

**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 Figures 1.1 through 1.3 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 interior accessory dwelling unit may be as large as 50% of the primary dwelling's existing total floor area (excluding the garage and expansions for additional floor area). See Figure 1.2 for example.
  - (2) In all other situations the total floor area of an accessory dwelling shall not exceed 600 square feet. See Figures 1.1 and 1.3 for examples. 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 that is attached to the primary dwelling shall share a common wall, roof and foundation;
- E. 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;
- F. The entrance to the accessory dwelling unit shall not face the front property line;
- G. 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);
- H. At least one (1) off-street parking space shall be provided for the accessory dwelling unit;
- I. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;
- J. A home occupation shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18;
- K. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied;
- L. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and
- M. 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.

### Examples of Accessory Dwellings Units



Figure 1.1

Attached Accessory Dwelling Unit - Single Story



Figure 1.2

Interior Accessory Dwelling Unit



Figure 1.3

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.

Except as provided otherwise in the Institutional District (Section 330-9).

#### **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.

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### **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) Up to four (4) vehicles may be permitted in association with the temporary dwelling.

(11) 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.

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