




August 25, 2014

To: Washington County Board of Commissioners

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED LAND USE ORDINANCE NO. 784 - An Ordinance Amending the Community Development Code Relating to Farmers Markets**

**STAFF REPORT**

**For the September 2, 2014 Board of Commissioners Hearing**  
*(The public hearing will begin no sooner than 10:00 am)*

**I. STAFF RECOMMENDATION**

Conduct the first required public hearing on the engrossed ordinance. At the conclusion of public testimony, continue the hearing to September 23, 2014.

**II. BACKGROUND**

At the August 5, 2014 public hearing on proposed Ordinance No. 784, the Board directed engrossment of the ordinance and continued the hearing to September 2 and September 23, 2014. The Board further directed staff to provide notice of the changes and engrossment hearings schedule as required by Chapter X of the County Charter.

Staff prepared and mailed Individual Notice No. 2014-15 which describes the changes to Ordinance No. 784 and lists the two hearing dates for the engrossed ordinance. This notice was mailed to interested parties and individuals on the General Notification List on August 22, 2014. Copies of A-Engrossed Ordinance No. 784 were mailed to the Citizen Participation Organizations (CPOs), and notice of the engrossment was mailed to Washington County cities, special service districts, CPOs and Metro. Notice was also posted on Long Range Planning's land use ordinance web page.

A copy of A-Engrossed Ordinance No. 784 and the Individual Notice are included in the Board's meeting materials for the September 2, 2014 hearing.

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

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
phone: (503) 846-3519 · fax: (503) 846-4412 · www.co.washington.or.us

### **III. SUMMARY OF ENGROSSMENT**

The Board directed staff to make several changes to Ordinance No. 784. The changes to Ordinance 784 are generally described below:

- Ensure a clear distinction between farm stands and farmers markets by clarifying that a farmers market is not an allowed use in Exclusive Farm Use (EFU) or Agriculture and Forest (AF-20) land use districts.
- Revise the hours of operation to allow a start time of 5:00 a.m. from the previously proposed 6:00 a.m. start time.
- Revise the percentage of required farm products, value-added farm products, and producers to 50 % (from initially proposed 75 %) averaged over the market season.
- Add Principal Arterial to the roadway classifications to which a farmers market must be adjacent.
- Specify all residential land use districts where a farmers market is not an allowed use.



August 22, 2014

**Individual Notice No. 2014-15**

**At your request, Long Range Planning is providing you with Individual Notice No. 2014-15, which describes changes that were made to proposed Land Use Ordinance No. 784.**

**These changes have been incorporated into proposed A-Engrossed Ordinance No. 784.**

**Initial Notice**

On July 2, 2014, persons on the General Notification List were mailed a notice from Washington County Long Range Planning regarding initial public hearings before the Planning Commission and the Board of Commissioners (Board) for proposed Land Use Ordinance No. 784.

After public hearings for Ordinance No. 784, the Board ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 784** and are summarized below. As required by Chapter X of the County Charter, the Board has directed staff to prepare and provide you with notice of these amendments. This notice, which describes the changes to proposed Ordinance No. 784, is the second Individual Notice you have received on this ordinance this year.

**Purpose and Description of Proposed Ordinance**

As originally filed, Ordinance No. 784 proposed the following amendments to the Community Development Code (CDC):

- Adds definitions for Farmers Market and Mini-Farmers Market and allowable products.
- Removes Type II Procedure application requirement.
- Allows a farmers market through a Type I Procedure in all non-residential zones in the urban area and in Rural Commercial and Rural Industrial, subject to conditions.
- Provides for a Type I Procedure - Temporary Use permit and specifies conditions to be met prior to permit issuance.
- Allows for a mini-farmers market (maximum five vendors) subject to the same requirements as a farmers market except that it would be allowed in all Institutional districts with no road classification restrictions.
- Clarifies that Ordinance No. 784 does not change any CDC provisions relating to the North Bethany Subarea.

**Who is Affected**

Property owners in all business, commercial, industrial, institutional, rural industrial, and rural commercial land use designated areas in unincorporated Washington County (except within the North Bethany Subarea) where they abut a Collector, Arterial, or Principal Arterial as defined in the Washington County Transportation Plan.

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Long Range Planning**

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phone: (503) 846-3519 · fax: (503) 846-4412 · TTY: (503) 846-4598 · [www.co.washington.or.us](http://www.co.washington.or.us)

**What Land is Affected**

Properties with an Institutional land use designation and the following land use designations that abut a Collector, Arterial or Principal Arterial roadway:

- Community Business District
- General Commercial
- Neighborhood Commercial
- Office Commercial
- Industrial
- Transit Oriented Employment
- Transit Oriented Retail Commercial
- Transit Oriented Business
- Rural Commercial
- Rural Industrial

**Summary of Changes to Ordinance No. 784**

- Specifies all residential land use districts where a farmers market is not an allowed use.
- Adds Principal Arterial to the roadway classifications to which a farmers market site must be adjacent.
- Ensures clear distinction between farm stands and farmers markets by clarifying that a farmers market is not an allowed use in Exclusive Farm Use (EFU) or Agriculture and Forest (AF-20) land use districts.
- Revises the starting time for a farmers market to 5:00 a.m. from the previously proposed 6:00 a.m.
- Revises the percentage of required farm product, value-added farm product, and producers to 50%, from the previously proposed 75%, as averaged over the market season.

**Public Hearings Time and Place**

**Board of Commissioners  
September 2, 2014  
10:00 am**

**Board of Commissioners  
September 23, 2014  
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 September 23, 2014, the Board may choose to adopt the ordinance, make additional changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on September 23, 2014, the ordinance would become effective on October 23, 2014.

**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  
Telephone: 503-846-3519 Fax: 503-846-4412

**Staff Contact**

Mike Dahlstrom, Senior Planner  
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-8101 Fax: 503-846-4412  
e-mail: [mike\\_dahlstrom@co.washington.or.us](mailto:mike_dahlstrom@co.washington.or.us)

**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/2014-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-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.

**Plan Documents  
Affected by  
A-Engrossed  
Ordinance No. 784**

*For more information  
about these plan  
documents, please call  
Long Range Planning at  
(503) 846-3519.*


WASHINGTON COUNTY COMPREHENSIVE PLAN DOCUMENTS			
Comprehensive Framework Plan for the Urban Area <input type="checkbox"/>	Rural/Natural Resource Plan <input type="checkbox"/>	Exceptions Statement Document <input type="checkbox"/>	
Urban Community Plan: <input type="checkbox"/>			
Community Development Code <input checked="" type="checkbox"/>	Transportation Plan <input type="checkbox"/>	Public Facility Plan <input type="checkbox"/>	Urban Planning Area Agreement <input type="checkbox"/>



# WASHINGTON COUNTY OREGON

August 22, 2014

To: Washington County Cities and Special Service Districts

From: Andy Back, Manager   
Planning and Development Services

**Subject: A-Engrossed Land Use Ordinance No. 784**

After initial public hearings for Ordinance No. 784, the Washington County Board of Commissioners (Board) ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 784** and are summarized below. The engrossed ordinance is available on the Washington County web site at:

[www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2014-land-use-ordinances.cfm)

If you would like a copy of this ordinance or additional information, please contact Long Range Planning at (503) 846-3519.

The public hearings for this ordinance before the Board are listed below. The hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

### Public Hearings

#### Board of Commissioners

**September 2, 2014  
10:00 am**

**September 23, 2014  
6:30 pm**

### A-Engrossed Ordinance No. 784

**A-Engrossed Ordinance No. 784** proposes to expand allowable locations and lowers the application fee for farmers markets to encourage these markets in non-residential urban and rural land use designations. The Community Development Code (CDC) currently allows a farmers market in General Commercial district and requires a Type II application process.

The ordinance proposes all farmers market and mini-farmers market applications to be processed as a Type I Temporary Use permit good for one year and renewable annually. Farmers markets would be subject to a number of requirements outlined in the proposed ordinance.

A-Engrossed Ordinance No. 784 includes amendments to CDC Sections 106, 302, 303, 304, 305, 306, 307, 308, 309, 314, 352, 354, 375, 390, and 430.

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

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phone: (503) 846-3519 · fax: (503) 846-4412 · [www.co.washington.or.us](http://www.co.washington.or.us)

As originally filed, Ordinance No. 784 proposed the following amendments:

- Adds definitions for Farmers Market and Mini-Farmers Market and allowable products.
- Removes Type II Procedure application requirement.
- Allows a farmers market through a Type I Procedure in all non-residential zones in the urban area and in Rural Commercial and Rural Industrial, subject to conditions.
- Provides for a Type I Procedure - Temporary Use permit and specifies conditions to be met prior to permit issuance.
- Allows for a mini-farmers market (maximum five vendors) subject to the same requirements as a farmers market except that it would be allowed in all Institutional districts with no road classification restrictions.
- Clarifies that Ordinance No. 784 does not change any CDC provisions relating to the North Bethany Subarea.


A-Engrossed Ordinance No. 784 incorporates all amendments originally proposed in Ordinance No. 784 and includes the following additional changes:

- Specifies all residential land use districts where a farmers market is not an allowed use.
- Adds Principal Arterial to the roadway classifications to which a farmers market site must be adjacent.
- Ensures clear distinction between farm stands and farmers markets by clarifying that a farmers market is not an allowed use in Exclusive Farm Use (EFU) or Agriculture and Forest (AF-20) land use districts.
- Revises the starting time for a farmers market to 5:00 a.m. from the previously proposed 6:00 a.m.
- Revises the percentage of required farm product and value-added farm product, and producers to 50%, from the previously proposed 75%, as averaged over the market season.



August 22, 2014

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 784**

On June 6, 2014, you were notified about initial public hearings for proposed Land Use Ordinance No. 784 before the Planning Commission on July 16, 2014, and the Board of Commissioners (Board) on August 5, 2014. The Board ordered substantive amendments to this ordinance on August 5, 2014. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 784** and are summarized below.

### **Ordinance Purpose and Summary**

Proposed A-Engrossed Ordinance No. 784 expands allowable locations and lowers the application fees for farmers markets to encourage these markets in non-residential urban and rural land use designations. The Community Development Code (CDC) currently allows a farmers market only in the General Commercial district and requires a Type II application process.

The ordinance proposes all farmers and mini-farmers market applications be processed as a Type I Temporary Use permit good for one year and renewable annually. Farmers markets would be subject to a number of requirements outlined in the proposed ordinance.

This ordinance responds to community input regarding the goal to increase access to fresh foods in more locations and encourage the type of small business incubation that occurs in other jurisdictions' farmers markets.

### **Who is Affected**

Property owners in all business, commercial, industrial, institutional, rural industrial, and rural commercial land use designated areas in unincorporated Washington County (except within the North Bethany Subarea) where they abut a Collector, Arterial or Principal Arterial as defined in the Washington County Transportation Plan.

### **What Land is Affected**

Properties with an Institutional land use designation and the following land use designations that abut a Collector, Arterial or Principal Arterial roadway:

- Community Business District
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- Neighborhood Commercial
- Office Commercial
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- Transit Oriented Retail Commercial
- Transit Oriented Business
- Rural Commercial
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### **Original Ordinance No. 784 Provisions**

As originally filed, Ordinance No. 784 proposed the following amendments to the Community Development Code:

- Adds definitions for Farmers Market and Mini-Farmers Market and allowable products.
- Removes Type II Procedure application requirement.
- Allows a farmers market through a Type I Procedure in all non-residential zones in the urban area and in Rural Commercial and Rural Industrial, subject to conditions.
- Provides for a Type I Procedure - Temporary Use permit and specifies conditions to be met prior to permit issuance.
- Allows for a mini-farmers market (maximum five vendors) subject to the same requirements as a farmers market except that it would be allowed in all Institutional districts with no road classification restrictions.
- Clarifies that Ordinance 784 does not change any CDC provisions relating to the North Bethany Subarea.

### **Proposed A-Engrossed Ordinance No. 784 Provisions**

Proposed **A-Engrossed Ordinance No. 784** incorporates all of the above-described amendments plus the following proposed amendments:

- Specifies all residential land use districts where a farmers market is not an allowed use.
- Adds Principal Arterial to the roadway classifications to which a farmers market site must be adjacent.
- Ensures clear distinction between farm stands and farmers markets by clarifying that a farmers market is not an allowed use in Exclusive Farm Use (EFU) or Agriculture and Forest (AF-20) land use districts.
- Revises the starting time for a farmers market to 5:00 a.m. from the previously proposed 6:00 a.m.
- Revises the percentage of required farm product, value-added farm product, and producers to 50%, from the previously proposed 75%, as averaged over the market season.

### **Public Hearings - Time and Place**

#### **Board of Commissioners**

**September 2, 2014**  
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**Community  
Development Code  
Standards Amended**

- Section 106 – DEFINITIONS
- Section 302 – R-5 DISTRICT
- Section 303 – R-6 DISTRICT
- Section 304 – R-9 DISTRICT
- Section 305 – R-15 DISTRICT
- Section 306 – R-24 DISTRICT
- Section 307 – R-25+ DISTRICT
- Section 308 – FD-20 DISTRICT
- Section 309 – FD-10 DISTRICT
- Section 314 – GENERAL COMMERCIAL (GC)
- Section 352 – RURAL COMMERCIAL (R-COM)
- Section 354 – RURAL INDUSTRIAL (R-IND)
- Section 375 – TRANSIT ORIENTED DISTRICTS
- Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT
- Section 430 – SPECIAL USE STANDARDS

**How to Submit  
Comments**

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Telephone: 503-846-8101 Fax: 503-846-4412  
e-mail: mike\_dahlstrom@co.washington.or.us

**Proposed A-Engrossed  
Ordinance No. 784 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  
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- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs) Call 503-821-1128 for a directory of CPOs.

FILED

AUG 19 2014

Washington County  
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 784

An Ordinance Amending the Community  
Development Code Relating to Farmers Markets

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 Community Development Code Element of the Comprehensive Plan  
(Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance  
No. 308, and 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, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-  
758, 760, 762, 763, 765, 766, and 769-776.

B. As part of its ongoing planning efforts Washington County staff has identified  
amendments to the Community Development Code to allow for Type I, temporary use  
permits and to expand allowable land use designations for the operation of farmers markets.

1 The Board recognizes that such changes are necessary from time to time for the benefit and  
2 welfare of the residents of Washington County, Oregon.

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

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

## 15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted  
17 as amendments to the designated documents as follows:

- 18 1. Exhibit 1 (9 pages), amending the following sections of the Community  
19 Development Code:
  - 20 a. Section 106 – DEFINITIONS:
    - 21 i. Section 106-80 is added to define Farmers Market;
    - 22 ii. Section 106-80.1 is added to define Mini Farmers Market;

- 1                   iii. Section 106-80.2 is added to define Farm Products;
- 2                   iv. Section 106-80.3 is added to define Producer;
- 3                   v. Section 106-80.4 is added to define Value-added Farm Product;
- 4                   b. Section 302-2.9 of the RESIDENTIAL 5 UNITS PER ACRE DISTRICT
- 5                   (R-5) is amended to exclude Farmers Markets;
- 6                   c. Section 303-2.9 of the RESIDENTIAL 6 UNITS PER ACRE DISTRICT
- 7                   (R-6) is amended to exclude Farmers Markets;
- 8                   d. Section 304-2.11 of the RESIDENTIAL 9 UNITS PER ACRE DISTRICT
- 9                   (R-9) is amended to exclude Farmers Markets;
- 10                  e. Section 305-2.9 of the RESIDENTIAL 15 UNITS PER ACRE DISTRICT
- 11                  (R-15) is amended to exclude Farmers Markets;
- 12                  f. Section 306-2.9 of the RESIDENTIAL 24 UNITS PER ACRE DISTRICT
- 13                  (R-24) is amended to exclude Farmers Markets;
- 14                  g. Section 307-2.8 of the RESIDENTIAL 25+ UNITS PER ACRE
- 15                  DISTRICT (R-25+) is amended to exclude Farmers Markets;
- 16                  h. Section 308-2.8 of the FUTURE DEVELOPMENT 20-ACRE DISTRICT
- 17                  (FD-20) is amended to exclude Farmers Markets;
- 18                  i. Section 309-2.8 of the FUTURE DEVELOPMENT 10-ACRE DISTRICT
- 19                  (FD-10) is amended to exclude Farmers Markets;
- 20                  j. Section 314-3.12 of the GENERAL COMMERCIAL DISTRICT (GC) is
- 21                  amended to delete Farmers Market as a use permitted through a Type II
- 22                  Procedure;

- 1 k. Sections 352-2.4 and 352-3.1 of the RURAL COMMERCIAL DISTRICT  
2 (R-COM) are amended to allow Farmers Markets as a temporary use;
- 3 l. Sections 354-2.2 and 354-3.1 of the RURAL INDUSTRIAL DISTRICT  
4 (R-IND) are amended to allow Farmers Markets as a temporary use;
- 5 m. Section 375-7 24 of the TRANSIT ORIENTED DISTRICTS is amended  
6 to prohibit Farmers Markets from all residential Transit Oriented Districts;
- 7 n. Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT:
- 8 i. Section 390-8.2 K of the R-6 North Bethany District (R-6 NB) is  
9 amended to exclude Farmers Markets;
- 10 ii. Section 390-9.2 L of the R-9 North Bethany District (R-9 NB) is  
11 amended to exclude Farmers Markets;
- 12 iii. Section 390-10.2 I of the R-15 North Bethany District (R-15 NB) is  
13 amended to exclude Farmers Markets;
- 14 iv. Section 390-11.2 I of the North Bethany District (R-24 NB) is  
15 amended to exclude Farmers Markets;
- 16 v. Section 390-12.2 H of the R-25+ North Bethany District (R-25+ NB)  
17 is amended to exclude Farmers Markets;
- 18 vi. Section 390-13.2 of the Neighborhood Corner Commercial District  
19 (NCC NB) is amended to specifically exclude Farmers Markets as  
20 a temporary use permitted through a Type I Procedure;
- 21 vii. Section 390-14.2 of the Neighborhood Commercial Mixed Use  
22 District (NCMU NB) is amended to specifically exclude Farmers

- 1 Markets as a temporary use permitted through a Type I Procedure;
- 2 viii. Section 390-15.2 of the Institutional North Bethany District (INST
- 3 NB) is amended to exclude Farmers Markets;
- 4 o. Section 430 – Special Use Standards is amended to provide standards
- 5 regarding Farmers Markets.

6 SECTION 3

7 All other Comprehensive Plan provisions that have been adopted by prior ordinance,

8 which are not expressly amended or repealed herein, shall remain in full force and effect.

9 SECTION 4

10 All applications received prior to the effective date shall be processed in accordance

11 with ORS 215.427.

12 SECTION 5

13 If any portion of this Ordinance, including the exhibits, shall for any reason be held

14 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be

15 affected thereby and shall remain in full force and effect.

16 SECTION 6

17 The Office of County Counsel and Department of Land Use and Transportation are

18 authorized to prepare planning documents to reflect the changes adopted under Section 2 of

19 this Ordinance, including deleting and adding textual material and maps, renumbering pages

20 or sections, and making any technical changes not affecting the substance of these

21 amendments as necessary to conform to the Washington County Comprehensive Plan format.

22 ///

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, being the \_\_\_\_\_ reading  
4 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington  
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 \_\_\_\_\_  
9 CHAIRMAN

10 \_\_\_\_\_  
11 RECORDING SECRETARY

12 READING

13 PUBLIC HEARING

14 First \_\_\_\_\_  
15 Second \_\_\_\_\_  
16 Third \_\_\_\_\_  
17 Fourth \_\_\_\_\_  
18 Fifth \_\_\_\_\_

14 First \_\_\_\_\_  
15 Second \_\_\_\_\_  
16 Third \_\_\_\_\_  
17 Fourth \_\_\_\_\_  
18 Fifth \_\_\_\_\_

19 VOTE: *Aye*: \_\_\_\_\_

19 *Nay*: \_\_\_\_\_

20 Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_



The following sections of the Community Development Code area amended as shown below:

**1. Section 106 DEFINITIONS**

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**106-79** Farm Use As defined by Oregon Revised Statutes

**106-80** Farmers Market An outdoor market open to the public, operated by a public agency, a nonprofit corporation, or one or more producers, at which:

A. At least fifty (50) percent of the products sold are farm products or value-added farm products as computed over the entirety of the market offerings or within a vendor’s mix of offerings and over the length of the market season;

B. At least fifty (50) percent of the vendors regularly participating during the market’s hours of operation are producers, or family members or employees of producers; and-

C. Farmers Markets are distinct from Farm Stands and are not allowed in EFU or AF-20 land use districts.

**106-80.1** Mini Farmers Market Defined same as farmers market but with a maximum of five (5) vendors.

**106-80.2** Farm Products Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock and dairy food products (including meat, milk, cheese and other dairy products), poultry, seafood, fish, or similar products approved by the Director or the Director’s designee.

**106-80.3** Producer A person or business that raises or produces farm products on land that the person or business farms and owns, rents, or leases. Also means a person or business that propagates and/or harvests fish, seafood, or other aquatic species.

**106-80.4** Value-added Farm Product Any product processed by a producer from a farm product such as baked goods, jams, and jerky.

\*\*\*

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

\*\*\*

**302-2** Uses Permitted Through a Type I Procedure

\*\*\*

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

302-2.9 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

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

\*\*\*

303-2 Uses Permitted Through a Type I Procedure

\*\*\*

303-2.9 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

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

\*\*\*

304-2 Uses Permitted Through a Type I Procedure

\*\*\*

304-2.11 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

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

\*\*\*

305-2 Uses Permitted Through a Type I Procedure

\*\*\*

305-2.9 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

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

\*\*\*

306-2 Uses Permitted Through a Type I Procedure

\*\*\*

306-2.9 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

**7. Section 307 – R-25+ DISTRICT (RESIDENTIAL 25+ UNITS PER ACRE)**

\*\*\*

307-2 Uses Permitted Through a Type I Procedure

\*\*\*

307-2.8 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

**8. Section 308 – FD-20 DISTRICT (FUTURE DEVELOPMENT 20-ACRE DISTRICT)**

\*\*\*

308-2 Uses Permitted Through a Type I Procedure

\*\*\*

308-2.8 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

**9. Section 309 – FD-10 DISTRICT (FUTURE DEVELOPMENT 10-ACRE DISTRICT)**

\*\*\*

309-2 Uses Permitted Through a Type I Procedure

\*\*\*

309-2.8 Temporary Use - Section 430-135.1, excluding C (9).

\*\*\*

**10. Section 314 GENERAL COMMERCIAL DISTRICT (GC)**

\*\*\*

314-3 Uses Permitted Through a Type II Procedure

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314-3.12 ~~Farmers' Market.~~

\*\*\*

**11. Section 352 RURAL COMMERCIAL DISTRICT (R-COM)**

\*\*\*

352-2 Uses Permitted Through a Type I Procedure

\*\*\*

352-2.4 Temporary Uses - Section 430-135.1 A., B., C. (4, 5, and 9), D., E., F., and H.

\*\*\*

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

\*\*\*

352-3.1 M. Open air businesses, except as provided for by Section 430-135.1 B. (1) and (2), and C (9) 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.

\*\*\*

**12. Section 354 RURAL INDUSTRIAL DISTRICT (R-IND)**

\*\*\*

354-2 Uses Permitted Through a Type I Procedure

\*\*\*

354-2.2 Temporary Uses - Sections 430-135.1 A. and C. (5 and 9); 430-135.1 H.

\*\*\*

354-3 Uses Permitted Through a Type II Procedure

\*\*\*

354-3.1 N. Temporary Use - Section 430-135.2 A and C (9). These uses are exempt from Section 354-3.2.

\*\*\*

**13. Section 375 – TRANSIT ORIENTED DISTRICTS**

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

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

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

\*\*\*

24. Type I temporary uses and structures, as defined in Section 430-135.1, shall be allowed in all TO Districts subject to the provisions of Section 430-135.1, except that temporary uses as defined in Section 430-135.1 C (9) are not allowed in the following TO Districts: TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, and TO:R80-120.

\*\*\*

**14. Section 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT**

**390-8 R-6 North Bethany District (R-6 NB)**

\*\*\*

390-8.2 Uses Permitted Through a Type I Procedure

\*\*\*

K. Temporary Use – Section 430-135.1, except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C(9)).

\*\*\*

**390-9 R-9 North Bethany District (R-9 NB)**

\*\*\*

390-9.2 Uses Permitted Through a Type I Procedure

\*\*\*

L. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C(9)).

\*\*\*

**390-10 R-15 North Bethany District (R-15 NB)**

\*\*\*

390-10.2 Uses Permitted Through a Type I Procedure

\*\*\*

- I. Temporary Use – Section 430-135.1, except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

\*\*\*

**390-11 R-24 North Bethany District (R-24 NB)**

\*\*\*

390-11.2 Uses Permitted Through a Type I Procedure

\*\*\*

- I. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

\*\*\*

**390-12 R-25+ North Bethany District (R-25+ NB)**

\*\*\*

390-12.2 Uses Permitted Through a Type I Procedure

\*\*\*

- H. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

\*\*\*

**390-13 Neighborhood Corner Commercial District (NCC NB)**

\*\*\*

390-13.2 Uses Permitted Through a Type I Procedure

\*\*\*

- G. Temporary Use – Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G) and temporary use permit for Farmers Markets (430-135.1 C (9)).

\*\*\*

**390-14 Neighborhood Commercial Mixed Use District (NCMU NB)**

\*\*\*

390-14.2 Uses Permitted Through a Type I Procedure

\*\*\*

F. Temporary Use – Section 430-135 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G.) and temporary use permit for Farmers Markets (430-135.1 C (9)).

\*\*\*

**390-15 Institutional North Bethany District (INST NB)**

\*\*\*

390-15.2 Uses Permitted Through a Type I Procedure

\*\*\*

G. Temporary Use – Section 430-135 except for temporary storage of relocated dwelling structures (430-135.1 C.(4)), temporary batch plants (430-135.1 G.) and temporary use permit for Farmers Markets (430-135.1 C (9)).

\*\*\*

**15. Section 430 SPECIAL USE STANDARDS**

\*\*\*

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:

\*\*\*

C. The following temporary permits may be issued through a Type I procedure for a period not to exceed one (1) year:

\*\*\*

(9) Farmers Market and Mini Farmers Market (as defined in Section 106-80) may be allowed where the following requirements are met:

(a) The Farmers Market site abuts a Collector, Arterial, or Principal Arterial roadway as defined in the Washington County Transportation System Plan.

- (b) Mini Farmers Market site is allowed in all Institutional land use plan designations regardless of adjacent roadway classification.
- (c) The site has access to paved or graveled parking.
- (d) Comply with all federal, state, and county laws and regulations relating to the operation, use, and enjoyment of the market premises.
- (e) Receive all required operating and health permits, and these permits (or copies) shall be in possession of the farmers or mini-farmers market manager or the vendor, as applicable, on the site of the farmers market or mini-farmers market during all hours of operation.
- (f) Have an established set of operating rules addressing the governance structure, maintenance, and security requirements and responsibilities, and appointment of a market manager.
- (g) Have a market manager or designee authorized to direct the operations of all participating vendors on the site of the market during all hours of operation.
- (h) Provide for recycling and waste removal in accordance with all applicable county requirements.
- (i) Provide a litter control program. Trash and recycling receptacles shall be provided on-site. Written verification must be provided that the market manager or designee will conduct at a minimum daily on-site litter pickup and an off-site litter pickup along sidewalks adjacent to the site.
- (j) Provide motorized and non-motorized (e.g., bicycles) parking for their patrons at a minimum rate of one (1) off-street parking space for each one (1) vendor and minimum of one (1) bicycle parking space for each one (1) vendor, located in close proximity to the farmers market entrance.
- (k) Comply with the following permitted days and hours of operation:

  - (i) No more than twice weekly;
  - (ii) Hours of operation: 5:00 a.m. to 8:00 p.m., including set-up and tear-down of booths, canopies, and other temporary structures; and
  - (iii) All structures, canopies, product, and other items associated with, or used by, the vendors must be removed by the end of the hours of operation.



(l) Temporary permits for farmers market and mini farmers market shall be renewed annually.

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