

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Policy Session Worksheet

Presentation Date: March 25, 2015 **Approx Start Time:** 9:30 a.m. **Approx Length:** 2 hours

Presentation Title: Year Three of the Five-Year Audit of the Clackamas County Zoning and Development Ordinance (ZOO)

Department: DTD/Planning and Zoning

Presenters: Mike McCallister, Planning Director, Jennifer Hughes, Principal Planner;
Kay Pollack, Senior Planner

Other Invitees: Barb Cartmill, DTD Director
Dan Johnson, DTD Assistant Director for Development Services

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

The purpose of this policy session is to brief the Commissioners for the upcoming land use hearing scheduled on April 8, 2015, Phase 1 of Year Three of the Five-Year "audit" of the ZDO.

EXECUTIVE SUMMARY:

Background: The Planning and Zoning Division is in the third year of a five-year audit of the ZDO. The ZDO, adopted in 1980, has been amended over 250 times since. This has resulted in regulations that are sometimes inconsistent, antiquated, cumbersome or disorganized. Therefore, a comprehensive review and updating is underway. The emphasis is on the ZDO, but amendments to the Comprehensive Plan (Plan) are proposed as needed to resolve inconsistencies between the two documents or to relocate provisions from one document to the other, as appropriate. The overarching goals of the ZDO audit are to develop a more condensed, user-friendly document, consolidate zones and amend uses where appropriate, provide clear and consistent development standards, and maintain compliance with state and regional regulations. The intent is to complete a comprehensive review and proposed amendments for every section of the ZDO by the end of the five-year work program.

Summary of Year Three, Phase 1 Audit Proposals: See Attachment A for an overview of the significant proposals and policy issues in both ZDO amendment packages, as well as Planning Commission recommendations for amendments to ZDO-252.

Five-Year Audit Schedule: The year three audit work program has been divided into two phases. Phase 1 includes files ZDO-252 and ZDO-253, scheduled for hearing on April 8, 2015.

Year	Topics	Status
2012-13	<ul style="list-style-type: none"> Industrial lands 	Completed
2013-14	<ul style="list-style-type: none"> Urban residential lands Urban commercial lands Procedural standards 	Completed
2014-15	<ul style="list-style-type: none"> Rural residential lands Rural commercial lands Development Review Process and Discretionary Permits Development standards 	Underway, -- two phases. Phase 1 = ZDO-252 and ZDO-253
2015-16	<ul style="list-style-type: none"> Special Use Regulations Special Districts (tentative) 	To be done
2016-17	<ul style="list-style-type: none"> Carry-over and final clean-up Review whether to include other stand-alone regulations in ZDO 	To be done

FINANCIAL IMPLICATIONS (current year and ongoing): None

LEGAL/POLICY REQUIREMENTS: This proposal is not legally required. It is being undertaken to improve efficiency and consistency of the Zoning and Development Ordinance. Any amendments to the Comprehensive Plan and Zoning and Development Ordinance require compliance with Statewide Planning Goals and Guidelines and Metro's Urban Growth Management Functional Plan.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Public Outreach: An extensive public outreach program was conducted. (See Attachment B for details.)

OPTIONS: At the April 8 hearing, the Board may adopt as presented, adopt with amendments, or decline to adopt.

RECOMMENDATION: None; this is an information session only.

- ATTACHMENTS:** **Attachment A:** Summary of Year Three, Phase 1, ZDO Audit Proposals
Attachment B: Year Three ZDO Audit Public Outreach Program
Attachment C: Rural Residential and Future Urban Zoning Districts
Summary Packet
Attachment D: Mountain Recreational Resort & Hoodland Residential
Zoning Districts Summary Packet
Attachment E: Rural Commercial Zoning Districts Summary Packet
Attachment F: Development Review Process and Criteria for Discretionary
Permits Summary Packet

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Jennifer Hughes @ 503-742-4518.

Attachment A

Summary of Year Three, Phase 1, Audit Proposals

The following are the significant proposals and policy issues in both ZDO amendment packages, as well as Planning Commission recommendations for amendments to ZDO-252.

ZDO-252

ZDO-252 addresses the rural residential zones throughout Clackamas County, including: Recreational Residential (**RR**), Rural Area Residential 1-Acre (**RA-1**), Rural Area Residential 2-Acre (**RA-2**), Rural Residential Farm Forest 5-Acre (**RRFF-5**), and Farm Forest 10-Acre (**FF-10**) Districts, as well as the Future Urban 10-Acre (**FU-10**) District that is treated similarly to rural residential districts. ZDO-252 also addresses residential districts that are located exclusively within the Mt. Hood Community Plan area, including the Mountain Recreational Resort (**MRR**), primarily a multifamily zone, and Hoodland Residential (**HR**), primarily a single-family zone. Finally, ZDO-252 addresses the commercial zones in the rural area, including Rural Tourist Commercial (**RTC**) and Rural Commercial (**RC**).

The significant amendments proposed in ZDO-252 are as follows:

- Consolidate and repeal Sections 305, 307, 308, 309, 310, and 314 into one new ZDO Section 316: *Recreational Residential (RR), Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts.*
- Consolidate and repeal Section 306 and Section 312 into one new ZDO Section 317: *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts.*
- Consolidate and repeal Section 504 and Section 505 into one new ZDO Section 513: *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts.*
- Delete sanitary landfills and debris fills as conditional uses in the RR, MRR, RA-1, RA-2, HR, and FU-10 zones.
- Delete surface mining as a conditional use in the RR, MRR, RA-1, RA-2 and HR zones.
- Delete hospitals as a conditional use in the RA-2 zone.
- Replace “boarding or riding stable” with “equine facility,” and amend the standards.

Boarding and riding stables are currently listed under a broader *recreational uses* category. The current language in the ZDO is not entirely clear, but it appears that the ZDO permits three horses other than those of the stable operator to be boarded, trained or ridden as a primary use. Horses owned by the resident of the property are not regulated by this standard. The amendment is intended to clarify the standards.

The proposal would replace the term *boarding and riding stable* with *equine facility*, which is defined under agricultural uses in state statute, and to amend the standards as follows:

- Permit the boarding of one horse per acre or five horses total, whichever is less. No limit on the number of horses owned by the operator of the equine facility.

- Riding lessons, training clinics, etc. could be provided to family members and nonpaying guests of the stable operator or of owners of boarded horses.
- Activities beyond these would require a conditional use permit.
- Permit churches and schools to be a primary use instead of a conditional use in the Rural Commercial zone. A church would be treated comparably to a grange, which is currently a permitted use.
- Amend recreational uses to clarify language and achieve consistency.
 - Government-owned uses would be permitted outright in all residential zones, which is currently the case. Other park uses would require a conditional use permit. Currently *private, non-profit, casual* recreation uses are a primary use in the RRFF-5 and FF-10 zones, although the language is not clear and objective. Arguably, this amendment could limit permitted uses in those zones.
 - This is the same approach that was adopted during year two or the audit for urban residential zones, based on the rationale that government-owned parks conduct an extensive public siting and design process intended to address impacts.
- Permit farm uses to the RR zone to be consistent with other rural residential zones.
- Permit accessory kitchens in all single-family dwellings as was adopted during year two for the urban residential zones.
- Modify language in the commercial uses in RC and RTC zones, and for limited (commercial) uses in the MRR zone, to be consistent with the commercial use listings adopted in year two for the urban commercial zones.
- To be consistent with the Oregon Administrative Rules for Unincorporated Communities, amend the maximum commercial floor space standards in the MRR, RTC and RC zones, and add a 100-unit cap on the number of units permitted in a hotel or motel in Government Camp,
- Simplify the setback standards in the RR, HR, and MRR zones and repeal maximum lot coverage in the RR zone to be consistent with similar zones.
- Minimum front yard depths in the RTC zone that are not along Government Camp Loop are reduced to 10 feet, except 20 feet to garage and carport motor vehicle entries. Along Government Camp Loop, yard depths are unchanged: four feet minimum, 10 feet maximum.

Planning Commission Hearing and Recommendation: The Planning Commission hearing for ZDO-252 was held on March 9, 2015. The Commission recommended approval of ZDO-252 as presented by staff, *with the following amendments:*

- In response to citizen testimony from Sound Equine Options, amend the standards for equine facilities to state that *horses owned by a 501(C)(3) organization and being temporarily fostered by the operator* do not count toward the maximum number of horses permitted before requiring a conditional use permit.
- In response to citizen testimony, add amateur HAM radio antennas to the list of accessory uses customarily permitted.

- Based on Planning Commissioner proposal, add language that Class 2 ATVs are excluded from the list of all-terrain vehicles permitted to be sold or stored in the RC zone. Class 2 ATVs are larger 4×4's and Jeeps. This exclusion is consistent with the fact that sales of standard passenger vehicles are not permitted in the RC District except if permitted through an authorization of similar use process.
- Based on Planning Commissioner proposal, add a 4,000 square foot limitation on the size of churches, granges, and schools permitted as a primary use in RC zone. Anything larger would require a conditional use. Currently, regardless of size, churches and schools are a conditional use and granges are a primary use.

The Planning Commission also considered, but did not propose the following amendments to staff recommendations:

- Based on citizen testimony expressing concern about the possibility of marijuana growing in a small community such as Welches without any sort of regulation, do not add farm uses as a primary use in the RR zone. Planning Commissioners recommended addressing such concerns in the future for all similar zones when the state regulations on marijuana are published.
- Based on citizen testimony opposed to requiring private recreational uses to go through a conditional uses process in the RRFF-5 and FF-10 zones, the Planning Commission recommends retaining the proposal as staff recommends. Some private recreational uses have significant impacts on surrounding homeowners and should undergo review for those impacts.
- Based on citizen testimony requesting to permit small wind electricity generators, the Planning Commission recommended this topic should be best addressed in the year four audit process when energy sources and utilities are on the work program under Special Use Requirements.
- Based on citizen testimony requesting that firearms storage and use for “hunting, predator and varmint controls, training and marksmanship” be added as an allowed use, the Planning Commission responded that firearm use is not regulated one way or the other by the ZDO, and recommended it remain that way.
- Based on a Planning Commissioner suggestion that design standards should be considered for shipping containers in rural zones as was done last year in the urban zones, there was some agreement that shipping containers are being used more frequently and are often an “eyesore.” However, since currently there are no material or color standards for accessory buildings in the rural zones, the Planning Commission recommended addressing this concern more comprehensively at a future time.

ZDO-253

ZDO-253 addresses a number of the development review application types and related provisions in Sections 1100 and 1200 of the ZDO. The significant amendments proposed in ZDO-253 are as follows:

- Consolidate Sections 1105 and 1106 pertaining to subdivisions and partitions into one section,

Sec. 1105, and repeal 1106. Consolidate condominium provisions in Section 803 into Section 1105 as well and repeal 803. Update county code and statutory references.

- In Section 1203, Conditional Uses, consider whether to adopt and implement a provision providing for a period of time during which an approved conditional use has been discontinued after which the use may not be resumed unless a new conditional use permit is approved by the Hearings Officer under current ZDO standards. This would be similar to the discontinuation language in Section 1206 pertaining to nonconforming uses. The staff has proposed a five-year period of discontinuance before a prior approval is voided. Upon inquiries with other Oregon counties, only one, Grant County, responded indicating that they have such a provision.
- In Section 1205, Variances, clarify standards subject to variance and those not.
- In Section 1205, codify existing practice for determining if a variance to lot size requirements can be granted. This methodology has been in practice for many years and found to be a reasonable method by the past several Hearings Officers.
- In Section 1205, add a new approval criterion that requires a variance to be the minimum needed to alleviate the hardship. The intent is to clearly allow the decision maker, when approving a variance, to reduce the amount of the variance requested by the applicant.
- In Section 1206, Nonconforming Use, amend existing language to require issuance of one or more permits necessary to restore, replace, re-establish and resume a nonconforming use damaged or destroyed by fire, other casualty or natural disaster within one year of the date of loss. Currently, this section only requires the filing of an application for such permits. The current language, based upon a number of Hearings Officer's decisions, is not consistent with ORS 215.130 or case law on the subject. These require resumption of a nonconforming use within the specified discontinuance period.
- In Section 1206, limit expansions of a nonconforming use from one lot of record to another except under specified circumstances and for facilities necessary to support the nonconforming use such as driveways, storm water management facilities and wastewater treatment facilities. Expansions of the use itself and buildings housing such uses would be permitted only if the properties were in common ownership when the nonconforming use was established and have been in common ownership continuously since.

Planning Commission Hearing and Recommendation: ZDO-253 was scheduled to be heard by the Planning Commission with ZDO-252 on March 9, 2015. However, due to the length of time spent on the latter, consideration of ZDO-253 has been continued to March 23, 2015.

Attachment B

Clackamas County Year Three (FY 2014-2015) Zoning and Development Ordinance Audit

PUBLIC OUTREACH PROGRAM

- **Citizen News Article (Fall Issue)**
- **Community Planning Organizations**
 - Email notice of presentations to all CPOs, Hamlets and Villages: November 6, 2014, and January 14, 2015
 - Presented at eight CPO, Hamlet or Village meetings: Sunnyside United Neighbors CPO, Stafford Hamlet; Mulino Hamlet; Beaver Creek Hamlet; Boring CPO; Villages at Mt. Hood; Government Camp CPO; and a joint meeting of Oak Grove Community Council, Jennings Lodge CPO, and Clackamas CPO
- **Advisory Committees**
 - Development Liaison Committee (October)
 - Committee for Citizen Involvement (October)
 - Community Leaders Meeting (November)
- **Public Notice**
 - Mailed Planning Commission study session packet to CPOs/Hamlets/Villages (January)
 - CPO/Hamlet/Village/Interested Parties Notice (February)
 - Posted on the County Website (February)
 - "Measure 56" Notice to Property Owners: Mailed postcards to 21,232 residential and commercial property owners (February)
 - Notice in *The Oregonian* (February)
- **Planning Commission and Board of County Commissioners**
 - Planning Commission Study Sessions
 - December 8, 2014, and January 26, 2015
 - Planning Commission Public Hearings
 - March 9: File ZDO-252, Rural Residential, Rural Commercial, and Future Urban Zoning Districts
 - ✓ Approximately 130 citizens attended; six people testified
 - March 23: ZDO-253, Development Review Process and Criteria for Discretionary Permits
 - County Commission Planning Session
 - March 25
 - County Commission Public Hearings
 - April 8

Attachment C

Rural Residential & Future Urban Zoning Districts

ZDO-252 proposes to consolidate the rural residential zones and the future urban zone into one new section. Sections 305, 307, 308, 309, 310, and 314 will be repealed, and a new ZDO Section 316 will contain *Recreational Residential (RR)*, *Rural Area Residential 1-Acre (RA-1)*, *Rural Area Residential 2-Acre (RA-2)*, *Rural Residential Farm Forest 5-Acre (RRFF-5)*, *Farm Forest 10-Acre (FF-10)*, and *Future Urban 10-Acre (FU-10) Districts*.

What is in this Attachment D?

1. Summary sheets for the each rural residential zone and the future urban zone:
The summary sheet for each zone describes in detail all the changes being proposed to that zone and where various components are being relocated.
2. New Section 316: Uses and dimensional standards are organized into tables.

The materials contained in Attachments C, D, and E comprise the backbone of ZDO-252, although the packet is much larger than this because many conforming amendments have been done in other sections.

Summary of Proposed Amendments to Section 305, *Recreational Residential District*

Subsection 305.01 Purpose: Move the purpose statement (A) to a new Section 316. Repeal (B) because policy language for the Mt. Hood area resides in Chapter 10 of the Comprehensive Plan.

Subsection 305.02 Area of Application: Repeal due to redundancy with Mt. Hood Community Plan in Chapter 10 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 305 and compare it to the proposed Section 316, including Table 316-1.

Subsection 305.03 Primary Uses:

- Move to a new Section 316, where permitted uses for rural residential and future urban zones will be identified in a table.
- Amend to add government-owned recreational uses (e.g., parks, swimming pools, boat moorages) as was adopted last year in urban residential districts. Currently these are conditional uses. A 45-foot setback would apply from principal buildings and swimming pools to other lots in a residential district.
- Amend to add conservation areas and structures; several types of farm uses; and forest practices (e.g., reforestation, harvesting, disposal of slash).

Subsection 305.04 Accessory Uses:

- Move to a new Section 316, where accessory uses for rural residential and future urban zones will be identified in a table.
- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers' Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers' Markets from Section 1204 to a new Section 840. Farmers' markets are already permitted in the RR District in conjunction with an institutional use, subject to a "temporary" permit with no expiration.
- Amend produce stands so that Section 815 standards do not apply but Section 1015 parking standards do. This is consistent with four other rural residential districts.
- Consistently permit temporary storage of recyclable materials and temporary buildings for uses incidental to construction work as accessory uses in all zoning districts.

Subsection 305.05 Conditional Uses:

- Move to a new Section 316, where conditional uses for rural residential and future urban zones will be identified in a table.
- Permit adult daycare as a conditional use. Children’s daycare facilities are currently permitted as a conditional use.
- Specifically identify additional recreational uses permitted as a conditional use. Authorization of a similar use will continue to be available for uses that aren’t listed, as is currently the case.
- Prohibit the following uses, which may currently be permitted as conditional uses: quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses; sanitary landfills; and debris fills.
- Repeal the one-acre site requirement for guest ranches, lodges and campgrounds. Instead, the conditional use process would regulate whether a particular site is appropriate for the use.

Subsection 305.06 Prohibited Uses:

- Move to a new Section 316, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.

Subsection 305.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 316, where dimensional standards for rural residential and future urban zones will be identified in a table.
- Amend minimum front yard depths to be 15 feet, except 20 feet to garage and carport motor vehicle entries, instead of current 20 feet from the lot line or 40 feet from the centerline of the road (current 15 feet from the lot line or 35 feet from the centerline of the road for the second frontage on a corner lot below 3,500 feet in elevation). For corner lots above 3,500 feet in elevation, retain allowance for 10-foot minimum on second frontage but repeal the alternate standard of 30 feet to the centerline of the road and add a requirement that garage and carport motor vehicle entries be a minimum of 20 feet from the front lot line.
- Repeal the front yard depth exception for the second frontage on a through lot because there is no clear policy rationale for this exception in light of the new standard for rear yard depth that applies to lots other than through lots.
- Amend the minimum side yard depth to five feet, instead of current sliding scale of five to 10 feet based on lot width.
- Amend the minimum rear yard depth to 15 feet, instead of current sliding scale of 10 to 20 feet based on lot depth.

- Repeal maximum lot coverage standard. This is consistent with four other rural residential districts.
- Move general references to exceptions and variances to new Section 316.

Subsection 305.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 316.
- Repeal a reference to Community Plans and Design Plans. The requirements of these plans are incorporated elsewhere in the ZDO.
- Repeal design standards for dwellings. This is consistent with four other rural residential districts.

Note: The net result of the proposed changes will be the repeal of Section 305.

Summary of Proposed Amendments to Section 307, Rural Area Residential 1-Acre District

Subsection 307.01 Purpose: Move the purpose statement to a new Section 316.

Subsection 307.02 Area of Application: Repeal due to redundancy with Chapter 4 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 307 and compare it to the proposed Section 316, including Table 316-1.

Subsection 307.03 Primary Uses:

- Move to a new Section 316, where permitted uses for rural residential and future urban zones will be identified in a table.
- Replace reference to “public” recreational uses with “government-owned” recreational uses as was done last year for the urban residential districts. Specifically identify additional government-owned recreational uses permitted. Authorization of a similar use will continue to be available for uses that aren’t listed, as is currently the case.
- Amend to add conservation areas and structures.
- Amend the description of permitted farm uses to conform to the relevant parts of the farm use definition in the Oregon Revised Statutes.
- Amend the description of permitted forest uses to conform to the forest practices definition in the Oregon Revised Statutes.

Subsection 307.04 Accessory Uses:

- Move to a new Section 316, where accessory uses for rural residential and future urban zones will be identified in a table.
- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.
- Consistently permit temporary storage of recyclable materials and temporary buildings for uses incidental to construction work as accessory uses in all zoning districts.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers’ Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers’ Markets from Section 1204 to a new

Section 840. Farmers' markets are already permitted in the RA-1 District in conjunction with an institutional use, subject to a "temporary" permit with no expiration.

Subsection 307.05 Conditional Uses:

- Move uses to a new Section 316, where conditional uses for rural residential and future urban zones will be identified in a table.
- Permit campgrounds as a conditional use. Campgrounds have been deemed in the past to be allowed as a use "similar" to other uses allowed under Section 813 and therefore allowed in the RA-1 District. The proposal is to list the use explicitly for clarity.
- Permit adult daycare as a conditional use. Children's daycare facilities are currently permitted as a conditional use.
- Specifically identify additional recreational uses permitted as a conditional use. Authorization of a similar use will continue to be available for uses that aren't listed, as is currently the case.
- Prohibit the following uses, which may currently be permitted as conditional uses: surface mining, sanitary landfills, and debris fills.

Subsection 307.06 Prohibited Uses:

- Move to a new Section 316, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.

Subsection 307.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 316, where dimensional standards for rural residential and future urban zones will be identified in a table.
- Move scenic roads provisions to Section 1009.
- Move general references to exceptions and variances to new Section 316.

Subsection 307.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 316.
- Move parking standard for dwellings to Section 1015.

Note: The net result of the proposed changes will be the repeal of Section 307.

Summary of Proposed Amendments to Section 308, Rural Area Residential 2-Acre District

Subsection 308.01 Purpose: Move the purpose statement to a new Section 316.

Subsection 308.02 Area of Application: Repeal due to redundancy with Chapter 4 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 308 and compare it to the proposed Section 316, including Table 316-1.

Subsection 308.03 Primary Uses:

- Move to a new Section 316, where permitted uses for rural residential and future urban zones will be identified in a table.
- Replace reference to “public” recreational uses with “government-owned” recreational uses as was done last year for the urban residential districts. Specifically identify additional government-owned recreational uses permitted. Authorization of a similar use will continue to be available for uses that aren’t listed, as is currently the case.
- Amend to add conservation areas and structures.
- Amend the description of permitted farm uses to conform to the farm use definition in the Oregon Revised Statutes, including adding propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission.
- Amend the description of permitted forest uses to conform to the forest practices definition in the Oregon Revised Statutes.
- Replace “boarding or riding stable” with “equine facility” (categorized as a recreational use). Equine facility will be defined consistently with the Oregon Revised Statutes definition of “farm use”. Currently, it appears that the ZDO permits three horses other than those of the stable operator to be boarded, trained or ridden as a primary use. Four or more horses other than those of the operator, or owned by a 501(c)(3) organization and being temporarily fostered by the operator, require a conditional use permit. However, the current definition and structure of the provisions are confusing and difficult to administer. Under the proposal, the number of non-operator-owned horses permitted as a primary use would be one horse per acre or five horses in total, whichever is less. As a primary use, services such as riding lessons, training clinics, and schooling shows could be provided to the family members and nonpaying guests of the stable operator or the owners of boarded horses. Activities beyond these limitations would require a conditional use permit.

Subsection 308.04 Accessory Uses:

- Move to a new Section 316, where accessory uses for rural residential and future urban zones will be identified in a table.

- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.
- Consistently permit temporary storage of recyclable materials and temporary buildings for uses incidental to construction work as accessory uses in all zoning districts.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers' Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers' Markets from Section 1204 to a new Section 840. Farmers' markets are already permitted in the RA-2 District in conjunction with an institutional use, subject to a "temporary" permit with no expiration.

Subsection 308.05 Conditional Uses:

- Move uses to a new Section 316, where conditional uses for rural residential and future urban zones will be identified in a table.
- Permit campgrounds as a conditional use. Campgrounds have been deemed in the past to be allowed as a use "similar" to other uses allowed under Section 813 and therefore allowed in the RA-2 District. The proposal is to list the use explicitly for clarity.
- Permit adult daycare as a conditional use. Children's daycare facilities are currently permitted as a conditional use.
- Specifically identify additional recreational uses permitted as a conditional use. Authorization of a similar use will continue to be available for uses that aren't listed, as is currently the case.
- Prohibit the following uses, which may currently be permitted as conditional uses: hospitals, surface mining, sanitary landfills, and debris fills.

Subsection 308.06 Prohibited Uses:

- Move to a new Section 316, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.

Subsection 308.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 316, where dimensional standards for rural residential and future urban zones will be identified in a table.
- Move scenic roads provisions to Section 1009.

- Move general references to exceptions and variances to new Section 316.

Subsection 308.09 (sic) Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 316.
- Move parking standard for dwellings to Section 1015.

Note: The net result of the proposed changes will be the repeal of Section 308.

Summary of Proposed Amendments to Section 309, Rural Residential Farm Forest 5-Acre District

Subsection 309.01 Purpose: Move the purpose statement to a new Section 316.

Subsection 309.02 Area of Application: Repeal due to redundancy with Chapter 4 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 309 and compare it to the proposed Section 316, including Table 316-1.

Subsection 309.03 Primary Uses:

- Move to a new Section 316, where permitted uses for rural residential and future urban zones will be identified in a table.
- Amend the description of permitted farm uses to conform to the farm use definition in the Oregon Revised Statutes, including adding propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission.
- Amend the description of permitted forest uses to conform to the forest practices definition in the Oregon Revised Statutes.
- Replace reference to “public” recreational uses with “government-owned” recreational uses as was done last year for the urban residential districts. Specifically identify additional government-owned recreational uses permitted and consistently permit them as a primary use in all residential zones. Authorization of a similar use will be available for uses that aren’t listed. Categorize campgrounds as a conditional use, even if government-owned.
- Consistently require a conditional use permit for non-government-owned recreational uses in residential zones. Currently private, non-profit, casual recreational uses are a primary use in RRF-5.
- Replace “boarding or riding stable” with “equine facility” (categorized as a recreational use). Equine facility will be defined consistently with the Oregon Revised Statutes definition of “farm use”. Currently, it appears that the ZDO permits three horses other than those of the stable operator to be boarded, trained or ridden as a primary use. Four or more horses other than those of the operator, or owned by a 501(c)(3) organization and being temporarily fostered by the operator, require a conditional use permit. However, the current definition and structure of the provisions are confusing and difficult to administer. Under the proposal, the number of non-operator-owned horses permitted as a primary use would be one horse per acre or five horses in total, whichever is less. As a primary use, services such as riding lessons, training clinics, and schooling shows could be provided to the family members and nonpaying guests of the stable operator or the owners of boarded horses. Activities beyond these limitations would require a conditional use permit.

Subsection 309.04 Accessory Uses:

- Move to a new Section 316, where accessory uses for rural residential and future urban zones will be identified in a table.
- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.
- Consistently permit temporary storage of recyclable materials and temporary buildings for uses incidental to construction work as accessory uses in all zoning districts.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers' Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers' Markets from Section 1204 to a new Section 840. Farmers' markets are already permitted in the RRF-5 District in conjunction with an institutional use, subject to a "temporary" permit with no expiration.

Subsection 309.05 Conditional Uses:

- Move uses to a new Section 316, where conditional uses for rural residential and future urban zones will be identified in a table.
- Permit adult daycare as a conditional use. Children's daycare facilities are currently permitted as a conditional use.
- Replace a general reference to "commercial recreational uses" with a list of recreational uses permitted as a conditional use (and a separate listing for campgrounds). Authorization of a similar use will be available for uses that aren't listed.

Subsection 309.06 Prohibited Uses:

- Move to a new Section 316, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.
- Move limits on land divisions within certain city urban growth boundaries to Sections 1013 and 1014.
- Repeal prohibition on subdivisions in Future Urban areas. The minimum lot size standards will continue to apply, as they do to partitions.

Subsection 309.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.

- Move to a new Section 316, where dimensional standards for rural residential and future urban zones will be identified in a table.
- Repeal provision that exempts small roadside stands (a use that is not identified as permitted in the ZDO) from compliance with the minimum front yard depth standard.
- Move scenic roads provisions to Section 1009.
- Move general references to exceptions and variances to new Section 316.

Subsection 309.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 316.
- Move language pertaining to land divisions in future urban areas to Section 1014. Repeal confusing provisions moved here from Section 301 during last year's audit work. These provisions apply when zoning property for urban residential use, but are more detailed than is practical to apply when reviewing a subdivision of five-acre lots (or larger) and evaluating future urban development potential.

Note: The net result of the proposed changes will be the repeal of Section 309.

Summary of Proposed Amendments to Section 310, *Farm Forest 10-Acre District*

Subsection 310.01 Purpose: Move the purpose statement to a new Section 316.

Subsection 310.02 Area of Application: Repeal due to redundancy with Chapter 4 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 310 and compare it to the proposed Section 316, including Table 316-1.

Subsection 310.03 Primary Uses:

- Move to a new Section 316, where permitted uses for rural residential and future urban zones will be identified in a table.
- Amend the description of permitted farm uses to conform to the farm use definition in the Oregon Revised Statutes, including adding propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission.
- Amend the description of permitted forest uses to conform to the forest practices definition in the Oregon Revised Statutes.
- Replace reference to “public” recreational uses with “government-owned” recreational uses as was done last year for the urban residential districts. Specifically identify additional government-owned recreational uses permitted and consistently permit them as a primary use in all residential zones. Authorization of a similar use will be available for uses that aren’t listed. Categorize campgrounds as a conditional use, even if government-owned.
- Consistently require a conditional use permit for non-government-owned recreational uses in residential zones. Currently private, non-profit, casual recreational uses are a primary use in FF-10.
- Replace “boarding or riding stable” with “equine facility” (categorized as a recreational use). Equine facility will be defined consistently with the Oregon Revised Statutes definition of “farm use”. Currently, it appears that the ZDO permits three horses other than those of the stable operator to be boarded, trained or ridden as a primary use. Four or more horses other than those of the operator, or owned by a 501(c)(3) organization and being temporarily fostered by the operator, require a conditional use permit. However, the current definition and structure of the provisions are confusing and difficult to administer. Under the proposal, the number of non-operator-owned horses permitted as a primary use would be one horse per acre or five horses in total, whichever is less. As a primary use, services such as riding lessons, training clinics, and schooling shows could be provided to the family members and nonpaying guests of the stable operator or the owners of boarded horses. Activities beyond these limitations would require a conditional use permit.

Subsection 310.04 Accessory Uses:

- Move to a new Section 316, where accessory uses for rural residential and future urban zones will be identified in a table.
- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.
- Consistently permit temporary storage of recyclable materials and temporary buildings for uses incidental to construction work as accessory uses in all zoning districts.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers' Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers' Markets from Section 1204 to a new Section 840. Farmers' markets are already permitted in the RRF-5 District in conjunction with an institutional use, subject to a "temporary" permit with no expiration.

Subsection 310.05 Conditional Uses:

- Move uses to a new Section 316, where conditional uses for rural residential and future urban zones will be identified in a table.
- Permit adult daycare as a conditional use. Children's daycare facilities are currently permitted as a conditional use.
- Specifically identify additional recreational uses permitted as a conditional use. Repeal reference to "recreational grounds" because it is unclear what this means. Authorization of a similar use will continue to be available for uses that aren't listed, as is currently the case.

Subsection 310.06 Prohibited Uses:

- Move to a new Section 316, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.

Subsection 310.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 316, where dimensional standards for rural residential and future urban zones will be identified in a table.
- Move scenic roads provisions to Section 1009.

- Repeal provision that exempts small roadside stands (a use that is not identified as permitted in the ZDO) from compliance with the minimum front yard depth standard.
- Move general references to exceptions and variances to new Section 316.

Subsection 310.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 316.

Note: The net result of the proposed changes will be the repeal of Section 310.

Summary of Proposed Amendments to Section 314, *Future Urban 10-Acre District*

Subsection 314.01 Purpose: Move the purpose statement to a new Section 316.

Subsection 314.02 Area of Application: Repeal due to redundancy with Chapter 4 of the Comprehensive Plan.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 314 and compare it to the proposed Section 316, including Table 316-1.

Subsection 314.03 Primary Uses:

- Move to a new Section 316, where permitted uses for rural residential and future urban zones will be identified in a table.
- Amend the description of permitted farm uses to conform to the farm use definition in the Oregon Revised Statutes, including adding propagation, cultivation, maintenance and harvesting of aquatic bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission.
- Amend the description of permitted forest uses to conform to the forest practices definition in the Oregon Revised Statutes.
- Permit a list of government-owned recreational uses, as was done last year for urban residential districts. Authorization of a similar use will be available for uses that aren't listed.
- Replace "boarding or riding stable" with "equine facility" (categorized as a recreational use). Equine facility will be defined consistently with the Oregon Revised Statutes definition of "farm use". Currently, it appears that the ZDO permits three horses other than those of the stable operator to be boarded, trained or ridden as a primary use. Four or more horses other than those of the operator, or owned by a 501(c)(3) organization and being temporarily fostered by the operator, require a conditional use permit. However, the current definition and structure of the provisions are confusing and difficult to administer. Under the proposal, the number of non-operator-owned horses permitted as a primary use would be one horse per acre or five horses in total, whichever is less. As a primary use, services such as riding lessons, training clinics, and schooling shows could be provided to the family members and nonpaying guests of the stable operator or the owners of boarded horses. Activities beyond these limitations would require a conditional use permit.

Subsection 314.04 Accessory Uses:

- Move to a new Section 316, where accessory uses for rural residential and future urban zones will be identified in a table.
- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.

- Consistently permit temporary storage of recyclable materials and temporary buildings for uses incidental to construction work as accessory uses in all zoning districts.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers' Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers' Markets from Section 1204 to a new Section 840. Farmers' markets are already permitted in the RRF-5 District in conjunction with an institutional use, subject to a "temporary" permit with no expiration.
- Amend to require produce stands to comply with parking standards in Section 1015, as is required in rural residential districts.

Subsection 314.05 Conditional Uses:

- Move uses to a new Section 316, where conditional uses for rural residential and future urban zones will be identified in a table.
- Permit adult daycare as a conditional use. Children's daycare facilities are currently permitted as a conditional use.
- Specifically identify additional recreational uses permitted as a conditional use. Repeal reference to "recreational grounds" because it is unclear what this means. Authorization of a similar use will continue to be available for uses that aren't listed, as is currently the case.
- Prohibit sanitary landfills and debris fills, which may currently be permitted as conditional uses.

Subsection 314.06 Prohibited Uses:

- Move to a new Section 316, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.
- Repeal prohibition on land divisions under the lot size exception provisions of Subsections 902.01(B)(3) and (5), which permit divisions where two or more lawfully established dwellings exist on one lot and where a Comprehensive Plan Boundary divides a lot, subject to limitations.
- Repeal prohibition on residential subdivisions. The minimum lot size standards will continue to apply, as they do to partitions.

Subsection 314.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 316, where dimensional standards for rural residential and future urban zones will be identified in a table.

- Repeal provision that exempts small produce stands from compliance with the minimum front yard depth standard.
- Move scenic roads provisions to Section 1009.
- Move general references to exceptions and variances to new Section 316.

Subsection 314.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 316.
- Move language pertaining to land divisions in future urban areas to Section 1014. Repeal confusing provisions moved here from Section 301 during last year's audit work. These provisions apply when zoning property for urban residential use, but are more detailed than is practical to apply when reviewing a subdivision of five-acre lots (or larger) and evaluating future urban development potential.

Note: The net result of the proposed changes will be the repeal of Section 314.

**File ZDO-252
Draft Zoning and Development Ordinance Amendments
Draft Date 3/18/15**

Section 316 is proposed as a new ZDO section. See attached summary for details.

**316 RURAL AREA RESIDENTIAL 1-ACRE (RA-1), RURAL AREA
RESIDENTIAL 2-ACRE (RA-2), RECREATIONAL RESIDENTIAL (RR),
RURAL RESIDENTIAL FARM FOREST 5-ACRE (RRFF-5), FARM FOREST
10-ACRE (FF-10), AND FUTURE URBAN 10-ACRE (FU-10) DISTRICTS**

316.01 PURPOSE

Section 316 is adopted to implement the policies of the Comprehensive Plan for Unincorporated Community Residential, Rural, and Future Urban areas.

316.02 APPLICABILITY

Section 316 applies to land in the Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts, hereinafter collectively referred to as the rural residential and future urban residential zoning districts.

316.03 USES PERMITTED

- A. Uses permitted in each rural residential and future urban residential zoning district are listed in Table 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*. Uses not listed are prohibited.
- B. As used in Table 316-1:
1. "P" means the use is a primary use.
 2. "A" means the use is an accessory use.
 3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
 4. "X" means the use is prohibited.
 5. Numbers in superscript correspond to the notes that follow Table 316-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Subsection 316.05, *Development Standard*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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Table 316-1: Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A
Accessory Kitchens	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹
Aircraft Land Uses	X	X	X	C	C	C
Aircraft Landing Areas	X	C	C ²	X	X	X
Bed and Breakfast Inns , subject to Section 832	C	C	C	C	C	X
Bed and Breakfast Residences ,	C	C	C	C	C	C

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
subject to Section 832						
Bus Shelters , subject to Section 823	P	P	P	P	P	P
Campgrounds	C	C	C	C	C	C
Cemeteries , subject to Section 808	C	C	X	C	C	C
Churches , subject to Section 804	C	C	C	C	C	C ²
Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses	X	X	X	C	C	X
Composting Facilities , subject to Section 834	X	X	X	C	C	X
Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources	P	P	P	P	P	P
Crematories , subject to Section 808	C	C	X	X	X	X
Daycare Facilities , subject to Section 807	C	C	C	C	C	C ⁴
Daycare Services, Adult	C	C	C	C	C	C ⁵
Dwellings, Detached Single-Family	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶
Dwellings, Two-Family , subject to Section 802	C ⁶	X	X	X	X	X
Energy Source Development	X	X	C	X	X	X
Farm Uses, including:						
Raising, harvesting, and selling crops	P	P	P	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X ⁷	P	X ⁷	P	P	P
Dairying and the sale of dairy products	X ⁷	P	X ⁷	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X ⁷	P	X ⁷	P	P	P
Preparation, storage, and disposal by marketing or	P	P	P	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
otherwise of the products or by-products raised on such land for human or animal use						
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X ⁷	P	X ⁷	P	P	P
Growing cultured Christmas trees	P	P	P	P	P	P
Farmers' Markets, subject to Section 840	A	A	A	A	A	A
Fish or Wildlife Management Programs	X	X	X	P	P	P
Forest Practices , including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P ⁸	P ⁸	P	P ⁸	P ⁸	P ⁸
Fraternal Organization Lodges	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹
Government Uses , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹
Guest Houses and Studios , subject to Section 833	A	A	A	A	A	A
Guest Ranches and Lodges	X	X	C	X	X	X
Home Occupations , including bed and breakfast homestays, subject to Section 822 ¹⁰	A	A	A	A	A	A
Home Occupations to Host Events , subject to Section 806	C	C	C	C	C	C
Hydroelectric Facilities , subject to Section 829	C	C	C	C	C	C

Comment [JH1]: This reference will appear here only if ZDO-253 is approved to move farmers' market provisions from Section 1204 to a new Section 840.

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Kennels	C ¹¹	C ¹¹	X	C ¹¹	C ¹¹	X
Livestock, subject to Section 821	P	X ⁷	A	X ⁷	X ⁷	X ⁷
Manufactured Dwellings, subject to Section 824	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶
Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources	X	X	X	C	C	X
Produce Stands	A ¹²	A ¹²	A ¹²	A ¹²	A ¹²	A ^{12,13}
Public Utility Facilities	C ^{9,14}	C ^{9,14}	C ^{9,14}	C ^{9,14}	C ^{9,14}	C ^{9,14}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{9,15}	C ^{9,15}	C ^{9,15}	C ^{9,15}	C ^{9,15}	C ^{9,15}
Recreational Uses, including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails¹⁶	C ⁹	C ^{9,17}	C ⁹	C ^{9,17}	C ^{9,17}	C ^{9,17}
Recreational Uses, Government-Owned, including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational	P ¹⁸	P ¹⁸	P ¹⁸	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
uses ¹⁶						
Recreational Uses, Government-Owned Golf Courses¹⁶	P ¹⁸	p ¹⁸	P ¹⁸	P	P	P
Recreational Vehicle Camping Facilities, subject to Section 813	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	X
Sanitary Landfills and Debris Fills, subject to Section 819	X	X	X	C	C	X
Schools, subject to Section 805	C ¹⁹	C ¹⁹	C	C ¹⁹	C ¹⁹	C ²⁰
Signs, subject to Section 1010	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹	A ²¹
Surface Mining, subject to Section 818	X	X	X	C	C	X
Telephone Exchanges	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹	C ⁹
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A	A	A	A	A
Transfer Stations, subject to Section 819	X	X	C	X	X	C
Utility Carrier Cabinets, subject to Section 830	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04 and 835.05(A)(2) and (3), subject to Section 835	P	P	P	P	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C	C	C	C	C

¹ An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.

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- 2 Aircraft landing areas are permitted for use by emergency aircraft (fire, rescue, etc.) only.
- 3 This use is limited to alteration or expansion of a lawfully established church.
- 4 This use is limited to alteration or expansion of a lawfully established daycare facility.
- 5 This use is limited to alteration or expansion of a lawfully established adult daycare service.
- 6 Except as limited by Subsection 902.02, each lot of record may be developed with only one of the following: detached single-family dwelling, two-family dwelling (only if approved as a conditional use in the RA-1 District pursuant to Section 802), or manufactured dwelling.
- 7 Depending on the specific zoning district, livestock is either permitted as described under the use category of "farm uses" or is permitted as described under the use category of "livestock".
- 8 For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.03 regarding a development restriction that may apply if excessive tree removal occurs.
- 9 Uses similar to this may be authorized pursuant to Section 106, *Authorization of Similar Uses*.
- 10 A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.
- 11 The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- 12 A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- 13 In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.
- 14 Public utility facilities shall not include shops, garages, or general administrative offices.
- 15 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 16 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 17 Equine facilities are a primary use, subject to the following standards and criteria:
 - a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by

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a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.

b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.

¹⁸ Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

¹⁹ Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.

²⁰ This use is limited to alteration or expansion of a lawfully established school.

²¹ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

316.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*. As used in Table 316-2, numbers in superscript correspond to the notes that follow the table.

B. Modifications: The standards in Table 316-2 may be modified pursuant to Section 800, *Special Use Requirements*; Section 902, *Lot Size Exceptions*; Section 903, *Setback Exceptions*; Section 904, *Other Exceptions*; Section 1013, *Planned Unit Developments*; Section 1014, *Design Standards for Land Divisions*; Section 1107, *Property Line Adjustments*; and Section 1205, *Variance*.

Table 316-2: Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts

Standard	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Minimum Lot Size ¹	1 acre ²	2 acres ²	2 acres	5 acres ^{2,3}	10 acres ^{2,3}	10 acres ³
Minimum Front Yard Depth	30 feet	30 feet	15 feet, except 20 feet to garage and	30 feet	30 feet	30 feet

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			carport motor vehicle entries ⁴			
Minimum Rear Yard Depth	30 feet ⁵	30 feet ⁶	15 feet	30 feet ⁶	30 feet ⁶	30 feet ⁶
Minimum Side Yard Depth	10 feet ⁷	10 feet	5 feet	10 feet	10 feet	10 feet
Minimum Building Separation above 3,500 Square Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

¹ The minimum lot size standards, as modified pursuant to Section 800, *Special Use Requirements*; 902, *Lot Size Exceptions*; 1013, *Planned Unit Developments*; 1014, *Design Standards for Land Divisions*; 1107, *Property Line Adjustments*; and 1205, *Variance*, apply to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except as limited by minimum lot size standards of Section 800 and Subsection 902.02.

² The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.

³ For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the road right-of-way.

⁴ For a corner lot located above 3,500 feet in elevation, the minimum depth of one of the front yards shall be 10 feet, except 20 feet to garage and carport motor vehicle entries.

⁵ The minimum rear yard depth for an accessory building shall be five feet.

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⁶ The minimum rear yard depth for an accessory building shall be 10 feet.

⁷ The minimum side yard depth for an accessory building shall be five feet.

316.05 DEVELOPMENT STANDARD

Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.

Attachment D

Hoodland Residential & Mountain Recreational Resort Zoning Districts

ZDO-252 proposes to consolidate the two residential zones that are specific to the Mt. Hood Community Plan area into one new section. Sections 306 and 312 will be repealed, and a new ZDO Section 317 will contain *Hoodland Residential (HR)* and *Mountain Recreational Resort (MRR) Districts*.

What is in this Attachment E?

1. Summary sheets for the each Mt. Hood Community Plan residential zone:
The summary sheet for each zone describes in detail all the changes being proposed to that zone and where various components are being relocated.
2. New Section 317: Uses and dimensional standards are organized into tables. Some development and design standards that are specific to these zones follow the tables.

The materials contained in Attachments C, D, and E comprise the backbone of ZDO-252, although the packet is much larger than this because many conforming amendments have been done in other sections.

Summary of Proposed Amendments to Section 306, Mountain Recreational Resort District

Subsection 306.01 Purpose: Move the purpose statement to a new Section 317.

Subsection 306.02 Area of Application: Repeal due to redundancy with Chapter 10 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 306 and compare it to the proposed Section 317, including Table 317-1.

Subsection 306.03 Primary Uses:

- Move to a new Section 317, where permitted uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- Replace reference to “public” recreational uses with “government-owned” recreational uses as was done last year for the urban residential districts. Specifically identify additional government-owned recreational uses permitted. Similar uses may be permitted as well.
- Delete lodging, boarding, and rooming houses for any number of guests. This use is not defined in the ZDO, and other permitted uses (hotels, motels, bed and breakfast inns and residences) plus the expansive definition of “family” for purposes of a single-family dwelling appear to cover what is intended by this listing.
- Amend to permit attached single-family dwellings, subject to Section 838.
- Add a 100-unit cap on the number of units permitted in a hotel or motel in Government Camp. This limit is required by Oregon Administrative Rules.

Subsection 306.04 Accessory Uses:

- Move to a new Section 317, where accessory uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- More extensive lists of uses customarily accessory and incidental (with consistent terminology across different zones) have been developed in an attempt to be more clear and objective in the determination of such uses.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers’ Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers’ Markets from Section 1204 to a new Section 840. Farmers’ markets are already permitted in the MRR District in conjunction with an institutional use, subject to a “temporary” permit with no expiration.

Subsection 306.05 Limited Uses:

- Move to a new Section 317, where limited uses for the Mountain Recreational Resort will be identified in a table.
- Amend the list of limited uses to be consistent with the comparable commercial use categories adopted for the urban commercial zones last year.
- Move campgrounds from the limited use category to the conditional use category.
- Allow the “authorization of a similar use” process for limited uses. Currently “similar recreational operations” are permitted with no defined process for making the determination on what qualifies.

Subsection 306.06 Conditional Uses:

- Move to a new Section 317, where conditional uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- Permit adult daycare as a conditional use. Children’s daycare facilities are currently permitted as a conditional use.
- Specifically identify the recreational uses permitted as a conditional use and require the “authorization of a similar use” process to determine if an unlisted use is permitted.
- Prohibit the following uses, which may currently be permitted as conditional uses: quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses; sanitary landfills; and debris fills.
- Permit only manufactured home parks, rather than manufactured dwelling parks. Manufactured homes are units constructed on or after June 15, 1976.

Subsection 306.07 Prohibited and Preexisting Uses:

- Move to a new Section 317, where uses for rural residential and future urban zones will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process for limited uses and some conditional uses. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.
- Repeal preexisting uses provisions for land divisions. The provisions are in part redundant with Section 1012 and in part in conflict with Section 1012.

Subsection 306.08 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 317, where dimensional standards the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- Delete density chart because it is redundant with Section 1012.
- Move scenic roads provisions to Section 1009.

- Repeal the current minimum perimeter yard depth standard, which is a range of 10 to 30 feet with the exact requirement determined based on subjective criteria. Adopt minimum front, rear and side yard depth standards (as exist for all other residential zones), as follows:
 - Minimum front yard depth to be 15 feet (10 feet in Government Camp) but 20 feet to garage and carport motor vehicle entries
 - Minimum rear and side yard depths for single-family dwellings/manufactured homes to be the same as the Hoodland Residential District proposal of five feet side; 15 feet rear
 - Minimum rear and side yard depths for other development to be 10 feet side and rear. However, if development abuts a Hoodland Residential District or an MRR lot developed with a single-family dwelling/manufactured home, the minimum rear and side yard depths are on a sliding scale of 10 to 30 feet based on building height.
- Repeal 10-foot building separation requirement; retain 20-foot snow slide separation requirement above 3,500 feet. Move the definition for snow slide area to Section 202.
- Delete minimum landscaping area because it is redundant with Section 1009.
- Move general references to exceptions and variances to new Section 317
- Adopt building floor area limits for commercial uses. These limits are required by Oregon Administrative Rules. Provide an exception to allow greater expansion of certain pre-existing commercial uses, as already applies in the Rural Commercial District.

Subsection 306.09 Development Standards:

- Clarify that condominiums are an ownership type, not a building type. Permit condominium platting for any dwelling type permitted in the zone. (Condominiums currently are listed as a permitted use, rather than an ownership type.)
- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 317.
- Repeal a reference to Community Plans and Design Plans. The requirements of these plans are incorporated elsewhere in the ZDO.
- Move standards for residential development in restricted areas to a new Section 317.
- Move the building design standards to Section 1005.
- Move the sign standards to Section 1010.
- Add standards for structure and façade design of single-family residential development in the MRR District for consistency with the HR district.

Note: The net result of the proposed changes will be the repeal of Section 306.

Summary of Proposed Amendments to Section 312, Hoodland Residential District

Subsection 312.01 Purpose: Move the purpose statement (A) to a new Section 317. Repeal (B) due to redundancy with Chapter 10, Mt. Hood Community Plan, of the Comprehensive Plan.

Subsection 312.02 Area of Application: Repeal (B) because policy language for the Mt. Hood area resides in Chapter 10 of the Comprehensive Plan.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 312 and compare it to the proposed Section 317, including Table 317-1.

Subsection 312.03 Primary Uses:

- Move to a new Section 317, where permitted uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- Replace reference to “public” recreational uses with “government-owned” recreational uses as was done last year for the urban residential districts. Specifically identify additional government-owned recreational uses permitted. Authorization of a similar use will continue to be available for uses that aren’t listed, as is currently the case.

Subsection 312.04 Accessory Uses:

- Move to a new Section 317, where accessory uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- More extensive lists of uses customarily accessory and incidental have been developed in an attempt to be more clear and objective in the determination of such uses.
- Consistently permit temporary storage of recyclable materials in all zoning districts.
- Amend to allow an accessory kitchen to enable a single-family dwelling to have secondary kitchen facilities, limited by location and size so that a duplex is not created where none is allowed. This was done last year for the urban residential districts.
- Add a reference to Farmers’ Markets, subject to Section 840, as an accessory use only if File ZDO-253 is approved as proposed to move Farmers’ Markets from Section 1204 to a new Section 840. Farmers’ markets are already permitted in the HR District in conjunction with an institutional use, subject to a “temporary” permit with no expiration.

Subsection 312.05 Conditional Uses:

- Move uses to a new Section 317, where conditional uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.

- Permit adult daycare as a conditional use. Children’s daycare facilities are currently permitted as a conditional use.
- Specifically identify additional recreational uses permitted as a conditional use. Authorization of a similar use will continue to be available for uses that aren’t listed, as is currently the case.
- Prohibit the following uses, which may currently be permitted as conditional uses: quarry activities or uses: rock, gravel, sand, soil, aggregates, and similar extractive activities and uses; sanitary landfills; and debris fills.
- Repeal the requirement for a conditional use permit to convert existing dwellings to condominiums.

Subsection 312.06 Prohibited Uses:

- Move to a new Section 317, where uses for the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process (available only under narrow circumstances in this zone), as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.

Subsection 312.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 317, where dimensional standards the Mountain Recreational Resort and Hoodland Residential Districts will be identified in a table.
- Amend minimum front yard depths to be 15 feet, except 20 feet to garage and carport motor vehicle entries, instead of current 20 feet from the lot line or 40 feet from the centerline of the road (current 15 feet from the lot line or 35 feet from the centerline of the road for the second frontage on a corner lot below 3,500 feet in elevation). For corner lots above 3,500 feet in elevation, retain allowance for 10-foot minimum on second frontage but repeal the alternate standard of 30 feet to the centerline of the road and add a requirement that garage and carport motor vehicle entries be a minimum of 20 feet from the front lot line.
- Repeal the front yard depth exception for the second frontage on a through lot because there is no clear policy rationale for this exception in light of the new standard for rear yard depth that applies to lots other than through lots.
- Amend the minimum side yard depth to five feet, instead of current sliding scale of five to 10 feet based on lot width.
- Amend the minimum rear yard depth to 15 feet, instead of current sliding scale of 10 to 20 feet based on lot depth.
- Amend maximum lot coverage to be 40 percent for all lots instead of 20 percent for lots in subdivisions recorded prior to September 16, 1974. The proposed lot coverage standard is the same as the standard that applies in Urban Low Density Residential Districts with comparable residential density standards to the HR District.

- Move the definition for snow slide area to Section 202.
- Move general references to exceptions and variances to new Section 317.

Subsection 312.08 Development Standards:

- Clarify that condominiums are an ownership type, not a building type. Permit condominium platting for any dwelling type permitted in the zone. This approach is consistent with what is permitted in urban residential districts with similar density standards to the HR District.
- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 317.
- Repeal a reference to Community Plans and Design Plans. The requirements of these plans are incorporated elsewhere in the ZDO.
- Move standards for residential development in restricted areas to a new Section 317.
- Move design standards for dwellings to a new Section 317; add composition shingles as a roofing option.

Note: The net result of the proposed changes will be the repeal of Section 312.

**File ZDO-252
Draft Zoning and Development Ordinance Amendments
Draft Date 3/18/15**

Section 317 is proposed as a new ZDO section. See attached summary for details.

**317 MOUNTAIN RECREATIONAL RESORT (MRR) AND HOODLAND
RESIDENTIAL (HR) DISTRICTS**

317.01 PURPOSE

Section 317 is adopted to implement the policies of the Comprehensive Plan for Mountain Recreation areas and Low Density Residential areas regulated by the Mount Hood Community Plan.

317.02 APPLICABILITY

Section 317 applies to land in the Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts.

317.03 USES PERMITTED

- A. Uses permitted in the MRR and HR Districts are listed in Table 317-1, *Permitted Uses in the MRR and HR Districts*. Uses not listed are prohibited, except that in the MRR District, uses similar to one or more of the listed limited uses may be authorized pursuant to Section 106, *Authorization of Similar Uses*.
- B. As used in Table 317-1:
1. "P" means the use is a primary use.
 2. "A" means the use is an accessory use.
 3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
 4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
 5. "X" means the use is prohibited.
 6. Numbers in superscript correspond to the notes that follow Table 317-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 317.04, *Dimensional Standards*; Subsection 317.05, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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Table 317-1: Permitted Uses in the MRR and HR Districts

Use	MRR	HR
Accessory Buildings and Uses, Customarily Permitted , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
Accessory Dwelling Units , subject to Section 839	X	A
Accessory Kitchens	A ¹	A ¹
Airports, Personal-Use	C	C
Bed and Breakfast Inns , subject to Section 832	P	C
Bed and Breakfast Residences , subject to Section 832	P	C
Bus Shelters , subject to Section 823	P	P
Campgrounds	C	C
Churches , subject to Section 804	C	C
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	L ²	X
Congregate Housing Facilities	P	X
Daycare Facilities , subject to Section 807	C	C
Daycare Services, Adult	C	C
Dwellings, Attached Single-Family , subject to Section 838	P ³	P ^{3,4}
Dwellings, Detached Single-Family	P ³	P ³
Dwellings, Multifamily	P	X
Dwellings, Three Family	P	X
Dwellings, Two-Family	P	X
Energy Source Development	C	C
Farmers' Markets , subject to Section 840	A	A
Fraternal Organization Lodges	C ⁵	C ⁵
Government Uses , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C ⁵	C ⁵
Guest Houses and Studios , subject to Section 833	X	A

Comment [JH1]: This reference will appear here only if ZDO-253 is approved to move farmers' market provisions from Section L204 to a new Section 840.

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Use	MRR	HR
Guest Ranches and Lodges	X	C
Helistops, Personal-Use	C	C
Home Occupations , including bed and breakfast homestays, subject to Section 822 ⁶	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels ⁷	P ⁸	X
Hydroelectric Facilities , subject to Section 829	C	C
Livestock , subject to Section 821	A	A
Manufactured Homes , subject to Section 824	P ³	P ³
Manufactured Home Parks , subject to Section 825	C	X
Mobile Vending Units , subject to Section 837	L ^{2,9}	X
Motels ⁷	P ⁸	X
Multi-Use Developments , subject to Section 1016	C	C
Nursing Homes , subject to Section 810	P	C
Parking Structures	A	X
Produce Stands , subject to Section 815	A	A
Public Utility Facilities	C ⁵	C ^{5,10}
Radio and Television Transmission and Receiving Towers and Earth Stations	C ^{5,11}	C ^{5,11}
Recreational Uses , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails ¹²	C ⁵	C ⁵
Recreational Uses, Government-Owned , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses ¹²	P ¹³	P ¹⁴
Recreational Uses, Government-Owned Golf Courses ¹²	P ¹³	P ¹⁴
Recreational Vehicle Camping Facilities , subject to Section 813	C ⁵	C ⁵
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or	L ²	X

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Use	MRR	HR
printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.		
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	L ²	X
Services, Commercial—Maintenance and Repair , of any of the following: bicycles and sporting goods	L ²	X
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L ²	X
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	L ²	X
Schools , subject to Section 805	C	C
Signs , subject to Section 1010	A ¹⁵	A ¹⁵
Surface Mining , subject to Section 818	X	X
Telephone Exchanges	C ⁵	C ⁵
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
Transit Park-and-Rides	P	P
Transfer Stations , subject to Section 819	C	C
Utility Carrier Cabinets , subject to Section 830	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	P	P
Wireless Telecommunication Facilities listed in Subsection 835.06(A), subject to Section 835	C	C

¹ An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.

² The limited use is permitted subject to the following criteria:

- a. The use shall be incidental to a primary use.
- b. The use shall be provided for as an integral part of the general plan of the development.

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- c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.
- ³ Except as limited by Subsection 902.02, each lot of record may be developed with only one of the following: attached single-family dwelling, detached single-family dwelling, or manufactured home.
- ⁴ Attached single-family dwellings are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
- ⁵ Uses similar to this may be authorized pursuant to Section 106, *Authorization of Similar Uses*.
- ⁶ A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 317-1.
- ⁷ Also permitted are associated convention facilities.
- ⁸ A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- ⁹ Only level three and four mobile vending units are permitted.
- ¹⁰ Public utility facilities shall not include shops, garages, or general administrative offices.
- ¹¹ The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- ¹² This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- ¹³ Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- ¹⁴ Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- ¹⁵ Temporary signs regulated under Subsection 1010.13(A) are a primary use.

317.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the MRR and HR Districts are listed in Table 317-2, *Dimensional Standards in the MRR and HR Districts*. As

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used in Table 317-2, numbers in superscript correspond to the notes that follow the table.

- B. **Modifications:** The standards in Table 317-2 may be modified pursuant to Section 800, *Special Use Requirements*; Section 902, *Lot Size Exceptions*; Section 903, *Setback Exceptions*; Section 904, *Other Exceptions*; Section 1013, *Planned Unit Developments*; Section 1107, *Property Line Adjustments*; and Section 1205, *Variance*.

Table 317-2: Dimensional Standards in the MRR and HR Districts

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012, <i>Density</i>	See Section 1012	10,890 square feet
Minimum Front Yard Depth	15 feet, except 20 feet to garage and carport motor vehicle entries ¹	15 feet, except 20 feet to garage and carport motor vehicle entries ²
Minimum Rear Yard Depth	10 feet ^{3,4,5}	15 feet ⁴
Minimum Side Yard Depth	10 feet ^{3,4,5}	5 feet ⁴
Maximum Lot Coverage	None	40 percent
Maximum Building Height	40 feet ^{6,7}	40 feet ⁶
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	4,000 square feet, except 8,000 square feet in Government Camp ^{8,9}	Not Applicable

¹ In Government Camp, the minimum front yard depth shall be 10 feet, except 20 feet to garage and carport motor vehicle entries.

² For a corner lot in Government Camp, the minimum depth of one of the front yards shall be 10 feet, except 20 feet to garage and carport motor vehicle entries.

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- ³ The minimum rear and side yard depth standards applicable in the HR District apply to detached single-family dwellings and manufactured homes, as well as to structures that are accessory to such detached single-family dwellings and manufactured homes.
- ⁴ If the yard abuts a national forest, there shall be no minimum yard depth.
- ⁵ Except as established by Note 2 to Table 317-2, if a rear yard or a side yard abuts an HR District or abuts a lot in the MRR District developed with a single-family dwelling or a manufactured home, the applicable minimum yard depth standard for a building shall be based on the height of that building, as follows:

Building Height	Minimum Yard Depth
≤ 20 feet	10 feet
> 20 feet and ≤ 30 feet	15 feet
> 30 feet and ≤ 40 feet	20 feet
> 40 feet and ≤ 50 feet	25 feet
> 50 feet	30 feet

- ⁶ The maximum building height may be increased to 50 feet to accommodate understructure parking.
- ⁷ For a hotel in Government Camp, the maximum building height shall be 70 feet and may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.
- ⁸ No maximum applies to the following:
- a. Uses authorized under Statewide Planning Goals 3 and 4;
 - b. Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area; and
 - c. Hotels and motels.
- ⁹ In Rhododendron or Wemme/Welches, a lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 4,000 square feet of building floor space or 50 percent more building floor space than was occupied by the use on December 20,

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2001, whichever is greater. In Government Camp, a lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 8,000 square feet of building floor space or 50 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

317.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Condominiums: Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums, pursuant to Section 803: detached single-family dwellings, attached single-family dwellings, two-family dwellings, three-family dwellings, and multifamily dwellings. In the case of single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record.
- B. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.
- C. Structure and Façade Design: Single-family dwellings and manufactured homes, except temporary dwellings approved pursuant to Section 1204, shall include at least three of the following features visible to the road. If the single-family dwelling or manufactured home is located on a corner lot, the features shall be visible from the road from which the single-family dwelling or manufactured home takes access.
 - 1. A covered porch at least two feet deep;
 - 2. An entry area recessed at least two feet from the exterior wall to the door;
 - 3. A bay or bow window (not flush with the siding);
 - 4. An offset on the building face of at least 16 inches from one exterior wall surface to the other;
 - 5. A dormer;
 - 6. A gable;
 - 7. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls;
 - 8. A roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other;
 - 9. An attached garage;

Comment [DH2]: This reference will be removed if ZDO 252 is approved to repeal Section 803.

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10. Orientation of the long axis and front door to the street;
 11. A cupola;
 12. A tile, shake, or composition roof; and
 13. Horizontal lap siding.
- D. Restricted Areas: Generally residential development is prohibited in the Floodplain Management District regulated by Section 703, river and stream corridors, wetlands, mass movement hazard areas regulated by Section 1003, and on slopes greater than 25 percent. However, a single-family dwelling or manufactured home may be developed in a restricted area on a lot of record created prior to the adoption of this standard, subject to compliance with the applicable criteria in this Ordinance for such development. In the case of a land division, density accruing to restricted areas may be eligible for transfer to unrestricted areas as provided in Section 1012, *Density*.

Attachment E

Rural Commercial & Rural Tourist Commercial Zoning Districts

ZDO-252 proposes to consolidate the both rural commercial zones into one new section. Sections 504 and 505 will be repealed, and a new ZDO Section 513 will contain *Rural Commercial (RC) and Rural Tourist Commercial (RTC) Districts*.

What is in Attachment C?

1. Summary sheets for the each rural commercial zone:
The summary sheet for each zone describes in detail all the changes being proposed to that zone and where various components are being relocated.
2. New Section 513: Uses and dimensional standards are organized into tables.

The materials contained in Attachments C, D, and E comprise the backbone of ZDO-252, although the packet is much larger than this because many conforming amendments have been done in other sections.

Summary of Proposed Amendments to Section 504, Rural Tourist Commercial District

Subsection 504.01 Purpose: Move the purpose statement to a new Section 513.

Subsection 504.02 Area of Application: Repeal due to redundancy with Chapters 4 and 10 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 504 and compare it to the proposed Section 513, including Table 513-1.

Subsection 504.03 Primary Uses:

- Move to a new Section 513, where primary uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table.
- Group the permitted retail, wholesale, and service uses into categories established in the first two years of ZDO audit work and previously applied in the urban area. This will result in changes in terminology used to identify uses, as well as some additional uses permitted without going through an "authorization of similar use" process.
- Repeal requirement for daycare facilities and services to be operated during the daytime only.
- Limit truck repair services to light trucks; currently there is no such limitation.
- Exempt churches from compliance with Section 804.
- Allow pedestrian amenities and government-owned recreational uses as primary uses.
- Add a reference to Farmers' Markets, subject to Section 840, as a primary use only if File ZDO-253 is approved as proposed to move Farmers' Markets from Section 1204 to a new Section 840. Farmers' markets are already permitted in the RTC District, subject to a "temporary" permit with no expiration.
- Allow hosting of weddings, family reunions, class reunions, company picnics, and similar events as a conditional use.
- Repeal public utility installations because it is not clear what qualifies as an "installation".
- Repeal "other uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area". This is language from the Oregon Administrative Rules that pertains to an exception from the maximum commercial floor space standard. The proposal is to use it that way in Section 513.

Subsection 504.04 Accessory Uses:

- Move to a new Section 513, where accessory uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table.

- Adopt an extensive list of uses customarily accessory and incidental, in an attempt to be more clear and objective in the determination of such uses.
- Allow parking lots, employee amenities and home occupations as accessory uses.

Subsection 504.05 Conditional Uses:

- Move uses to a new Section 513, where conditional uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table.
- Repeal “minimum 15-foot setback between the front property line and the developed portion of the site, excluding landscaping” for mini-storage facilities because it is unclear. Minimum front yard setback standards would apply to buildings (10 feet in Government Camp, 15 feet elsewhere), and building design standards and parking lot perimeter landscape standards would continue apply.
- Specifically identify the recreational uses permitted and require the “authorization of a similar use” process for uses that are not listed.

Subsection 504.06 Prohibited Uses:

- Move to a new Section 513, where uses for rural tourist commercial zone will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process, as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.
- Repeal the standards for preexisting uses, which conflict with standards for nonconforming uses in Section 1206 and state law.

Subsection 504.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 513, where dimensional standards for the Rural Tourist Commercial and Rural Commercial Districts will be identified in tables.
- In Government Camp for front yards that do not abut Government Camp Loop, reduce the minimum front yard depth from 25 feet to 10 feet, except 20 feet to garage and carport motor vehicle entries. Government Camp Loop setback remains at four feet minimum, 10 feet maximum.
- Amend the 10-foot setback that applies on the second frontage of a corner lot in Government Camp by requiring a 20-foot minimum front yard depth for garage and carport motor vehicle entries only. Otherwise, the 10-foot minimum for the second frontage would remain in place.
- Specify that in order to qualify for no minimum front yard depth standard, a building cantilever on Government Camp Loop must have a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway.

- Replace unclear reference to property abutting a “more restrictive zoning district” with “RR or HR District” (only HR District in Government Camp) for purposes of applying a larger minimum side or rear yard depth standard.
- Repeal 10-foot building separation requirement; retain 20-foot snow slide separation requirement above 3,500 feet. Move the definition for snow slide area to Section 202.
- Delete minimum landscaping standard because it is redundant with Section 1009.
- Amend the maximum commercial floor space standards for consistency with Oregon Administrative Rules by: allowing for exceptions to the standard as set forth in the OAR and applying in Wemme/Welches (currently only Rhododendron and Government Camp are referenced). Also, permit uses existing prior to the County’s initial adoption of the floor space limitation to expand up to 50 percent, even if it would exceed the limit applicable to new uses. (This expansion allowance already applies in the Rural Commercial District.)
- Delete density chart because it is redundant with Section 1012.
- Move community sewer standard for hotels and motels to Section 1006.
- Move general references to exceptions and variances to new Section 513.

Subsection 504.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 317.
- Repeal a reference to Community Plans and Design Plans. The requirements of these plans are incorporated elsewhere in the ZDO.
- Move Government Camp building and site design standards to Section 1005.
- Move Government Camp landscaping standards to Section 1009.
- Move Government Camp sign standards to Section 1010.
- Move Government Camp loading and delivery standards to Section 1015.

Note: The net result of the proposed changes will be the repeal of Section 504.

Summary of Proposed Amendments to Section 505, Rural Commercial District

Subsection 505.01 Purpose: Move the purpose statement to a new Section 513.

Subsection 505.02 Area of Application: Repeal due to redundancy with Chapter 4 of the Comprehensive Plan and Section 1202 of the ZDO.

Please note: Regarding primary, accessory, conditional and prohibited uses, this document attempts to summarize the key proposed changes; however, to review the specific proposal, refer to the currently adopted version of Section 505 and compare it to the proposed Section 513, including Table 513-1.

Subsection 505.03 Primary Uses:

- Move to a new Section 513, where primary uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table.
- Group the permitted retail, wholesale, and service uses into categories established in the first two years of ZDO audit work and previously applied in the urban area. This will result in changes in terminology used to identify uses, as well as some additional uses permitted without going through an “authorization of similar use” process.
- Repeal requirement for daycare facilities and services to be operated during the daytime only.
- Allow transit park-and-rides; pedestrian amenities; bus shelters; retail sales of all-terrain vehicles, motorcycles and snowmobiles; and government-owned recreational uses as primary uses.
- Allow churches and schools as primary, rather than conditional, uses. Exempt them from compliance with Sections 804 and 805, respectively.
- Add a reference to Farmers’ Markets, subject to Section 840, as a primary use only if File ZDO-253 is approved as proposed to move Farmers’ Markets from Section 1204 to a new Section 840. Farmers’ markets are already permitted in the RC District, subject to a “temporary” permit with no expiration.

Subsection 505.04 Accessory Uses:

- Move to a new Section 513, where accessory uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table.
- Adopt an extensive list of uses customarily accessory and incidental, in an attempt to be more clear and objective in the determination of such uses.
- Allow parking lots, employee amenities and home occupations as accessory uses.

Subsection 505.05 Conditional Uses:

- Move uses to a new Section 513, where conditional uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table.
- Specifically identify additional recreational uses permitted as a conditional use. Authorization of a similar use will continue to be available for uses that aren't listed, as is currently the case.
- Repeal the prohibition on shops, garages and general administrative offices in conjunction with public utility facilities. The prohibition currently is found in Section 813 and applies in the RC District.
- Identify an extensive list of vehicles that can be stored as a conditional use, rather than retaining the current general reference to vehicles. This is proposed for consistency with ZDO audit work done last year for urban commercial districts.

Subsection 505.06 Prohibited Uses:

- Move to a new Section 513, where uses for the Rural Tourist Commercial and Rural Commercial Districts will be identified in a table. Anything not listed as permitted will be prohibited unless approved through an Authorization of a Similar Use process, as is currently allowed. Uses specifically identified as prohibited will not be eligible for authorization as a similar use.
- Repeal the standards for preexisting uses, which conflict with standards for nonconforming uses in Section 1206 and state law.

Subsection 505.07 Dimensional Standards:

- Summarize key elements of the purpose statements and move to the Comprehensive Plan.
- Move to a new Section 513, where dimensional standards for the Rural Tourist Commercial and Rural Commercial Districts will be identified in tables.
- Replace unclear reference to "more restrictive zoning district" with "residential zoning district" for purposes of applying the minimum side and rear yard depth standards.
- Repeal minimum road frontage standard, as has been done in nearly all other zones, because adequate access via private road is addressed through Section 1007 and the County Roadway Standards.
- Delete minimum landscaping standard because it is redundant with Section 1009.
- Amend the maximum commercial floor space standards for consistency with Oregon Administrative Rules by allowing for exceptions to the standard as set forth in the OAR.
- Move general references to exceptions and variances to new Section 513.
- Repeal confusing two-track process for variances in favor of processing through Section 1205 consistently in all zones.

Subsection 505.08 Development Standards:

- Move general references to compliance with Sections 1000 and 1100 and redevelopment of manufactured dwelling parks to a new Section 513.
- Repeal a reference to Community Plans and Design Plans. The requirements of these plans are incorporated elsewhere in the ZDO.
- Move sign standards to Section 1010.

Note: The net result of the proposed changes will be the repeal of Section 505.

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Draft Zoning and Development Ordinance Amendments
Draft Date 3/2/15**

Section 513 is proposed as a new ZDO section. See attached summary for details.

513 RURAL TOURIST COMMERCIAL (RTC) AND RURAL COMMERCIAL (RC) DISTRICTS

513.01 PURPOSE

Section 513 is adopted to implement the policies of the Comprehensive Plan for Community Commercial areas regulated by the Mount Hood Community Plan and for Rural Commercial areas.

513.02 APPLICABILITY

Section 513 applies to land in the Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts.

513.03 USES PERMITTED

A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorization of Similar Uses*.

B. As used in Table 317-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Use*.
4. "S" means the use may be authorized only pursuant to Section 106; however, identifying a use as "S" does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
5. "X" means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 513-1.

C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; Subsection 513.05, *Development Standard*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

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Table 513-1: Permitted Uses in the RTC and RC Districts

Use	RTC	RC
Accessory Uses, Customarily Permitted , such as amateur (Ham) radio towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children's play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
Assembly Facilities , including auditoriums, churches ¹ , community centers, convention facilities, exhibition halls, fraternal organization lodges, senior centers, and theaters for the performing arts	P	P
Bed and Breakfast Inns , subject to Section 832	P	P
Bed and Breakfast Residences , subject to Section 832	P	P
Bus Shelters , subject to Section 823	P	P
Civic and Cultural Facilities , including art galleries, libraries, museums, and visitor centers	P	P
Contractors, Logging	P	P
Daycare Facilities , subject to Section 807	P	P
Daycare Services, Adult	P	P
Drive-Thru Window Services , subject to Section 827	X	A
Dwellings, Detached Single-Family	P ² , A	A
Electric Vehicle Charging Stations	P	P
Employee Amenities , including cafeterias, clinics, daycare facilities ³ , fitness facilities, lounges, and recreational facilities	A	A
Entertainment Facilities , including arcades, billiard halls, and movie theaters	P	P
Farmers' Markets , subject to Section 840	P	P
Financial Institutions , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P
Fitness Facilities , including athletic clubs, exercise studios, gymnasiums, and health clubs	P	P
Government Uses , including fire stations, police stations, and post offices	P	P
Government Uses , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C

Comment [JH1]: This reference will appear here only if ZDO-252 is approved to move farmers market provisions from Section 1204 to a new Section 840.

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Use	RTC	RC
Home Occupations , including bed and breakfast homestays, subject to Section 822	A	A
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	C
Hotels	P ⁴	S ⁵
Hydroelectric Facilities , subject to Section 829	C	C
Mobile Vending Units , subject to Section 837	P	P
Motels	P ⁴	S ⁵
Offices , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P
Offices and Outpatient Clinics —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P
Parking Lots	A	A
Parking Structures, Community	P ⁶	X
Pedestrian Amenities	P	P
Public Utility Facilities	S	C
Radio and Television Transmission and Receiving Towers and Earth Stations	S ⁷	C ⁷
Recreational Uses , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails ⁸	C	C
Recreational Uses, Government-Owned , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses ⁸	P	P
Recreational Uses, Government-Owned Golf Courses ⁸	P	P
Recreational Vehicle Camping Facilities , subject to Section 813	P	X

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Use	RTC	RC
Recycling Centers , subject to Section 819	C	C
Recyclable Drop-Off Sites , subject to Section 819	A	A
Resort Accommodations	P ⁴	S ³
Retailing —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, motorcycles, and snowmobiles	S	P
Retailing —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P
Retailing —whether by sale, lease, or rent—of any of the following new or used products: animal feed, building materials, farm equipment, forestry equipment, and livestock supplies	P	P
Schools ⁹	P	P ¹⁰
Service Stations , subject to Section 820	P	P
Services, Commercial—Construction and Maintenance , including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	P
Services, Commercial—Food and Beverage , including catering and eating and drinking establishments	P ¹¹	P ¹¹
Services, Commercial—Maintenance and Repair of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	P	P
Services, Commercial—Maintenance and Repair of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	P	P
Services, Commercial—Maintenance and Repair of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	P
Services, Commercial—Miscellaneous , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P
Services, Commercial—Mini-Storage/Self-Storage Facilities	C ¹²	C

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Use	RTC	RC
Services, Commercial—Personal and Convenience , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P
Services, Commercial—Storage of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	C
Services, Commercial—Storage of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	C
Services, Commercial—Studios of the following types: art, craft, dance, music, and photography	P	P
Signs , subject to Section 1010	A ¹³	A ¹³
Telephone Exchanges	S	C
Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker	A	A
Temporary Buildings for Uses Incidental to Construction Work. Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
Theme Parks and Amusement Parks	C	S
Transfer Stations , subject to Section 819	C	C
Transit Park-and-Rides	P	P
Utility Carrier Cabinets , subject to Section 830	P	P
Wholesaling —whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings	P	P
Wireless Telecommunication Facilities listed in Subsections 835.04 and 835.05, subject to Section 835	P	P

¹ Churches are not subject to Section 804, *Churches*.

² On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.

³ Daycare facilities as an employee amenity are not subject to Section 807, *Daycare Facilities*.

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- 4 A hotel, motel, or resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre or 100 units in total, whichever is less. A hotel, motel, or resort accommodations development in Rhododendron shall be limited to a maximum number of units per acre calculated pursuant to Table 1012-2, or 35 units in total, whichever is less. A hotel, motel, or resort accommodations development in Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 1012-2.
- 5 If a hotel, motel, or resort accommodations development is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).
- 6 Parking structures are permitted only in Government Camp and only if they are consistent with an adopted community parking plan.
- 7 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 8 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 9 Schools are not subject to Section 805, *Schools*.
- 10 Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metro Region 2040 Growth Concept Map.
- 11 Drive-in restaurants are prohibited.
- 12 No outside storage shall be permitted.
- 13 Temporary signs regulated under Subsection 1010.13(A) are a primary use.

513.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the RTC and RC Districts are listed in Tables 513-2, *Dimensional Standards in the RTC and RC Districts, Except in Government Camp*, and 513-3, *Dimensional Standards in Government Camp*. As used in Tables 513-2 and 513-3, numbers in superscript correspond to the notes that follow the tables.
- B. Modifications: The standards in Tables 513-2 and 513-3 may be modified pursuant to Section 800, *Special Use Requirements*; Section 903, *Setback Exceptions*; Section 904, *Other Exceptions*; Section 1013, *Planned Unit Developments*; Section 1107, *Property Line Adjustments*; and Section 1205, *Variance*.

Table 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp

Standard	RTC	RC
Minimum Lot Size	None	None ¹
Minimum Front Yard Depth	25 feet	30 feet
Minimum Rear Yard Depth	10 feet ^{2,3}	10 feet ⁴
Minimum Side Yard Depth	10 feet ^{2,5}	10 feet ⁶
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet ^{7,8}	4,000 square feet ^{7,8}
Maximum Building Floor Space per Commercial Use outside an Unincorporated Community	Not Applicable	3,000 square feet ^{7,9}

¹ The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.

² If the yard abuts a national forest, there shall be no minimum yard depth.

³ If the rear yard abuts an RR or HR District, the minimum shall be 20 feet.

⁴ If the rear yard abuts a residential zoning district, the minimum shall be 20 feet.

⁵ If the side yard abuts an RR or HR District, the minimum shall be 20 feet.

⁶ If the side yard abuts a residential zoning district, the minimum shall be 20 feet.

⁷ No maximum applies to the following:

- a. Uses authorized under Statewide Planning Goals 3 and 4;
- b. Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area; and
- c. Hotels, motels, and resort accommodations.

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- ⁸ A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 4,000 square feet of building floor space or 50 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- ⁹ A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

Table 513-3: Dimensional Standards in Government Camp

Standard	RTC
Minimum Front Yard Depth unless the Front Yard abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front Yard Depth if the Front Yard abuts Government Camp Loop	4 feet ¹
Maximum Front Yard Depth if the Front Yard abuts Government Camp Loop	10 feet ²
Minimum Rear Yard Depth	10 feet ^{3,4}
Minimum Side Yard Depth	None
Maximum Building Height	70 feet ⁵
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	8,000 square feet ^{6,7}

- ¹ There shall be no minimum setback for building cantilevers with a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway. Structures less than 10 feet from the front lot line shall be designed to include measures to protect the public and vehicles from snow slide incidents.
- ² The maximum front yard depth standard may be exceeded to the minimum extent necessary to accommodate public plaza space. Detached single-family dwellings are exempt from complying with the maximum front yard depth standard.
- ³ If the rear yard abuts a national forest, there shall be no minimum yard depth.

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- ⁴ If the rear yard abuts an HR District, the minimum shall be 20 feet.
- ⁵ The maximum building height may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.
- ⁶ No maximum applies to the following:
- a. Uses authorized under Statewide Planning Goals 3 and 4;
 - b. Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area; and
 - c. Hotels, motels, and resort accommodations.
- ⁷ A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 8,000 square feet of building floor space or 50 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

513.05 DEVELOPMENT STANDARD

Redevelopment of a manufactured dwelling park with a different use is subject to Subsection 825.03.

Attachment F

Development Review Process and Criteria for Discretionary Permits

ZDO-253 proposes to amend the sections of the ZDO that address the development review process (e.g., subdivisions, property line adjustments) and criteria for discretionary permits (e.g., conditional uses, variances).

What is in Attachment F?

1. Summary sheets for each of the main ZDO sections affected by ZDO-253. The summary sheet for each section describes in detail the key changes being proposed.

The materials contained in Attachment F summarize the backbone of ZDO-253, although conforming and housekeeping amendments are proposed to many other sections of the ZDO as well. One minor amendment to the Comprehensive Plan also is proposed.

Summary of Proposed Amendments to ZDO Section 1102, Design Review

Amendment of Section 1102 is proposed as follows:

- Reorganize and consolidate the applicability requirements for design review. No substantive changes to what requires design review are proposed.
- Repeal master plan requirements for the RTL and VCS Districts. Master plans will be evaluated more fully as part of additional ZDO audit work later this year; however, there is no identified need for master planning in these two districts, as the RTL District is not unique from other districts that do not require master planning, and only one small piece of VCS land—other than the site of the Oregon Trail Elementary School—remains outside city limits.
- Move the maintenance and compliance provisions to a new Section 1311.
- Reorganize the order of the provisions in Section 1102 for consistency with other ZDO sections that regulate specific application types.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Repeal of ZDO Section 1104, Completion of Improvements and Bonding

Repeal of Section 1104 is proposed.

- Existing provisions in Section 1104 for financially guaranteeing completion of improvements required through a land use approval are proposed to be moved to a new Section 1311 and edited.
- The proposal is to incorporate current practice and consistency with Section 190 of the County Roadway Standards with respect to financial guarantees.
- Moving the provisions to Section 1311 also serves to clarify that they are applicable to all land use permits, not just those regulated by Section 1100.
- The existing provision permitting the requiring of maintenance agreements, or similar, in the PMU and SCMU Districts is proposed to be expanded to all zones.

Summary of Proposed Amendments to ZDO Section 1105, *Subdivisions*

Amendment of Section 1105 is proposed as follows:

- Combine the condominium, subdivision and partition sections under Section 1105, as the processes for application review and plat review are not significantly different among the three types of land divisions that require platting.
- Reduce the number of copies of a subdivision preliminary plat that must be submitted from 20 to five and repeal the requirement that a subdivision preliminary plat be prepared by a registered professional surveyor or engineer.
- Repeal several submittal requirements due to redundancy with Section 1307 or because the County has independent access to the information (e.g., zoning, contiguous property under the same ownership as the subject property).
- Incorporate the submittal requirements of Subsections 1102.04(F) and (G) rather than referring to them by citation.
- Edit and reorganize the approval criteria for clarity.
- Add a reference to compliance with existing provisions in County Code Chapters 11.01 and 11.02.
- Move the definitions of major and minor subdivision to Section 202.
- Establish two categories of replats with a higher level of review (Type II application) for those that propose to create additional lots or parcels and a lesser level of review (Type I application) for those that propose a reduction or no change in the number of lots or parcels.
- Allow the County Surveyor to waive certain technical requirements for form and content of the final plat.
- Add provisions for conversion of manufactured dwelling and mobile home parks to subdivisions, as permitted by state statute.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Repeal of ZDO Section 1106, Partitions

Repeal of Section 1106 is proposed. Partitions are proposed to be regulated under Section 1105, which already regulates subdivisions, because the processes for application review and plat review are not significantly different among these two types of land divisions.

- Part of Subsection 1106.01(B) is not proposed to be moved to Section 1105 because it is redundant with ORS Chapter 92.
- Subsection 1106.02(C), which states that development on partition parcels is subject to the requirements of the zoning district in which the parcel is located at the time of development, is not proposed to be moved to Section 1105 because the provision is unnecessary, i.e., the ZDO does not provide an exception that needs to be overridden by this provision.
- Subsection 1106.02(D) is not proposed to be moved to Section 1105 because it is, in part, redundant with the definition of a partition and, in part, not accurate regarding submittal of a re-division application prior to recording of the first partition.
- Several submittal requirements are proposed for repeal due to redundancy with Section 1307 or because the County has independent access to the information (e.g., zoning, pending building permits).
- Partitions will now be subject to several additional submittal standards currently applicable to subdivisions.
- Subsection 1106.06(B) is not proposed to be moved to Section 1105 because it is redundant with Section 102, which provides a much broader requirement for development and use of property to comply with the ZDO, and ORS 92.
- Establish two categories of replats with a higher level of review (Type II application) for those that propose to create additional lots or parcels and a lesser level of review (Type I application) for those that propose a reduction or no change in the number of lots or parcels.

Summary of Proposed Amendments to ZDO Section 1107, Property Line Adjustments

Amendment of Section 1107 is proposed as follows:

- Combine and move to Section 202, with edits, the definitions of Property Line Adjustment and Property Line.
- Move to Section 202, with edits, the definition of Replat.
- Repeal all other definitions, as they are redundant with definitions already in Section 202, or are proposed to be incorporated in the approval criteria for property line adjustments.
- Repeal several submittal requirements due to redundancy with Section 1307 or because the County has independent access to the information (e.g., zoning, pending building permits) or because the requirement is not relevant to any approval criterion
- Edit and reorganize the general approval criteria for clarity.
- Add a provision addressing compliance with, and an exception to, the maximum lot size standards.
- Clearly state that the flexible-lot-size exceptions in Section 1014 apply to property line adjustments. Existing provisions arguably provide for this but lack clarity.
- Allow a property line adjustment across a Comprehensive Plan boundary unless it would reduce the size of a lot in a natural resource zone or cross the Portland Metropolitan Urban Growth Boundary or a Mt. Hood-area unincorporated community boundary.
- Clearly state that a dwelling cannot be adjusted from one lot to another unless the receiving lot otherwise qualifies for the siting of a dwelling. Existing provisions have been interpreted this way over the years, but lack clarity.
- Repeal references to replats. Replats are regulated by Section 1105.
- Merge the provisions for property line adjustments in Agriculture and Forest zones into one section.
- Consistent with other ZDO provisions that apply in the natural resource zones, apply the Forest and Agriculture standards for property line adjustments based on the zoning districts rather than the Comprehensive Plan designations.
- Repeal two approval criteria for a certain type of Agriculture property line adjustment because they appear to be redundant and also lack clarity.
- Update an outdated reference to the Oregon Administrative Rules.
- Repeal a provision related to the issuance of building permits because it is redundant with Section 102.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Amendments to ZDO Section 1202, Zone Changes

Amendment of Section 1202 is proposed as follows:

- Add a requirement to submit a site plan and a vicinity map for all zone change applications, not just to NC District, as is currently the case.
- Amend references to modifications and alternate zoning district designations to increase consistency with Section 1307, *Procedures*, adopted last year.
- Repeal a reference to “final approval” because it is redundant with Section 1307.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Amendments to ZDO Section 1203, Conditional Uses

Amendment of Section 1203 is proposed as follows:

- Repeal zone-specific conditional use criteria for the HDR, SHD, RCHDR, NC, RCC, RTL, and VO Districts. These standards were moved to Section 1203 as part of last year's audit work so that they would be easier to evaluate as a whole this year. Only the general conditional use criteria apply in 41 other zoning districts, and there is no clear reason to have five different sets of special standards for these seven districts. One special standard will remain for the VCS District because the requirement—to provide community facilities—is integral to the overarching purpose of the zone.
- Amend a provision related to the reservation of vehicle trips for certain conditional uses for the purpose of evaluating transportation concurrency. Rather than have design review approval act as a trigger for the reservation of those trips, implementation of the conditional use approval would be the trigger. The amendment is intended to address the fact that conditional uses do not always require a subsequent design review application.
- Adopt a provision that a conditional use becomes void if it is discontinued for a period of five consecutive years.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Amendments to ZDO Section 1204, *Temporary Permits*

Amendment of Section 1204 is proposed as follows:

- Change references from on-site sewage disposal systems to on-site wastewater treatment systems for consistency with Department of Environmental Quality terminology.
- Move Farmers' Markets provisions to a new Section 840. Although Farmers' Markets currently are regulated through Section 1204, there is no time limit established, effectively making approval of a Farmers' Market permanent (assuming compliance with applicable standards), rather than temporary.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Amendments to ZDO Section 1205, Variances

Amendment of Section 1205 is proposed as follows:

- Clearly state variances are permitted only to dimensional standards. Although this has been the practice for many years and is implied elsewhere in the ZDO, the text in Section 1205 is not specific.
- Repeal provisions that prohibit a variance where there is “another procedure and/or criteria” in the ordinance for modification or waiver or “an exception” is provided in the zoning district. These provisions are unclear and have been difficult to administer effectively. Instead, Section 1205 will state that a variance to a dimensional standard may be approved and identify specifically those dimensional standards that are not eligible to be varied.
- Apply to commercial and industrial zones a provision that allows lot size variances in excess of 10 percent for lots divided by a public road. (The provision applies only in residential zones currently.)
- Add a specific methodology for finding that a “hardship” exists sufficient to justify a lot size variance in the Urban Low Density Residential, RA-1, RRF-5, FF-10 and HR Districts. This is the methodology that has been used in practice for many years by staff and various land use hearings officers.
- Add a new approval criterion that requires a variance to be the minimum needed to alleviate the hardship. The intent is to clearly allow the decision maker, when approving a variance, to reduce the amount of the variance requested by the applicant.
- Repeal the approval criterion that requires that a variance accomplish the purpose(s) for the standard as set forth in the ZDO. Most of the purpose statements for dimensional standards have already been repealed as part of the ZDO audit or are proposed for repeal this year. Instead, policy language was added, or will be proposed to be added, to the Comprehensive Plan. Consistency with the Comprehensive Plan already is an approval criterion for approval of a variance.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed Amendments to ZDO Section 1206, *Nonconforming Uses and Vested Rights*

Amendment of Section 1206 is proposed as follows:

- Incorporate provisions that were added to the Oregon Revised Statutes regarding nonconforming uses, including a provision about discontinuance of nonconforming surface mines and a provision regarding the burden of proof on an applicant during verification of a nonconforming use.
- Amend the definition of “lawfully commenced” for purposes of restoring, replacing or reestablishing a nonconforming use following damage or destruction of the use. Currently the standard requires the filing of an application for a development permit within one year of the damage or destruction, and the proposal is to require the issuance of a development permit within the one-year period.
- Limit the expansion of a nonconforming use from one lot of record to another. Such an expansion would be permitted only if the property was in common ownership when the nonconforming use was established and has been in common ownership continuously since. Also, such an expansion would be permitted only for support facilities, such as driveways and septic systems.
- Repeal a provision that allows certain alterations to nonconforming dwellings without review of an application for an alteration of a nonconforming use. This provision appears to be inconsistent with state statute regarding nonconforming uses.
- Repeal zone-specific nonconforming use criteria for the HDR, SHD, RCHDR, CC, C-3, RTL, RCC, OC, RCO, OA, SCMU, VO, LI, GI and BP Districts. These standards were moved to Section 1206 as part of the first two years of audit work so that they would be easier to evaluate as a whole this year. Only the general nonconforming use criteria apply in 34 other zoning districts, and there is no clear reason to have six different sets of special standards for these 15 districts.
- Make amendments to standardize the content and organization of the various ZDO sections that regulate specific application types and to increase consistency in style and formatting throughout the ZDO.

Summary of Proposed New ZDO Section 1311, Completion of Improvements, Sureties, and Maintenance

Existing provisions in Sections 1102 and 1104 for maintenance, compliance and financially guaranteeing completion of improvements required through a land use approval are proposed to be moved to a new Section 1311 and edited.

- The proposal is to incorporate current practice and consistency with Section 190 of the County Roadway Standards with respect to financial guarantees.
- Moving the provisions to Section 1311 also serves to clarify that they are applicable to all land use permits, not just those regulated by Section 1100.
- An existing design review provision in Section 1102 requiring approved on-site improvements to be the ongoing responsibility of the property owner or occupant is proposed to be expanded to all land use permit types.
- The existing provision permitting the requiring of maintenance agreements, or similar, in the PMU and SCMU Districts is proposed to be expanded to all zones.