

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 but less than 50,000 square feet - five (5) percent of total lot area with no one building larger than 1,200 square feet.
 - (d) For lots larger than 50,000 square feet – maximum of 2,500 square feet with no one building larger than 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 twenty (20) feet; or, if closer than twenty (20) feet, the accessory building is not connected to the primary building by a covered structure such as a breezeway or carport. 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. Lawful single family dwellings not containing the intact features itemized in C. 1-4 above may be replaced subject to the criteria in Section 440 of this Code.

- D. In the case of replacement, the existing dwelling structure is removed, demolished, or converted to an accessory structure as specified in G. below, within ninety (90) days of completion of the replacement dwelling.
- E. In the EFC District, the replacement dwelling also meets the standards in Section 428-3 (forest structure siting and fire safety standards for dwellings reviewed through a Type I procedure).
- F. In the EFU and AF-20 Districts, the applicant may request a deferred replacement permit. For required standards, see Section 430-8.4.
- G. 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. Lawful single family dwellings not containing the intact features itemized in B. 1-4 above may be replaced subject to the criteria in Section 440 of this Code.

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).

- E. In the EFU and AF-20 Districts, the applicant may request a deferred replacement permit. For required standards, see Section 430-8.4.

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.

430-8.4 Deferred Replacement Permits in the EFU and AF-20 Districts

- A. In the EFU and AF-20 Districts, the applicant may request a deferred replacement permit in conjunction with a development application for a replacement dwelling, or
- B. A deferred replacement permit may be granted through a Type I procedure by applicants that have prior development approval for a replacement dwelling. Applicants must provide evidence that:
 - (1) The dwelling exists on the site, and
 - (2) The development approval has not expired as prescribed in Section 201-4.
- C. Once approved, through either method described above, the deferred replacement permit allows construction of the replacement dwelling at any time provided the applicant complies with the following requirements:
 - (1) The existing dwelling is removed or demolished within ninety (90) days from the date of development approval or the date the deferred replacement permit is issued.
 - (2) The deferred replacement permit will become void if the existing dwelling is not removed or demolished within ninety (90) days.

- (3) The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- (4) The deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or child of the applicant.

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.