shadow height on the solar feature (see Figure 8)
- SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section 427-4.6 C.
- SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see Figure 7).

- E. If the allowed shade height on the solar feature calculated in Section 427-4.6 D. is higher than the lowest height of the solar feature calculated in Section 427-4.6 C., the applicant shall be encouraged to consider changes to the design of the house or its location which would make it practical to locate the solar feature so that it will not be shaded in the future.

427-4.7 Calculation of the Solar Balance Point

If a structure does not comply with the Maximum Shade Point Height Standard in Section 427-4.3 and the standard for allowed shade on a solar feature in Section 427-4.6, the solar balance point of the lot or parcel shall then be calculated (see Figure 8). The solar balance point is the location on the lot or parcel where a structure would be an equal distance between the locations required by the maximum shade point height standard and the standard for allowed shade on a solar feature.

427-5 Solar Access Permit

427-5.1 Applicability

- A. An owner of property that is located in an urban residential district, that is or will be developed with a single family dwelling or a manufactured dwelling, may apply for a solar access permit for a solar feature to protect it from shade from future

trees and hedges. If granted, the permit prohibits solar features from being shaded by certain future trees and hedges on and off the applicant's site. For the purposes of Section 427-5, future trees and hedges means the full height and breadth that this vegetation will reach upon maturity.

- B. Property that is located in an urban residential district and that is or will be developed with a single family dwelling or a manufactured dwelling, may be subject to the requirements of Section 427-5.3 B., as the result of a solar access permit on adjacent or nearby property.
- C. The standards of Section 427-5 shall be administered through a Type II procedure prior to the issuance of a building permit for the proposed solar feature(s).

427-5.2 Approval Standards for a Solar Access Permit

The Review Authority shall approve an application for a solar access permit if:

- A. The applicant demonstrates that existing trees, hedges or structures on the applicant's property do not shade the proposed solar feature(s); and
- B. The applicant demonstrates the proposed solar feature will not be shaded by existing trees, hedges or structures on adjacent or nearby property.

427-5.3 Duties Created by Solar Access Permit

- A. Upon approval of a solar access permit, the applicant shall:
 - (1) Record the solar access permit in the Washington County Records Department, indexed by the properties identified in Section 427-5.4 A. The applicant shall pay all filing and recording fees. The solar access permit shall contain the following information:
 - (a) Legal description of the affected properties;
 - (b) The solar access height limit; and
 - (c) The site plan required by Section 427-5.4 C., with any modifications required by the Review Authority.
 - (2) Install the solar feature in a timely manner as provided in Section 427-5.7; and
 - (3) Maintain trees and hedges on the site so they do not shade the solar feature.
- B. An owner of property affected by a solar access permit shall be responsible for and pay all costs for keeping nonexempt trees and hedges from exceeding the solar access height limit. Trees or hedges which are identified as exempt on the site plan required by Section 427-5.4 C. trees or hedges an affected property owner shows were in the ground on the date an application for a solar access

permit is filed, and solar friendly trees are exempt from the requirements of Section 427-5.

427-5.4 Application Contents

In addition to the requirements of Section 203-3, an application for a solar access permit shall contain the following information:

- A. A legal description of the subject property and all affected properties. For the purposes of Section 427-5, affected properties means all property within one-hundred and fifty (150) feet and fifty-four (54) degrees east and west of true south measured from the east and west corners, respectively, of the subject property's south property line.
- B. An accurate and to scale site plan of the applicant's property showing:
 - (1) Trees and hedges in the ground as of the date of the application that when mature, could shade the solar feature;
 - (2) The location of all existing structures; and
 - (3) The height, above grade, of the solar feature, its location, and its orientation relative to true south.
- C. An accurate and to scale site plan of the properties described in Section 427-5.4 A. showing:
 - (1) The dimensions of the properties;
 - (2) The approximate location of all existing structures, trees and hedges on each property that could shade the proposed solar feature on the applicant's property; and
 - (3) The requested solar access height limit for each affected lot. The solar access height limit is determined by a series of contour lines which establishes the maximum permitted height for nonexempt trees and hedges on lots impacted by a solar access permit (see Figure 11). The contour lines begin at the bottom edge of the proposed solar feature and rise in five (5) foot increments at an angle to the south not less than twenty-one and three-tenths (21.3) degrees from the horizon and extend not more than fifty-four (54) degrees east and west of true south. Notwithstanding the preceding, the solar access height limit at the northern lot line of any lot impacted by a solar access permit shall allow nonexempt trees or hedges on that lot when their mature height will not create more shade on the applicant's property than would be created by a structure that complies with the requirements of Section 427-4.
- D. If available, a statement signed by the owner(s) of all or a portion of the properties to which the permit will apply verifying that:
 - (1) The property is or will be developed for a single family dwelling or a manufactured dwelling; and

- (2) The trees and hedges shown on the site plan submitted pursuant to Section 427-5.4 C. accurately represents trees or hedges in the ground on the property on the date of the application.
- (3) The Department shall provide a form for this purpose.

427-5.5 Application Review Process

- A. An application for a solar access permit shall be reviewed through a Type II procedure.
- B. In addition to the requirements of Section 204-3.2, the public notice sent to the owners of affected property identified in Section 427-5.4 A. shall contain:
 - (1) The site plan of the applicant's property required by Section 427-5.4 B.
 - (2) The proposed solar access height limits;
 - (3) A description of the duties created by the solar access permit; and
 - (4) The site plan of the owners' properties required by Section 427-5.4 C., if the owner did not verify the accuracy of the site plan of the owner's property pursuant to Section 427-5.4 D. These property owners shall be asked to:
 - (a) verify the accuracy of the site plan of their property, including the accuracy of nonexempt trees and hedges; and
 - (b) submit written comments during the fourteen (14) day comment period describing any inaccuracies in the site plan. If written comments are not received during the comment period, the Review Authority may assume the submitted site plan is accurate.
- D. Upon review of written comments or inspection of the subject property and impacted properties, the Review Authority may modify the site plan(s) of impacted property owners and the solar access permit to be consistent with the additional information.
- E. If the application is approved:
 - (1) The Review Authority shall send, with the notice of decision, a copy of the solar access permit and the solar access height limits to the owners of each property impacted by the permit.
 - (2) The applicant shall record the following information in the County Records Department with the deeds to the properties impacted by the permit. The solar access permit shall not be effective until this information is recorded.
 - (a) The approved solar access permit;
 - (b) Associated solar access height limits;

- (c) Legal description of the affected properties; and
- (d) Site plan(s) required by Section 427-5.4 C., with any modifications required by the Review Authority.

427-5.6 Permit Enforcement Process

A. Enforcement Request

A solar access permittee may request the County to enforce the solar access permit by providing the following information to the Director:

- (1) A copy of the solar access permit and the site plans recorded with the permit;
- (2) A completed copy of the Department's Complaint Alleged Code Violation Form;
- (3) The legal description of the property on which the alleged nonexempt tree or hedge is situated, the address of the owner(s) of that property, and a scaled site plan of the property showing the nonexempt tree or hedge; and
- (4) Evidence that the alleged tree or hedge violates the solar access permit. Evidence may include a sunchart, photograph, shadow pattern, or photographs.

B. Enforcement Process

If the Director determines the request for enforcement is complete, the Director shall initiate an enforcement action pursuant to Section 215 (Enforcement). However, the Director shall not enforce the requirements of the solar access permit against trees or hedges the owner of which shows were in the ground on the date the application for the solar access permit was filed with the County.

427-5.7 Expiration of a Solar Access Permit

- A. A solar access permit shall automatically expire one-hundred and eighty (180) days from the date of issuance unless one of the following occurs first:
 - (1) Development of the protected solar feature has commenced as provided in Section 201-6;
 - (2) An application for an extension is filed pursuant to Sections 201-5 and 427-5.8; or
 - (3) The permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction.

- B. If after construction of the solar feature has commenced, construction is suspended or abandoned for a period of one-hundred and eighty (180) days or more, the permit shall automatically expire. A new solar access permit must be obtained before work can begin again.
- C. Upon expiration of a solar access permit, the Director shall record a notice of expiration in the County Records Department with the deeds to the subject site and impacted properties.

427-5.8 Extension of a Solar Access Permit

- A. If an extension is desired, the holder of the solar access permit must file an application for an extension prior to the expiration of the permit pursuant to the requirements of Section 201-5.
- B. An extension may be granted for a maximum of one-hundred and eighty (180) days. No permit shall be extended more than once.

TABLE A - MAXIMUM PERMITTED SHADE POINT HEIGHT (in feet)

Distance to Shade Reduction Line from Northern Lot Line (in feet)	North-south lot dimension (in feet)												
	100 +	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40		
45	30	30	30	31	32	33	34	35	36	37	38	39	
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

TABLE B - MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (in feet)

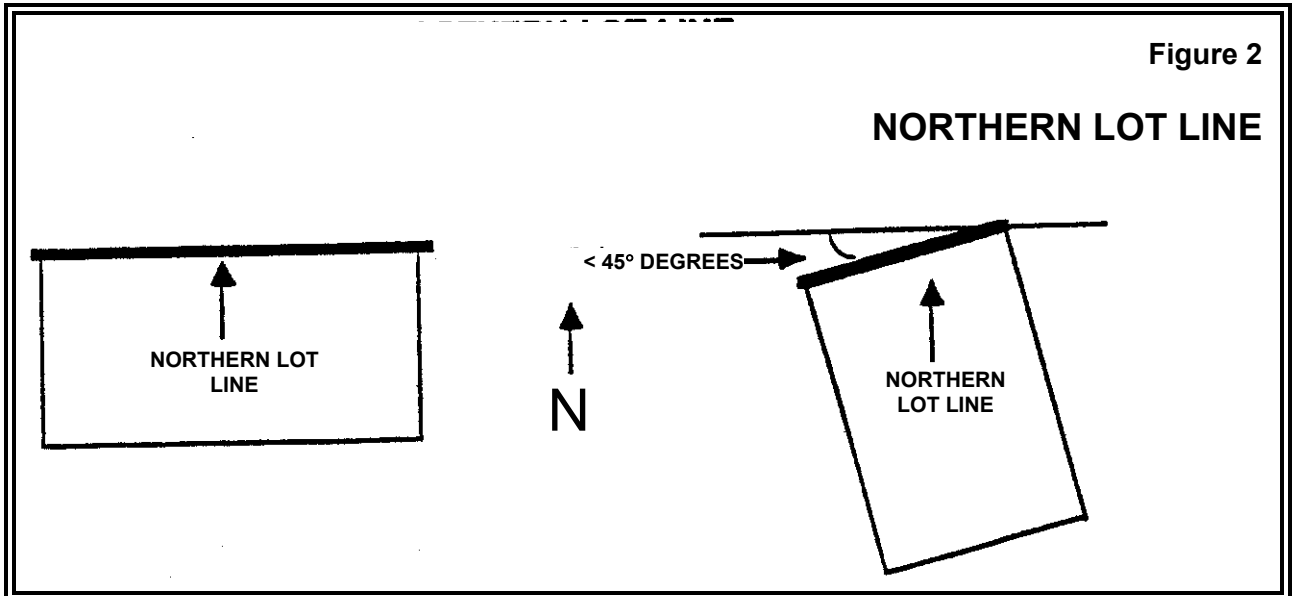
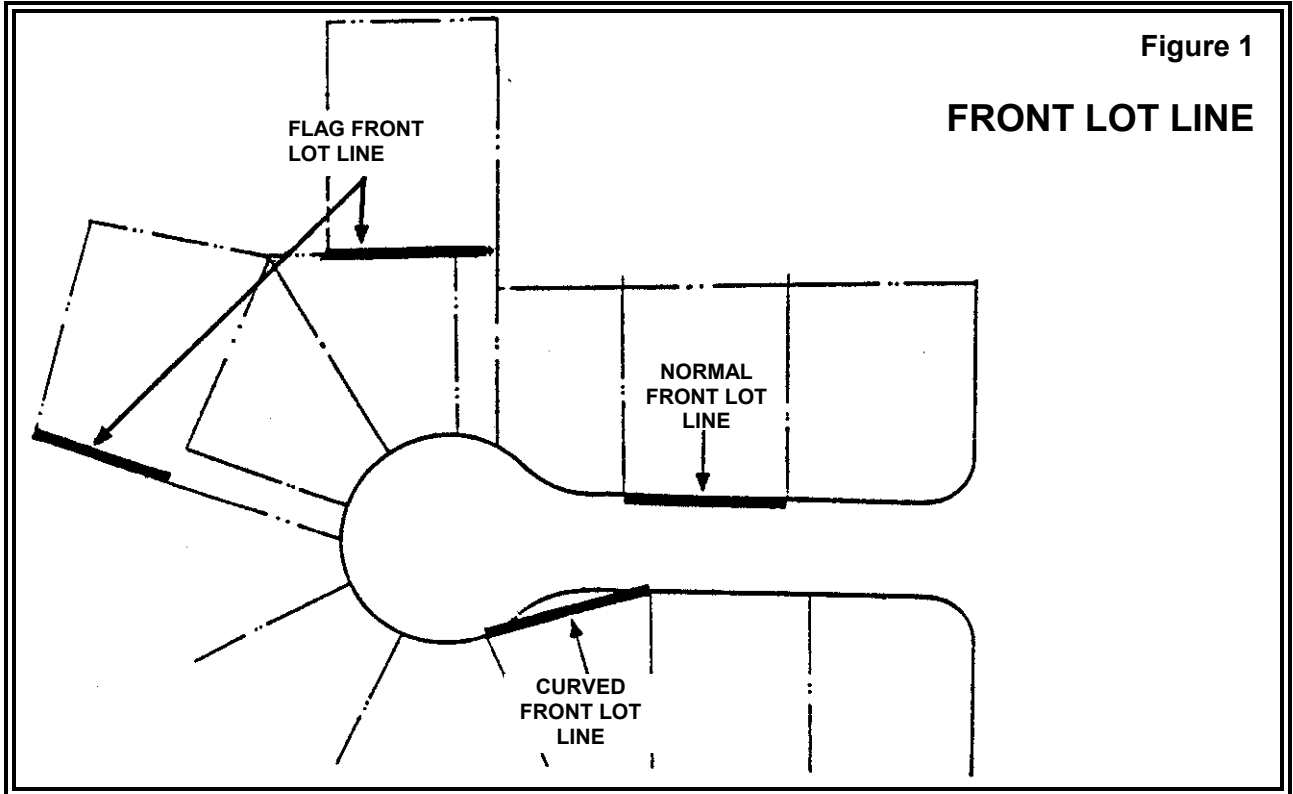
Distance from Solar Gain Line to Lot Line (in feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (in feet)											
	22	21		20	19	18	17	16	15	14	13	12
50	2	1										
45	4	3	2	1								
40	6	5	4	3	2	1						
35	8	7	6	5	4	3	2	1				
30	10	9	8	7	6	5	4	3	2			
25	12	11		10	9	8	7	6	5	4	2	
20	14	13	12	11	10	9	8	7	6	5	4	
15	16	15	14	13	12	11	10	9	8	7	6	
10	18	17	16	15	14	13	12	11	10	9	8	
5	20	19	18	17	16	15	14	13	12	11	10	

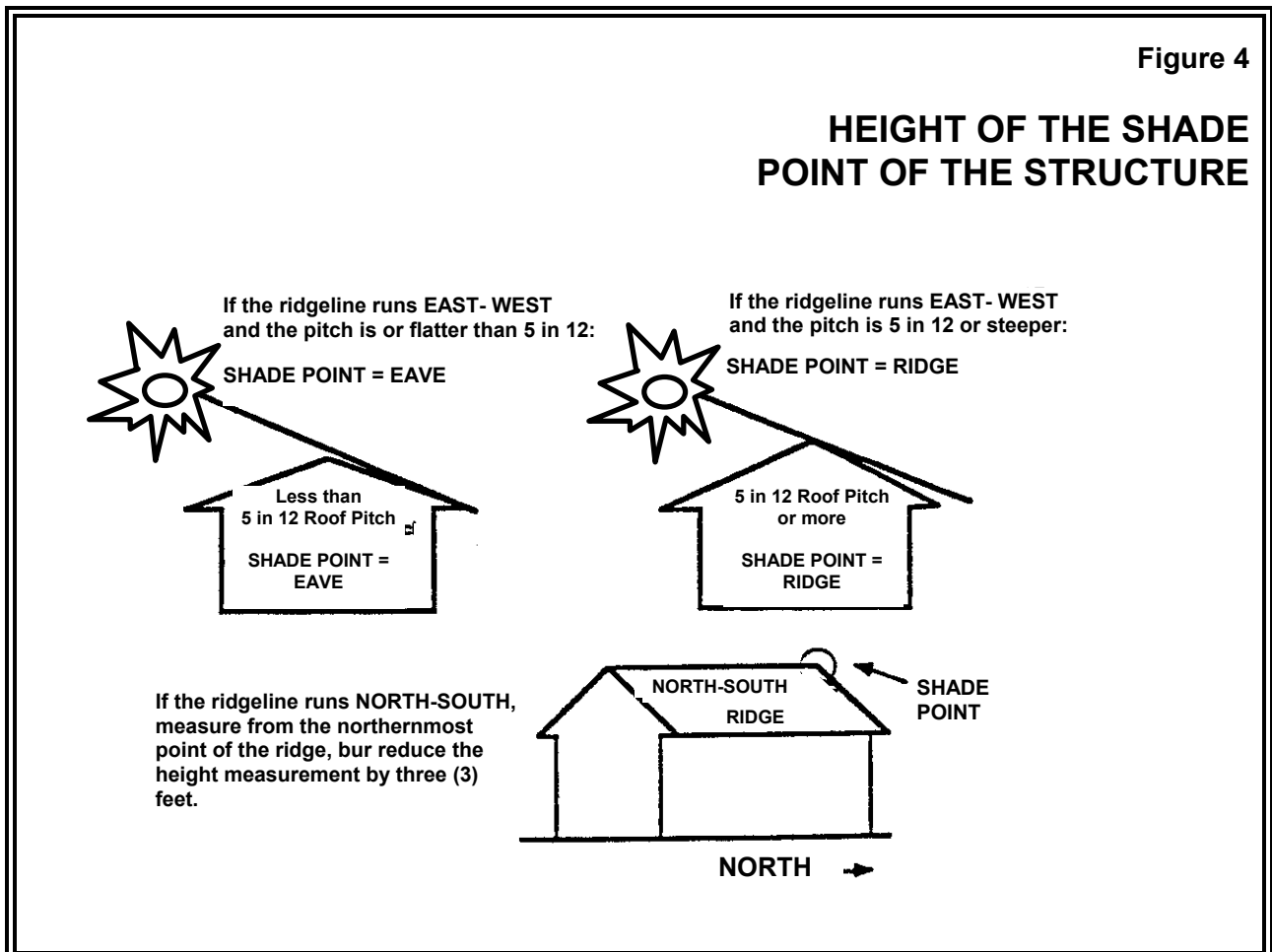
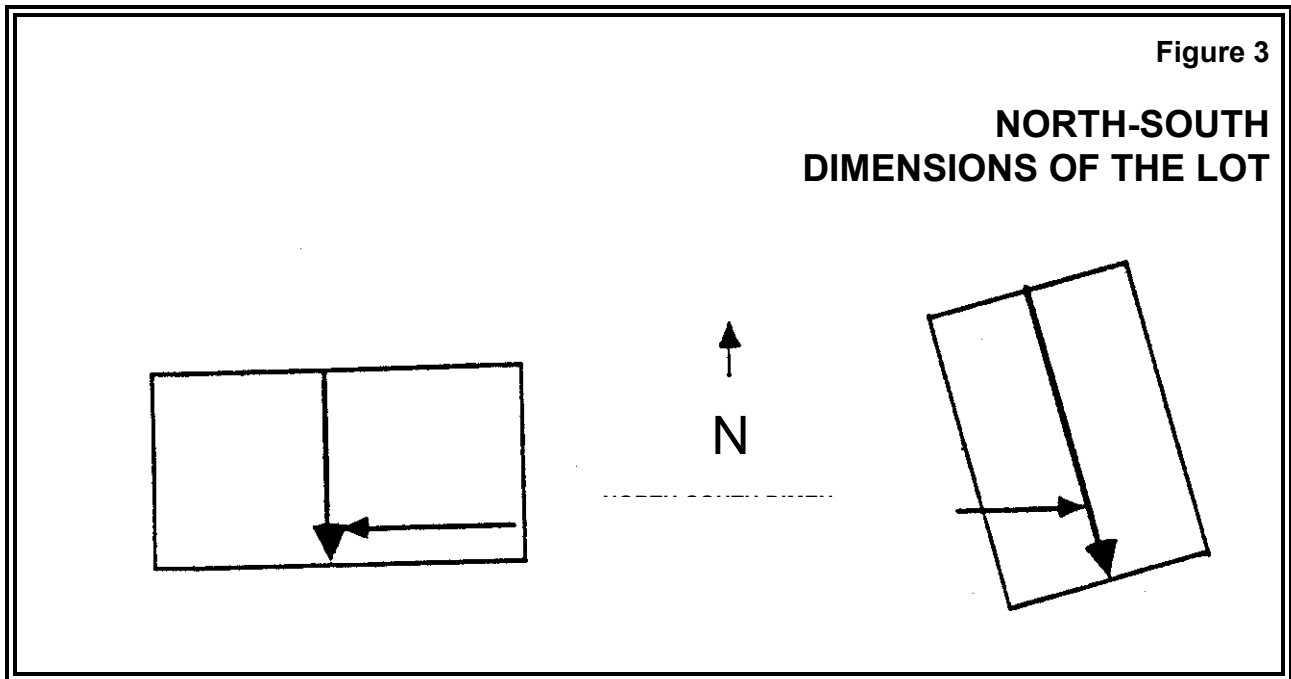
TABLE C - **MAXIMUM PERMITTED SHADE HEIGHT AT NORTH PROPERTY LINE (in feet)**

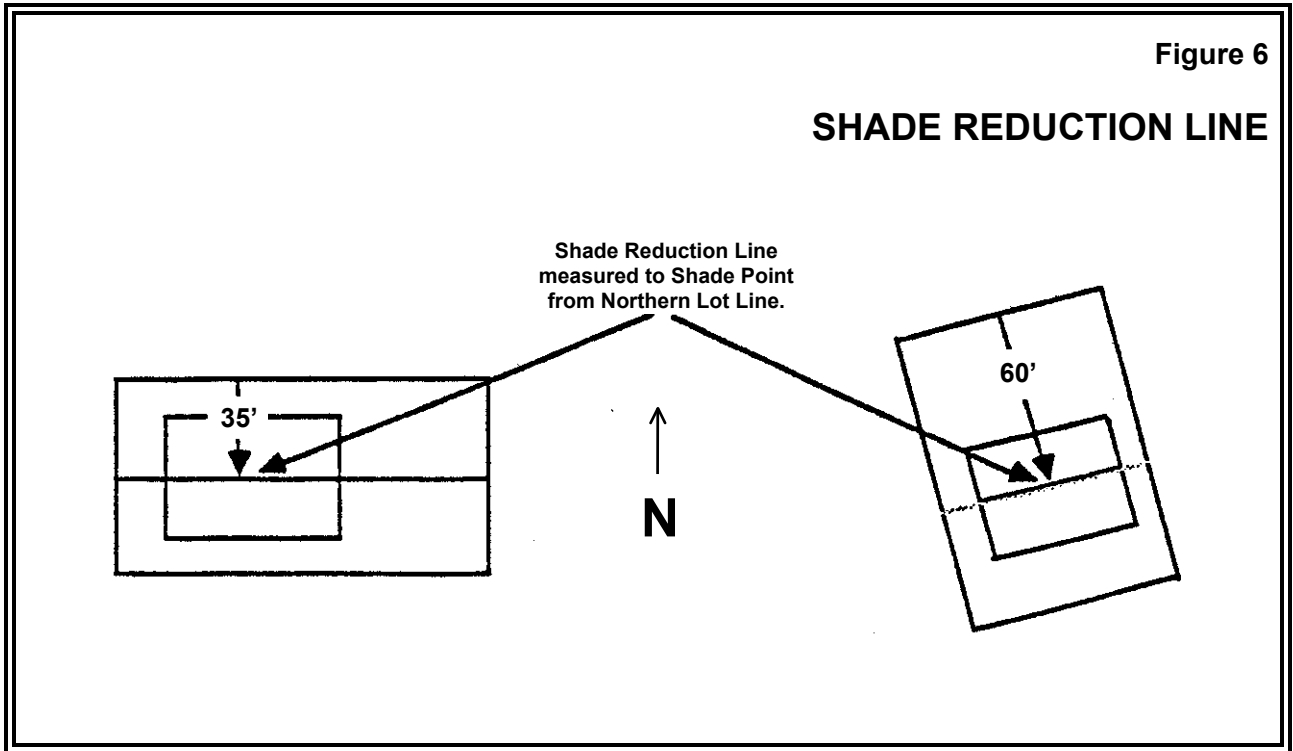
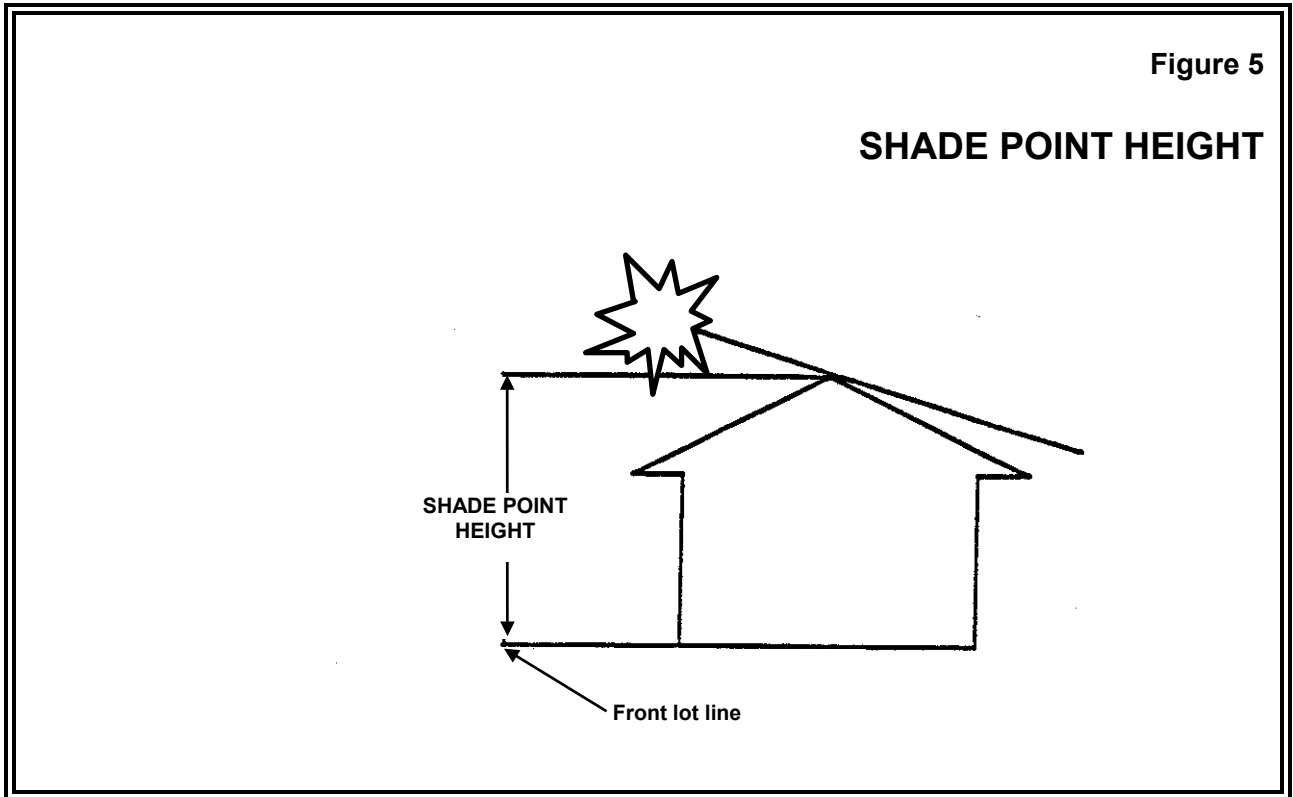
See Section 427-4.6 B. (2).

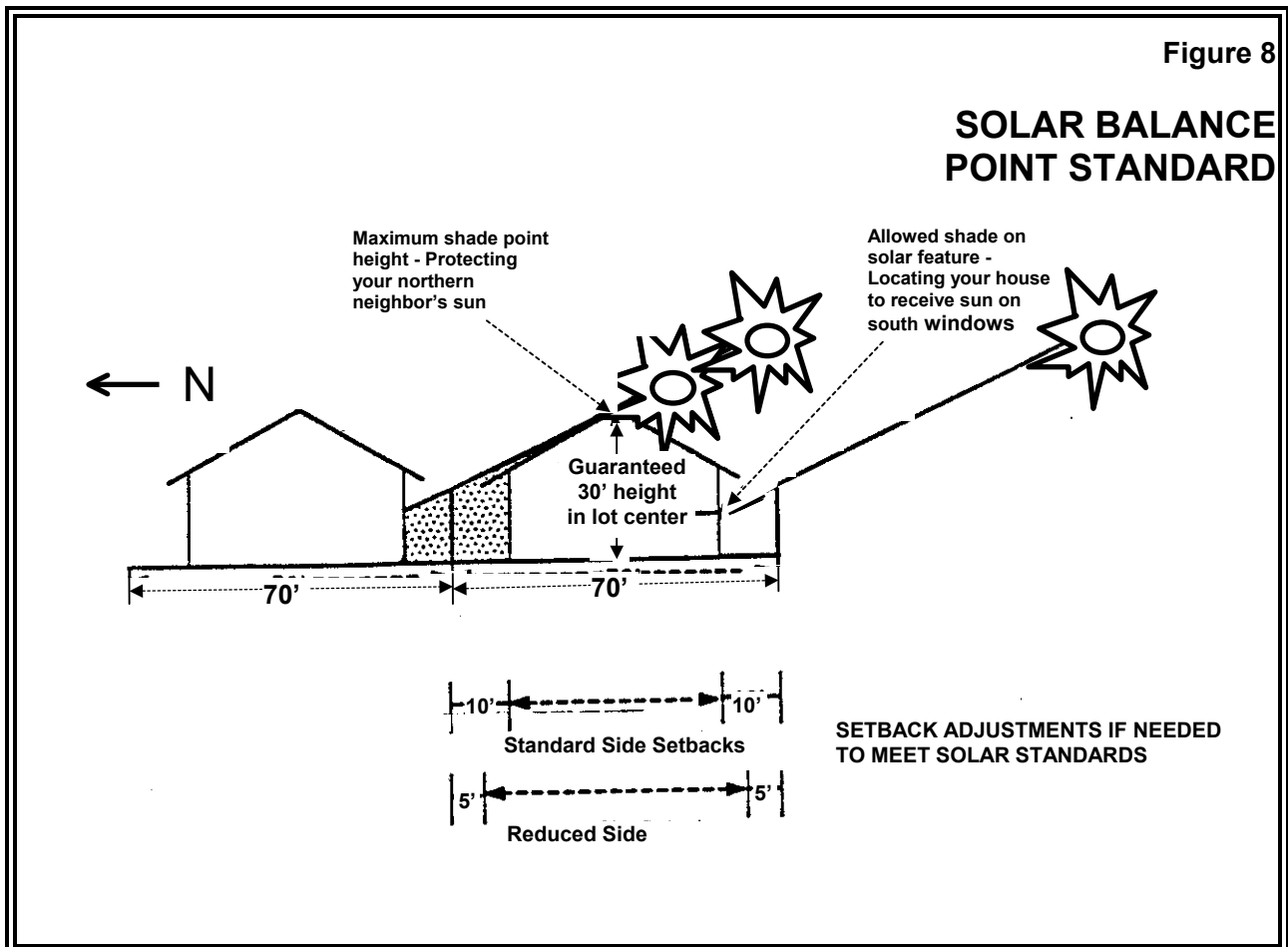
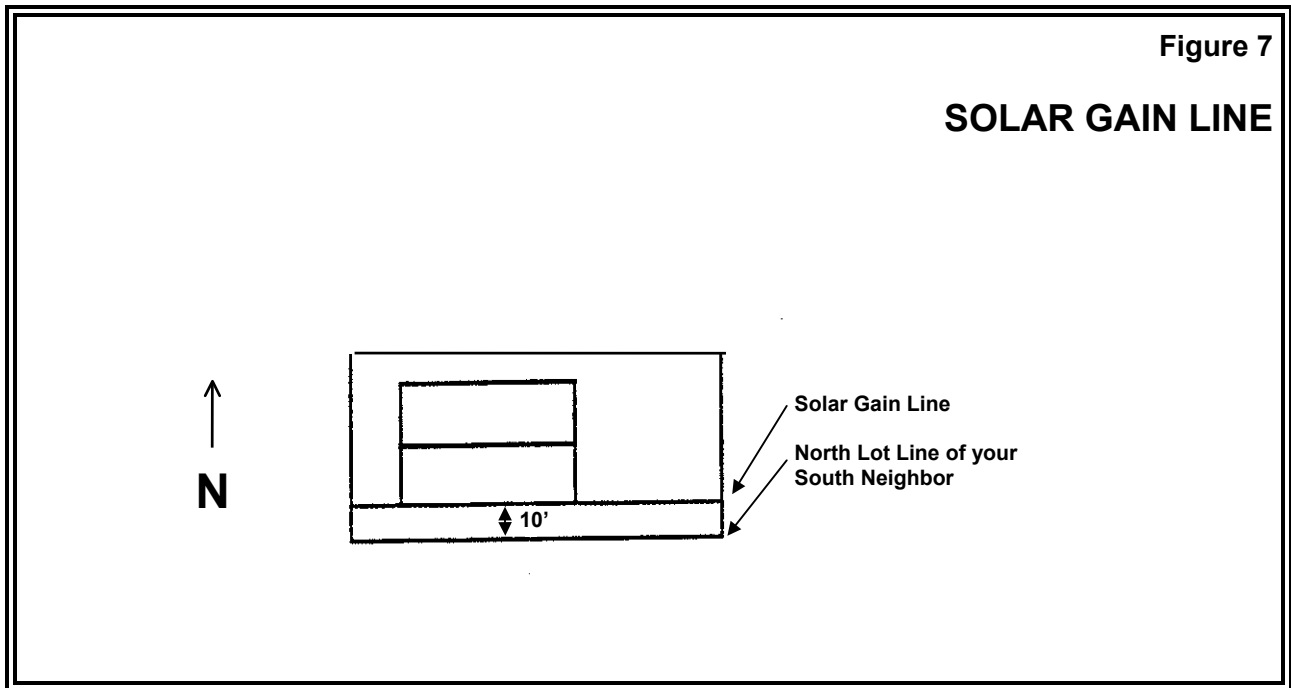
North-south lot dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
Allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

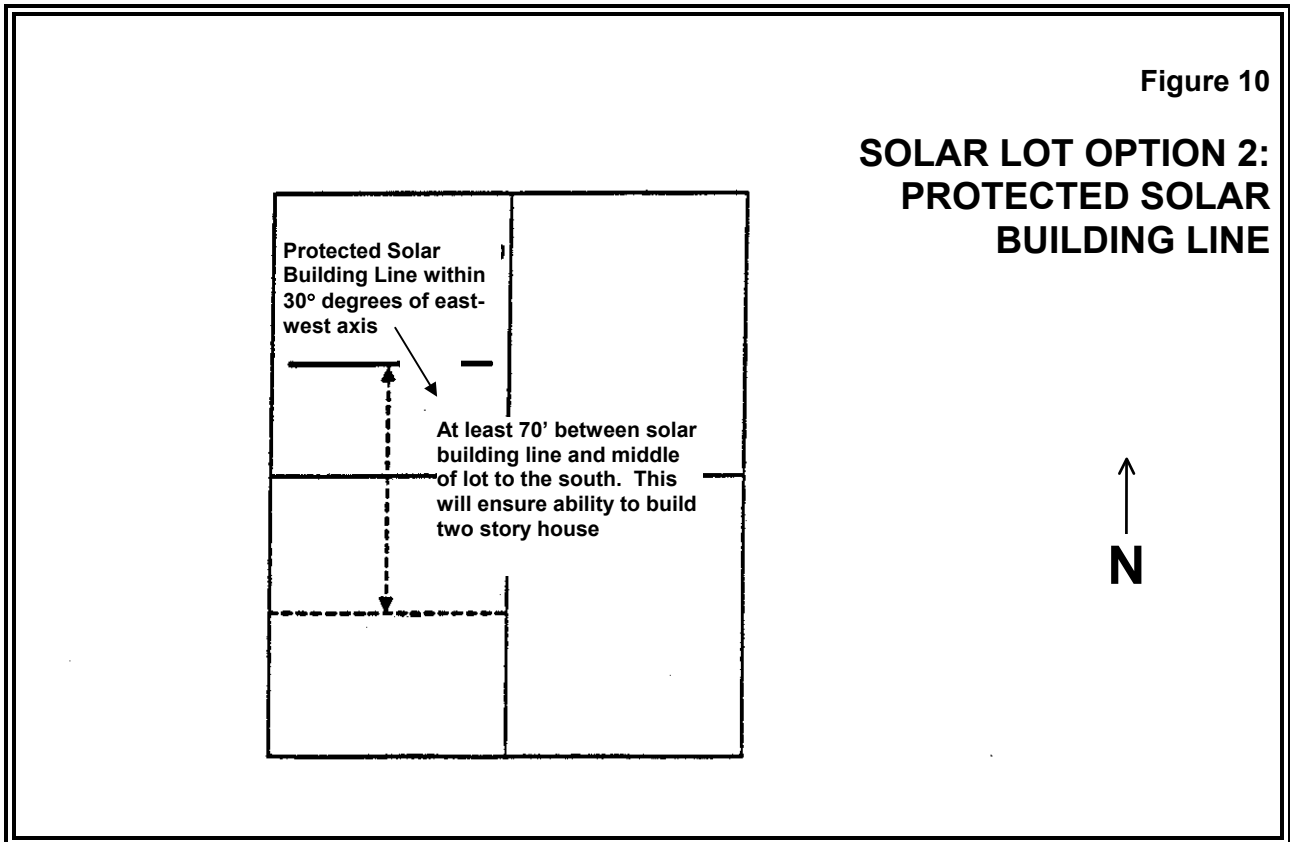
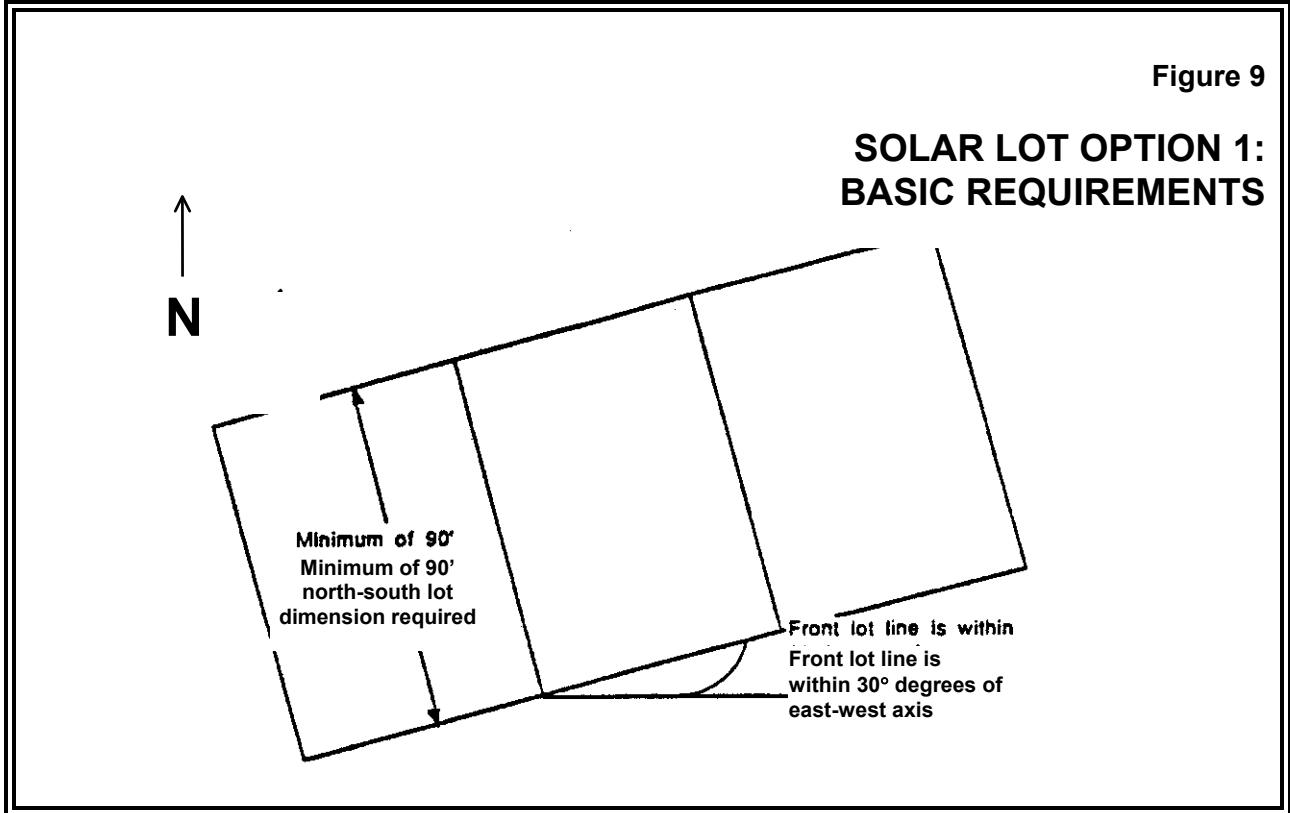
FIGURES:

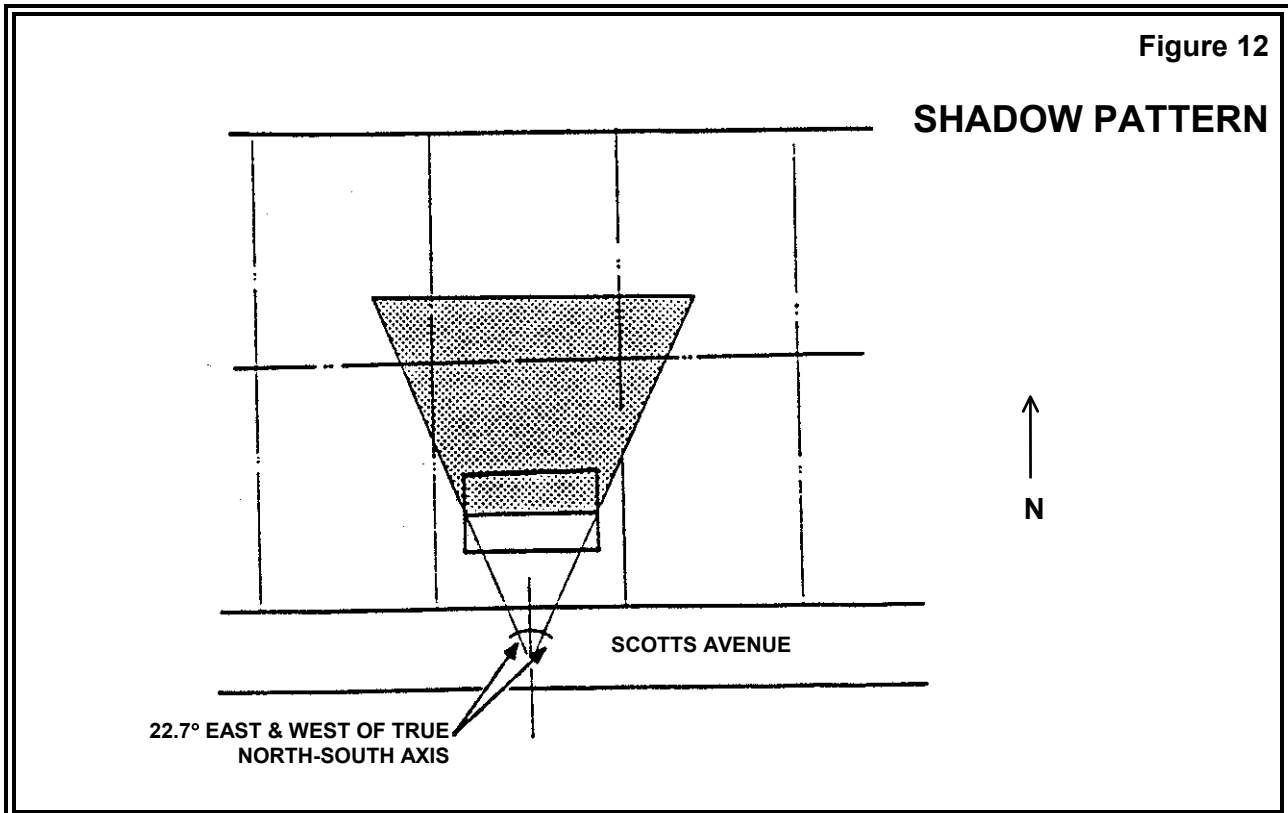
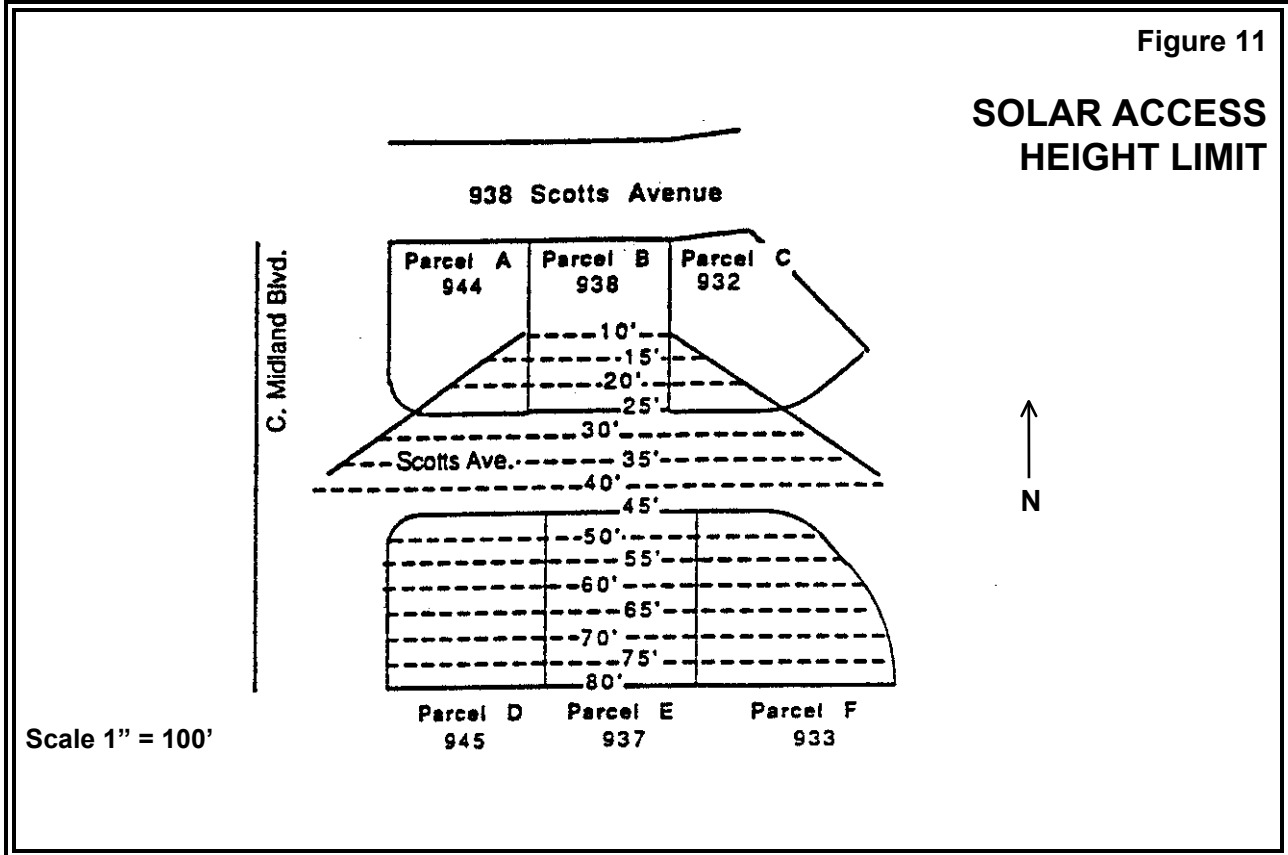












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428 FOREST STRUCTURE SITING AND FIRE SAFETY STANDARDS

428-1 Intent and Purpose

The following siting standards apply to all new dwellings and structures in the EFC District. The purpose of the following standards is to ensure that structures are sited in a manner compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands.

428-2 Applicability

The forest structure siting and the fire safety standards of this section apply to all new dwellings and structures, including but not limited to replacement dwellings and accessory structures (including residential, agricultural, and forestry accessory structures). The standards of this section are not applicable to the restoration of existing dwellings or structures or to building additions. New dwellings and structures which do not meet the Type I standards in Section 428-3 shall be reviewed through a Type II procedure and shall comply with the applicable standards in Section 428-4. A variance or hardship relief request to reduce the dimensional standards of Section 428-3 shall not be permitted.

428-3 Standards for Dwellings and Structures, Including Replacement Dwellings, Reviewed Through a Type I Procedure

Dwellings and structures, including replacement dwellings and accessory structures, that are reviewed through a Type I procedure shall comply with the following standards:

428-3.1 Forest Structure Siting Standards For Dwellings and Structures

A. Dwellings, including replacement dwellings not permitted by Sections 428-3.1 B. or 428-3.1 C., shall comply with the following standards:

- (1) The subject site shall have frontage on a public road and access to the dwelling shall be obtained directly from this public road.
- (2) Part or all of the dwelling shall be located within three-hundred (300) feet of the public road from which access is taken.
- (3) When there are no dwellings within five-hundred (500) feet of a side, street side or rear property line of the site, the entire dwelling shall be located two-hundred (200) feet or more from the property line. The dwelling shall be located near the property line that is closest to fire protection services. See Figure 1.
- (4) When there is an existing dwelling located within five-hundred (500) feet of a side, street side or rear property line of the site, part or all of the dwelling shall be located within five-hundred (500) feet of the existing dwelling. The dwelling may be located as close to the affected property line as permitted by the setback requirements of the EFC District and the fire break requirements of Section 428-3.4 D. However, in no case shall the dwelling

be located more than three-hundred (300) feet from the public road providing access to the dwelling. See Figure 2.

- (5) The dwelling shall be located at least one-hundred and twenty-five (125) feet from a riparian corridor as defined in Sections 422-3.3 and 106-185.
- B. A replacement dwelling, that will be sited at the same location as the existing dwelling, shall comply with the following standards:
- (1) Access may continue to be provided from a private road when the existing access is from a private road.
 - (2) The dwelling shall meet the primary and secondary fire break area requirements of Section 428-3.4 D. to the extent the existing building setbacks permit.
- C. A replacement dwelling that will not be sited at the same location as the existing dwelling, but part or all of the replacement dwelling will be sited within two-hundred (200) feet of the location of the existing dwelling, shall meet the following standards:
- (1) Access may continue to be provided from a private road when the existing access is from a private road.
 - (2) Part or all of the replacement dwelling shall be located within three-hundred (300) feet of the public or private access road to the extent the setbacks of the existing dwelling permit. If the existing dwelling is located more than three-hundred (300) feet from the road, the replacement dwelling shall not be located a greater distance from the access road than the existing dwelling. See Figure 3.
 - (3) When there are no dwellings within five-hundred (500) feet of a side, street side or rear property line of the site, the entire replacement dwelling shall be located two-hundred (200) feet or more from the property line to the extent permitted by the location of the existing dwelling.
 - (4) When there is an existing dwelling located within five-hundred (500) feet of a side, street side or rear property line of the site, part or all of the replacement dwelling shall be located within five-hundred (500) feet of the existing nearby dwelling to the extent permitted by the location of the existing nearby dwelling. The replacement dwelling may be located as close to the affected property line as permitted by the setback requirements of the EFC District, the fire break requirements of Section 428-3.4 D., and the setback requirement of (2) above. See Figure 3.
 - (5) The dwelling shall be located at least one-hundred and twenty-five (125) feet from a riparian zone as defined in Sections 422-3.3 and 106-185.
- D. Non-dwelling structures, including accessory structures shall:
- (1) Be located so that part or all of the structure is within two-hundred (200) feet of the dwelling, and part or all of the structure is within five-hundred

(500) feet of the public or private road which provides access to the dwelling to the extent permitted by the location of the existing dwelling (see Figure 4); or

- (2) Meet the siting standards for new dwellings in Section 428-3.1 A. (1, 2, 3, and 4).

Structures that do not meet the standards in (1) or (2) above shall be reviewed through a Type II procedure and shall comply with the applicable standards of Section 428-4.

428-3.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

- A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (OAR 690, Division 11) and not from a Class II stream as defined in the Forest Practices Rule [OAR 629-24-101(3)].
- B. For the purposes of Section 428-3.2, evidence of a domestic water supply means:
 - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (2) A water use permit issued by the Oregon Department of Water Resources for the use described in the application; or
 - (3) Verification from the Oregon Department of Water Resources that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

428-3.3 Stocking Requirements For Dwellings

All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules. For replacement dwellings, the portion(s) of the tract that is in farm use shall not be required to meet the stocking requirements.

The applicant shall submit a letter from a professional forestry consultant describing whether or not the stocking requirements have been met, and if necessary, what is required to meet the stocking requirements. When there are

no trees on a tract or portion of a tract due to farming or logging activities or open space areas, the applicant may submit other evidence (as approved by the Director) to demonstrate the number of trees that must be planted in that area to meet the stocking requirements. Acceptable alternative evidence may include a letter from the Oregon Department of Forestry specifying the minimum number of trees per acre that are needed to comply with the stocking requirements. If trees must be planted, they shall be planted prior to the issuance of a building permit for the dwelling. Prior to the issuance of the building permit, the applicant shall submit a letter from a professional forestry consultant verifying that sufficient trees have been planted.

- B. The Director shall notify the county assessor of the above condition at the time the dwelling is approved.
- C. The property owner shall submit a stocking survey report to the county assessor and the assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met. The minimum stocking requirement cannot be waived by the Department of Forestry.
- D. Upon notification by the assessor, the Oregon Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

428-3.4 Fire Siting Standards for Dwellings and Structures

The following fire siting standards shall apply to dwellings and structures, including replacement dwellings and accessory structures:

- A. Residential Fire Protection Requirements For Dwellings, Including Replacement Dwellings

Dwellings, including replacement dwellings, shall be located upon a parcel within a fire protection district (does not include the Oregon Department of Forestry) or be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the application shall be reviewed via a Type II procedure for forest structure siting and fire safety standards.

- B. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least four-thousand (4,000) gallons or a stream that has a minimum flow of at least one (1) cubic foot per second. The applicant shall provide verification from the Oregon Department of Water Resources that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.

C. Road access to a water supply shall be provided to within fifteen (15) feet of the water's edge for fire-fighting equipment, including pumping units. The road (driveway) access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

D. Fire Break Area Requirements

The owner(s) of dwellings and structures, including replacement dwellings and accessory structures, shall:

- (1) Maintain a minimum thirty (30) foot primary fuel-free fire break area around the dwelling or structure. As slopes increase, the distance of the primary fire break area shall be increased around the dwelling or structure in accordance with the dimensional requirements in Table A;
- (2) Maintain a minimum one-hundred (100) foot secondary fuel-free fire break area around the dwelling or structure; and
- (3) Any required fire break shall be on land that is owned or controlled by the owner of the subject property.

A replacement dwelling permitted by Section 428-3.1 B. shall meet the fire break area requirements in (1) and (2) above to the extent the existing building setbacks permit.

Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

E. Dwellings and structures shall not be sited on a slope greater than forty (40) percent.

F. Dwellings and structures shall have a fire retardant roof.

G. If the dwelling or structure has a chimney or chimneys, each chimney shall have a spark arrester.

428-3.5 Fire Safety Design Standards for Roads and Driveways

A. All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most

likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.

- B. Prior to the issuance of a building permit or a Development Compliance Permit for a dwelling or structure, including replacement dwellings and accessory structures, an applicant shall provide written confirmation from the appropriate fire protection agency that preliminary construction of the road or driveway is adequate to provide access for fire fighting equipment; and
- C. Prior to final building inspection approval or occupancy/use of a dwelling or structure, whichever occurs first, an applicant shall provide written confirmation from the appropriate fire protection agency that final construction of the road or driveway complies with its standards.
- D. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

428-4 Standards for Dwellings and Structures Reviewed Through a Type II Procedure

Dwellings and structures, including replacement dwellings and accessory structures, that do not comply with the standards in Section 428-3 shall be reviewed through a Type II procedure and shall comply with the following standards:

428-4.1 Forest Structure Siting Standards

- A. Dwellings and structures shall be sited on the parcel so that:
 - (1) They have the least impact on nearby or adjoining forest or agricultural lands;
 - (2) The siting ensures that forest operations and accepted farming practices will not be curtailed or impeded;
 - (3) The siting ensures that adverse impact on forest operations and accepted farming practices on the tract will be minimized;
 - (4) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - (5) The risks associated with wildfire are minimized.
- B. Siting considerations satisfying Section 428-4.1 may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

428-4.2 Domestic Water Supply Standards For Dwellings

All dwellings, including replacement dwellings, shall comply with the following standards for domestic water supply:

- A. The applicant shall provide evidence to the Review Authority that the domestic water supply is from a source authorized in accordance with the Oregon Department of Water Resources' Administrative Rules for the appropriation of groundwater or surface water (OAR 690, Division 11) and not from a Class II stream as defined in the Forest Practices Rule [OAR 629-24-101(3)].
- B. For the purposes of Section 428-4.2, evidence of a domestic water supply means:
 - (1) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
 - (2) A water use permit issued by the Oregon Department of Water Resources for the use described in the application; or
 - (3) Verification from the Oregon Department of Water Resources that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

428-4.3 Stocking Requirements For Dwellings

All dwellings, including replacement dwellings, shall comply with the following stocking standards:

- A. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract (except for required firebreaks) to demonstrate that the tract is reasonably expected to meet the Oregon Department of Forestry stocking requirements at the time specified in the Oregon Department of Forestry administrative rules. For replacement dwellings, the portion(s) of the tract that is in farm use shall not be required to meet the stocking requirements.

The applicant shall submit a letter from a professional forestry consultant describing whether or not the stocking requirements have been met, and if necessary, what is required to meet the stocking requirements. If it is necessary to plant trees, they shall be planted prior to the issuance of the building permit for the dwelling. Prior to the issuance of the building permit, the applicant shall submit a letter from a professional forestry consultant verifying that sufficient trees have been planted. For replacement dwellings, the portion(s) of the tract that is in farm use shall not be required to meet the stocking requirements.

- B. The Director shall notify the county assessor of the above condition at the time the dwelling is approved.
- C. The property owner shall submit a stocking survey report to the county assessor and the assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met. The minimum stocking requirement cannot be waived by the Department of Forestry.

- D. Upon notification by the assessor, the Oregon Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

428-4.4 Fire Siting Standards for Dwellings and Structures

The following fire siting standards shall apply to all new dwellings and structures, including replacement dwellings and accessory structures:

A. Residential Fire Protection Requirements for Dwellings

Dwellings, including replacement dwellings, shall be located upon a parcel within a fire protection district or be provided with residential fire protection by contract from a public fire protection district. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district. If the Review Authority determines that inclusion within a fire protection district or contracting for fire protection is impracticable, the Review Authority may provide an alternate means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage or other methods that are reasonable, given the site conditions. The applicant shall submit a letter from a professional forestry consultant or from a professional fire protection consultant recommending what alternate means of fire protection should be utilized.

- B. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake or similar body of water that at all times contains at least four-thousand (4,000) gallons or a stream that has a minimum flow of at least one (1) cubic foot per second. The applicant shall provide verification from the Oregon Department of Water Resources that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use.

- C. Road access to a water supply shall be provided to within fifteen (15) feet of the water's edge for fire-fighting equipment, including pumping units. The road (driveway) access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

D. Fire Break Area Requirements

The owner(s) of dwellings and structures, including replacement dwellings and accessory structures, shall:

- (1) Maintain a primary fuel-free fire break area surrounding all structures in accordance with the provisions in Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads, dated March 1, 1991, and published by the Oregon Department of Forestry;

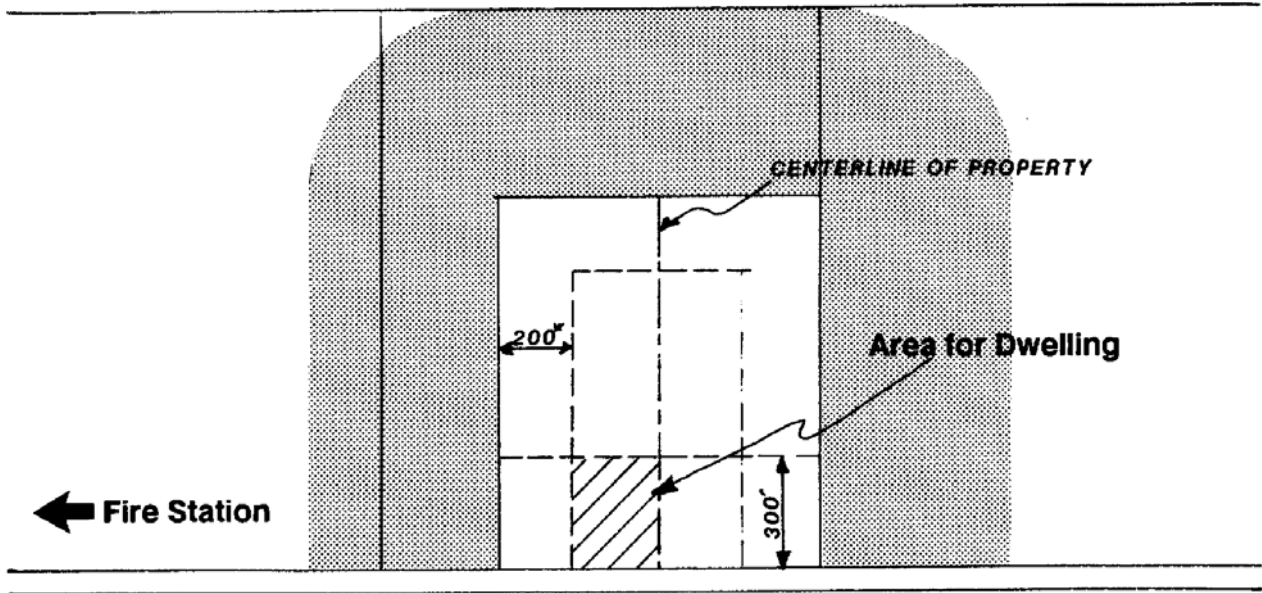
- (2) Clear and maintain a secondary fuel-free break area in accordance with the provisions in Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads, dated March 1, 1991, and published by the Oregon Department of Forestry;
 - (3) As an alternative to the fire break provisions recommended by the Oregon Department of Forestry, clear and maintain fire break areas that have received approval by the appropriate Fire Marshal or approval by his designee. This alternate option is only available if the provisions recommended by ODF are not possible because of physical site constraints; and
 - (4) Any required fire break shall be on land that is owned or controlled by the owner of the subject property.
- E. Dwellings and structures shall not be sited on a slope greater than forty (40) percent and shall be set back at least thirty (30) feet from the top of slopes greater than forty (40) percent.
- F. Dwellings and structures shall have a fire retardant roof.
- G. If the dwelling or structure has a chimney or chimneys, each chimney shall have a spark arrester.

428-4.5 Fire Safety Design Standards for Roads and Driveways

- A. All public and private roads and driveways, except for private roads and bridges accessing only commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment. Private roads and driveways shall be approved, developed and maintained in accordance with the requirements of the appropriate fire protection agency (does not include the Oregon Department of Forestry) for the geographical location. Where no fire protection agency has jurisdiction, access roadways shall meet the requirements of the nearest or most likely fire protection jurisdiction to annex the property under consideration. Public roads shall be constructed in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- B. Prior to the issuance of a building permit or a Development Compliance Permit for a dwelling or structure, including replacement dwellings and accessory structures, an applicant shall provide written confirmation from the appropriate fire protection agency that preliminary construction of the road or driveway is adequate to provide access for fire fighting equipment; and
- C. Prior to final building inspection approval or occupancy/use of a dwelling or structure, whichever occurs first, an applicant shall provide written confirmation from the appropriate fire protection agency that final construction of the road or driveway complies with its standards.
- D. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall

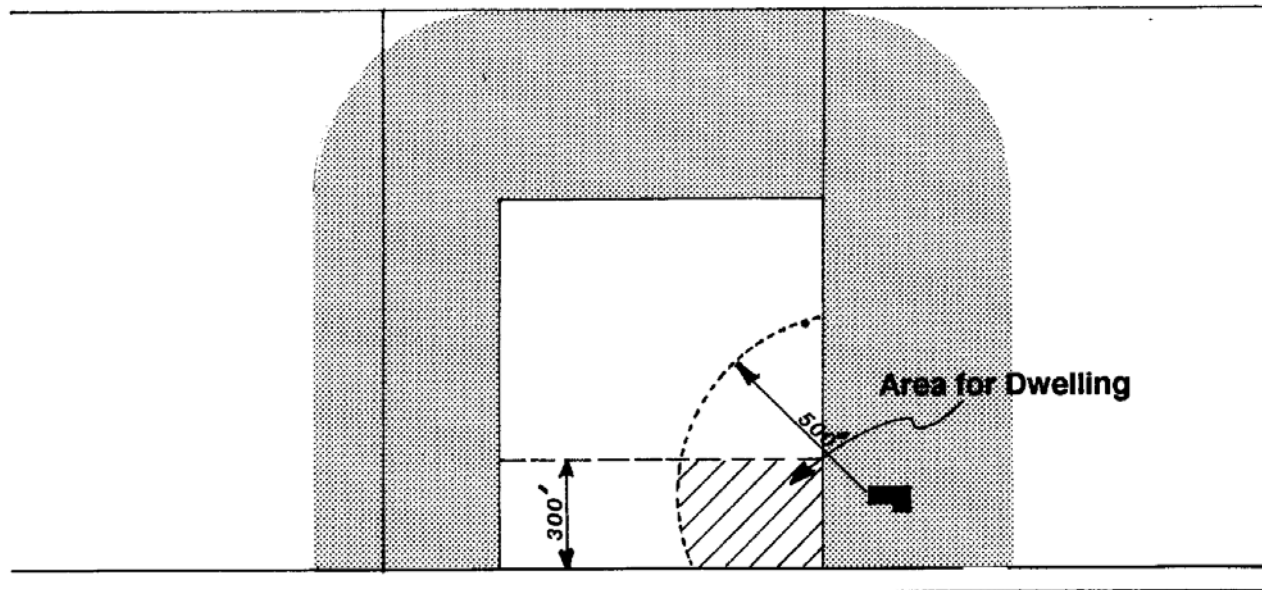
provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

FIGURE 1. No Dwelling within 500 feet of Site



 Area within 500 feet of Site

FIGURE 2. Dwelling(s) within 500 feet of Site



 Area within 500 feet of Site

FIGURE 3. Replacement Dwelling within 200 feet of Existing Dwelling Location and an Existing Dwelling within 500 feet of a side, street side or rear property line of the site.

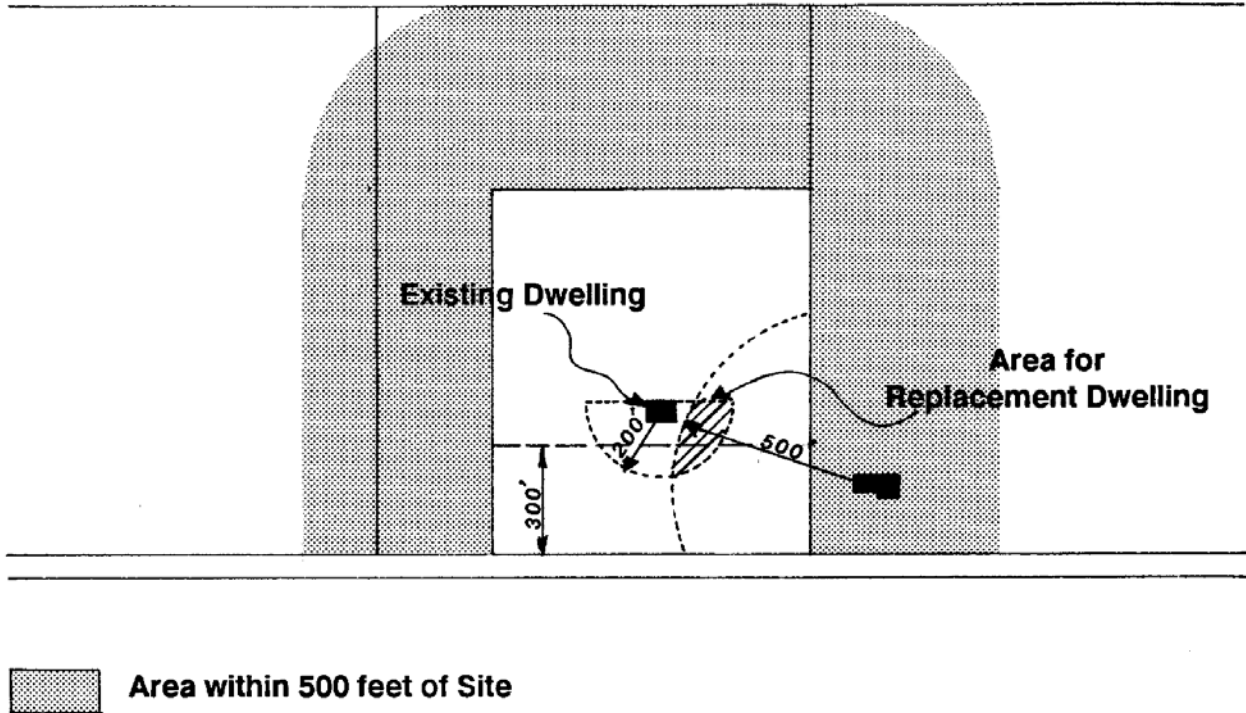
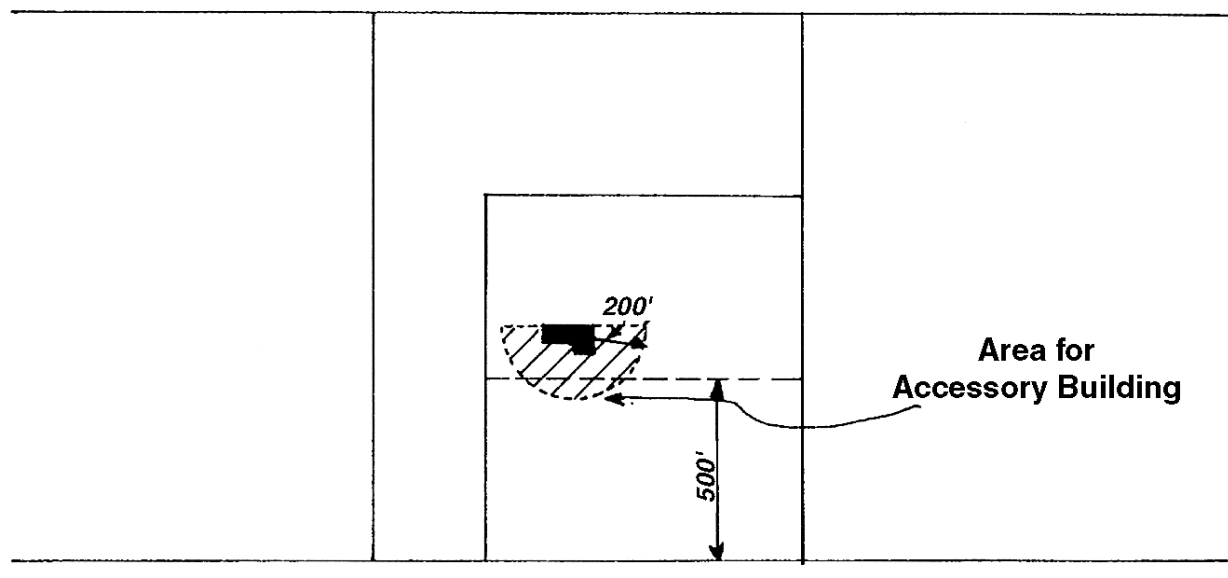


FIGURE 4. Location of Accessory Structure



429 BICYCLE PARKING

429-1 Intent and Purpose

The intent of this Section is to identify those bicycle parking requirements that are necessary to ensure that safe and convenient bicycle parking is available at all new urban development inside the UGB as identified in Subsection 429-2.

429-2 Applicability

The following bicycle parking standards shall apply in all urban districts for the following uses:

- A. Multi-family development of four units or more;
- B. Retail development;
- C. Office development;
- D. Institutional development;
- E. Industrial development;
- F. Transit centers; and
- G. Park and ride lots.

429-3 General Bicycle Parking Criteria

- 429-3.1 Bicycle parking requirements shall be provided in amounts specified for the particular use;
- 429-3.2 Requirements for a use not mentioned shall be the same as the most similar mentioned use, as determined by the Review Authority;
- 429-3.3 Required bicycle parking spaces shall be available for use by residents, guests, customers, patrons and employees only and shall not be rented, leased or assigned to any other person or organization. No parking of bicycles that are not associated with the legal use of the premises shall be permitted in the required parking areas. Bicycle parking spaces may only be rented or leased where required motor vehicle parking is rented or leased or at Transit Centers and Park and Ride lots.

429-4 General Requirements

- 429-4.1 Proper maintenance of bicycle parking facilities shall be a continuing obligation of the property owner.
- 429-4.2 In case of enlargement of a building or a change in the use of a building, the number of parking spaces required shall be based on floor area or capacity of the entire use of the building. If the building is part of a larger existing use with multiple buildings, only the subject building shall meet the parking requirements.

429-4.3 In the event several uses occupy a single structure or parcel of land, the total requirements for bicycle parking shall be the sum of the requirements of the several uses computed separately.

429-4.4 All applications for a development permit shall include a plot plan drawn to scale, showing the bicycle parking facilities to be provided. The required plot plan shall include but not be limited to:

- A. Location of short-term and long-term bicycle parking facilities;
- B. Bicycle parking access to the public right-of-way, existing and proposed bikeways, and well-used building entrances;
- C. Circulation area necessary to serve bicycle parking facilities;
- D. Bicycle parking facility design;
- E. Bicycle parking space dimensions;
- F. Bicycle parking signing; and
- G. Bicycle parking lighting;

429-5 Definitions

As used in this Section, the words listed below have the following meaning:

- A. Short-term bicycle parking Bicycle parking intended to accommodate visitors, customers, messengers, and other persons that can be expected to depart within two hours.
- B. Long-term bicycle parking Bicycle parking intended for employees, residents, commuters, and other persons that can be expected to leave their bicycle parked more than two hours.
- C. Gross floor area The total square footage of a building.
- D. Bikeway A bikeway is any road, path or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes. This includes a shared roadway, shoulder bikeway, bike lane, or bike path.
- E. Well used entrance For short-term bicycle parking, a well used entrance to a building is an entrance intended for use by members of the general public, such as customers, clients, and visitors. For long-term bicycle parking, an entrance is well used if it is located such that it is intended for use by those employees, commuters, or residents who intend to leave their bicycles parked more than two hours.

429-6 Number of Bicycle Parking Spaces Required

The minimum number of bicycle parking spaces required for long-term use is specified by land use category and shall be in accordance with Table A. The minimum number of bicycle parking spaces required for short-term use is specified by land use category and shall be in accordance with Table B.

TABLE A

	USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.1	Residential	
	A. Multi-family residential ¹ without private garages.	One (1) space for each dwelling unit
	B. Retirement Center Apartments	Two (2) spaces or one (1) space for each fifty (50) employees
429-6.2	Institutional	
	A. Churches, temples, or buildings of similar use with fixed seats	Two (2) spaces
	B. Golf Course	
	(1) Open to the public, except miniature "par-3" courses	Two (2) spaces
	(2) Private golf clubs, swimming pool clubs, tennis clubs or similar use	Two (2) spaces
	C. Homes for the aged and convalescent homes	Two (2) spaces or one (1) space for each fifty (50) employees
	D. Hospitals	Two (2) spaces, or one (1) space for each fifty (50) staff or visiting doctor and each employee, including nurses, on maximum working shift
	E. Libraries, museums, and post office buildings	Two (2) spaces
	F. Passenger Terminals (bus, air or rail)	Two (2) spaces or one (1) space for each one hundred (100) employees

¹ Long-term parking for residential shall be enclosed and lockable so as to provide security, weather protection, and convenience to bicyclists. This may be an enclosed facility for the whole complex, individual units, or any combination thereof.

USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
G. Public office building not specified elsewhere	Two (2) spaces, or one (1) space for each one hundred (100) employees
H. Schools	
(1) Pre-school child care (day nurseries)	Two (2) spaces
(2) Elementary	Four (4) spaces per classroom
(3) Junior high or middle school	Eight (8) spaces per classroom
(4) Senior high schools	Eight (8) spaces per classroom
(5) Colleges	Four (4) spaces per classroom
I. Stadium, sports arena or similar place of assembly	Two (2) spaces, or one (1) space for each fifty (50) employees on a maximum working shift
J. Theaters and auditoriums	Two (2) spaces
K. Transit Centers/P&R Lots (2) ²	Two (2) spaces or five (5) percent of auto spaces
429-6.3 Business and Commercial	
A. All business and commercial uses specified in Section 413-9.3 A. - F. and J. - N.	Two (2) spaces
B. Establishments for sale and consumption of beverages, food or refreshments on and off the premises	Two (2) spaces or one (1) space for each fifty (50) employees on maximum working shift
C. Furniture and appliances, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses	Two (2) spaces or one (1) space for each fifty (50) employees

² Long-term parking at Transit Centers and Park & Ride Lots shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or in an area where parking would be monitored by a concessionaire or parking lot attendant.

	USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
	D. Retail stores, except as otherwise specified herein	Two (2) spaces, or one (1) space for each fifty (50) employees on maximum working shift
429-6.4	Offices	Two (2) spaces or one (1) space for each fifty (50) employees
429-6.5	Industrial	
	A. Industrial Park	Two (2) spaces, or one (1) space for each one hundred (100) employees on maximum working shift
	B. Wholesale establishments	Two (2) spaces, or one (1) space for each fifty (50) employees in the largest working shift, or one (1) space for each eighty thousand (80,000) square feet of usable floor space
	C. Manufacturing	Two (2) spaces, or one (1) space for every fifty (50) employees on maximum working shift

TABLE B
MINIMUM REQUIRED SHORT-TERM BICYCLE PARKING SPACES

	USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.6	Residential	
	A. Multi-family residential of four (4) units or more	Two (2) spaces, or one (1) space for each forty (40) dwelling units
	B. All other residential	None
429-6.7	Institutional	
	A. Churches, temples, or buildings of similar use with fixed seats	Two (2) spaces or one (1) space for each two hundred (200) seats
	B. Golf course	
	(1) Private golf clubs, swimming pool clubs, tennis clubs or similar use	Bicycle parking will be based on a parking study submitted at the time of application for the use. Bicycle parking shall be reviewed through the same procedure as required for the use.
	C. Homes for the aged and convalescent homes	Two (2) spaces or one (1) space for each two hundred (200) beds
	D. Hospitals	Two (2) spaces, or one (1) space for each one hundred (100) patient beds
	E. Libraries	Two (2) spaces, or one (1) space for each one thousand (1,000) square feet of gross floor area
	F. Museums and Post Office	Two (2) spaces
	G. Lodge halls, meeting halls and community centers or buildings of similar use without fixed seats	Two (2) spaces, or one (1) space for each two hundred (200) persons allowed by the maximum seating capacity as established by fire, building, or health codes
	H. Public office building not specified elsewhere	Two (2) spaces, or one (1) space for each twenty thousand (20,000) square feet of gross floor area

USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
I. Schools	
(1) Pre-school child care (day nurseries)	Two (2) spaces
J. Stadium, sports arena or similar place of assembly	Two (2) spaces, or one (1) space for each one hundred (100) seats or three hundred (300) feet of benches
K. Theaters and auditoriums	Two (2) spaces or one (1) space for each two hundred (200) seats
L. Parks	Bicycle parking will be based on a parking study submitted at the time of application for the use. Parking shall be reviewed through the same procedure as required for the use.
429-6.8 Business and Commercial	
A. Assembly halls, without fixed seats for commercial recreation including pools, skating rinks, and exhibition halls or buildings for similar assembly uses	Two (2) spaces or one (1) space for each two thousand (2,000) gross floor area used for permitted use
B. Beauty parlor or barber shop	Two (2) spaces
C. Bowling alleys	Two (2) spaces or one (1) space for each twelve (12) bowling lanes
D. Establishments for sale and consumption of beverages, food, or refreshments on and off the premises	Two (2) spaces or one (1) space for each five thousand (5,000) square feet of gross floor space
E. Furniture and appliances, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses	Two (2) spaces, or one (1) space for each forty thousand (40,000) square feet of gross floor space
F. Miniature or "par 3" golf course	Two (2) spaces
G. Retail stores, except as otherwise specified herein	Two (2) spaces or one (1) space for each five thousand (5,000) square feet of gross floor space

	USE	MINIMUM NUMBER OF BICYCLE PARKING SPACES PER UNIT OF MEASURE (WHICHEVER IS GREATER)
429-6.9	Offices	
	A. Banks	Two (2) spaces
	B. Business offices or professional offices except as indicated pursuant to Section 429-6.9 C.	Two (2) spaces or one (1) space for each fifteen thousand (15,000) square feet of gross floor area
	C. Professional offices of doctors, dentists, or similar professions	Two (2) spaces, or one (1) space for each ten thousand (10,000) square feet of gross floor area
429-6.10	Industrial	None

429-7 Bicycle Parking Location

A. Short-term:

Short-term parking must be located on site and within fifty (50) feet of a well-used building entrance. In those instances where motor vehicle parking is adjacent to a use (such as a convenience market), short-term parking shall be located within thirty (30) feet from the entrance. Bicycle parking shall have direct access to public right-of-way, existing and proposed bikeways and the main entrance of the principal use. With the permission of the Director, short-term parking may be located in the public right-of-way. Where no short-term bicycle parking is required, long-term parking spaces shall be made available for short-term bicycle parking.

All other parking requirements identified in Subsections 429-7 C., 1-4 shall also be met for short-term parking.

B. Long-term:

Long-term parking shall be located in a secure well lighted area no farther from a well-used building entrance than the nearest long-term motor vehicle parking space [with the exception of disabled parking or clustered parking allowed consistent with 429-7 C. (1)]. Bicycle parking may also be provided inside a well-marked area within a building in a secure and accessible location. Outside bicycle parking facilities shall have direct access to public right-of-way and existing and proposed bikeways. All other parking requirements identified in Subsection 429-7 C. (1 - 4) shall also be met for long-term parking.

C. All Bicycle Parking:

- (1) On property with multiple uses, buildings, building entrances, or parking lots (such as in a commercial center or college) bicycle parking may be clustered in one or more locations. Short-term parking shall be located on site and within fifty (50) feet of a well-used building entrance for which the

parking is intended and must meet all other requirements for bicycle parking as found in Subsection 429-7 A. Long-term parking shall be located in a secure well lighted area and have direct access to public right-of-way and existing and proposed bikeways. Such parking shall be located in areas which offer security and convenience to bicyclists.

- (2) Bicycle parking facilities shall be separated from motor vehicle parking and maneuvering areas by a barrier or a minimum of five (5) feet. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.
- (3) Bicycle parking shall not obstruct pedestrian walkways.
- (4) If a portion of motor vehicle parking spaces are protected from precipitation, the same percentage of bicycle parking spaces must be covered by an awning, eave, overhang, or other means. If a parking structure is provided for motor vehicles, bicycle parking spaces must also be provided for within the parking structure.

429-8 Bicycle Parking Facility Design

- A. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked.
- B. Bicycle racks must hold bicycles securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle racks shall accommodate:
 - (1) Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock;
 - (2) Locking the frame and both wheels to the rack with a chain or cable not longer than six (6) feet without removal of the front wheel.
- C. Bicycle parking facilities at Transit Centers and Park & Ride Lots shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or in an area where parking would be monitored by a concessionaire or parking lot attendant.

All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure. Pavement surrounding outdoor parking facilities shall consist of a smooth, durable and well-drained surface.

429-9 Bicycle Parking Space Dimensions

Each required bicycle parking space shall be at least twenty-two (22) inches by six (6) feet and, when covered, provide a vertical clearance of seven (7) feet. An aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. This aisle shall be at least five (5) feet wide. Bicycle racks shall also be located so that at least two (2) feet shall be provided and maintained in front of and behind each row of bicycle parking spaces so as not to impede the use of the rack (see figure 1).

429-10 Bicycle Parking Signing

Where bicycle parking facilities are not directly visible and obvious from the public right(s)-of-way, entry and directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility. Bicycle parking signing shall be in accordance with Subsection 414.

429-11 Bicycle Parking Lighting

Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. If lighting for other purposes satisfies the bicycle parking lighting requirements, separate lighting is not required. Bicycle parking lighting shall be in accordance with Section 415.

429-12 Exemptions from the Minimum Bicycle Parking Requirements Standards

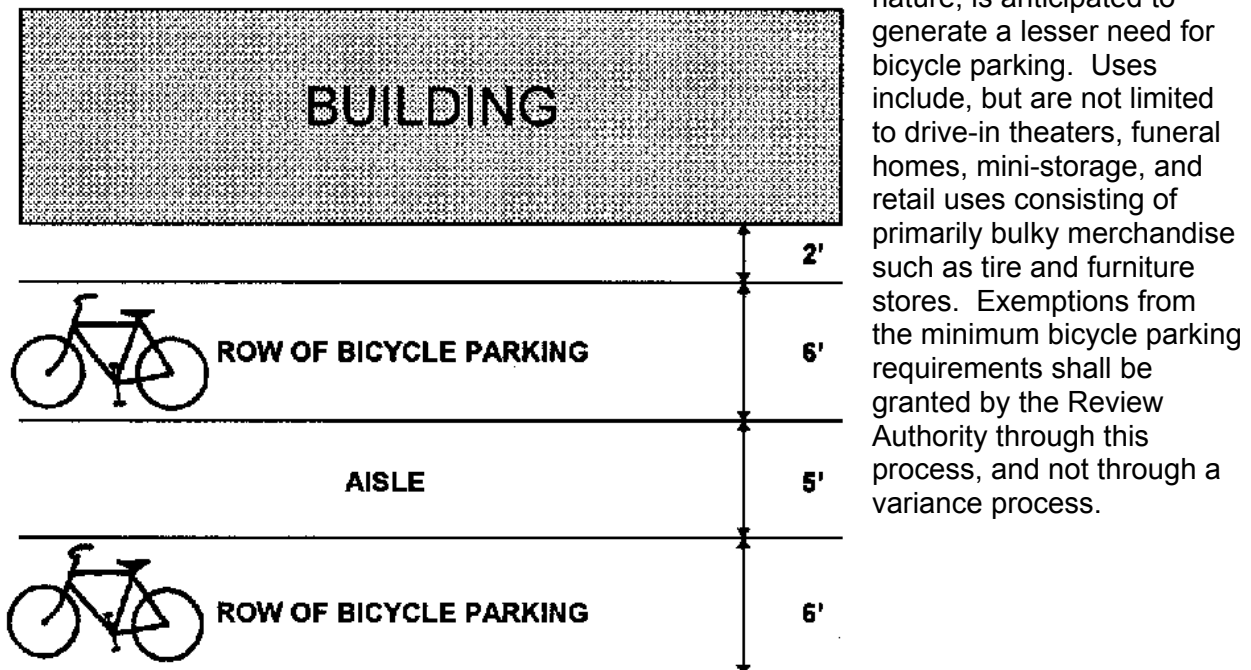
A development is exempt from Subsection 429-6 if the Review Authority finds the applicant has shown that one of the following criteria is applicable to the site.

A. Temporary Uses:

The Review Authority may allow exemptions to required bicycle parking in connection with temporary uses. Uses include but are not limited to firework stands, temporary Park & Rides, and Christmas tree sales.

B. Lesser Demand for Bicycle Parking:

The Review Authority may reduce the number of required bicycle spaces on a case-by-case basis if the applicant can demonstrate that the proposed use, by its nature, is anticipated to generate a lesser need for bicycle parking. Uses include, but are not limited to drive-in theaters, funeral homes, mini-storage, and retail uses consisting of primarily bulky merchandise such as tire and furniture stores. Exemptions from the minimum bicycle parking requirements shall be granted by the Review Authority through this process, and not through a variance process.



Not drawn to scale

430 SPECIAL USE STANDARDS

In addition to the requirements of Sections 400 through 425, the following special use standards are provided for specific uses.

430-1 Accessory Uses and Structures

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

430-1.1 Residential:

A. Residential accessory uses and structures include, but are not limited to, the following:

- (1) Treehouses, playhouses and storage sheds greater than one hundred twenty (120) square feet in area;
- (2) Swimming pools, hot tubs and spas with permanent plumbing or electrical connections;
- (3) Detached garages, carports and workshops;
- (4) Greenhouses;
- (5) Pumphouses;
- (6) Gazebos;
- (7) Fenced runs for dogs and other animals;
- (8) Boat houses and docks; and
- (9) Tennis and other game courts.

B. Development Standards:

No accessory use or structure shall be established prior to the primary use. Detached accessory buildings shall comply with the following, except as modified by other Sections of the Code:

- (1) Shall not occupy more than twenty-five (25) percent of a required rear yard;
- (2) Within an urban growth boundary accessory buildings are subject to the following limitations on total square footage:
 - (a) For lots up to 12,000 square feet - maximum of 600 square feet.

- (b) For lots larger than 12,000 square feet but less than 24,000 square feet - five (5) percent of total lot area.
- (c) For lots larger than 24,000 square feet - a maximum of 1,200 square feet.
- (3) Buildings less than one-hundred twenty (120) square feet that are located six (6) feet or more from the primary building may be located within three (3) feet of a side or rear property line (except a street side yard) except as required by (5) below;
- (4) Buildings greater than or equal to one-hundred twenty (120) square feet shall meet the setback requirements of the underlying land use district except as required by (5) below;
- (5) Buildings or other structures for livestock, or buildings or other structures for poultry that are fifty-one (51) square feet or larger, shall be located in a side or rear yard at least thirty (30) feet from any property line and at least one-hundred feet from any existing residence, except the owner's dwelling;
- (6) Fenced runs for livestock shall be at least one-hundred (100) feet from any existing residence, except the owner's residence;
- (7) Shall not exceed the maximum height allowed by the underlying land use district;
- (8) An accessory structure is considered "detached" if the distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or, if closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway. A variance or hardship relief change to this dimension is prohibited.

430-1.2 Commercial and Institutional:

Commercial accessory uses and structures include, but are not limited to, the following:

- (1) Arbors and trellises
- (2) Loading docks, decks, elevated platforms
- (3) Storage buildings that are clearly subordinate to the primary use
- (4) Trash enclosures
- (5) An accessory structure is considered "detached" if the distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or, if closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway.

430-1.3 Industrial:

Industrial accessory uses and structures include, but are not limited to, the following:

- (1) Cooling towers, transformers, storage tanks, utility enclosures
- (2) Loading docks, decks, elevated platforms
- (3) Storage buildings that are clearly subordinate to the primary use
- (4) Trash enclosures
- (5) An accessory structure is considered "detached" if the distance between the closest walls of the primary building and the accessory building(s) is greater than ten (10) feet; or, if closer than ten (10) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway.

430-1.4 Receive-only Satellite Dishes:

Receive-only satellite dishes that exceed ten (10) feet in diameter, or the center of which is mounted more than six (6) feet above grade, are allowed subject to the following standards:

- A. The center of the dish shall not exceed the maximum building height allowed by the underlying land use district.
- B. Within an urban growth boundary, the dish and supporting structure shall be located in a side or rear yard (except a street side yard) and no closer than three (3) feet to any property line.
- C. Outside an urban growth boundary, the dish and supporting structure shall be located outside of the required front yard and street side yard and no closer than three (3) feet to a side or rear property line.
- D. Satellite dishes mounted on poles or towers greater than six (6) feet in height shall be set back from all property lines a distance equal to sixty (60) percent of the total height of the pole/tower and attached dish.
- E. Dishes may be mounted on the roof of a building only in the NC, OC, CBD, GC, IND, INS, R-COM, R-IND and MAE land use districts.
- F. Guy wires and anchors shall be located outside of required front and street side yards.
- G. No part of a satellite dish and supporting structure shall extend over any adjacent properties not owned or leased by the dish owner unless suitable easements have been obtained from the owner(s) of adjacent property.
- H. All necessary permits shall be obtained prior to construction and installation of the dish and supporting structure. The Building Official may require the

submission of documentation to verify compliance with all applicable building codes and requirements.

430-1.5 Agricultural and Forestry:

Agriculture and forestry accessory buildings and structures are located on a farm or tract used for the propagation or harvesting of a forest product and used in the operation of said farm or forest operation for such things as housing of farm animals, forest products or supplies, and storage, maintenance or repair of farm or forest machinery or equipment. Barns, sheds, commercial greenhouses and other farm or forest related accessory structures provided in conjunction with farm or forest uses are allowed, provided:

- A. The building or structure meets the setback requirements of the district in which it is located. There is no maximum floor area limitation.
- B. Within an urban growth boundary, buildings or structures for animal, livestock or poultry use shall be located in a side or rear yard at least thirty (30) feet from any property line and one-hundred (100) feet from any existing residence, except the owner's dwelling.
- C. Outside an urban growth boundary, buildings or structures for animal, livestock or poultry use shall be located at least thirty (30) feet from any property line and one-hundred (100) feet from any existing residence, except the owner's dwelling.

430-1.6 Heat Pumps and Air Conditioners:

Heat pumps and air conditioners shall not be located within a required interior side yard.

430-3 Adult Book Stores

430-3.1 Definitions - See Section 106.

430-3.2 Locational Standards:

- A. No adult bookstore shall be permitted to locate in any Residential, Neighborhood Commercial, Office Commercial, Industrial or Institutional district;
- B. No adult bookstore shall be permitted to locate within two-hundred and fifty (250) feet of any:
 - (1) Residential district;
 - (2) Public or private nursery, preschool, elementary, junior, middle or high school;
 - (3) Day-care center, nursery school, convalescent home, home for the aged, resident care facility or hospital;
 - (4) Public park; or
 - (5) Religious institution.

- C. Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the use, to the closest portion of the residential district or property line upon which a use specified in Section 430-3.2 B., above is located.

430-3.3 Conditions of Approval:

Adult Bookstores shall be subject to the following conditions:

- A. Compliance with sign standards;
- B. The interior shall be adequately lighted and designed so that every portion is readily visible to the clerk or other supervisory personnel from the counter or other regular station;
- C. All windows less than seven (7) feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use. Doors and windows shall at all times be closed except for normal ingress and egress;
- D. No amplified or mechanically reproduced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated; and
- E. Compliance with all applicable State laws.

430-7 Airports, Personal Use

Personal use airport or heliport facilities, including associated hangers, maintenance and service facilities, may be permitted as a special use in certain districts outside of the airport overlay districts, subject to the following standards.

Facilities in areas that are specifically designated for airport use (i.e., within Public Use Airport Overlay District or Private Use Airport Overlay District) shall be subject to the regulations outlined under those Sections.

Personal use airports and heliports, in addition to appropriate approval of the Federal Aviation Administration (FAA), Oregon Department of Aviation (DOA) and the Department of Environmental Quality (DEQ), shall be subject to applicable standards of the Community Development Code.

- 430-7.1 The use shall be restricted, except for aircraft emergencies, to the owner, and on an infrequent and occasional basis, to his/her invited guests; commercial aviation activities shall be restricted to those in connection with agricultural operations outside the UGB;
- 430-7.2 Aircraft based on the site shall be limited to those owned or controlled by the owner of the airstrip;
- 430-7.3 Exceptions to the activities permitted under Section 430-7 may be permitted through wavier action by the Department of Aviation in specific instances;

- 430-7.4 A personal use airport lawfully existing as of September 13, 1975 shall be recognized and allowed to continue subject to any applicable regulations of the Department of Aviation, or any conditions stipulated by the County during the airport's review as a special or conditional use;
- 430-7.5 To avoid noise sensitive areas, limitations may be placed on personal use facilities to reduce negative impacts with regard to such things as frequency of activity, type of operation and aircraft, hours of operation and traffic patterns.

430-8 Alteration, Restoration or Replacement of a Lawfully Established Dwelling, Including Manufactured Dwellings, in the EFU, EFC, AF-20, AF-10, AF-5 and RR-5 Districts through a Type I or II procedure

- 430-8.1 Alteration, restoration or replacement of a dwelling, through a Type I procedure, when the following standards are met:
- A. The applicant shall demonstrate the dwelling was lawfully established on or after April 6, 1959 by submitting the following information:
- (1) A development application approval for the dwelling issued on or after April 6, 1959;
 - (2) A building permit for the dwelling issued on or after April 6, 1959; or
 - (3) A certificate of zoning compliance for the dwelling issued on or after April 6, 1959; or
- B. The applicant demonstrates the dwelling was lawfully established by providing documentation from the Department of Assessment and Taxation that the dwelling was established prior to April 6, 1959;
- C. The existing dwelling shall have:
- (1) Intact exterior walls and roof structure;
 - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (3) Interior wiring for interior lights; and
 - (4) A heating system.
- Acceptable documentation for items (1) through (4), above, may include photographic evidence that the given feature or features are present and in working order. In addition, for compliance purposes, the applicant shall submit a photograph that depicts the overall dwelling structure as it appears from the public right-of-way or access drive.
- D. In the case of replacement, the existing dwelling structure is removed, demolished, or converted to an accessory structure as specified in F. below, within ninety (90) days of completion of the replacement dwelling.

- E. In the EFC District, the replacement dwelling meets the standards in Section 428-3 (forest structure siting and fire safety standards for dwellings reviewed through a Type I procedure).
- F. To convert to an accessory structure, and render a dwelling uninhabitable, the applicant must complete all of the following, as verified by a site inspection:
 - (1) In the kitchen:
 - a) Remove all appliances including the stove, oven, refrigerator, dishwasher, and trash compactor;
 - b) Remove the sinks, countertops and cabinets;
 - c) Remove or terminate all 220-volt electrical circuits to kitchen appliances in a manner conforming to the One & Two Family Dwelling Electrical Code;
 - d) Remove fuel supply lines (if any) to kitchen appliances and cap service lines at the supply source in the wall in conformance with the One & Two Family Dwelling Mechanical Code.
 - (2) In all bathrooms:

Remove the toilets, sinks, and tub/shower facilities;
 - (3) Terminate the water supply into the converted structure and cap off all plumbing fixtures (including those in the kitchen) in a manner conforming to the Oregon Specialty Code;
 - (4) The property owner shall record a restrictive covenant in the Department of Records stating the converted dwelling structure is not eligible to be, nor will be used as a dwelling.

Final building inspection approval of the replacement dwelling shall not be granted until the conversion of the existing dwelling structure is complete.

430-8.2 Alteration, restoration or replacement of a lawfully established dwelling that is not permitted by Section 430-8.1, through a Type II procedure, when the following standards are met:

- A. The applicant shall submit evidence which demonstrates the dwelling was lawfully established;
- B. The existing dwelling shall have:
 - (1) Intact exterior walls and roof structure;
 - (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

- (3) Interior wiring for interior lights; and
- (4) A heating system.

Acceptable documentation for items (1) through (4), above, may include photographic evidence that the given feature or features are present and in working order. In addition, for compliance purposes, the applicant shall submit a photograph that depicts the overall dwelling structure as it appears from the public right-of-way or access drive.

C. In the case of replacement, the existing dwelling structure shall be:

- (1) Removed or destroyed within ninety (90) days of completion of the replacement dwelling; or
- (2) Converted to an accessory structure that is permitted by the primary district when the following standards are met:
 - (a) The accessory structure shall be reviewed in conjunction with the application for replacement of the dwelling and shall be by a Type II procedure if the accessory structure is permitted by a Type III procedure. Replacement of the dwelling shall not be allowed if the accessory structure is not approved. If the existing dwelling structure is not converted to the accessory structure within ninety (90) days of completion of the replacement dwelling the original dwelling structure shall be demolished or removed;
 - (b) The existing dwelling structure shall be altered to retain only interior walls, plumbing, wiring and fixtures determined necessary by the Review Authority for the accessory structure;
 - (c) The property owner shall record a restrictive covenant in the Department of Records stating the converted dwelling structure is not eligible to be used as a dwelling; and
 - (d) Final building inspection approval of the replacement dwelling shall not be granted until the conversion of the existing dwelling structure is complete.

D. In the EFC District, the replacement dwelling meets the standards in Section 428-3 or 428-4 (Forest Structure Siting and Fire Safety Standards for Dwellings in the EFC District).

430-8.3 Standards for Replacement Dwellings in EFU, EFC, and AF-20

- A. A replacement dwelling may be sited on any part of the same lot or parcel.
- B. A dwelling established under this section shall comply with all applicable siting standards. However, the siting standards shall not be applied in a manner that prohibits the siting of the dwelling.

- C. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for Washington County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the Review Authority and state that the provisions of this section regarding replacement dwellings have changed to allow the siting of another dwelling. The Review Authority shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this section, including a copy of the deed restrictions and release statements filed under this section.
- D. A temporary residence approved under the standards of Section 430-135.2 A. is not eligible for replacement under these provisions.

430-9 Ambulance Service

430-9.1 Satellite Ambulance Stations:

Satellite ambulance stations provide living quarters for ambulance attendants on call, vehicle storage space and area for the washing and restocking of basic supplies for the ambulance, as well as allowing for incidental paperwork and phone communications with ambulance dispatchers. Satellite Ambulance Stations shall:

- A. Have direct access onto a Collector or Arterial;
- B. When located within the R-5 or R-6 District, or within a single family residence in the R-9 or R-15 District, have the ambulance housed in a garage or structure enclosed on at least three (3) sides when not in use;
- C. Provide off-street parking for the ambulance crew in a manner which does not detract from the character of the surrounding area;
- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the character of the structure; and
- E. When located in a residential district, prohibit use of special outside lighting or sirens to sound within one block of the site by ambulances stored at the site.

430-9.2 Main Ambulance Stations:

Main ambulance stations include business activities such as office and clerical work, business meetings (public and private), dispatching, vehicle repair and supply storage.

430-11 Amusement Park

An amusement park is an outdoor commercial recreation and entertainment facility, including such uses as theme parks, permanent carnival type uses, skateboard parks, go-cart and miniature auto tracks. Amusement parks shall:

- 430-11.1 Be located on a Collector or Arterial, no closer than one-thousand (1,000) feet to a residential district;
- 430-11.2 Have a minimum lot size of one (1) acre;
- 430-11.3 Have minimum peripheral setbacks of twenty-five (25) feet;
- 430-11.4 Have no less than twenty-five (25) percent of the park landscaped. Setback areas shall be landscaped with screening plant materials;
- 430-11.5 Have the primary amusement area fenced with a six (6) foot fence.

430-13 Attached Dwelling Unit

Two or more units with a common wall on individual lots, commonly known as row houses, town houses, duplexes or multiplexes or, two or more units which share a common wall or ceiling on a single lot, commonly known as apartments, duplexes or condominiums.

- 430-13.1 In the R-5 District:
 - A. Attached dwelling units may be permitted only through a Planned Development;
 - B. On sites of two (2) acres or less, attached units shall be limited to duplexes.
- 430-13.2 In the R-5 and R-6 Districts:
 - A. Buffering shall be pursuant to Section 411-6.1 when attached units are adjacent to a detached R-5 development;
 - B. In developments with attached units, the perimeter setbacks shall be no less than fifteen (15) feet.

430-15 Auto Wrecking Yard

Any property where two or more motor vehicles or the parts thereof, not in running condition, are stored in the open; or any land, building or structure used for the wrecking or storing of such motor vehicles or their parts. Wrecking yards shall:

- 430-15.1 Have a minimum lot size of one (1) acre;
- 430-15.2 Have one-hundred (100) feet of lot frontage;
- 430-15.3 Provide an eight (8) foot, sight obscuring fence of wood or, if metal, painted one color, to enclose the entire portion of the site used for auto wrecking and storage;

- 430-15.4 Store all items within the fenced area, and ensure that no items be piled any higher than the fence;
- 430-15.5 Have a ten (10) foot setback to the fence. The setback area shall be landscaped;
- 430-15.6 Include a forty (40) foot setback to any building, and a fifty (50) foot setback to any crushing equipment;
- 430-15.7 Abut a Collector or Arterial or a local street serving industrial or commercial uses;
- 430-15.8 Provide for storage and off-site disposal of oil;
- 430-15.9 Comply with all State requirements.

430-19 Boarding House (including Bed and Breakfast Facilities for more than five (5) persons)

A building, other than a hotel or apartment hotel, where for compensation and by pre-arrangement for definite periods, lodging, meals or lodging and meals are provided for more than five (5) persons. A boarding house includes bed and breakfast facilities where room and breakfast may be arranged for periods including overnight occupancy. Bed and breakfast facilities serving five (5) or fewer persons are subject to the Type I home occupation standards of Section 430-63.1. Boarding houses shall:

- 430-19.1 Be limited to five (5) sleeping rooms to let;
- 430-19.2 Serve meals to no more than ten (10) boarders;
- 430-19.3 Comply with all State and County Health, Fire and Building regulations; and
- 430-19.4 Provide one (1) additional parking space per sleeping room in such a manner that:
 - A. The residential character of the parcel is not changed, and;
 - B. The parking area does not detract from the visual appearance of the residence.

430-21 Boarding (Stabling) or Training of Horses for Profit

The boarding (stabling) or training of horses for profit may include stables (horse stalls); training tracks; riding arenas; exercising facilities, such as a hot walker or hydro-therapy pool; and riding trails. The boarding or training of horses for profit may be permitted when the following standards are met:

- 430-21.1 All setbacks to the stable structure (does not include facilities for riding, training or exercising horses, such as a riding arena) shall be at least thirty (30) feet from any property line and one hundred (100) feet from any existing residence, except the owner's dwelling(s);
- 430-21.2 Facilities for riding, training or exercising horses shall be at least thirty (30) feet from any property line and at least one hundred and thirty (130) feet from any residence, except the owner's dwelling(s). When a building includes both stabling and/or riding, training, or exercising facilities, the setback for the riding, training, and/or exercising

facility shall be measured from the perimeter of its area within the building. Riding and training facilities include spectator facilities, and riding arenas and training tracks that are open, covered or enclosed. Riding trails are not considered riding, training or exercising facilities and are not subject to this standard;

430-21.3 The one hundred (100) and one hundred thirty (130) foot setbacks in Sections 430-21.1 and 430-21.2 may be reduced to not less than thirty (30) feet through a Type III procedure when the Review Authority makes findings that the standards in A., B., and C. below are met. The provisions of this subsection shall not preclude an applicant from requesting a reduction of either setback (100 or 130 feet) up to twenty (20) percent through Section 435-5 (Hardship Relief). Any request to reduce either setback to less than thirty (30) feet shall be subject to the requirements of Section 435 (Variances and Hardship Relief):

- A. The reduced setback will not have a significant impact on surrounding properties;
- B. The reduced setback will not impose limitations on properties or uses in the surrounding area that are permitted by the primary district; and
- C. The standard imposes a significant monetary burden on the applicant.

The Review Authority may impose conditions of approval to mitigate any adverse impacts which may result from granting the reduced setback;

430-21.4 Animal waste management shall comply with state and federal standards;

430-21.5 Adequate parking, traffic management, and dust management shall be provided for horse shows at stables with more than twenty (20) stalls.

430-21.6 Public address systems using loud speakers shall not be used between 10:00 p.m. and 7:00 a.m.;

430-21.7 A tack shop may be provided when it is only for the use of owners of horses boarded at the stable; and

430-21.8 Dwellings for stable employees, such as a caretaker's dwelling, are farm-related dwellings which are subject to the primary district's standards for farm-related dwellings.

430-23 Bus Shelter

A sheltered area provided for passengers waiting for a bus at specifically designated bus stops. Bus shelters are subject to approval considering the following:

430-23.1 Site distance from cross streets;

430-23.2 Pedestrian access;

430-23.3 Access to bus doors;

430-23.4 Accessibility for maintenance;

430-23.5 Drainage;

430-23.6 Available right-of-way;

430-23.7 Road or turnout space; and

430-23.8 An agreement, signed by the applicant, which provides for maintenance which will keep the shelter attractive in appearance and repaired in a condition which will not present any hazard to its users.

430-25 Campground (Camping Areas and Facilities - Public and Private)

Any area or tract of land used to accommodate two (2) or more camping parties (including tents, travel trailers, other camping outfits and, except in the EFC, EFU, and AF-20 Districts, cabins). A campground is an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes.

430-25.1 Campgrounds inside the Urban Growth Boundary:

- A. Must provide public toilets and showers for guests;
- B. Must be connected to public water and sewer facilities. Campgrounds which provide for Recreational Vehicles must provide dumping facilities;
- C. Must have a minimum three (3) acre site;
- D. Must be located with access onto a Collector or Arterial;
- E. Must provide a number two (2) buffer as set forth in Section 411;
- F. Number of campsites shall be determined upon submission by the applicant of a master plan of the campground. This plan shall include but not be limited to campsite envelopes, pedestrian and vehicular traffic circulation, location of public rest rooms and other public facilities, perimeter setbacks and buffering concept. All proposed services and incidental uses must be indicated on the Master Plan;
- G. Access and circulation must be approved by the fire marshal; and
- H. There must be compliance to all applicable Health Department requirements.
- I. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of thirty (30) days during any consecutive six (6) month period.

430-25.2 Campgrounds Outside the Urban Growth Boundary:

- A. There shall be a minimum site area of ten (10) acres in all Districts except the AF-10 and AF-5, where there shall be a minimum of five (5) acres. A camp site shall have a minimum of one-thousand- five-hundred (1,500) square feet. The campground shall be established on a site or contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. The campground shall be designed and integrated into the rural agricultural and forest environment in a manner that

protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

- B. The maximum camp sites per acre shall be ten (10). A campsite may be occupied by a tent, travel trailer or a recreational vehicle.
- C. The maximum campground size shall be thirty-five (35) acres. A campground proposed to be over thirty-five (35) acres requires that an exception to Goals 3 or 4 be taken.
- D. An adequate system for fire protection, water and sanitary sewer service shall be provided in accord with applicable State, County and Fire District regulations. However, in the EFU, EFC and AF-20 Districts, separate sewer, water or electric service hook-ups shall not be provided to individual campsites. The campground, including campsites and other areas within the campground without structures, shall meet the standards of Sections 428-2 and 428-3.
- E. Service uses and facilities incidental and clearly subordinate to the primary use may be permitted as a condition of the Development Permit. Campgrounds in the EFC, EFU and AF-20 Districts shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- F. Access shall be approved by the fire marshal.
- G. The maximum sign area shall be thirty-five (35) square feet.
- H. The applicant shall provide the following use analysis:
 - (1) What is the purpose of the camp?;
 - (2) Is it Final Destination; or
 - (3) Is it ancillary to existing recreation facilities within two (2) miles of the site;
 - (4) If final destination, what recreation facilities will be provided;
 - (5) If ancillary, how will campers reach the recreation facilities;
 - (6) What measures will be taken to prevent adverse effects on adjacent forest or farm lands; and
 - (7) How large and what type buffer will be provided between the site and adjacent farm and forest uses.
- I. The applicant shall sign and record in the Deed and miscellaneous records of the County, a waiver of the right to remonstrate against customarily accepted farm or forest practices.
- J. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of thirty (30) days during any consecutive six (6) month period.

430-27 Cemetery

Land used or intended to be used for the burial of the dead. Cemeteries may include columbariums, crematoria, mausoleums and mortuaries within their boundaries.

- 430-27.1 The minimum lot area for earthen burial purposes only, shall be two (2) acres;
- 430-27.2 The minimum lot size when a columbarium, crematorium, mausoleum or mortuary is included in the cemetery shall be five (5) acres;
- 430-27.3 Cemeteries shall be fenced and there shall be a buffer pursuant to Section 411-6.1;
- 430-27.4 All yards to any structure shall be a minimum of forty-five (45) feet;
- 430-27.5 A plat of the cemetery must be recorded in accordance with ORS Chapter 92;
- 430-27.6 No cemetery lots shall be sold prior to development and approval of an irrigation system for grounds maintenance;
- 430-27.7 The maximum sign area shall be twenty (20) feet;
- 430-27.8 All uses must comply to the applicable State standards.

430-29 Church (Religious Institution)

A building constructed or utilized primarily for public worship, together with its accessory uses, and buildings where persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain public worship.

- 430-29.1 There shall be a minimum lot area of twenty-thousand (20,000) square feet. Additional area may be required based on the extent of the proposal;
- 430-29.2 Inside the Urban Growth Boundary, when access is proposed to a local street the access shall be located within three hundred (300) feet of an intersection with a collector or an arterial.
- 430-29.3 The minimum front yard for buildings under forty-five (45) feet in height shall be thirty (30) feet;
- 430-29.4 The minimum front yard for buildings over forty-five (45) feet in height shall be forty-five (45) feet;
- 430-29.5 The minimum side or rear yards for buildings shall be as follows:

Under 15 feet in height	20 feet
15-24 feet in height	25 feet
25-34 feet in height	30 feet
35-44 feet in height	35 feet
45-54 feet in height	40 feet
55+ feet in height	50 feet

430-29.6 Signage shall be subject to the standards outlined under Section 414-2 (Institutional Districts).

430-31 College

A school of higher learning, including but not limited to a community college, university or seminary, giving advanced academic instruction as approved by the Oregon State Board of Education or a recognized accrediting agency. College does not include trade and commercial schools. Residential facilities, provided in conjunction with a college, may be approved as part of a college master plan pursuant to this Section, provided the facilities are for the exclusive use of staff and students affiliated with the college. Residential facilities may include dormitories. Colleges in residential districts shall be subject to the following:

430-31.1 Colleges shall be reviewed as a Type III Planned Development and subject to the standards of Section 330;

430-31.2 The minimum lot size shall be five (5) acres. Additional acreage may be determined to be necessary through the Site Analysis or Planned Development Review Process.

430-33 Commercial Activities in Conjunction with Farm Use

Commercial activities are limited to providing products and services essential to the practice of commercial agriculture.

A commercial activity in conjunction with farm use includes, but is not limited to, processing facilities which convert harvested agricultural crops from their natural state into new products, i.e., drying, freezing, canning, etc. In addition, the preparation and storage of a product which includes significant amounts of agricultural crops not raised by the operator of the storage facility shall also be considered a commercial activity. The storage, sale and application of farm chemicals used in conjunction with the growing of farm crops necessary to serve nearby farm uses shall also be considered a commercial activity subject to meeting the following standards:

- A. The chemicals shall be limited to those used in conjunction with the growing of farm crops; chemicals used only for other uses, such as forest uses, cannot be stored, sold or applied; and
- B. The sale of farm chemicals shall be limited to quantities purchased by operators of commercial farm enterprises which contribute in a substantial way to the area's existing agricultural economy and help maintain agricultural processors and established farm markets.

Any commercial activity shall:

430-33.1 Be required to have a building permit;

430-33.2 Be subject to the provisions of Section 404-1, Type I Site Analysis;

430-33.3 Have setbacks determined by the Review Authority based on:

- A. Size of the proposed structure;
- B. Surrounding land uses; and
- C. Size and number of vehicles required.

430-33.4 Sign:

One sign (only) per use shall:

- A. Be for commercial identification only;
- B. Have a maximum area of thirty-five (35) square feet.

430-34 Contractor's Establishment

430-34.1 In the AF-10 and AF-5 Districts only one contractor's establishment per lot or parcel shall be allowed. The combined total square footage of a building(s) or outside storage shall not exceed 3,000 square feet;

430-34.2 In the R-COM District the total square footage of a building (s) or outside storage shall not exceed a combined total of 3,000 square feet for each contractor's establishment;

430-34.3 In the R-IND and MAE Districts the total square footage of a building (s) or outside storage for each contractor's establishment shall meet the following:

- A. The total square footage of a building(s) or outside storage shall not exceed a combined total of 8,000 square feet; or
- B. If the total square footage of a building(s) or outside storage exceeds a combined total of 8,000 square feet, applicants shall provide the following:
 - (a) Evidence to illustrate at least sixty (60) percent of the gross sales are from the rural area; or
 - (b) Evidence to illustrate at least sixty (60) percent of the materials used in the business are farm, forest, or aggregate products originating in the rural area. These materials must contribute significantly (over 50 percent) to the contractor's business income.

430-34.4 Each Contractor's Establishment approved before the effective date of Section 430-34 (November 27, 2003) may be expanded through the development review process provided the total square footage of a building(s) or outside storage do not exceed the size limitation listed above in 430-34.1, 430-34.2 or 430-34.3. Larger expansions shall be subject to Section 440, Nonconforming Uses. Contractor's Establishments in the R-IND and MAE Districts have option of either meeting the requirements of Section 440 or Section 430-34.3B.

430-35 Convenience Grocery

A convenience grocery store is one which sells frequently purchased foods and sundries to residents of an immediate area and/or to the traveling public. Convenience grocery stores may be permitted subject to the following:

430-35.1 Entrances and Exits:

A. Access shall be determined based upon a site inspection which considers the following:

- (1) Site Size;
- (2) Road Classification;
- (3) Sight distance and allowed MPH; and
- (4) Adjacent development.

B. Consolidation of access with adjoining uses shall be encouraged.

430-35.2 In consideration of possible negative impact on nearby residential uses, lighting, sign illumination, height and hours of operation may be restricted through the development review process.

430-35.3 When a convenience grocery is located in the R-25+ District, it shall be pedestrian oriented.

430-35.4 When a convenience grocery is located in the Office Commercial District, hours of operation shall be limited to normal hours of operation in the Office Commercial District. Normal hours of operation are 7:00 a.m. to 6:00 p.m.

430-37 Detached Dwelling Unit

430-37.1 Urban:

A dwelling which is designed to be and is physically separated from any other dwelling unit:

A. Type I

- (1) The dwelling is constructed on a lot of record.
- (2) The dwelling shall utilize at least five (5) of the following design features:
 - (a) The front of the dwelling shall be parallel (within 30 degrees) to the front lot line (see Figure 1);
 - (b) A roof with a pitch that is 4/12 or greater;
 - (c) A hip roof;
 - (d) A tile or shake roof;
 - (e) An attached garage with a gable or hip roof, or with a second story above the garage;
 - (f) One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);
 - (g) Three or more gables (see Figure 3);
 - (h) Building face or roof offsets (minimum twelve [12] inch offset) that are parallel (within 30 degrees) to the front lot line (see Figure 4);
 - (i) Two (2) or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;
 - (j) Bay or bowed windows that are parallel (within 30 degrees) to the front lot line;
 - (k) Window shutters on front, side and rear windows;
 - (l) Minimum ten (10) inch eaves (all house eaves);
 - (m) One or more of the following types of exterior siding:
 - (i) Horizontal lap siding, including simulated horizontal lap siding;
 - (ii) Vertical cedar siding;
 - (iii) Beveled siding; or
 - (iv) Stucco;

- (n) Use of brick or stucco on the building facade that is parallel (within 30 degrees) to the front lot line;
- (o) A recessed front entry (minimum twenty-four [24] inches) which is parallel (within 30 degrees) to the front lot line;
- (p) A covered porch entry (minimum five [5] foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);
- (q) Solid wood trim for exterior siding; or
- (r) A masonry or poured-in-place concrete perimeter foundation.

B. Type II

- (1) Placement of the dwelling in a manner which will not preclude development of the site to the density allowed by the district;
- (2) A plan indicating access and circulation on the site and the relationship to surrounding properties, street stubs, existing rights-of-way and proposed roads and showing:
 - (a) Location of present urban services and location of those services proposed for the following five (5) years;
 - (b) Location of any natural features (flood plain, other hazards, etc.) which might inhibit full development;
- (3) Prior to the issuance of the permit, the signing of a waiver of the right to remonstrate against provision of urban services (as specified in Article V); and
- (4) The dwelling shall utilize at least five (5) of the following design features:
 - (a) The front of the dwelling shall be parallel (within 30 degrees) to the front lot line (see Figure 1);
 - (b) A roof with a pitch that is 4/12 or greater;
 - (c) A hip roof;
 - (d) A tile or shake roof;
 - (e) An attached garage with a gable or hip roof, or with a second story above the garage;
 - (f) One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);
 - (g) Three or more gables (see Figure 3);

- (h) Building face or roof offsets (minimum twelve [12] inch offset) that are parallel (within 30 degrees) to the front lot line (see Figure 4);
- (i) Two (2) or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;
- (j) Bay or bowed windows that are parallel (within 30 degrees) to the front lot line;
- (k) Window shutters on front, side and rear windows;
- (l) Minimum ten (10) inch eaves (all house eaves);
- (m) One or more of the following types of exterior siding:
 - (i) Horizontal lap siding, including simulated horizontal lap siding;
 - (ii) Vertical cedar siding;
 - (iii) Beveled siding; or
 - (iv) Stucco;
- (n) Use of brick or stucco on the building facade that is parallel (within 30 degrees) to the front lot line;
- (o) A recessed front entry (minimum twenty-four [24] inches) which is parallel (within 30 degrees) to the front lot line;
- (p) A covered porch entry (minimum five [5] foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);
- (q) Solid wood trim for exterior siding; or
- (r) A masonry or poured-in-place concrete perimeter foundation.

Figure 1.

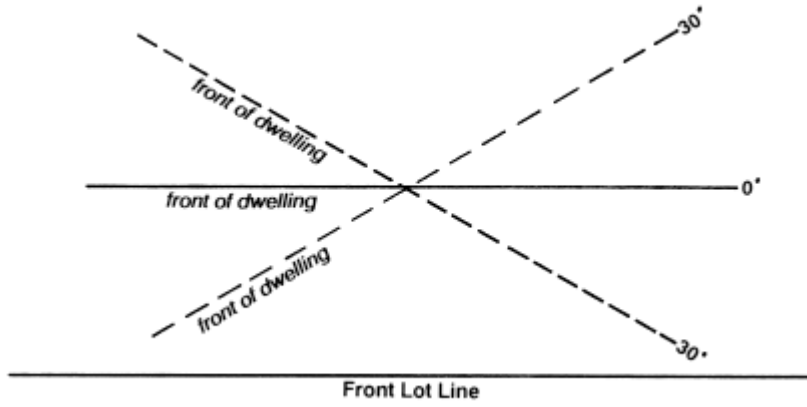


Figure 2.

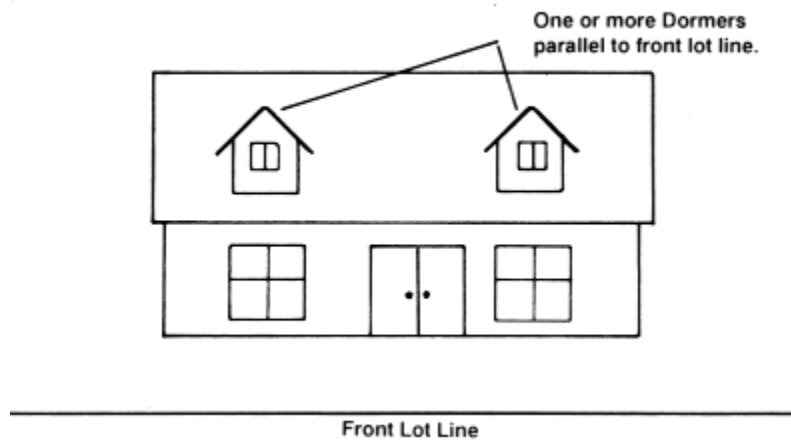


Figure 3.

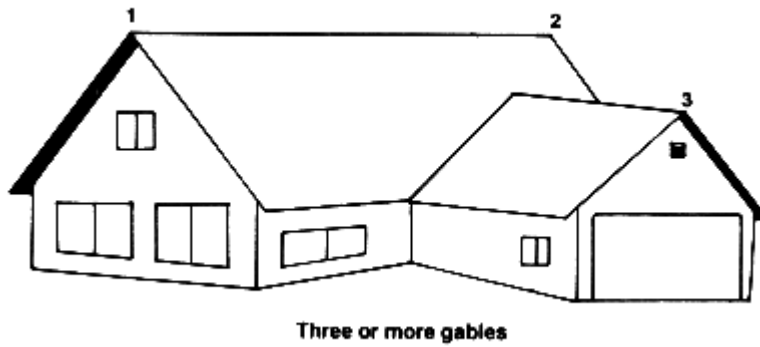


Figure 4.

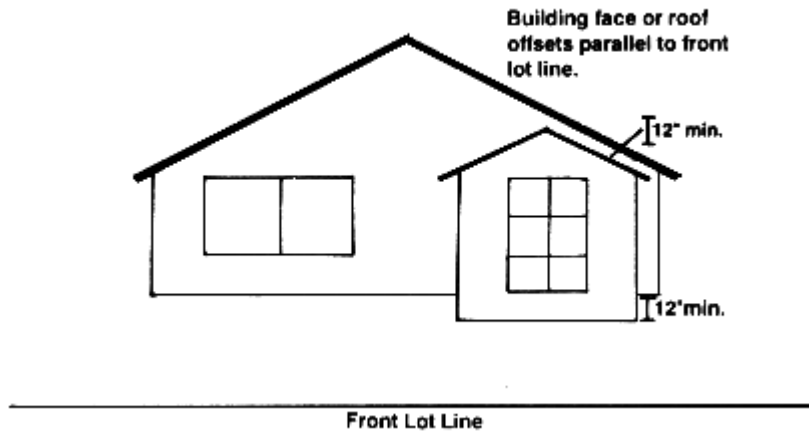
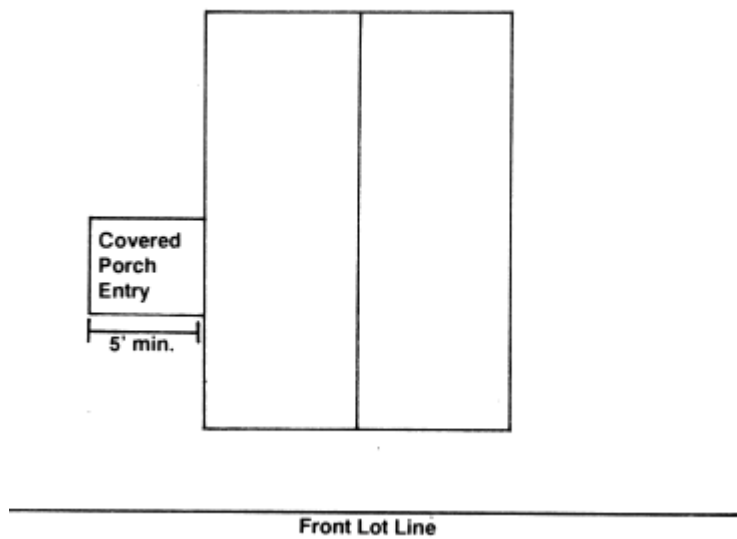


Figure 5.



430-37.2 Rural

A. In the EFU and AF-20 Districts, a dwelling unit customarily provided in conjunction with farm use may be approved when the following standards are met:

- (1) The subject tract is currently employed for farm use, as defined in ORS 215.203, that produced:
 - (a) In the EFU and AF-20 Districts on land identified as high-value farmland at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; or
 - (b) In the AF-20 District on land not identified as high-value farmland at least \$20,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.

By March 1st of each year, the Director shall publish an annual table specifying the basis for determining the required annual income in 1994 dollars for that year and each of the last five (5) years. The table shall be computed from the Portland/ Vancouver Area CPIU, with the CPIU for the second half of 1994 as the base number for 1994 dollars. The table shall include a factor, stated as a percentage, by which any dollar amount for the year and each of the last five (5) years shall be multiplied to determine equivalent 1994 dollars. The table shall also include the equivalent of \$20,000 and \$80,000 in 1994 dollars* for the year and each of the last five (5) years;

- (2) Except as permitted in Section 340-4.1 N. and 344-4.1 N., there is no other dwelling on the subject tract; and
- (3) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in Section (1) above.
- (4) In determining the gross income required by Section (1) above, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from farm land owned, not leased or rented, shall be counted.

* editor's note: The following table provides equivalent annual farm income amounts for 1994 through 2001, based on US Bureau of Labor Statistics data for Average Annual CPIU (Consumer Price Index for Urban Consumers) for the Portland Area:

Year	Annual Average CPIU (Portland Area)	Percentage of the CPIU for 1994	\$ Equivalent to \$20,000 in 1994	\$ Equivalent to \$80,000 in 1994
2001	182.4	122.5%	24,500	98,000
2000	178.0	119.5%	23,900	95,600
1999	172.6	115.9%	23,180	92,720
1998	167.1	112.2%	22,440	89,760
1997	164.0	110.1%	22,000	88,000

- (5) To demonstrate compliance with Section (1) above, an applicant shall submit the following evidence:
 - (a) Federal income tax returns, and a list describing where the farmed properties are located, their size, the type of crops or livestock products raised on the properties, and the amount of income produced from the properties and from each farm product; or
 - (b) Sales receipts for the sale (retail or wholesale) of products produced from the property; or
 - (c) Other information as may be necessary to prove income; and
 - (d) An affidavit signed by the person whose income is in question, certifying that income requirements for the parcel have been met.

The Review Authority may consider statistical information compiled by the Oregon State University Extension or other objective criteria, such as average yields per acre and average price per unit, to calculate income to verify an applicant's information.

- (6) If the tract consists of two or more lots or parcels and more than one lot or parcel is used to meet the income standards of this section, the dwelling may be approved if:

Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remainder of the tract. This restriction does not apply to seasonal farm worker housing, accessory farm dwellings and replacement dwellings.

The restrictive covenant shall be irrevocable, unless the Director finds that the tract is no longer subject to Statewide Goal 3 (Agricultural Lands) or, if a dwelling is proposed on another lot or parcel that is part of the tract that was used to meet the income requirements, each parcel meets the income standards of this section.

- B. In the EFU and AF-20 Districts, a dwelling in conjunction with the propagation or harvesting of a forest product may be approved when the following standards are met:

- (1) The lot or parcel is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross annual income; and
- (2) The lot or parcel is not high-value farmland as defined by Section 340-2 or 344-2, whichever is applicable.
- (3) The following information establishes standards which an applicant may use in applying for a dwelling approval under (1) above. Applicants are not limited to these standards if the applicant can otherwise demonstrate that the proposed woodlot can meet the \$20,000 income requirement.

Minimum acreage to produce \$20,000 annual gross income over the growing cycle¹ for merchantable trees.²

Cubic Feet Site Class	Acreage (Douglas Fir)
2 (165-224 cf/ac)	34
3 (120-164 cf/ac)	48
4 (85-119 cf/ac)	68
5 (50-84 cf/ac)	86
6 (20-49 cf/ac)	128

SITE INDEX CONVERSION TABLE

GROWTH MEASURES	SCALE																
SCS Site Index: Height in Feet at 100 Years	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Oregon Dept. of Forestry Potential Yield: Cubic Feet/Acre Scale	20	20-49	50 - 84				85 - 119		120 - 164				165 - 224				

- C. A Dwelling Unit located on real property used for farm use occupied by a relative may be approved when:
- (1) The dwelling is located on the same lot or parcel as the dwelling of the farm operator; and
 - (2) The relative is a grandparent, stepgrandparent, grandchild, parent, stepparent, child, sibling, stepsibling, niece, nephew or first cousin of the farm operator, or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator;
 - (3) The farm operator continues to play the predominant role in the management and farm use of the farm. For the purposes of this section, a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions, about such things as planting, harvesting, feeding and marketing; and
 - (4) The lot or parcel which receives a building permit under these provisions shall not be partitioned or subdivided unless any residence approved under these provisions is removed. Unless, notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses in the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

¹Based on a 55 to 60 year growth cycle and a small log value of \$235.00 in June 1983.

²Source: Oregon Department of Forestry, September 1983.

- D. Dwelling in conjunction with farm use where an additional farm related dwelling(s) is(are) necessary for full time help. Subsequent to or concurrently with the approval of a farm related dwelling pursuant to this Code, an additional dwelling or dwellings may be allowed provided there is a finding that the proposed dwelling is customarily required to conduct the proposed farm use considering:
- (1) Size of Parcel and Farm (proposed and/or existing);
 - (2) Type of Farm Use (proposed and/or existing);
 - (3) Potential Markets (proposed and/or existing);
 - (4) Accepted farming practices as that term is defined in ORS Chapter 215;
 - (5) A three (3) year farm management plan which describes the present and proposed farm uses for the farm operation; and
 - (6) Other evidence the Director considers necessary (e.g., soil type).
 - (7) In the EFU and AF-20 Districts, dwelling units in conjunction with farm use for additional farm-related dwelling(s) necessary for full-time farm help may be approved if all the following requirements are met:
 - (a) The additional farm dwelling(s) will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator;
 - (b) The additional dwelling(s) will be located:
 - (i) On the same lot or parcel as the dwelling of the principal farm dwelling; or
 - (ii) On the same tract as the principal farm dwelling when the lot or parcel on which the additional dwelling(s) will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (iii) On a lot or parcel on which the principal farm dwelling is not located, when the additional farm dwelling(s) is a manufactured dwelling and a deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An additional farm dwelling approved pursuant to this section may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is re-approved under this section;

- (c) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an additional farm dwelling;
- (d) The principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
 - (i) On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; or
 - (ii) In the AF-20 District on land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$20,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years.
 - (iii) By March 1 of each year, the Director shall publish an annual table specifying the basis for determining the required annual income in 1994 dollars for that year and each of the last five (5) years. The table shall be computed from the Portland/Vancouver Area CPIU, with the CPIU for the second half of 1994 as the base number for 1994 dollars. The table shall include a factor, stated as a percentage, by which any dollar amount for the year and each of the last five (5) years shall be multiplied to determine equivalent 1994 dollars. The table shall also include the equivalent of \$20,000 and \$80,000 in 1994 dollars for the year and each of the last five (5) years.
 - (iv) To demonstrate compliance with Section (4 a and b) above, an applicant shall submit the following evidence:
 - (aa) Federal income tax returns, and a list describing where the farmed properties are located, their size, the type of crops or livestock raised on the properties, and the amount of income produced from the properties and from each farm product; or
 - (bb) Sales receipts for the sale (retail or wholesale) of products produced from the property; or
 - (cc) Other information as may be necessary to prove income; and
 - (dd) An affidavit signed by the person whose income is in question, certifying that income requirements for the parcel have been met.

The Review Authority may consider statistical information compiled by the Oregon State University Extension or other objective criteria, such as average yields per acre and average price per unit, to calculate income to verify an applicant's information;

- (e) The governing body of a county shall not approve any proposed division of a lot or parcel for an additional farm dwelling approved pursuant to Section 430-37.2 D.

If it is determined that an additional farm dwelling(s) satisfies the requirements of OAR 660-33-135, a parcel may be created consistent with the minimum parcel size requirements in OAR 660-33-100;

- (f) An additional farm dwelling approved pursuant to Section 430-37.2 D. cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to OAR 660-33-130(4); and
- (g) For the purposes of this section, "tract" means one (1) or more contiguous lots or parcels under the same ownership.

F. In the EFC District, a single-family dwelling unit on a lot or may be approved when the following standards are met:

- (1) For the purposes of this section, the words listed below have the following meaning:

- (a) Tract One (1) or more contiguous lots or parcels under the same ownership.
- (b) Commercial tree species Trees recognized under rules adopted under ORS 527.715 for commercial production.
- (c) Date of creation and existence When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

- (2) Lot-of-Record Dwelling Standards

- (a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - (i) Prior to January 1, 1985; or
 - (ii) By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

For the purposes of the Lot-of-Record Dwelling Standards, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

- (b) The tract on which the dwelling will be sited does not include a dwelling.
- (c) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.
- (d) The tract on which the dwelling will be sited is composed of soils not capable of producing five-thousand (5,000) cubic feet per year of commercial tree species.
- (e) The tract on which the dwelling will be sited is located within fifteen-hundred (1,500) feet of a public road as defined under ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:
 - (i) A United States Bureau of Land Management road; or
 - (ii) A United States Forest Service road unless the road is paved to a minimum width of eighteen (18) feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(3) Large Tract Forestland Dwelling Standards

- (a) Lot Area Requirements:
 - (i) The dwelling will be sited on a tract in one ownership of at least one-hundred and sixty (160) contiguous acres zoned for forest use. A tract shall not be considered to consist of less than one-hundred and sixty (160) acres because it is crossed by a public road or waterway; or
 - (ii) An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two (2) or more tracts to total two-hundred (200) acres or more.
 - (iii) Prior to issuance of a building permit:

The owner shall submit proof that the covenants, conditions, and restrictions form adopted by OAR 660-06, effective March 1, 1994, has been recorded in the deed records for all the tracts that are used to meet the acreage requirement.

The covenants, conditions, and restrictions shall preclude all future rights to construct a dwelling on the tract(s) or to use the tract(s) to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forestlands. The covenants, conditions, and restrictions are irrevocable, unless a statement of release is signed by the Director.

The Director shall maintain a copy of the covenants, conditions, and restrictions filed in the county deed records pursuant to this subsection and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions, restrictions filed in the county deed records pursuant to this subsection. The map or other record required by this subsection shall be readily available to the public in the Department of Land Use and Transportation.

- (b) The tract or tracts on which the dwelling will be sited does not include a dwelling.

(4) Template Dwelling Standards

The lot or parcel must meet one of the Template Options and one of the Parcel Options.

If the data that the County has on record shows that any of the dwellings used to qualify for the template test are within one-hundred (100) feet of the template, the applicant may be required to provide more accurate information, stamped by a professional surveyor, in order for the Review Authority to determine whether or not the standards can be satisfied. Acceptable forms of information include a survey of the subject parcel, referenced to digital orthographic photographs, including information on the accuracy of the photographs for the subject area.

(a) Template Options:

The following subsections detail the options available to qualify a lot or parcel for a dwelling based on the 160-acre template pattern (square or rectangle).

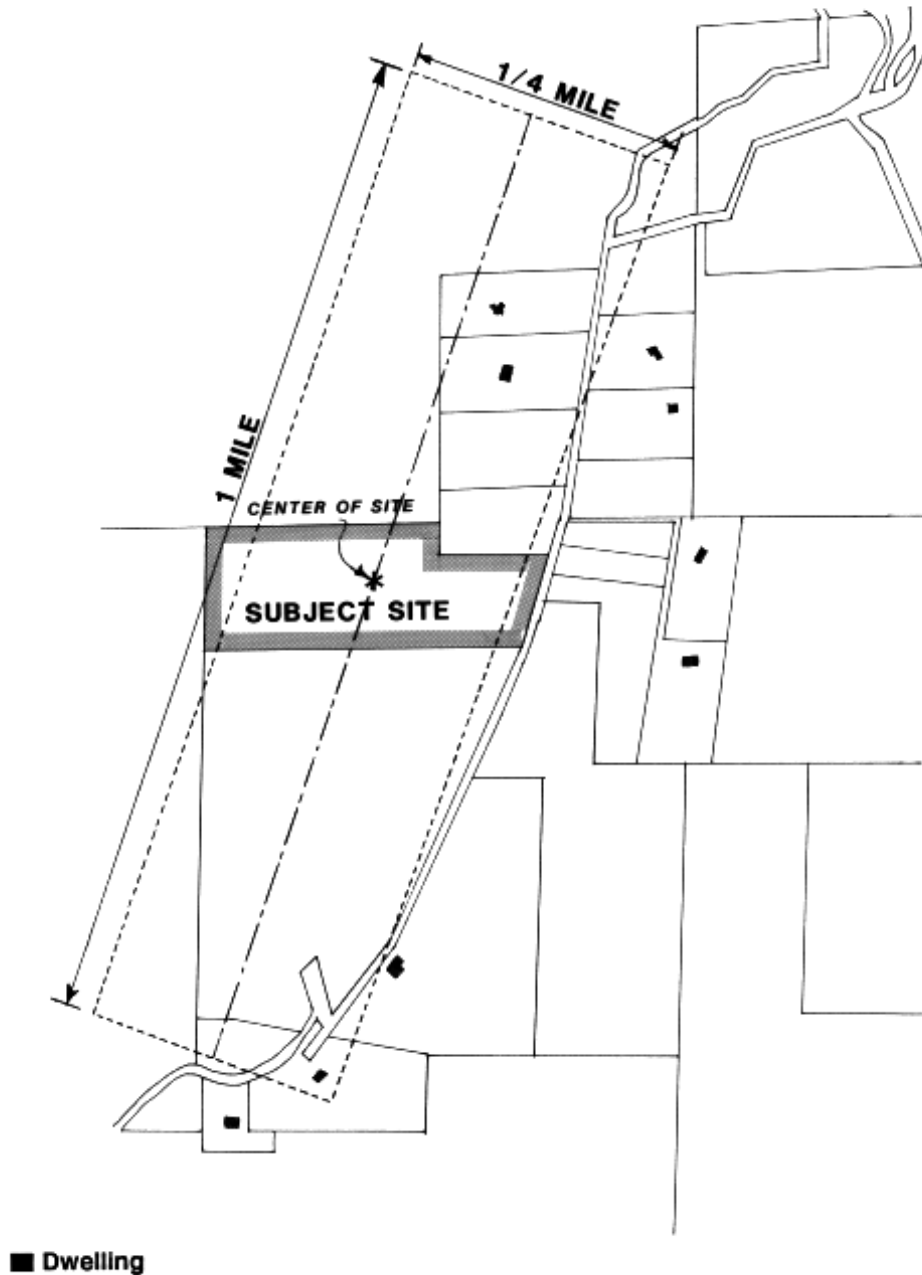
Option 1: For tracts less than sixty (60) acres:

- (i) The lot or parcel on which the dwelling is to be established shall be within a 160-acre square centered on the center of the subject tract; or
- (ii) If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road. See Figure 1.

Option 2: For tracts sixty (60) acres and larger:

If a tract sixty (60) acres or larger abuts a road or perennial stream, the measurement shall be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or perennial stream.

FIGURE 1. 160 Acre Rectangle Template



However, one of the three required dwellings under the Parcel Options shall be on the same side of the road or stream as the tract and:

- (i) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
 - (ii) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - (iii) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.
- (b) Parcel Options:

The following subsections detail the options available to qualify a lot or parcel for a dwelling based on the parcel's soil type.

If the lot or parcel is predominantly composed of soils that are capable of:

- (i) Producing 0 to 49 cubic feet per acre per year of wood fiber, there shall be within the 160-acre square all or part of at least three other lots or parcels, all of which have dwellings. At least one of these three dwellings must be located within the 160-acre square; two may be within 500 feet of the square.
- (ii) Producing 50 to 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre square all or part of at least seven other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre square; two may be within 500 feet of the square.
- (iii) If the lot parcel is predominantly composed of soils that are capable of producing more than 85 cubic feet per acre per year of wood fiber, there shall be within the 160-acre square all or part of at least eleven other lots or parcels, at least three of which have dwellings. At least one of these three dwellings must be located within the 160-acre square; two may be within 500 feet of the square.

For the purposes of the Parcel Requirements above, all lots, parcels and dwellings must have existed on January 1, 1993, and continue to exist.

Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements of the Parcel Requirements above.

- (c) The tract on which the dwelling will be sited does not include a dwelling.

430-41 Drive-in or Drive-up Establishment

Any establishment or portion of an establishment designed and operated to serve a patron while seated in an automobile (not including drive-in theaters).

430-41.1 Entrances and Exits:

A. Access shall be determined based upon a site inspection which considers the following:

- (1) Site size;
- (2) Road Classification;
- (3) Sight distance and allowed M.P.H.;
- (4) Adjacent development.

B. Consolidation of access with adjoining uses shall be encouraged; and

C. Driveway entrances and exits shall be clearly marked;

430-41.2 Drive-in facilities located in the parking lot or part of a larger commercial center shall not have separate access points to the street and shall utilize the center's access points;

430-41.3 Lighting, sign illumination and height, and hours of operation may be restricted through the development review process to insure compatibility within the Office Commercial District; and

430-41.4 In an Office Commercial District, hours of operation shall be limited to normal hours of operation in the Office Commercial District. Normal hours of operation are 7:00 a.m. to 6:00 p.m.

430-43 Drive-In Theater

A theater designed and operated to serve a patron seated in an automobile. Drive-in theaters shall:

430-43.1 Be located on a collector, arterial or frontage road at least one-thousand (1,000) feet from any residential district;

430-43.2 Locate entrance and exit driveways to provide a minimum of five-hundred (500) foot site distance;

430-43.3 Provide that theater projection screens and perimeter fencing shall be a minimum of twenty-five (25) feet from any abutting street;

430-43.4 Provide that internal circulation:

A. Require at least two (2) access gates for the viewing area, with one available for emergency egress at all times;

- B. Provide, on-site, a stacking area for vehicles waiting to purchase tickets. The area shall accommodate a minimum of fifteen (15) percent of the total capacity (parking spaces);
 - C. Provide one (1) ticket gate or booth for each three-hundred (300) car capacity; and
 - D. Provide signs to indicate entrance, exits and one-way driveways;
- 430-43.5 Orient projection screens so that the screen face is not visible at an angle greater than thirty (30) degrees from any street within one-thousand (1,000) feet of the screen;
- 430-43.6 Provide screening for the parking and viewing area with a ten (10) foot solid wood, masonry or nonreflecting metal perimeter fence;
- 430-43.7 Require that the twenty-five (25) foot setback required in Section 430-43.3 be landscaped. Landscaping shall include as a minimum, trees capable of exceeding fifteen (15) foot height at fifty (50) foot intervals located either inside or outside the perimeter fencing;
- 430-43.8 Provide one (1) off-street parking place per employee;
- 430-43.9 Surface all areas used by vehicles with chip seal or better;
- 430-43.10 Provide drainage facilities as required in Section 410; and
- 430-43.11 Provide individual loudspeakers for each car or radio system designed to not emanate beyond the perimeter of the site. No central loudspeaker shall be allowed except for an outdoor speaker located at the snack bar when the speaker is operated at a sound level not to exceed sixty-five (65) decibels.

430-44 Emergency Response/Safety Training Center

An Emergency Response/Safety Training Center is a land use consisting of (1) classroom facilities that may have accompanying dining and sleeping areas for classroom users; and (2) outdoor facilities for simulation of potential emergency situations such as fires, rescues, hazardous materials spills, vehicle pursuits, medical emergencies and disasters.

- 430-44.1 In addition to complying with the other applicable development standards of this Code, Emergency Response/Safety Training Centers shall:
- A. Have direct access to a paved road;
 - B. Comply with Section 411-6.2 of this Code;
 - C. For security purposes, provide adequate continuous fencing around the site's perimeter; and
 - D. Conduct outdoor training exercises only between the hours of 7 AM and 11 PM.

430-44.2 Prior to any approval of a development application for this use, the County must adopt findings for any necessary exception to a Statewide Planning Goal pursuant to Goal 2, Part II(c) and OAR 660-04-020 and 022. The County's adoption of findings shall be considered through a quasi-judicial plan amendment process initiated by the applicant pursuant to Section 203 of this Code.

430-45 Flag Lot

A lot behind a frontage lot, plus a strip (pole) out to the street for an access drive. Creation of a flag lot shall be subject to the following:

430-45.1 Buildings located on flag lots shall be oriented to provide the maximum privacy to surrounding existing and future residential structures;

430-45.2 The setback requirements of the primary district shall be maintained unless the Review Authority determines, as part of the initial approval, that it is necessary to modify the setbacks to provide more privacy to existing and proposed structures than if the required setbacks were maintained, in order to implement Section 430-45.1 above;

430-45.3 Access to all proposed flag lots (including future lots) shall:

- A. Provide for drainage as set forth in Section 410; and
- B. Consolidate access onto public streets wherever possible including consolidation of the access of the parent lot.

430-45.4 Landscaping and fencing (buffering) as required through Development Review to insure that privacy of existing residential structures is maintained.

430-45.5 Single flag lots shall meet the following:

- A. The minimum continuous width of the access strip shall be fifteen (15) feet;
- B. The access strip shall be part of the flag lot (the driveway shall not be provided through an easement on the frontage lot); and
- C. Access shall be provided by a paved driveway which meets the private street standards of Sections 409-3, 409-4.4, and 409-4.5.

430-45.6 Double flag lots shall meet the following:

- A. The minimum continuous width of the joint access strip shall not be less than twenty (20) feet;
- B. The joint access strip shall not be provided through an easement on the frontage lot(s); and
- C. Access shall be provided by a common paved driveway which meets the private street standards of Sections 409-3, 409-4.1, 409-4.2, 409-4.4, and 409-4.5.

430-45.7 The minimum lot area requirements of the primary district shall be maintained;

430-45.8 The pole or access portion of the flag lot shall not be included in the calculation of the minimum lot area, and shall not be included in the calculation of the average lot size in the R-5 and R-6 Districts;

430-45.9 The applicant shall provide a plan of complete parcelization of the subject property and potential parcelization of adjacent, vacant parcels; and

430-45.10 Parcelization shall not preclude reasonable development of the site and surrounding properties. Consideration shall include but not be limited to:

- A. Access;
- B. Circulation; and
- C. Building location.

430-47 Forest Products - Temporary Portable Facility for Primary Processing

Primary processing of a forest product is a temporary installation which uses a portable chipper or stud mill or other similar method of initial treatment of a forest product to enable its shipment to market, subject to the following:

430-47.1 Uses timber grown on the parcel or contiguous land where the processing facility is located. In the case of a log scaling facility, except in the EFU and AF-20 Districts, this use may occur on land not contiguous provided all other requirements are met;

430-47.2 In the EFU and AF-20 Districts, the processing facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2).

430-47.3 Is approved for a period of one (1) year. Extensions may be requested and processed in the same manner as the original application when work has not been completed within the one (1) year period;

430-47.4 Except in the EFU and AF-20 Districts, temporary processing facilities which do not require structures, as defined by Section 106-205, shall be processed through a Type I procedure. Temporary processing facilities which require structures shall be processed through a Type II procedure.

430-49 Fuel Dealership

The use of a site for on-site bulk storage of gas or oil for distribution and delivery to off-site locations. Fuel dealerships shall:

430-49.1 Have a minimum lot area of twenty-thousand (20,000) square feet;

430-49.2 Be no closer than five-hundred (500) feet to any residential district for above ground storage;

430-49.3 Have a minimum fifty (50) foot setback to all property lines for any above ground storage; and

430-49.4 Not require special setbacks or locational criteria for underground storage.

430-50 Golf Course Outside an Urban Growth Boundary

A golf course is an area of land with highly maintained natural turf laid out for the game of golf, generally with a series of nine or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course may be permitted subject to the standards listed below.

- 430-50.1 A golf course located outside an urban growth boundary means a 9- or 18-hole regulation golf course or a combination 9- and 18-hole regulation golf course consistent with the following:
- A. A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
 - B. A regulation nine-hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.
 - C. Non-regulation golf courses are not allowed uses within these areas. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in this section, including but not limited to executive golf courses, Par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
 - D. Accessory uses provided as part of a golf course shall be consistent with the following standards:
 - (1) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18-hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; housing.
 - (2) Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.
- 430-50.2 The minimum setbacks to any primary structure shall be one hundred (100) feet. The minimum setback to all other structures shall be thirty-five (35) feet.

- 430-50.3 When driving ranges are to be included as a part of the golf course:
- A. Hours of operation shall be limited so that outdoor lighting is not required; or
 - B. The range shall be located in such a manner that the lights do not shine outside the perimeter of the golf course; and
- 430-50.4 In addition to the requirements of Section 501-9, an application for a golf course shall include a traffic impact analysis which demonstrates the following. The analysis shall be prepared and certified by a traffic or civil engineer registered in the state of Oregon.
- A. Adequacy of traffic safety and traffic operations at the site's access to a public road and within a ten (10) percent impact area as defined by Resolution and Order 86-95 as modified or updated and Section 501-8.5. The applicant shall make necessary improvements, if any, to correct identified deficiencies.
 - B. Adequacy of the width and structural integrity, including roadway pavement, base and drainage, of the public access road(s) between the site's access and the nearest Arterial or paved Collector. The applicant shall make necessary improvements, if any, to correct identified deficiencies in order to provide adequate access to the golf course.
 - C. When applicable, conformance with the Oregon Department of Transportation's traffic/development review requirements, including but not limited to traffic report, access management, level of service, and traffic safety and operations requirements. The applicant shall make necessary improvements, if any, to mitigate identified deficiencies.
 - D. Adequate traffic management and parking for special events. Off-site parking areas, if any, shall be approved as part of the development application for the golf course or through a separate Type II or III application.
- 430-50.5 The maximum sign area shall be thirty-five (35) square feet.

430-51 Golf Course Inside an Urban Growth Boundary

A golf course is an area of land with highly maintained turf laid out for the game of golf, generally with a series of nine (9) or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. For the purposes of this section, a golf course includes executive golf courses and Par 3 courses. A golf course does not include pitch and putt golf courses, miniature golf courses, and driving ranges. These uses are subject to the standards of Section 430-131 (Special Recreation Use).

Golf courses shall comply with the following standards:

- 430-51.1 Have a minimum lot size of ten (10) acres;
- 430-51.2 Require that all yards be a minimum of thirty-five (35) feet to a structure;
- 430-51.3 Have a maximum sign area of thirty-five (35) square feet;

430-51.4 Require that minimum setbacks to any primary structure be one-hundred (100) feet.

430-51.5 When driving ranges are to be included as a part of the golf course:

- A. Hours of operation shall be limited so that outdoor lighting is not required; or
- B. The range shall be located in such a manner that the lights do not shine outside the perimeter of the golf course; and

430-51.6 Accessory uses to a golf course include but are not limited to parking, maintenance buildings, cart storage and repair, pro shop, driving range, and eating and drinking facilities.

430-53 Group Care

Community based care is divided into medical and nonmedical care. Group care homes, residential care facilities, and halfway houses provide care and training to small groups of more than five (5) people living together in a homelike setting. The clients and staff function as a single housekeeping unit and, act in many ways as a family providing support, care and supervision. The goal of these facilities is the integration of their clients into society. Other types of group care include facilities for day-care, convalescent (nursing) homes, and retirement housing communities.

430-53.1 Convalescent (Nursing) Homes:

Convalescent homes are institutions for the care of children, the aged or infirm or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics.

- A. The minimum lot area shall be fifteen-thousand (15,000) square feet plus one-thousand (1,000) square feet for each bed over fifteen (15);
- B. The minimum front and rear yards shall be thirty (30) feet;
- C. The minimum side yard shall be twenty (20) feet;
- D. The maximum lot coverage shall be forty (40) percent;
- E. All State requirements and County Health Department requirements must be met; and
- F. The facility must be licensed or certified by the State.

430-53.2 Day-Care Facility:

Day-Care Facilities, as defined by Section 106-48, are permitted subject to the following:

- A. The minimum front and rear yards shall be twenty (20) feet;
- B. The minimum side yard shall be ten (10) feet;

- C. All State and County licensing and Health Department requirements must be met;
- D. There shall be a maximum lot coverage of forty (40) percent;
- E. The maximum sign area shall be twenty (20) square feet;
- F. The minimum lot area for day-care facilities in a residential district or adjacent to a residential district shall be twenty-thousand (20,000) square feet;
- G. The Review Authority may require a fenced outdoor play area be provided;
- H. Child care provided at a public or private school for before and/or after school care, exclusively for students affiliated with the school, is not subject to the requirements of this Section. This use is permitted pursuant to Section 201-2.19; and
- I. Day care facilities, located within a church, school or public building, are allowed through a Type II procedure when permitted by the primary district.

430-53.3 Detention Facilities (Halfway House) Mental and Remedial:

An establishment licensed or certified by the State and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care to individuals who are criminal offenders, alcoholics, drug abusers, mentally ill or who require planned care while living together as a single housekeeping unit, subject to:

- A. All State and County licensing and health department requirements; and
- B. Facility requirements including site size, but in no event smaller than twenty-thousand (20,000) square feet.

430-53.4 Home for Aged (Retirement Home):

A facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living, in a protected environment.

- A. The minimum lot area shall be fifteen-thousand (15,000) square feet plus one-thousand (1,000) square feet for each bed over fifteen (15);
- B. The minimum front and rear yards shall be thirty (30) feet;
- C. The minimum side yard shall be twenty (20) feet;
- D. The maximum lot coverage shall be forty (40) percent;
- E. All State requirements and County Health Department requirements shall be met; and
- F. The facility shall be licensed or certified by the State.

430-53.5 Resident Care Facility:

An establishment licensed or certified by the State and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged, convalescent, mentally handicapped or retarded, and remedial service clientele and/or victims of domestic violence and their children, as a single housekeeping unit. Resident care facilities must meet the following minimum requirements:

- A. Shall not include hospital or treatment facilities otherwise provided in Article IV;
- B. The minimum lot size shall be fifteen-thousand (15,000) square feet;
- C. Must maintain all applicable licenses required by the State and County;
- D. Must meet all Department of Health requirements; and
- E. No more than three (3) unrelated staff members or persons related to staff shall reside at the facility.

430-53.6 Family Day-Care Provider in the AF-10, AF-5 and RR-5 Districts:

A day-care (child care) provider who regularly provides day-care (child care) in the provider's home in the family living quarters to fewer than thirteen (13) children, including children of the provider, regardless of full-time or part-time status. Family day-care providers shall meet the following:

- A. All state licensing and County Health Department requirements must be met and maintained;
- B. The requested use is compatible with the surrounding uses or can be made more compatible through conditions of approval; and
- C. The applicant has signed and recorded in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against customarily accepted farming or forestry practices.

430-53.7 Retirement Housing Community

A residential community for citizens age 55 years and older that includes a variety of housing options and services. Private dwelling units, including apartments or single-family attached/detached homes, are provided for independent residents (independent living) and residents requiring a range of supportive personal and health services (assisted living). The community also includes a residential care facility licensed or certified by the State and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged or convalescent.

A retirement housing community shall meet the following:

- A. The entire community is owned or managed by a single entity and access to community services and facilities is available for all residents;

- B. Both independent and assisted living housing units include a kitchen, bathroom(s) and bedroom(s). For studio units, a sleeping area may replace the requirement for a separate bedroom however a kitchen and bathroom must also be provided;
- C. The residential care facility meets the following requirements:
 - (1) Shall not include hospital or treatment facilities otherwise provided in Article IV;
 - (2) Must maintain all applicable licenses required by the State and County; and
 - (3) Must meet all Department of Health requirements.
- D. A variety of services and facilities intended for the direct benefit of residents is an integral element of the retirement housing community. These services are accessory in nature to the primary use of residential housing, are intended to principally serve residents of the retirement housing community, but may also be used by non-residents on a limited basis. Services and facilities may include, but are not limited to, a dining facility, health and fitness facility, administrative or medical offices, craft and hobby rooms, meeting and community rooms, beauty and barber salons, library and guest lodging; and
- E. The community is open to pedestrian and vehicular circulation and is not gated.

430-55 Guest House

A second house on a parcel, used for intermittent occupancy by guests of the occupant of the main residence. A guest house is permitted subject to the following:

- 430-55.1 The minimum lot size shall be twice the minimum requirement for the primary district;
- 430-55.2 The guest house shall be for intermittent or temporary occupancy only;
- 430-55.3 Placement of a guest house shall allow for future division of the lot to the District standards;
- 430-55.4 Submission of a plan indicating how a legal lot could be partitioned for the guest house; and
- 430-55.5 Limitation of one guest house for one main dwelling unit.

430-57 Heavy Industrial Uses

- 430-57.1 Heavy Industrial uses include the following:
 - A. Acid Manufacture;
 - B. Blast furnace;
 - C. Cement, lime, gypsum or plaster manufacture;

- D. Distillation of bones;
- E. Dump, rubbish, cinders, slag or sawdust;
- F. Explosives, manufacture or storage;
- G. Fat rendering;
- H. Fertilizer manufacture;
- I. Garbage, offal or dead animal reduction or dumping;
- J. Gas manufacture or storage (artificial), natural, industrial, liquefied or compressed;
- K. Glue manufacture;
- L. Incinerator;
- M. Petroleum refining and reclaiming plants if located more than thirteen-hundred-twenty (1,320) feet from any property classified other than an IND, R-IND or MAE District;
- N. Storage, curing or tanning of raw, green or salted hides or skins; and
- O. Any use which in general is especially hazardous to the public health or safety, damaging to vegetation and discharges extreme air and water pollutants.

430-57.2 Lot Area:

The minimum lot area shall be five (5) acres.

430-57.3 Yard Requirements:

A minimum setback of six-hundred (600) feet from any R or AF District and not less than three-hundred (300) feet from any other district except Industrial.

430-59 Heliport

Heliports may be allowed subject to compliance to all Federal and State requirements including DEQ noise control regulations for aeronautics. Personal use heliports shall comply with the requirements of Section 430-7.

430-63 Home Occupation

A home occupation is a lawful activity carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Bed and breakfast facilities serving five (5) or fewer persons are permitted as a Type I Home Occupation in all districts except the Institutional, EFU, EFC and AF-20 Districts (Section 430-63.1C does not apply to bed and breakfast facilities). Bed and breakfast facilities serving more than five (5) persons are subject to the standards of Section 430-19 - Boarding House (including Bed and Breakfast facilities for more than five (5) persons).

There are four types of home occupations: exempt (see Section 201-2.18), Type I (Section 430-63.1), Type II (Section 430-63.2) and Type III (Section 430-64.3). The following summarizes the key differences:

Exempt

- Same as Type I, but no on-site customers

Type I

- Operated within the dwelling (includes one or two-car attached garage)
- No retail sales other than telephone sales
- Limited to five (5) customers or fewer per day
- No employees
- Does not allow any additional parking
- Allows one commuter vehicle with weight limits

Type II

- Operated within the dwelling or an accessory building
- Limited retail sales
- Limited to nine (9) customers or fewer per day
- One (1) employee allowed
- Allows additional parking
- Allows one commuter vehicle with no weight limit

Type III

- Same as Type II, and
- Limited outdoor storage
- Allows one commuter vehicle with no weight limit
- Limited to the AF-5 and AF-10 Districts

430-63.1 Home Occupation (Type I) (not including Type I home occupations that do not require a Development Permit pursuant to Section 201-2.18)

A Type I Home Occupation shall:

- A. Require the applicant to obtain a permit which shall be renewed annually;
- B. Be operated entirely within the applicant's dwelling. The use of detached garages, three-car or more attached garages, accessory structures or outdoor areas is not allowed;

- C. Use not more than twenty-five (25) percent of the floor area used for human occupancy (the basement counts as area used for human occupancy, but the garage does not) or all of a one or two-car attached garage. However, an applicant with a disability may use up to thirty-five (35) percent of the floor area used for human occupancy;
- D. When located in a residential, agricultural or forest district, limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area (business identification on a commuter vehicle is exempt from this requirement);
- E. Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle. The commuter vehicle shall not be larger than one-ton manufacturer's rating in the urban area and not be larger than a gross vehicle weight of 26,000 pounds in the rural area. Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
- F. Include no retail sales other than telephone sales;
- G. Not have more than five (5) customers daily entering the premises;
- H. Produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure;
- I. Not require any additional parking;
- J. When located in a commercial or industrial district, limit any external evidence of an occupation to one (1) identification sign not to exceed twenty (20) square feet in area;
- K. Employ no persons who are not permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee.

430-63.2 Home Occupation (Type II)

A Type II Home Occupation shall:

- A. Require the applicant to obtain a permit which shall be renewed annually;
- B. Be operated entirely within a residential structure or permitted accessory structure (outside storage is not allowed). Where a garage is used, additional off-street parking shall be provided in a manner not detracting from the residential character;
- C. Area Allowed for a Home Occupation. (The Review Authority may grant an increase to the following floor area requirements for an applicant with a disability when additional floor area is necessitated as a result of the applicant's disability.

The additional floor area shall not be greater than the minimum area needed to accommodate the disability.)

(1) Inside the UGB

- (a) Use no more than twenty-five (25) percent of the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage also may be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or
- (b) Use no more than six hundred (600) square feet of allowed accessory structure (including detached garage);

(2) Outside the UGB

- (a) Use no more than twenty-five (25) percent of the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage may also be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or
- (b) Where an accessory building is used, other than storage of farm equipment or vehicles, the home occupation shall be limited to one-thousand (1,000) square feet (including detached garage);

- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;
- E. When located in a residential, agricultural or forest district, limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area (business identification on a commuter vehicle is exempt from this requirement);
- F. When located in a commercial or industrial district, limit any external evidence of an occupation to one (1) identification sign not to exceed twenty (20) square feet in area;
- G. Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle. The commuter vehicle shall not be larger than one-ton manufacturer's rating in the urban area and not be larger than a gross vehicle weight of 26,000 pounds in the rural area. Tandem rear axles, tractor trailers or heavy equipment, such as construction equipment used in a business, are prohibited;
- H. Involve no sales of goods not made, repaired or reconditioned on the premises;

- I. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- J. No have more than nine (9) customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- K. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee; and
- L. Provide a plan for any additional parking required which shall be approved if:
 - (1) The residential character of the parcel is not changed; and
 - (2) The parking area does not detract from the visual appearance of the residence.

430-63.3 Home Occupation (Type III)

A Type III Home Occupation shall:

- A. Be only allowed in the AF-5 and AF-10 Districts;
- B. Require the applicant to obtain a permit which shall be renewed annually through the Type II procedure. The Type II renewal permit shall be subject to any conditions imposed through the Type III procedure and the conditions shall only be modified via the Type III procedure;
- C. Area Allowed for a Home Occupation. (The Review Authority may grant an increase to the following floor area requirements for an applicant with a disability when additional floor area is necessitated as a result of the applicant's disability. The additional floor area shall not be greater than the minimum area needed to accommodate the disability.)
 - (a) Use no more than twenty-five (25) percent of the floor area used for human occupancy (may include the basement) or all of a one or two-car attached garage. A three-car or more attached garage may also be used for the home occupation. The total floor area that may be used in a three-car or more attached garage shall be no more than twenty-five (25) percent of the floor area used for human occupancy, not including the garage; or
 - (b) Where an accessory building is used, other than storage of farm equipment or vehicles, the home occupation shall be limited to one-thousand (1,000) square feet (including detached garage);
 - (c) Outside storage of inventory, equipment, vehicles or other items associated with the home occupation shall be limited to six hundred (600) square feet;

- D. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character;
- E. Limit any external evidence of an occupation to one (1) identification sign not to exceed two (2) square feet in area (business identification on a commuter vehicle is exempt from this requirement);
- F. Not involve warehousing or distribution, or the use or storage of vehicles used for the business, other than one commuter vehicle;
- G. Involve no sales of goods not made, repaired or reconditioned on the premises;
- H. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure;
- I. Have no more than nine (9) customers daily entering the premises. The Review Authority may permit additional customers for an applicant with a disability when the increase is necessitated by the applicant's disability;
- J. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling. For the purposes of this Section, an "attendant", who is employed by an applicant with a disability for assistance with daily living activities, shall not be considered to be an employee; and
- K. Provide a parking plan which shall be approved if:
 - (1) The residential character of the parcel is not changed;
 - (2) The parking area does not detract from the visual appearance of the residence; and
 - (3) The parking area for a commuter vehicle with a gross vehicle weight more than 26,000 pounds shall be located at least one hundred (100) feet from any property line and be screened with at least a six (6) foot site obscuring fence, or within a permitted accessory structure;
- L. Be located on a lot or parcel that is at least five (5) acres in size and with direct access to a public road (use of an easement or shared driveway is prohibited);
- M. Outdoor storage areas shall be screened with a minimum six (6) foot site obscuring fence and shall be located at least one hundred (100) feet from all property lines.

430-65 Hospital

An institution providing health services, primarily for in- patients, and medical or surgical care of sick or injured persons, including as an integral part of the institution such related accessory facilities as laboratories; outpatient departments; training facilities; central service facilities; staff offices; offices and clinics of physicians for private medical practice; residential facilities for patient family members and staff, including nurses' and interns' quarters; and accessory retail facilities for the needs of

- patients and staff, including gift shop, beauty shop, barber shop, book store, eating facilities, bank, drug store or pharmacy, and other similar retail uses.
- 430-65.1 The minimum lot size shall be fifteen-thousand (15,000) square feet plus one-thousand (1,000) square feet for each bed over fifteen (15);
- 430-65.2 Final lot size and setbacks shall be determined through approval of an overall master plan for the hospital, grounds and ancillary uses, including proposed future expansion of the main building and support uses;
- 430-65.3 The minimum side yard shall be twenty (20) feet;
- 430-65.4 The minimum front and rear yards shall be thirty (30) feet;
- 430-65.5 The maximum lot coverage shall be fifty (50) percent;
- 430-65.6 The maximum sign area shall be:
- A. For less than one (1) acre - thirty-five (35) square feet;
 - B. For greater than (1) acre - seventy (70) square feet; and
- 430-65.7 A hospital shall have access onto an arterial and may be required to provide signalization when determined necessary by the County.

430-67 Housing for Seasonal Farm and Forest Labor

Housing for seasonal farm or forest labor may be allowed provided the requested use meets the following:

- 430-67.1 The request is for a dwelling customarily required to conduct the proposed farm use after considering:
- A. Size of parcel;
 - B. Soil type;
 - C. Type of farm use;
 - D. Potential markets;
 - E. Accepted farming practices as that term is defined in ORS Chapter 215; and
 - F. A three (3) year farm management plan which describes the present and proposed farm uses on the parcel.
- 430-67.2 The number of units allowed is based on need as determined by the Review Authority.

430-69 Hunting and Fishing Preserves

Hunting and Fishing Preserves shall meet the following:

430-69.1 The minimum lot size shall be twenty (20) acres; and

430-69.2 All yards shall be a minimum of two-hundred (200) feet.

430-71 Industrial Business Park

Any planned industrial development which occurs on a single lot or parcel or contiguous lots or parcels designed as a coordinated environment for a variety of industrial and industrially related activities, having a development plan that ensures internal compatibility as well as compatibility with adjacent uses which occur on a parcel or contiguous parcels under single ownership or development control.

430-71.1 The following planned development-industrial uses are allowed when they meet the definition of Industrial Business Park above and the standards of Section 430-71.2 below.

- A. Offices for administrative, educational or other related activities; professional offices for accounting, auditing and bookkeeping; architectural, engineering and surveying; law; other professional uses; and offices for financial institutions, banks and credit unions, primarily to serve the Industrial Business Park.
- B. Restaurant, delicatessen or cafeteria (which may function as a separate business) primarily for employees within the Industrial Business Park.
- C. Recreation and day-care facilities (which may function as a separate business) primarily for employees within the Industrial Business Park.
- D. Other office and commercial uses related, accessory to or serving the industrial uses, as approved as part of an industrial park.
- E. Multi-tenant office, commercial, industrial and accessory uses as approved as part of the Industrial Business Park.

430-71.2 Standards:

- A. The planned industrial uses occur within an Industrial Business Park developed on a minimum of ten (10) acres.
- B. No more than fifty (50) percent of the maximum allowable lot coverage within the park may be utilized for the above listed uses.
- C. Restaurants, commercial day-care facilities and recreational uses are:
 - (1) At a scale intended primarily to serve persons working in the development; and
 - (2) Located with access to an interior street within the Industrial Business Park.
- D. Offices for financial institutions such as banks, savings and loans and credit unions shall have access on interior streets within the Industrial Business Park.

E. Maximum lot coverage within Industrial Business Parks is fifty (50) percent.

430-72 Infill

430-72.1 Intent and Purpose

The intent of this Section is to provide a means of developing vacant or underdeveloped, bypassed lands of two (2) acres or less in areas designated R-5 and R-6 by the applicable Community Plans of the Washington County Comprehensive Plan. This Section is intended to ensure, to the extent practicable, considering the allowed density of each district, that new development is compatible with existing developed areas through Development Review that emphasizes building orientation, privacy, buffering, access and circulation and provides for notification to adjacent property owners. Application of the requirements of this Section shall not preclude development to the density allowed by each district.

430-72.2 Applicability

The requirements of this Section shall apply to all properties designated by the applicable Community Plan as R-5 or R-6 which contain two (2) acres or less (excluding existing rights-of-way).

430-72.3 Development of land required to be processed through the infill provisions shall meet the following:

- A. When developed through a subdivision, consider the orientation, landscaping and buffering of proposed uses in order to provide maximum privacy to surrounding existing and future residential structures; or
- B. For all other development (i.e., partitions, development review for attached units) the following standards shall apply:
 - (1) Complies with the intent and purpose of this Section;
 - (2) The applicant shall provide a plan of complete development of the subject property and potential development of adjacent vacant parcels to the density allowed by the district;
 - (3) Parcelization or placement of dwellings shall not preclude development of the subject site and surrounding properties to the density allowed by the district. Consideration shall include but not be limited to:
 - (a) Access;
 - (b) Circulation; and
 - (c) Building location;
 - (4) Buildings shall be oriented to provide maximum privacy to surrounding existing and future residential structures;

- (5) Maintain the setback requirements of the primary district unless the Review Authority determines, as part of the initial approval, that it is necessary to modify the setbacks to provide more privacy to existing and proposed structures; and
- (6) Landscaping and fencing may be required to maintain the privacy of existing dwellings on adjacent properties.

430-73 Kennel

A kennel is any premises on which five (5) or more dogs with permanent canine teeth or which are more than six months of age are kept for any purpose whatsoever. Kennels may be allowed provided:

- 430-73.1 The minimum site area shall be five (5) acres;
- 430-73.2 All setbacks shall be no less than one-hundred (100) feet;
- 430-73.3 There shall be a maximum sign area of twelve (12) square feet;
- 430-73.4 A kennel license is obtained from Washington County Dog Control; and
- 430-73.5 All dog waste shall be disposed of in a sanitary manner (not causing a public health nuisance) as approved by the Washington County Department of Health.

430-74 Living History Museum in the EFU and AF-20 Districts

A living history museum is a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. A living history museum, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted period or the museum administration building, is permitted in the EFU or AF-20 Districts subject to the standards listed below.

- 430-74.1 A living history museum shall:
 - A. Be related to only resource based activities (farm and forest uses);
 - B. Be owned and operated by a governmental agency or a local historic society. For the purposes of this section, local historical society means the local historical society, recognized as such by Washington County and organized under ORS chapter 65; and
 - C. Be permitted if other areas that are not within the EFU or AF-20 Districts cannot accommodate the use or if the museum administration buildings and parking lot are located within one quarter ($\frac{1}{4}$) mile of the metropolitan urban growth boundary.
- 430-74.2 In addition to the requirements of Section 501-9, an application for a living history museum shall include a transportation/traffic impact analysis which demonstrates the

- following. The analysis shall be prepared and certified by a traffic or civil engineer registered in the state of Oregon.
- A. Consistency with the following standards based upon existing and planned conditions (planning horizon of the applicable transportation plan or functional plan):
 - (1) Washington County's functional classification policy (Policy 9) of the Transportation Plan;
 - (2) Washington County's level of service standard, as defined by Section 501-8.8 I.; and
 - (3) The Oregon Department of Transportation (ODOT) functional plans, including *The Oregon Highway Plan* and the *Oregon Transportation Plan*.
 - B. Consistency with OAR 660-12-065 (Transportation Improvements on Rural Lands).
 - C. Adequacy of traffic safety and traffic operations at the site's access to a public road and within a ten (10) percent impact area as defined by Resolution and Order 86-95 as modified or updated and Section 501-8.5. The applicant shall make necessary improvements, if any, to correct identified deficiencies.
 - D. Adequacy of the width and structural integrity, including roadway pavement, base and drainage, of the public access road(s) between the site's access and the nearest Arterial or paved Collector. The roadway width and structural integrity of these access roads shall meet County road standards. The applicant shall make necessary improvements, if any, to correct identified deficiencies. These access roads shall be maintained by the applicant to County standards through a maintenance local improvement district or other methods approved by the Director.
 - E. Conformance with the Oregon Department of Transportation's traffic/development review requirements, including but not limited to traffic report, access management, level of service, and traffic safety and operations requirements. The applicant shall make necessary improvements, if any, to mitigate identified deficiencies.
 - F. Adequate traffic management and parking for special events. Off-site parking areas, if any, shall be approved as part of the development application for the museum or through a separate Type II or III application.
- 430-74.3 The applicant shall request a periodic review of conditions at ten (10) year intervals to determine whether additional conditions are needed to lessen the museum's impact on surrounding uses. Periodic review shall be done through a Type II or III procedure. The applicant or Director may initiate a review of conditions at an earlier date if the Director determines there is an unexpected issue(s) which should be addressed sooner.
- 430-74.4 The maximum sign area shall be sixty-four (64) square feet.

430-75 Manufactured Dwelling (General Standards)

430-75.1 Minimum Standards for All Manufactured Dwellings

The following standards are not applicable to manufactured homes that are subject to Section 430-76.

- A. Require set up and installation permits obtained from Washington County;
- B. Shall be sited in compliance with applicable State Manufactured Dwelling Standards;
- C. Shall comply with other applicable State requirements;
- D. Shall be placed on a foundation or footings which meet Code as determined from plans and specifications submitted to obtain a building and siting permit;
- E. Manufactured skirting, treated resistant wood or other approved material shall be placed around the perimeter of the manufactured dwelling unless there is a perimeter foundation; and
- F. Extensions of and attachments to manufactured homes not part of the original factory manufactured dwelling require a building permit.

430-75.2 Manufactured Dwelling Sites (General Standards)

- A. All buildings on manufactured dwelling site, except accessory structures, shall comply with the dimensional requirements of the primary district except in manufactured dwelling parks;
- B. Accessory structures shall be located a minimum of six (6) feet from the manufactured dwelling and other accessory buildings; and
- C. Access and parking shall be in conformance with the applicable requirements of this Code.

430-76 Manufactured Home, in the R-5, R-6, R-9, R-15, R-24, R-25+, and FD-10 Districts

A manufactured home, as defined by Section 106-131.3, may be placed on a lawfully created lot or parcel, that is not within a manufactured dwelling subdivision, in the R-5, R-6, R-9, R-15, R-24, R-25+, and FD-10 Districts subject to compliance with the following standards. Manufactured homes subject to the requirements of this Section are not subject to the standards of Section 430-75. Section 430-76 is not applicable to manufactured homes in a manufactured dwelling subdivision.

430-76.1 The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional by virtue of having a tip-out section;

430-76.2 The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than twelve (12) inches above grade, or shall have a masonry or concrete enclosure

backfilled up to twelve (12) inches above grade for at least fifty (50) percent of the exposed enclosure;

- 430-76.3 The manufactured home shall have a pitched roof, with no less than a nominal three (3) feet in height for each twelve (12) feet in width;
- 430-76.4 The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455-010;
- 430-76.5 The manufactured home shall have a detached or attached garage constructed of like materials. An attached garage shall have a hip or gable roof. The applicant may construct a carport rather than a garage when the applicant demonstrates, through a Type I procedure, that less than fifty (50) percent of the dwellings on lots or parcels within four hundred (400) feet from the perimeter of the site have garages. A building permit for the garage or carport shall be obtained with the building permit for the manufactured home. The garage or carport shall be completed within forty five (45) days of occupancy of the manufactured home;
- 430-76.6 The manufactured home shall meet the dimensional requirements of the primary district, including the standards of Section 418 (Setbacks);
- 430-76.7 The manufactured home, garage or carport shall not have metal siding or roofing, except when the following materials are used:
- A. Aluminum horizontal lap siding;
 - B. Metal roofing materials that have the appearance of shingles, shakes or tiles; or
 - C. A standing seam metal roof.
- 430-76.8 The manufactured home shall not be located within or adjacent to a structure which is subject to Section 373 (Historic and Cultural Resource Overlay District).
- 430-76.9 The manufactured home shall utilize at least five (5) of the following design features:
- A. The front of the dwelling shall be parallel (within 30 degrees) to the front lot line (See Figure 1);
 - B. A roof with a pitch that is 4/12 or greater;
 - C. A hip roof;
 - D. A tile or shake roof;
 - E. An attached garage with a gable or hip roof, or with a second story above the garage;
 - F. One or more dormers that are parallel (within 30 degrees) to the front lot line (see Figure 2);

- G. Three or more gables (see Figure 3);
 - H. Building face or roof offsets (minimum twelve [12] inch offset) that are parallel (within 30 degrees) to the front lot line (see Figure 4);
 - I. Two (2) or more windows, each a minimum of 5.70 square feet in area, that are parallel (within 30 degrees) to the front lot line;
 - J. Bay or bowed windows that are parallel (within 30 degrees) to the front lot line;
 - K. Window shutters on front, side and rear windows;
 - L. Minimum ten (10) inch eaves (all house eaves);
 - M. One or more of the following types of exterior siding:
 - (1) Horizontal lap siding, including simulated horizontal lap siding;
 - (2) Vertical cedar siding;
 - (3) Beveled siding; or
 - (4) Stucco;
 - N. Use of brick or stucco on the building facade that is parallel (within 30 degrees) to the front lot line;
 - O. A recessed front entry (minimum twenty-four [24] inches) which is parallel (within 30 degrees) to the front lot line;
 - P. A covered porch entry (minimum five [5] foot depth) for the front entrance. When the front entrance is not parallel to the front lot line, the porch shall be visible from the street (see Figure 5);
 - Q. Solid wood trim for exterior siding; or
 - R. A masonry or poured-in-place concrete perimeter enclosure backfilled up to twelve (12) inches above grade for at least fifty (50) percent of the exposed enclosure.
- 430-76.10 The site plan for the building permit for the manufactured home shall show all door openings; appurtenances, including carports, garages, porches, steps and landings; and accessory buildings.

430-77 Manufactured Dwelling Park

A Manufactured Dwelling Park is a parcel of land under single ownership on which two (2) or more manufactured dwellings are occupied as residences. The manufactured dwelling sites usually are rented. Manufactured Dwelling Parks shall:

- 430-77.1 Meet all the general manufactured dwelling requirements of Section 430-75;

- 430-77.2 Be a minimum of three (3) acres;
- 430-77.3 Shall maintain the density requirement of the underlying district and in no case shall exceed ten (10) units per acre. If the underlying district would otherwise allow more than ten (10) units per acre, any loss of density that occurs as a result of approving a manufactured dwelling park may be transferred. The following relate to transfer of said density:
- A. Any loss of said density may be transferred to the remainder of the lot or parcel over the required three (3) acres if the park does not occupy an entire site; or
 - B. Any loss of said density may be transferred to any contiguous parcels in the same or higher density district; and
 - C. If a density transfer occurs, the maximum density for the area approved for the park shall be ten (10) units per acre;
- 430-77.4 Require that each manufactured dwelling have a minimum front yard setback of ten (10) feet. The front yard setback shall be measured from the back of the street curb or sidewalk, whichever is closest;
- 430-77.5 Require that each manufactured dwelling have a minimum rear yard and street side yard setback of ten (10) feet and side yard setback of five (5) feet. The street side yard setback shall be measured from the back of the street curb or sidewalk, whichever is closest;
- 430-77.6 Have minimum exterior perimeter setbacks of fifteen (15) feet with planting and screening as required for a Type II buffer (Section 411-6.2);
- 430-77.7 The manufactured dwelling shall meet the requirements of Section 418 (Setbacks);
- 430-77.8 The site plan for the building permit for the manufactured home shall show all door openings; appurtenances, including carports, garages, porches, steps and landings; and accessory buildings;
- 430-77.9 Provide a paved driveway, at least ten (10) feet in width, for each space;
- 430-77.10 Provide a minimum of one (1) paved off street parking place;
- 430-77.11 Provide a minimum of two-hundred-forty (240) cubic feet of detached storage space for each manufactured dwelling space;
- 430-77.12 Allow double carports or garages to serve two adjacent manufactured dwellings;
- 430-77.13 Allow only manufactured dwellings for residences and accessory uses, including home occupations;
- 430-77.14 Provide an on-site circulation network including streets and pedestrian facilities in conformance with Section 408 (Neighborhood Circulation) and 409 (Private Streets);
- 430-77.15 Obtain a Mobile Home Park Construction Permit from Washington County;

- 430-77.16 Meet the standards of this Section prior to occupancy;
- 430-77.17 Expansions of existing parks shall meet the standards of this Section;
- 430-77.18 Access to a manufactured dwelling park may be provided through an urban commercial or urban industrial district if no other access is available; and
- 430-77.19 Comply with applicable State requirements, such as requirements for streets, utilities and open space/ recreational areas.

430-79 Manufactured Dwelling Subdivision

A subdivision designed and approved for the sale of lots for residential occupancy in manufactured dwellings. In addition to the requirements of Article IV, Land Divisions, Manufactured Dwelling Subdivisions shall:

- 430-79.1 Be a minimum of five (5) acres;
- 430-79.2 Meet all the general manufactured dwelling requirements of Section 430-75;
- 430-79.3 Meet the lot size and setback requirements of the primary district and the setback requirements of Section 418 (Setbacks);
- 430-79.4 Require that each manufactured dwelling site shall have a carport or garage (detached or attached). When sided, siding shall be the same as or similar to the manufactured dwelling and shall extend to the ground or foundation;
- 430-79.5 Require that each manufactured dwelling have, when an enclosed carport does not incorporate enclosed storage, an accessory storage shed no less than three-hundred twenty (320) cubic feet. An enclosed garage fulfills this requirement;
- 430-79.6 Have a minimum of one (1) off-street parking space per manufactured dwelling in accord with Section 413;
- 430-79.7 Have a paved driveway, at least ten (10) feet in width, for each dwelling;
- 430-79.8 Have at least ten (10) feet between manufactured dwellings;
- 430-79.9 Have a minimum fifteen (15) foot perimeter setback for all manufactured dwellings with a Type II buffer (Section 411-6.2) when adjacent to an R-5 or R-6 District;
- 430-79.10 Not park or store tractor trailers, semi-trucks or heavy equipment used in conducting a business activity. This does not include farm equipment used in conjunction with farm use; and
- 430-79.11 Not allow the outdoor parking or storage of any five (5) or more vehicles on a single lot for more than forty-eight (48) hours.
- 430-79.12 The site plan for the building permit for the manufactured home shall show all door openings; appurtenances, including carports, garages, porches, steps and landings; and accessory buildings.

430-81 Neighborhood Commercial (In Conjunction with Housing for the Elderly)

This neighborhood commercial may include a small grocery, postal substation, beauty shop and barbershop and may be allowed in conjunction with a project for housing for the elderly when:

- 430-81.1 The floor area of the commercial use is limited to five-thousand (5,000) square feet;
- 430-81.2 The housing project has been approved for no less than one-hundred (100) dwelling units;
- 430-81.3 The project is at least one-quarter ($\frac{1}{4}$) mile from an existing planned Neighborhood Commercial or Community Business District area or use;
- 430-81.4 The commercial use is internal to the project and may be reached only by a local street or pedestrian access;
- 430-81.5 Signing shall be limited to one (1) identification sign of six (6) square feet; and
- 430-81.6 The building permits for a neighborhood commercial use shall not be issued until fifty (50) percent of the dwelling units in the project have been constructed.

430-83 Neighborhood Commercial (In the R-25+ Residential District)

These neighborhood commercial uses provide for the shopping and service needs of an immediate urban area. Neighborhood commercial uses in the R-25+ District shall be allowed only in conjunction with residential development and shall:

- 430-83.1 Utilize no more than twenty (20) percent of the floor area of any residential structure, and in no case more than two-thousand (2,000) square feet;
- 430-83.2 Require that sixty (60) percent of the residential structure(s) is (are) occupied prior to issuance of the occupancy permit for the commercial use when separate from the residential structure;
- 430-83.3 If both Neighborhood Commercial (Section 430-83) and Professional Office (Section 430-101) are proposed, the two together shall not exceed twenty (20) percent of the floor area of the residential development;
- 430-83.4 Be at least three-fourths ($\frac{3}{4}$) of a mile from any existing neighborhood, community or regional commercial center; and
- 430-83.5 Be limited to the sign regulations applicable to the R-25+ District.

430-85 Nonfarm Detached Dwelling Unit

A Nonfarm Dwelling in the EFU or AF-20 District is a dwelling not provided in conjunction with farm use. For tracts that are predominately high-value farmland, address Sections 430-85.1, 85.4 and 85.5. For tracts that are not predominately high-value farmland, address Sections 430-85.2 or 85.3 and 85.4 and 85.5.

- 430-85.1 On land identified as high-value farmland, a nonfarm dwelling may be established on a lot or parcel upon written findings showing all of the following:
- A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
 - B. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through VIII soils that would not, when irrigated, be classified as prime, unique, Class I or II soils;
 - C. The dwelling will be sited on a lot or parcel created before January 1, 1993;
 - D. The dwelling will not materially alter the stability of the overall land use pattern of the area.

In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the applicant shall provide findings addressing the cumulative impact of possible nonfarm dwellings and parcels on other lots or parcels in the area similarly situated. To address this standard, the applicant shall:

- (1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres, or a smaller area not less than 1,000 acres if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;
- (2) Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm dwellings that could be approved under Section 430-85, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under Section 424. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings;
- (3) Determine whether approval of the proposed nonfarm dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of the existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of

tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

- E. The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land;
 - F. Complies with such other conditions as the Review Authority considers necessary.
- 430-85.2 On land not identified as high-value farmland, a nonfarm dwelling may be established on a lot or parcel with soils predominantly in capability Classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture Soil Conservation Service on October 15, 1983, upon written findings showing all of the following:
- A. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;
 - B. The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land; and
 - C. Complies with such other conditions as the Review Authority considers necessary.
- 430-85.3 A Nonfarm Dwelling in the EFU or AF-20 District on a lot or parcel, lawfully created between January 1, 1948, and July 1, 1983 upon written findings showing the following:
- A. Only one lot or parcel exists if a lot or parcel described in this Section is contiguous to one or more lots or parcels described in this Section; and on July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common;
 - B. The lot is not larger than three (3) acres;
 - C. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.
 - D. The dwelling complies with other conditions as the Review Authority considers necessary.
 - E. Upon receipt of an application for a permit for a dwelling under Section 430-85.2, the Review Authority shall notify:

- (1) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be established; and
 - (2) Persons who have requested notice of such applications and who have paid a reasonable fee imposed by the county to cover the cost of such notice.
- F. The notice required in Subsection 430-85.2 E. of this section shall specify that persons have 15 days following the date of postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is received, the Review Authority shall approve or disapprove the application. If an objection is received, the Review Authority shall set the matter for hearing pursuant to Section 205. The Review Authority may charge the reasonable costs of the notice required by Section 430-85.2 E. to the applicant for the permit requested under Section 430-85.2.
- G. For purposes of this Section, contiguous means lots, parcels or lots and parcels that have a common boundary, including but not limited to lots, parcels or lots and parcels separated only by a public road.

430-85.4 All applicants for nonfarm dwellings shall:

- A. Sign and record, in agreement form, in the Deed and Mortgage Records of the County, a waiver of the right to remonstrate against commonly accepted farm or forest practices which may occur on adjacent lands;
- B. Provide evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815, and has paid the additional tax or penalty, if any, imposed by the County Assessor under ORS 308.399 or 321.960, whichever is applicable.
- C. Record in the Deed and Mortgage Records of the County the following restrictive covenant:

“This parcel is not eligible for a dwelling until the parcel has been disqualified for special tax assessment and the appropriate penalty paid as required by law. This restrictive covenant shall run with the land and may be removed or modified only upon approval of Washington County.”

430-85.5 The following special procedure shall apply to all dwellings subject to Section 430-85.

- A. The Director shall not issue a building permit for a lot or parcel which has received approval for a nonfarm dwelling under Section 430-85 for the establishment of a dwelling on a lot or parcel in an exclusive farm use zone that is, or has been, receiving special assessment without evidence that:
 - (1) The lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815; and

- (2) The additional tax or penalty, if any, imposed by the County Assessor under ORS 308.399 or 321.960, whichever is applicable, has been paid.
- B. The owner of a lot or parcel which has received approval for a nonfarm dwelling under Section 430-85 shall, prior to issuance of a building permit:
- (1) Notify the County Assessor that the lot or parcel is no longer being used as farmland; and
 - (2) Request that the County Assessor disqualify the lot or parcel for special assessment under ORS 308.370, 308.876, 321.352, 321.730 or 321.815.
- C. A parcel that has been disqualified pursuant to Section 430-85.4.B. shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.
- D. When the owner of a lot or parcel upon which the establishment of a dwelling has been approved for a nonfarm dwelling notifies the County Assessor that the lot or parcel is no longer being used as farmland and requests disqualification of the lot or parcel for valuation at true cash value for farm use, the County Assessor shall:
- (1) Disqualify the lot or parcel for valuation at true cash value for farm use under ORS 308.370 by removing the special assessment for farm use as provided by ORS 308.397(1);
 - (2) Provide the owner of the lot or parcel with written notice of the disqualification for valuation at true cash value for farm use under ORS 308.370; and
 - (3) Impose the additional tax or penalty, if any, provided by ORS 308.399 or 321.960, whichever is applicable.

430-88 Outdoor Performing Arts Center

An Outdoor Performing Arts Center is a land use consisting of an amphitheater with either fixed, permanent or temporary seating or a combination thereof used on a seasonal basis for musical performance theater or similar productions.

430-88.1 Outdoor Performing Arts Centers shall:

- A. Be within $\frac{1}{4}$ mile of a freeway interchange;
- B. Provide own security and traffic control;
- C. Be limited to five thousand (5,000) permanent seats. Additional, non-permanent seating may be provided;
- D. Provide appropriate public facilities without extending urban services outside the UGB. Where services are available adjacent to the site, uses may connect to existing facilities; and
- E. There shall be a minimum lot size of forty (40) acres.

430-88.2 The applicant shall provide written findings that:

The amphitheater or activities associated with it, will not force a significant change in or significantly increase the cost of accepted farming or forestry practices on nearby lands devoted to farm or forest use.

430-88.3 The applicant shall be required to submit findings for exception to LCDC Goals pursuant to LCDC Goal 2, OAR 660-04-020. Any exception request shall be processed as a quasi-judicial plan amendment. The development review application may be heard and processed in conjunction with the plan amendment.

430-89 Park and Ride Facility

Privately or publicly owned and operated parking facilities, including parking structures, furnished to support public transit by providing an area for vehicular parking at a convenient distance from transit stations or bus lines. Park and Ride Facilities are built in order to reduce congestion, and to make use of public transit more viable. Applications for park and ride facilities in conjunction with the Transit Corridor or a Timed Transfer Station shall:

430-89.1 The applicant shall submit written material based upon a study of the area served and the transit services provided which:

- A. Justifies the lot area, number of parking stalls and any other facilities being proposed; and
- B. The method of access to the transit vehicle.

430-89.2 The applicant shall submit a site plan which includes at a minimum:

- A. Adequate auto parking areas;
- B. Passenger waiting areas;
- C. Separate drop off area;
- D. Bicycle parking facilities; and
- E. Access to transit vehicle.

430-89.3 Park and ride lots shall meet the standards of Section 413 (Parking and Loading) of the Community Development Code.

430-89.4 Where an existing parking lot is designated for joint use as a park and ride lot, the lot shall be exempt from the standards of Section 430-89.1 through 430-89.3.

430-91 Parking (Not in Conjunction with an Allowed Use) in the Neighborhood Commercial (NC), Community Business (CBD), and General Commercial (GC) Districts.

A parking area is an off-street area containing one or more parking spaces, with passageways and driveways appurtenant thereto. In an NC, CBD, or GC District, a

lot or parcel may be used for the parking or storage of cars in conjunction with a permitted use in a different district, provided:

- 430-91.1 The subject lot or parcel is located within one- hundred (100) feet of the permitted use;
- 430-91.2 No buildings or structures shall be allowed in conjunction with the parking;
- 430-91.3 The area used for parking shall be developed to the standards of Section 413 (Parking and Loading);
- 430-91.4 Only directional signs shall be allowed; and
- 430-91.5 Except for uses listed in Section 413-9.5 A., the spaces in a parking area on a lot or parcel shall not be used to meet the minimum off-street parking requirements of Section 413-9.

430-95 Parks (Type I Public and Private)

A Park, which includes a playground, includes the use of an area set apart for recreation of the public to promote its health, enjoyment and the environment. A Playground is a park with playground equipment. Parks are allowed through a Type I procedure when no building permit is required, except for playground equipment, or off-street parking facilities are required and the use is not carried on as a business.

430-97 Parks (Type II Public and Private)

Where a building permit or parking facilities are required, except as specified in Section 430-95, or if the chief activity of the park is carried on as a business, the following standards shall apply:

- 430-97.1 All side and rear setbacks to any building or swimming pool shall be no less than forty-five (45) feet;
- 430-97.2 The front yard setback shall be the same as the primary district; and
- 430-97.3 Facilities and structures, except as permitted as a Special Recreation Use (Section 430-131), that are incidental and subordinate to the park may be permitted, including but not limited to service yards, maintenance equipment storage and repair, indoor picnic facilities, and except in the EFU, AF-20 and EFC Districts, caretaker residences. In the EFC District only caretaker residences for public parks may be permitted.
- 430-97.4 Park approvals shall be conditioned to provide for maintenance.

430-99 Private Club

A Private Club includes buildings and grounds used for and operated by a nonprofit organization, whose membership is by invitation and election according to qualifications in the club's charter or bylaws. The use of the club's facilities is primarily restricted to members and their guests. Private clubs may be allowed subject to the following:

- 430-99.1 A minimum lot size of fifteen-thousand (15,000) square feet;
- 430-99.2 A minimum front and rear yard of twenty (20) feet;
- 430-99.3 A minimum side yard of twenty (20) feet;
- 430-99.4 Where a golf course is included - See Section 430-51 for additional standards; and
- 430-99.5 Where other sports facilities are involved see Section 430-131 (Special Recreation Use) for additional standards.

430-100 Private Hunting and Fishing Operations in the EFC District

Private hunting and fishing operations which do not constitute development as defined in Section 106-57 are not subject to these standards.

Any accessory structure or seasonal accommodation shall be incidental to hunting or fishing that occurs primarily on the parcel on which the structure is located and on adjoining parcels owned or leased by the operator.

430-100.1 Accessory structures for private hunting and fishing operations may be allowed subject to the following standards:

- A. The structures shall be incidental and subordinate to the hunting or fishing operation;
- B. The structures shall not be used as a dwelling or for overnight accommodations; and
- C. Only minor and accessory retail sales which serve only users of the hunting or fishing operation shall be permitted.

430-100.2 Private Seasonal Accommodations for Fee Hunting Operations may be allowed subject to the following standards:

- A. No more than fifteen (15) units as defined by the Oregon Structural Specialty Code shall be permitted;
- B. The accommodations approved under this Section may be occupied only for the purpose of hunting during game bird and big game hunting seasons as authorized by the Oregon Fish and Wildlife Commission; and
- C. Only minor and accessory retail sales which serve only users of the hunting operation shall be permitted.

430-100.3 Private accommodations for fishing occupied on a temporary basis may be allowed subject to the following standards:

- A. No more than fifteen (15) units as defined by the Oregon Structural Specialty Code shall be permitted;
- B. Accommodations shall only be occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
- C. Accommodations shall be located within one-quarter ($\frac{1}{4}$) mile of fish-bearing Class I waters;
- D. Only minor and accessory retail sales which serve only users of the fishing operation shall be permitted; and
- E. The applicant shall sign and record in agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

430-101 Professional Office (in a Residential District)

A professional office is the office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others. When professional office uses are located in a residential district they shall be allowed only in conjunction with residential development and shall:

430-101.1 Occupy no more than twenty (20) percent of the floor area of a residential structure.

430-101.2 If separate from the residential structure, only twenty (20) percent of the total floor area of the development may be used for office purposes when:

A. The building permit for the office use is not issued until sixty (60) percent of the residential structure(s) is (are) occupied; and

B. The structure meets the dimensional standards of the primary district.

430-101.3 If both Professional Office (Section 430-101) and Neighborhood Commercial (Section 430-81 or 430-83) uses are proposed, the two uses together shall not exceed twenty (20) percent of the floor area of the residential development.

430-101.4 In addition to the allowed residential signs, there shall be no more than twelve (12) square feet of sign area.

430-103 Public Building

Public Building: Any building held, used or controlled exclusively for public purposes by any department or branch of government (Federal, State, County, municipal or special district) and private, nonprofit agency serving the public, including such uses as Art Gallery, Auditorium, Community Building, Governmental Structures, Federal, State, County and special district), Library and Museum, subject to the following:

430-103.1 Must submit a total site plan with application which indicates any proposed buildings, parking, landscape concept and any future phased development proposed for the site, and a schedule of development;

430-103.2 All setbacks shall be a minimum of twenty (20) feet and may be increased according to the scale of the proposed building(s) or use(s) through a Type I procedure; and

430-103.3 Inside the UGB, public buildings shall have access onto a collector or arterial level street except for satellite buildings or stations in residential districts which:

A. Generate no more trips than a residential use in the same district or, in the Institutional District, no more than the adjacent Residential District;

B. Require no special outside lighting;

C. Require no sirens to sound at or near the site.

430-105 Public Utility

Any corporation, including municipal or semi-municipal corporation, service district, company, individual, or association that owns or operates any plant or equipment for the conveyance of telegraph or telephone messages, with or without wires; for the transportation of water, gas, or petroleum products by pipeline; for the production, transmission, delivery or furnishing of heat, light, water, or electricity; for the transmission and delivery of television pictures and sound by cables; for the transportation of persons or property by street, railroads or other street transportation or common carriers; for the disposal of sewage; or for the disposal of storm water runoff.

- 430-105.1 A public utility service center includes any buildings or premises used for the administration of public utility repair, maintenance and installation crews including parking for vehicles, but not including warehouses or storage yards.
- 430-105.2 A public utility service yard includes any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as part of the service yard use.
- 430-105.3 A public utility service facility includes buildings, structures, and equipment within a fenced or otherwise enclosed area for the purpose of switching, regulating or controlling public utility services.
- 430-105.4 Approval of a public utility shall be based upon a study submitted by the applicant which includes:
- A. The need for the facility, present or future; and how the facility fits into the utility's Master Plan; and
 - B. The minimum area required for the facility for the present and anticipated expansion.
 - C. What measures will be used to minimize damage to paved roads and natural resources or open space.
- 430-105.5 Site size and yard shall be based upon a site plan submitted by the applicant. The site plan shall consider especially, the compatibility of the facility with existing surrounding uses and uses allowed by the plan designation.
- 430-105.6 Exemptions from the Requirements of Section 430-105:
- Exempted from these regulations are:
- A. Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary.
- For all sewer lines, there shall be no connections to the line unless approved pursuant to Section 430-105.7.
- Individual hookups to community, private or public water systems;

- B. Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures;
- C. Public utility facilities in the form of receiving and transmitting antennas and communication towers. These uses are subject to the applicable provisions of Section 430-109; and
- D. Improvements for public transit agencies, including maintenance facilities and track for light rail transit.

430-105.7 Underground pipes and conduits which introduce an urban service outside the Urban Growth Boundary.

Prior to commencing any extension of underground pipes or conduits for urban services into any area outside the Urban Growth Boundary, an applicant shall provide a sworn affidavit that no hookups to the extended line will be allowed outside the UGB except:

A. Waterlines

- (1) Within the boundaries of a lawfully created community, private or public water system or district, as allowed by Policy 22 of the Rural/Natural Resource Plan; or
- (2) To replace water from an existing water supply that has been documented to be unsafe for human consumption or insufficient to support domestic uses, in the manner described by the Rural/Natural Resource Plan.

B. Sewerlines

- (1) To relieve an identified health hazard; or
- (2) Once the line is established, to provide for disposal of sewage in connection with:
 - (i) A farm labor camp; or
 - (ii) A food processing operation.

430-107 Race Track or Drag Strip (Automobile, Motorcycle, Go-Cart, Horse or Dog)

Race tracks or drag strips may be allowed subject to the following:

430-107.1 The use meets all the requirements of the primary district; and

430-107.2 Additional conditions as to lot size, setbacks, screening, construction standards, parking, maintenance as well as any other requirements deemed necessary to protect adjacent properties and the public interest.

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

The standards of this Section apply to all telecommunication facilities except as otherwise provided herein.

430-109.1 The following are exempt from the standards provided in this Section:

- A. Telecommunication facilities that are otherwise exempt from a development permit under Section 201-2;
- B. Replacement of existing antennas and transmitters on lawfully established telecommunication facilities, provided:
 - (1) They are mounted using similar techniques as that of the antennas and transmitters they are replacing in order to minimize visual impact, or in the case of replacing antennas and transmitters on a Facility 2 tower, replacement antennas and transmitters shall also be designed as Facility 2;
 - (2) They are made of non-reflective material and painted to match the telecommunication facility or existing antennas and transmitters, whichever results in the replacement antennas and transmitters being less visible, or are placed in the tower;
 - (3) Replacement does not result in an increase in the number of antennas or transmitters (e.g., like antennas or transmitters may be replaced with like antennas or transmitters). Notwithstanding, existing antennas and transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters; and
 - (4) Replacement antennas or transmitters do not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.
- C. Reconstruction or replacement of telecommunication facilities, excluding the replacement of transmitters, antennas, approved after November 26, 1992, the effective date of Ordinance 402, subject to the following:
 - (1) Does not increase the height or base diameter of the existing tower or structure as originally approved or constructed;
 - (2) Does not reduce existing landscape buffers unless replaced with vegetation with similar characteristics, plant densities and maturity; and
 - (3) Does not use colors or lights that make the tower or antenna more visually obtrusive, unless required by either the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA).

Reconstruction or replacement of telecommunication facilities, excluding transmitter and antenna replacements pursuant to Section 430-109.1 B., approved before November 26, 1992 is subject to the provisions of Section 440,

- Nonconforming Uses, and applicable provisions of 430-109 as required by Section 440;
- D. The following telecommunication facilities that are regulated by the Federal Communications Commission (FCC) pursuant to the Code of Federal Regulations as may be amended:
- (1) Industrial, scientific, and medical equipment;
 - (2) Military and government radar antennas and associated communication and broadcast towers used for aviation services; and
 - (3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication and broadcast towers.
- E. A telecommunication facility as a temporary use - Section 430-135.1 H.;
- F. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, watercraft, or aircraft, including cellular phone or mobile broadcast studio;
- G. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys; or is in storage, shipment, or on display for sale, provided such machines are not operated except for demonstration purposes;
- H. Temporary telecommunication facilities used solely for emergency communications by public officials in the event of a natural disaster, emergency preparedness or public health or safety purposes;
- I. Two-way transmitting antennas used on a temporary basis by "911" emergency services, including fire and rescue, medical, and law enforcement, as well as essential public utility providers, including but not limited to water and sanitary and storm sewer providers;
- J. Temporary communication uses, including, but not limited to, wireless telecommunications, mobile services and other types of broadcast towers used solely for emergency communications by non-emergency service providers (i.e., private, for-profit wireless service providers) in the event of a loss of service or communications due to an act of God, natural disaster, or other occurrence that necessitates the re-establishment of services for the public benefit are subject to the following:
- (1) Notification of the temporary tower is provided to the Director within two (2) days of placement; and
 - (2) The emergency use of the broadcast or communication tower shall not exceed a period of one (1) year commencing when transmissions or receiving begins. The tower and associated structures must be removed within 30 days after they are no longer used, unless land use approval is obtained through the appropriate procedure to allow their continued use in accordance with all applicable requirements.

- K. Antennas to provide enhanced 911 (i.e., E911) network coverage when required by the FCC, subject to the following:
- (1) E911 antennas shall be flush-mounted or installed using davit arms a maximum of five (5) feet from the tower and painted or otherwise constructed of materials with the same or similar color as the tower; and
 - (2) Accessory equipment and related equipment are either located completely within the existing structure (i.e., tower, building or other structure), or are located within an existing fenced site. In the case of a tower designed as a Facility 2, E911 antennas shall also be designed as a Facility 2.

Notwithstanding, existing 911 antennas may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing 911 antennas to the E911 antennas.

430-109.2 Expansion or Alteration of Existing Telecommunication Facilities:

- A. Telecommunication facilities and related site improvements that were lawfully in existence after November 26, 1992 are considered to be conforming uses. However, because these uses may not be designed in accordance with the current development standards (i.e., setbacks, landscaping, screening and fencing, etc.) future expansions or alterations, excluding replacement of antennas and transmitters pursuant to Section 430-109.1 B., shall be subject to the development standards in effect at that time, including this Section, to the extent reasonably practicable. Where the tower design or site configuration makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of a particular development standard, the Review Authority shall waive the application of that standard.
- B. Telecommunication facilities and related site improvements that were lawfully in existence prior to November 26, 1992 are considered to be nonconforming uses and shall be subject to the provisions of this chapter as well as the provisions of Section 440, Nonconforming Uses and Structures. However, existing antennas and transmitters replaced pursuant to Section 430-109.1 B. are not subject to the provisions of this chapter or Section 440.

430-109.3 Antennas may be co-located (i.e., Facility 1) in all land use districts, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2, through the Procedure Type I provided:

- A. Antennas attached to previously approved existing towers shall be:
 - (1) Flush-mounted or mounted using similar techniques that minimize visual impact, or in the case of co-locating on a Facility 2 tower, co-located antennas shall also be designed as Facility 2;
 - (2) Made of non-reflective material and painted to match the tower or existing antennas, whichever results in the new antennas being less visible; and

- (3) No higher than fifteen (15) feet above the existing tower.
- B. Antennas attached to previously approved existing structures other than towers (i.e., water tanks or electric transmission towers) shall be:
- (1) Flush-mounted to the greatest extent practicable or otherwise mounted in ways that minimizes visual impacts;
 - (2) Made of non-reflective material and painted to match the tower or existing antennas, whichever results in the new antennas being less visible; and
 - (3) No higher than fifteen (15) feet above the existing structure.

Notwithstanding, an existing electric transmission pole may be replaced with a new electric transmission pole in order to support the co-location of antennas, provided that the replacement pole is painted to match adjacent poles in the system and is not more than fifteen (15) feet taller than the pole to be replaced.

- C. Antennas, excluding whip antennas, on top of or attached to the side or roof edge of existing buildings shall be:
- (1) When located on top of a building in all land use districts: Screened from public view by placing them behind a parapet or other architectural feature designed to resemble an architectural feature of the building, such as dormers, chimneys, or a clock or bell tower; and
 - (a) When located in a residential district: Extend no more than ten (10) feet above the building, and
 - (b) When located in a non-residential district: Extend no more than thirty (30) feet above the building.
 - (2) When attached to the side or roof edge of a building in a residential district: Camouflaged (i.e., Facility 2) by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached.
 - (3) When attached to the side or roof edge of a building in a non-residential district: At minimum, painted the same color as the exterior building and flush-mounted. Otherwise antennas shall be camouflaged by incorporating into their design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.
- D. Whip antennas located on top of an existing building shall be:
- (1) Made of non-reflective material;
 - (2) No higher than fifteen (15) feet above the existing structure; and
 - (3) Limited to applications involving five (5) or fewer whip antennas.

- E. External cabling and wiring shall be painted to match the tower, structure or building.
- F. New accessory equipment shall be screened or otherwise hidden from public view and:
 - (1) When serving antennas pursuant to A. above: Located completely within the existing site.
 - (2) When serving antennas pursuant to B. above: Located completely within the footprint of the structure to the greatest extent practicable.
 - (3) When serving antennas pursuant to C. and D. above: Located within or on top of the building.
- G. The application complies with Sections 430-109.6; 430-109.7 A., B., F., and G.; 430-109.8 H.; 430-109.9 A., B., C., D., E., F., and H.; 430-109.10; and 430-109.12. When applicable, existing fencing shall be made sight obscuring in accordance with Section 430-109.9 C. (3).

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

- A. The tower is designed to resemble an object which is not a wireless telecommunication facility and which is already present in the natural environment, such as an indigenous evergreen tree, or man-made objects, such as a flag or light pole, pole signs, a clock or bell tower, a church steeple, cross or other religious symbol, or a silo, that are or would be commonly found on the site or in the surrounding area based upon the site's land use designation. The tower's physical dimensions are proportionate and scaled to resemble the natural or manmade object.
- B. The tower design results in a tower that is not easily recognized as a structure design to support antennas and in a manner appropriate to the site's context and surrounding environment, camouflages or hides the antennas from public view.
- C. The tower functions to the extent practicable in a manner consistent with its design, unless doing so would interfere with the operation of the antennas. For example, a flagpole-designed tower shall be able to fly a flag.
- D. Accessory attachments, such as flags, are sized in proportion to the tower.
- E. Roof and ground-mounted accessory equipment (i.e., equipment shelters) are completely screened or hidden from public view. Examples of acceptable methods include placing them within the interior of the building or structure, behind a roof parapet or landscaping and a sight-obscuring fence, within architectural elements such as a clock or bell tower, or concealed (i.e., placed within a shell made of material resembling a boulder). Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of hiding them from public view.

- F. Cabling and wiring are hidden from public view.
- G. The application complies with Sections 430-109.6; 430-109.7 A., B., C., F., and G.; 430-109.8 G. and H.; 430-109.9, excluding G.; 430-109.10; 430-109.12; and the height provisions of the individual land use district.

430-109.5 Facility Siting Requirements for Procedure Type II and III Applications, excluding telecommunication facilities regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 or 201-2:

Telecommunication facilities shall be designed and located so as to minimize their visual impacts and minimize the number of new towers. New antennas and towers shall be sited using the hierarchy described below. The order of ranking by Facility, from highest to lowest, shall be 1, 2, 3, 4. When a lower ranked facility is proposed (e.g., 4), the applicant shall submit documentation which demonstrates that the higher ranked facilities are not technically feasible, available, or reasonably practicable.

- A. Facility 1: Co-location. Co-location means the placement of two or more antenna systems and accessory equipment facilities by one or more FCC license holders (service providers) on an existing structure such as a tower or the placement of one or more antenna systems and accessory equipment facilities on a structure such as a building, water tank, utility pole or electric transmission tower.
- B. Facility 2: Concealment. Concealment means to:
 - (1) Hide an antenna in or on a structure to minimize its appearance, such as placing an antenna behind a building parapet or hiding an antenna and/or tower through the use of innovative technology referred to as "stealth". Stealth technology includes designing the tower and antennas to resemble a natural or man-made object that is or would be commonly found on the site or in the surrounding area based upon the site's land use designation. Examples of such facilities can include an indigenous evergreen tree, rock feature, building architectural feature (i.e., a clock or bell tower), and a flag or light pole.
 - (2) Hide roof-mounted and ground-mounted accessory equipment (i.e., equipment shelters) from public view to the extent practicable. Examples of acceptable methods include placing them within the interior of the building or structure, behind a sight-obscuring fence and landscaping or roof parapet, or within some other architectural element such as a clock or bell tower. Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of hiding them from public view.
 - (3) Hide cabling and wiring from public view to the greatest extent practicable.
- C. Facility 3: Screening of New Towers. Screening means to use existing evergreen vegetation, topography, and/or buildings to substantially screen the proposed tower from view and cause the facility to be visually subordinate

to the surrounding area. Screened facilities may be partially visible, but not visually dominant in relation to their surroundings. The height of the existing trees, buildings or topography that is used as screening shall be at least seventy (70) percent of the height of the tower.

- D. Facility 4: New towers with no screening (i.e., Facility 3) or concealment (i.e., Facility 2).

430-109.6 The following are prohibited in all land use districts:

- A. Speculation ("spec") towers; and
- B. The attachment of any antennas or associated equipment to trees.

430-109.7 Submittal Requirements for Telecommunication Facilities not otherwise exempt under Sections 430-109.1 and 201-2:

All applications for telecommunication facilities, except as otherwise noted, shall include the following:

- A. An accurate, scaled site plan and on-site analysis (Section 404-1) showing the location of the tower(s), guy anchors (if any), equipment shelter(s) and other uses accessory to the telecommunication facility;
- B. An accurate, scaled elevation drawing(s) showing the tower design, dimensions, materials and color of the tower and antennas, including the mounting type(s) and locations of all proposed antennas, and other uses accessory to the telecommunication facility;
- C. An Alternative Sites Analysis (Facilities 2 through 4 and those regulated under Section 430-109.11 only) demonstrating that the proposed antenna(s) can not be co-located on an existing or approved tower, building or other suitable structure within the identified search ring.

For the purpose of this analysis:

- (1) Antenna(s) can be accommodated on an existing or approved tower, building or other suitable structure unless:
 - (a) Existing or approved towers, buildings or other suitable structures do not have the structural or leasable capacity to support additional antennas;
 - (b) Existing or approved towers, buildings or other suitable structures are not appropriately located or tall enough for the antenna(s) to effectively provide the proposed service; or
 - (c) Addition of the proposed antenna(s) to an existing or approved tower, building or other suitable structure would cause radio frequency emissions at that location in excess of the levels allowed by the FCC.
- (2) Use of an existing or approved tower, building or suitable structure is not precluded simply because a reasonable lease fee is charged for use of the

tower or structure or because of reasonable costs necessary to adapt the proposed antenna(s) to said tower, building or structure.

- (3) The analysis shall include a map showing the locations of all existing towers, buildings or other suitable structures included in the search ring and a written analysis as to their capability and availability to support additional antennas in response to items (1) and (2) above.
- D. A Tower Sharing Plan (Facilities 2 through 4 and those regulated under Section 430-109.11 only)
- (1) All new towers and replacement towers shall provide for the future co-location of antenna systems by other service providers as follows:
 - (a) Towers under one hundred (100) feet in height shall provide for a minimum of two antenna systems (the proposed service provider and a future co-location site) in a manner that will accommodate the additional antenna system without the need to increase the height or base diameter of the tower.
 - (b) Towers greater than one hundred (100) feet in height shall provide for a minimum of three antenna systems (the proposed service provider and two future co-location sites) in a manner that will accommodate the additional antenna system(s) without the need to increase the height or base diameter of the tower.
 - (2) A tower subject to this subsection may be approved only subject to a condition that the applicant negotiate in a timely manner and in good faith for shared use of the tower by third parties. The applicant shall allow shared use of the tower if the third party agrees in writing to pay a reasonable pro rata charge for sharing, including all charges necessary to modify the tower to accommodate shared use. An applicant will not be required to permit shared use of any unused tower capacity that the applicant demonstrates is needed for the applicant's future system expansion or modification plans as set forth in an approved business plan. This condition shall run with the land and be binding on subsequent purchasers of the tower or site. Failure to comply with this condition shall be grounds for revocation of the permit for the tower and removal of the tower in accordance with Section 430-109.12.
 - (3) Tower Sharing Plans shall contain certified documentation from a structural engineer licensed in Oregon that the tower has been designed to safely accommodate the proposed antennas in addition to future co-located antennas required pursuant to (1)(a) and (b) above. Tower Sharing Plans shall also show the mounting locations for future co-located antennas required by this section.
- E. A District Siting Analysis (Residential Districts only) demonstrating that the tower or antenna(s), excluding co-located antennas (i.e., Facility 1 applications), cannot be sited in a non-residential district.

For the purpose of this analysis:

- (1) The proposed tower or antenna(s) can be sited in a non-residential district unless:
 - (a) Existing non-residential sites would not accommodate the proposed antenna(s) or tower associated with the antenna(s) considering the site area needed for the tower, topography and other physical characteristics of possible alternative sites, and the communication or transmission services to be provided by the proposed antenna(s);
 - (b) The tower or antenna(s) would pose a hazard to aircraft; and
 - (c) The proposed antenna(s) cannot function effectively given the communication or transmission services to be provided and the user group or areas it is intended to serve.
 - (2) Clustering
 - (a) New telecommunication facilities may not be sited in a residential district within 1,000 feet of any existing telecommunication facilities, except those exempt pursuant to Sections 430-109.1 and 201-2. This restriction does not apply to the siting of new antennas on existing towers.
 - (b) If a new telecommunication facility is proposed to be sited in a residential district, the applicant shall submit evidence that there are no existing telecommunication facilities, except those exempt pursuant to Sections 430-109.1 and 201-2, located within 1,000 feet of the proposed facility. The 1,000 foot radius shall be measured from the center of the footprints of any existing and the proposed towers and/or antennas, not from property lines or guy wire anchors.
- F. An engineering report that addresses the requirements in B., C., D., and E., above and contains the following information:
- (1) Certified documentation from a structural engineer licensed in Oregon that the tower is structurally sound and complies with all applicable building and structural codes and that it is feasible to safely site the tower as well as all accessory equipment on the site as shown on the site plan. Notwithstanding, tower design specifications and other related structural information, including the foundation design and failure characteristics of the tower, are not required to be submitted with the land use application, unless they are needed to demonstrate the feasibility of siting the proposed telecommunication facility on the site. Otherwise they shall be submitted prior to issuance of the Building Permit pursuant to Section 430-109.9.
 - (2) Evidence that it is feasible to comply with applicable DEQ noise standards if the installation contains heating, cooling, electrical generating or other equipment likely to produce noise.
- G. When applicable, a copy of a signed contractual agreement, excluding financial information, between the tower provider and a telecommunications service provider to provide wireless service on the proposed tower.

430-109.8 General Design Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters:

- A. New individual antennas attached to a tower, excluding those employing concealment technology (i.e., Facility 2), shall be flush-mounted, mounted on davit arms extending a maximum of five (5) feet out from the tower, or mounted using other similar techniques that minimize visual impact;
- B. New antennas, excluding whip antennas, mounted on top of buildings in all land use districts shall be designed as a Facility 2 and extend no more than ten (10) feet above buildings in residential districts and no more than thirty (30) feet above buildings in non-residential districts;
- C. New antennas mounted to the side or roof edge of an existing building or structure in a residential district shall be designed as a Facility 2;
- D. New antennas mounted to the side or roof edge of an existing building or structure in a non-residential district shall at a minimum be the same color as the exterior of the building or structure and be flush-mounted;
- E. New antennas mounted to existing structures (i.e., water reservoir tanks or electric transmission towers) that are not buildings or previously approved towers shall be flush-mounted to the greatest extent practicable or otherwise mounted in ways that minimize visual impacts, extend no more than fifteen (15) feet above the structure, and be the same color as the structure;
- F. New whip antennas shall be made of non-reflective material and no higher than fifteen (15) feet above the tower, building or structure;
- G. New towers, except those approved as a Facility 2, shall be painted or otherwise treated in a manner that blends in with the surrounding area in order to minimize visual impact, unless state or federal regulations require different colors. The exterior color of the tower shall also be non-reflective in nature and make the tower as visually unobtrusive as possible. If there are stands of trees or other sight-obscuring vegetation on site or in the immediate area, the tower shall be painted or finished to blend with the landscape;
- H. New towers shall be illuminated only when required by the ODA, FAA or other state or federal agency; and
- I. Ground-mounted equipment shelters shall be constructed of materials and/or painted with earth-tone colors that are non-reflective in nature. They shall also be no taller than twelve (12) feet high.

430-109.9 Site-Specific Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters:

A. Setbacks

- (1) New telecommunication facilities shall comply with the setback provisions of the individual land use districts, unless greater setbacks are required by Table A, except as set forth below:

Antennas that are co-located on an existing building in accordance with Section 430-109.3 C.

- (2) New ground-mounted equipment shelters shall comply with the setback provisions of the individual land use districts, except as set forth below:

Underground vaults containing equipment cabinets and other associated equipment supportive of wireless telecommunication or broadcast facilities may be located in a required setback, except as otherwise restricted by the UBC, the Uniform Fire Code (UFC) or subsection C. below.

- (3) Notwithstanding the requirements set forth in (1) and (2) above, the Review Authority may reduce the required setbacks through a Procedure Type III adjustment process, provided that the applicant can demonstrate to the Hearings Officer that the proposed site development plan will reduce the impacts on surrounding land uses. The Hearings Officer may approve an adjustment to the setbacks based on findings that:

- (a) The applicant has submitted an alternate siting and/or tower design (e.g., Facility 2) and development plan which utilizes existing on-site vegetation (e.g., trees) and/or buildings, topography or other site-specific factors or constraints to more effectively screen the tower and accessory equipment; and
- (b) Impacts to surrounding properties are less with the alternate setback as compared to the setbacks required by Table A and can be mitigated for the benefit of the surrounding property owners by an adjustment to the setbacks.

B. Access

- (1) In residential districts, when a site fronts a local street and a collector or a local and an arterial, site access shall be from the collector or arterial subject to all applicable County standards. Access may be taken from the local street when access to a collector or arterial does not meet the applicable standards.
- (2) In non-residential districts, site access may be from a local street, a collector or arterial, subject to all applicable County standards.
- (3) Access to the site shall be oriented away from existing dwellings.

C. Landscaping, Screening and Fencing

- (1) Landscaping, screening and buffering, including fencing, shall be provided as required by Sections 407 and 411 to screen the site from public view. Notwithstanding, landscaping, screening and buffering is not required for

Facility 2 uses when the equipment shelter is hidden from public view, such as when located within an existing building, designed to resemble a natural object, such as a boulder, or when it does not exhibit any visible exterior characteristics, such as cables, of an equipment shelter. However, in no case shall the screening and buffering within or adjacent to a residential district be less than what is required by Section 411-6.3. Tree and shrub species shall be selected which will attain a minimum height of twelve (12) feet;

- (2) Native on-site vegetation shall be preserved to the greatest practical extent. The landscape plan shall show all existing significant vegetation to be removed (as described in Section 407-4.2 B.) and vegetation to be replanted to replace that vegetation which will be removed;
- (3) All fencing shall be sight-obscuring (i.e., solid wood fence, chain link fence with slat inserts, or other solid material fencing) and installed in accordance with Sections 418 and 419. Barbed or razor wire is not permitted; and
- (4) In lieu of the standards in (1) through (3) above, the approval authority may approve an alternate detailed landscape, screening and fencing plan through a Type II or III procedure. The plan shall be designed to screen and buffer towers and accessory uses when the plan accomplishes the same degree of screening achieved in (1) through (3) above, except when less screening is required to provide adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

D. Radio Frequency Emissions

- (1) All applications shall contain a certified statement from a licensed, qualified professional engineer experienced in radio frequencies that the proposed facility will comply with all FCC standards for radio frequency emissions or television signal transmissions.

E. Signs

Notwithstanding the provisions of Section 414, all antennas and towers, which are not located at the user's place of business or operation, shall be identified with a sign not exceeding four (4) square feet. The sign shall list the owner or operator's name and emergency telephone number and shall be posted in a conspicuous place visible to the general public. Other signs may be located on the site as allowed by the underlying land use district.

F. Noise

If the installation contains heating, cooling, emergency power or other potentially noise-producing equipment, the service provider shall submit documentation prepared by qualified personnel documenting that the operation complies with applicable Department of Environmental Quality (DEQ) noise standards. Such evidence shall be submitted within ninety (90) days of completion and operation.

- G. Additional Standards for Procedure Type II and III Telecommunication Facilities, excluding those regulated under Section 430-109.11:
- (1) Arrange structures and accessory uses to minimize visual and noise impacts on adjacent developments and surrounding land uses;
 - (2) Locate and design structures and uses to preserve, to the greatest extent possible, scenic views or vistas identified in the applicable community plan and viewable from adjacent properties or public thoroughfares, by considering setbacks, building height, bulk and landscaping;
 - (3) Placement of more than one tower on a non-residential lot shall be permitted, provided all applicable regulations are met. Structures may be located as close to each other as technically feasible, provided failure characteristics of the towers on the site will minimize the potential for multiple failures in the event that one fails; and
 - (4) New towers shall be no taller than necessary to provide adequate communications for immediate and future planned use, except as otherwise limited by the provisions in this section or in the individual land use districts.
- H. The following shall be submitted to the Director prior to issuance of a Building Permit, except as otherwise noted:
- (1) Proof of liability insurance coverage for the proposed telecommunication facility. Liability insurance shall be maintained until the tower or antenna is dismantled. Failure to maintain insurance coverage shall constitute a violation of this Code.
 - (2) A copy of the recorded restrictive covenant by the property owner setting forth the requirements of Section 430-109.12. The covenant shall specifically include the following language: "In the event the antenna(s) and/or tower are not removed and the site restored within the time period specified in Section 430-109.12, Washington County may remove the facilities and restore the site pursuant to Section 430-109.12. Washington County's costs to remove the facilities and restore the site shall be a lien on the property of the owner." The copy shall be provided to the Director prior to issuance of the building permit (Procedure Type I applications) and prior to issuance of final land use approval (Procedure Type II and III applications). The restrictive covenant shall not be modified or released without the written signature of the Director.
 - (3) Certification from a structural engineer licensed in Oregon that the tower is structurally sound and complies with all applicable building and structural codes and that it is feasible to safely site the tower and accessory equipment on the site as shown on the final approved site plan.
 - (4) Tower design specifications and other related structural information, including the foundation design and failure characteristics of the tower, unless they were submitted with the initial land use application.

- (5) Ice hazard mitigation measures to be employed (e.g., increased setbacks or de-icing equipment) or evidence documenting why mitigation measures are not needed.

430-109.10 Agency Coordination Documentation

The applicant shall provide the following information prior to issuance of a building permit for a Procedure Type I telecommunication facility application and prior to issuance of final land use approval for Procedure Type II and II telecommunication facility applications:

- A. FAA notification that the antenna or tower has been found not to be a hazard to air navigation pursuant to Section 77.19 of Part 77 of the Federal Aviation Regulations, unless the proposed antenna or tower is exempt from notification pursuant to Section 77.19 of Part 77..
- B. ODA notification that the antenna or tower has been found not to be a hazard to air navigation pursuant to OAR 738-070-0090, unless the proposed antenna or tower is exempt from notification pursuant to OAR 738-070-0060.
- C. A copy of the operating license issued to the service provider for the proposed antenna or tower. In the event that the FCC does not issue an individual operating license for the proposed use and location, a copy of the service provider's current geographic area license shall be provided.

430-109.11 Application Requirements for Telecommunication Facilities less than two hundred (200) feet proposed on lands designated EFU and AF-20:

- A. The applicant shall demonstrate that the facility is necessary for public service pursuant to ORS 215.213 (1)(d) and OAR 660-033-0120 (16). Applications shall include a report containing an alternative analysis consistent with ORS 215.275. The report shall be accepted by the Director as complete prior to the submission of the application. The Director may require an outside peer review of the applicant's ORS 215.275 and Section 430-109.7 F. reports by an engineer selected by the Director to assist staff determine the report's completeness. The applicant shall be responsible for the cost of this review; and
- B. In addition to the requirements set forth in state law, these telecommunication facilities are subject to Sections 430-109.2; 430-109.6; 430-109.7, excluding E.; 430-109.8; 430-109.9, excluding G.; 430-109.10; and 430-109.12.

430-109.12 Abandonment

- A. All antennas and towers shall be considered abandoned when there has not been a licensed service provider operating from the site facility for a period of one year. Within ninety (90) days of abandonment, the service provider shall remove all facilities from the site and restore the site to its previous condition. In the event the communication or broadcast facilities are not removed within this time period, Washington County may remove the facilities and restore the site and assess the cost for such actions against the last service provider using the facilities, the owner of the facilities and the property owner.

- B. If any abandoned facilities have not been removed from a site, no new communication or broadcast facility in unincorporated Washington County shall be approved for the service provider or property owner.
- C. The service provider shall annually provide the Director with written documentation verifying that the antenna(s) continue to operate in accordance with the requirements of Section 430-109, all conditions of approval and all applicable state and federal regulations.

Figure 1.

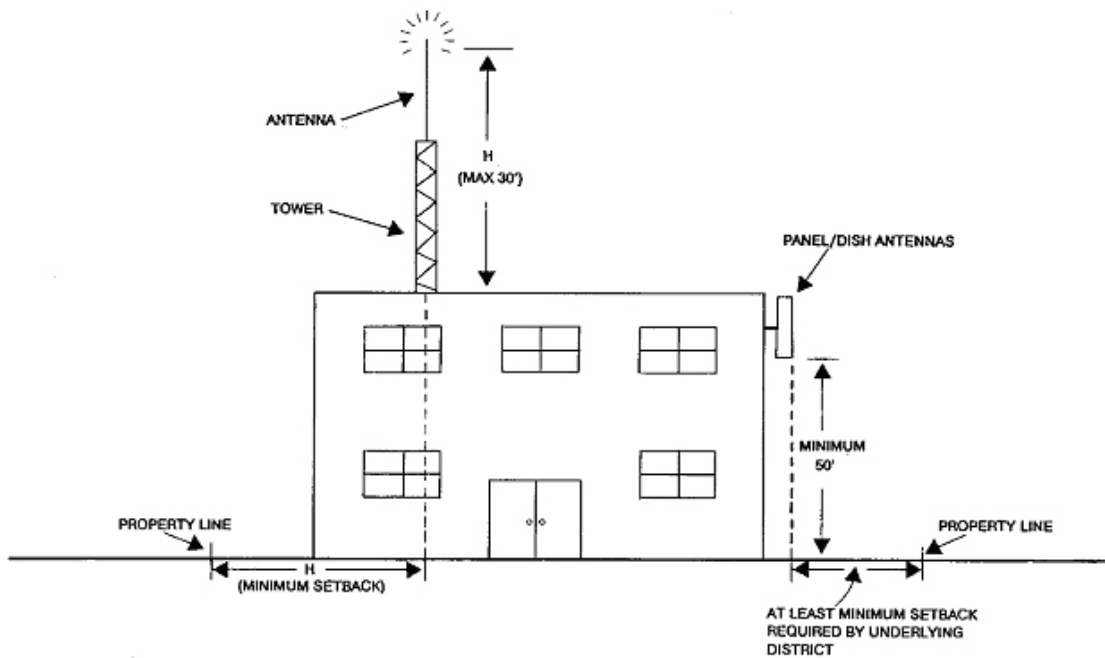


Figure 2.

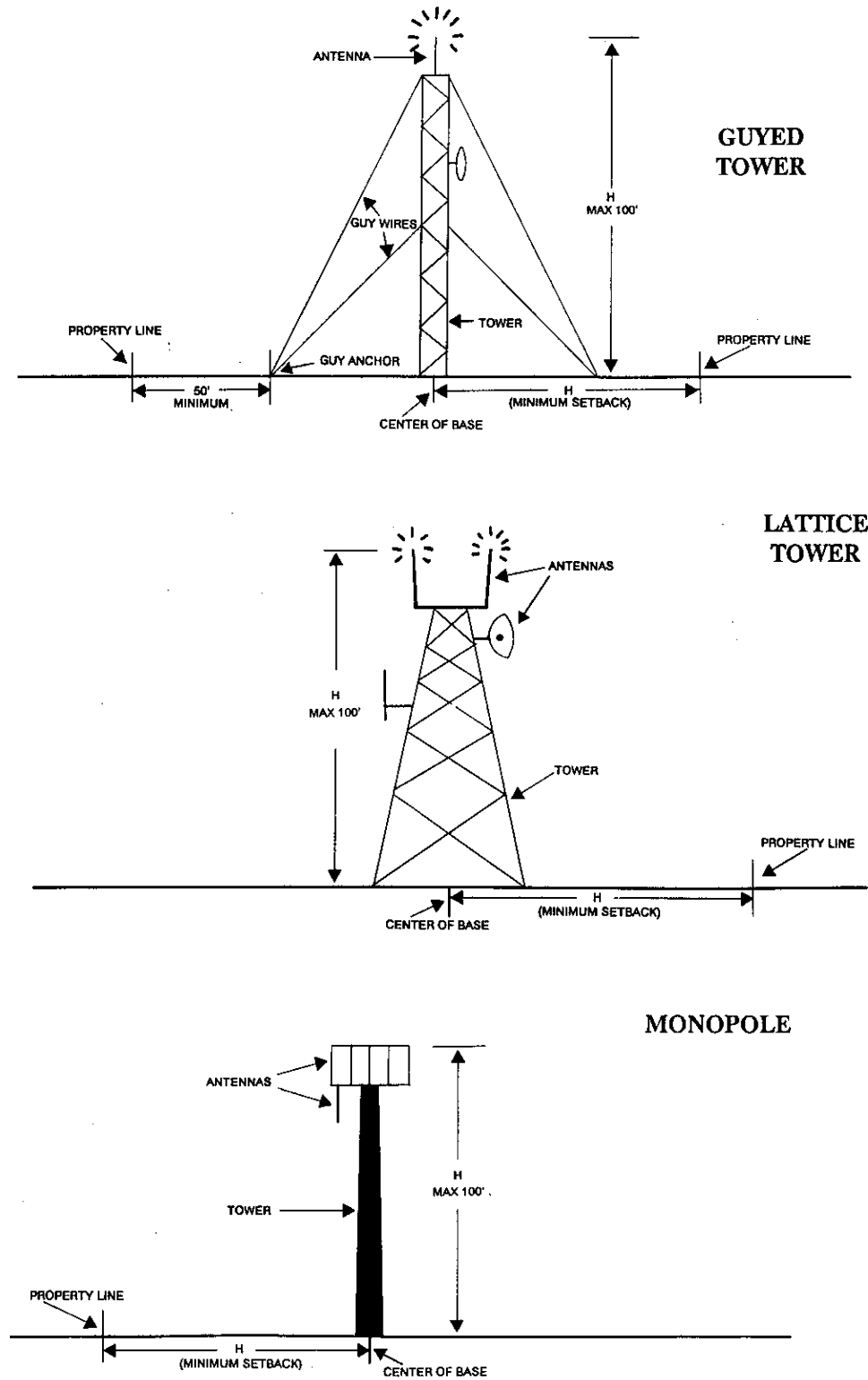


Figure 3.

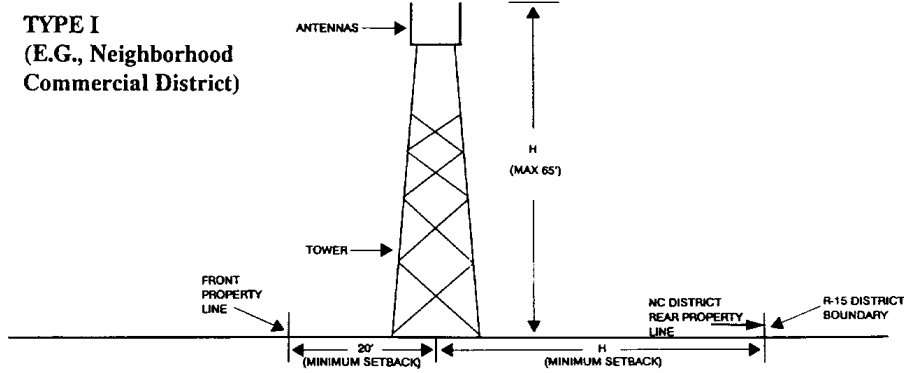
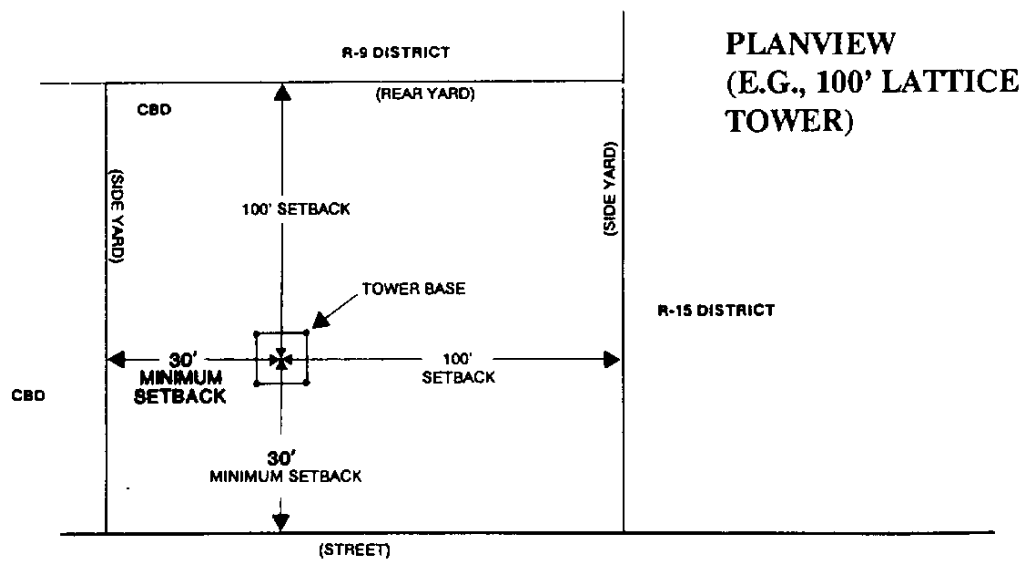
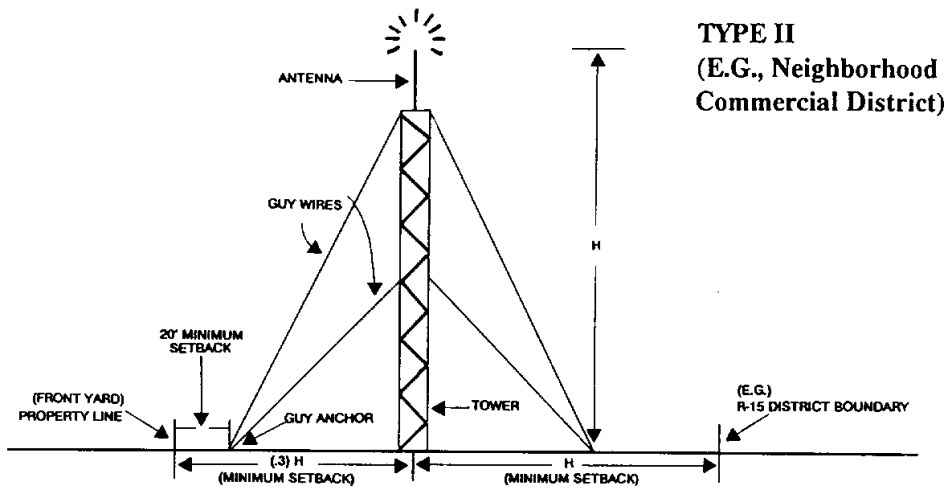


Figure 4.



430-109

**TABLE A
 SETBACK PROVISIONS**

ALLOWED USE	SETBACK PROVISION (See below)	ILLUSTRATION
<u>RESIDENTIAL DISTRICTS</u>		
Type II Uses:		
(a) Towers and antennas located on existing structures or buildings	II-R/I-NR	Fig. 1
(b) Antennas located on previously approved towers	Not applicable	
Type III Uses:		
(c) Free-standing towers and antennas to a maximum height of 100 feet	III-R	Fig. 2
<u>NONRESIDENTIAL DISTRICTS</u>		
Type I Uses:		
(a) Free-standing towers and antennas to maximum height of underlying district	I-NR	Fig. 3
(b) Towers and antennas located on existing structures or buildings	II-R/I-NR	Fig. 1
(c) Antennas located on previously approved towers	Not applicable	
Type II Uses:		
(d) Free-standing towers and antennas up to 200 feet in height	III-NR	Fig. 4
(e) Towers and antennas on parcels with 50% or more of perimeter abutting residential districts	III-NR	Fig. 4
Type III use:		
(f) Free-standing towers and antennas over 200 feet in height	III-NR	Fig. 4

R = RESIDENTIAL DISTRICT; NR = NONRESIDENTIAL DISTRICT

- II-R/I-NR: The base of the antenna and/or its supporting tower shall maintain setbacks at least equal to the height of the antenna and its supporting tower. Dish or panel antennas shall be located at least fifty (50) feet above grade and meet the minimum yard requirements of the underlying district (Figure 1).
- III-R: Provide setbacks for the tower/antenna at least equal to the height of the tower/antenna above grade between the base of the tower and the outer boundary of the site. Provide setbacks of at least fifty (50) feet between any guy anchors and the outer boundary of the site. Provide a setback of at least twenty-five (25) feet between any accessory structures (except fences) and the outer boundary of the site (Figure 2).
- I-NR: Provide setbacks as required by the underlying land use district. However, in no case shall the setbacks be less than 100 percent of the height of the tower above grade between the base of the tower and the boundary of any residential district existing at the time the application is submitted (Figure 3).
- III-NR: Provide setbacks for the antenna/tower equal to 30 percent of the height of the tower above grade between the base of the tower and the outer boundary of the site. In no case shall the setback be less than 100 percent of the height of the tower above grade between the base of the tower and the boundary of any residential district existing at the time the application is submitted. Provide setbacks for guy anchors and accessory uses (except fences) in accordance with the provisions of the underlying land use district (Figure 4).

Notwithstanding the provisions of III-NR above, within the EFU, AF-20 and EFC Land Use Districts, the setbacks shall also not be less than 100 percent of the height of the tower above grade between the base of the tower and any dwelling unit in these districts existing at the time the application is submitted.

430-113 Recycle Drop Box

Recycle drop boxes including thrift-store drop boxes, shall include receptacles for recyclable materials such as newspapers, glass, clothing and other similar materials but does not include truck trailers stored on property for more than one month.

430-113.1 Drop boxes shall not be larger than 15' x 15' x 10';

430-113.2 Drop boxes shall be painted and maintained in good repair;

430-113.3 All collected items must be fully contained within the drop box;

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

430-113.5 In residential areas, drop boxes shall be on paved surfaces in conjunction with institutional (school, church, etc.) parking lots.

430-115 Recycling Center

A recycling center is any lot or portion of a lot greater in size than three-hundred (300) square feet, used for the purpose of outdoor storage, sorting, handling, processing, dismantling of materials that cannot, without further reconditioning, be used for their original purposes, including such materials as glass, paper, plastic and aluminum, subject to the following:

430-115.1 A minimum site size of twenty-thousand (20,000) square feet;

430-115.2 Must be located at least one-hundred (100) feet from any school, church, hospital, public building, retail and office commercial or residential uses on adjoining lots.

430-115.3 Screening:

All portions of the site used for storage shall be fenced and screened by a solid wood, painted metal or masonry fence a minimum of six (6) feet in height, except on a site where:

- A. A portion of the site abuts a railroad right-of-way which is used for loading purposes; and
- B. Surrounding terrain would make fencing ineffective or unnecessary to screen the site from a public road.

430-115.4 The collection area of the center shall:

- A. Provide portable containers, placed within a stationary wood framework, solid fence or bin to prevent the containers from being overturned;
- B. Containers shall be equipped with a lid to prevent access to stored materials by animals or vermin, and to preclude stored paper from being scattered by wind;
- C. The collection area is to be no larger than one-thousand (1,000) square feet; and

- D. All collection areas are to be provided instructional signing indicating how materials are to be separated and stating any limitations on the types of materials accepted for recycling.

430-115.5 Access to the recycling center shall be from a collector or arterial street.

430-115.6 Four off-street parking places shall be provided adjacent to the collection area.

430-117 Single Family Accessory Dwelling Unit

A single family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

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

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. (See Figure 1 for examples of Accessory Dwelling Units);
- B. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:
 - (1) The floor area of an accessory dwelling unit may be as large as 50% of the existing dwelling's total floor area (excluding the garage) only when both of the following circumstances apply:
 - (a) the accessory dwelling unit will occupy an entire floor of the existing dwelling; and,
 - (b) no additional floor area is added to the dwelling.
 - (2) In all other situations the total floor area of an accessory dwelling shall not exceed 600 square feet. However, the Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;

- C. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;
- D. An accessory dwelling unit may not be created through the conversion of garage space for living space (i.e., this standard does not include the conversion of the attic space above a garage);
- E. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;
- F. An accessory dwelling unit shall meet the following setback standards:
 - (1) A detached accessory dwelling unit shall be located behind or a minimum of twenty (20) feet behind the front façade foundation of the primary dwelling and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district;
 - (2) The minimum side yard setback for an accessory dwelling unit shall be five (5) feet; and,
 - (3) The minimum rear yard setback for an accessory dwelling unit shall be no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district;
- G. The entrance to the accessory dwelling unit shall not face the front property line;
- H. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);
- I. At least one (1) off-street parking space shall be provided for the accessory dwelling unit;
- J. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;
- K. A home occupation shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18;
- L. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied;
- M. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and
- N. A minimum contiguous rear or side yard outdoor area of four-hundred and fifty (450) square feet shall be provided on the lot, of which no dimension shall be less than ten (10) feet.

Figure 1.

Examples of Accessory Dwellings Units



Attached Accessory Dwelling Unit - Single Story



Interior Accessory Dwelling Unit



Detached Accessory Dwelling Unit - Over a Detached Garage

430-119 Sawmill, Lumber Manufacturing

A sawmill is a manufacturing site for the conversion of logs into lumber.

430-119.1 Any structure associated with the sawmill or lumber manufacturing shall:

- A. Be required to have a building permit;
- B. Be subject to the provisions of Section 404-1, Type I Site Analysis;
- C. Have setbacks determined by the Review Authority based on:
 - (1) Size of the structure;
 - (2) Surrounding land uses;
 - (3) Size and number of vehicles required for the use; and
 - (4) Required fire protection buffers;
- D. Comply with the requirements of DEQ; and
- E. Comply with the requirements of the appropriate fire marshal;

430-119.2 Signs:

One sign per use which shall:

- A. Be for identification only; and
- B. Have a maximum area of thirty-five (35) square feet.

430-121 Schools, Including Nursery (Private and Public)

A place for systematic instruction in any branch or branches of knowledge including any of the following: nursery, kindergarten, primary, intermediate and high school or combination thereof, which may be a public school or a private school offering instruction substantially similar to public schools. School does not include trade and commercial schools or day care facilities.

430-121.1 Residential facilities, provided in conjunction with a school, may be approved as part of a school master plan pursuant to this Section, provided the facilities are for the exclusive use of staff and students affiliated with the school. Residential facilities may include dormitories.

430-121.2 Before and/or after school child care provided at a school exclusively for students affiliated with the school is permitted pursuant to Section 201-2.19.

430-121.3 Schools outside an urban growth boundary shall be scaled to serve the rural population.

430-121.4 The minimum setback for all yards shall be thirty (30) feet.

430-121.5 The maximum sign areas shall be:

- A. Less than one (1) acre - twelve (12) square feet.
- B. On one (1) to ten (10) acres - seventy (70) square feet.
- C. Greater than ten (10) acres - one-hundred-fifty (150) square feet.

430-123 Service Station and/or Car Wash

A commercial establishment primarily involved with sales and services of motor fuels. In addition, the following may occur: supplying goods and services generally required in the operation and maintenance of automotive vehicles, including sales of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items; car washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. No merchandise or incidental items, including prizes or premiums, shall be displayed outside an enclosed building. Major automotive repairs, painting and fender work are excluded. Service Stations and car washes are subject to the following:

430-123.1 Entrances and Exits

A. Access shall be determined based upon a site inspection which considers:

- (1) Site size;
- (2) Road classification;
- (3) Sight distance and allowed MPH; and
- (4) Adjacent development.

B. Consolidation of access with adjoining uses shall be encouraged, particularly when the proposed driveway is within ten (10) feet of the side property line.

430-123.2 Lighting, sign illumination, height and hours of operation may be restricted through the development review process in consideration of possible negative impact on nearby residential uses.

430-123.3 No display of merchandise outside the building except small items such as oil, windshield wiper blades and tires (limited to one rack of twenty [20]).

430-123.4 No outside storage or sale of vehicles is permitted for more than twenty-four (24) hours per vehicle.

430-123.5 Hours of operation shall be limited to normal hours of operation in the Office Commercial District. Normal hours of operation are 7:00 a.m. to 6:00 p.m.

430-125 Shooting Club

Shooting clubs may be allowed subject to the following:

430-125.1 The minimum lot size shall be twenty (20) acres; and

430-125.2 The minimum front, side and rear yard to any main building or use shall be two-hundred (200) feet.

430-127 Solid Waste Disposal Site, as defined by the Department of Environmental Quality, (including equipment, facilities or building(s) necessary for its operation), (includes Recycling Center [Section 430-115] and Solid Waste Transfer Station [Section 430-129], subject to the standards identified in those Sections).

430-127.1 Ordered to be established by the Environmental Quality Commission under ORS 459.049; or

430-127.2 A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with equipment, facilities or buildings necessary for its operation.

430-127.3 A lawfully established solid waste disposal site, in existence on the effective date of this ordinance, may have access provided through the R-9 or R-15 District subject to the following:

A. Review of the proposed access shall be concurrent with the review of the solid waste disposal site through Section 430-127.1 or 430-127.2, whichever is applicable;

B. Access shall be to an Arterial or Collector road; and

C. The proposed access and the property which includes all or part of the access shall comply with the applicable standards of Sections 501-2 through 501-8 and Section 502 (Sidewalk Standards), in addition to the standards of Section 501-9.

430-129 Solid Waste Transfer Station

A transfer station is an enclosed building which serves as a receiving station for solid waste delivered by commercial garbage haulers and/or the general public. The transfer station is an interim storage and transfer point between the collection route and a disposal site. A solid waste transfer station may provide for processing and recycling of solid waste. Solid waste transfer stations may be permitted subject to the following:

430-129.1 There shall be a minimum lot size of five (5) acres;

430-129.2 Transfer stations shall be located adjacent to a collector, arterial or limited access highway;

430-129.3 Application for a solid waste transfer station shall include a Master Plan which shall include but not be limited to:

- A. Location, sizes and function of all structures, screening and buffering; and
- B. Street construction and traffic control plan, including access, stacking lanes, circulation and parking;

430-129.4 Written Material indicating:

- A. Measures to be taken to control noise, dust, odor and litter (on site and off-site litter);
- B. Maximum daily capacity of facility; and
- C. Daily and peak trip generation.

430-129.5 A recycling or processing center included with a solid waste transfer station shall:

- A. Provide maneuvering area to be integrated with traffic flow of transfer station;
- B. Have provisions for temporary storage and containment of recyclable materials; and
- C. Provide parking and maneuvering area which does not interfere with traffic to the solid waste transfer area;

433-129.6 Resource Recovery Facility in Conjunction with a Solid Waste Transfer Station:

- A. A resource recovery facility is a building, equipment, process or combination thereof where or by which useful material or energy resources are obtained from solid waste; and
- B. Where a resource recovery facility is included as part of the transfer station, Sections 430-129.3 through 430-129.4 shall include an explanation of how the recovery facility meets the criteria.

430-131 Special Recreation Use

Special recreation uses are recreation uses commonly carried on as a business where specific standards have not otherwise been provided in Article IV. Uses include such things as athletic or fitness clubs, driving ranges, miniature golf courses, or swimming pools or tennis facilities and uses of a similar character, including major park facilities where a development permit is required. Special recreation uses are subject to the following:

430-131.1 Compliance to the dimensional requirements of the primary district;

430-131.2 Twenty-thousand (20,000) square foot minimum lot size for outdoor special recreation uses;

430-131.3 A forty-five (45) foot setback to any outdoor swimming pool;

430-131.4 A maximum sign area of twelve (12) square feet when in any residential district;

430-131.5 Access from a collector or arterial street;

430-131.6 Limitation of height for lighting of twenty (20) feet when in or adjacent to a residential district;

430-131.7 All lighting shall be directed away from adjacent residential districts;

430-131.8 Hours of operation may be limited when the use is located in or adjacent to a residential district; and

430-131.9 Buffering shall be determined by the Review Authority.

430-132 Stockpiles for Aggregate, Sand and Gravel

A stockpile of aggregate, sand and gravel (independent of a quarry operation) the purpose of which is to provide a convenient and readily accessible location for such materials to be used for road maintenance, shoulder repair and sanding during ice and snow storms:

430-132.1 The minimum lot size shall be five (5) acres;

430-132.2 No new stockpile shall be located within two hundred (200) feet of an existing dwelling;

430-132.3 The minimum front yard shall be fifty (50) feet;

430-132.4 Fencing may be required to eliminate any safety hazards that use of the site may create for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the Review Authority; and

430-132.5 Access to the site shall be gated and locked when not in use.

430-133 Storage Area for Recreation Vehicles

An enclosed area for the purpose of providing storage for individual owners to park campers, travel trailers, boats or motor homes other than such areas provided within the subdivision or development in which the owners reside, subject to the following:

430-133.1 A minimum lot size of one (1) acre;

430-133.2 A sight obscuring fence not less than six (6) feet in height shall enclose the site;

430-133.3 A maximum sign area of twelve (12) square feet; and

430-133.4 Access to the site shall be from a collector street.

430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

- A. Temporary uses or structures incidental to construction work may be allowed through a Type I procedure, provided such uses or structures are removed within thirty (30) days of completion or abandonment of the construction work.
- B. The following temporary permits may be approved through a Type I procedure for a period not to exceed ninety (90) days within one (1) calendar year in commercial districts and only when conducted on private or semipublic property, except where a street closure permit has been acquired:
 - (1) Temporary outdoor uses such as displays, Christmas tree sales lots;
 - (2) Open air sales not associated with sales from a principal building; and
 - (3) Carnivals are permitted in any Commercial District for ten (10) days or less without obtaining a development permit. This includes food sales when licensed by the State or County Health Department.
- C. The following temporary permits may be issued through a Type I procedure for a period not to exceed one (1) year:
 - (1) Real estate office used for the sale of lots or housing within the same development in which the sales office is located;
 - (2) Storage of equipment during the construction of roads or developments;
 - (3) Temporary storage of structures or equipment, not including relocated dwelling structures;
 - (4) Temporary storage of relocated dwelling structures. Approval shall be limited to a single, one-year temporary permit per structure, with no subsequent temporary permits granted unless the storage site is the subject of an active land use application, in which case the approval shall be valid for the life of the land use decision. If the land use application approval is considered to be expired or abandoned, the relocated dwelling structure shall be removed from the site within thirty (30) days of the date of expiration or the date of determination of abandonment.
 - (5) Temporary structures, including manufactured dwellings, may be used for temporary housing of office facilities in commercial, industrial or institutional districts;
 - (6) Use of an existing dwelling or manufactured dwelling during the construction period of a new residence on the same lot, where removal and/or conversion of the temporary structure is required upon completion of the new unit;
 - (7) Storage of a manufactured dwelling on a lot outside the UGB; and

- (8) Other similar uses of a temporary nature when approved by the Director.
- D. Temporary fund raising and other civic activities are allowed in any District provided a permit is obtained prior to the commencement of the activity.
- E. Festival Permit:
- Festivals may be allowed in conjunction with a permitted use for a period not to exceed five (5) days, when:
- (1) The Washington County Department of Public Safety is notified; and
 - (2) There is approval from the Washington County Department of Health for sanitation and food service.
- F. Temporary Permits for any picnic, fair, convention, civic or community enterprise where service of alcoholic beverages requires any financial consideration, for the length of time approved by OLCC when the applicant has obtained permission from:
- (1) The Washington County Department of Public Health;
 - (2) The Washington County Department of Public Safety; and
 - (3) The Oregon Liquor Control Commission.
- G. Temporary Batch Plant:
- A temporary batch plant may be allowed in the Industrial District when:
- (1) The site is not in an industrial park or industrial/business park;
 - (2) The site is located at least 600 feet from a residential designated area;
 - (3) The temporary batch plant is associated with and incidental to a specific construction project;
 - (4) The site is reasonably proximate to the specific construction project; and
 - (5) The temporary batch plant shall be removed from the site within 30 days of completion of the specific construction project.
- H. A telecommunication facility for non-emergency communications operating for not more than 30 days within a six (6) month period commencing when transmission or receiving begins. The antenna(s) and associated structures must be removed within 30 days after they are no longer used.

The emergency use of a telecommunication facility shall not exceed a period of one (1) year commencing when transmission or receiving begins. The antenna(s) and associated structures must be removed within 30 days after they are no longer used.

I. Temporary Church in the Industrial District (Section 320)

A church may be allowed as a temporary use in the Industrial District when the following standards are met:

- (1) The church is located in an existing building in an Industrial Business Park which has been approved through Section 430-71;
- (2) Church activities shall be limited to:
 - (a) Weekend and evening activities; and
 - (b) Weekday uses that are permitted uses in the Industrial District; and
- (3) The temporary permit shall be valid for five (5) years. Through a Type I procedure, the temporary permit may be extended once for a period to not exceed three (3) years.

430-135.2 Type II:

- A. The use of one temporary living accommodation, for a period not to exceed two years, where there is a finding of health hardship, which may include conditions resulting from advanced age, which is documented by a physician.
 - (1) For the purposes of this provision, the temporary accommodation may be:
 - (a) A manufactured dwelling; or
 - (b) In the EFU, EFC, AF-20, AF-10 and AF-5 Districts, a recreational vehicle (RV), as described below under item (5); or
 - (c) In the EFU, EFC, AF-20, AF-10 and AF-5 Districts, the residential use of an existing building on a lot or parcel with a Dwelling Unit.
 - (2) The decision shall be based on demonstration that the temporary accommodation is necessary to provide adequate and immediate health care, as defined below under item (3), for the existing resident or a relative of the resident. Except in the INS, IND, EFU, EFC or AF-20 Districts, the decision may also be based on demonstration that the temporary accommodation is necessary to provide adequate and immediate health care for a person other than a relative of the resident who is dependent upon the resident for day to day care, as defined below under item (3).
 - (3) As used in this Subsection, "care" means assistance, required as a result of age and/or poor health, that is given to a specific person in the activities of daily living, which may include but are not necessarily limited to, bathing, grooming, eating, medication management, ambulation and transportation, and/or "care" means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in this Subsection, "care" does not include assistance with improvement or maintenance of property in the absence of a documented need for

assistance with personal activities or a need for personal supervision due to cognitive impairment. "Care" does not include financial hardship alone.

- (4) This need for care shall be documented by a signed statement from a physician, on a form to be provided by the Land Development Services Division. The statement shall be dated within ninety (90) days preceding the date the application is submitted and shall identify the care recipient, generally indicate that an age-related and/or medical condition results in a need for care, and substantiate that the type of assistance required by the patient is consistent with the type of assistance identified in the definition of "care," as described above under item (3).

- (5) Standards for Temporary Accommodations

- (a) Recreational Vehicles

The RV unit must contain an Oregon Insignia of Compliance, pursuant to ORS Chapter 446. For use as a temporary health hardship residence, acceptable models of RVs include motorized or towable RVs only, such as travel trailers, fifth-wheel trailers, converted buses, and motorhomes. Folding camper trailers ("pop-up" campers), slide-in truck campers, and van conversions are not permitted. Park model recreational units are to be processed as manufactured dwellings.

- (b) Manufactured Dwellings or Converted Existing Structures

The applicant must demonstrate that there exists no reasonable alternative care provider. Alternative care providers that shall be considered include other adults who already live with the care recipient, and other relatives of the care recipient who live nearby.

In addition, the applicant must demonstrate that there exists no reasonable housing alternative in the form of adequate housing on the subject lot, parcel or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together shall be made based on the size and floor plan of the permanent dwelling with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider.

- (6) There shall be findings that the granting of the permit will:
 - (a) Not be incompatible with adjacent properties; and
 - (b) Not cause adverse environmental conditions in the immediate vicinity and will relate only to property under control of the applicant.
- (7) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that:
 - (a) The permit period shall not exceed twenty-four (24) months, unless the hardship permit is renewed.

- (b) In the case of a manufactured dwelling or park model recreational unit, the proposed structure is to be vacated and removed within three (3) months of the end of the hardship, or upon expiration of the specified time limit in the development permit.

In the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use within three (3) months of the end of the hardship period.

In the case of a recreational vehicle, the RV shall be removed or placed in a stored condition on the subject lot, parcel or tract when the permit expires or the need for care ceases, whichever occurs first. For the purpose of this provision, an RV shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site sewage disposal system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of an RV shall comply with all other applicable requirements of this Code.

- (c) No permit shall be transferable to any other owner or occupant.
- (d) The property owner shall execute a restrictive covenant which sets forth the requirements of Section 430-135.2 A.(7).
- (e) All necessary services, such as water, natural gas and/or sanitary sewer, for the temporary accommodation shall be extended from the permanent dwelling services. The temporary accommodation shall be allowed to have a separate electrical meter. However, no other separate meters for the temporary accommodation shall be allowed. An exception may be granted if the utility provider substantiates that separate service is required or if more than one legally established service exists on the subject lot, parcel or tract.
- (f) The temporary accommodation shall use the same driveway entrance as the permanent dwelling, although the driveway may be extended. An exception may be granted if more than one lawfully established driveway entrance to the subject lot, parcel or tract exists.
- (g) The temporary accommodation shall be located within one-hundred (100) feet of the permanent dwelling. This distance shall be measured from the closest portions of each structure. This distance may be increased if the applicant provides evidence substantiating that steep slopes, significant natural features, significant existing landscape, existing structures, other physical improvements or physical constraints prevent compliance with the separation distance standard. The increase shall be the minimum necessary to avoid the constraint. An exception may also be granted if the temporary accommodation will be sited in the same or substantially similar location as a previous, lawfully established temporary health hardship accommodation.

(8) A temporary residence approved under this Section is not eligible for replacement under Section 430-8 of this Code.

(9) Renewal

Applications for renewal of the temporary permit shall be submitted prior to expiration of the existing permit. The Review Authority shall renew health hardship permits for the same care recipient upon reapplication and the payment of the required fee, through a Type II procedure, if it is determined that:

(a) The circumstances that provided the basis upon which the previous permit was granted remain substantially similar. A renewal application shall be accompanied by a signed statement from a licensed healthcare provider, per item (4), above; and

(b) The use has not had an adverse effect on the neighborhood.

(10) An application for the renewal of an existing permit which is submitted after the existing permit has expired may be subject to review under the criteria for a new application. Applications for renewal permits issued under this provision will remain effective only for the duration remaining under the original 2-year approval cycle.

430-137 Transit Center

A Transit Center functions as a major transfer point for transit passengers between various transportation modes. The Transit Center site provides for the exclusive or priority operations of transit vehicles. Typically, high volumes of transit vehicles pass through the Transit Center and passengers transfer from local transit routes to regional transit trunk routes. A Transit Center is a significant element of the regional transportation system because it increases transit connections between a variety of destinations and reduces transit operating costs.

430-137.1 Physical components of Transit Center may include all or some of the following:

- A. Passenger platform;
- B. Bus bays;
- C. Road bed;
- D. Passenger shelters;
- E. Track (if LRT uses the Center);
- F. Pedestrian walkways;
- G. Bicycle storage facilities; and
- H. Parking lot (Park & Ride facility Section 430-89).

430-137.2 The applicant shall submit written materials which:

- A. Justifies the area required for the use;
- B. The need for the facility at the proposed location; and
- C. Traffic impact with proposed measures to mitigate the impact on surrounding properties and streets or roads.

430-137.3 Transit Centers shall have access to a Collector, Arterial or limited access road.

430-137.4 All parking facilities connected with the Transit Center shall meet the appropriate standards of Section 430-89.

430-141 Utility Facility for the Generation of Power

430-141.1 A power generation facility located on high-value farmland in the EFU or AF-20 District shall not preclude more than twelve (12) acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.

430-141.2 A power generation facility in the EFU or AF-20 District that is not located on high-value farmland shall not preclude more than twenty (20) acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.

430-145 Winery

Wineries are structures where the grapes or other fruits or produce of the applicant or others may be processed and converted to wine, bottled, blended, stored, sold at wholesale or directly to a consumer for consumption off or on the premises.

430-145.1 A winery, as described by ORS 215.452, may be permitted in the EFU and AF-20 Districts subject to the following standards:

- A. Maximum annual production is less than 50,000 gallons and that:
 - (1) Owns an on-site vineyard of at least fifteen (15) acres;
 - (2) Owns a contiguous vineyard of at least fifteen (15) acres;
 - (3) Has a long-term contract for the purchase of all of the grapes from at least fifteen (15) acres of a vineyard contiguous to the winery; or
 - (4) Obtains grapes from any combination of 1, 2, or 3 of this subsection; or
- B. Maximum annual production is at least 50,000 gallons and no more than 100,000 gallons and that:
 - (1) Owns an on-site vineyard of at least forty (40) acres;
 - (2) Owns a contiguous vineyard of at least forty (40) acres;

- (3) Has a long-term contract for the purchase of all the grapes from at least forty (40) acres of a vineyard contiguous to the winery; or
 - (4) Obtains grapes from any combination of 1, 2, or 3 of this subsection.
- C. A winery described in Section 430-145.1 A. or B. shall allow only the sale of:
- (1) Wines produced in conjunction with the winery; and
 - (2) Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
- D. Prior to the issuance of a permit to establish a winery under Section 430-145.1, the applicant shall show that the vineyards, described in Section 430-145.1 A. and B, have been planted or that the contract has been executed as applicable.
- E. Standards imposed upon a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with farming or forest practices on adjacent lands:
- (1) Establishment of a setback, not to exceed one hundred (100) feet, from all property lines for the winery and all public gathering places; and
 - (2) Provision of direct road access, including safety and operational considerations and the standards of Section 501-9.3, internal circulation and parking.
 - (a) Internal access shall be based upon the maximum number of people at the tasting room or restaurant, including times of special events. Access shall be approved by the appropriate fire marshal.
 - (b) On-site parking requirements shall be based upon the maximum number of employees at the winery, the size of the tasting room and/or restaurant, and the expected number of visitors.
 - (c) On premise temporary parking shall be available for special winery events.
 - (d) A festival permit (Section 430-135.1 E.) shall be required for special events in excess of one (1) day.
 - (3) The Review Authority shall also apply, when applicable, the standards of Sections 421 (Flood Plain and Drainage Hazard Area Development), Section 422 (Significant Natural Resources), and other standards regarding geologic hazards, airport safety, and other regulations for resource protection acknowledged to comply with any statewide planning goal respecting open spaces, scenic and historic areas and natural resources.
- F. Findings shall be made to demonstrate compliance with the standards of Section 430-145.1.

- G. A winery, which does not comply with the standards of Section 430-145 A or Section 430-145 B., may be approved as a Commercial Activity in conjunction with Farm Use (Section 430-33) upon demonstration of compliance with the applicable review criteria.

430-145.2 A winery in the AF-10, AF-5, RR-5, Rural Commercial, Rural Industrial and MAE Districts may be permitted subject to the following standards:

- A. Comply with all State and Federal requirements;
- B. Have an access based upon the maximum number of people expected at the tasting room, including times of special events. Access shall be approved by the appropriate fire marshal;
- C. Parking requirements shall:
- (1) Be based upon the maximum number of employees at the winery; and
 - (2) The size of the tasting room and expected visitors;
- D. On premise temporary parking shall be available for special winery events; and
- E. A festival permit (Section 430-135.1 E.) shall be required for special events in excess of one (1) day.

430-147 Zero Lot Line Development

A zero-lot-line allows attached or detached dwelling units, which are constructed according to an approved site or development plan, to be built without being required to meet the standard side or rear yard setbacks. The setback requirements of the Land Use District may be modified as a part of the review process for lots within a subdivision in which all attached and detached dwellings are located in accordance with an approved site plan for the development, subject to the following:

- 430-147.1 Have a minimum perimeter side and rear yard setback of fifteen (15) feet;
- 430-147.2 The development satisfies the requirements of the Uniform Building Code; and
- 430-147.3 A copy of the approved site plan shall accompany each application for a building permit in the development.
- 430-147.4 When a side or rear yard is reduced, the applicant shall demonstrate there is adequate spacing between buildings, and the building and rear property line, to properly maintain the exterior of the dwelling (e.g., painting, siding repair) and to provide adequate access to the rear yard area (e.g., access for a lawn mower).
- 430-147.5 All other dimensional standards of the primary district (e.g., perimeter setback, outdoor yard area) shall be met.

431 TRANSIT ORIENTED DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

431-1 Intent and Purpose

The following design principles, standards and guidelines shall be applied to the review of all development occurring in transit oriented districts, for those uses listed in Section 375. Principles are the broad, fundamental rules upon which the standards and guidelines are based. All Type III applications for development in transit oriented districts shall demonstrate compliance with applicable principles and/or standards of this section. Standards are specific, usually quantitative, rules which development applications must comply with if processed through a Type I or II procedure. Guidelines are advisory statements that should be considered when designing a development in a transit oriented district, but are not mandatory.

Because an application for a development may vary from a standard in this Section when the application demonstrates, through a Type III process, compliance with the related design principle, a variance or hardship variance pursuant to Section 435 shall not be granted from any standard in this Section.

431-2 Conflicts

In the event of a conflict between the requirements of this section and requirements of any other provision of the Code or a community plan, the requirements of this section shall control, except Area of Special Concern or Subarea provisions in a Community Plan, any code provision specific to Section 418-3 (Corner Vision), 421, 422 or 501-8.5 F. (Sight Distance).

431-3 Definitions

The following definitions apply in transit oriented districts:

- 431-3.1 Adjacent Building The location of a building sited on a parcel or lot abutting a pedestrian route or transit station and not separated by an existing or planned intervening building.
- 431-3.2 Adjoining Buildings Buildings on abutting sites, not separated by a street or accessway.
- 431.3.3 Campus Development A development which meets the following criteria:
- A. Is located on a lot or contiguous lots within the Transit Oriented Employment or Institutional Districts that total at least five acres in size; and
 - B. Includes multiple buildings which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.
- 431-3.4 Common Open Space Areas available for active or passive shared use by all occupants of a development, or the general public. Common open space shall not be part of a street, required sidewalk, parking lot or loading area. Significant Natural Resource areas subject to protection, shall not constitute common open space. Common open space may be located on a flat building roof if designed for safe use.

Common open space may have an accessway through it. Special recreation uses open to all occupants of a development and meeting the standards of Section 431-7 meet the definition of common open space

- 431-3.5 Main Building Entrance An entrance to a building which is a point of public access during business hours.
- 431-3.6 Pedestrian Focus Area A geographically defined area, identified on a community plan map, with dense, mixed-use development and nearby transit service. Walking is promoted as the preferred mode choice by developing a strong pedestrian scale and emphasizing pedestrian access and activities.
- 431-3.7 Pedestrian Route Any accessway or greenway, as defined by Section 408-3, and any pedestrian street.
- 431-3.8 Pedestrian Street Any public or private street, but not including freeways, alleys, parking lot access drives, and parking lot aisles.
- 431-3.9 Transit Street Any street that is an existing public transit route, or any street that is likely to be a public transit route. All public streets with a functional classification of Principal Arterial, Arterial, Special Area Collector or Collector, as defined in the Washington County Transportation Plan, shall be considered likely to be a public transit route.
- 431-3.10 Streetscape Refers to all of the elements that constitute the physical makeup of a pedestrian street and that, as a group, define its character, including building facade, street paving and streetscape amenities.
- 431-3.11 Streetscape Amenities Includes but are not limited to the following elements: street furniture, landscaping, including trees and other plantings, awnings, signs, and lighting.
- 431-3.12 Street Frontage A portion of a lot or parcel fronting on or abutting a street right-of-way, if public, or street tract, if private, and located between either the site's side property lines, as defined by CDC Section 106-113.3 or, if a corner lot, the radius point (Point "B," Section 501-8.5 A.), of a street intersection.
- 431-3.13 The Green A central organizing open space feature that is the focus of the Peterkort Station Area.
- 431-3.14 Build to Line Required linear building frontage.

431-4 Circulation System Design

The design and location of the circulation system in a community is the key element for determining pedestrian orientation, connectivity and the arrangement of land uses. These principles and standards apply to the design and location of the circulation system in transit oriented districts.

431-4.1 Principles:

- A. Pedestrian routes in a transit oriented district shall, to the extent practicable, directly connect major activity centers (concentrations of employment and households, major public buildings and spaces, institutional uses and parks & common open spaces, and shopping areas) and transit stops, particularly light rail stations;
- B. Block dimensions and perimeters shall be at an urban rather than a suburban scale;
- C. Provide accessways and greenways, as needed, to supplement pedestrian routes along pedestrian streets; and
- D. Provide clearly marked and well-designed pedestrian street, driveway, loading area and surface parking lot crossings.

431-4.2 Standards:

- A. In addition to the standards of this subsection, development in a transit-oriented district shall be subject to the requirements of Section 408, Section 409, and Article V. In the event of a conflict between the requirements of Sections 408, 409, and Article V, the requirements of Section 431-4 shall control.
- B. Other Community Development Code provisions that apply to Collectors shall apply to Special Area Collectors; provisions that apply to Neighborhood Routes shall apply to Special Area Neighborhood Routes; and provisions that apply to Local Streets shall apply to Special Area Local Streets and Special Area Commercial Streets. In the case of a conflict, specific Special Area street provisions shall control.
- C. Blocks
 - (1) Block perimeters for blocks with more than four sides, as defined by public or private streets, accessways or greenways, shall not exceed sixteen hundred (1,600) feet measured along the nearside curb line of the public or private street or the centerline of the defining accessway or greenway. These standards shall not be used to provide direct connections to collector roads where indirect connections are specifically shown in the community plan.
 - (2) Block lengths for streets, accessways and greenways shall not exceed three hundred thirty (330) feet between public or private streets, accessways or greenways, measured along the nearside curb line of the public or private street or the centerline of the accessway or greenway. These standards shall not be used to provide direct connections to collector roads where indirect connections are specifically shown in the community plan.
 - (3) Except for specific transportation facilities identified in the community plan, the Review Authority may modify these standards based on findings that strict compliance with the standards is not reasonably practicable due to:

- (a) Topography;
- (b) The standards of Sections 421 and 422;
- (c) Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
- (d) Railroads;
- (e) Traffic safety concerns;
- (f) The functional and operational need to create a large building; or
- (g) The provisions of Significant Natural Resources as identified in the Community Plan.

Modifications shall be the minimum necessary to address the constraint.

D. Design

- (1) Streets complying with the provisions of this Section may be public or private. Where a private street is used to meet the block length and perimeter standards of this Section, documents shall be recorded pursuant to Section 409-4. In addition, private streets shall comply with the applicable design provisions of CDC Section 409-3, except as otherwise regulated by this Section or a Community Plan provision.
- (2) When streets are utilized to meet the block length and block perimeter standards within the TO:R24-40, TO:R40-80, TO:R80-120, TO:EMP, TO:BUS, and TO:RC Districts, the Special Area Commercial Street standards shall be used, except for existing or planned arterials or collectors or other specific street designations in the Community Plan. The Review Authority may permit Special Area Local Streets in these Districts based on findings that vehicle traffic volumes and pedestrian activity are likely to be found on a special area local street. If the Review Authority does permit a Special Area Local Street, it may be utilized to meet block length and block perimeter standards.
- (3) When streets are utilized to meet the block length and block perimeter standards within the TO:R9-12, TO:R12-18, and TO:R18-24 Districts, the Special Area Local Street standards shall be used, except for existing or planned arterials or collectors or other specific street designations in the Community Plan.
- (4) Streets in transit oriented districts shall incorporate the following traffic management elements consistent with the Washington County Uniform Road Improvement Design Standards:
 - (a) Curb extensions at all intersections of Special Area Local Streets with Special Area Local Streets, Special Area Neighborhood Routes, and Special Area Commercial Streets.

- (b) Landscaped center medians at all Special Area Collector and Special Area Neighborhood Route street intersections.
 - (c) In addition to the above requirements, curb extensions, colored and/or textured pavement treatments, or medians may be allowed on any special area public street based on prior approval from the County Engineer and findings that the treatment will be safe, will not result in an unreasonable amount of public maintenance, and will maintain the functional classification of the facility.
- (5) In addition to the requirements of Section 431-4.2 D. (4) above, the Review Authority may approve other traffic management measures on any Special Area street based on prior approval from the County Engineer through the engineering modification process. Any prior engineering approval for such measures is to be considered preliminary and subject to subsequent land use approval.
- (6) The required minimum rights-of-way listed in Table 6, Functional Classification Design Parameters for Special Area streets do not assume the presence of neighborhood traffic management devices that would necessitate a wider curb-to-curb street width, such as a raised median. When neighborhood traffic management devices are used, additional right-of-way shall be required to provide three feet behind the curb face, except when curb extensions are used. When curb extensions are used, the right-of-way shall remain three feet behind the standard curb face extended through the curb extension area.
- (7) Use of the Special Area Local Street standard which provides a twenty (20) foot paved width and parking on one side of the street (SAL-4) may be allowed based on compliance with all of the following criteria:
- (a) Block lengths less than three-hundred (300) feet;
 - (b) The street is expected to carry less than two-hundred (200) average daily trips;
 - (c) The street is signed and striped for no parking on one side consistent with MUTCD standards; and
 - (d) Fire Marshal review.
- (8) The Special Area Local Street - Alley (SAL-5) standard may be allowed in any transit-oriented district subject to compliance with all of the following criteria:
- (a) Lots or parcels utilizing an alley must have frontage on a separate street which provides on-street parking and sidewalks;
 - (b) Alleys can not be used to meet the block length or perimeter standards of this Section;

- (c) Alleys can not directly access a Special Area Collector, Collector or Arterial road; and
 - (d) Minimum four (4) foot setback to a garage or parking area.
 - (e) Fire Marshal review.
 - (f) Special Area alley right-of-way needs are to be determined by the Review Authority during development review based on the specific needs and use of the alley. Alley right-of-way width shall not be less than sixteen (16) feet.
- (9) Private Streets. In addition to the standards of Section 409, private streets in transit-oriented districts shall meet the following standards:
- (a) Private Streets with sidewalks shall include a minimum four (4) foot landscape strip between curb and sidewalk with trees spaced no more than every thirty (30) feet, unless Section 431-5.1 B. (4)(a) and/or (b) applies.
 - (b) Local Residential Streets serving five (5) or more units shall have curbs and sidewalks on both sides. Local Residential Streets serving three (3) to four (4) units shall have curbs on one side and a sidewalk on one side.
 - (c) When an accessway is provided adjoining to a private street in order to meet the block length and block perimeter standards of this Section, a sidewalk does not need to be provided on the side of the private street that includes the accessway.
- (10) Whether publicly or privately owned, a pedestrian street, accessway or greenway shall conform to the section design specified for its functional classification and remain accessible to the public at all times.
- (11) Pedestrian crossings of streets, driveways, surface parking lots and loading areas shall be designed to be consistent with the provisions of Section 408-10.3 B. In transit oriented districts, striping alone is not an acceptable way to identify connections.
- (12) Special Area Off-Street Pathways (Accessways and Greenways) shall be developed consistent with Section 408. Special Area Off-Street Pathways shall be at least ten (10) feet in paved, unobstructed width when bicycles are intended to share the Special Area Off-Street Pathway. When bicycle travel is otherwise adequately provided, Special Area Off-Street Pathways shall be at least five (5) feet in paved, unobstructed width.
- (13) Special Area Trails shall incorporate all of the following design criteria:
- (a) Minimum five (5) foot wide;
 - (b) Minimum eight (8) foot vertical clearance;

- (c) Minimum two (2) foot horizontal clearance from edge of pathway;
 - (d) Gravel or wood chips, with a compacted subgrade;
 - (e) Non-skid boardwalks if wetland construction necessary; and
 - (f) At intersections with other pedestrian improvements, a trailhead with a minimum area of one hundred (100) square feet. A trail map sign shall be provided at each trailhead.
- (14) Parking Lot Driveways. In transit oriented districts, Parking Lot Driveways that link public streets and/or private streets with parking stalls shall be designed as private streets, unless one of the following is met:
- (a) The parking lot driveway is less than one hundred (100) feet long;
 - (b) The parking lot driveway serves two (2) or less residential units; or
 - (c) The parking lot driveway provides direct access to angled or perpendicular parking stalls.
 - (d) Average spacing to perpendicular parking lot aisles off of the parking lot driveway is less than one (1) access for every eighty (80) feet. For example, if the parking lot driveway was two hundred (200) feet long, and it provided direct access to three (3) parking lot aisles, it would not need to be designed as a private street.

E. Circulation/Connections

- (1) Connections shall be provided between existing and planned pedestrian streets, as specified in the applicable community plan or in the Transportation Plan or Community Development Code.
- (2) When connecting new streets in transit oriented districts to existing local and Neighborhood Route streets pursuant to the community plan, this Section and Section 501-8.1 B. (3), the Review Authority may allow a temporary closure of a street connection when the following criteria are met:
 - (a) There are alternative routes serving the site that will operate within their planned function without the connection; and
 - (b) Average daily vehicle volumes on the route would significantly exceed normally expected volumes for the functional classification of the facility; or
 - (c) The proportion of vehicle traffic without a trip end along the route would be significantly higher than normally expected for the functional classification of the facility.

If the review authority requires a temporary road closure, a pedestrian and bicycle connection shall be made at the location.

A street which is temporarily closed under these provisions may be opened by the Director at any time, based on evidence that the connected road will operate within its expected functional classification. This determination will be made using evidence regarding establishment of alternative routes, traffic volumes and/or proportion of through traffic. A street which is temporarily closed under these provisions shall be connected no later than when all of the planned street connections are made to the transit oriented development community.

- (3) The street alignment corridors shown in the Community Plan allow planned street centerlines to be moved to a limited degree through a Type II process. Where those planned street centerlines also form the boundary between land use districts, those districts may move with the street centerline within the Type II alignment corridors.

Through a Type III process, the planned on-site street network for collector, local and commercial streets may be modified to a greater extent than is allowed on the applicable map in the Community Plan, if the proposed modification meets all of the following criteria:

- (a) The new street pattern does not result in an increase or decrease in planned densities within transit oriented districts;
- (b) The new street network maintains the planned functional classification of new and existing roads in the area; and
- (c) The new street network provides a similar degree of connectivity to existing abutting streets, including:
 - 1. Where future street connections identified on an adopted Community Plan to either existing or future abutting streets are shown to be direct, they shall remain direct. Where they are shown to be circuitous, they shall remain circuitous;
 - 2. The connections encourage motor vehicle traffic to go slow, consistent with the road standards for Special Area roads;
 - 3. The proposed circulation system meets station area block length and perimeter requirements; and
 - 4. The proposed circulation system includes off-street pedestrian facilities similar to those identified in the community plan.

It is recognized that the adopted on-site street network in the Community Plan provides a public street network which achieves the state, regional, County, and neighborhood planning objectives in the station area. The review authority shall use the adopted street network as a prototype to apply the above criteria.

431-5 Streetscapes for Pedestrians

431-5.1 Streetscapes - Transit Oriented Districts

These principles and standards apply to the network of pedestrian streets within transit oriented districts.

A. Principles:

- (1) Development along pedestrian routes shall be designed to encourage use by pedestrians by providing a safe, comfortable and interesting walking environment.
- (2) All pedestrian streets shall incorporate pedestrian scale lighting at a level sufficient to provide a safe walking environment.

B. Standards:

- (1) In the TO:BUS and TO:RC Districts along pedestrian streets where on-street parking is allowed, except as provided in Section 431-12 or in an applicable Community Plan provision, buildings shall be built to the sidewalk edge for a minimum of ninety (90) percent of their site's pedestrian street frontage (excluding street, driveway and accessway intersections). However, where a development site has frontage on two or more pedestrian streets with on-street parking, buildings are not required to meet the frontage requirements on both streets. Notwithstanding the above, a building shall be built to the sidewalk edge of both intersecting streets at their intersection.

Where a development site has frontage on two pedestrian streets with on-street parking on only one of the streets, buildings are required to meet the frontage requirement on the street that allows on-street parking. Notwithstanding the above, a building shall be built to the sidewalk edge of both intersecting streets at their intersection.

Where a development site in a TO:BUS District fronts only on a pedestrian street that does not allow on-street parking, buildings shall be built to the sidewalk edge for a minimum of seventy-five (75) percent of the site's pedestrian street frontage (excluding street and accessway intersections). Where a development site in a TO:RC District fronts only on a pedestrian street that does not allow on-street parking, buildings shall be built to the sidewalk edge for a minimum of fifty (50) percent of their site's pedestrian street frontage (excluding street and accessway intersections).

- (2) Street trees are required on all pedestrian streets with an average spacing of no more than thirty (30) feet on center on both sides and two (2) to four (4) feet from back of curb. Street trees shall not be spaced or located so as to result in a violation of Section 418-3. Trees in the County right-of-way or in sidewalk easements shall be approved by the County as to size, quality, tree well design if applicable, and irrigation (see Section 407-7).

- (3) All utility lines shall be underground but utility vault access lids may be located in the sidewalk area, provided that they are flush with the sidewalk and provide for a safe pedestrian walking surface during all types of weather.
- (4) Sidewalks adjacent to pedestrian streets shall have the following minimum widths within transit oriented districts:
 - (a) Sidewalks twelve (12) feet wide with a minimum eight (8) foot unobstructed clearance in the TO:RC, TO:BUS, TO:R80-120, and TO:R40-80 Districts.
 - (b) Sidewalks nine (9) feet wide with a minimum six (6) foot unobstructed clearance in the TO:EMP, TO:R24-40, and TO:R18-24 Districts.
 - (c) Sidewalks five (5) feet wide with unobstructed clearance in the TO:R12-18, and TO:R9-12 Districts.
- (5) Sidewalks along pedestrian streets adjacent to undeveloped parcels may be temporary.
- (6) Pedestrian scale street lighting shall be provided along all pedestrian streets.
- (7) Pedestrian street lights shall be no taller than twenty (20) feet along Special Area Neighborhood Routes, Special Area Commercial Streets, and Special Area Local Streets
- (8) In designated pedestrian focus areas, sidewalks in front of buildings shall be covered to at least eight (8) feet from building face by one of the following to provide protection from sun and rain: canopies, arcades, or pergolas. Supports for these features shall not impede pedestrian traffic.
- (9) In designated pedestrian focus areas, one or more pedestrian-scaled amenities are required every one hundred (100) feet in the sidewalk area, including but not limited to street furniture, plantings, distinctive paving, drinking fountains, sculpture.
- (10) In designated pedestrian focus areas, minimum twelve (12) foot wide sidewalks (eight [8] foot minimum unobstructed clearance) are required on all public streets.
- (11) The design character of an individual building shall be compatible with its neighbors, but each building shall be unique. Attention shall be paid to similarities and contrasts between the following architectural elements: building forms and massing; building height; rooflines and parapet features; special building features (e.g., towers, arcades, entries, canopies, signs, and artwork); window size, orientation and detailing; materials and color; the buildings' relationship to the site.

431-5.2 Building Entrances

The following principles and standards apply to building entrances in transit oriented districts:

A. Principles:

Provide for safe, convenient, direct and identifiable access for pedestrians between pedestrian streets, accessways, transit facilities, and adjacent buildings.

B. Standards:

- (1) Non-residential and mixed-use buildings fronting a pedestrian street where on-street parking is allowed adjacent to the building, shall have at least one main building entrance oriented to the pedestrian street. Such an entrance shall not require a pedestrian to first pass through a garage, parking structure, parking lot or loading area to gain access to the entrance from the pedestrian street, but the entrance may be through a porch, breezeway, arcade, anti-chamber, portico, outdoor plaza or similar architectural features. The entrance shall be visible from the street and no further back from the front of the building than $\frac{1}{2}$ the depth of the building. Entrances set back from the sidewalk shall have a well-demarcated walkway leading to them. If a building has frontage on more than one pedestrian street, the building shall provide a main building entrance oriented to at least one of the pedestrian streets or a single entrance at the corner where both pedestrian streets intersect. A building may have more than one main building entrance oriented to a pedestrian street, and may have other entrances facing off-street parking areas and loading areas.
- (2) Residential buildings fronting on a pedestrian street shall have an entrance to the building oriented on to the pedestrian street. Such an entrance shall open directly to the outside and shall not require passage through a garage or parking structure to gain access to the doorway. Single family detached, attached and rowhouse/ townhouse residential units fronting on a pedestrian street shall have separate entries to each dwelling unit directly from the street. Ground floor and upper story dwelling units in a multi-family building fronting a pedestrian street may share one or more building entries accessible directly from the pedestrian street. Entries shall be visible from the pedestrian street. In no case shall the primary entry be accessed through a side yard except for an accessory unit to a single family detached dwelling.
- (3) In all transit oriented districts, except the TO:EMP District, building facades over three hundred (300) feet in length facing a pedestrian street where on-street parking is allowed adjacent to the building, shall provide two (2) or more main building entrances. In the TO:EMP District, building facades over four hundred (400) feet in length facing a pedestrian street shall provide two (2) or more main building entrances.
- (4) If a building fronts on a pedestrian street where on-street parking is not allowed adjacent to the building, a main building entrance does not have to be oriented to the pedestrian street. If the main building entrance is not

oriented to the pedestrian street, a well-demarcated, unobstructed, and well-lighted pathway shall be provided to the entrance from the pedestrian street. The pathway shall not be located within or require passage through a garage, parking structure or loading area.

- (5) Minimum lighting levels shall conform to the standards as set forth in Section 415-4.
- (6) For non-residential buildings, or non-residential portions of mixed-use buildings, main building entrances fronting on pedestrian streets shall remain open during normal business hours for that building.
- (7) All entries fronting a pedestrian route shall be sheltered with a minimum four (4) foot overhang or shelter.
- (8) An exception to the requirement of 431-5.2 B. (1) shall be allowed upon finding that:
 - (a) The slope of the land between the building and the pedestrian street is greater than 1:12 for more than twenty (20) feet and that a more accessible pedestrian route to the building is available from a different side of the building; or
 - (b) The access is to a campus development in the TO:EMP District, and identified pedestrian accessways are provided through a parking lot to directly connect the building complex to the most appropriate adjacent pedestrian route(s) via the most safe and direct route(s) practicable.

431-5.3 Building Facades

The following principles, standards and guidelines apply to building facades in transit oriented districts:

A. Principles:

- (1) The dominant feature of a building frontage shall be the habitable area with its accompanying windows and doors. Parking lots, garages, and solid wall facades (e.g., warehouses) shall not dominate a pedestrian street frontage.
- (2) Developments shall be designed to encourage informal surveillance of pedestrian streets and other public spaces by maximizing sight lines between the buildings and the pedestrian street.
- (3) Ensure compatible building designs along a pedestrian street through similar massing (building facade height and width as well as the space between buildings) and frontage setbacks.
- (4) Avoid building designs that result in a street frontage with a uniform design style, roof line or facade treatment, which results in an uninteresting and unattractive pedestrian environment.

431 - TRANSIT ORIENTED DESIGN PRINCIPLES, STANDARDS AND GUIDELINES

- (5) All new commercial, industrial, office, institutional, mixed use, and multi-family residential buildings shall, on any facade facing a pedestrian route, incorporate discernible architectural features, such as, but not limited to: cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other architectural treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The overall design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of itself, does not meet the requirements of this subsection.
- (6) Lighting of a building facade shall be designed so that lighting complements the architectural design. Lighting shall not draw inordinate attention to the building.
- (7) All buildings, of any type, constructed within any transit oriented district, shall be constructed with exterior building materials and finishes that are of high quality to convey an impression of permanence and durability.
- (8) To balance horizontal features on longer facades, vertical building elements shall be emphasized.

B. Standards:

- (1) Ground floor windows shall be provided on building facades facing a pedestrian route or common open space. Garage door windows shall not count towards compliance with this standard.
- (2) Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.
- (3) Except as provided in Section 431-12, ground floor building facades along a pedestrian street in the TO:RC or TO:BUS Districts must contain unobscured windows for at least fifty (50) percent of the wall area and seventy-five (75) percent of the wall length within the first ten (10) feet of wall height. Required windows shall allow views in to lobbies or similar areas of activity, building entrances, or merchandise type displays. Lower window sills shall not be more than three (3) feet above grade except where interior floor levels prohibit such placement, in which case the lower window sill shall not be more than a maximum of four (4) feet above the finished exterior grade.
- (4) In all other transit oriented districts, for any exterior wall which is within twenty (20) feet of and facing onto a pedestrian street or common open space, at least twenty (20) percent of the ground floor wall area shall be comprised of either display area, windows or doorways. The square footage of garage doors shall not count towards compliance with this standard.
- (5) Ground floor openings in parking structures, except at points of access, must be covered with grills, mesh or lattice that obscure at least thirty (30) percent of the interior view, [e.g., at least thirty (30) percent solid material to seventy (70) percent transparency].

- (6) In all transit oriented districts, building frontages greater than two hundred (200) feet in length along pedestrian routes shall break any flat, monolithic facade by including architectural elements such as bay windows, recessed entrances, changes in materials, or other articulation so as to provide pedestrian scale to the ground floor.
- (7) Except as provided in Section 431-12, building facades along a pedestrian route in the TO:RC or TO:BUS Districts shall not have more than forty (40) linear feet of ground floor wall area without a change in materials or an eight (8) inch minimum vertical or horizontal wall relief.
- (8) In all transit oriented districts, the exterior walls of building facades along pedestrian routes shall be of suitable durable building materials including the following: stucco, stone, terra-cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board & batten siding, articulated architectural concrete masonry units (CMU), or similar materials which are low maintenance, weather resistant, abrasion resistant and easy to clean. Prohibited building materials include the following: Plain, smooth, untextured concrete; plain, smooth untextured concrete block; corrugated metal; unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard); and similar quality, non-durable materials.
- (9) No exterior lighting shall be provided above the second floor of buildings for the purpose of highlighting the presence of the building, except for facade sign lighting.
- (10) Buildings and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, mechanical equipment (HVAC), trash compacting/collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public pedestrian streets. Screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.
- (11) The facades of single-family attached and detached residences (including duplexes, triplexes, fourplexes, townhouses and rowhouses) shall comply with the following standards:
 - (a) No more than forty (40) percent of the horizontal length of the ground floor front elevation of a single-family detached or attached dwelling shall be an attached garage door entrance (i.e., garage doorway).

- (b) Front-loaded and street side-loaded garages shall be set back at least eighteen (18) feet from the back of the sidewalk.
 - (c) Garages shall be recessed at least five (5) feet from the ground floor front of the dwelling.
 - (d) For all residences with sloped roofs, the roof slope shall be at least 5:12, and no more than 12:12.
 - (e) Flat roofs with a parapet and cornice are allowed in all transit oriented residential districts except the TO:R 9-12 District, in which only sloped roofs are allowed.
 - (f) Residential building elevations facing a pedestrian route shall not consist of undifferentiated blank walls, but shall be articulated with architectural features such as windows, dormers, porch details, alcoves, balconies or bays. Porches, if provided, shall have clear dimensions of at least eight feet wide and six feet deep, and shall be covered by a roof supported by columns or brackets.
 - (g) Windows shall be vertical or square in proportion. Horizontal windows may be created when vertical windows or a mixture of vertical and other shaped windows are grouped together, or there is a row of clerestory windows across the top.
 - (h) There must be architectural detailing that varies from unit to unit. Architectural detailing includes but is not limited to the following: the use of different exterior siding materials or trim, shutters, different window types or sizes, varying roof lines, balconies or porches, and dormers.
 - (i) Fences or hedges in a front yard shall not be over four (4) feet high.
- (12) The facades of multi-family residences shall comply with the following standards:
- (a) Flat roofs with a parapet and cornice are allowed in all transit oriented residential districts except the TO:R 9-12 District, in which only sloped roofs with a minimum slope of three (3) inches per foot are allowed.
 - (b) Building elevations facing a pedestrian route shall not consist of undifferentiated blank walls, but shall be articulated with architectural features such as windows, balconies, and dormers.
 - (c) Windows shall be vertical or square in proportion. Horizontal windows may be created when vertical windows or a mixture of vertical and other shaped windows are grouped together, or there is a row of clerestory windows across the top.

C. Guidelines:

- (1) Arcades or awnings over sidewalks should be provided to shelter pedestrians from sun and rain.
- (2) Upper stories should be articulated with features such as bays and balconies.
- (3) Ornamental features, such as molding, entablatures, pediments and friezes, are encouraged at the roofline of commercial building facades. Where such ornamentation is present in the form of a linear molding or board, the band should be at least eight (8) inches wide.
- (4) Where masonry is used for exterior finish, decorative patterns should be employed. These decorative patterns may include multi-colored masonry units, such as brick, tile, stone or cast stone, in a layered or geometric pattern, or multi-colored ceramic tile used in conjunction with materials such as concrete or stucco.
- (5) Key public or civic buildings, such as community centers, churches, schools, libraries, post offices, and museums, should be placed in prominent locations, such as fronting on public squares or where pedestrian street vistas terminate, in order to serve as landmarks and to symbolically reinforce their importance.
- (6) Certain buildings, because of their size, purpose or location, should be given special attention in the form of ornamental building features, such as towers, cupolas or pediments. Examples of these special buildings include theaters, hotels, cultural centers, churches and civic buildings.

431-6 Parking Areas, Garages and Parking Structures

Automobile parking areas consume significant amounts of land. Their location and design are key determinants of the attractiveness and pedestrian orientation of a community. The principles and standards in Section 431-6 apply to parking areas, garages and parking structures in transit oriented districts.

431-6.1 Location

A. Principles:

Off-street surface parking lots shall be located to the side or rear of buildings, other than single family residences, that front on pedestrian streets where on-street parking is allowed. Parking at mid-block or behind buildings is preferred. Exceptions to this principle may be appropriate for uses that require new buildings to be clustered near existing groups of buildings located away from a pedestrian street, such as expansions of a campus development.

B. Standards:

- (1) Off street surface parking lots shall not be located between a front facade of a building adjacent to a pedestrian street where on-street parking is allowed, and the pedestrian street.
- (2) Garages and off-street parking areas shall be set back at least five (5) feet from adjacent primary building facades.
- (3) Parking lots, garages, including garages serving residential uses, and parking structures shall not be located within forty (40) feet of a street corner, except when the first floor of the parking structure is developed with (to be occupied by) commercial/retail uses.
- (4) If a building adjoins a pedestrian route on two (2) or more sides, off-street parking may be allowed between the building and the pedestrian route in the following order of priority:
 - 1st. Accessways.
 - 2nd. Pedestrian streets that are non-transit streets and do not allow on-street parking.
 - 3rd. Pedestrian streets that are transit streets and do not allow on-street parking.
 - 4th. Pedestrian streets that are non-transit streets and do allow on-street parking.
 - 5th. Pedestrian streets that are transit streets and allow on-street parking.
- (5) Notwithstanding Sections 431-6.1 A. and 431-6.1 B. (1), off-street surface parking for campus development within the TO:EMP District may be located between an adjacent building and a pedestrian route, a transit street or a light rail station site upon finding that:
 - (a) Identified accessways will be provided to connect each building within the campus area and to directly connect the building complex to the most appropriate transit street(s) and/or pedestrian route(s); and
 - (b) All accessways between the building complex and adjacent transit facilities:
 - (i) Will comply with Section 431-6.2 A. (4);
 - (ii) Will be clearly identifiable to a pedestrian through measures such as signage;
 - (iii) Will be lighted; and
 - (iv) Will be as short as reasonably practicable.

431-6.2 Parking Area and Garage Design:

A. Principles:

- (1) Garages, parking structures and off-street surface parking areas shall be designed to be as unobtrusive, and as attractive in appearance, as possible.
- (2) There shall be low bushes or a low wall or berm at the perimeter of surface parking lots to reduce their visibility from the surrounding area. Barriers around the perimeter of a parking lot shall not be so high, however, that it becomes a safety or security problem.
- (3) Trees shall be used extensively at the perimeter and in the interior of surface parking lots to break up large parking areas and provide shade.
- (4) Accessways through surface parking lots shall be clearly identified through the use of: different paving materials, grade separation, or landscaping, pedestrian-scale lighting, and be as short as practicable.

B. Standards:

- (1) Garage doors for single-family dwellings fronting a pedestrian route shall not exceed sixteen (16) feet in width nor exceed eight (8) feet in height.
- (2) Except at access points, parking structure openings on all levels shall be no lower than at least three (3) feet from floor level to limit exterior views of vehicle fronts below the windshield.
- (3) Surface parking areas shall provide perimeter parking lot landscaping adjacent to a pedestrian street which meets one of the following standards:
 - (a) A five (5) foot wide planting strip between the right-of-way and the parking area. The planting strip may be pierced by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with an evergreen hedge. Hedges shall be no less than thirty-six (36) inches or more than forty-two (42) inches in height at maturity. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot; or
 - (b) A solid decorative wall or fence thirty-six (36) inches to forty-two (42) inches in height parallel to and not nearer than two (2) feet from the right-of-way line. The area between the wall or fence and the pedestrian street line shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.

Perimeter landscaping shall not be required where two (2) parking lots using a common driveway are joined by a common circulation aisle or other traffic area. Landscaping may be reduced or eliminated

adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two areas.

- (4) Surface parking areas shall provide interior landscaping which meets the following standards:
 - (a) Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into required landscape areas and/or over walkways.
 - (b) Landscaping shall be installed within planting bays, and in any other area where parking stalls, circulation aisles, driveways, or pedestrian movements would not be precluded by the landscaping. Landscaping around and within surface parking areas shall not be less than ten (10) percent of the total area of the parking area (see Section 407 for additional landscape requirements).
- (5) Except in residential areas, parking associated with new development shall be designed to the extent practicable to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the pedestrian street for parallel movements.
- (6) In the TO:BUS and TO:RC Districts, the portion of the first floor of a parking structure fronting on a pedestrian route shall contain space for retail and/or office or other active uses, or shall be designed to allow for conversion to such space at a later time in accordance with an approved phased development.
- (7) Surface parking, garages and carports for apartment developments shall not be located adjacent to a pedestrian street, but shall be located behind apartment buildings adjacent to a pedestrian street, except as noted in Section 431-6.1 B. (4).
- (8) Detached garages or carports shall reflect the architectural style and building materials that are used for the dwelling structures.

431-7 Common Open Space

Provision of common open space in transit oriented communities is critical to create an attractive location for living, working and shopping near transit. The principles, standards and guidelines in Section 431-7 apply to common open space areas in transit oriented districts.

431-7.1 Location

A. Principles:

- (1) Common open spaces shall be located within walking distance of all those living, working and shopping in transit oriented areas.

- (2) Common open spaces shall be easily and safely accessed by pedestrians and bicyclists.
- (3) For security purposes, common open spaces shall be visible from nearby residences, stores, a pedestrian route and/or pedestrian street or offices.
- (4) Common open space shall be available for both passive and active use by people of all ages.

B. Standards:

- (1) Common open space shall be located within all residential and all mixed residential/non-residential developments with four or more dwelling units, as well as all non-residential developments on sites exceeding one-half acre. Alternatively, common open space for a development may be located within thirteen hundred (1,300) feet walking distance of the development. However, if common open space for a residential development is located off-site, it shall be unnecessary to cross an arterial street to gain access to the site.
- (2) Common open space in a residential development shall be located so that windows from the living areas (kitchens, family rooms, living rooms but not bedrooms or bathrooms) of a minimum of four (4) residences face on to the common open space.
- (3) Common open spaces for residential developments shall not abut roads classified as an arterial.

431-7.2 Amount and Size

A. Principles:

- (1) Common open spaces may vary in size depending on their function and location.
- (2) The total amount of common open space provided in a transit oriented community shall be adequate to meet the needs of those projected (at the time of build-out), to live, work, shop and recreate there.
- (3) Developers in station areas shall provide common open space for their project commensurate with the size of the project and the number of residents, workers, shoppers and other users the development is likely to attract.

B. Standards:

- (1) All residential developments of four (4) or more dwelling units, and all non-residential or mixed-use developments, shall be required to reserve, improve and establish commitments to maintaining common open space.

- (2) Any common open space shall be at least four hundred (400) square feet in area, and shall be able to encompass a square area at least twenty (20) feet wide and twenty (20) feet long.
 - (3) Residential developers shall provide common open space within or near their developments, consistent with the locational standards in Section 431-7.1 B., according to the following standards:
 - (a) For single-family detached and attached residences, including duplex units, townhouses and rowhouses: one hundred (100) square feet of common open space shall be provided for each dwelling.
 - (b) For apartment units exceeding five hundred (500) square feet in floor area: seventy-five (75) square feet of common open space shall be provided for each dwelling.
 - (c) For apartment units equal to or less than five hundred (500) square feet in floor area: fifty (50) square feet of common open space shall be provided for each dwelling.
 - (4) Common open space in a mixed use and non-residential development shall equal at least two (2) percent of the development site's total acreage after netting out those portions of the site within areas listed under CDC Section 300-3.1.
 - (5) In phased developments, common open space shall be provided in each phase of the development consistent with the standards for each land use and development phase.
- C. Guidelines:
- (1) Developers, particularly smaller developers, are encouraged to acquire and improve common open space off-site in combination with such land acquired and improved by other developers in a station community to create larger common open spaces. The assistance and advice of the Tualatin Hills Park and Recreation District and Washington County should be sought in identifying off-site common open spaces that could be cooperatively acquired and improved by station community developers.

431-7.3 Open Space Design

A. Principles:

- (1) Common open spaces in transit oriented communities shall be designed to accommodate a variety of activities and users ranging from active play by children to passive contemplation by adults, but shall generally be able to accommodate a relatively intensive level of use. They shall be pedestrian-friendly, with amenities such as benches, directional signs, water fountains, and good lighting. They shall be attractive and interesting, with good landscaping and possibly public art or a water feature. And they shall be safe places to be at any time of day.

B. Standards:

- (1) Common open spaces shall include at least two (2) of the following improvements:
 - (a) A bench or benches for seating;
 - (b) Public art such as a statue;
 - (c) A water feature such as a fountain;
 - (d) A children's play structure including a swing and a slide;
 - (e) A gazebo;
 - (f) Picnic tables with a barbecue;
 - (g) An indoor or outdoor sports court for one or more of the following: tennis, basketball, volleyball, badminton, racquetball, handball/paddleball; or
 - (h) An indoor or outdoor swimming and/or wading pool suitable for children to use.
- (2) Residential developments that may house children shall provide at least one common open space with a children's play structure.
- (3) For security purposes, all common open spaces shall be adequately illuminated during hours of darkness.
- (4) Required common open spaces within a subdivision shall be located within a tract(s) and not located within an easement(s) on any portion of a platted residential lot.
- (5) Common open spaces shall be free from all structural encroachments (i.e., roof overhangs, awnings and other architectural features) of structures on abutting properties.

431-8 Transitions in Density

A major issue in areas where higher density, attached dwelling development is planned is the impact of that development on existing lower density, single family dwelling neighborhoods. The following principles, standards and guidelines address this issue.

431-8.1 Principles:

- A. Adequate buffer strips with vegetative screens shall be placed to mitigate the impact of higher density development on adjacent lower density development.

431-8.2 Standards:

- A. Buildings with similar massing and height shall be located on both sides of a pedestrian street. Changes in building massing and height shall occur mid-block, at the rear lot line.
- B. Where the TO:R9-12 District abuts existing R-5 or R-6 neighborhoods:
 - (1) There shall be a Type #2 buffer, as specified in CDC Section 411-6;
 - (2) New residential units shall be no higher than thirty-five (35) feet (the maximum building height in the R-5 District) above grade or above the average elevation of the nearest lot occupied by an existing single-family residence, whichever is highest; and
 - (3) New residential buildings on lots directly abutting existing single-family dwellings shall be either single family detached units, duplexes, triplexes or four-plexes.
- C. Where the TO:R12-18 District abuts an existing R-5 or R-6 neighborhood, a Type #3 screening and buffering, as specified in CDC Section 411-6, shall be required. Additionally, new residential buildings within one hundred (100) feet of the property line abutting the R-5 or R-6 neighborhood shall be no higher than thirty-five (35) feet above grade or above the average elevation of the nearest lot occupied by an existing single family residence, whichever is highest.
- D. Where the TO:R18-24 District abuts an existing R-5 or R-6 neighborhood, Type #4 screening and buffering, as specified in CDC Section 411-6, shall be required. Additionally new residential buildings within one hundred (100) feet of the property line abutting the R-5 or R-6 neighborhood shall be no higher than thirty-five (35) feet above grade or above the average elevation of the nearest lot occupied by an existing single-family residence, whichever is highest.
- E. Where the TO:R24-40 District abuts an existing R-5 or R-6 neighborhood Type #5 screening and buffering, as specified in CDC Section 411-6, shall be required. Additionally, new residential buildings within one hundred (100) feet of the property line abutting the R-5 or R-6 neighborhood shall be no higher than thirty-five (35) feet above grade or above the average elevation of the nearest lot occupied by an existing single-family residence, whichever is highest.
- F. Where the TO:R40-80 District or the TO:R80-120 District abuts an existing R-5 or R-6 neighborhood, Type #6 screening and buffering as specified in CDC Section 411-6, shall be required.
- G. The setback from a proposed attached dwelling unit structure in a transit oriented district to the nearest lot line for an existing R-5 or R-6 neighborhood shall be required to be no less than the required rearward setback for the adjacent district. Any screening and buffering required pursuant to Section 411 may be included within this setback (see Section 411-1.1).

431-8.3 Guidelines:

- A. Dwellings in a transit oriented community should not be grouped by cost range but mixed to encourage interaction among people of varying backgrounds and income levels.

431-9 Landscaping

Well-designed and located landscaping can soften the edges of buildings and paving, add aesthetic interest and generally increase the attractiveness of a community. The following principles, standards and guidelines apply to landscaping in transit oriented districts.

431-9.1 Principles:

- A. The size of the landscaped area on a development site in a transit-oriented community shall be in inverse proportion to the density of development on the site.
- B. Landscaping shall primarily be located to serve as a screen or buffer for or to soften the appearance of unattractive structures or uses such as parking lots or large blank walls, or to increase the attractiveness of common open spaces.

431-9.2 Standards:

No minimum landscaping standard shall be set as a percentage of a development site. Landscaping may be required, however, in conjunction with parking lot design (see Section 431-6.2), building design or the provision of common open space.

431-9.3 Guidelines:

- A. Stormwater detention facilities may be incorporated into landscapes (see Section 431-10.1).

431-10 Water Quantity/Quality Facilities

Water quantity/quality facilities are necessary elements of the urban landscape in Washington County, but their location and appearance can influence the attractiveness of a community. The following principles and standards apply to water quantity/quality facilities in transit oriented districts.

431-10.1 Principles:

Stormwater detention and treatment facilities shall be integrated into the design of a development site and, if visible, shall appear as a component of the landscape rather than as a utility element. If practicable and acceptable by to the Clean Water Services, such facilities shall be consolidated to serve multiple developments in a location away from the center of the community.

431-10.2 Standards:

Non-vaulted surface stormwater detention and/or treatment facilities shall not be located between a pedestrian street and the front of an adjacent building.

431-11 Signs

The principles and standards of Sections 431-11.1 and 431-11.2 below shall apply to all permitted signage within transit oriented districts. Exceptions to these standards are designated in Section 431-11.3.

431-11.1 Principles:

- A. Signs in transit oriented district communities shall be located and scaled to the function of the pedestrian street on which they front.
- B. Signs within any transit-oriented district shall be consistent with the visual quality and aesthetics of the surrounding neighborhood.
- C. Signage must be of high quality in design and materials.
- D. Signage shall be consistent throughout a development.
- E. Signage attached to a building shall complement the building's character (e.g., wall signs shall avoid covering building columns).

431-11.2 Standards:

- A. In the TO:BUS and TO:RC Districts, the standards of Article IV - Section 414-2 shall apply, except as noted in Section 431-11.3.
- B. In all transit oriented residential districts the standards of Article IV - Section 414-1 shall apply.

431-11.3 Exceptions to Sections 414-1 and 414-2

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

C. Prohibited signs:

- (1) Free-standing signs (e.g., pole-mounted signs) as defined in Section 106-193.4;
- (2) Signs with moving or flashing lights;
- (3) Signs with exposed electrical conduits, ballast boxes, or other equipment;
- (4) Signs incorporating audible or odor-producing elements;
- (5) Roof-mounted signs; and
- (6) Other signs prohibited under Article IV Section 414.

431-12 Peterkort Station Area Design Standards

Applicability:

The following design principles, standards, and guidelines (in association with other design standards of Section 431 as well as the applicable community plan), shall be applied to the development occurring within the Peterkort Station Area. The 'Peterkort Station' is generally defined as the developable areas of land between Sunset Highway and Johnson Creek within ¼ mile of the Sunset Transit Station (as shown in Figure 12.1a). In case of conflict with any other standards, the standards of this section shall prevail.

431-12.1 Site Design:

As specified in the Cedar-Hills-Cedar Mill Community Plan, Master Plans are required for new development around the Sunset Transit Center. The 'Peterkort Station' area is one of six (6) geographic areas subject to this requirement. The 'Peterkort Station' contains four unique sub-areas or 'districts:' Hillside, Holly, Sunset, and the Sunset Transit Center (see Figure 12.1a). The Hillside, Holly and Sunset districts are subject to special design requirements as outlined under Sections 431-12.1 A. through 431-12.1 D. below.

A. Master Plan Requirements:

- (1) A Master Plan (Type II or Type III process) incorporating the following design elements shall be provided to guide development of the 'Peterkort Station' area; these design elements shall generally be arranged as shown in Figure 12.1f:
 - (a) A street layout which generally conforms to the diagram shown in Figure-12.1b and provides full linkages to the surrounding transportation network.
 - (b) The "Four Corners Intersection," including final 'build-to' lines for required buildings in each of the four corners of the westerly intersection between the proposed 'Main Street' and SW Barnes Road. The minimum height for building designs at this intersection

shall be thirty-two (32) feet. Buildings on the south side of the intersection shall be of two (2) story construction with second story office, retail or residential.

- (c) Final detailed design of the "Landscape Wall" buffering parking facilities along SW Barnes Road concurrent with phase-1 development. The landscape wall shall be sight obscuring at the time of construction (except at designated access points) and shall include a minimum of the following elements:

- (i) Street trees with an average caliper of two and one half (2 ½") inches;
- (ii) An average minimum depth of twenty (20) feet; or
- (iii) A sight-obscuring wall and/or hedge.

(Note: future development phases may replace this buffer with buildings).

- (d) Final detailed design of the "Through Block Accessway" dividing the block created between the 'Main Street' and SW Barnes Road.
- (e) Final design and location of the right-in/right-out access proposed between the intersections of the 'Main Street' and SW Barnes Road. (Note: this facility must be approved by the County Engineer).
- (f) Final detailed design of "The Green" as generally located in Figure 12.1f. The Green shall incorporate a selection of pedestrian-oriented amenities including but not limited to: walkways, benches, evergreen vegetation and a major water feature (see Figures 12.1c and 12.1d for plan and cross-sectional drawings of 'The Green'). The 'Green' shall also incorporate:
 - (i) Street trees spaced at an average interval of twenty-five feet (25'); and
 - (ii) A terminating feature such as a pavilion (located as shown in Figure 12.1c).

This facility must be approved by the County Engineer.

- (g) Required building frontages as shown in Figure-12.1e. All required building frontages shall conform to the building height and façade requirements of Sections 431-12.2c and 431-12.2f, respectively.
- (h) As shown in Figure 12.1e, the Cinema Complex, Four Corners and Town 'Green' areas shall provide a minimum of first floor retail stores along the required frontages.
- (i) Project phasing plan which incorporates the elements of the 'Phase-1 minimum requirements' as designated in Section 431-12.1 B. below.

B. Required phase-1 design elements:

The following project elements are required to be designed and constructed during phase 1 of the Peterkort Station development. Project occupancy of later development stages of phase 1 may be restricted until all required elements are completed if development is not occurring over time in a manner that is consistent with the approved development master plan so as to create a cohesive, pedestrian oriented, mixed-use project. This provision is not intended to require all Phase 1 elements to be constructed concurrently or to restrict occupancy of the initial stages of Phase 1.

- (1) The 'Main Street' as shown on the Peterkort Station General Plan (Figure 12.1f);
- (2) The four-way intersections between the 'Main Street' and SW Barnes Road;
- (3) Phase-1 buildings shown on the schematic in Figure-12.1h; and
- (4) The design elements described in items 'c' through 'f' of Section 431-12.1 A. (1) above.

C. Post phase-1 design elements:

- (1) Figure 12.1g shows buildings which shall be required design elements of future phases of Peterkort Station.

D. Minimum design standards for The Green:

- (1) The Green shall be a minimum of sixty (60) feet in width and one-hundred seventy-five (175) feet in length with minimum of thirty (30) foot radius curves at each end;
- (2) The Green shall incorporate a private one-way street with on-street parallel parking on the right hand side and a single travel lane;
- (3) The Green shall incorporate a selection of pedestrian oriented amenities including but not limited to: walkways, benches, evergreen vegetation and a major water feature; and
- (4) Buildings fronting the Green shall incorporate first floor retail shops.

431-12.2 Architectural Standards and Building Design:

The 'Architectural Presence' delivered by the design of the Peterkort Station will play a major role in the future success and economic vitality of the local community. This presence will influence the attraction of key anchor tenants to the area, which in turn will attract other businesses, shoppers and residents. The architectural design principles and standards outlined below were developed with the intent of providing an assurance to both businesses and property owners in the area that as future

development occurs property values will be maintained or enhanced and the area will remain attractive.

A. General Design:

(1) Principles:

- (a) Building Design within the Peterkort Station area shall conform to the following:
 - (i) Portray an 'urban' look and feel by maintaining a close relationship between the building envelope and the pedestrian environment and by emphasizing the vertical versus horizontal elements of the structure;
 - (ii) Provide an architectural scale at the street and plaza level which is appropriate to the pedestrian environment;
 - (iii) Maintain a varied yet unified form and character through the development of and adherence to 'theme' elements in the design; and
 - (iv) Provide articulation of building facades.

(2) Standards:

- (a) All developments shall provide design consistency which maintains compatibility with neighboring buildings with particular attention to:
 - (i) Building forms and massing;
 - (ii) Building height;
 - (iii) Rooflines and parapet features;
 - (iv) Special features or "focal points" such as towers, arcades, entries, canopies, signs, artwork, etc.;
 - (v) Window size, orientation and detailing;
 - (vi) Materials and color; and
 - (vii) Relationship to the site.
- (b) All proposed developments which exceed the following thresholds in i or ii below shall be processed through a Type III application and shall demonstrate compliance with the principles of Section 431-12.2 A. (1):
 - (i) Building height which exceeds two hundred (200) percent of the height of any adjoining structure; or

- (ii) Average window sizes (based upon measured areas of each unit) which vary by forty (40) percent or more from those of any adjoining structure.
- (c) Building facades shall be articulated and shall incorporate the following architectural elements:
 - (i) Modulated treatment of windows, doors, entries, and corners with special trim, molding or glazing; and
 - (ii) Decorative railings, grill-work, landscape guards or trellises.

B. Building Scale:

(1) Principles:

At the street level, an architectural scale that is appropriate to the pedestrian environment shall be provided.

(2) Standards:

Buildings shall be scaled to the pedestrian environment through the incorporation of height set back standards as described in Section 431-12.2 C.

C. Building Height:

(1) Principles:

- (a) Buildings shall be designed and scaled to relate to the surrounding pedestrian environment; and
- (b) All buildings shall demonstrate substantial conformance to the height standards of Section 431-12.2 C. (2)

(2) Standards:

- (a) The minimum height for multi-story buildings shall be thirty-two (32) feet. This height shall be measured from the highest grade point of the building frontage from ground to top of cornice or midpoint of roof slope. Height setbacks are not permitted within the first two stories (thirty-two [32] feet);
- (b) The minimum height for single-story buildings shall be twenty-two (22) feet. This height shall be measured from the highest grade point of the building frontage from ground to top of cornice or midpoint of roof slope;
- (c) There shall be an eight (8) foot setback or optional strong cornice line implemented in a building's principal facade between thirty-two (32) feet and forty-five (45) feet in height (see Figure 431-12.2a);

- (d) A minimum eight (8) foot setback in a building's principal façade is required above forty-five (45) feet in height, plus an additional one (1) foot setback for every ten (10) feet of elevation above one hundred (100) feet;
- (e) Building 'focal points' and unique architectural features (e.g., bell tower, cupola, etc.) shall be exempt from height setback standards; and
- (f) Screened or partially enclosed mechanical and service areas are not included in minimum building heights.

D. Roof Forms:

(1) Principles:

- (a) Roof forms shall provide unifying elements within Peterkort Station. Building designs shall demonstrate a consistency in roof slopes, details and materials;
- (b) All roofs shall include distinctive roof forms or cornice treatments to highlight building focal points; and
- (c) Roof-mounted mechanical, electrical and electronic equipment (HVAC, antennae, etc.) shall be fully screened from view.

(2) Standards:

- (a) All flat-roofed buildings shall be architecturally treated or articulated with a parapet wall, combined with ornamental molding, entablature, frieze, cornice or other roofline detail visible from ground level;
- (b) All sloped roofs exposed to view (commercial and residential), shall have a minimum 5/12 pitch. Smaller 'feature' roofs at entries or focal points may have lesser slopes;
- (c) Where a parapet is incorporated, the back side must not be visible from a plaza or court. Articulated cornice lines shall not appear as applied elements; and
- (d) Roof mounted mechanical, electrical and electronic equipment (HVAC, antennae, etc.) shall be fully screened from view through the incorporation of screening walls or fences which provide a full visual barrier.

E. Service Areas

(1) Principles:

- (a) Building service elements and utility equipment shall not encroach on pedestrian areas or be visible from a pedestrian street or urban space.

(2) Standards:

- (a) All on-site service areas, loading zones and outdoor storage areas (except outdoor retail sales areas under one hundred (100) square feet in occupied areas), waste storage, disposal facilities, transformer and utility vaults and similar activities shall be located in an area not visible from a pedestrian street or urban space. If this is not possible, then the service area, loading zone, or storage area must be fully screened from public view. Prohibited screening includes chain-link fencing with or without slats. Acceptable screening includes:
 - (i) A masonry or wood enclosure incorporated into a building wall.
 - (ii) A solid hedge or other screening as approved.

F. Building Facades:

(1) Principles:

- (a) Buildings shall incorporate architectural features that articulate the façade through the use of:
 - (i) Columns, pilasters or other vertical architectural elements to modulate the building facade;
 - (ii) Enhanced or recessed entrances;
 - (iii) Varied parapet heights;
 - (iv) Varied roof forms or strong cornice lines; and
 - (v) Setbacks at heights above thirty-two (32) feet (see Figure 431-12.2a);
- (b) Building focal points are architectural design elements that lend character, depth and interest to facades and streetscapes; focal points are required on building facades when facing an urban space and shall substantively conform to the following standards:
 - (i) Focal points shall be placed where appropriate such as building corners and entry lobbies; and
 - (ii) Special architectural elements shall be incorporated into focal points to accentuate the building.
- (c) All facades shall incorporate a substantive use of architectural elements from the following list:
 - (i) Balconies in upper stories;

- (ii) Windows with multiple-paned fenestration, vertical, (i.e., longer in the vertical dimension than in the width) or square orientation, and/or trim or molding around the perimeter at least two (2) inches wide;
 - (iii) Varied materials;
 - (iv) Decorative light features; and
- (d) All retail building frontages shall incorporate storefront windows into a high percentage of the street level façade.

(2) Standards:

- (a) Building façades shall be divided into sections averaging not more than thirty-six (36) feet in length as measured along the frontage facing pedestrian streets or common open spaces. Building façade sections shall be defined by columns, pilasters or other vertical architectural elements which serve to modulate and segment the building façade;
- (b) Retail building frontages shall incorporate storefront windows with glazing over at least seventy-five (75) percent of the front facade at street level between a height of two (2) feet and eight (8) feet above the ground;
- (c) Setbacks shall be incorporated into all facades pursuant to the standards in Section 431-12.2 C.; and
- (d) Designs for all building facades within the Peterkort Station area shall incorporate features which provide unifying links with other buildings in the same visual environment.

431-12.3 Circulation System Design

A. Principles:

A network of routes shall provide convenient connections between significant destinations within and around the Peterkort Station Area. This network shall conform as closely as feasible to the standards outlined in 431-12.3 B. below.

B. Standards:

- (1) As shown in Figure 12.1b, there shall be a continuous network of urban functioning pedestrian streets and pedestrian routes within the Peterkort Station Area. The block dimensions shall be consistent with the standards of Section 431-4.2;
- (2) For the purposes of meeting the block dimension requirements of Section 431-4.2, streets shall be public except for the one-way loop street shown in Figures 12.1c and 12.1d;

- (3) The street identified in Figures 12.1c and 12.1d shall be a private street with one-way circulation, on-street parallel parking on the right hand side, a single narrow travel lane (fourteen (14) foot), a minimum thirty (30) foot curve radius, minimum fifteen (15) foot wide sidewalks, and street trees. This street shall meet the standards of Section 409 except as specified here;
- (4) Sidewalks along designated Special Area Commercial Streets shall be a minimum of fifteen (15) feet wide. All other sidewalks shall comply with Section 431-5.1 B. (5).
- (5) The streetscape shall be as detailed in Section 431-5.1; and
- (6) Access to Barnes Road shall be in accordance with Barnes Peterkort Design Element #5 and the Cedar Hills-Cedar Mill Community Plan map showing Street Corridor, Arterial Access, and Pedestrian System designations. Additional access to Barnes Road shall be in accordance with the access to arterial standards in Section 501-8.5 B. (4).

431-12.4 Landscape Design and Materials:

A. Principles:

- (1) Landscape elements such as trees, planters, lighting, artwork and street furniture shall be used to create a pedestrian-scaled environment;
- (2) An appropriate mix of "soft" (i.e., grass, plants) and "hard" (i.e., pavers, decorative concrete) landscape shall be incorporated within the landscape design and utilized to highlight features in the pedestrian environment (i.e., intersection approaches, curb ramps, cross walks, etc.);
- (3) Street trees shall be provided at regular intervals and generally spaced to align with building column lines while not obscuring storefronts, building entries or focal points; and
- (4) Detailing of landscape elements shall be consistent throughout Peterkort Station to create a recognizable identity.

B. Standards:

- (1) Street trees shall be planted an average of twenty-five (25) feet on-center along both sides of the street;
- (2) All street trees shall be a minimum of two and one-half (2 ½") inches in caliper;
- (3) Pedestrian crosswalks at intersections shall be indicated with distinctive paving colors and/or patterns; and
- (4) Planters for seasonal flowers, benches, lighting, and artwork shall be incorporated in the sidewalk curb zones and along the edges of urban spaces. Benches and/or planters incorporating seating facilities shall be

provided along all commercial frontages on pedestrian streets with a minimum average spacing of one hundred (100) feet.

C. Guidelines:

- (1) The use of trees and other plantings with special qualities, (e.g., spring flowers and/or good fall color) is strongly encouraged throughout Peterkort Station;
- (2) Creative use of plant materials, such as climbing vines or trellises, is encouraged;
- (3) Flowering beds, shrubs, hanging baskets, and other decorative plantings are encouraged;
- (4) Planters or large pots with small shrubs and seasonal flowers may be used to separate cafe seating from traffic flow and create protected areas along streets and within plazas;
- (5) Planter edges may be designed to double as seating areas.

431-12.5 Lighting

A. Principles:

- (1) Street lighting, scaled to the pedestrian environment shall be provided along all streets within the Peterkort Station area;
- (2) Pedestrian-oriented street lighting (i.e., globes, light bollards), shall be used in styles complimentary to Peterkort Station's architecture;
- (3) Fixture height and lighting levels shall be commensurate with their intended use and function and shall assure compatibility with neighboring land uses. Baffles shall be incorporated to minimize glare and to focus lighting to its intended area; and
- (4) Minimum lighting levels shall be provided for public safety in all urban spaces open to public circulation.

B. Standards:

- (1) Street lighting shall be provided along all pedestrian streets and in all urban spaces open to the public and shall conform to the architectural style of the Peterkort Station;
- (2) Street light standards shall not exceed sixteen (16) feet in height;
- (3) Excepting locations near street intersections, the average light level for urban spaces and sidewalks shall be between one point two (1.2) and two (2) footcandles;

- (4) Maximum lighting levels shall not exceed six (6) footcandles at street intersections or two (2) footcandles in parking areas;
- (5) Parking area lighting shall not exceed twenty-five (25) feet in height and shall be baffled to minimize glare; and
- (6) Metal-halide or lamps with similar color temperature and efficiency ratings shall be used for general lighting at building exteriors, parking areas, and urban spaces. Sodium based lamp elements are not recommended.

C. Guidelines:

- (1) Accent lighting on architectural focal points and landscape features is encouraged; and
- (2) Seasonal lighting is encouraged on all trees to enhance the appearance of Peterkort Station.
- (3) Average lighting levels along pedestrian streets should be one point two (1.2) footcandles.

431-12.6 Signs

A. Principles:

- (1) Signs in Peterkort Station area shall be located and scaled to the function of the street on which they front;
- (2) All signage shall be consistent with the visual quality and aesthetics of the surrounding neighborhood;
- (3) Signage must be of high quality in design and materials;
- (4) Signage shall be of consistent design throughout a development;
- (5) Signage attached to a building shall complement the building's character (e.g., wall signs shall avoid covering building columns); and
- (6) Permitted signs shall demonstrate substantial conformance to the standards outlined in section 431-12.6 B.

B. Standards:

- (1) The standards of Article IV Section 414-1 shall apply within the transit oriented residential districts of the Peterkort Station area and the standards of Article IV Section 414-2.2 F. shall apply within the TO:BUS District of the Peterkort Station area, except for the following:
 - (a) Prohibited signs:
 - (i) Free standing signs (e.g., pole-mounted signs) as defined in Section 106-193.4;

- (ii) Signs with moving or flashing lights;
 - (iii) Signs with exposed electrical conduits, ballast boxes, or other equipment;
 - (iv) Signs with luminous plastic letters;
 - (v) Signs incorporating audible or odor producing elements;
 - (vi) Roof mounted signs; and
 - (vii) Other signs prohibited under Article IV section 414;
- (b) Façade-mounted, non-residential signs (including logos) shall not exceed five (5) percent of the area of the façade upon which it is mounted, up to a maximum of two hundred (200) square feet per façade or four hundred (400) square feet per building;
- (c) Tenant identification signs for non-principle building facades (facing walkways and parking areas), shall be limited to a maximum of twenty-four (24) square feet per tenant and shall be focused to the pedestrians and motorists within the walkways and parking areas. These signs shall not be visible to motorists on Barnes Road or Sunset Highway nor shall they be visible from areas outside of the confines of 'Peterkort Station';
- (d) Ground-mounted monuments or site entry markers up to fifteen (15) feet in height may be approved subject to the following:
- (i) Total area and volume of the portion of the monument or marker incorporating sign letters shall not exceed forty-five (45) square feet or ninety (90) cubic feet; and
 - (ii) Position of the monument or marker shall not obscure roadway visibility or result in potential traffic hazard(s) as may be determined by the County Engineer.

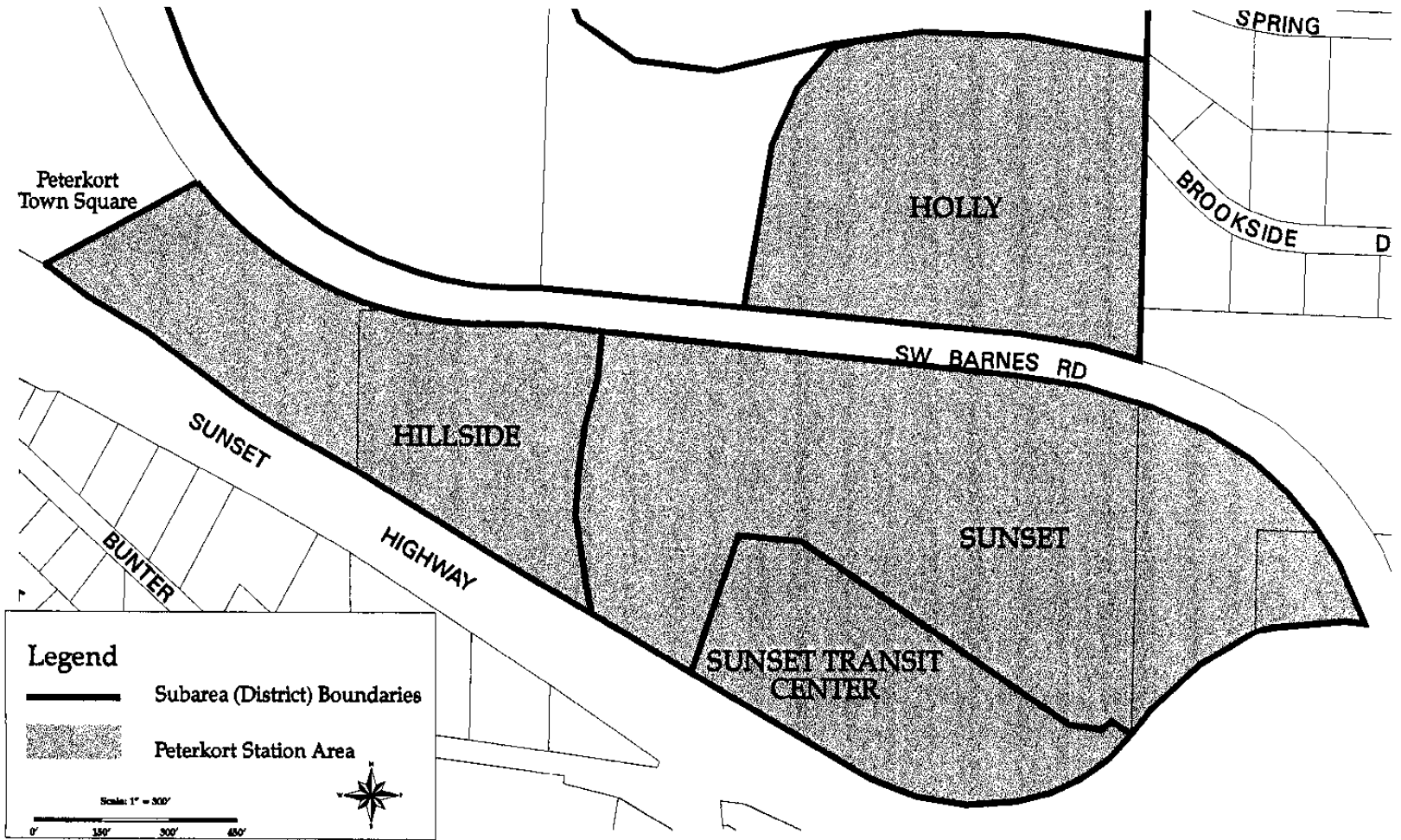


Figure 12.1a
Peterkort Station Area and Subareas

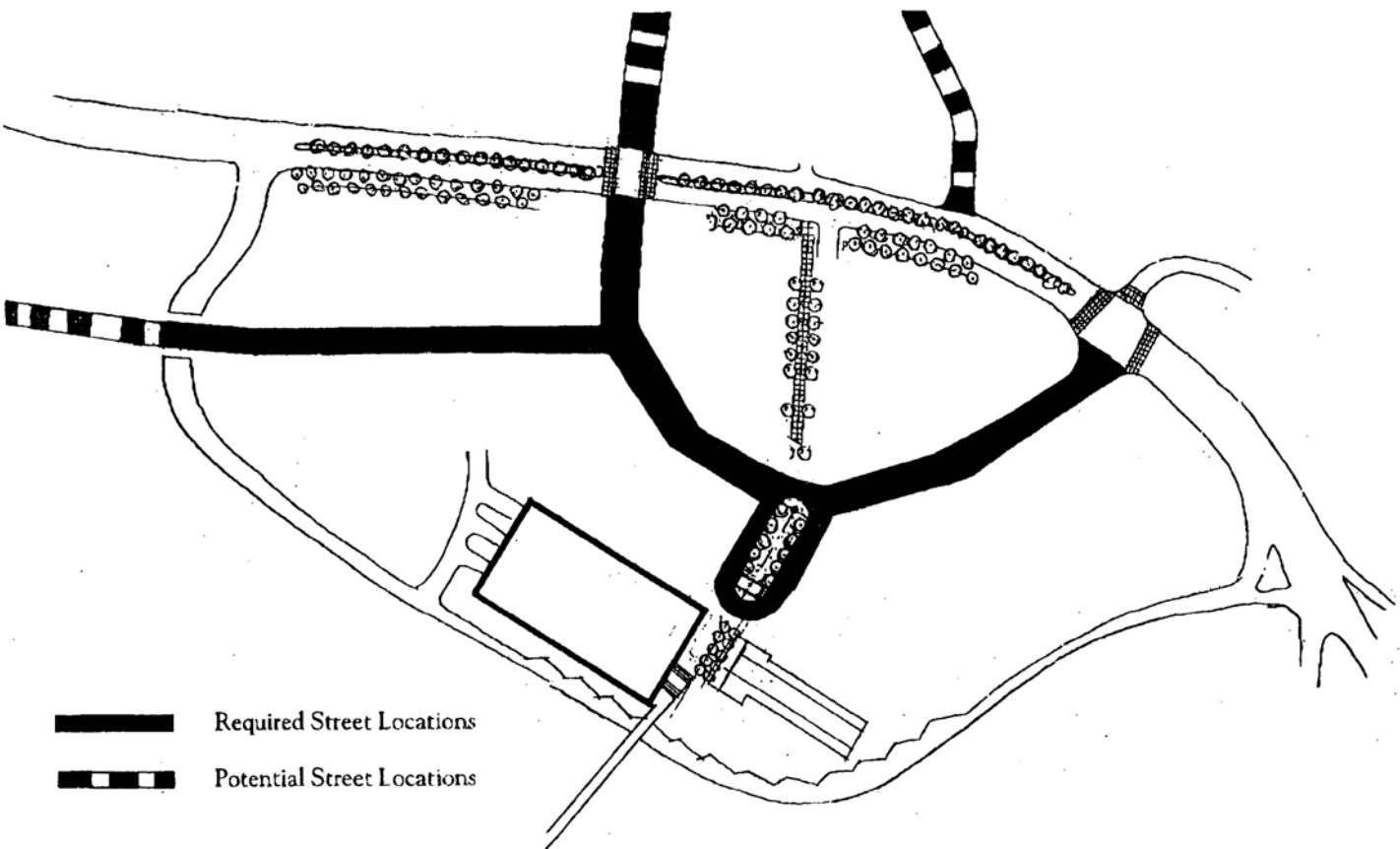
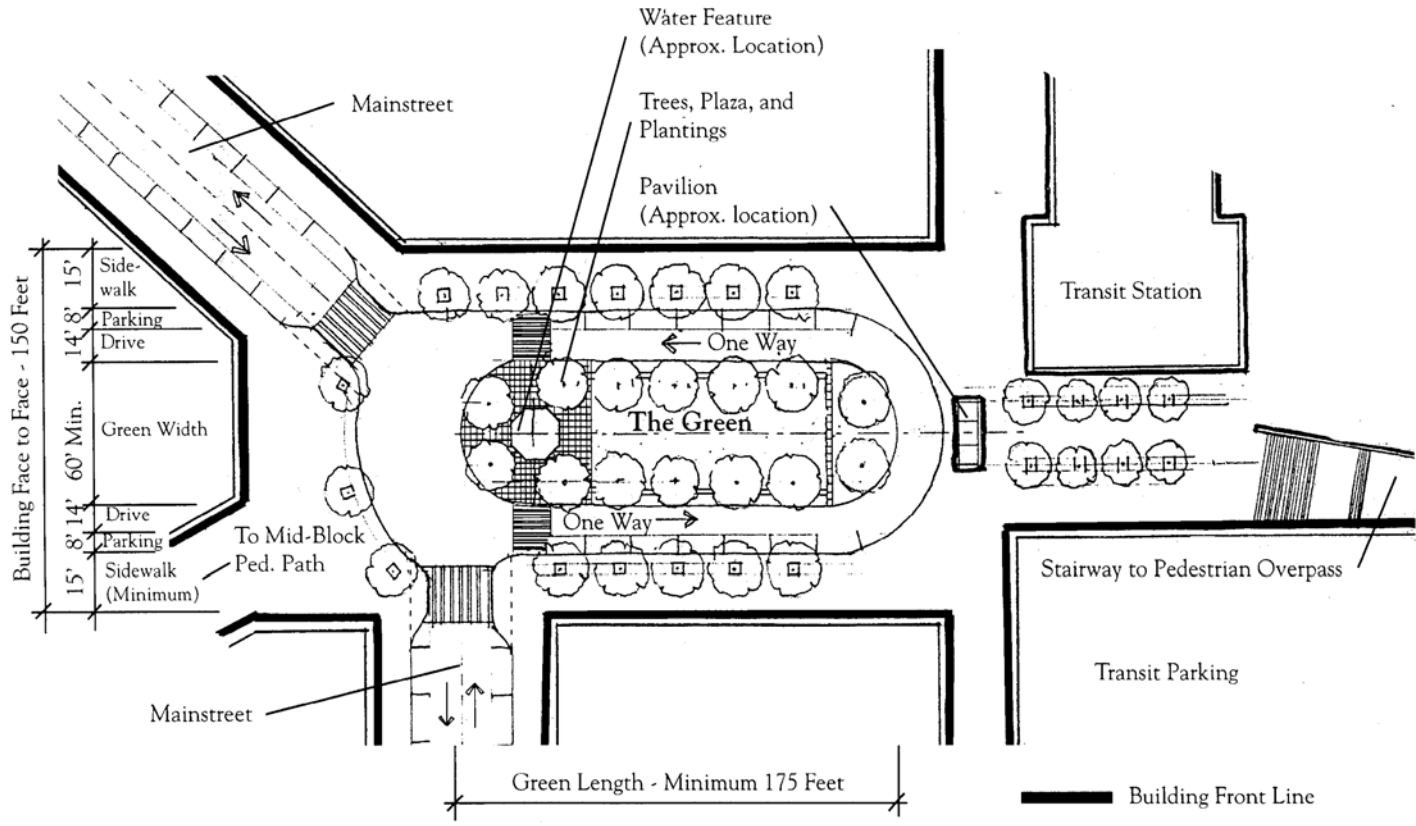


Figure 12.1b
Street Network



Note: This diagram is for illustrative purposes only; Final design of 'The Green' to be determined as part of the Master Plan process for Phase-1 of Peterkort Station.

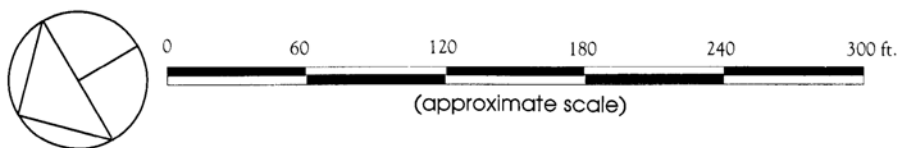


Figure 12.1 c
Town Green - Plan View*

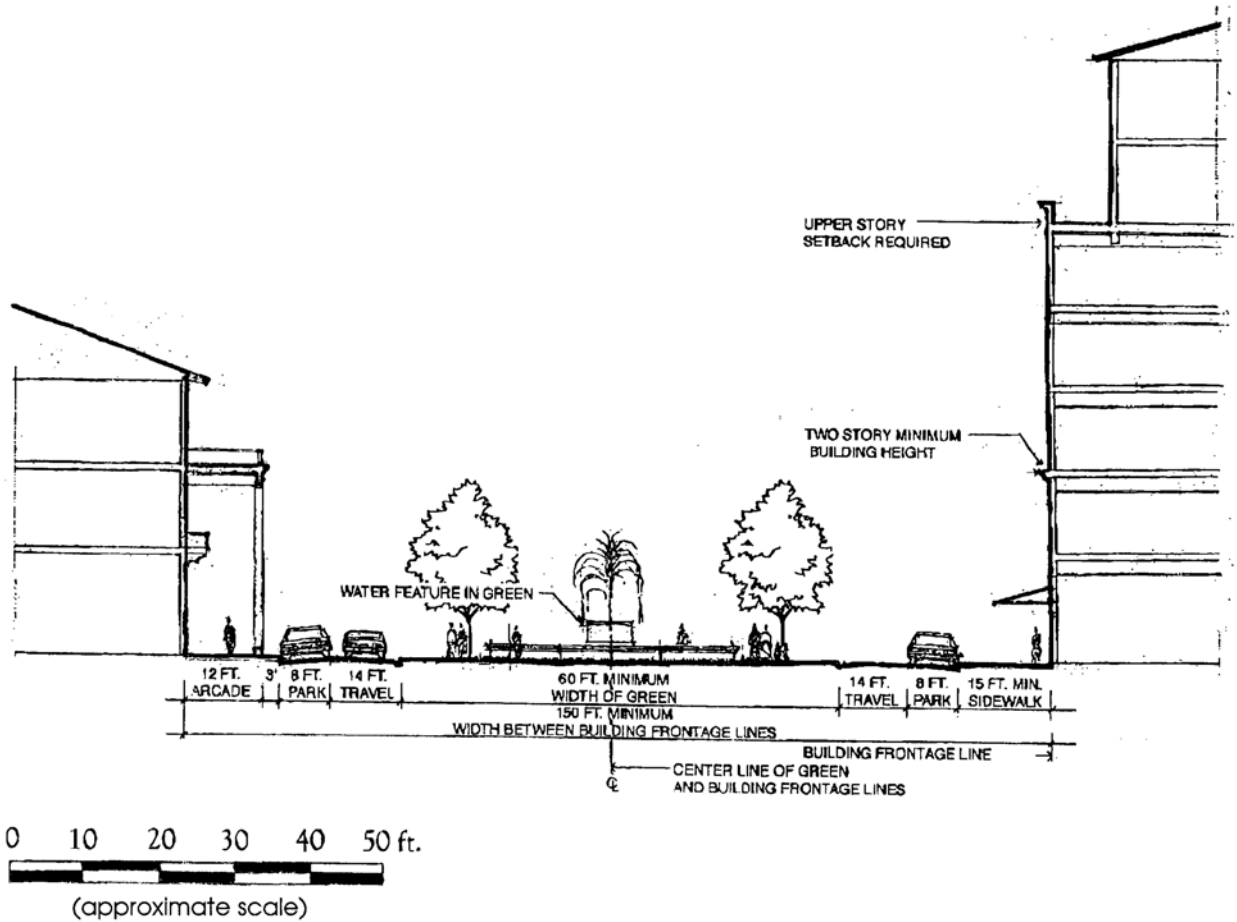


Figure 12.1 d
Peterkort Town Green - Sectional View

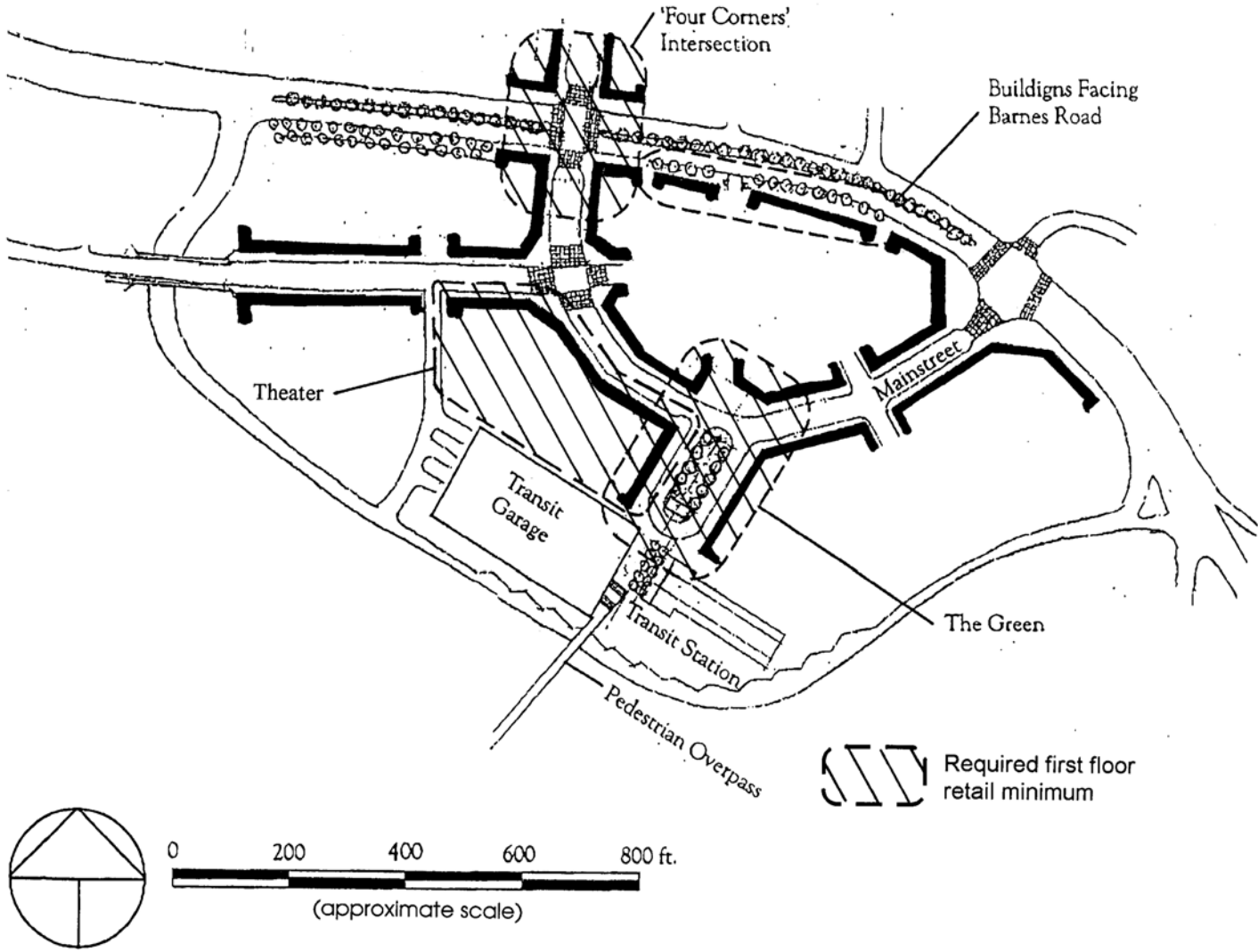


Figure 12.1 e
Required Building Frontages - ('Build-to' Lines)

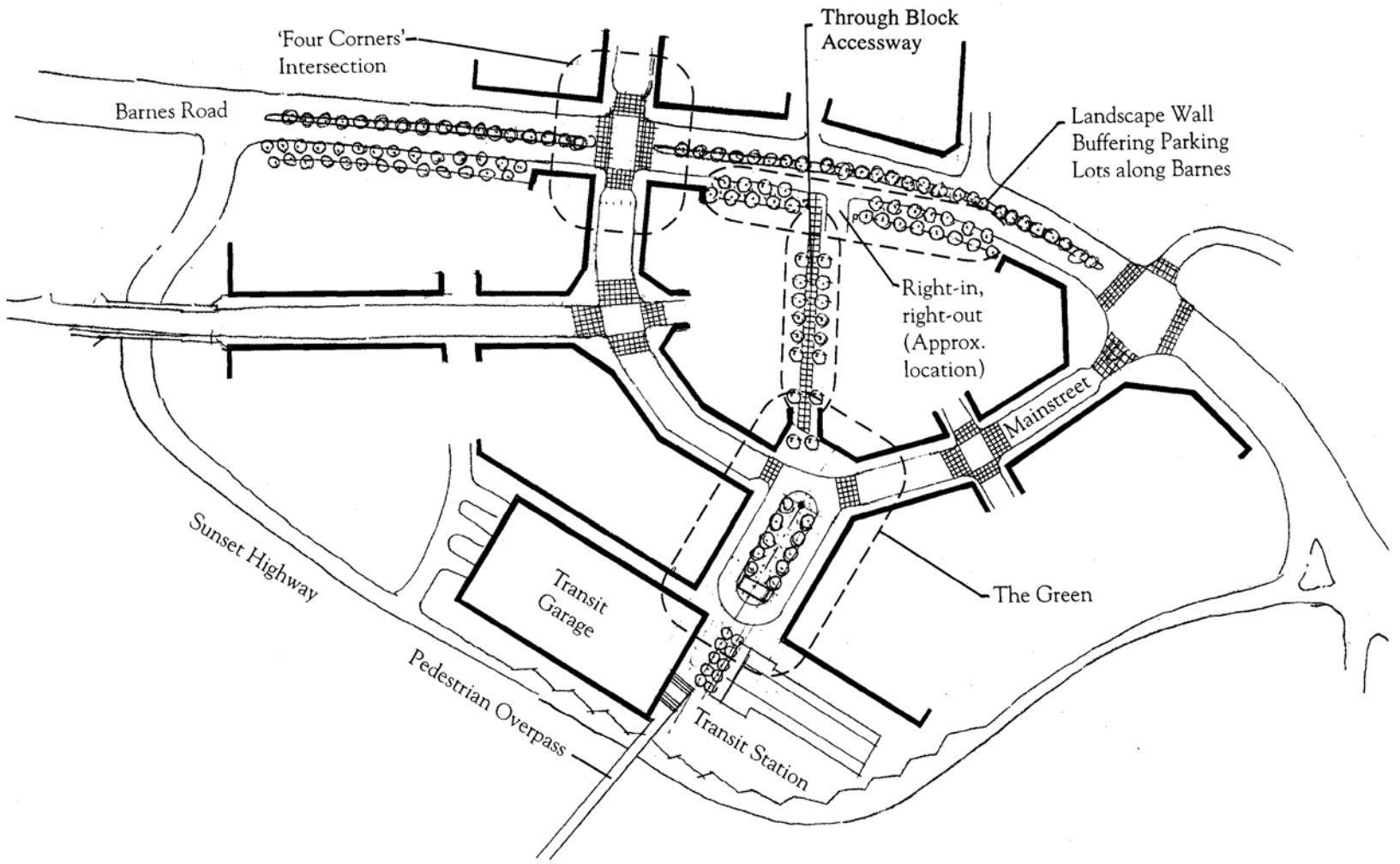


Figure 12.1 f
Peterkort Station - General Plan

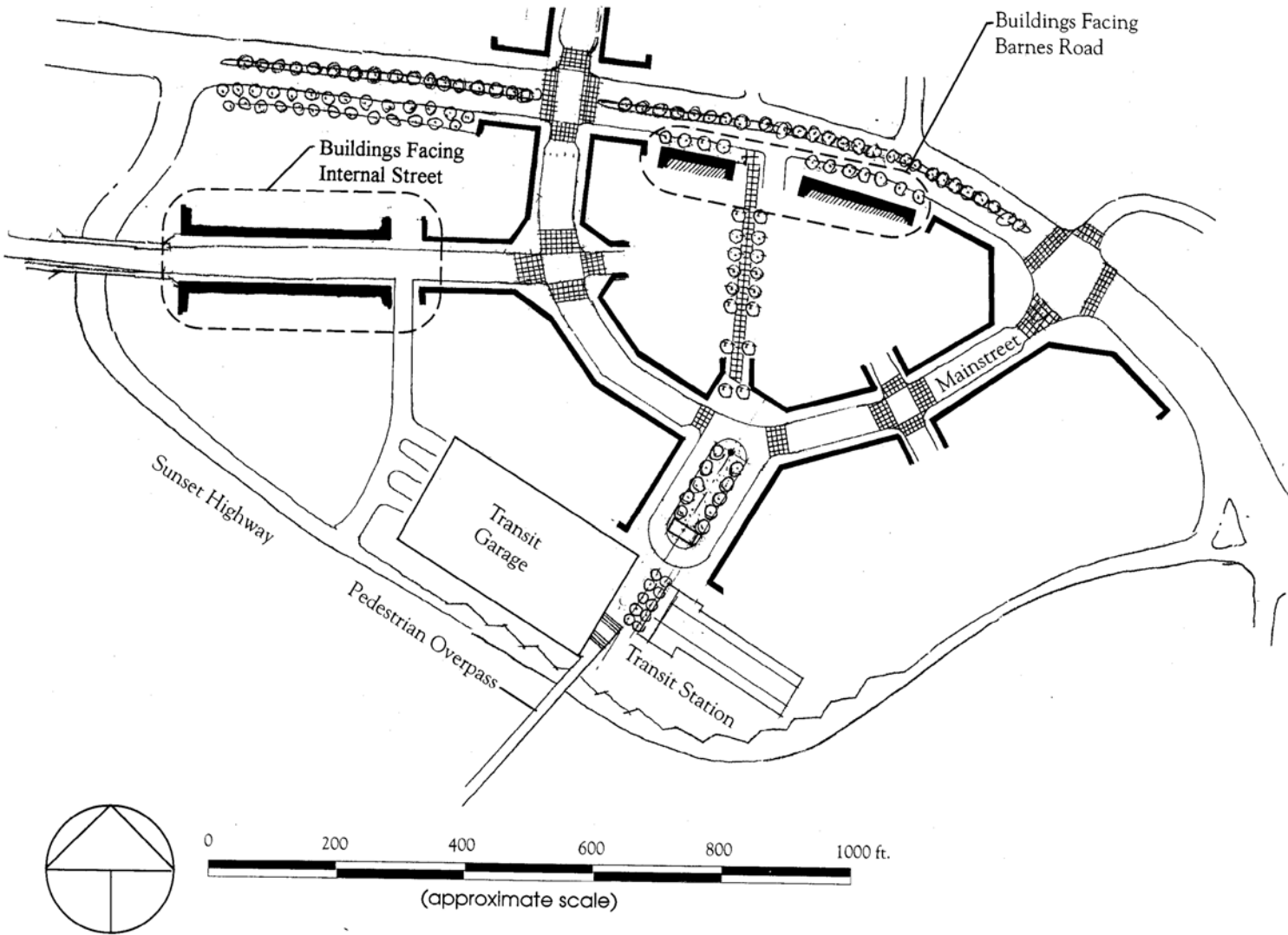


Figure 12.1 g
Peterkort Station - Required Post Phase One Buildings

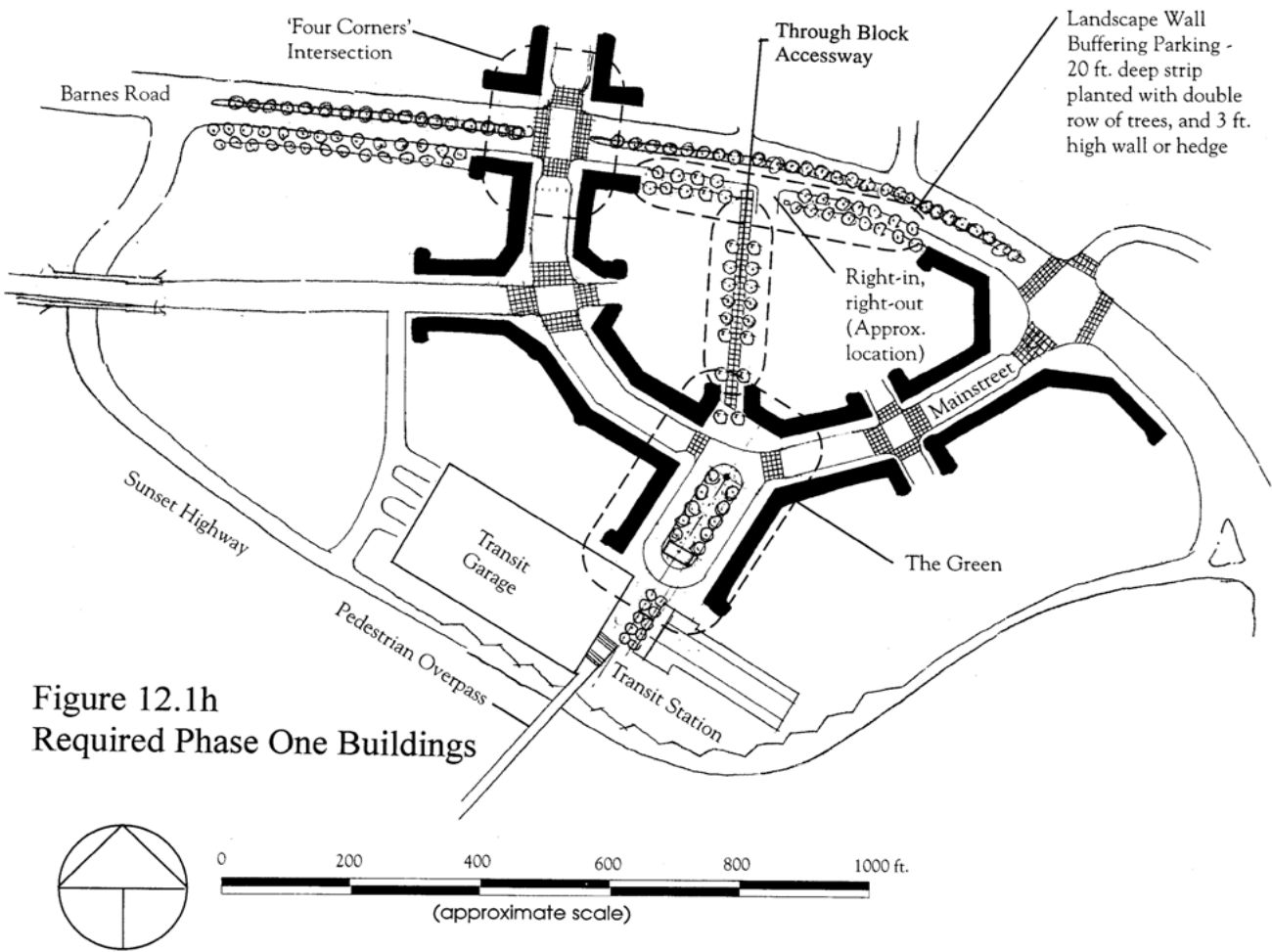
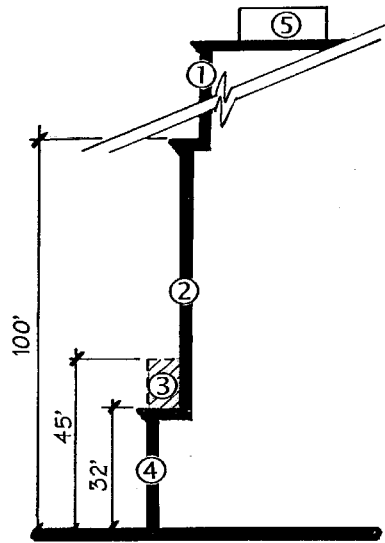


Figure 12.2 a
Building Height(s) and Setbacks



- ① Additional Setback After 100'
- ② Required Setback
- ③ Setback Option
- ④ No Height Setback for First Two Stories (32')
- ⑤ Mechanical Not Included In Height

435 VARIANCES AND HARDSHIP RELIEF

435-1 Purpose

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

435-2 Scope

435-2.1 Permitted Variances and Hardship Relief

Under the provisions of this Section, an applicant may propose a variance or hardship relief from a dimensional standard (as defined by Section 106-61) of this Code, and from the minimum required amount of parking of Section 413, except when:

- A. The proposed variance or hardship relief would allow a use which is not permitted in the applicable land use district;
- B. Another procedure is available in this Code for modifying or waiving the particular standard; or
- C. This Code specifically prohibits a variance or hardship relief from a standard (e.g., Section 430-1.1 B.(8) prohibits a variance or hardship relief change to the distance between an accessory structure and a primary structure).

435-2.2 Prohibited Variances and Hardship Relief

Notwithstanding Section 435-2.1, the following standards of this Code may not be varied by the provisions of this Section:

- A. The minimum and maximum density requirements of a residential land use district;
- B. Definitions;
- C. A standard that implements a Federal, State, Regional, or Local requirement;
- D. A floor area ratio (FAR); or
- E. The sight distance standards of Section 501-8.5 F.

435-3 Procedure

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

435-4 Variance Criteria

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

- 435-4.1 Compliance with the applicable standard of the Code would create an unnecessary hardship due to the following condition:
- A. The physical characteristics of the land are not typical of the area, including a jurisdictional wetland, or a significant natural resource or historic feature that is identified by a Community Plan or the Rural Natural Resource Plan, resulting in a hardship unique to the property of the applicant and not applying generally to other property in the same vicinity and the variance is necessary to permit the property to be developed or enjoyed to an extent comparable with other properties in the same district in the area;
- 435-4.2 The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation;
- 435-4.3 The variance is not intended to avoid a standard of this Code to facilitate a particular site design or development when another design or development which meets the standard is available;
- 435-4.4 Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:
- A. Not adversely affect the function or appearance of the development and use of the subject property and surrounding properties;
 - B. Not impose limitations on other properties and uses in the area including uses that would be allowed on adjacent properties; and
- 435-4.5 The variance will allow the property to be used only for purposes authorized by this Code.
- 435-4.6 The Review Authority may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

435-5 Hardship Relief

- 435-5.1 Notwithstanding Section 435-4, the Director may grant hardship relief of up to twenty (20) percent from any dimensional standard (as defined by Section 106-61) consistent with Section 435-2, or for lot area, which shall be limited to five (5) percent hardship relief. There is no limit to the amount the well spacing standard in the EFU, AF-20, EFC, AF-10, AF-5, and RR-5 Districts may be reduced through hardship relief.
- 435-5.2 Hardship relief application shall be a Type II action;

435-5.3 The Director shall grant such relief only when the Director makes findings, based upon evidence in the record, that all of the following criteria have been met:

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

435-5.4 The Director may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from granting the relief.

435-6 Lot Area Variances Outside the UGB

Lot area variances outside the UGB which meet the standards of this Section shall be processed through the Type II procedure.

435-6.1 Notwithstanding the provisions of Sections 346-6, 348-6 or 350-6, a lawfully created lot or parcel in the AF-5, AF-10 or the RR-5 district upon which two or more lawfully established and habitable dwellings exist, may be partitioned into a number of parcels equal to the number of dwellings on the lot or parcel upon findings that:

- A. Each parcel to be created has a habitable dwelling on the parcel.
- B. The configuration of the parcels will allow for the establishment of an alternate septic tank drainfield on each parcel in case the existing drainfield fails.
- C. Any lot less than (2) two acres must have a public water supply.
- D. Each lot shall meet the access and dimensional requirements of the District except for the lot size as indicated above.
- E. If the lot or parcel is within one mile of the UGB, the resulting parcels shall be sized to promote efficient future urban development by ensuring that one of the parcels is the minimum size necessary to accommodate the residential use of the parcel.

435-6.2 Notwithstanding the provisions of Sections 346-6, 348-6 or 350-6, all lawfully created lots or parcel in the AF-10, AF-5 or RR-5 Districts which are defined as one parcel pursuant to Oregon Laws may be established as separate parcels through the provisions of Article VI upon findings that:

- A. The configuration of the lots of record are not changed.
- B. The lots of record qualify for subsurface sewage systems according to the standards adopted by the DEQ.

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440 NONCONFORMING USES AND STRUCTURES

440-1 Intent and Purpose

A nonconforming use is a structure or use of land which does not conform to the provisions of this Code or Comprehensive Plan lawfully in existence on the effective date of enactment or amendment of this Code or Comprehensive Plan. It is the intent of this Section to allow and regulate existing uses and structures that were lawfully established and are not now in conformance with the applicable regulations of this Code.

The purpose of this Section is to generally encourage the discontinuance of nonconforming uses and structures or changing of nonconforming uses and structures to conforming or more conforming uses or structures. However, it is not the purpose of this Section to force all nonconforming uses or structures to be eliminated or brought into conformance with existing standards, or to discourage the continued nonconforming use of land for single family dwellings. Except in commercial, industrial and institutional districts, it is the intent of this Section to allow the owner of a structure used as a single family dwelling to alter or replace the structure consistent with state law, LCDC administrative rules and the applicable provisions of this Code.

Nonconforming uses that have a lesser impact on the immediate area have fewer restrictions than nonconforming uses with greater impacts. Nonconforming commercial and industrial uses in residential and farm or forest districts have more rigorous review criteria than these uses have in commercial and industrial districts in order to protect the livability and character of residential and farm or forest districts. In contrast, nonconforming single dwelling units in residential and farm or forest districts have fewer review standards because residential uses are permitted in these districts and these uses do not represent a major disruption to the immediate area. The intent of this Section in reviewing alterations to nonconforming single dwelling units in the EFU, EFC and AF-20 Districts is to review only those things that adversely affect resource based activities which are the basis for the use restrictions in these districts.

440-2 Exemptions

The following improvements or actions are exempt from the provisions of this Section, and pursuant to Section 201-2 do not require a Development Permit. These improvements or actions do not alter or change a nonconforming use but merely allow the use to continue.

440-2.1 Repair or Remodeling of a Structure Used as a Single Dwelling Unit

Repair or remodeling of a structure that is used as a single dwelling unit is exempt from the provisions of this Section if the repair or remodeling does not change or alter the ability of the structure to function as a modern dwelling, or enlarge the square footage of the structure.

For the purposes of this Section, the following systems are required for a structure to function as a modern dwelling. The addition of a required system to a structure that

lacks such a system, or the replacement of a nonfunctioning system, is not an exempt repair or remodeling. Such addition or replacement is an alteration of a structure and is subject to review pursuant to Section 440-6. Repairs to upgrade a functioning system which result in total replacement of the system are exempt from the provisions of this Section.

Essential Systems Required for a Structure to Function as a Modern Dwelling

- A. Intact exterior walls and roof structure;
- B. Indoor plumbing consisting of kitchen sink, toilet and bathing facilities (shower or bath tub) that is connected to a sanitary waste disposal system;
- C. Interior wiring for interior lights and appliances; and
- D. Heating system.

440-2.2 The addition of decks or porches to a structure that is used as a dwelling provided they are not closed to the elements.

440-2.3 Remodeling of a structure that is used as a dwelling for moving, adding or changing such things as windows, doors, skylights and chimneys.

440-2.4 Maintenance of a nonconforming use or structure for the upkeep of the use or structure, including such things as replacement of shingles, siding and gutters. Maintenance does not include restoration or repair made necessary by fire, other casualty or natural disaster.

440-2.5 Change of ownership or occupancy of a nonconforming use or structure.

440-3 Determination of a Nonconforming Use

In order to proceed with any of the land use actions listed in Sections 440-5 and 440-6, an applicant shall provide evidence that shows the following. Determination of a nonconforming use may be processed independently or concurrently through a Type II procedure with any of the land use actions listed in Section 440-5 and 440-6.

440-3.1 The nonconforming use was lawfully established in accordance with applicable land use standards. Building permits or tax records may be used as evidence to prove when the use was established.

440-3.2 The nature and extent of the nonconforming use at the time it became nonconforming. Sporadic and intermittent nonconforming uses may continue as nonconforming uses provided the continuation of the use continues to be sporadic and intermittent.

A structure that is used as a single dwelling unit shall:

- A. Have been used full-time as a dwelling at the time it became nonconforming and used continually since then as a dwelling; and

- B. Have sleeping quarters and eating facilities. The dwelling occupants shall not have been sustained by another dwelling (taking meals or bathing at another dwelling).

440-3.3 The nonconforming use has continued since it became nonconforming. Utility bills, tax records, business licenses or telephone directory listings may be used as evidence to demonstrate how the use has continued.

440-4 Discontinuance or Abandonment

If a nonconforming use of land or structure is discontinued or abandoned for more than one (1) year for any reason except bona fide efforts to market the property or structure, it shall not be resumed unless the resumed use conforms with the applicable requirements of this Code at the time of proposed resumption. Once a nonconforming use has been changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. Any future uses shall conform with the applicable requirements of this Code.

A surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided: the owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulations; and the surface mining use was not inactive for a period of twelve (12) consecutive years or more. For purposes of surface mining uses, 'inactive' means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

440-5 Restoration or Replacement of a Nonconforming Use or Structure Made Necessary by Fire, Other Casualty or Natural Disaster

The following nonconforming uses or structures may be replaced or restored through either a Type I or a Type II procedure when the replacement or restoration is made necessary by fire, other casualty or natural disaster when in conformance with the following standards.

Restoration or replacement shall begin within one (1) year from the occurrence of the fire, casualty or natural disaster.

440-5.1 Restoration or Replacement Permitted Through a Type I Procedure

A nonconforming single family dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts when the following standards are met:

- A. The applicant demonstrates the dwelling was lawfully established on or after April 6, 1959 by submitting the following information:
 - 1. A development application approval for the dwelling issued on or after April 6, 1959;

2. A building permit for the dwelling issued on or after April 6, 1959; or
 3. A certificate of zoning compliance for the dwelling issued on or after April 6, 1959; or
- B. The applicant demonstrates the dwelling was lawfully established by providing documentation from the Department of Assessment and Taxation that the dwelling was established prior to April 6, 1959;
 - C. The applicant provides a letter from an insurance company stating that the loss is covered by a valid homeowner's insurance policy (at the time of fire, other casualty or natural disaster) for at least eighty (80) percent of the replacement cost;
 - D. In the EFC District, the replacement dwelling meets the standards in Section 428-3 (forest structure siting and fire safety standards for dwellings reviewed through a Type I procedure).

440-5.2 Restoration or Replacement Permitted Through a Type II Procedure

- A. A nonconforming single dwelling unit may be replaced or restored in the following districts regardless of the extent of damage or destruction: R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, EFU, EFC, AF-20, AF-10, AF-5, RR-5, TO:R9-12, TO:R12-18, TO:R-18-24, TO:R24-40, TO:R40-80 and TO:R80-120 Districts.
- B. A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings may be replaced or restored regardless of the extent of damage or destruction provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- C. A structure or use that is nonconforming as a result of the dimensional standards of the district or the standards of Article IV, may be repaired or replaced if damaged or destroyed, provided that the repair or replacement conforms as much as practicable to those standards.
- D. If a nonconforming use or structure, except as permitted by Section 440-5.1, or Section 440-5.2 A., B. or C. is damaged or destroyed by fire or other casualty or natural disaster to an extent not exceeding seventy (70) percent in value based on an insurance appraisal, the use may be replaced or restored. The Review Authority shall make findings that the restoration or replacement will have no greater adverse impact on the neighborhood than the use and improvements had before the damage or destruction occurred.
- E. If a nonconforming use or structure, except as permitted by Section 440-5.1, or Section 440-5.2 A., B., or C. is damaged or destroyed by fire or other casualty or natural disaster to an extent exceeding seventy (70) percent in value based upon an insurance appraisal, the nonconforming use or structure shall not be replaced or restored.

440-6 Alterations to a Nonconforming Use or Structure

Alterations to a nonconforming use or structure are permitted through a Type I or II procedure. Alteration includes a change in nonconforming use of a structure or parcel of land; or replacement, addition or modification in construction to a structure.

440-6.1 Alterations Permitted Through a Type I Procedure

Alteration of a nonconforming structure or use of land shall be permitted through a Type I procedure when the alteration is necessary to comply with any lawful requirement, including health and safety requirements. The applicant shall submit with the application written notice from the applicable agency describing the required alteration that must be made and the requirement necessitating the alteration.

440-6.2 Alterations Permitted Through a Type II Procedure

A. Alterations of Structures used as a Single Dwelling Unit

The following alterations to structures used as a single dwelling unit may be approved upon findings by the Review Authority that the proposed alteration is consistent with the following standards.

- (1) Except in a commercial, industrial or institutional district, an alteration to replace or relocate, on the same parcel, a structure used as a single dwelling unit may be permitted for a dwelling provided:
 - (a) The alteration will have no greater adverse impact on the neighborhood;
 - (b) If the location of the new dwelling is more than one-hundred (100) feet from the existing dwelling in the EFU, EFC, and AF-20 Districts the replacement shall not:
 - (i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
 - (c) The alteration will meet all applicable dimensional and access standards of the primary district;
 - (d) The alteration will meet all applicable standards of Article IV; and
 - (e) A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings, may be replaced provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- (2) Except in a commercial, industrial or institutional district, an alteration to repair, remodel or expand a structure used as a single dwelling unit may be permitted for a dwelling provided:

- (a) The alteration will have no greater adverse impact to the neighborhood;
 - (b) District setback and height standards are maintained;
 - (c) District access requirements have been met;
 - (d) The alteration will meet all applicable standards of Article IV; and
 - (e) A nonconforming manufactured dwelling used as a dwelling unit in an urban district permitting detached dwellings, may be expanded, repaired or remodeled provided there is compliance with the standards set forth in Sections 430-75.1 (Manufactured Dwellings) and 430-72 (Infill).
- B. An alteration to change, repair, remodel or expand a structure used for a lawful nonconforming use other than a single dwelling unit, or a structure used as a single dwelling unit in a commercial, industrial or institutional district, may be permitted provided:
- (1) The alteration will have no greater adverse impact on the neighborhood;
 - (2) Any increase in floor area shall be limited to a one time increase up to twenty (20) percent;
 - (3) Any increase in the area of the nonconforming use, excluding floor area, shall be limited to a one time increase up to ten (10) percent;
 - (4) For residential uses, there shall be no increase in the number of dwelling units;
 - (5) The alteration is designed to mitigate to the extent practicable adverse impacts caused by the alteration; and
 - (6) The alteration will meet all applicable standards of the primary district and the standards of Article IV to the extent practicable.
 - (7) In addition, alterations to expand a nonconforming use shall address the following:
 - (a) The alteration is necessary to avoid future deterioration or obsolescence of the use; and
 - (b) Relocation of the use would create undue hardship.
 - (8) In addition, alterations to change a nonconforming use shall address the following:

The alteration will have no greater adverse impact on the neighborhood considering factors such as:

- (a) The character and history of the development and of development in the surrounding area;
- (b) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line;
- (c) The comparative numbers and kinds of vehicular trips to the site;
- (d) The comparative amount and nature of outside storage, loading and parking;
- (e) The comparative visual appearance;
- (f) The comparative hours of operation;
- (g) The comparative effect on existing vegetation;
- (h) The comparative effect on water drainage;
- (i) The degree of service or other benefit to the area; and
- (j) Other factors which tend to reduce conflicts or incompatibility with the character or needs of the area;

C. Notwithstanding Sections 440-6, a structure or use that is nonconforming solely as a result of the dimensional standards of the applicable land use district and standards in Article IV, may expand to any extent provided that the expansion complies with all applicable standards of this Code.

440-7 Signs

Signs are allowed in accordance with the regulations of the primary district in which the nonconforming use is located.

440-8 Lots of Record

440-8.1 Inside the UGB, development which complies with all other standards of this Code shall be permitted on a lot of record, as defined in Section 106, regardless of whether the proposed development complies with the dimensional standards of the District. The development shall be subject to the dimensional requirements in existence at the time the lot or parcel was created. The proposed development shall be subject to all other provisions of this Code unless expressly exempted by this Code.

For residential lots of record inside an urban growth boundary, a single dwelling unit may be permitted if there were no applicable street frontage standards at the time the lot of record was created and if the lot of record has access with a minimum continuous width of at least fifteen (15) feet for the full length of the access. Such access shall either be direct frontage or by an easement of record or statutory way of necessity.

440-8.2 Inside the UGB, and in the AF-10, AF-5, RR-5, R-COM, R-IND and MAE Districts, a use lawfully established on a lot of record recognized under the former zoning

ordinance shall not be deemed nonconforming due to the lot of record provision of this Code.

440-9 Access Requirements for Residential Lots or Parcels Created Prior to November 15, 1979

For residential lots or parcels inside an urban growth boundary that were created prior to November 15, 1979, and which do not meet the lot width at the street standard of the primary district, a single dwelling may be permitted if the lot or parcel has access with a minimum continuous width of at least fifteen (15) feet for the full length of the access. Such access shall either be by direct frontage or by an easement of record or statutory way of necessity.

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

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

501 PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-1 Intent and Purpose

The intent of this Section is to identify those public facilities and services that are necessary at a minimum level to accommodate development authorized by Article III and Article VI. The standards of this Section are not applicable to uses authorized by Article VII unless specifically required by Article VII.

501-2 Application of the Public Facility and Service Standards Inside a UGB

Application of the Public Facility and Service Standards (Section 501-1 through 501-8) shall apply to the Urban Unincorporated Area as follows:

- 501-2.1 To all land divisions and property line adjustments except:
- A. Property line adjustments except as required by Subsection 605-1.3; or
 - B. Land divisions which result in all lots or parcels containing a land area of ten (10) acres or greater except as required by Subsection 501-8.5.
- 501-2.2 To all new construction of structures or expansion of an existing structure, except for construction of a single (one only) detached dwelling unit or duplex on a lot of record, or other structures which meet all of the following:
- A. Contains two thousand (2,000) square feet or less;
 - B. Does not, in itself, generate more than fourteen (14) vehicle trips per day, as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
 - C. Contains no plumbing fixtures, or has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
 - D. Does not pose any unique public health or safety issues.
- 501.2-3 To all changes in use, except those which meet all of the following:
- A. Does not require a building permit;
 - B. Does not, in itself, generate more than fourteen (14) additional vehicle trips per day as defined by the Institute of Traffic Engineers, Trip Generation Information Report;
 - C. Has less than twelve (12) additional fixtures attached to an existing, approved septic system or public sewer; and
 - D. Does not pose any unique public health or safety issues.
- 501-2.4 To the following off-street parking areas:
- A. New commercial parking facilities (Section 313-3.21);

- B. New surface parking lots or parking garages that have not been approved in conjunction with an allowed use; and
- C. Expansions to existing commercial parking facilities (Section 313-3.21), surface parking lots, or parking garages that:
 - (1) add or relocate existing access points;
 - (2) provide connections to developed adjoining properties that were not approved through the initial development approval; or
 - (3) have additional road frontage that was not part of the initial development approval.

501-2.5 Notwithstanding Section 501-2, all new construction and expansion of existing structures shall pay the Traffic Impact Fee, except as provided in the Traffic Impact Fee Ordinance.

501-3 Application of the Public Facility and Service Standards for Multiple Actions

501-3.1 When multiple development actions are proposed for a site, the Public Facility and Service Standards shall be applied to the first action unless during that action specific findings are presented which make it appropriate to postpone application of the standards to a subsequent development action. Postponement of payment of the Traffic Impact Fee shall be allowed only as provided in the Traffic Impact Fee Ordinance.

501-3.2 Initial application of the Public Facility and Service Standards shall be through a Type II or Type III process. Subsequent development actions on the property for the same development shall be reviewed for consistency with the action taken in the initial application of the Public Facility and Service Standards. This shall be done through a Type I process. If the Review Authority determines and makes findings that circumstances have changed or the impacts of the subsequent development exceed the Public Facility and Service requirements by an amount greater than would be allowed by the exceptions of Section 501-2, the application shall be reevaluated for conformance with the Public Facility and Service Standards through the same procedure type as the prior approval.

501-4 Deferral of Public Facility and Service Standards

Based on a preliminary analysis of Public Facility and Service Standards impacts, the Review Authority may:

501-4.1 Defer final application of the Public Facilities and Service Standards, within the impact or analysis area, until a subsequent stage in the development process if the Review Authority determines that there is insufficient certainty as to the ultimate use and resulting public facility and service demands to accurately assess the facility and service impacts and appropriate conditions of approval.

501-4.2 If such a deferral is allowed, consideration of the deferred public facility and service issues shall occur through a Type II or III process, separate from or in conjunction with other required development hearings. Building permits for any phase of a

development shall not be issued until all public facility and service issues associated with that phase are satisfactorily resolved in accordance with this Article.

501-5 Exemptions from Public Facility and Service Standards of Section 501-2

501-5.1 When an applicant seeks a development permit for a proposal exempt from the Public Facility and Service Standards as provided in Section 501-2, the applicant shall demonstrate that the service or services are in fact not available for the proposal.

501-5.2 In the case of sewer service, if sewer is within three hundred (300) feet of a property line of the proposed development, the service shall be deemed available for purposes of application of Sections 501-2 and 501-5.

501-6 Exceptions for Critical and Essential Services

501-6.1 Development proposals that cannot ensure critical and essential services within the required time frames shall be denied unless all of the following findings can be made:

- A. The particular inadequate facility(ies) or service(s) is not necessary for the particular proposal within the time period identified by the service provider;
- B. The approval of the development application will not substantially interfere with the ability to later provide the particular inadequate facility(ies) or service(s) to anticipated uses in the vicinity of the subject property;
- C. The approval of the development application without the assurance of the particular inadequate facility(ies) and service(s) will not cause a danger to the public or residents in the vicinity of the subject property; and
- D. It is shown that the applicant has exhausted all practical methods within the ability of the applicant to ensure the provisions of the unacceptable facility(ies) and service(s).

501-6.2 All exceptions to the Public Facility and Service Standards identified above will be reviewed through a Type III process. No exception to the Traffic Impact Fee shall be granted except as provided in the Traffic Impact Fee Ordinance (Ordinance 379).

501-7 Levels of Public Facilities and Services

501-7.1 Implementation strategies of the Comprehensive Plan have placed Public Facilities and Services into three (3) categories for development:

- A. Critical Services public water, public sewer, fire protection, drainage and access on Local and Neighborhood Route roads;
- B. Essential Services schools, Arterial (including State highways) and Collector roads, transit improvements, police protection, street lighting and on-site pedestrian facilities in the public right-of-way; and
- C. Desirable Services public transportation service, parks, bicycle facilities and off-site pedestrian facilities.

- 501-7.2 As used in Article V, the words listed below include the following meaning unless otherwise specifically identified:
- A. When the term "Collector" is used, it shall include "Special Area Collector" facilities.
 - B. When the term "Neighborhood Route" is used, it shall include "Special Area Neighborhood Route" facilities.
 - C. When the term "Local" street or road is used, it shall include "Special Area Local Streets" and "Special Area Commercial Street" facilities.
- 501-7.3 The level of on- and off-site improvements shall be determined based upon the impact and benefit of the proposed development on each facility or service. The boundaries of the impact area for each facility or service shall be determined by the service provider. The boundaries of each impact area need not be identical.
- 501-7.4 The service provider's information shall be treated as a rebuttable assumption as to the ability to provide an acceptable level of service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider.
- 501-7.5 The area and analysis for collector and arterial roads shall be that geographic area directly impacted and benefited by the proposed development. Data required for determining this area is the responsibility of the applicant and shall be provided to and approved as to adequacy by the County prior to processing of the application by the County.
- 501-8 Standards for Development**
- 501-8.1 Critical Services
- A. An applicant for development shall provide documentation from the appropriate non-County service provider that adequate water, sewer and fire protection can be provided to the proposed development prior to occupancy. The documentation shall be no more than ninety (90) days old.
 - B. No development shall be approved without an adequate level of access to the proposed development in place or assured at the time of occupancy, with "adequate" defined for critical road services as:
 - (1) Those Local and Neighborhood Route roads, new or existing, lying wholly within the property's real property boundaries, or future roadway alignments designated in the Washington County Transportation Plan, shall be developed in accordance with Washington County's Uniform Road Improvement Design Standards; and
 - (2) For those access roads lying adjacent to and between the property owner's proposed development and the nearest adequate Collector or Arterial road, as defined in Essential Services, or future roadway alignments designated

in the Washington County Transportation Plan, the road(s) must meet the following minimum standards:

- (a) Have a wearing surface and structural life expectancy period of no less than five (5) years (paved) as determined by the County Operations Engineer;
 - (b) Paved surfaces for existing roadways shall be twenty-two feet or greater in width. New roads shall meet the adopted County Road Standards;
 - (c) On-site means all lands in the land use application and one half (½) the right-of-way of existing roads lying adjacent to such lands;
 - (d) On-site entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990; and
 - (e) Right-of-way on or adjacent to the frontage property meets Washington County functional classification standards.
- (3) For a proposed development which abuts an existing Local or Neighborhood Route stub street, the applicant must develop a site plan which extends the stub street into or through the development site.
- (4) For those existing Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Improvement Design Standards and abut a development in a transit oriented district, or abut a development outside a transit oriented district which is adjacent to a designated special area street, a half street improvement along the site's frontage shall be constructed.
- C. No development shall be approved without adequate drainage as prescribed by the County Drainage Master Plan or the adopted Drainage Ordinance or Resolution and Order, and adequate provisions for storm water, surface water and water quality management as required by the Clean Water Services's "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor.
- D. No development shall be approved on property that is located outside of the Washington County Urban Road Maintenance District. The subject property shall be annexed into this district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.
- E. For development in a transit oriented district, or development outside a transit oriented district but adjacent to a designated Special Area street, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Neighborhood Route or Special Area Commercial street. A ten (10) foot pedestrian/utility easement shall be recorded adjacent to a Special Area Local

street. If the required sidewalk width is greater than the sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.

501-8.2 Essential Services

A. Service Provider Documentation

- (1) An applicant shall provide documentation from the appropriate school district, police or sheriff department, transit agency and highway department that adequate levels of service are available or will be available to the proposed development within the time-frames required by the service provider.
- (2) If the service provider documents that an adequate level of service is not available or will not be available within the time frame required, the service provider shall be requested to provide information regarding the service provider's ability to provide adequate levels of services and alternative means which could be employed to provide adequate levels of service. Documentation of adequacy and alternatives to provide adequate levels of services may include but are not limited to the following:
 - (a) Schools:
 - (i) Amount of bonded indebtedness;
 - (ii) Use of double shifting;
 - (iii) Extended school periods;
 - (iv) Bussing to underutilized facilities;
 - (v) Year-round school;
 - (vi) Construction of new facilities;
 - (vii) Portable classrooms;
 - (viii) Impact fees;
 - (ix) Any combination of these or other alternatives.
 - (b) Police or Sheriff Services:
 - (i) Contracting with private agency;
 - (ii) Contracting with other public agency;
 - (iii) Impact fees;
 - (iv) Any combination of these or other alternatives.

- (c) Provision of Transit Improvements:
- (i) All applications subject to Article V shall provide documentation from the transit agency which demonstrates whether or not an appropriate level of transit access to the proposed site exists. The documentation from the Transit District shall indicate: a) whether existing transit service exists near the site, and if it does b) whether bus stops located near the site are adequate, and, if not, what improvements are necessary.
 - (ii) Property located along an Arterial or Collector which currently has hourly headways during the mid-day on a weekday. If an existing transit stop is located in front of the subject property, the transit district may request via the service availability letter that the County require an easement or dedication of right-of-way at the stop in order to make future passenger boarding facility improvements. Additionally, the transit district may relocate an existing stop or request via the service availability letter that the County require a new stop in front of the property along with an easement at the stop. The transit district shall make the determination as to whether or not additional right of way or an easement is necessary.
 - (iii) Properties subject to this section may also be subject to more expansive transit related requirements. As set forth in Section 380, Convenient Access to Transit Overlay District.

B. Adequate Level of Arterial and Collector Roads

An applicant shall ensure that an adequate level of Arterial and Collector roads will be available to the proposed development. This requirement is satisfied by payment of the Traffic Impact Fee unless the provisions of Section 501-10 and 501-11 are applicable. Payment of the Traffic Impact Fee is not an assurance for improvements required by Sections 501-8.2.D [Gravel Roads], 501-8.2 F. [Future Alignments], 501-8.2 G. [Half-Street Improvements] or 501-8.2 H. [Pedestrian/Utility Easement]. In addition to payment of the Traffic Impact Fee an applicant shall assure that all identified safety improvements within the impact and analysis area pursuant to Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements under the Traffic Impact Fee Ordinance - Process Documentation) shall be constructed prior to occupancy of a development with the assurance provided prior to issuance of a building permit and the following:

- (1) On-site road drainage is adequate to protect the facility. On-site means all lands in the land use application and one-half (½) the right-of-way of existing roads lying adjacent to such lands;
- (2) Entering sight distance meets standards as specified in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 1990;

- (3) Right-of-way on or adjacent to the frontage property meets Washington County Functional Classification Standards;
- (4) Access to Arterials and Collectors will be allowed in accordance with Section 501-8.5; and
- (5) Collectors or Arterials inside the UGB that front a site and have an existing gravel surface must be brought up to urban standards.

C. Street Lighting

For all new Local, Neighborhood Route, Collector and Arterial streets, an applicant shall provide street lighting consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.

- D. Applicants shall be required to dedicate or reserve appropriate right-of-way for the planned transit corridor if it is determined in the development review process that the County has the funds available to pay for the land to be acquired or the applicant chooses to receive the density bonus provided in Section 375-13.2.
- E. Gravel roads are unacceptable for development within the Urban Growth Boundary and they shall be improved in accordance with Washington County's Urban Road Standards, including the installation of street lights consistent with County engineering standards and procedures and the requirements of the electrical utility company providing service to the area. The applicant shall ensure the construction, maintenance and power costs of street light facilities through the annexation and petition for service to an existing County service district for lighting or other funding method approved by the County Engineer.
- F. Future alignments of Collectors or Arterials as designated on the Transportation Plan or an adopted study, lying within or adjacent to the development's boundary shall be constructed in accordance with Washington County's Urban Road Standards.
- G. For development in a transit oriented district, a half-street improvement shall be constructed along the site's frontage of those existing Collector and Arterial roads which abut the site and are not improved in accordance with Washington County's Uniform Road Improvement Design Standards.
- H. For development in a transit oriented district, a nine (9) foot pedestrian/utility easement shall be recorded adjacent to frontage on a Special Area Collector street. If the required sidewalk width is greater than this sidewalk/utility easement, additional sidewalk easements shall be recorded to the outside edge of the required sidewalk.
- I. Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along Arterials and

Collectors. The level of pedestrian and bicycle improvement shall be determined by the Review Authority, based upon the impact of the proposed development.

- J. When a development site includes frontage on a roadway that is identified as a 'Boulevard' or 'Street' on the Regional Street Design Overlay Map in the Transportation Plan, the Director shall determine if additional right-of-way, set backs, easements or right-of-way reservations are required so that implementation of Regional Street Design Guidelines will not be precluded.
- K. Law Enforcement Services

No development shall be approved on property that is located outside of the Washington County Enhanced Sheriff's Patrol District. The subject property shall be annexed into the district prior to being granted final approval of a development application. For applications where both preliminary and final approval are not required, the property shall annex into the district prior to being granted preliminary approval.

501-8.3 Desirable Services

A. Pedestrian walkways and bicycle facilities

Applications may be conditioned to provide on- and off-site pedestrian walkways and bicycle facilities when identified by the appropriate agency and a direct impact or benefit to the proposed use is identified.

B. Park and recreation facilities

- (1) Properties not currently located within the boundary of a Park District shall annex to the District when the following conditions are met:
 - (a) The property lies within an area identified for park service by the Park District in an urban service agreement; or,
 - (b) If no urban service agreement applies to the property, the property lies between the Hillsboro, Tigard and Portland Urban Service Boundaries or lies within an area for which the District is designated a party in a cooperative agreement; and
 - (c) The Park District has adopted a Park Master Plan for the area the property is located in.
- (2) Provision of park and recreation services to properties added to the UGB after 1998:

No development shall be approved on property added to the UGB after 1998 when a Park District is identified as the long-term park and recreation service provider and the subject property is located outside of the Park District's boundary unless the property is annexed to the District.
- (3) If the conditions in Subsection (1) and (2) exist, the development application shall not be approved unless the applicant has filed with the

County a legally sufficient petition for annexation to the Park District containing the consent of all property owners and a majority of the electors for the property that is the subject of the application. Further, the application shall be conditioned that documentation of final annexation approval be provided prior to issuance of final approval for land divisions and prior to issuance of final approval and building permits for other development. The requirements of Subsections (1) and (2) may be waived only if the applicant provides documentation from the Park District that the District is unable or unwilling to accept annexation of the property into the District.

501-8.4 Dedication of Right-of-Way

Except as provided in Section 418-2.2, dedication of right-of-way shall be required pursuant to the classification of the facility as designated by the Washington County Transportation Plan and based upon the County Road Standards.

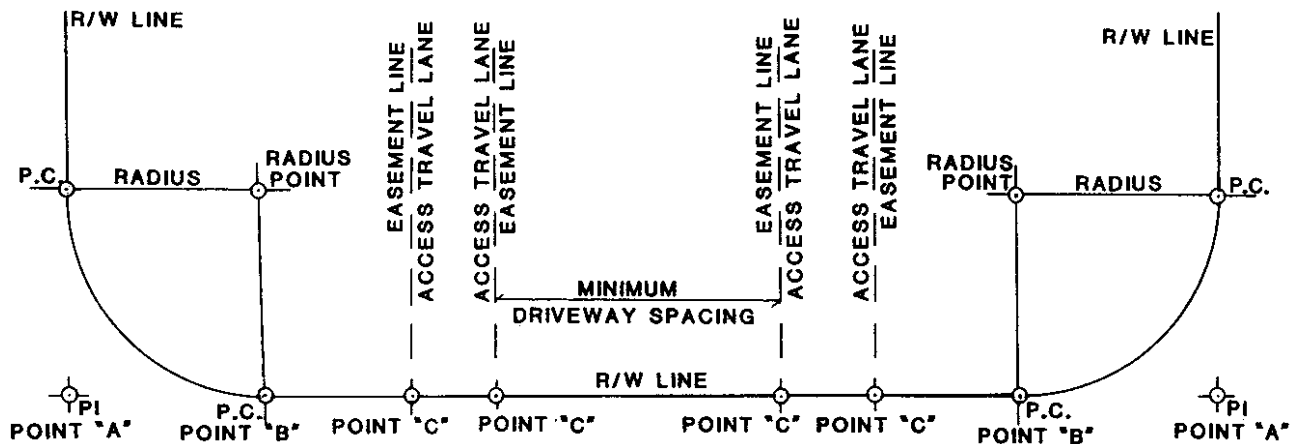
501-8.5 Access to County and Public Roads

All developments shall have legal access to a County or public road. Except for interim access as provided in Section 501-8.5 E. [Interim Access], access onto any County road in the unincorporated or incorporated urban area shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards and the standards of Section 501.

A. Roadway Access

See following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.

- (1) Minimum right-of-way radius at intersections shall conform to the County Road Standards.
- (2) All minimum distances stated in the following sections shall be governed by sight distance requirements according to County Road Standards.
- (3) All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.
- (4) All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.
- (5) Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:



B. Roadway Access:

No use will be permitted to have direct access to a street or road except as specified below, or as provided in Section 501-8.5 E. (Interim Access). Access spacing shall be measured from existing or approved accesses on either side of a street or road.

(1) Local Streets

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in an access spacing greater than ten (10) feet. Interim access may be permitted, pursuant to the standards of Section 501-8.5 E. (Interim Access).

(2) Neighborhood Routes

All residential, commercial, institutional and industrial uses with seventy (70) feet or more of frontage will be permitted direct access to a Neighborhood Route. Uses with less than seventy (70) feet of frontage shall not be permitted a permanent single or separate direct access to a Neighborhood Route. Interim access which does not preclude a future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems.

No use will be permitted direct access to a Neighborhood Route within fifty (50) feet of Point "A"; or future "P.I." as designated in the Transportation Plan. In the case of a private Neighborhood Route which is entirely within a development, double aisle parking areas will be permitted direct access to that Neighborhood Route. Minimum spacing between driveways (Point "C" to Point "C") shall be fifty (50) feet with the exception of single family

residential lots in a recorded subdivision. Such lots shall not be subject to a minimum spacing requirement between driveways (Point "C" to Point "C"). In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in an access spacing greater than fifty (50) feet.

(3) Collectors

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors. Interim access which does not preclude future common entrance with adjacent property may be permitted pursuant to the standards of Section 501-8.5 E. (Interim Access). Where a common access is available it shall be used, provided that such use will not result in serious operational or safety problems. No use will be permitted direct access to a Collector within one-hundred (100) feet of any present Point "A"; or future "P.I." as designated in the Transportation Plan. In the case of a private Collector which is entirely within a single development and which provides circulation only within that development, double aisle parking areas will be permitted access to that Collector. Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. Additionally, access shall be located to provide adequate left turn refuge as required by Resolution and Order No. 86-95 as modified or updated. This requirement may result in an access spacing greater than one hundred (100) feet.

(4) Arterials

Direct access to arterial roads shall be from collector or other arterial streets. Exceptions for local streets and private accesses may be allowed through a Type II process when collector access is found to be unavailable and impracticable by the Director. Access to arterials shall comply with the following standards:

(a) Arterials

Direct access to an arterial will be permitted provided that Point 'A' of such access is more than six hundred (600) feet from any intersection Point 'A' or other access to that minor arterial (Point 'C').

(b) Principal Arterials

Principal Arterials shall be designed and developed as limited access facilities. Access to a Principal Arterial is subject to approval by ODOT through the State's Access Management Policy and its implementing measures. Access to Tualatin Valley Highway, between SW 170th and SW 209th Avenues, is subject to the provisions of the TV Highway

Access Management Plan contained in the Aloha-Reedville-Cooper Mountain Community Plan.

C. Exception to Access Criteria

- (1) Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is reviewed and approved by the Review Authority after considering the applicant's compliance with this Article.
- (2) An application for an Access Management Plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. References to standards or publications used to prepare the Access Management Application shall be included with the application.
- (3) An access management plan shall address the safety and operational problems which would be encountered should a modification to the access spacing standards be granted. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:
 - (a) The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, as set forth in Section 501-8.5 B., measured from the property lines or access point(s), whichever is greater. For example, a property with 500 feet of frontage on a minor arterial (required 600 foot access spacing standard) shall have a minimum study area which is 1,700 feet in length.
 - (b) The access management plan shall address the potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.
 - (c) The access management plan shall include a comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the County standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.
 - (d) The access management plan shall include a list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
- (4) Notice for a proposed access management plan shall include all property owners within the study area defined in 501-8.5 C. (3)(a).

D. Access in Transit Oriented Districts

Access points shown in the Transportation Plan or on a Community Plan within a Transit Oriented District are not subject to the access spacing standards, and do not need an access spacing variance or an access management plan. However, as part of the development review process, the exact location of such access points shall be determined and safety impacts associated with such access points shall be identified and mitigated.

E. Interim Access

No development shall be denied a Development Permit for the sole reason that the parcel for which it is sought cannot physically accommodate the access spacing requirements of this Code. In such an event, the use may be issued an interim access permit which shall expire when access as required under Article V becomes available. An interim access permit may be granted based upon the following:

- (1) The site is situated such that adequate access cannot otherwise be provided in accord with the access spacing requirements of this Code.
- (2) The interim access shall meet minimum County traffic safety and operational requirements, including sight distance.
- (3) Alternate access shall not be deemed adequate and connections to alternate access shall not be required if the resulting route of access would require a trip in excess of one (1) block or five-hundred (500) feet out of direction (whichever is less).
- (4) The property owner signs a waiver of the right to remonstrate against the formation of a Local Improvement District or similar financing mechanism for the primary purpose of constructing a public road or right-of-way providing access to the arterial or collector road; such access shall meet the minimum applicable County standard.
- (5) The property owner records an agreement to participate in any project that would consolidate access points where such project would not result in new or more severe traffic operation or safety problems.
- (6) The property owner records an agreement to abandon use of the existing private access way when an adequate alternative access becomes available.

F. Sight Distance

The following specifies the minimum requirements for sight distance for roads intersecting each other and for driveways intersecting public roads. It is the intent of this section to regulate the creation of new access points and new lots or parcels and development in the County in a manner that will insure that each new access point or each new lot or parcel created or development will have a safe access to a public road.

- (1) Inside a UGB, existing access points which do not meet the sight distance standards and are on property included with a development action which

will not add any additional vehicle trips to that access, are exempt from this Section (501-8.5 F.), except as required by Section 501-2.1 A. Improvements at these existing access points may be required to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit.

- (2) The minimum intersectional sight distance shall be based on the vehicular speeds of the road. The vehicular speeds for the purpose of determining intersectional sight distance shall be the greater of the following unless the eighty-five percentile speed is determined to be less by the Review Authority pursuant to the standards of Section 501-8.5 F. (2)(c).
 - (a) Design Speed - A speed selected by a registered engineer (Oregon) for purposes of design and correlation of those features of a road, such as curvature, superelevation, and sight distance, upon which the safe operation of vehicles is dependent.
 - (b) Posted Speed - That speed which has been established by the Oregon State Speed Control Board and is posted by the County.
 - (c) Eighty-five Percentile Speed - That speed as certified by a registered engineer (Oregon) below which 85 percent of all traffic units travel, and above which 15 percent travel. The eighty-fifth percentile speed shall be measured at the point where the sight restriction occurs.
- (3) The intersectional sight distance shall:
 - (a) Be based on an eye height of 3.5 feet and an object height of 4.25 feet above the road; and
 - (b) Be assumed to be 10 feet from the near edge of pavement or the extended curb line or the near edge of the graveled surface of a gravel road to the front of a stopped vehicle.
- (4) Minimum intersectional sight distance shall be equal to ten (10) times the vehicular speed of the road as determined by the standards of Section 501-8.5 F. (1) and (2) such as in the table below.

INTERSECTIONAL SIGHT DISTANCE	
MPH	DISTANCE ALONG CROSSROAD (FT)
25	250
30	300
35	350
40	400
45	450
50	500
55	550

- (5) Intersectional sight distance values shall conform with (3) above. For significant road improvement projects, the above intersectional standards shall be met in addition to the AASHTO remaining sight distance standards.
- (6) For land development actions, the following specifies the procedure for determining whether or not minimum sight distance requirements are met:
 - (a) Land Development Services Division personnel will review the Traffic Impact Statement.
 - (b) Land Development Services Division personnel will perform the initial sight distance measurements.
 - (c) If the measurements made by Land Development Services Division personnel do not meet the minimum requirements shown in the table, the applicant may request the Operations Division personnel to perform more precise measurements.
 - (d) If the measurements made by Land Development Services Division personnel or the Operations Division personnel do not meet the minimum requirements shown in the table, the applicant may retain a State of Oregon registered professional engineer to perform the field measurements. If the applicant's engineer does perform the measurements and submits the information to the County for acceptance, the information must bear the stamp and signature of the engineer and must meet the minimum sight distance requirements.
- (7) In those instances where there are no access locations available to the site that meet or can meet the sight distance requirements, a written request for modification may be submitted to the Director. The request for modification shall be specifically stated in the notice for the accompanying development permit and shall be considered as part of said development permit. The request for modification of the sight distance requirements shall be subject to the following:
 - (a) Submitted and certified by a registered engineer (Oregon);
 - (b) Documented and reference nationally accepted specifications or standards;
 - (c) Certified that the modification will not compromise safety or the intent of the County's transportation standards, which include but are not limited to the following: Washington County Transportation Plan; Washington County Uniform Road Improvement Design Standards; Resolution and Order No. 86-95 as modified or updated, (Determining Traffic Safety Improvements Under the Traffic Impact Fee Ordinance - Process Documentation); Community Plans; Comprehensive Framework Plan; and the Community Development Code;
 - (d) The cost of any modifications agreed to must be borne by the applicant; and

- (e) There shall be no location available to provide access to the proposed development site which currently meets the sight distance requirements, or which can be altered to meet the sight distance requirements. Alterations needed to provide adequate sight distance include but are not limited to grading and the removal of vegetation. For the purpose of this subsection alternative access location means:
 - 1. Any location on the proposed development site which meets or can meet the sight distance requirements; or
 - 2. Any location off the proposed development site which:
 - (i) Can provide access to the site by an existing access easement or through an access easement which will be provided to the site as part of the development application; and
 - (ii) Meets or can meet the sight distance requirements.

G. Motor Vehicle Access Restriction

- (1) In order to implement the access spacing and safety requirements of this article, a motor vehicle access restriction shall be recorded along a development site's frontage on a Collector or Arterial road, except at approved motor vehicle access locations. The Review Authority may require a motor vehicle access restriction to be recorded along a site's frontage on a Local or Neighborhood Route street that intersects with a Collector or Arterial road in order to address operational and safety concerns at the intersection(s).
- (2) The motor vehicle access restriction shall be recorded as a restrictive covenant or, if a plat is filed, as a partition or subdivision plat restriction.

H. Road Standards

- (1) All roads proposed to be of public ownership shall conform to the County Road Standards.
- (2) All proposed curve radii shall be designed to County Road Standards for truck-turning requirements.
- (3) All roads not proposed to be of public ownership shall conform to Section 409 (Private Streets).

501-8.6 Methods to Assure Facilities and Services

A legal and enforceable document, contract or process which assures the County that a public improvement will be accomplished. Assurances may include but are not limited to the following:

- A. For Arterial and Collector roadways, payment of the Traffic Impact Fee, except:
 - (1) As provided in Sections 501-10 and 501-11;

- (2) For improvements required by Sections 501-8.2 D. [Gravel Roads] and 501-8.2 E. [Future Alignments]; and
- (3) For safety improvements required by Resolution and Order 86-95.

B. All Critical, Essential [including 501-8.2 B. (1) through (5)], and Desirable Facilities and Services

- (1) Cash in escrow, letter of credit, or cash deposit with the County, or other form of financial assurance acceptable to the County.
- (2) Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the County to accept the LID shall constitute a waiver of the assurance requirement.
- (3) Evidence of formal action by public or private agencies or companies, including Washington County, appropriating monies for the requisite public improvement.
- (4) Annexation of the subject property into an area where a public agency has jurisdiction and has pledged to assume the responsibility for the required improvement.
- (5) Any other legally binding arrangement that assures the improvements will be made within the required timeframe, including:
 - (a) Phasing of the development;
 - (b) Construction of interim improvements;
 - (c) Construction of improvements on a phased basis; or
 - (d) Modification of engineering standards (i.e., reduced right-of-way widths, sidewalks on only one side of a street, etc.), only when approved through a Type III process.
- (6) State road capacity and intersection deficiencies will be determined to be assured if they are included in the Metro adopted Transportation Improvement Program (TIP), which includes the State of Oregon's Six Year Highway Improvement Plan (HIP), unless otherwise specified by the State during the processing of the application.

501-8.7 Notwithstanding any other provision, the Board may, by Resolution and Order, adopt an updated version of the generally accepted transportation manuals cited herein. Upon such adoption, the updated version adopted shall control.

501-8.8 Definitions

A. Impact or Analysis Area

That geographic area determined by a service provider within which the development will impact upon or benefit from the service. A preliminary area will

be defined by the service provider if deemed necessary and a final area will be defined based upon information provided by the applicant.

B. Impact and Benefit (with respect to roads in the impact area)

A development shall be determined to impact a roadway or intersection and benefit from improvements if the road or intersection meets any of the following criteria:

- (1) The estimated traffic to be generated by the development exceeds ten (10) percent of the existing average daily traffic (ADT) (See existing traffic below).
- (2) "In Process" traffic volumes result in the facilities operating below Level of Service "E" for more than twenty (20) minutes of one peak hour and the proposed development's traffic will be five (5) percent or greater of total "In Process" traffic.
- (3) Pavement structure, pavement surface, vertical or horizontal alignments or drainage do not meet County standards.

C. On-Site Improvements

"On-site" shall mean all lands in the development application and one-half ($\frac{1}{2}$) the right-of-way (to centerline) of roads lying adjacent to such lands.

D. Off-Site Improvements

"Off-site" facilities or improvements shall mean any existing or new facility improvement which is within the analysis area but does not lie adjacent to the applicant's or owner's land.

E. Existing Traffic Volumes

Traffic volumes observed within six (6) months of the traffic analysis for the application and adjusted for daily and seasonal traffic variations using factors supplied by the County.

F. Routine Maintenance Procedure

Any road maintenance activity except pavement seals or overlays or the installation of new drainage facilities.

G. "In Phase" Traffic

"In Phase" traffic on any road segment is defined as including the following:

- (1) Existing traffic;
- (2) Traffic from any phase of development of the subject site; and

- (3) Traffic from phases of other developments which are "In Process" based upon a final plat or development permit.

H. "In Process" Traffic

"In Process" traffic on any road segment is defined as including the following:

- (1) Existing traffic;
- (2) Proposed development's (site's) traffic; and
- (3) Traffic from other developments which have been submitted to the County for land development action.

I. Level of Service

- (1) A measure of the mobility characteristic of an intersection or road section as determined by vehicle delay and volume/capacity ratio as specified in the Highway Capacity Manual (HCM), Special Report 209, Transportation Research Board (TRB), 1985, including revisions and updates as adopted and published by the TRB Committee on Highway Capacity and Air Quality of Service or successor body.
- (2) Regional Level of Service is the regional peak-hour level of service goal as adopted by Metro.

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

- 501-9.1 For the purpose of determining the impact and adequacy of public facilities and service outside the UGB only this Section of Article V applies.
- 501-9.2 For all Type II and Type III applications, with the exceptions noted below, impact on the following public facilities shall be considered: school, fire, police protection and public roads.
- 501-9.3 For the purpose of determining impact and adequacy of public roads, Section 501-8.5 F. (Sight Distance), 501-8.5 H. (Road Standards), and 501-8.4 (Dedication of Right-of-way) of this article shall apply except as provided in Sections 501-9.4 and 501-9.5. However, in all instances, traffic safety issues shall be addressed by the County.
- 501-9.4 Applications for Type II replacement dwellings, property line adjustments, nonbuildable parcels, temporary housing permits, home occupations and Type II and Type III applications for one dwelling on an existing vacant parcel, are not subject to the requirements of Section 501-8.4 (Dedication of Right-of-way).
- 501-9.5 The standards of Section 501-8.5 F. (Sight Distance Standards) shall apply to all property line adjustment applications except as specifically provided in this subsection. Property line adjustments for parcels or lots which do not meet the sight distance standards of Section 501-8.5 F., (including existing accesses), shall be approved if the parcel or lot's sight distance is not decreased as a result of the property line adjustment.

- 501-9.6 Accesses for the following development actions are exempt from the Sight Distance standards (Section 501-8.5 F.), but are subject to improvements to maximize sight distance to the extent practicable by the County Operations Division through an Access Permit or Right-of-way Permit:
- A. Replacement dwellings;
 - B. Nonbuildable parcels;
 - C. Type II and Type III applications for one dwelling on an existing vacant parcel;
 - D. Home Occupation applications under Section 430-63.1 in the EFU, AF-20 and EFC Districts; or
 - E. Applications which will not add additional vehicle trips to an existing access which does not meet the sight distance standards, except as required by Section 501-9.5.
- 501-9.7 Where partitions create less than four (4) parcels or there is a request for a Special Use for a dwelling, the applicant shall not be required to obtain service letters.
- 501-9.8 For those Local and Neighborhood Route roads which are not improved in accordance with Washington County's Uniform Road Standards or maintained by the County, and which abut the property owner's proposed development or which do not abut the development but provide direct access to the development, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve and maintain these roads to County standards. Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.
- 501-9.9 For those Arterial and Collector roads which are not improved in accordance with Washington County's Uniform Road Standards and which abut the development site or those roads which do not abut the development site but provide access to the site, the property owner shall sign a waiver not to remonstrate against the formation of a local improvement district or other mechanism to improve the base facility of this road(s) to County standards. Applications for Type II property line adjustments, nonbuildable parcels, temporary housing permits, and Type II and III applications for one dwelling on an existing vacant parcel, are not subject to this requirement.
- 501-9.10 Service provider letters from schools are only required for partitions, subdivisions, and any other development that results in the addition of dwellings (as defined in Section 106-69).
- 501-10 Traffic Impact Fee Not an Assurance**
- 501-10.1 Notwithstanding Section 501-8.2 B., payment of the Traffic Impact Fee shall not be deemed to ensure an adequate level of Arterial and Collector roads will be available to the proposed development if:

- A. The electors of the State of Oregon enact the “State Constitutional Limit On Property Taxes for Schools, Government Operations” (Ballot Measure 5) at the November 6, 1990, general election; and either the County or a court of competent jurisdiction determines that the Traffic Impact Fee is subject to the tax limitation; or
 - B. The applicant is a state or federal agency.
- 501-10.2 In the event that the Traffic Impact Fee is not an assurance, the provisions of Section 501-11 shall apply to all development subject to application of the public facilities standards.

501-11 Arterial and Collector Adequacy

If the Traffic Impact Fee is deemed not to be an assurance, the developer shall assure that all Arterials and Collectors within the analysis area shall meet the following within five years (5) of development approval:

- A. The road can be maintained through routine maintenance procedures for a period of at least five (5) years.
- B. Roadway widths are equal to or greater than twenty-two (22) feet;
- C. Roads and intersections within the impact area will operate at the Regional Level of Service standard or better as determined using procedures established by the Highway Capacity Manual (HCM), Special Report 209, Transportation Research Board (TRB), 1985, including revisions and updates as adopted and published by the TRB Committee on Highway Capacity and Air Quality of Service or successor body. Existing traffic peaking characteristics will be utilized to estimate Level of Service within the peak hour.
- D. A sufficient number of seven (7) second gaps in projected Year 2000 traffic must be assured to accommodate the site entering and exiting volumes or the access design will be rejected. In all situations where new access to an arterial street would create curb cuts within three-hundred-fifty (350) feet, or on Collectors two-hundred (200) feet of one another, analysis and conditioning will consider their approaches to function as one entrance. In addition, access management and interior circulation plans which minimize and consolidate curb cuts shall be required; and
- E. On-site pedestrian walkways.

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502 SIDEWALK STANDARDS

502-1 Intent, Purpose, Application, Authority, Requirement

- 502-1.1 It is the intent and purpose of Section 502 to protect the health, safety and general welfare of the citizens of Washington County by requiring an urban area pedestrian walkway or sidewalk system to be constructed and maintained in an orderly, convenient, safe and pleasant manner and to implement the land use and transportation elements of the Comprehensive Plan and Community Development Code.
- 502-1.2 Section 502 shall apply to all the unincorporated areas of Washington County within an LCDC acknowledged urban growth boundary.
- 502-1.3 Section 502 is adopted under the authority of the County Charter and ORS Chapter 368.
- 502-1.4 Sidewalks shall be required to be constructed prior to occupancy for the following development in the unincorporated areas of Washington County within an urban growth boundary:
- A. All development that is subject to the Public Facility and Service Standards as required by Section 501-2, except for:
 - (1) Private streets for four (4) or fewer dwelling units pursuant to Section 409-3.3 A. (1), (2), and (4 - 7); and
 - (2) Residential development that meets the exemption criteria in Section 502-14; or
 - B. One (1) detached dwelling unit or one (1) duplex on a legally created lot or parcel when:
 - (1) The lot or parcel has two-hundred and fifty (250) feet or less of street frontage; and
 - (2) A sidewalk or temporary sidewalk exists, or is required to be constructed as part of a development approval, on an adjacent lot or parcel with the same street frontage.

502-2 Definitions

- The definitions of Section 106 of the Community Development Code shall apply to Section 502 except that the following shall also apply and supersede the provisions of Section 106 in case of conflict:
- 502-2.1 "Community Development Code" means Washington County Ordinance No. 264 as adopted and revised from time to time by the Washington County Board of Commissioners.
- 502-2.2 "Pedestrian Walkway" or "Sidewalk" means a concrete sidewalk which meets adopted design standards and is used primarily by pedestrians as a means of travel.

- 502-2.3 "Property Owner" means the owner(s) of record as shown on the tax rolls of the County, except that if there is a purchaser of the land according to a recorded land sales contract, the purchaser is the owner.
- 502-2.4 "Temporary Pedestrian Walkway" or "Temporary Sidewalk" means a walkway used primarily by pedestrians as a means of travel but, which is not a permanent sidewalk and is not constructed to ultimate design standards. The temporary walk may be constructed of asphaltic concrete or Portland cement constructed in accordance with Washington County's Urban Road Standards.

502-3 Sidewalk Standards

- 502-3.1 All sidewalks shall be built in accordance with adopted County Standards, and to line and grade as set forth by the County.
- 502-3.2 Temporary sidewalks will be constructed as directed by the County.
- 502-3.3 When sidewalks or temporary sidewalks are constructed which are not immediately adjacent to a road, and do not connect to another sidewalk or temporary sidewalk, the Director may require the installation of a paved connection to the roadway edge.

502-4 Repairs

- 502-4.1 All property owners shall maintain sidewalks within public rights-of-way or on public easements adjacent to their property in good repair. If any such sidewalk is out of repair, the Board may send a notice by mail to the owner to repair the sidewalk, setting forth the nature and extent of repairs and the time, not less than thirty (30) days, within which they must be made.
- 502-4.2 If the owner does not make the repairs within the time allowed, the Board may order the repairs to be made. The Board shall file the order with the County Clerk which includes a description of the abutting property. The recorded order is notice that the described property is subject to a lien for the cost of the repairs, in an amount to be determined later by order of the Board. The County may seek payment, reimbursement and enforcement of the lien in accordance with ORS 368.910 to an including ORS 368.925.

502-5 Permit for Sidewalk Construction

- 502-5.1 The obtaining of a permit from the County is required prior to the commencement of any repair, alteration or construction of a sidewalk. In addition, where a sidewalk is to be constructed subsequent to obtaining a building permit, the sidewalk permit is required prior to or in conjunction with the issuance of the building permit.
- 502-5.2 Permit fees, inspection fees and performance guarantee requirements shall be established by Resolution and Order of the Board. The fee shall be reasonably designed to reimburse the expense of enforcing the regulations. The performance guarantee requirement shall be reasonably designed to assure the proper performance in accordance with these regulations.

502-5.3 The permit should be issued pursuant to a Type I procedure except that the initial determination shall be made by the Director.

502-6 Sidewalk Requirements for New Building Construction

For any development for which a sidewalk is required by Section 502-1.4, if a sidewalk in good repair does not exist, an applicant for a building permit shall, prior to obtaining the building permit, or in conjunction with the issuance of the building permit, obtain a permit to construct a sidewalk for the full frontage of the lot or parcel. No final inspection or certificate of occupancy shall be issued for said building permit until there exists such a sidewalk in accordance with the requirements of the permit to construct the sidewalk.

502-7 Land Division Sidewalk Requirements

502-7.1 Sidewalk requirements imposed upon an applicant by Section 502-1.4 shall be met and ensured as follows:

For that portion of the required sidewalk which cannot be constructed as a function of a building permit, the applicant shall ensure construction in the same manner as required for essential facilities or services listed in Article V of the Community Development Code. Examples of said portions include, but are not limited to:

- (1) Common areas;
- (2) Public or quasi-public lands;
- (3) Double frontage lots where ingress is prohibited, except corner lots;
- (4) Internal connecting sidewalks; or
- (5) Within or abutting lands which are unbuildable or already built upon.

502-7.2 Prior to recording any subdivision, major partition or minor partition, the owner(s) shall have recorded at the County an executed waiver of the right to remonstrate against the formation of a Local Improvement District for the purpose of constructing the required sidewalks within the development. Such a waiver shall be a restrictive covenant on the subject property and shall run with the land. For that portion of the required sidewalk not constructed in accordance with 502-7.1 above, the Board shall initiate a Local Improvement District as described in the waiver(s) of remonstrance. In addition or in lieu thereof, the County may seek enforcement pursuant to Section 502 below. All purchasers of lots where the abutting sidewalk has not been constructed prior to sale must be informed by the seller, in writing, of the requirements of this Section.

502-7.3 For those subdivisions or partitions where new roads are constructed to County specifications, the lack of completed sidewalks, except as required under 502-7.1. above, shall not preclude the establishment of said roads as County roads.

502-8 Developed Area Sidewalks

The County shall develop a comprehensive urban pedestrian walkway system to implement the land use and transportation plans. This Section will enable sidewalks to be constructed adjacent to existing development which is essential to achieving the objectives of the Transportation Plan.

- 502-8.1 Whenever the Board deems it necessary, upon its own motion, the Board may initiate proceedings to consider a Local Improvement District for the construction, alteration, repair and/or maintenance of sidewalks. The Board shall initiate said proceedings upon receipt of a petition from at least fifty-one (51) percent of the property owners within the proposed Local Improvement District provided they also represent a majority of the foot frontage within the proposed area.
- 502-8.2 The Director shall propose and submit to the Board an annual sidewalk improvement program. Upon acceptance and approval of said program, by Resolution and Order of the Board, it shall be implemented through the Local Improvement District process whenever feasible. Otherwise, the procedures of Section 502-4 may be used for said implementation.
- 502-8.3 Notwithstanding Section 502-8.2 above, where an existing pedestrian sidewalk is incomplete due to missing segments which are no longer in length than three (3) parcels or lots, the County may direct such segments be constructed through a Local Improvement District or in accordance with the procedures of Section 502-4.

502-9 Prohibited Activities and Uses

- 502-9.1 Any activity or use which might obstruct or otherwise impede the normal passage of pedestrians and bicycles or sidewalks shall be prohibited. Such activities or uses shall include, but not be limited to the following:
- A. The parking of a motor vehicle, except emergency vehicles, on or over any portion of a sidewalk;
 - B. The dumping, depositing or placing of refuse, leaves, or snow upon a sidewalk;
 - C. The sale or display of merchandise on or near a sidewalk in such a way that the merchandise or prospective buyers of it might impede or obstruct the passage of pedestrians or bicyclists; and
 - D. The growth of trees, bushes or other plants in such a way that any part of the plant growing on or over a sidewalk might impede or obstruct the passage of pedestrians or bicyclists or create a sight distance hazard for users of the right-of-way.
- 502-9.2 The use of motorized vehicles, horse-drawn vehicles, or horses on any sidewalk is prohibited, except where sidewalks must be crossed in order to gain access to a driveway, road, street, alley or parking area. Non-motorized vehicles such as bicycles may be used on sidewalks for normal passage. The users of such vehicles shall not operate them in such a manner to impede, hazard or prevent the normal passage of pedestrians.

502-10 Owners to Fill Ground Between Curb and Sidewalk

It shall be the duty of all property owners to fill with earth, river rock, brick, gravel, loam, cinders, mulching materials or Portland Cement concrete any space between a curb and sidewalk in front of their property and to the curb line of the street at the intersections to a level grade with the curb and sidewalk. A ground cover, flowers, or trees may be used in compliance with Section 502-9.

502-11 Liability for Sidewalk Injuries

502-11.1 The owner(s) of real property is responsible for constructing, maintaining and removing obstructions from a sidewalk adjacent to the property and shall be liable for all personal injury or property damage arising from their fault or negligence in failing to keep clear, maintain new or construct an abutting sidewalk.

502-11.2 If the County is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty which this Section imposes the person shall compensate the County for the amount of the damages thus paid. The County may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

502-12 Access

During the construction of walks, it shall be the permit holder's responsibility to afford and assure reasonable access to private property by the property owner. This shall include the placing of planks, gravel or crushed rock on walkways and driveway approaches.

502-13 Pedestrian Circulation

502-13.1 When a development's sidewalk abuts or is within a public right-of-way the sidewalk shall be constructed to County Road Standards.

502-13.2 Where public access is to be provided on private land, easements shall be provided.

502-13.3 Sidewalks shall be constructed in accordance with the adopted County Road Standards, except an eight (8) foot width shall be required along Beaverton-Hillsdale Highway, Canyon Road and Tualatin Valley Highway.

502-13.4 All sidewalks shall be installed prior to the issuance of a compliance permit, or in accordance with the provisions of Section 502.

502-14 Exemption From The Sidewalk and Temporary Sidewalk Construction Requirements

502-14.1 Through a Type II or Type III procedure, the Review Authority may exempt a proposed development from the requirement to construct a sidewalk or temporary sidewalk on existing street frontage when:

- A. Topographic or environmental features make construction physically impracticable; or

- B. In industrial areas where access to schools, residences, employment or shopping centers, recreation or transit facilities is not necessary; or
- C. Adequate right-of-way cannot be obtained or line and grade cannot be established or met in which case a temporary sidewalk may be required as directed by the Director.

502-14.2 Through a Type II procedure, the review authority may exempt a proposed development from the requirement to construct a sidewalk or temporary sidewalk on frontage of an existing local street when the following criteria are met:

- A. Residential development of 10 units or less; and
- B. The subject site on an existing local street has 250 feet of frontage or less; and
- C. Does not abut a Collector or Arterial street; and
- D. Within 500 feet of the subject site, measured in each direction along the local street, but not beyond the nearest intersecting Collector or Arterial, no sidewalks or temporary sidewalks exist on the same side of the street as the subject site; and
- E. Within 500 feet of the subject site (not including the subject site), measured in each direction along the local street, but not beyond the nearest intersecting Collector or Arterial, 75 percent of the existing local street frontage on the same side as the subject site cannot be further divided or is not likely to be divided based on the placement of the existing primary structures on the parcel; and
 - (1) 75 percent of the parcels fronting on the same side as the subject site cannot be divided based on the allowed minimum lot size; or
 - (2) 75 percent of the parcels fronting on the same side as the subject site are not likely to be divided based on placement of the existing primary structures on the parcel.

502-14.3 Notwithstanding the exemption criteria listed above, the review authority may require sidewalks or temporary sidewalks based on findings that:

- A. A sidewalk or temporary sidewalk would benefit access to transit or access to pedestrian oriented land uses; or
- B. There is a need for a sidewalk or temporary sidewalk based on safety, high vehicle speeds, or high vehicle volume on the street; or
- C. The development is within a transit oriented land use district or in an area designated as a pedestrian district as adopted in the Comprehensive Plan.

502-15 Penalty

Violation of this Section (502) is punishable pursuant to the same penalties and procedures of Section 215.

601-1 Intent and Purpose

This article is to provide regulations for land divisions and property line adjustments for land in the urban and rural areas of unincorporated Washington County for the following purposes:

- 601-1.1 To protect and provide for the public health, safety and general welfare;
- 601-1.2 To guide future growth and development in accordance with the Comprehensive Plan;
- 601-1.3 To provide for adequate light, air and privacy; prevent overcrowding of the land and prevent undue congestion of the population;
- 601-1.4 To secure safety from fire, flood, and other danger;
- 601-1.5 To establish reasonable standards of design and procedures for land divisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of land divisions;
- 601-1.6 To ensure that public facilities are available with adequate quality and capacity;
- 601-1.7 To encourage the conservation of energy resources and provide the opportunity for utilization of solar energy through protection of solar access; and
- 601-1.8 To encourage safe and convenient pedestrian and bicycle access.

601-2 Applicability

- 601-2.1 Subdivisions, partitions and property line adjustments are subject to approval by the County under this Article. The standards governing property line adjustments and land divisions inside an urban growth boundary are set forth in Section 605. The standards governing property line adjustments and land divisions outside an urban growth boundary are set forth in Section 610;
- 601-2.2 The provisions of Sections 601, 602, and 603 shall apply to all land divisions and property line adjustments except as noted in these Sections. The applicability of other standards of this Code to property line adjustments and land divisions are set forth in each specific section of this Article; and
- 601-2.3 In addition to the standards listed above, all property line adjustments and land divisions shall also comply with the applicable standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:
 - A. Community Plan Provisions:
 - (1) General Design Elements;
 - (2) Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation Requirements;

- (3) Significant Natural Resource Designations;
 - (4) Historic and Cultural Resource Designations;
 - (5) Mineral and Aggregate Resource Designations (District A and B designations);
 - (6) Major Bus Stop Designations;
 - (7) Interim Light Rail Station Overlay Designations;
 - (8) Parking Maximum Designations;
 - (9) Local Street Connectivity Lands Designations;
 - (10) Pedestrian Connectivity Areas;
 - (11) Transportation Functional Classification Map;
 - (12) Transportation Circulation Designations; and
 - (13) Street Corridor, Arterial Access and Pedestrian System Designations.
- B. Rural/Natural Resource Plan Provisions:
- (1) Significant Natural Resource Designations;
 - (2) Historic and Cultural Resource Designations;
 - (3) Mineral and Aggregate Resource Designations (District A and B designations);
 - (4) Habitat Protection Plan;
 - (5) Implementing Strategy E of Policy 10; and
 - (6) Transportation Functional Classification Map.
- C. Comprehensive Framework Plan for the Urban Area
- (1) Policy 41, Urban Growth Boundary Expansions
- D. The Transportation Plan:
- (1) Policies 6, 7, 8, 10, 12, 14, 15, 22, and 23, including their implementing strategies;
 - (2) The Functional Classification System Map;
 - (3) The Lane Numbers Map;
 - (4) The Special Area Streets Overlay Maps;

- (5) The Regional Street Design Overlay Map;
- (6) The Transit System Map;
- (7) The Planned Bicycle System Map;
- (8) The Pedestrian System Maps; and
- (9) The Off-Street Trail Systems Maps.

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602 GENERAL PROVISIONS

602-1 Filing and Recording

602-1.1 All land divisions shall be created by a subdivision or partition plat and must comply with ORS Ch. 92. All property line adjustments shall be executed by deed and must comply with ORS Ch. 92. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the Washington County Department of Records. Within two (2) years of approval, all deeds necessary to execute a property line adjustment shall be filed and recorded with the Washington County Department of Records.

602-1.2 Prior to acceptance of a final subdivision or partition plat for recording by the Washington County Department of Records, a copy of all supplemental information that must be recorded, such as restrictive covenants, shall be attached to the final plat. Supplemental information that is required to be recorded shall be recorded immediately after recording the plat. The County Clerk shall note the document recording numbers on the plat.

602-1.3 All subdivision plats shall be approved and signed by the County Surveyor, the County Assessor, and the Chairperson or Vice-Chairperson of the Board of County Commissioners prior to recording.

602-2 Expiration

The final approval for a land division, or the approval of a property line adjustment shall expire after two (2) years unless prior to expiration:

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

602-3 Subsequent Land Divisions and Property Line Adjustments

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

602-4 Recordation Prior to Sale

No lot or parcel shall be sold prior to filing and recording as specified in Section 602-1.

602-5 Minor Revisions to Preliminary Approved Land Divisions

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

- A. Lot dimensions;
 - B. Street locations;
 - C. Lot patterns; and
 - D. Density decreases.
- 602-5.2 Minor revisions shall meet the following standards:
- A. Streets within a development that abut an adjacent property or an exterior adjacent street shall not be relocated more than one half ($\frac{1}{2}$) the width of the right of way, easement or tract; or relocated so they abut a different property than approved in the preliminary plat approval, or as required in the primary district;
 - B. Stub streets within a development that abut an adjacent property or an exterior adjacent street shall not be changed to permanent "dead-end" streets (e.g., cul-de-sac or hammerhead) within the development;
 - C. Permanent "dead-end" streets within a development shall not be changed to a stub street which abuts an adjacent property or connected to an exterior adjacent street;
 - D. The revisions shall comply with the circulation standards of this Code. However, where connections were approved as direct, they must remain direct. Where connections were approved as circuitous, they must remain circuitous. The street network must maintain the planned functional classification of new and existing roads in the area. No modification to the review standards of Section 408 is allowed;
 - E. Density decreases shall not exceed five (5) per cent and must meet the minimum density standards required in the applicable land use district;
 - F. Lot dimensions and lot patterns: Minor changes to lot dimensions and lot patterns may occur, but the overall-lotting pattern shall remain the same as the original.
- 602-5.3 All other revisions shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.
- 602-6 Revisions to Land Divisions with Final Approval**
- Revisions to a partition or subdivision which has received final approval, with the exception of land divisions for the creation of nonfarm parcels pursuant to Section 602-7, shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.
- 602-7 Relocation of Access(es) for a Final Approved Partition for Nonfarm Parcels**

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

- A. No existing or final approved property lines can be relocated;
- B. The access(es) can only be relocated on the property which was part of the initial application; and
- C. The request complies with the standards of Subsection 501-8.5 E. (Sight Distance Standards).

602-8 Standards for Phased Developments

Within the five-year total time period for recording approved phases of a development, unless the approved plan specifically identified dimensions and uses, new code standards for these requirements may be applied.

602-9 Waiver or Deferral of Requirement

If in the judgment of the Director, a requirement is not applicable, the Director may waive the requirement or defer the requirement to a later stage of development.

602-10 Special Assessments

No land division or property line adjustment may be approved for land which is subject to special assessments for public improvements by the Clean Water Services or Washington County, unless application has been made to the appropriate entity for division of those assessments under its ordinances or procedures. Applications for division of assessments and for division of land may be processed concurrently.

602-11 Survey and Monumentation Requirements

602-11.1 Property Line Adjustments

- A. A common property line that is relocated through a property line adjustment shall be surveyed and monumented unless:
 - (1) The affected parcels are greater than ten (10) acres; or
 - (2) The adjusted property line is a distance of even width along the common boundary line.
- B. When required, surveys shall be filed with and approved by the County Surveyor prior to filing and recording the necessary deeds with the County Department of Records.

602-11.2 Partitions

Parcels created through a partition shall be surveyed and monumented in accordance with the requirements of ORS Ch. 92, with the exception of parcels

greater than ten (10) acres which are created by a partition outside of the Urban Growth Boundary.

602-11.3 Subdivisions

Subdivision plats shall be surveyed and monumented in accordance with the requirements of ORS Ch. 92.

603 SUBDIVISION COMMITTEE

- 603-1** The Director may establish a Subdivision Committee to act in a technical advisory capacity for the review of urban and rural land division applications that involve the creation of a public or private street or road. The Subdivision Committee shall meet when a meeting is called by the Director.
- 603-2** The Subdivision Committee shall consist of representatives of appropriate County departments, service providers, and other appropriate or affected departments or agencies. The Subdivision Committee may request any information from any affected municipality, district, department, other governmental agency or County department or agency which will aid in the performance of its duties.
- 603-3** The Subdivision Committee shall review preliminary subdivision plats and partition plats that involve the creation of a street or road when required by the Director. The Subdivision Committee shall then make recommendations to the appropriate Review Authority as to the compliance of such plats and applications to the provisions of this Code.
- 603-4** The Director may schedule a Subdivision Committee meeting with an applicant or an applicant's agent(s). Representatives of other affected governmental entities or of County departments or agencies may, and shall be encouraged to attend the conferences.

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605 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB

605-1 Property Line Adjustment (Property Line Relocation)

A property line adjustment is the relocation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created, and when the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable land use district. Notwithstanding the above, equal area land exchanges among existing lots below the minimum lot size of the district are allowed.

605-1.1 Procedures

Property line adjustments shall be processed through a Type I procedure.

605-1.2 Submission Requirements

In addition to the requirements of Section 203-4, all applications for a property line adjustment shall include the following:

- A. Name(s), address(es) and telephone number(s) of the owner(s), agent(s) and surveyor(s).
- B. A plot plan showing:
 - (1) All existing and proposed lot lines;
 - (2) All existing and proposed structures;
 - (3) Existing and proposed easements;
 - (4) The location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding; and
 - (5) The location of any water quality sensitive areas and vegetated corridors.
- C. Existing and proposed lot sizes.

605-1.3 Review Standards

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

605-1.4 Survey Requirements

As set forth in Section 602-11.

605-1.5 Filing and Recording

As set forth in Section 602-1.

605-2 Urban Land Divisions (Partitions and Subdivisions)

Land within the urban unincorporated portions of Washington County may be divided through a partition or subdivision plat. To partition land means to divide a unit of land into two (2) or three (3) parcels within a calendar year. To subdivide land means to divide a unit of land into four (4) or more lots within a calendar year. A partition or subdivision may or may not involve the creation of a street or road.

Subdivisions and partitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Article V (Public Facility and Service Requirements) and the provisions of this Article, including standards in Section 605-3 (Development Standards for Urban Land Divisions).

605-2.1 Procedures

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

A. Preliminary Review:

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type I procedure when in an approved SID and in conformance with the approved SID.
- (2) Be through a Type II procedure when no variance from the standards of this Code is required; or
- (3) Be through a Type III procedure when a variance from the applicable standards of this Code is required or when required by the applicable Community Plan or when in conjunction with a Type III development.
- (4) Expire automatically two (2) years from the date of approval unless prior to expiration:
 - (a) A request for final review, which includes all required information, is filed with the County; or
 - (b) A request for an extension is filed with the County pursuant to Article II; or
 - (c) Development is commenced pursuant to Section 201-6. If the Director determines that development has commenced prior to final

approval, the preliminary review shall expire three (3) years from the date of approval unless final approval is granted.

B. Final Review:

Final review of a partition or subdivision shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval. Final approval shall be granted prior to approval of the partition or subdivision plat by the County Surveyor.

605-2.2 Review Standards

A. Preliminary Review:

The proposed partition or subdivision shall be reviewed for compliance with the applicable provisions of this Code, including Section 601-2.

B. Final Review:

- (1) The request for final approval of a partition or subdivision shall be reviewed for consistency with the preliminary approval and shall comply with the standards and conditions of the preliminary approval.
- (2) Any request for final approval submitted prior to expiration, but the expiration date subsequently passes and final approval is not granted for lack of the required information, shall be denied if the required information is not submitted within sixty (60) days of expiration. In this situation, the preliminary approval has expired and shall be null and void.

C. Notwithstanding any other provisions, a proposed subdivision or partition shall comply with all applicable provisions of State law.

605-2.3 Submission Requirements for Preliminary Review of Urban Land Divisions

In addition to the requirements of Section 203-4 and the applicable requirements of Article IV, all applications for partitions and subdivisions shall include the following information. The preliminary plat and other drawings shall accurately represent all graphic data to scale. Drawings showing other information not shown on the preliminary plat shall be drawn to the same scale as the preliminary plat unless approved otherwise by the Director.

A. A preliminary plat which includes the following:

- (1) A graphic representation of the land division drawn to scale which is noted on the drawing. In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;
- (2) Names and addresses of the owner(s) and, when applicable, names and addresses of the designer of the subdivision or partition, engineer or surveyor;

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- (3) Date of preliminary plat preparation;
 - (4) For subdivisions, the proposed name;
 - (5) Existing streets or roads (public or private) - location; names; right-of-way and pavement widths on and abutting the site; and the location of existing and proposed access points;
 - (6) Proposed streets or roads (public or private) - location, right-of-way and pavement widths, approximate radius of curves and approximate grades of proposed streets on the subject property and within three-hundred (300) feet of the site. An outline plan illustrating a future street plan shall also be provided for all property adjacent to the proposed site, including all contiguous property under common ownership;
 - (7) Easements - locations, widths, and purpose of all recorded or proposed easements in or abutting the proposed site;
 - (8) Public utilities - location of all existing and proposed storm sewers, sanitary sewers and water lines;
 - (9) Flood areas - the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding (see Sections 410 and 421);
 - (10) Significant Natural Resources - the location of areas designated as a Significant Natural Resource on a Community Plan (see Section 422);
 - (11) Lot dimensions - all existing property lines and their lengths and the approximate location and dimensions of all proposed lots or parcels;
 - (12) Lot size - the minimum proposed lot or parcel size. For proposed lots or parcels that are within five (5) percent of the district's minimum lot area, the proposed lot area shall be provided. The lot area for lots or parcels less than one (1) acre in size shall be shown in square feet;
 - (13) Existing structures - location and present use of all structures on the site and indication of which, if any, structures are to remain after platting;
 - (14) Identification of land (e.g., lots or tracts) to be dedicated or reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified; and
 - (15) The location of any water quality sensitive areas and vegetated corridors.
- B. Location, size and species of trees six (6) inches or greater in caliper DBH. The general location of trees less than six (6) inches in caliper DBH shall also be shown. This information may be shown on the preliminary plat provided all information is legible.
- C. Preliminary utility plans for sewer, water, storm drainage, and street lighting for new public streets. This information may be included on the preliminary plat provided all information is legible;

- D. Supplemental information - including deed restrictions, if any; and a statement of ownership, use, conditions or limitations and responsibility for maintenance of all nonbuildable areas or tracts, or areas or tracts to be dedicated or reserved for public use.

605-2.4 Submission Requirements for Final Review of all Land Divisions

Requests for final review of a subdivision or partition shall be submitted within two (2) years of preliminary approval and shall include the following information:

A. Necessary copies of the final plat which shall include the following information:

- (1) The location, right-of-way, width and centerline of all streets within the boundary of the site;
- (2) All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the plat shall be shown;
- (3) The name of new streets as approved by the County Surveyor;
- (4) Identification of land (e.g., lots or tracts), to be dedicated or reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so indentified;
- (5) A declaration as required by ORS Ch. 92.075;
- (6) A non-graphic notation on the plat of any flood plain or drainage hazard area, including the flood plain or drainage hazard area elevation and the affected lots or parcels; and
- (7) Plat restrictions required in the preliminary approval.

B. Supplemental information, including but not limited to:

- (1) A copy of any proposed deed restrictions;
- (2) Dedication deeds requiring separate documents;
- (3) Warranty deeds conveying property to the County, the State of Oregon or other public agency;
- (4) Certification that public street improvement construction plans have been approved by the Engineering Division and the applicant has either:
 - (a) Installed all improvements required pursuant to the provisions of the preliminary approval and this Article; or
 - (b) Executed an agreement accompanied by the financial assurance as provided by Section 501-8.6 for public improvements.

- (5) For private streets, any documentation required by Section 409-3.4.
 - (6) Provisions for access to and maintenance of off-right-of-way drainage, if any.
- C. Convey to Washington County by fee title a one-foot non-access tract at the terminus of all on-site public stub streets, if any.
- D. For new public streets, certification of a street lighting plan approved by the County Engineering Division and meeting the materials and installation requirements of the electrical utility company providing service to the area.

605-2.5 Survey Requirements

As set forth in Section 602-11.

605-2.6 Filing and Recording

Final plats shall be filed and recorded as set forth in Section 602-1.

605-3 Development Standards for Urban Land Divisions

In addition to the other standards in this Code, the following standards shall apply to all land divisions within the urban unincorporated portions of Washington County.

605-3.1 Sewers

Sanitary sewer plans shall conform to the standards and specifications adopted by the Board of Directors of the Clean Water Services of Washington County. Sewer lines shall be installed to serve all properties within the boundaries of the subdivision or partition except as permitted otherwise by Section 501-2.1, 501-4, or 501-5.

605-3.2 Storm Drainage Systems

- A. Storm drainage systems shall provide for the adequate drainage of surface water on and crossing a site. Storm drainage systems include but are not limited to ditches, pipes, inlets, creeks, rivers and detention facilities. Storm drainage systems may be located within public rights-of-way; easements or tracts for public travel, including private streets; drainage easements; and tracts of common ownership. Drainage plans and street plans shall indicate the direction of storm drainage flow.
- B. Storm drainage systems shall:
- (1) Be approved by the County;
 - (2) Be constructed and installed throughout the development site to carry off water from all inlets and catch basins;

- (3) Be connected to a discharge facility which may include detention and retention basins or other storage facilities as may be found appropriate by the County;
 - (4) Provide extension to the boundaries of the development site to facilitate pickup of all storm water runoff from all portions of the drainage basin lying above and naturally draining through the development site. Sufficient capacity shall be provided to carry such storm water through the development's storm drainage system to a storm drainage facility; and
 - (5) Conform to any official drainage master plan adopted by the Board.
- C. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right of way shall be provided as required by the Clean Water Services and in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.
- D. Copies of design computation of the storm water system shall be provided for review and approval by the County.
- E. If a development site is traversed by a water course, drainageway, channel or stream, the development shall:
- (1) Include retention and detention basins when part of an approved drainage plan and;
 - (2) Provide an easement or tract over the water course, drainage way, channel or stream for drainage or storm water purposes. The easement or tract shall:
 - (a) Substantially conform to the boundaries of the water course, drainage way, channel or stream at design flood, except as permitted by Section 421; and
 - (b) Provide adequate width for access and maintenance of drainage facilities;

605-3.3 Streets and Street Improvements

- A. Street improvements may include but not be limited to street construction; grading; surfacing; curbs and gutters; sidewalks and bicycle facilities; street trees; utilities; and fire, water, storm and sanitary sewer facilities. Construction, installation or repair shall be in accord with the adopted Washington County Road Standards and this Code;
- B. Storm water inlets, catch basins and fire protection facilities shall be constructed and installed in the right-of-way at points approved by the County;
- C. Street plans shall indicate the direction of storm drainage flow along all curbs;

- D. Streets shall be designed and constructed to be compatible in character, width, grade and alignment with the overall design of the streets which abut the proposed development. Where streets are a continuation or projection of existing streets the centerline shall be continuous;
- E. The adopted Transportation Plan shall prevail in location, course, grade and widths of streets. Where there is a conflict between the Transportation Plan and existing street pattern, the Transportation Plan shall prevail;
- F. The minimum right-of-way of streets shall comply with the adopted Transportation Plan;
- G. All developments shall comply with adopted County sight distance standards;
- H. Streets, existing and future, shall:
 - (1) Be consistent with the standards of Section 408 (Neighborhood Circulation);
 - (2) Provide for general public convenience and safety in the areas to be served;
 - (3) Not allow the intersection of more than two streets at any one point;
 - (4) Be designed to encourage safe and efficient traffic flow;
 - (5) Be designed to discourage through traffic on minor streets; and
 - (6) A Local or Neighborhood Route street may be established which exceeds the maximum County standard for cul-de-sac length when the street is planned to be ultimately connected to another public street and meets Fire Marshal approval for adequate terminus;
- I. All Local and Neighborhood Route stub streets which abut a proposed development site shall be extended within the site to provide through circulation when not precluded by environmental or topographic constraints, existing development patterns, or strict adherence to other standards of this Code; and
- J. At street intersections, the property line shall be rounded by an arc bearing a radius of not less than fifteen (15) feet. However, when an arterial street is an intersection street, the arc shall bear a radius of not less than twenty-five (25) feet. Property lines at arterial street intersections, or at other locations where the Review Authority anticipates traffic hazards or congestion, shall be designed for a greater radius as may be necessary to alleviate such hazards.
- K. County and public streets shall not be gated or barricaded except when required by the Director to address an operational or safety issue or as permitted by Section 431-4.2E(2).

605-3.4 Public Utilities

- A. Utility lines for telephone, gas, cable television and electric services, which serve more than one lot or parcel, shall be placed in easements as set forth in Section 605-4.2 B. (4). All utilities shall be underground except as approved through Section 416;
- B. All conduits and cables for cable television, gas and electric service lines shall be placed within easements or rights-of-way in a manner which does not conflict with other underground services and in compliance with adopted road standards;
- C. Transformers shall be located in a manner not hazardous to the public or unsightly in appearance; and
- D. The Board of Commissioners may, by resolution and order or ordinance, promulgate rules and regulations governing location of public utilities.

605-3.5 Sidewalks

Sidewalks shall be provided as required in Articles IV and V.

605-3.6 Lots or Parcels

- A. Double-frontage lots or parcels shall be prohibited unless the Review Authority finds:
 - (1) They are essential to provide separation of existing or proposed residential uses from Collectors or Arterials or adjacent nonresidential activities; and/or
 - (2) They are needed to overcome specific disadvantages of topographical orientation.
- B. An additional lot depth may be required by the Review Authority on double frontage lots.
- C. Wherever possible, side lot lines shall be at right angles or radial to the street on which the lots face except where lots abut a cul-de-sac or hammerhead street terminus.
- D. Remnant lands which cannot meet Code requirements shall be added to adjacent lots or parcels, not left as unusable parcels unless such lands are designated as permanent open space.
- E. Lots or parcels intended to be buildable which abut a watercourse, drainageway, channel or stream may be required to have additional width or depth to provide a building site which meets Code requirements. In addition, the Review Authority may require dedication of a portion of this land for pedestrian ways or bicycle paths.

605-3.7 Blocks

- A. Length, width and shape of blocks shall be designed to provide adequate building sites for proposed uses, convenient motor vehicle, pedestrian, bicycle

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and transit access, control of traffic circulation and provision for maximum advantage of topography and other natural characteristics.

- B. Blocks shall not exceed six-hundred (600) feet in length and eighteen-hundred (1,800) feet in perimeter, except as allowed through the provision of Sections 408-5 and 408-6.

605-3.8 Easements

Sewer, water, utility or planting easements shall be sized as deemed appropriate by the Review Authority.

610 LAND DIVISIONS AND PROPERTY ADJUSTMENTS OUTSIDE A UGB

610-1 Property Line Adjustments (Property Line Relocation)

A property line adjustment is the relocation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created.

610-1.1 A. General Limitations

Property Line Adjustments are limited in the following Districts as follows:

- (1) In the AF-10, AF-5 and RR-5 Districts, lots or parcels may be reduced below the district's specified minimum lot size (10 acres, 5 acres and 5 acres, respectively) pursuant to the standards of this Section. However, if a lot or parcel is increased in size by a property line adjustment that reduces the size of one or more other lots or parcels to less than the district's specified minimum lot size (as allowed in subsection B below), or that further reduces one or more lots or parcels already below the district's specified minimum lot size, the lot or parcel which is increased in size shall not be eligible to be divided into more lots or parcels than it could have qualified for prior to the property line adjustment.
- (2) In the R-COM, R-IND and MAE Districts, no lot or parcel shall be reduced in size below the minimum lot area established by the district unless approval is granted per the standards of Section 435.

B. Property Line Adjustments Permitted Through a Type I Procedure

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

- (1) Equal land areas are exchanged, or
- (2) No lot or parcel is reduced in size below the minimum lot size for the District except for the following:
 - (a) When a federal, state, or local judiciary issues a court decree for adverse possession, way of necessity or a prescriptive use. The adjustment shall not be larger than the minimum size necessary to implement the court decree; or
 - (b) Where a parcel has a lawfully established structure which is in violation of a setback requirement. The adjustment shall not be larger than the minimum size necessary to correct the violation; or
 - (c) Where a parcel is being reconfigured for the purpose of a Federal project for creation of, restoration of or enhancement of wetlands.
- (3) In the AF-10 District no lot is reduced below eight (8) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.

- (4) In the AF-5 District no lot is reduced below four (4) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.
- (5) In the RR-5 District no lot is reduced below two (2) acres, except existing lots or parcels that are one (1) to two (2) acres may be adjusted through a Type I procedure if none of the lots are reduced below one (1) acre, equal areas of land are transferred, and the provisions of Section 350-6.1 C.(1) and (2) are met.
- (6) In the AF-5 and AF-10 Districts, property lines of lots created through a Rural Planned Development may be adjusted through the Type I procedure when the findings upon which the decision is based or conditions of approval do not prevent the proposed property line adjustment; and the lotting pattern was not created to buffer an EFU, EFC or AF-20 District or commercial farm or forest use. The determination of compliance with this standard shall be based on the decision that approved the Rural Planned Development. The following standards and limits apply to these Type I adjustments:
 - (a) No lot is reduced below the minimum acreage allowed in Section 404 (RPD standards); and the adjustment:
 - (i) Is to locate a subsurface disposal system which cannot be approved due to soil conditions; or
 - (ii) Is necessary to provide suitable turn-around for emergency vehicles, but does not exceed ½ acre in size; or
 - (iii) Is necessary to facilitate the drilling of a domestic well, but does not exceed ¼ acre in size; or
 - (iv) Is to correct a survey error, and is the minimum size necessary for the correction; or
 - (v) Involves an equal area exchange when the Rural Planned Development did not result in an increase in density of the basic district; and
 - (b) Streets within the development that abut an adjacent property or an exterior adjacent street are not relocated more than one-half (½) the width if the right-of-way, easement or tract; or are not relocated so that they abut a different property from the property approved in the final plat.

C. Property Line Adjustments Permitted Through a Type II Procedure

Property lines in the EFU, EFC, AF-20, AF-10, AF-5 and RR-5 Districts may be adjusted through a Type II procedure when the following standards are met:

- (1) In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use, not including a nonfarm dwelling, may be reduced below eighty (80) acres through a Type II procedure, provided the adjustment is the minimum amount needed to accommodate the use. A power generation facility shall comply with the lot area requirements of Section 430-141.
- (2) In the EFC District, property lines for the uses in Sections 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility for the primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers) may be adjusted through a Type II procedure when the following standards are met:
 - (a) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - (b) The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
 - (c) The parcel is not larger than the minimum size necessary for the use; and
 - (d) The applicant shall sign and record in agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- (3) In the AF-5 and AF-10 Districts, lot lines of parcels created through a Rural Planned Development shall be adjusted through a Type II procedure when the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved are met:
 - (a) The adjustment meets the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved; or
 - (b) If the Code in effect at the time the Rural Planned Development was submitted had no adopted standards for processing Type II property line adjustments, the adjustment meets the general Rural Planned Development approval standards.

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- (4) In the RR-5 District, a lot or parcel may be reduced to one (1) acre through a Type II procedure if the lot or parcel meets the standards in Section 350-6.1 C.
- (5) In the EFC District, a lot or parcel with an existing dwelling may be reduced below eighty (80) acres upon findings that:
 - (a) The parcel is five (5) acres or less, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten (10) acres;
 - (b) The dwelling existed prior to June 1, 1995;
 - (c) The configuration of the parcels will allow for the establishment of an alternate septic tank drainfield for the existing dwelling;
 - (d) The remaining parcel (not containing the dwelling) is consolidated with another parcel, and together the parcels are at least eighty (80) acres; and
 - (e) Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remaining parcel (80 acre or larger). The restrictive covenant shall be irrevocable, unless the Director finds that the remaining parcel is no longer subject to Statewide Goal 3 (Agricultural Lands).

610-1.2 Submission Requirements

In addition to the requirements of Section 203-3, all applications for a property line adjustment outside a UGB shall include the following:

- A. Name(s), address(es) and telephone number(s) of the owner(s), agent(s) and surveyor(s);
- B. A plot plan showing:
 - (1) All existing and proposed lot lines;
 - (2) All existing and proposed structures;
 - (3) Existing and proposed easements;
 - (4) The location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding; and
 - (5) Existing subsurface sewerage systems, including drainfields and associated easements, within ten (10) feet of an existing or proposed lot line.
- C. Existing and proposed lot or parcel sizes.

610-1.3 Review Standards

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

- A. No additional lot(s) or parcel(s) shall be created as a result of the property line adjustment;
- B. No property line adjustment shall result in a lot line that violates the setback or dimensional standards of the applicable land use district unless a variance to the standard is approved; and
- C. The adjusted parcels meet the sight distance requirements of Section 501-9.5.

610-1.4 Survey Requirements

As set forth in Section 602-11.

610-1.5 Filing and Recording

As set forth in Section 602-1.

610-2 Rural Land Divisions (Partitions and Subdivisions)

Land outside an urban growth boundary may be divided through a partition or a subdivision. To partition land means to divide a unit of land into two (2) or three (3) parcels within a calendar year. To subdivide land means to divide a unit of land into four (4) or more lots within a calendar year. A partition or subdivision may or may not involve the creation of a street or road. Subdivisions and partitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Section 501-9 (Limited Application of the Public Facilities and Service Standards Outside the UGB) and the provisions of this Article, including standards in Section 610-3 (Development Standards for Rural Land Divisions).

610-2.1 Procedures

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

A. Preliminary Review:

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type II procedure when no variance from the standards of this Code is required; or
- (2) Be through a Type III procedure when a variance from the applicable standards of this Code is required or when in conjunction with a Type III development.

- (3) Subsequent phases of a Rural Planned Development which has an approved phasing schedule may be processed through a Type I procedure when the following criteria are met:
 - (a) All the conditions of approval apply to the subsequent phase; and
 - (b) The lot configurations remain as approved.
- (4) Expire automatically two (2) years from the date of approval unless prior to expiration:
 - (a) A request for final review, which includes all required information, is filed with the County; or
 - (b) A request for an extension is filed with the County pursuant to Article II; or
 - (c) Development is commenced pursuant to Section 201-6. If the Director determines that development has commenced prior to final approval, the preliminary review shall expire three (3) years from the date of approval unless final approval is granted.

B. Final Review:

Final review of a partition or subdivision shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval. Final approval shall be granted prior to approval of the partition or subdivision plat by the County Surveyor.

610-2.2 Review Standards

A. Preliminary Review:

The proposed partition or subdivision shall be reviewed for compliance with the applicable provisions of this Code, including Section 601-2.

B. Final Review:

- (1) The request for final approval of a partition or subdivision shall be reviewed for consistency with the preliminary approval and shall comply with the standards and conditions of the preliminary approval.
- (2) Any request for final approval submitted prior to expiration, but the expiration date subsequently passes and final approval is not granted for lack of the required information, shall be denied if the required information is not submitted within sixty (60) days of the expiration. In this situation, the preliminary approval as expired and shall be null and void.

C. Notwithstanding any other provisions, a proposed subdivision or partition shall comply with all applicable provisions of State law.

610-2.3 Submission Requirements for Preliminary Review of Rural Land Divisions

In addition to the requirements of Section 203-3 and the applicable requirements of Article IV, all applications for partitions and subdivisions shall include the following information. The preliminary plat and other drawings shall accurately represent all graphic data to scale. Drawings showing other information not shown on the preliminary plat shall be drawn to the same scale as the preliminary plat, unless approved otherwise by the Director.

A. A preliminary plat which includes the following:

- (1) A graphic representation of the land division drawn to a scale which is noted on the drawing.

In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;

- (2) Names and addresses of the owner(s) and, when applicable, names and addresses of the designer of the subdivision or partition, engineer or surveyor;
- (3) Date of preliminary plat preparation;
- (4) For subdivisions, the proposed name;
- (5) Existing streets or roads (public or private) - location, names, right-of-way and pavement widths on and abutting the site, and the location of existing and proposed access points;
- (6) Proposed streets or roads (public or private) - location, right-of-way and pavement widths, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred (300) feet of the site. An outline plan illustrating a future street plan shall also be provided for all property adjacent to the proposed site and all contiguous property under common ownership;
- (7) Easements - locations, widths, and purpose of all recorded or proposed easements in or abutting the proposed site;
- (8) Public utilities - location of all existing and proposed storm sewers, sanitary sewers and water lines, if any;
- (9) Flood areas - the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding (see Sections 410 and 421);
- (10) Significant Natural Resources - the location of areas designated as a Significant Natural Resource on the Rural/Natural Resource Plan Element (see Section 422);
- (11) Lot dimensions - all existing property lines and their lengths, and the approximate location and dimensions of all proposed lots or parcels;

- (12) Lot size - the minimum proposed lot or parcel size;
 - (13) Existing structures - location and present use of all structures on the site and indication of which, if any, structures are to remain after platting;
 - (14) Identification of land (e.g., lots or tracts) reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified;
- B. A generalized vegetation map of existing trees. This information may be shown on the preliminary plat provided all information is legible;
 - C. Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided. This information may be included on the preliminary plat provided all information is legible;
 - D. Subsurface sewerage systems - location of all existing systems, including drainfields and associated easements; and
 - E. Supplemental information - including deed restrictions, if any; and a statement of ownership, use, conditions or limitations and responsibility for maintenance of all nonbuildable areas or tracts, or areas or tracts to be dedicated or reserved for public use.

610-2.4 Submission Requirements for Final Review of all Land Divisions

Requests for final review of a subdivision or partition shall be submitted within two (2) years of preliminary approval and shall include the following information:

- A. Necessary copies of the final plat, which shall include the following information:
 - (1) The right-of-way location, width and centerline of all streets within the boundary of the site;
 - (2) All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the plat shall be shown;
 - (3) The name of new streets approved by the County Surveyor;
 - (4) Identification of land (e.g., lots or tracts) to be dedicated or reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified;
 - (5) A declaration as required by ORS Ch. 92.075;
 - (6) A non-graphic notation on the plat of any flood plain or drainage hazard area, including the flood plain or drainage hazard area elevation and the affected lots or parcels;

- (7) Plat restrictions required in the preliminary approval; and
 - (8) Unless a subsurface sewerage permit or site evaluation approval has been issued from the appropriate agency for all the preliminary approved lots or parcels, a notation shall be placed on the plat stating that the allowance of the partition or subdivision does not warrant that sewer or septic tank approval is or will be available to the affected lots or parcels. However, lots or parcels created in the RR-5 District pursuant to Section 350-6.1 C. are required to obtain a subsurface sewerage permit or site evaluation approval as required by Section 350-6.1 C. (2).
- B. Supplemental Information, including but not limited to:
- (1) A copy of any proposed deed restrictions;
 - (2) Dedication deeds requiring separate documents;
 - (3) Warranty deeds conveying property to the County, the State of Oregon or other public agency;
 - (4) Certification that public street improvement construction plans have been approved by the Engineering Division and the applicant has either:
 - (a) installed all improvements required pursuant to the provisions of the preliminary approval and this Article; or
 - (b) executed an agreement accompanied by the financial assurance as provided by Section 501-8.6 for public improvements;
 - (5) Provisions for access to and maintenance of off-right-of-way drainage, if any; and
 - (6) When required by Section 409-5, written certification by the applicable fire marshal that private streets, if any, have been constructed in accordance with the preliminary approval and the standards of Section 409-5.
- C. Convey to Washington County by fee title a one-foot non-access tract at the terminus of all on-site public stub streets, if any.

610-2.5 Survey Requirements

As set forth in Section 602-11.

610-2.6 Filing and Recording

Final plats shall be filed and recorded as set forth in Section 602-1.

610-2.7 Phased Development

When an applicant desires to record and develop portions of an approved subdivision plat in phases the Review Authority may authorize a time schedule for platting and otherwise developing in phases. The Review Authority may condition

any stage to comply with the standards of this Code in effect at the time of development. In no case shall the total time period for final approval of all stages exceed five (5) years without resubmission of the tentative plan for review pursuant to the standards then in effect.

610-3 General Development Review Standards

In addition to the other standards in this Code, the following standards shall apply to all land divisions outside an urban growth boundary in Washington County.

610-3.1 Storm Drainage Systems

The following storm drainage requirements shall apply to all land divisions unless otherwise indicated.

- A. Storm drainage systems provide for the adequate drainage of surface water on and crossing a site. Storm drainage systems include but are not limited to ditches, pipes, inlets, creeks, rivers and detention facilities. Storm drainage facilities may be located within public rights of way; easements or tracts for public travel, including private streets; drainage easements; and tracts of common ownership. Drainage plans and street plans shall indicate the direction of storm drainage flow.
- B. Storm drainage systems shall:
 - (1) Be developed in accordance with the adopted Washington County Road Standards and be approved by the County;
 - (2) Be constructed and installed throughout the development to carry off water from all inlets and catch basins, if any;
 - (3) Be connected to a discharge facility which may include detention and retention basins or other storage facilities as may be found appropriate by the County;
 - (4) Provide extension to the boundaries of the development to facilitate pickup of all storm water runoff from all portions of the drainage basin lying above and naturally draining through the development. Sufficient capacity shall be provided to carry such storm water through the development's storm drainage system to a storm drainage facility; and
 - (5) Conform to any official drainage master plan adopted by the Board;
- C. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right-of-way shall be provided as required by the Clean Water Services and in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.
- D. Copies of design computation of the storm water system shall be provided for review and approval by the County where applicable.

- E. If a proposed development is traversed by a watercourse, drainageway, channel or stream, the proposed development shall:
 - (1) Provide an easement or tract over the watercourse, drainage way, channel or stream for drainage or storm water purposes. The easement or tract shall:
 - (a) Substantially conform to the boundaries of the water course, drainage way, channel or stream at design flood, except as permitted by Section 421; and
 - (b) Provide adequate width for access and maintenance of drainage facilities;
 - (2) Include retention and detention basins when a part of an approved drainage plan.

610-3.2 Streets and Street Improvements

- A. Street improvements may include but not be limited to street construction; grading; surfacing; utilities; and fire, water and storm drainage facilities. Construction, installation or repair shall be in accord with the adopted Washington County Road Standards and this Code;
- B. When provided, storm water inlets, catch basins and fire protection facilities shall be constructed and installed in the right-of-way at points approved by the County;
- C. Street plans shall indicate the direction of storm drainage flow;
- D. Streets shall be designed and constructed to be compatible in character, width, grade and alignment with the overall design of the streets which abut the proposed development. Where streets are a continuation or projection of existing streets the centerline shall be continuous;
- E. The adopted Transportation Plan shall prevail in location, course, grade and widths of streets. Where there is a conflict between the Transportation Plan and existing street pattern, the Transportation Plan shall prevail;
- F. The minimum right-of-way of streets shall comply with the adopted Transportation Plan;
- G. In all subdivisions all developments shall comply with adopted County sight distance standards;
- H. Streets, existing and future shall:
 - (1) Provide reasonable circulation of traffic within the development;
 - (2) Provide for adequate runoff of storm water;
 - (3) Provide for general public convenience and safety in the areas to be served;

- (4) Not allow the intersection of more than two streets at any one point;
 - (5) Be designed to encourage safe and efficient traffic flow;
 - (6) Be aligned to discourage through traffic on minor streets; and
- I. At street intersections, the property line shall be rounded by an arc bearing a radius of not less than fifteen (15) feet. However, when an arterial street is an intersection street, the arc shall bear a radius of not less than twenty-five (25) feet. Property lines at arterial street intersections, or at other locations where the Review Authority anticipates traffic hazards or congestion, shall be designed for a greater radius as may be necessary to alleviate such hazards.

610-3.3 Public Utilities

- A. Utility lines for telephone, gas, cable television and electric services, which serve more than one (1) lot or parcel, shall be placed in easements as set forth in Section 416. All utilities shall be underground except as approved through Section 416;
- B. All conduits and cables for cable television and gas and electric service lines shall be placed within easements or rights-of-way in a manner which does not conflict with other underground services and in compliance with adopted road standards;
- C. Transformers shall be located in a manner not hazardous to the public or unsightly in appearance; and
- D. The Board of Commissioners may, by resolution and order or ordinance, promulgate rules and regulations governing location of public utilities.

610-3.4 Lots In All Subdivisions

- A. Double-frontage lots shall be prohibited unless the Review Authority finds:
 - (1) They are essential to provide separation of existing or proposed residential uses from Arterials or adjacent nonresidential activities; and/or
 - (2) They are needed to overcome specific disadvantages of topographical orientation.
- B. An additional lot depth may be required by the Review Authority on through or double-frontage lots.
- C. Wherever possible, side lot lines shall be at right angles or radial to the street on which the lots face, except where lots abut a cul-de-sac or hammerhead street terminus.
- D. Remnant lands which cannot meet Code requirements shall be added to adjacent lots or parcels unless such lands are designated as permanent open space.

- E. Lots or parcels intended to be buildable which abut a watercourse, drainageway, channel or stream may be required to have additional width or depth to provide a building site which meets Code requirements. In addition, the Review Authority shall require that any lot or parcel not intended to be buildable be clearly indicated as unbuildable in the subdivision or partition plat.

610-3.5 Blocks

All subdivision length, width and shape of blocks shall be designed to provide adequate building sites for proposed uses, convenient access, control of traffic circulation and provision for maximum advantage of topography and other natural characteristics.

610-3.6 Easements

Easements shall be provided in accordance with Section 416.

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701 INTENT AND PURPOSE

The intent of this Article is to identify public transportation improvements that are subject to development review and establish the standards and procedures for such review. Public transportation improvements that are not authorized by this Article, such as airport improvements, are permitted as specified by Article III Land Use Districts.

701-1 Applicability

701-1.1 This Article applies to project development for the design, construction, operation, maintenance, repair and preservation of public transportation facilities including roadways and bridges, and transit, bicycle and pedestrian facilities authorized by the Washington County Transportation Plan. Conditions of approval may be imposed to address significant impacts demonstrated to arise from the specific location or design of the improvements or decisions authorized by this Article. Except as expressly provided in this Article, the improvements and decisions identified herein:

- A. Are permitted in each district, and
- B. Shall be subject only to the standards set forth in this Article.

701-1.2 Except as expressly provided in this Article, the standards of this Article shall not apply to Local and Neighborhood Route streets inside an urban growth boundary. The standards in this Article are applicable to all public roads and highways outside an urban growth boundary.

701-1.3 The review standards of this Article are intended to address community or neighborhood impacts rather than isolated impacts on individual properties from which right-of-way or easements are to be obtained. These isolated impacts shall be addressed through right-of-way acquisition, the eminent domain process or dedications required by development in accordance with the procedures and standards applicable thereto.

701-2 Project Categories

The following categories of public transportation improvement projects are established:

- A. Exempt Projects: Projects that are exempt from the provisions of this Code. Decisions authorizing exempt projects are not land use decisions.
- B. Category A Projects: Projects that involve land use standards that do not require interpretation or the exercise of policy or legal judgment. Decisions authorizing Category A projects are not land use decisions.
- C. Category B Projects: Projects that involve land use criteria that are reasonably objective and generally require only limited discretion or judgment. Category B projects are assumed to be appropriate in the District. Decisions authorizing Category B projects are land use decisions.

- D. Category C Projects: Projects that involve land use criteria that require the exercise of a more significant level of discretion and judgment. Category C projects generally have more significant impacts or involve more complex land use issues. Decisions authorizing Category C projects are land use decisions.

701-3 Supplemental Procedures and Standards

In addition to the standards of this Article, public transportation improvements are subject to other regulations that are not land use regulations and other practices and procedures that do not involve land use decision-making. It is not the intent of this Article to convert these supplemental regulations, procedures or practices into land use criteria or proceedings. Rather, they are mentioned to inform the public that the public transportation improvement process involves actions that extend beyond land use decision-making. These regulations, procedures and practices include the following.

- A. Uniform road improvement design standards and other uniformly accepted engineering design standards and practices that are applied during project development.
- B. Procedures and standards for right-of-way acquisition as set forth in Oregon Revised Statutes.
- C. Public involvement guidelines and practices for involving the public during the project development phase of a public transportation improvement, as approved by the Washington County Board of Commissioners.
- D. Interagency coordination, including coordination among affected Departments and Divisions within Washington County, and coordination with cities, Tri-Met, special districts, state and federal agencies, public utilities, and other service providers.
- E. Compliance with applicable local, state, or federal rules and regulations outside of this Code.

It is recognized that public entities have a responsibility to the public to ensure furtherance of certain non-land use objectives, including the need to rapidly address safety problems so as to protect the health and safety of the public, the need for fiscal responsibility and for efficient provision of transportation facilities and compliance with non-land use statutes or ordinances. This Article shall be construed so as to minimize interference with, and promote the furtherance of, non-land use public policy objectives.

701-4 Definitions

In addition to the definitions set forth in Article I, the following govern this Article:

701-4.1 Access Road: Outside an urban growth boundary, a low-volume public road that principally provides access to property.

701-4.2 Ancillary Easements: Easements related to a transportation facility, including slope, drainage, pedestrian, traffic control, construction and utility easements.

- 701-4.3 Channelization: Outside an urban growth boundary, separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of vehicles, bicycles, and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. "Channelization" does not include continuous median turn lanes.
- 701-4.4 Continuous Median Turn Lane: A turn lane typically providing for left turn movements in both travel directions and extending continuously at full width between two or more public street intersections.
- 701-4.5 Existing Right-Of-Way: Property held by a governmental body in fee or pursuant to dedication for roadway, bridge, pedestrian, bicycle, transit, or other public transportation facility purposes at the time that project development for a public transportation improvement is commenced or maintenance or reconstruction of an existing transportation facility is conducted. For project development of a public transportation improvement, existing right-of-way includes property dedicated for public transportation facility purposes to fulfill a condition of development, regardless of when that occurs.
- 701-4.6 Final Engineering: Activities necessary to allow an improvement to be advertised for bid. Activities include but are not limited to final design engineering and right-of-way acquisition.
- 701-4.7 Interim Improvement: Improvements which are constructed to less than a twenty (20) year design life or are constructed with less than the maximum number of lanes shown on the Transportation Plan. For town centers and transit station areas, improvements that do not provide the pedestrian, bicycle, or transit facilities or improvements set forth specifically in the Community Plan shall be considered "interim."
- 701-4.8 Intersection: The center point of the convergence of two or more county or public roads. Transportation facility modifications with travel or turn lanes extending up to one thousand (1,000) linear feet from the center of the convergence point are considered intersection modifications.
- 701-4.9 Maintenance: Recurring activities that are needed to keep an existing transportation facility in good operating condition in order to maintain the functional integrity and safe operation of the facility. Maintenance activities are carried out within existing right-of-way and result in no increase of traffic capacity or change in the character of a facility. Maintenance activities include but are not limited to: ditch cleaning and shaping; culvert or pipe repair, cleaning or in-kind replacement; road surface repair, sealing, reconstruction or reversion; grading of aggregate roads; street cleaning and flushing; vegetation management; and bridge cleaning and repair.
- 701-4.10 New Road: Outside an urban growth boundary, a public road or road segment that is not a realignment of an existing road or road segment.
- 701-4.11 Public Transportation Facilities: Facilities that move or assist in the movement of people or goods. For purposes of this Article, public transportation facilities include

- roadways and bridges, and transit, bicycle and pedestrian facilities, as well as their component and appurtenant structures. For roadways, these structures include the roadway surface, base, and subgrade; shoulders; embankments and revetments; bridges; traffic signals; signs; guardrails; landscaping; illumination and drainage facilities. For purposes of this Article, public transportation facilities include related facilities such as water quality and quantity improvement facilities and wetland mitigation sites. Public transportation facilities may include utilities and other service facilities that are located within or make use of the transportation facility.
- 701-4.12 Public Transportation Improvements: Improvements to public transportation facilities that are authorized by the Washington County Transportation Plan.
- 701-4.13 Realignment: Outside an urban growth boundary, rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right-of-way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan.
- 701-4.14 Reconstruction: Rebuilding substandard or deteriorated transportation facilities including roadways and bridges, and bicycle, pedestrian, and transit facilities. For roadways, the primary objective of reconstruction activities is to improve the roadway base or its sub-grade. The dimensions of a road either remain unchanged or are only slightly modified and no lanes are added.
- 701-4.15 Roadway Prism: The original constructed embankment or excavation of an existing roadway.
- 701-4.16 Significant (Substantial) Reduction in Peak Hour Travel Time: Outside an urban growth boundary, a rural improvement project significantly reduces peak hour travel time when, based on recent data, the time to travel the route is reduced more than fifteen (15) percent during weekday peak hour conditions over the length of the route located within the urban fringe. For purposes of measuring travel time, a route shall be identified by the predominant traffic flows in the project area.
- 701-4.17 Travel Lane: A lane designed primarily for through travel. Travel lane does not include a climbing, passing or turn lane, or lanes that are part of an interchange such as on and off ramps.
- 701-4.18 Turn Lane: A lane designed for right or left turn movement provided at intersections or driveways.
- 701-4.19 Ultimate Improvement: Improvements that are constructed to a twenty (20) year or greater design life, or are constructed to the maximum number of lanes shown on the Transportation Plan.
- 701-4.20 Urban Fringe: Lands outside the urban growth boundary that are within five (5) miles of the Portland Metro urban growth boundary.

701-5 Review Procedures

- 701-5.1 Except as provided in Section 701-6, Category A projects shall be reviewed and processed in the same manner as Type I actions. A project authorized under Section 703 may be elevated by the Director to a Category B project.
- 701-5.2 Except as provided in Section 701-6, Category B projects shall be reviewed and processed in the same manner as Type II actions. A project authorized under Section 704 may be elevated by the Director to a Category C project.
- 701-5.3 Except as provided in Section 701-6, Category C projects shall be reviewed and processed in the same manner as Type III actions.
- 701-5.4 Review approval shall expire automatically five (5) years from the date of approval unless a request for an extension is filed with the County prior to expiration.

701-6 Project Review Committee

The Director shall establish a Project Review Committee to act in a technical advisory capacity for the review of all public transportation improvement applications subject to this Article.

- 701-6.1 The Project Review Committee shall consist of representatives of all affected Department of Land Use and Transportation divisions, and may include representatives of other County departments and affected agencies as appropriate.
- 701-6.2 It shall be the duty of the Project Review Committee to review all public transportation improvement applications subject to this Article for completeness and conformance with the applicable requirements of this Article, the applicable Community Plan or Rural/Natural Resources Plan, and the Transportation Plan. The Project Review Committee also shall review these applications for conformance with road improvement design and engineering standards and other applicable non-land use regulations. The Project Review Committee shall make recommendations to the Review Authority about an application's conformance with the applicable requirements.

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702 EXEMPT PROJECTS

The following public transportation projects and decisions are exempt from the provisions of this Article, both inside and outside an urban growth boundary, unless otherwise specified below.

- 702-1** Decisions taken to regulate the use of roads under the jurisdiction of the Board as the statutory “roads authority”. Examples include: eliminating, modifying or imposing prohibitions or restrictions on the classes, dimensions, weights or other characteristics of vehicles or road usage, and installing or removing gates.
- 702-2** Maintenance, preservation, and repair of existing public roads, transportation facilities and structures within existing right-of-way and ancillary easements.
- 702-3** Operational improvements within existing right-of-way and ancillary easements including, but not limited to striping, installation of guard rails, widening shoulders, street lighting, signalization, reflectors, buttons, signs, flashing beacons, channelization and median control.
- Outside an urban growth boundary, improvements that meet the definition of channelization (Section 701-4.3), and improvements to restrict access, including channelization and median control, are not exempt operational improvements.
- 702-4** Reconstruction or in-kind replacement of a public transportation facility within existing right-of-way, including the enlargement or removal of culverts, pilings or similar structures, provided they are not located in a flood plain, drainage hazard area or Significant Natural Resource area or they would not change or alter a designated historic or cultural resource pursuant to Section 373.
- 702-5** Emergency repairs, improvements, detours and traffic pattern changes and other actions taken in response to an immediate and significant risk of harm or inconvenience to the traveling public or for the protection of property. To the extent any such action would otherwise require compliance with this Article, compliance shall be demonstrated within six (6) months of the action. Notwithstanding any other provision, the Review Authority shall apply the standards herein and address mitigation of impacts in light of the exigencies upon which the action was taken.
- 702-6** Incidental construction activities including contractor construction staging areas and stockpiling of materials within public right-of-way or easements.
- 702-7** Bus stops, bus shelters and bus turnouts within existing right-of-way.
- 702-8** Acquisition of right-of-way or ancillary easements related to an approved facility or use.
- 702-9** Final design engineering and construction of a public transportation facility that is consistent with an approval granted under this Article.
- 702-10** Changes in frequency of transportation services, including rail, transit and air services.

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703 CATEGORY A PROJECTS

The following projects are permitted subject to the applicable development standards of this Article.

703-1 Category A Projects Permitted Inside an Urban Growth Boundary

- 703-1.1 Projects listed as exempt but which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation Plan.
- 703-1.2 Widening or modification of an existing transportation facility, provided that:
- A. The project is consistent with the Transportation Plan;
 - B. The right-of-way width and dimensional standards do not exceed the right-of-way width and dimensional standards set forth in the Transportation Plan;
 - C. The new centerline of the road does not extend more than 6 feet in either direction from the existing centerline.
- 703-1.3 Alteration of a flood plain, drainage hazard area, or Significant Natural Resource Area, due to reconstruction, modification, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise in flood level is consistent with an adopted drainage master plan.
- 703-1.4 Incidental construction activities including contractor construction staging areas and stockpiling of materials outside a public right-of-way or easements.

703-2 Category A Projects Permitted Outside an Urban Growth Boundary

- 703-2.1 Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
- 703-2.2 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- 703-2.3 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- 703-2.4 Uses listed as exempt in Section 702, excluding Section 702-8, which require the acquisition of right-of-way, provided that the acquisition is no greater than the maximum specified for the road classification in the Transportation Plan.
- 703-2.5 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to reconstruction, modification, or replacement of a transportation facility or any component thereof, occurring entirely within the existing roadway prism, so long as flood levels on adjoining properties do not rise, or the area in which the rise

will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain or drainage hazard area elevation, or alternatively, so long as any rise is consistent with an adopted drainage master plan.

704 CATEGORY B PROJECTS

The following projects are permitted subject to the applicable development standards of this Article.

704-1 Category B Projects Permitted Inside an Urban Growth Boundary

704-1.1 Widening or modification of an existing transportation facility, provided that:

- A. The project is consistent with the Transportation Plan;
- B. The right-of-way width and dimensional standards do not exceed the right-of-way width and dimensional standards set forth in the Transportation Plan;
- C. The new centerline of the road extends more than 6 feet from the existing centerline.

704-1.2 New transportation facilities or the extension of existing transportation facilities where the alignment is consistent with the location shown in the Transportation Plan. The right-of-way shall not exceed the right-of-way width standards set forth in the Transportation Plan.

704-1.3 Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to construction, reconstruction, modification, or replacement of a transportation facility or any component thereof, not otherwise permitted by Section 703-1.

704-1.4 Creation or restoration of wetlands in association with a transportation facility.

704-2 Category B Projects Permitted Outside an Urban Growth Boundary

704-2.1 The following improvements are allowed within the AF-20, EFU, and EFC Districts, and within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

- A. Alteration of a flood plain, drainage hazard area or Significant Natural Resource Area, due to construction, reconstruction, modification, or replacement of a transportation facility or any component thereof, not otherwise permitted by Section 703-2.
- B. A transportation improvement that has been adopted through an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply.
- C. Creation or restoration of wetlands in association with a transportation facility.

704-2.2 The following improvements are allowed within the RR-5, AF-5, AF-10, R-COM, R-IND and MAE Districts:

- A. Realignment of a public road or highway.
- B. Replacement of an intersection with an interchange.

- C. Continuous median turn lane.
- D. New access roads and collectors within the RR-5, AF-5, AF-10, R-COM, R-IND, and MAE Districts. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- E. Transportation facilities, services and improvements other than those listed in Sections 703-2, 704-2, and 705-2 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural/Natural Resource Plan or to provide emergency access.
- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- G. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- H. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.

705 CATEGORY C PROJECTS

The projects listed below are permitted subject to the applicable standards of this Article.

705-1 Category C Projects Permitted Inside an Urban Growth Boundary

705-1.1 Modification of an existing transportation facility or construction of a new transportation facility that is authorized by and consistent with the Transportation Plan but does not meet the criteria for a Category A or B project.

705-2 Category C Projects Permitted Outside an Urban Growth Boundary

705-2.1 The following projects are allowed in AF-20, EFU and EFC Districts:

- A. Realignment of a public road or highway.
- B. Replacement of an intersection with an interchange.
- C. Continuous median turn lane.
- D. New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- E. Transportation facilities, services and improvements other than those listed in Sections 703-2, 704-3, and 705-4 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural/Natural Resource Plan or to provide adequate emergency access.
- F. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- I. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- J. Channelization of a public road or highway not otherwise allowed by Section 703-2 or as necessary as an accessory transportation improvement allowed by Section 201-2.16.

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707 ALTERNATIVE ANALYSIS REVIEW

707-1 Prior to, or in conjunction with, review of the design of any project below, the applicant shall submit an alternative analysis report demonstrating that the applicant has evaluated alternative alignments and provided an opportunity for citizen input into the selection of the proposed alignment.

- A. Any Category C project authorized by Section 705-1.1 or Section 705-2.1.A.
- B. Any Category B project authorized by Section 704-1.1, Section 704-2.1.B. or Section 704-2.2 A.
- C. Any Category B project authorized by Section 704-1.2 (New Road or Road Extension) excepting projects where the centerline has been established by right-of-way dedications obtained as a condition of development approval.
- D. Any Category A project identified in Section 703-1.2 that the Director elevates to a Category B project pursuant to Section 701-5.1 and the Director requires an Alternative Analysis review.

707-2 Alternative alignment analysis may be conceptual and based on generalized alignment descriptions or maps. The report shall consist of:

707-2.1 A description of the citizen involvement program;

707-2.2 The criteria or rationale used to select the alignment alternatives;

707-2.3 A brief description of anticipated impacts, where there are significant differences in impacts between the alignment alternatives, of each alignment alternative as relates to the following:

- A. Transportation System Operations
- B. Built and Planned Environment
 - (1) Existing and Proposed Land Uses
 - (2) Air Quality
 - (3) Noise
 - (4) Hazardous Materials
 - (5) Historic and Cultural Resources
 - (6) Recreational Resources
 - (7) Visual Resources
- C. Natural Environment
 - (1) Wetlands

- (2) Aquatic Resources
- (3) Terrestrial Ecology
- (4) Hydrology and Hydraulics
- (5) Water Quality

The report need not address each of the topics listed above for each alternative if it is concluded that adverse impacts relating to one topic are so significant that further consideration of the alternative is not warranted; and

707-2.4 A description of how the anticipated significant impacts were weighed and balanced, the rationale for selection of the proposed alignment and potential mitigation measures for the proposed alignment.

707-3 The Review Authority shall determine whether the alternative analysis report complies with the requirements of this section, but shall not consider whether alternative alignments might better or more clearly meet the standards of this Article. Acceptance of the alternative analysis report establishes the alignment upon which the applicant may make more specific right-of-way determinations for final design.

708 SUBMITTAL REQUIREMENTS

An applicant for a Category A, B or C project authorized by this Article shall prepare plans and documentation necessary to demonstrate how the project will comply with the standards of this Article.

708-1 Site Analysis of Proposed Project

For all Category A, B and C projects a site analysis shall be prepared that includes:

- A. A statement that describes the proposed project; and
- B. Project plans that show the proposed transportation improvement, including roadways, bridges, traffic signals, pedestrian facilities, bicycle facilities, transit facilities, landscaped areas, retaining walls and noise walls, illumination, and drainage facilities. Plans will typically be preliminary or final plans prepared by a registered civil engineer.
- C. Additionally, the following information shall be shown on project plans or on accompanying site plans:
 - (1) Existing and proposed right-of-way;
 - (2) Proposed areas of access control, if any;
 - (3) When applicable, the location and proposed treatment or proposed alteration of the following:
 - (a) Flood Plains and Floodways;
 - (b) Drainage Hazard Areas and Drainageways; and
 - (c) Significant Natural Resource Areas.
 - (4) Existing conditions within the limits of the proposed project and within fifty (50) feet of the project limits, including but not limited to:
 - (a) Location and type of structures, showing proposed removal of structures if applicable;
 - (b) Lot area, building setbacks and property dimensions;
 - (c) Proposed alterations, if any, to existing improvements, including parking and access; and
 - (d) Trees six inches or greater in caliper DBH (diameter breast height) proposed to be removed.
 - (5) Cross sections of retaining and noise walls; and
 - (6) Other plans or documentation needed to demonstrate that the project meets the applicable standards of Sections 709 through 714.

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709 ALTERATIONS TO FLOOD PLAIN AND DRAINAGE HAZARD AREAS

Category B alterations of a flood plain or drainage hazard area shall comply with following standards:

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

709-2 Recognizing that the scale may be such that the true and accurate flood plain or drainage hazard area cannot be determined from the maps referenced in Section 709-1 alone, an applicant for lands within said areas and two-hundred-fifty (250) feet of the map boundary of a flood plain or drainage hazard area identified in Section 709-1, shall submit with the Development Permit application:

A. A delineation of the flood plain and the floodway boundaries, established by a registered engineer or a registered surveyor from the surface elevations prepared by the County for the flood plain based upon maps referenced in Section 709-1, and upon any other available authoritative flood plain data approved by the Director, including but not limited to high water marks, photographs of past flooding or historical flood plain data; and

B. A delineation of the drainage hazard area and drainageway by a registered surveyor or a registered engineer from surface elevations prepared by a registered engineer. Such delineation shall be based on mean sea level datum and be field located from recognized landmarks.

709-3 A project proposed to encroach into a regulatory floodway adopted and designated pursuant to FEMA regulations shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the use will not result in any increase in flood levels within the community during the occurrence of the base (regional) flood discharge. Notwithstanding this provision, a project that would result in such an increase may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation. These properties are not required to be part of the application for the proposed development.

709-4 A project proposed on a flood plain site where the use does not encroach into an adopted FEMA regulatory floodway shall demonstrate through hydrologic and

- hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the use will not increase the flood plain elevation more than one (1) foot at any point in the community. Notwithstanding this provision, an increase in excess of one (1) foot may be approved if the County, at the sole expense of the applicant, first obtains FEMA approval in accordance with 44 CFR Ch. 1, Part 65 (October 1, 1990 edition, or its successor). No increase to the flood plain elevation shall be permitted unless the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the flood plain elevation.
- 709-5** A project proposed on a drainage hazard area site shall demonstrate through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice by a registered civil engineer, that the use will not result in any increase to the drainage hazard area elevation at any point in the community. Notwithstanding this provision, an increase may be approved if the area in which the rise will occur contains no structures and the owner of such property signs a written acceptance of any increase in the drainage hazard area elevation.
- 709-6** To minimize the risk that an encroachment will catch substantial debris or otherwise significantly impede floodwater flows, encroachment into a floodway shall include design features such as, but not limited to, openings sized to achieve this purpose, secured breakaway bridges, diverters or spacing of supports.
- 709-7** A project shall not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area. Energy dissipation devices or other measures to control the mean velocity so as not to cause erosion of the flood area may be used to meet this standard.
- 709-8** All cut and fill shall be done in accordance with best management practices.
- 709-9** All cut and fill shall be structurally sound and designed to minimize erosion. All fill below the flood surface elevation shall be accompanied by an equal or greater amount of cut or storage within the boundary of the development site unless:
- A. The proposed cut and fill is found to be in compliance with an adopted Drainage Master Plan; or
 - B. Off-site excavation will be utilized to balance a fill, provided:
 - (1) The off-site excavation area will be part of the application for the development proposing to place the fill;
 - (2) The off-site excavation area will be located in the same drainage basin as the proposed fill area;
 - (3) The off-site excavation area will be located within points of constriction on the drainage system, if any, and as close to the fill site as practicable. The applicant's registered civil engineer may be required to conduct a storage routing analysis to determine the location of the excavation area;
 - (4) The off-site excavation area will be constructed as part of the development placing the fill;

- (5) Any use or future development of the excavated area shall comply with the standards of Section 710 if the area is designated as a Significant Natural Resource; and
- (6) Ownership of the excavated area shall be by one of the following mechanisms:
 - (a) Dedication of the area to an appropriate public agency when a public agency is willing to accept the dedication;
 - (b) Ownership of the area by the applicant of the proposed development;
 - (c) Dedication of the development rights of the area to an appropriate public agency with ownership remaining with the property owner. Maintenance of the area shall be the responsibility of the applicant or property owner; and
 - (d) Deed or easement-restricted private ownership that prevents any use or future development of the area as specified by Section 421-7.6 B. (5). Maintenance of the area shall be the responsibility of the applicant or property owner. A contract for conditions shall be required as specified by Section 207-5.3. The contract for conditions shall be recorded in the Washington County Deed Records.

709-10 Drainage systems shall be designed and constructed according to the adopted Drainage Master Plan for the area, if one exists.

709-11 There shall be no dumping of fill in a flood area or drainage hazard area without a flood plain or drainage hazard area alteration permit.

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710 ALTERATIONS TO SIGNIFICANT NATURAL RESOURCES

710-1 Alteration of an area designated as a Significant Natural Resource by the Rural/Natural Resource Plan or the applicable community plan shall be allowed for the following:

- A. Crossings for public transportation facilities, including streets, roads, bridges, and culverts, and bicycle, pedestrian, and transit facilities.
- B. Construction or reconstruction of public transportation facilities, including streets, roads, bridges, and culverts, and bicycle, pedestrian, and transit facilities.

710-2 Category B alterations of an area designated as a Significant Natural Resource shall comply with the following standards:

710-2.1 The design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

“Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County to mitigate the effects of development in the Big Game Range within the EFU, EFC and AF-20 land use designations.”

710-2.2 Any proposed project in a Significant Natural Area, as identified by the applicable Community Plan or the Rural/Natural Resource Area Plan Element, shall reduce its impact, to the maximum extent feasible, on the unique or fragile character or features of the Significant Natural Area.

710-2.3 Any proposed project in a Significant Natural Resource Area shall not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or shall identify how the interference can be mitigated.

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711 HISTORICAL AND CULTURAL RESOURCES

711-1 Alteration of a property or structure in an area designated as a Historic or Cultural Resource by the Rural/Natural Resource Plan or the applicable community plan shall be allowed for the following:

- A. Crossings for public transportation facilities, including streets, roads, bridges, and culverts, and bicycle, pedestrian, and transit facilities.
- B. Construction or reconstruction of streets, roads, bridges, and culverts, and bicycle, pedestrian, and transit facilities.

711-2 Alterations permitted under this section shall be reviewed in a separate land use proceeding in accordance with Section 373.

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712 PEDESTRIAN, BICYCLE AND TRANSIT FACILITIES

- 712-1** Inside an urban growth boundary, pedestrian facilities shall be provided along the sides of roads, excluding freeways, that are constructed as ultimate improvements, except when the standards of Section 712-3 are met.
- 712-2** Inside an urban growth boundary, pedestrian facilities shall be provided along the sides of roads, excluding freeways, that are constructed as interim improvements, when sufficient right-of-way is available except when the standards of 712-3 are met. Otherwise this requirement may be satisfied by improvements required by Section 712-5.
- 712-3** An exemption to the requirement to construct pedestrian facilities may be granted by the Review Authority upon findings that they are unnecessary at the time of project construction due to the following:
- 712-3.1 Pedestrian facilities are assured by others to be provided within three (3) years of project completion; or
- 712-3.2 Abutting land is undeveloped; and
- 712-3.3 There is a lack of pedestrian oriented activity and the project does not abut a school, park, transit stop, recreation center or commercial center.
- 712-4** For ultimate capital improvements on facilities designated to accommodate bikeways, as identified on the Planned Bicycle System Map in the Transportation Plan, bikeways shall be constructed. Bikeways include striped and stenciled lanes, 5 to 6 feet in width, paved shoulders at least 4 feet in width and 14 foot wide outside travel lanes in areas where constraints limit roadway width; these 14 foot wide shared, outside travel lanes shall transition to either paved shoulders or bikeways when the constraint ends.
- 712-5** For interim capital improvements on roadways identified for bikeways on the Planned Bicycle System Map in the Transportation Plan, a minimum of a five (5) foot paved shoulder for each outside travel lane shall be provided.
- 712-6** Provision of transit improvements, including bus pullouts, bus shelters and benches, shall be coordinated with the local transit authority.

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713 FARM AND FOREST IMPACTS

713-1 Category C projects located within the AF-20, EFU, and EFC Districts shall not:

- A. Force a significant change in accepted farm or forest practices on surrounding lands located in the AF-20, EFU and EFC Districts; nor
- B. Significantly increase the cost of accepted farm or forest practices on surrounding lands located in the AF-20, EFU and EFC Districts.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

713-2 Projects identified in Section 705-2.1 A. – E. within the AF-20, EFU, and EFC Districts shall:

- A. Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. Design and operations alternatives need not be considered if they are inconsistent with applicable standards or not approved by a registered professional engineer.
- B. Assess the effects of the identified alternatives on farm and forest practices considering:
 - (1) The impacts to farm and forest lands, structures and facilities;
 - (2) The effects of traffic on the movement of farm and forest vehicles and equipment; and
 - (3) The effects of access to parcels created on farm and forestlands.
- C. Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use, unless that alternative has a significant adverse impact on resources regulated by CDC Sections 373 (Historic and Cultural Resource Overlay District), 379 (Mineral and Aggregate Overlay District), 709 (Alterations to Flood Plain and Drainage Hazard Areas), or 710 (Alternations to Significant Natural Resources), in which case the review authority may choose a different alternative that balances impacts to lands devoted to farm or forest use with impacts to resources regulated by CDC Sections 373, 379, 709, or 710.

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714 ADDITIONAL STANDARDS FOR CATEGORY A, B AND C PROJECTS

714-1 Interim improvements shall be designed to not impede future improvement of the facility to ultimate standards.

714-2 For a project that has received preliminary or final approval, the length of the project may be reduced through a Type I procedure when sufficient funds have not been appropriated to construct the entire project.

714-3 On those roadways that are designated as 'Boulevard Intersections', 'Boulevards' or 'Streets' on the Regional Street Design Overlay Map in the Transportation Plan, consider the street design characteristics set forth in the Regional Transportation Plan and Metro's publication entitled 'Creating Livable Streets – Street Design Guidelines for 2040' during development review and project development, when construction or reconstruction is proposed.

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801-1 Intent and Purpose

The purpose of this Article VIII is to establish the regulations applicable to that area of land generally described in the County's West Tigard Community Plan and the Bull Mountain Community Plan, including Walnut Island and an area north of the Tualatin River and East of Highway 99, but excluding the area immediately adjacent to King City, all as more specifically established on the map attached as Exhibit 1 to this Ordinance, on the legal description attached as Exhibit 1A (affected area).

801-2 Scope

801-2.1 Applicability

Land and structures within the affected area may be developed only in a manner consistent with this Ordinance. This Ordinance applies to any person developing land and structures and to the successors in interest of such persons and to any process associated with such development.

801-2.2 Application Submission

All applications for any local government approval of any kind within the scope of this Ordinance shall be submitted for review and approval or denial, together with the appropriate application or other fee required by resolution adopted under the procedure set forth in this Ordinance.

801-3 Transition

801-3.1 This Ordinance applies to all applications and actions falling within its scope or commenced or initiated on or after May 1, 1997. Applications within the scope of this Ordinance submitted to the County prior to May 1, 1997 and which are also subject to ORS 215.428, shall be processed under the regulations in effect at the time the application was first submitted, unless the applicant provides a written request to the County that this Ordinance apply to the pending applications and including a waiver of the 120-day processing limitation provided in ORS 215.428 adequate to enable a final local decision on the pending application under the regulations imposed by this Ordinance, which includes all local appeals.

801-3.2 The determination regarding the adequacy of the applicant's requested waiver of the above referenced 120-day limitation period shall be made in the sole discretion of the County or its designee, which designation may be expressed by an implementing intergovernmental agreement or other means, and shall not be subject to any local appeal. The determination regarding the adequacy of the applicant's proposed 120-day waiver shall be reviewable only as provided in ORS 34.010 to 34.100.

801-3.3 Where County development approval has been previously granted or a building permit issued prior to the effective date of this Ordinance, the approval or building permit for which such prior County approval has been granted is subject only to those County standards governing such approval or permit on the date approval is finally granted or such building permit is finally issued. Provided, however, alleged violations of such County standards shall be prosecuted under the code enforcement, nuisance and other administrative provisions adopted by this or other Ordinance specifically governing the affected area. Nothing in this Ordinance is

intended to prevent ORS 215.428 from governing the standards applied to evaluate certain applications, as required by law.

801-4 Replacement

- 801-4.1 As specified herein, this Ordinance replaces the existing Washington County Community Development Code standards applicable to all development and development proposals within the scope of this Ordinance and within the affected area, with the City of Tigard Community Development Plan. Specifically, this Ordinance replaces the Maps of the West Tigard Community Plan and the Bull Mountain Community Plan with Exhibit 1 and 3; replaces the County Comprehensive Framework Plan with the City of Tigard Comprehensive Plan, including the City Comprehensive plan background documents, provided however, the Framework plan shall apply to quasi-judicial plan amendments.
- 801-4.2 All inconsistent County regulations, including Community Development Code provisions, whether adopted by Ordinance or resolution, are hereby determined to be inapplicable to development and application for development within the affected area, that are also within the scope of this Ordinance. The determination of inconsistency shall be made by the applicable County decision-maker, unless such authority is delegated and transferred to a City authority pursuant to an implementing Intergovernmental Agreement. All City regulations adopted by this Ordinance hereby become regulations of the County and, therefore, are deemed part of this CDC Article VIII.

801-5 Interpretation

Questions regarding the regulations or plan provisions applicable to individual development and applications therefore, and to what extent such regulations or plan provisions apply, shall be resolved by the decision-maker to whom such request is directed.

801-6 Definitions

- 801-6.1 Generally: The definitions contained in the City regulations specifically adopted by this Ordinance shall apply to all matters governed by this Ordinance.
- 801-6.2 Application: Means any request for a local action of a type falling within the scope of this ordinance.
- 801-6.3 City: Means the City of Tigard. However, where the word "City" appears in a City of Tigard Ordinance provision herein adopted, the word "City" shall mean County, but nothing shall prohibit the County from transferring and delegating such authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.4 City Administrator: Means the City Administrator for the City of Tigard. However, where used in a City Ordinance provision adopted by this Ordinance, City Administrator shall mean County Administrator. Provided however, nothing shall prohibit the County from transferring and delegating such authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.

- 801-6.5 City Attorney: Means an attorney representing the interests of the City of Tigard. However, where used in a City Ordinance provision adopted by this Ordinance, City Attorney shall mean County Counsel. Provided, however, nothing shall prohibit the County from transferring and delegating such authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.6 City Employee: Means an employee of the City of Tigard. However, where used in a City Ordinance provision adopted by this Ordinance, City Employee shall mean County Employee. Provided, however, nothing shall prohibit the County from transferring and delegating such authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.7 City Finance Director: Means the finance director of the City of Tigard. However, where used in a City ordinance provision adopted by the County in this Ordinance, shall mean County Finance Director. Provided however, nothing shall prohibit the County from transferring and delegating such authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.8 City Council: Means the City of Tigard City Council. However, where used in a City Ordinance provision adopted by the County in this Ordinance, the word Council or City Council shall mean Commissioners or County Commissioners. Provided, however, nothing shall prohibit the County from transferring and delegating such authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.9 County: Means Washington County. Provided however, nothing in this Ordinance nothing shall prohibit the County from transferring and delegating authority to the City by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.10 Community Development Director: Means the Community Development Director for the City of Tigard. Where used in a City Ordinance provision adopted by the County in this Ordinance, the words Community Development Director shall mean the Washington County Director of Land Use and Transportation. Provided, however, nothing shall prohibit the County from transferring and delegating such authority to the City Community Development Director or other City authority by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.11 Development: Means any building or mining operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels or lots, including partitions and subdivisions as provided in ORS 92.
- 801-6.12 Hearings Officer: Where used in a City Ordinance provision adopted by the County in this Ordinance, the word Hearings Officer or Hearings Official shall mean the Washington County Hearings Officer or Hearings Official. Provided, however, nothing shall prohibit the County from transferring and delegating such authority to the City Hearings Officer or other City authority by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.

- 801-6.13 Planning Commission: Where used in a City Ordinance provision adopted by the County in this Ordinance, the word Planning Commission shall mean the Washington County Planning Commission. Provided however, nothing shall prohibit the County from transferring and delegating such authority to the City Planning Commission or other City authority by means of an implementing intergovernmental agreement pursuant to the provisions of ORS chapter 190.
- 801-6.14 Roads: Means any public way designed for use by vehicular traffic including automobiles, motorcycles, trucks, transit and bicycles, including rights of way.

801-7 Consistency with Plan and Laws

801-7.1 Consistency with State and Federal Law

It is intended that this Ordinance be consistent with applicable state and federal law. To the extent that provisions of state or federal law are determined to have mandatory application to the affected area and to any application or activity otherwise governed by this Ordinance, the mandatory, applicable state or federal law shall be applied as if fully set forth hereat.

801-7.2 Consistency with Statewide Planning Goals

This Ordinance involves land subject to three types of County land use districts and designations. These zoning districts are Residential, Industrial and two County overlay districts - the District B Overlay and the Area of Special Concern Overlay. The District B overlay and Area of Special Concern overlay continue to apply, unchanged.

The City and County plan designations and zoning districts at issue here (Residential and Industrial) are functional equivalents in all respects, including for purposes of County Statewide Planning Goal (Goal) compliance. Both the County and City Residential and Industrial zoning districts and plan designations are acknowledged as being in compliance with the Goals by the Land Conservation and Development Department.

With regard to the Residential designations and districts, this Ordinance is neutral with regard to the County's Goal 10 (Housing) compliance. There are no direct or secondary effects on the Board's continued Goal 10 compliance. This is because after review, the County interprets its acknowledged County residential designations and districts to authorize and support equivalent housing opportunities, both in type and cost, to those City designations and districts herein adopted. Regarding other Goals, no goal impact, either direct or secondary will occur by the change from acknowledged County designations and districts to City designations and districts. Equivalent opportunities with respect to citizen involvement, open spaces, air, land and water quality and quantity, economic opportunities and access thereto, recreation, public facilities and services and transportation are provided under the adopted City designations and districts, as was available under the County designations and districts herein replaced. No changes to safety and natural disaster awareness or health issues are made or presented by this Ordinance. The area is within the Metro UGB and, therefore, is presumptively available for urbanization. In any case, the acknowledged County designations and districts were

acknowledged at urban densities for urban level uses, and continue to be available for the same.

The County Industrial zoning district and plan designation is at issue within the affected area only with respect to a single, particular property (subject property). This County Industrial zoning is replaced with the City's Light Industrial District and corresponding City plan designation. The Board interprets its own code to mean, for Goal compliance purposes, the only meaningful difference between the City Light Industrial zone district and plan designation and the County's Industrial zone and plan designation, is the City's Light Industrial zone (LI) allows convenience sales, and the County Industrial District does not. However, as with the Residential districts and designations, both County Industrial and City LI district and designations are acknowledged as being in compliance with the Goals and both can be, and are, equally applied to the subject property without any adverse direct or secondary effects on County Goal compliance. Under either the County Industrial or City LI plan designation and zoning district, the subject property may be utilized for industrial purposes. Moreover, the subject property is substantially limited by a 100-year flood plain, identified on Federal Emergency Management (FEMA) maps as covering approximately 3/4 of the subject property. This would be a substantial limitation on the development of the subject property for heavier industrial uses in any case. In addition, the subject property is currently being considered for acquisition by the Clean Water Services for public purposes, which purposes may not directly contribute to the economy of the County or State or the County's industrial base. The subject property is not within an industrial park and is not specifically relied upon by the County or identified by it as a significant County industrial land asset. The County specifically interprets its own code to mean the extent of the subject land's suitability for County industrial purposes in any case is consistent, for Goal 9 compliance purposes, with the uses authorized under the City LI district and plan designation. There is no Goal 9 (Economy of the State) or other direct or secondary Goal impact from applying the City's LI zoning district to the subject property.

The County's Goal 5 inventory and program are entirely preserved by this Ordinance. Therefore there are no Goal 5 impacts, whether direct or secondary, from the adoption of this Ordinance. Furthermore, because this Ordinance was initiated prior to the effective date of the new Goal 5 administrative rules, the County is not required to apply the newly revised Goal 5 administrative regulations, in any case.

There are no Goal 12 (Transportation) impacts, either direct or secondary, as no transportation facility or standards is affected in a way affecting the County's Goal 12 compliance by the County's legislative adoption of acknowledged City regulations herein and the adoption of functionally equivalent City zoning districts and designations to the affected area.

In sum, this Ordinance triggers no Goals and has no other direct or secondary Goal effects. This is because acknowledged County and City Goal programs are preserved and effective and, where changed, the Board interprets its own code to mean the replacement regulations are substantially similar to those replaced. This Ordinance simply provides a means for intergovernmental cooperation in an effort to provide more efficient and cost effective public service to the citizens of the affected area as well as the City of Tigard and Washington County.

801-7.3 Consistency with County Charter

This ordinance is intended to be consistent with the adopted County Charter. In the event of a determination of inconsistency, the charter shall control.

801-7.4 Comprehensive Plan

This Ordinance does not amend or alter the applicability of the text of either the Bull Mountain or the West Tigard Community Plan. It amends only the maps of these two community plans to apply the functionally equivalent zoning districts and plan designations of the City of Tigard to these areas, as shown on the attached Exhibit 1 map, which map contains land more particularly described on the attached Exhibit 1A legal description, both of which are herein incorporated. Provided, however, the Bull Mountain Community Plan resource overlay districts (District B and Areas of Special Concern) are preserved and carried forward in this Ordinance as shown on the attached Exhibit 3 also herein incorporated. The Board specifically interprets the amended maps to be consistent with the West Tigard and Bull Mountain Community Plans governing the affected area.

The Board specifically interprets this Ordinance as being consistent with the County Comprehensive Framework Plan because the Framework plan is implemented through the community plans with which the this Ordinance is consistent. Because it does not apply to non-plan amendment individual decisions, the Framework Plan is replaced by the City Comprehensive plan provisions, provided however, the Framework plan shall continue to apply to quasi-judicial plan amendments. In addition, the imported City zoning districts and approval standards are functional equivalents of those of the County. The proposal is also consistent with the County Transportation plan governing the affected area as the County Transportation plan, to the extent it applies to individual decisions, applies unchanged in the manner stated in the Bull Mountain Community Plan.

801-8 Land Use Related Standards Applicable to the Affected Area

801-8.1 Roads and sidewalks

The City's Title 15.04 "Streets and Sidewalks" is hereby adopted by the County as if fully set forth hereat as local regulatory standards applicable to streets and sidewalks within the affected area, as those terms are defined by the City of Tigard Municipal Code. These provisions are supplementary to those Street and Utility and Improvement Standards specified in City of Tigard Community Development Code Title 18.164, also incorporated herein, as specified below.

801-8.2 Zoning and Planning

The following County land use designations and districts within the affected area are replaced by the following City land use designations and districts. The West Tigard Community Plan and Bull Mountain Community Plan maps and any other maps covering the affected area, are hereby amended to reflect the following designations and districts, in addition to reflecting the herein preserved County overlay districts (District B and Areas of Special Concern) shown on attached Exhibit 3. Exhibit 1 reflects the following designations and districts:

Land Use District/Plan Designation

Washington County Land Use Districts/ Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq ft	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR. 5,000 sq ft	Medium density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Medium density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Medium density 6-12 units/acre
R- 15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
IND Industrial	I- L Light Industrial	Light Industrial

801-8.3 Adopting City of Tigard Community Development Code Title 18

A. Except as specifically provided to the contrary in this Ordinance, both the City’s Title 18 “Community Development Code” and the City Comprehensive Plan in effect on October 10, 2002, are hereby adopted by the County as the sole local regulatory standards, background, justification and guidance applicable to applications for any and all land uses requiring ministerial or quasi-judicial decision making within the affected area, as if such standards, background, justification and guidance were fully set forth hereat. The City’s Title 18 “Community Development Code” and the City Comprehensive Plan in effect on November 26, 1998 are repealed.

B. County Technical Assistance

County employees shall provide requested technical assistance to City Officials applying the County Ordinance provisions established below, according to a methodology mutually established by the County and City in an implementing intergovernmental agreement.

(1) Legislative Decision Making

- (a) The Washington County Community Development Code (CDC) provisions and County Comprehensive Plan provisions governing legislative decision making continue to apply to the affected area and such legislative Decision Making within the affected area may only be undertaken by the County in the manner specified in the CDC and County Comprehensive Plan provisions.
- (b) The County shall coordinate all legislative decisions in the affected area with the City and shall consider all City suggestions. The manner in which such coordination shall be accomplished will be specified in the implementing intergovernmental agreement.

(2) West Tigard Community Plan and Bull Mountain Community Plan Text

The textual provisions in the County West Tigard Community Plan and the Bull Mountain Community Plan continue to apply to the affected area in the same manner as before enactment and implementation of this Ordinance.

Provided, however, the Comprehensive Framework plan shall not apply to individual permit decisions made regarding development and proposals for development within the affected area, because the Board hereby interprets the Comprehensive Framework Plan as applicable only to quasi-judicial plan amendments and as guidance in the adoption of community plans and accompanying maps and zoning ordinances. The Comprehensive Framework plan shall continue to apply to applications for quasi-judicial plan amendments.

(3) Rezoning Affected Area, Amendment to Community Plan Maps

The affected area is hereby rezoned to the City zoning districts and City plan designations as established on Exhibit 1 and in a manner preserving the Bull Mountain Community Plan District B overlay district and the Areas of Special Concern, as shown on the attached Exhibit 3. The Board specifically determines and interprets its CDC, Comprehensive Framework and Community Plans to establish the City zoning districts and plan designations imposed under this Ordinance and shown on Exhibit 1 are functional equivalents of the County land use standards, districts and designations previously applied to the affected area. The Maps of the West Tigard Community Plan and the Bull Mountain Community Plan are hereby amended to conform to the designations and districts imposed under this Ordinance and its Exhibit 1 as well as Exhibit 3.

(4) Nonconforming Uses

The CDC 440 provisions governing nonconforming uses shall be the sole local standards governing all nonconforming uses within the affected area, including any uses becoming nonconforming as a result of the adoption of this Ordinance. Applications concerning nonconforming uses shall be subject to the process herein adopted specified in the Tigard Zoning Code Title 18 to which City nonconforming uses are subject.

(5) Acknowledged County Goal 5 Standards

The County has identified certain Goal 5 resources on particular land within the affected area. These identified Goal 5 resources are shown on the attached Exhibit 2, which exhibit is attached hereto and incorporated herein by this reference. The County designation of land as having a Goal 5 resource, including any such future designations, any development and approval standards from the CDC, Comprehensive and Community Plans applicable to these Goal 5 resources shall continue to apply, notwithstanding that the affected area is hereby rezoned to City zoning districts and planning designations. In this regard, the County specifically determines the County District B overlay shall continue to apply to the affected area as shown on the attached Exhibit 3. In addition, the County Areas of Special Concern shown on the attached Exhibit 3 shall also continue to apply to the affected area. Review of applications subject to, and resolution of issues regarding, County Goal 5 inventory and County Goal 5 implementing standards shall follow City procedures applicable to "Sensitive Lands" as specified in Title 18 of the Tigard Zoning Code, adopted herein.

(6) Home Occupations

The City's regulations applicable to Home Occupations are hereby adopted by the County, except that the following additional CDC standards shall be applied to all applications concerning Home Occupations:

- (a) Outside storage of inventory, equipment, vehicles or other items associated with the Home Occupation is prohibited; and
- (b) Distribution of materials or sales of any kind outside of the home and structures accessory to the home is prohibited; and
- (c) Parking of a commercial vehicle used as part of the home occupation, including a truck or fifth wheel, tractor or trailer of any kind, is prohibited.

801-9 Severability

If any portion of this Ordinance is for any reason determined to be invalid or unconstitutional by any court or administrative tribunal having jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance, which shall continue to have full force and effect.