



WASHINGTON COUNTY OREGON

October 4, 2013

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager
Planning and Development Services

SS for AB

Subject: **PROPOSED B-ENGROSSED ORDINANCE NO. 769**

On June 13, 2013, you were notified about initial public hearings for proposed Land Use Ordinance No. 769 before the Planning Commission on July 17, 2013, and the Board of Commissioners (Board) on August 20, 2013.

The Board ordered substantive amendments to this ordinance on August 20, 2013, which were incorporated into A-Engrossed Ordinance No. 769. On September 13, 2013 you were notified about public hearings to be held for the A-Engrossed ordinance on September 24 and October 1, 2013.

On October 1, 2013 the Board directed an additional change to this ordinance. This change has been incorporated into proposed **B-Engrossed Ordinance No. 769** and is summarized below.

Ordinance Purpose and Summary

B-Engrossed Ordinance No. 769 amends the Comprehensive Framework Plan for the Urban Area and the Community Development Code (CDC) to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA). The state's final amendments to OARs 660-033-0120 and 0130 (RLUIPA rulemaking) occurred in February 2012, so the county is now updating its Comprehensive Plan to implement the new OARs.

Who is Affected

Owners of properties located in all unincorporated Washington County land use districts except for properties located in the General Commercial District (GC), Industrial District (IND), and Exclusive Forest and Conservation District (EFC).

What Land is Affected

Properties located in all unincorporated Washington County land use districts except for properties located in the General Commercial District (GC), Industrial District (IND), and Exclusive Forest and Conservation District (EFC).

Ordinance No. 769 Provisions

As originally filed, **Ordinance No. 769** proposed the following amendments:

- Limits certain public or quasi-public uses within three miles of the urban growth boundary (UGB) to all uses to which the state now applies the rule. The prior state law and the county's CDC applied the "three mile" rule only to churches.

**Department of Land Use & Transportation · Planning and Development Services
Long Range Planning**

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072
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Ordinance No. 769 Provisions, cont.

- Removes the term "churches" and replaces it with "religious institutions" in the Comprehensive Framework Plan for the Urban Area and the CDC.
- Changes the procedure type for development review of churches to match the review type of similar uses, such as membership organizations and other places of assembly.
- Expands the number of uses subject to additional restrictions outlined in OAR 660-033-0120. These uses include parks, community centers, cemeteries, schools, campgrounds, golf courses, living history museums, and public buildings.

A-Engrossed Ordinance No. 769 incorporated all of the above-described amendments plus the following changes to Exhibit 2:

- Amends the proposed definition of "Religious Institution" in CDC Section 106, Definitions.
- Retains cemeteries as a use which may be permitted through a Type III development procedure.

Proposed B-Engrossed Ordinance No. 769 Provisions

B-Engrossed Ordinance No. 769 incorporates all of the above-described amendments plus the following new change to Exhibit 2:

- Amends the proposed definition of "Religious Institution" in CDC Section 106, Definitions, to note that schools are not included as accessory uses in the Exclusive Farm Use (EFU) and Agriculture and Forest (AF-20) Districts.

**Public Hearings - Time and Place
Board of Commissioners**

**October 15, 2013
10:00 am**

**October 22, 2013
6:30 pm**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

On October 22, 2013, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on October 22, the ordinance would become effective on November 21, 2013.

**How to Submit
Comments**

Submit oral or written testimony to the Board at one of the public hearings. Written testimony may be mailed or faxed to the Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation
Planning and Development Services, Long Range Planning
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072
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Proposed Ordinance is available at the following locations:

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning
155 N. First Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs) Call 503-821-1128 for a directory of CPOs.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

B-ENGROSSED ORDINANCE 769

An Ordinance Amending the
Comprehensive Plan for the Urban Area
and the Community Development Code
Relating to the Religious Land Use and
Institutionalized Persons Act (RLUIPA)

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, and 764.

B. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698,

1 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762,
2 763, 765 and 766.

3 C. Subsequent planning efforts of Washington County indicate there is a need to update
4 its Comprehensive Plan to provide consistency and compliance with the Religious Land Use and
5 Institutionalized Persons Act (RLUIPA). The Board takes note that such changes are for the health,
6 welfare, and benefit of the residents of Washington County, Oregon.

7 D. Under the provisions of Washington County Charter Chapter X, the Department of
8 Land Use and Transportation has carried out its responsibilities, including preparation of notices,
9 and the County Planning Commission has conducted one or more public hearings on the proposed
10 amendments and has submitted its recommendations to the Board. The Board finds that this
11 Ordinance is based on those recommendations and any modifications made by the Board are a
12 result of the public hearings process;

13 E. The Board finds and takes public notice that it is in receipt of all matters and
14 information necessary to consider this Ordinance in an adequate manner, and finds that this
15 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption
16 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County
17 Charter, the Washington County Community Development Code, and the Washington County
18 Comprehensive Plan.

19 SECTION 2

20 The following exhibits, which are attached hereto and incorporated herein by reference, are
21 hereby adopted as amendments, as follows:
22

- 1 A. Exhibit 1 (5 pages) – amending the following policies of the Comprehensive
2 Framework Plan for the Urban Area:
- 3 1. Policy 18, PLAN DESIGNATIONS AND LOCATIONAL CRITERIA FOR
4 DEVELOPMENT;
 - 5 2. Policy 41, URBAN GROWTH BOUNDARY EXPANSIONS; and
 - 6 3. Policy 43, COMMUNITY DESIGN FOR NEW URBAN AREAS.
- 7 B. Exhibit 2 (41 pages) – amending the following sections of the Community
8 Development Code:
- 9 1. Section 106 – DEFINITIONS;
 - 10 2. Section 302 – R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE);
 - 11 3. Section 303 – R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE);
 - 12 4. Section 304 – R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE);
 - 13 5. Section 305 – R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE);
 - 14 6. Section 306 – R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE);
 - 15 7. Section 308 – FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20);
 - 16 8. Section 309 – FUTURE DEVELOPMENT 10 ACRE DISTRICT (FD-10);
 - 17 9. Section 311 – NEIGHBORHOODCOMMERCIAL DISTRICT (NC);
 - 18 10. Section 312 – OFFICE COMMERCIAL DISTRICT (OC);
 - 19 11. Section 313 – COMMUNITY BUSINESS DISTRICT (CBD);
 - 20 12. Section 330 – INSTITUTIONAL DISTRICT (INS);
 - 21 13. Section 340 – EXCLUSIVE FARM USE DISTRICT (EFU);
 - 22 14. Section 344 – AGRICULTURE AND FOREST DISTRICT (AF-20);

- 1 15. Section 346 – AGRICULTURE AND FOREST DISTRICT (AF-10);
- 2 16. Section 348 – AGRICULTURE AND FOREST DISTRICT (AF-5);
- 3 17. Section 350 – RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT
- 4 (RR-5);
- 5 18. Section 352 – RURAL COMMERCIAL DISTRICT (R-COM);
- 6 19. Section 354 – RURAL INDUSTRIAL DISTRICT (R-IND);
- 7 20. Section 356 – LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE);
- 8 21. Section 375 – TRANSIT ORIENTED DISTRICTS;
- 9 22. Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT;
- 10 23. Section 413 – PARKING AND LOADING; and
- 11 24. Section 430 – SPECIAL USE STANDARDS.

12 SECTION 3

13 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which
14 are not expressly amended or repealed herein, shall remain in full force and effect.

15 SECTION 4

16 All applications received prior to the effective date shall be processed in accordance with
17 ORS 215.427.

18 SECTION 5

19 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or
20 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and
21 shall remain in full force and effect.

22 ///

1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
4 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,
5 and making any technical changes not affecting the substance of these amendments as necessary to
6 conform to the Washington County Comprehensive Plan format.

7 SECTION 7

8 This Ordinance shall take effect on November 21, 2013.

9 ENACTED this ____ day of _____, 2013, being the _____ reading and
10 _____ public hearing before the Board of County Commissioners of Washington County, Oregon.

11 BOARD OF COUNTY COMMISSIONERS
12 FOR WASHINGTON COUNTY, OREGON

13 _____
14 CHAIRMAN

15 _____
16 RECORDING SECRETARY

17 READING

18 First _____
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____

PUBLIC HEARING

First _____
Second _____
Third _____
Fourth _____
Fifth _____

VOTE: Aye: _____
Recording Secretary: _____

Nay: _____
Date: _____

The Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

1. Amendment to Policy 18:

**POLICY 18, PLAN DESIGNATIONS AND LOCATIONAL CRITERIA
FOR DEVELOPMENT**

It is the policy of Washington County to prepare community plans and development regulations in accordance with land use categories and locational criteria contained in the Comprehensive Framework Plan.

Summary Findings and Conclusions

Transit Oriented - Business District (TO-BUS)

The TO:BUS District may be applied to properties in station communities, regional and town centers, and along main streets and corridors. The TO-BUS District is intended to be a mixed-use district, primarily for office uses, but with residences and retail also present, possibly with institutional uses such as ~~churches~~ religious institutions, post offices and libraries.

On properties specified in a community plan the amount of development dedicated to certain uses may be specified.

In a station community, the minimum FAR for development in the district is 1.0 within one-quarter mile of a transit center, and 0.5 in all other locations.

2. Amendments to Policy 41:

POLICY 41, URBAN GROWTH BOUNDARY EXPANSIONS:

It is the policy of Washington County to ensure an efficient and effective transition of rural land to urban development when an Urban Growth Boundary (UGB) is expanded.

Implementing Strategies

The County will:

d. Apply the following Areas of Special Concern to the Future Development Areas Map:

- 4. Area of Special Concern 4 is comprised of approximately 354 acres of land located between the cities of Tualatin and Sherwood on the south side of Tualatin-Sherwood Road. The boundary of ASC 4 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B adopted June 24, 2004 and were designated as Industrial land by Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) No lot or parcel that is 50 acres or larger may be subdivided or partitioned into lots or parcels smaller than 50 acres. Reconfiguration of all remaining lots/parcels in this Area of Special Concern shall be in accordance with Section 3.07.420 of Metro's Urban Growth Management Functional Plan.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, ~~churches~~ religious institutions and schools are prohibited due to the area's designation as an Industrial Area.

- 5. Area of Special Concern 5 is comprised of approximately 645 acres of land located generally between Tualatin and Wilsonville and between I-5 and the Burlington Northern railroad alignment. The boundary of ASC 5 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and designated as Industrial land on Metro's 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, ~~churches~~ religious institutions and schools are prohibited due to the area's designation as an Industrial Area.

- 6. Area of Special Concern 6 is comprised of approximately 264 acres of land located generally west of Coffee Creek Correctional Facility in the City of Wilsonville. The boundary of ASC 6 is shown on Map C (Future Development Areas Detailed Areas) of Policy 41. The properties included in this Area of Special Concern are designated Future Development 20-Acre (FD-20) District on the Future Development Areas Map (Map A). These properties were added to the UGB by Metro Ordinance 04-1040B (adopted on June 24, 2004), and were designated as Industrial land on Metro’s 2040 Growth Concept Plan.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Title 11 planning shall be completed for the area within two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Metro Ordinance No. 04-1040B, whichever occurs earlier.
- b) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, ~~churches~~religious institutions and schools are prohibited due to the area’s designation as an Industrial Area.

- 7. Area of Special Concern 7 consists of two individual UGB expansion area that together encompass approximately 65 acres of land located on the south side of Council Creek. The properties in this area of special concern are designated Future Development 20-Acre (FD-20) on the Future Development Areas Map. Area of Special Concern 7 reflects the boundaries of the UGB expansion areas established by Metro Ordinance 05-1070A (adopted November 17, 2005). Metro designated these lands as Regionally Significant Industrial Areas.

Title 11 planning and FD-20 development applications within this Area of Special Concern are subject to the following criteria:

- a) Until the effective date of new regulations adopted pursuant to Title 11, development applications within this Area of Special Concern shall be subject to Community Development Code Section 308, except as otherwise provided below:
 - 1) Day care facilities, cemeteries, ~~churches~~religious institutions and schools are prohibited due to the area’s designation as a Regionally Significant Industrial Area.

3. Amendments to Policy 43:

POLICY 43, COMMUNITY DESIGN FOR NEW URBAN AREAS:

New urban areas are urban unincorporated lands that came into the UGB in 2002 or later (with the exception of the Arbor Oaks Subarea). It is the policy of Washington County to provide community level planning for new urban areas consistent with regional planning requirements and the Board vision for establishing communities of distinction in new urban areas. In general, these communities are conceived of in a holistic manner with integration of the component elements and a well-designed and planned public realm.

Implementing Strategies

The County will:

- d. Adopt community plan and Code requirements to ensure that development in new urban areas is consistent with the applicable concept plan and the planning principles described below. Plan amendments in new urban areas shall also demonstrate consistency with the following planning principles.
 - 1. The natural setting shall be a fundamental consideration for community organization and design, including but not limited to features such as topography, views, and natural resources.
 - 2. New urban areas are planned at a neighborhood scale. As shown in the Community Plan, neighborhoods are geographic areas that have one or more discernable “center” or destination node. Most of the neighborhood’s dwelling units are within a five-minute walk of the neighborhood center (or an average of roughly one-quarter (1/4) mile). Edges mark the transition from one neighborhood to another. Examples of edges are a natural area, trail, or arterial or collector street. Each neighborhood shall include public and/or quasi-public uses that serve as destinations for members of the community, including but not limited to: a neighborhood park, a commercial area, a civic use and/or community gathering space (e.g., library, ~~church~~ religious institution). Wherever appropriate, these destination uses will be centrally located in the neighborhood, adjacent to higher density residential housing, and adjacent to one another in order to maximize efficient use of land such as through shared off-street parking.

- e. The adopted Concept Plan for each new urban area shall be used in the review of quasi-judicial plan amendments. The Concept Plan serves as the foundation for more specific community planning work such as assigning plan designations, residential density ranges, and allowed uses.
 - 1. Quasi-judicial plan amendments in the North Bethany Subarea shall demonstrate consistency with the North Bethany Concept Plan through adherence to fundamental design elements. Fundamental concept plan design elements include:

- i. Five neighborhoods, each approximately a quarter-mile from center to edge, organized around centrally-located public destinations (e.g., parks, commercial uses, schools), and with a variety of housing types.
- ii. A centrally located Main Street Area complemented by four smaller (approximately half-acre) commercial nodes. The smaller commercial nodes shall be located at a corner of the two intersecting streets in the North Bethany Subarea as shown on the applicable Neighborhood Plan map.
- iii. A park, trail, and open space plan with parks and trails open to public view and not enclosed by buildings and rear yards.
- iv. Prominently located community parks are connected by a series of park blocks along the east-west ridgeline formed by existing topography.
- v. A one and one-half (1 1/2) to two (2) acre neighborhood park in each neighborhood.
- vi. Residential densities arranged in a density transect with higher density residential uses located adjacent to commercial land uses, the Main Street Area, the community parks, and the Park Blocks, and lower density residential uses along natural resources and rural edges.
- vii. Existing and future community uses are incorporated into the Plan, including a cemetery, ~~church~~religious institution, the Portland Community College Rock Creek Campus and the three Beaverton School District properties.

Sections of the Community Development Code are amended to reflect the following:

1. Section 106 - DEFINITIONS

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

106-178 Religious Institution A building or other development used for a faith-based organization such as a church, mosque, temple or synagogue; together with its accessory uses and buildings, including but not limited to monasteries, offices, schools and living quarters for caretakers. In the Exclusive Farm Use (EFU) and the Agriculture and Forest (AF-20) Districts, the definition of Religious Institution is as set forth above, except that schools are not included as accessory uses.

2. Section 302 - R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

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.~~
- 302-4.65 Golf Course (may include Country Club) - Section 430-51.
- 302-4.76 Group Care - Section 430-53.
- 302-4.87 Heliport (Personal use only) - Section 430-59.
- 302-4.98 Hospital - Section 430-65.

- 302-4.409 Kennel - Section 430-73. |
- 302-4.4410 Public Building - Section 430-103. |
- 302-4.4211 Public Utility - Section 430-105. |
- 302-4.4312 Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet
- Section 430-109. |
- 302-4.4413 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109. |
- 302-4.4514 Single-Family Accessory Dwelling Unit - Section 430-117.1. |
- 302-4.4615 School - Section 430-121. |
- 302-4.4716 Special Recreation Use - Section 430-131. |
- 302-4.4817 Storage Area for Recreation Vehicles - Section 430-133. |
- 302-4.18 Religious Institution - Section 430-116. |

3. Section 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

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.~~ |
- 303-4.54 College - Section 430-31. |
- 303-4.65 Golf Course (may include Country Club) - Section 430-51. |

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- 303-4.76 Group Care - Section 430-53.1 through 53.5. |
- 303-4.87 Heliport (Personal use only) - Section 430-59. |
- 303-4.98 Hospital - Section 430-65. |
- 303-4.109 Kennel - Section 430-73. |
- 303-4.110 Public Building - Section 430-103. |
- 303-4.121 Public Utility - Section 430-105. |
- 303-4.1312 Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet |
- Section 430-109.
- 303-4.1413 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109. |
- 303-4.1514 School - Section 430-121. |
- 303-4.1615 Special Recreation Use - Section 430-131. |
- 303-4.1716 Storage Area for Recreation Vehicles - Section 430-133. |
- 303-4.17 Religious Institution – Section 430-116. |

4. Section 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

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.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- 304-4.5 ~~Church – Section 430-29.~~ |
- 304-4.65 Golf Course (may include Country Club) - Section 430-51. |
- 304-4.76 Group Care - Section 430-53.1 through 53.5. |
- 304-4.87 Heliport (Personal use only) - Section 430-59. |
- 304-4.98 Hospital - Section 430-65. |
- 304-4.109 Kennel - Section 430-73. |
- 304-4.110 Public Building - Section 430-103. |
- 304-4.121 Public Utility - Section 430-105. |
- 304-4.1312 Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109. |
- 304-4.1413 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109. |
- 304-4.1514 School - Section 430-121. |
- 304-4.1615 Special Recreation Use - Section 430-131. |
- 304-4.16 Religious Institution – Section 430-116. |

5. Section 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

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

- 305-4.1 Access to an existing solid waste disposal site - Section 430-127.3.
- 305-4.2 ~~Church – Section 430-29~~ |
- 305-4.32 Group Care - Section 430-53.1 through 53.5. |
- 305-4.43 Heliport (Personal use only) - Section 430-59. |

- 305-4.54 Kennel - Section 430-73. |
- 305-4.65 Professional Office - Section 430-101. |
- 305-4.76 Public Building - Section 430-103. |
- 305-4.87 Public Utility - Section 430-105. |
- 305-4.98 Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109. |
- 305-4.109 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109. |
- 305-4.110 Special Recreation Use – Section 430-131. |
- 305-4.11 Religious Institution – Section 430-116. |

6. Section 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

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

- ~~306-4.1 Church - Section 430-29.~~ |
- 306-4.21 Group Care - Section 430-53.1 through 53.5. |
- 306-4.32 Heliport (Personal use only) - Section 430-59. |
- 306-4.43 Kennel - Section 430-73. |
- 306-4.54 Professional Office - Section 430-101. |
- 306-4.65 Public Building - Section 430-103. |
- 306-4.76 Public Utility - Section 430-105. |
- 306-4.87 Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109. |
- 306-4.98 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109. |

~~306-4.409~~ Special Recreation Use – Section 430-131.

~~306-4.10~~ Religious Institution – Section 430-116.

7. Section 308 - FUTURE DEVELOPMENT 20 ACRE DISTRICT (FD-20)

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 for the Urban Area. 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., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan; see also Section 308-7.1.

~~308-4.2 Church - Section 430-29., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan; see also Section 308-7.1.~~

308-4.32 Commercial Chicken or Rabbit Raising.

308-4.43 Commercial Greenhouse.

308-4.54 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).

308-4.65 Contractor's Establishment.

308-4.76 Day Care Facility - Section 430-53.2., except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-4.87 Public Building - Section 430-103; see also Section 308-7.1.

- 308-4.98 Public Utility - Section 430-105; see also Section 308-7.1.
- 308-4.409 Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109; see also Section 308-7.1.
- 308-4.4410 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109; this use is prohibited in the North Bethany Subarea Plan.
- 308-4.4211 School - Section 430-121, except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan; see also Section 308-7.1.
- 308-4.12 Religious Institution – Section 430-116 except as prohibited in Area of Special Concern 7 in Policy 41 of the Comprehensive Framework Plan for the Urban Area, and Areas of Special Concern 6 and 7 in the East Hillsboro Community Plan; see also Section 308-7.1.

308-5 Prohibited Uses

- 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 308-4.31.

8. Section 309 - FUTURE DEVELOPMENT 10 ACRE DISTRICT (FD-10)

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~~
- 309-4.32 Commercial Chicken or Rabbit Raising.

- 309-4.43 Commercial Greenhouse.
- 309-4.54 Commercial Equestrian Uses, including Training Tracks, Riding Arenas and Stables (See Boarding of Horses - Section 430-21).
- 309-4.65 Contractor's Establishment.
- 309-4.76 Day Care Facility - Section 430-53.2.
- 309-4.87 Public Building - Section 430-103.
- 309-4.98 Public Utility - Section 430-105.
- 309-4.109 Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet - Section 430-109.
- 309-4.110 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.
- 309-4.11 Religious Institution – Section 430-116.

309-5 Prohibited Uses

- 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 309-4.3.1.

9. Section 311 - NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

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.~~
- 311-4.21 Public Buildings - such as a post office, police and fire stations at a scale oriented to the surrounding neighborhood - Section 430-103.
- 311-4.32 Public Utility - Section 430-105.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- 311-4.43 Special Recreation Use - Section 430-131.
- 311-4.54 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 (5000) square feet per neighborhood commercial center.
- 311-4.65 Communication Towers greater than two hundred (200) feet in height - Section 430-109.
- 311-4.76 Broadcast Towers – Section 430-109.
- 311-4.7 Religious Institution – Section 430-116.

10. Section 312 - OFFICE COMMERCIAL DISTRICT (OC)

312-3 Uses Which May Be Permitted Through a Type II Procedure

- 312-3.13 Membership Organizations –~~and including churches.~~ Religious institutions.

11. Section 313 - COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

- 313-3.17 Membership Organizations –~~and including churches.~~ Religious institutions.

12. Section 330 - INSTITUTIONAL DISTRICT (INS)

330-5 Uses Which May be Permitted Through a Type III Procedure

abcdef Proposed additions
~~abcdef~~ Proposed deletions

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.~~
- 330-5.76 College - Section 430-31.
- 330-5.87 Golf Course - Section 430-51.
- 330-5.98 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.
- 330-5.409 Heliport - Section 430-59.
- 330-5.4410 Hospital - Section 430-65.
- 330-5.4211 Park and Ride Facility - Section 430-89.
- 330-5.4312 ~~Private Club~~ Membership Organization (not including public eating and drinking establishment) - Section 430-99.
- 330-5.4413 Public Building - Section 430-103.
- 330-5.4514 Public Utility - Section 430-105.
- 330-5.4615 School - Section 430-121.
- 330-5.4716 Transit Center - Section 430-137.
- 330-5.4817 Communication Towers greater than two hundred (200) feet in height - Section 430-109.
- 330-5.4918 Broadcast Towers – Section 430-109.
- 330-5.19 Religious Institution – Section 430-116.

330-7.2 Screening and Buffering

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) Religious Institution~~Church~~;
- (4) College;
- (5) Group Care;
- (6) ~~Private Club~~Membership Organization

13. Section 340 - EXCLUSIVE FARM USE DISTRICT (EFU)

340-4 Uses Permitted Through a Type II Procedure

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

- O. ~~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.~~
Religious Institutions and Cemeteries in Conjunction with Religious Institutions - Section 430-116 and Section 430-27. This use is not permitted on high-value farmland. Religious institutions and cemeteries in conjunction with religious institutions within three (3) miles of an UGB must also comply with Section 340-6.

340-4.2 Permitted Uses which are subject to Section 340-4.3:

K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Private parks on any other land must comply with OAR 660-033. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable. Parks within three (3) miles of an UGB must also comply with Section 340-6.

Q. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing Section 340-4.3 provided at the time of Master Plan approval as evidence of compliance with ORS 215.296. State or regional parks within three (3) miles of an UGB must also comply with Section 340-6.

R. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. Community centers within three (3) miles of an UGB must also comply with Section 340-6.

T. 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. Schools within three (3) miles of an UGB must also comply with Section 340-6.

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 (1/2) mile of a community college. Armed forces reserve centers within three (3) miles of an UGB must also comply with Section 340-6.

~~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. Firearms training facility as provided in ORS 197.770. Firearms training facilities within three (3) miles of an UGB must also comply with Section 340-6.~~

340-5.2 Uses which may be allowed subject to Section 340-5.3:

~~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-UGB unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Campgrounds within three (3) miles of an UGB must also comply with Section 340-6.~~

~~D. Firearms training facility as provided in ORS 197.770.~~

~~E.D. Golf Course - Section 430-50. This use is not permitted on high-value farmland. Golf courses within three (3) miles of an UGB must also comply with Section 340-6.~~

~~F.E. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland. Hunting and fishing preserves within three (3) miles of an UGB must also comply with Section 344-6.~~

~~G.F. Living History Museum - Section 430-74. Living history museums within three (3) miles of an UGB must also comply with Section 340-6.~~

~~H.G. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 340-5.1(C).~~

~~I.H. 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 (1000) 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 non-surface 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.~~I. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103. Public buildings within three (3) miles of an UGB must also comply with Section 340-6.

~~K.~~J. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.

~~L.~~K. Utility Facility (commercial) for the generation of power for sale for public use - Section 430-141.

~~M.~~L. Broadcast and Communication Towers greater than two hundred (200) feet in height - Section 430-109.

~~N.M.~~ Transmission towers over two hundred (200) feet in height.

340-6 UGB Proximity Standards

- 340-6.1 No enclosed structure with a design capacity greater than one hundred (100) people, or group of enclosed structures with a total design capacity of greater than one hundred (100) people, shall be approved in connection with the use within three (3) miles of an UGB, unless an exception is approved pursuant to ORS 197.732 and OAR 660-004, or unless the structure is described in a master plan adopted under the provisions of OAR 660-034.
- 340-6.2 Any enclosed structures or group of enclosed structures described in Section 106-205 or within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) in existence as of June 17, 2010.
- 340-6.3 Existing facilities wholly within a farm use district may be maintained, enhanced or expanded on the same tract, subject to OAR 660-033.

340-76 Prohibited Uses

- 340-76.1 Structures or uses of land not specifically authorized by Section 340.
- 340-76.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.
- 340-76.3 Outdoor advertising displays and structures except as provided in Section 414.
- 340-76.4 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.
- 340-76.5 Auto wrecking yards.
- 340-76.6 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.
- 340-76.7 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.

340-78 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).

~~abc~~def Proposed additions
~~abc~~def Proposed deletions

- 340-~~87~~.1 Creation of lots or parcels for farm use not less than eighty (80) acres through a Type II procedure - Section 424-1.
- 340-~~87~~.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.
- 340-~~87~~.3 Creation of a lot or parcel for a nonfarm use, not including a dwelling, through a Type II procedure - Section 424-4.
- 340-~~87~~.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.
- 340-~~87~~.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-~~89~~ Dimensional Requirements

340-~~98~~.1 Lot Area:
See Section 340-~~78~~ - Creation of Lots or Parcels.

340-~~98~~.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-~~98~~.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.

340-98.4 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.

340-109 Access

All lots in this District shall either:

- 340-109.1 Abut a public street, or
- 340-109.2 Have an easement of record at least thirty (30) feet wide at the street, or as approved by the appropriate fire marshal.
- 340-109.3 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.

340-1140 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.

14. Section 344 - AGRICULTURE AND FOREST DISTRICT (AF-20)

344-4 Uses Permitted Through a Type II Procedure

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

~~O. 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~~
Religious Institutions and Cemeteries in Conjunction with Religious Institutions - Section 430-116 and Section 430-27. This use is exempt from Section 344-5.3. This use is not permitted on high-value farmland. Religious institutions and cemeteries in conjunction with religious institutions within three (3) miles of an UGB must also comply with Section 344-6.

344-4.2 Permitted Uses which are subject to Section 344-4.3:

K. Parks - Section 430-97. Private parks are not permitted on high-value farmland. Private parks on any other land must comply with OAR 660-033. Public parks include only the uses specified under OAR 660-034-0035 or OAR 660-034-0040, if applicable. Parks within three (3) miles of an UGB must also comply with Section 344-6.

Q. State or Regional Park uses listed in a County-approved Master Plan. See Section 383, State and Regional Park Overlay District. The county may rely on findings addressing Section 344-4.3 provided at the time of Master Plan approval as evidence of compliance with ORS 215.296. State or regional parks within three (3) miles of an UGB must also comply with Section 344-6.

R. Community centers - owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. Community centers within three (3) miles of an UGB must also comply with Section 344-6.

T. 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. Schools within three (3) miles of an UGB must also comply with Section 344-6.

344-5 Uses Which May be Permitted Through a Type III Procedure

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. Armed forces reserve centers within three (3) miles of an UGB must also comply with Section 344-6.
- 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.~~ Firearms Training Facility as provided in ORS 197.770. Firearms training facilities within (3) miles of an UGB must also comply with Section 344-6.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

- 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-UGB~~ unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4. Campgrounds within three (3) miles of an UGB must also comply with Section 344-6.

- ~~D. Firearms training facility as provided in ORS 197.770.~~
- ~~E.~~ D. Golf Course - Section 430-50. This use is not permitted on high-value farmland. Golf courses within three (3) miles of an UGB must also comply with Section 344-6.
- ~~F.~~ E. Hunting and Fishing Preserves - Section 430-69. This use is not permitted on high-value farmland. Hunting and fishing preserves within three (3) miles of an UGB must also comply with Section 344-6.
- ~~G.~~ F. Living History Museum - Section 430-74. Living history museums within three (3) miles of an UGB must also comply with Section 344-6.
- ~~H.~~ G. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Section 340-5.1(C).
- ~~I.~~ H. 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 (1000) 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 non-surface 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.~~I. Public Building - limited to community centers owned and operated by a governmental agency or nonprofit community organization - Section 430-103. Public buildings within three (3) miles of an UGB must also comply with Section 344-6.

~~K.~~J. Solid Waste Disposal Site - Section 430-127.2. This use is not permitted on high-value farmland.

~~L.K.~~ Utility Facility (commercial) for the generation of power for sale for public use -
Section 430-141.

~~M.L.~~ Broadcast and Communication Towers greater than two hundred (200) feet in
height - Section 430-109.

~~N.M.~~ Transmission towers over two hundred (200) feet in height.

344-6 UGB Proximity Standards

344-6.1 No enclosed structure with a design capacity greater than one hundred (100) people, or group of enclosed structures with a total design capacity of greater than one-hundred (100) people, shall be approved in connection with the use within three (3) miles of an UGB, unless an exception is approved pursuant to ORS 197.732 and OAR 660-004, or unless the structure is described in a master plan adopted under the provisions of OAR 660-034.

344-6.2 Any enclosed structures or group of enclosed structures described in Section 106-205 or within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) in existence as of June 17, 2010.

344-6.3 Existing facilities wholly within a farm use district may be maintained, enhanced or expanded on the same tract, subject to OAR 660-033.

344-7 Prohibited Uses

344-67.1 Structures or uses of land not specifically authorized by Section 344.

344-67.2 The use of a recreational vehicle for a residence, except as provided for under Section 430-135.2 A.

344-67.3 Outdoor advertising displays and structures except as provided in Section 414.

344-67.4 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.

344-67.5 Auto wrecking yards.

344-67.6 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.

344-67.7 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.

344-78 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).

344-78.1 Creation of lots or parcels for farm use not less than eighty (80) acres or more through a Type II procedure - Section 424-1.

344-78.2 Creation of a lot or parcel for a nonfarm dwelling through a Type III procedure - Section 424-3.

344-78.3 Creation of lots or parcels for nonfarm uses, not including a dwelling, through a Type II procedure - Section 424-4.

344-78.4 Creation of a parcel with an existing dwelling to be used for historic property through a Type II procedure - Section 424-5.

344-78.5 Creation of a parcel with an existing dwelling to be used as a residential home, as defined in ~~Subs~~Section 106-179, through a Type III procedure - Section 424-6.

344-89 Marginal Lands

344-89.1 Designation of Marginal Lands through a Type II procedure - Section 425.

344-89.2 All uses allowed under Section 344-3, 344-4 and 344-5 are allowed on marginal lands under the same procedures and standards.

344-89.3 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-~~89~~.4 Other than the additional uses of Section 344-~~98~~.3 all lands designated marginal are subject to all of the other provisions of the AF-20 District.

344-~~89~~.5 Land designated as marginal shall not qualify for assessment as zoned farmland.

344-910 Dimensional Requirements

344-910.1 Lot area:

See Section 344-~~87~~ - Creation of Parcels.

344-910.2 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.

344-910.3 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.

344-910.4 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.

344-4011 Access

All lots in this District shall either:

344-4011.1 Abut a public street; or

344-4011.2 Have an easement of record at least thirty (30) feet wide at the street or as approved by the appropriate fire marshal.

344-4011.3 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.

344-4412 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.

15. Section 346 - AGRICULTURE AND FOREST DISTRICT (AF-10)

346-4 Uses Which May be Permitted Through a Type III Procedure

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~~.D. Contractor's establishment – Section 430-34. |
- ~~F~~.E. Day Care Facility - Section 430-53.2. |
- ~~G~~.F. Golf Course - Section 430-50. |
- ~~H~~.G. Heliport - Section 430-59. |
- ~~I~~.H. Housing for Seasonal Farm and Forest Labor - Section 430-67. |
- ~~J~~.I. Hunting and Fishing Preserve (including Trout Farm) -Section 430-69. |
- ~~K~~.J. Kennel - Section 430-73. |
- ~~L~~.K. Operation for Exploration of Geothermal Resources as defined by ORS 522.005. |
- ~~M~~.L. ~~Private Club~~Membership Organization - Section 430-99. |
- ~~N~~.M. Public Building, limited to Governmental Structures, community buildings and museums, which serve the local area - Section 430-103. |
- ~~O~~.N. School - Section 430-121. |
- ~~P~~.O. Shooting Clubs - Section 430-125. |
- ~~Q~~.P. Solid Waste Disposal Site - Section 430-127. |
- ~~R~~.Q. Utility Facility (Commercial) for the generation of power for sale for public use - Section 430-141. |
- ~~S~~.R. Veterinary or Animal Hospital. |
- ~~T~~.S. Winery - May include accessory tasting room and incidental sales - Section 430-145.2. |
- ~~U~~.T. Outdoor Performing Arts Center - Section 430-88. |
- ~~V~~.U. Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109. |
- ~~W~~.V. Emergency Response/Safety Training Center - Section 430-44. |
- ~~X~~.W. Home Occupation - Section 430-63.3. |
- ~~Y~~.X. Broadcast Towers to a maximum height of one hundred (100) feet - Section 430-109. |
- Y. Religious Institution – Section 430-116. |

16. Section 348 - AGRICULTURE AND FOREST DISTRICT (AF-5)

348-4 Uses Which May be Permitted Through a Type III Procedure

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. D.~~ Contractor’s Establishment – Section 430-34.
- ~~F. E.~~ Day Care Facility - Section 430-53.2.
- ~~G. F.~~ Golf Course - Section 430-50.
- ~~H. G.~~ Heliport - Section 430-59.
- ~~I. H.~~ Housing for Seasonal Farm and Forest Labor - Section 430-67.
- ~~J. I.~~ Hunting and Fishing Preserve (including a trout farm) Section 430-69.
- ~~K. J.~~ Kennel - Section 430-73.
- ~~L. K.~~ Operation for Exploration of Geothermal Resources as defined in ORS 522.005.
- ~~M. L.~~ Private Club Membership Organization - Section 430-99.
- ~~N. M.~~ Public Building, limited to Governmental Structures, community buildings and museums, which serve the local area - Section 430-103.
- ~~O. N.~~ Schools - Section 430-121.
- ~~P. O.~~ Shooting Clubs - Section 430-125.
- ~~Q. P.~~ 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-Q~~ Veterinary or Animal Hospital. |
- ~~S-R~~ Winery - May include accessory tasting room and incidental sales - Section 430-145.2. |
- ~~T-S~~ Emergency Response/Safety Training Center - Section 430-44. |
- ~~U-T~~ Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet - Section 430-109. |
- ~~V-U~~ Home Occupation - Section 430-63.3. |
- ~~W-V~~ Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109. |
- W Religious Institution - Section 430-116. |

17. Section 350 - RURAL RESIDENTIAL FIVE ACRE MINIMUM DISTRICT (RR-5)

350-4 Uses Which May be Permitted Through a Type III Procedure

- 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-C~~ Golf Course, Country Club - Section 430-50. |
 - ~~E-D~~ Day Care Facility - Section 430-53.2. |
 - ~~F-E~~ Heliport - Section 430-59. |
 - ~~G-F~~ Kennel - Section 430-73. |
 - ~~H-G~~ Operation for Exploration of Geothermal Resources as defined by ORS 522.005. |

~~I~~H. Public Buildings, limited to governmental structures, community buildings and museums, which serve the local area - Section 430-103.

~~J~~I. Public Utility - Section 430-105.

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

~~L~~K. School - Section 430-121.

~~M~~L. Special Recreation Use - Section 430-131.

~~N~~M. Storage Area for Recreation Vehicles (Community) Camper, Travel Trailer, Mobile Home, Boat - Section 430-133.

~~O~~N. Veterinary or Animal Hospital.

~~P~~O. Winery - May include accessory tasting room and incidental sales - Section 430-145.2.

~~Q~~P. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

Q. Religious Institution - Section 430-116.

18. Section 352 - RURAL COMMERCIAL DISTRICT (R-COM)

352-3 Uses Which May Be Permitted Through a Type II Procedure

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.~~

DE. 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.

E.F. Contractor's establishment for such things as installation of drain tiles, logging contractor, farming contractor and similar uses – Section 430-34.

E.G. Eating and Drinking Establishments.

G.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.

H.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.

I.J. Farm or forest implement equipment and related merchandise sales when the sales area is fenced or a landscaped buffer is provided. These uses are exempt from Section 352-3.2.

J.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.

K.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.

L.M. Offices.

M.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.

N.O. Personal Service Establishment.

O.P. Public Building, limited to governmental structures, community buildings and museums, serving the local area - Section 430-103.

~~P.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.

~~Q.R.~~ Private Club Membership Organization - Section 430-99.

~~R.S.~~ Radio Station.

~~S.T.~~ Recycling Center - Section 430-115.

~~T.U.~~ Sale of merchandise in an enclosed building.

~~U.V.~~ Service Station and/or Car Wash - Section 430-123.

~~V.W.~~ Temporary Use - Section 430-135.2 A. This use is exempt from Section 352-3.2.

~~W.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.

~~X.Y.~~ Veterinarian or Animal Hospital.

~~Y.Z.~~ Winery, including a tasting room and sales - Section 430-145.2.

~~Z.AA.~~ Communication Towers greater than seventy-five (75) feet and up to two hundred (200) feet in height - Section 430-109.

~~AA.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.

~~BB.CC.~~Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

CC. Religious Institution – Section 430-116.

19. Section 354 - RURAL INDUSTRIAL DISTRICT (R-IND)

354-3 Uses Permitted Through a Type II Procedure

354-3.1 Permitted Uses:

E. Public Building, limited to governmental structures, ~~community buildings and museums,~~ which serve the local area - Section 430-103.

20. Section 356 - LAND EXTENSIVE INDUSTRIAL DISTRICT (MAE)

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.

H. Public Building, limited to governmental structures, ~~community buildings and museums,~~ which serve the local area - Section 430-103.

21. Section 375 - TRANSIT ORIENTED DISTRICTS

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

- 19. ~~Churches-Religious Institutions~~ in the TO:RC, TO:BUS and TO:EMP Districts shall share all needed parking with other uses. ~~Churches-Religious Institutions~~ 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.

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:		(18)							
Hospitals	N	N	N	N	N	N	N	N	N
Churches Religious Institutions(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

abcdef Proposed additions
~~abcdef~~ Proposed deletions

22. Section 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-15 Institutional North Bethany District (INST NB)

390-15.1 Intent and Purpose

The INST NB District is intended to implement the policies of the Comprehensive Plan and the North Bethany Subarea Plan by providing standards and procedures for existing quasi-public institutional facilities and future public facilities and services in the North Bethany Subarea.

The purpose of the District is to provide for identification of existing quasi-public institutional facilities (~~church~~religious institution, cemetery) and future public institutional uses and services (e.g., schools, fire station, parks) identified through the planning of the North Bethany Subarea. The District is intended to allow public and quasi-public service providers the assurance that future sites identified through the North Bethany planning process will be available for the uses specifically identified when they are needed.

390-15.4 Uses Which May be Permitted Through a Type III Procedure

- A. Cemetery - Section 430-27.
- B. ~~Church~~ — ~~Section 390-16.1.~~
- ~~C~~. Nursery (Pre-School) – Section 390-16.9.
- ~~D~~. Public Building limited to fire station, library, and other uses accessory to the primary use (e.g., community meeting room[s]) – Section 390-16.10.
- ~~E~~. School – Section 390-16.11.
- ~~F~~. Park and Ride Facility – new facilities; see Section 430-89.
- F. Religious Institution – Section 430-116.

390-16 Special Use Standards

In addition to the requirements of Section 390 and Sections 400 through 429, the following standards are provided for specific uses.

390-16.1 ~~Church~~ (Religious Institution)

~~A building or other development used for a faith-based organization such as a church, mosque, temple or synagogue; together with its accessory uses and buildings, including but not limited to monasteries, offices, schools, and living quarters for caretakers. A building constructed or utilized primarily for public worship, together with its accessory uses and buildings, including rectory, parsonage, and living quarters for custodians and caretakers, where persons regularly assemble for religious worship and which is controlled by a religious body organized to sustain public worship.~~

390-16.8 Membership Organization

A Membership Organization includes buildings and grounds used for and operated by a nonprofit organization, whose membership is by invitation and election according to qualifications in the organization’s charter or bylaws. The use of the organization’s facilities is primarily restricted to members and their guests. Membership Organizations may be allowed subject to the following:

A. Yard Requirements:

The minimum yard requirements shall be:

- (1) Twenty (20) foot front yard; in the Institutional North Bethany Land Designation, the front yard setback is fifteen (15) feet.
- (2) Side and rear yard setbacks: Twenty (20) feet. This distance shall increase by five (5) feet for each story in excess of two (2) stories.
- (3) On a corner lot, the side or rear yard abutting the street shall be twenty (20) feet.

B. A minimum ten (10) foot landscape area shall be provided in all required yards that abut land with a residential designation and shall be:

- (1) Free from all parking and loading areas, refuse and recyclable storage areas and utility facilities, except that ground-mounted utility boxes no greater than thirty-six (36) inches in height may be located provided that they adequately screened with low-growing shrubs or other similar landscape screen; and
- (2) Planted with the following landscaping placed every one hundred (100) lineal feet of landscape area:
 - Four (4) canopy trees
 - Four (4) understory trees
 - Ten (10) shrubs

C. Existing mature landscaping may be incorporated into the required landscape area.

D. Gaps in fences, walls or landscaping are allowed if required by Section 408.

23. Section 413 - PARKING AND LOADING

413-7 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
413-7.1	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
413-7.2	Institutional:	
	A. Churches, temples, or buildings of similar use with fixed seats	One (1) space for each two (2) seats
	A. <u>Assembly Halls including religious institutions, temples, mosques, lodge halls, meeting halls, theaters, auditoriums and community centers or buildings of a similar use</u>	<u>Fixed Seats: One (1) space for each three (3) seats</u> <u>Without Fixed Seats: One (1) space for each four (4) persons allowed by maximum seating capacity as established by fire, building, or health codes</u>
	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

USE		MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE
		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
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.F.	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.G.	Public office building not specified elsewhere	Two and seven-tenths (2.7) for each thousand (1000) square feet of gross floor area
H.	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
H.I.	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.J.	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.K.	Telecommunication Facilities (manned) subject to Section 430-109	Two (2) spaces plus one space for each two (2) employees

413-7.3

Business and Commercial:		
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.A.	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.B.	Automobile service station	Two (2) for each lubrication, stall rack or pit; and one (1) for each gasoline pump
D.C.	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.D.	Bowling alleys	Four (4) for each one (1) bowling lane, plus one (1) for each employee on a maximum working shift
F.E.	Commercial schools	To be determined through Development Review
G.F.	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.G.	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.H.	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.I.	Laundromats and coin-operated dry cleaners	One (1) for each two (2) washing machines
K.J.	Miniature or "par 3" golf courses	Three (3) for each one (1) hole plus one (1) for each employee
L.K.	Mortuary	One (1) for each fifty (50) square feet of usable floor space, plus one (1) for each employee on maximum working shift
M.L.	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 413-7.3 A and H above, where the capacity of such areas exceeds the number of beds in the building
N.M.	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.N.	Retail stores, except as otherwise specified herein	Four and one-tenth (4.1) for each thousand (1000) square feet of gross area

413-7.4	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 413-7.4 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
413-7.5	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

24. Section 430 - SPECIAL USE STANDARDS

430-99 ~~Private Club~~ Membership Organization

A ~~Private Club~~ Membership Organization 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~~ Membership Organizations may be allowed subject to the following:

430-~~29~~430-116 ~~Church~~ (Religious Institution)

~~A building or other development used for a faith-based organization such as a church, mosque, temple or synagogue; together with its accessory uses and buildings, including but not limited to monasteries, offices, schools, and living quarters for caretakers. 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-~~116~~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-~~116~~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-~~116~~29.3 The minimum front yard for buildings under forty-five (45) feet in height shall be thirty (30) feet;

430-~~116~~29.4 The minimum front yard for buildings over forty-five (45) feet in height shall be forty-five (45) feet;

430-~~116~~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-~~116~~29.6 Signage shall be subject to the standards outlined under Section 414-2 (Institutional Districts); except as provided otherwise in the Institutional District (Section 330-9).

430-116.7 Building heights shall be subject to the standards outlined under Section 330 (Institutional District).

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:

I. Temporary ~~Church~~Religious Institution in the Industrial District (Section 320)

A ~~church~~religious institution may be allowed as a temporary use in the Industrial District when the following standards are met:

- (1) The ~~church~~religious institution is located in an existing building in an Industrial Business Park which has been approved through Section 430-71;
- (2) ~~Church~~Religious institution 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.