



PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

**PLANNING COMMISSION AGENDA**

Monday, January 24, 2022  
6:30 p.m.

This public hearing will be conducted virtually using the Zoom platform. One week prior to the hearing, a Zoom link to the public hearing and details on how to observe and testify online or by telephone will be available on our website: <https://www.clackamas.us/planning/planning-commission>

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Also published on the internet at:  
<https://www.clackamas.us/planning/planning-commission>

Phone: 503-742-4545

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

*This is an opportunity for attendees to provide comment on an issue of concern to the Planning Commission unless that item is on the agenda for public hearing.* Public hearing items, if any, will include an opportunity for public testimony, which will be announced later in the agenda.

**4. STUDY SESSION**

a. ZDO-282: Housing Strategies, Phase II	Martha Fritzie 503-742-4529 <a href="mailto:MFritzie@clackamas.us">MFritzie@clackamas.us</a> Joy Fields 503-742-4510 <a href="mailto:JFields@clackamas.us">JFields@clackamas.us</a> Karen Buehrig 503-742-4683 <a href="mailto:KarenB@clackamas.us">KarenB@clackamas.us</a>
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**5. MINUTES ‡**

**6. OTHER BUSINESS**

**7. SCHEDULE REVIEW**

**Planning Commission** – see attached schedule  
**Board of County Commissioners**

**ADJOURN**

‡ Attachments

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Tammy Stevens \* Louise Lopes \* Kevin Moss \* Gerald Murphy \* Carrie Pak

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Brian Pasko \* Thomas Peterson \* Steven Schroedl \* Michael Wilson

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¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Planning Commission Meeting Dates	Agenda Items / Notes
January 10, 2022	CANCELLED
January 24, 2022	(SS) ZDO-282: Housing Strategies Phase II
February 14, 2022	
February 28, 2022	
March 14, 2022	
March 28, 2022	(PH) ZDO-282: Housing Strategies Phase II
April 11, 2022	(PH) ZDO-282: Housing Strategies Phase II (continued if needed)
April 25, 2022	
May 9, 2022	
May 23, 2022	
June 13, 2022	
June 27, 2022	
July 11, 2022	
July 25, 2022	
August 8, 2022	
August 22, 2022	
September 12, 2022	
September 26, 2022	
October 10, 2022	
October 24, 2022	
November 14, 2022	
November 28, 2022	
December 12, 2022	
December 26, 2022	

NOTE: (PH)=public hearing, (SS)=study session, (PM)=public meeting



### MEMORANDUM

To: Clackamas County Planning Commission

From: Martha Fritzie, Principal Planner  
Joy Fields, Senior Planner

Date: January 18, 2022

RE: ZDO-282: Land Use Housing Strategies Project (LUHSP) Phase 2 – **House Bill 2001 (HB2001)** Implementation Update

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The purpose of the January 24 policy session is to update the Planning Commission on work underway to implement House Bill 2001 (HB2001 - the middle housing bill passed by the 2019 Oregon Legislature) and to seek feedback on some of the proposed amendments to the Zoning & Development Ordinance (ZDO) and Comprehensive Plan.

On Oct. 25, 2021, staff provided the Planning Commission background on this project and had some initial policy discussions around HB2001 implementation. On Jan. 24, we will provide a brief review of HB2001 and the discussions at the October policy session, and then give an update on current public outreach efforts, as well as a summary of where we are with the proposed ZDO and Comprehensive Plan amendments to implement HB2001. Planning Commissioners will have the chance to ask questions, discuss the issues, and give us input for the ZDO and Plan amendments.

### **Background**

HB2001 mandates that jurisdictions, including Clackamas County, allow people to build what is called middle housing -- duplexes, triplexes, quadplexes, cottage clusters, and townhomes -- in urban areas where they might now only be allowed to build single-family detached housing. In unincorporated Clackamas County, these requirements will apply to properties in urban zoning districts R5, R7, R8.5, R10, R15, R20, R30, VR5/7, and VR4/5 (See *Attachment A1* for map).

While the county has some choice on the specific regulations that will apply to middle housing, the county does *not* have a choice on whether to implement HB2001.

- The county is *required* to adopt standards consistent with HB2001 by June 30, 2022.
- If the county does not adopt its own code changes to comply with HB2001 by that date, the state's *Middle Housing Model Code* will automatically apply.

The county could choose to do nothing and wait for the *Model Code* to apply, but this decision would not be without implications. For example, applying the Model Code would mean:

- The county could not require a developer to provide any off-street parking for duplexes;
- The county would have to allow:
  - minimum parking requirements for other middle housing types of less than 1 space per dwelling unit;

- on-street parking to count toward the required parking minimums; and
- middle housing to be built closer to some property lines than single-family homes, with no minimum lot size for any types of middle housing.

As such, both the Planning Commission and Board of County Commissioners directed Planning staff to continue working on ZDO amendments to implement HB2001 rather than simply accept the Model Code.

### Feedback from Planning Commission

Although the state standards are very prescriptive for the implementation of HB2001, there are a few areas where the county has some flexibility. At the October 25 policy session, the Planning Commission discussed and provided feedback on three of these areas.

1. *Whether to implement a **minimum lot size** for middle housing other than duplexes (triplexes, quadplexes, cottage clusters and townhomes).* The Planning Commission recommended there be a minimum lot size set for non-duplex middle housing, in large part because it will allow Clackamas County to maximize off-street parking requirements. The allowed minimums under state rules are:
  - a. Triplex: 5,000 sq. ft.
  - b. Quadplex: 7,000 sq. ft.
  - c. Cottage cluster: 7,000 sq. ft.
2. *Whether to allow **on-street parking** to count toward minimum parking requirements or instead require the maximum amount of off-street parking allowed under the middle housing rules.* The Planning Commission (PC) recommended that the county not allow on-street parking to count toward minimum parking requirements because the maximum amount of off-street parking allowed under the middle housing rules is already limited to one space per dwelling unit.
3. *Whether to apply the same **siting and design standards** to middle housing as are applied to single-family dwellings or to instead consider different (less restrictive) standards to create more opportunities for the development of middle housing. (Some examples included allowing smaller setbacks or more of the lot to be covered with middle housing than is allowed for a single-family dwelling.)* The Planning Commission recommended that the county require the same siting and design standards for middle housing types as those currently applied to single-family dwellings for the following reasons:
  - a. Based on feedback received during the initial public engagement work earlier this year, and
  - b. Because the existing rules are needed to keep the current form of existing neighborhoods.

Staff kept this feedback in mind while drafting amendments to the ZDO to include allowance for and regulations for middle housing, but there are a few areas in which staff has proposed regulations for middle housing that are different from those for single-family dwellings. These differences, unless specifically required by HB2001, do not include different setbacks, lot coverage or required off-street parking, but do include such items as entry orientation, driveway width and location, and window coverage on front facades for triplexes, quadplexes and townhomes and other specific requirements for cottage cluster developments. Initial drafts of these regulations are included in a new section of the ZDO - Section 845, *Middle Housing (Attachment C3)* - and will be one of the topics of discussion at the January 24 policy session.



In October, the Planning Commission also asked staff to gather information on the history and implications of removing the county's current 3,000-square-foot minimum lot size for residential development and including it in the code amendment package. We will present this information at the meeting.

In November 2021, staff consulted with the Board of County Commissioners (BCC) and presented the Planning Commission recommendations described above. The BCC directed staff to continue work on code amendments to implement HB2001, begin public outreach, and report back in early February. Staff has a BCC policy session scheduled on February 2, 2022.

Since the October and November meetings, staff has continued drafting amendments to the ZDO and the Comprehensive Plan, and has initiated public engagement, including a survey and other efforts specifically focused on multicultural communities.

## **Public Outreach**

In November 2021, the county, with assistance from consultants contracted with a grant from the state, began implementing the second phase of the public outreach plan for this project. This plan utilizes a variety of outreach and engagement methods to:

- Inform and educate residents and stakeholders about HB2001, and what it means for current and future residents and businesses;
- Gather input on the proposed amendments;
- Respond to questions and concerns, and build understanding;
- Ensure that people impacted by the proposed changes have the opportunity to learn about the impact and provide comments, and
- Coordinate with and enhance multicultural outreach.

To date the county has:

- Posted an online survey to assess opinions about specific aspects of middle housing. This survey was available in five languages: English, Spanish, Vietnamese, Russian, and Chinese. Notice of the survey was directly sent to the nearly 300 people on our interested parties list, and was publicized through the news media, on social media and on our website.

The survey was posted on the project webpage ([www.clackamas.us/planning/hb2001](http://www.clackamas.us/planning/hb2001)) from Dec. 6, 2021 through Jan. 10, 2022. A total of 342 responses were received, including responses in all five languages.

- Conducted discussion group meetings with multicultural communities including:
  - Focus groups conducted in five languages -- Chinese, Vietnamese, Russian, Spanish, and English. The discussions allowed participants to learn about HB 2001 in their primary language and consider the areas of flexibility. Participants provided input on whether the changes to the ZDO should be the minimum required or whether the county should provide more flexibility for developing middle housing to encourage more supply. Generally, the focus group participants wanted more supply, but thought that maximizing required parking and sidewalks, while keeping setbacks in line with existing standards, should be followed for safety purposes.
  - A community feedback panel held in English allowed a diverse group of people from many different backgrounds to learn and have in-depth conversations about HB2001 and the potential impact to their neighborhoods. Participants also provided input on whether the changes to the ZDO should be the minimum required or whether the county should provide more flexibility for developing middle housing to encourage

more supply. Generally, this group supported the idea of middle housing and the opportunities it may provide for those who have been historically excluded from certain neighborhoods through redlining and other practices, but did have concerns about preserving open space and potentially causing damage to the land from development.

Public engagement efforts will continue throughout the life of this project.

- Approximately 21,000 postcards will be mailed on or near February 1 to owners of every property located in the urban single-family zoning districts subject to the new middle housing rules. The postcard will also be emailed to all the urban community planning organizations (CPOs) and everyone on our interested parties list. This postcard (*Attachment B3*) includes an invitation for the public to attend a virtual Q & A session with county staff on February 22 to learn more about HB2001.
- Another round of discussion group meetings will take place in early February.
- Staff will attend a meeting with CPO and Hamlet leaders in early February.
- Public hearings will be held before the Planning Commission and Board of Commissioners in March, April and May.

See *Attachment B4* for more details about the public outreach schedule.

### What We Heard

Findings from the online survey and discussion groups are found in *Attachment B1* and summarized briefly below.

In general, discussion groups began with a conversation about benefits and concerns related to middle housing and its inclusion into existing urban single-family neighborhoods. A wide range of potential benefits and concerns were identified, but there were some commonalities through all the group conversations.

- **Benefits:** More affordable housing was the benefit mentioned most by focus group participants from communities of color. Many mentioned the currently high prices of rent and home sales and said they are unaffordable. Other benefits mentioned in the discussion groups included: more options for homebuyers, possible source of additional income for landowners, additional density of housing, that they are attractive and compact, and that middle housing and higher density might attract local businesses to neighborhoods.
- **Concerns:** Online respondents and discussion group respondents both mentioned concerns about crowding and parking most often. They differed in that residents of color in discussion groups had more concerns about preserving open space and damage to the land from development, while online survey respondents were more concerned about middle housing being “out of neighborhood character.”

Survey respondents and discussion group participants were then asked about specific standards for middle housing related to seven areas where the county has some options for regulation, including: detached “plexes;” minimum lot sizes; property line setbacks; lot coverage; sidewalks; parking; and some design elements specific to cottage clusters. **Table 1**, below, identifies six of these discussion areas, as well as a preliminary summary of input received (including input from the Planning Commission, where applicable) and staff’s current direction for ZDO amendments related to each item. The seventh item – cottage clusters – is not included in this table because not all discussion groups had time for this discussion. Cottage clusters will be discussed in more detail during the second round of discussion group meetings.

**TABLE 1: Preliminary Summary of Input**

Topic	Options Discussed		Public Outreach Responses		PC Recommendation (10/25 Policy Session)	Staff Comments
	ALLOW (minimum requirements)	ENCOURAGE (rules might remove barriers)	Survey	Discussion Group Meetings		
<b>Detached vs. Attached “Plexes”</b>	All duplexes, triplexes & quadplexes must be attached	Duplexes, triplexes & quadplexes may be detached	Varied by number of units: -Detached duplexes received the most support (68% <i>supported</i> them) -Detached quadplexes received the least support (52% <i>opposed</i> them)	Mixed response about whether or not to allow duplexes, triplexes and cottage clusters to be detached.	Did not discuss	Draft amendments do not include detached “plexes”. There have been mixed responses to this issue and it can be revisited in the future.
<b>Lot Size Requirements</b>	Larger for some middle housing than for single-family housing	Same as single-family housing regardless of number of middle housing dwelling units	62-70% said minimum lot sizes for middle housing should be larger	Mixed response	Require larger lot sizes for middle housing, where allowed	Draft amendments include minimum lot sizes as allowed by HB2001 for triplexes (5,000 sq.ft.) and for quadplexes and cottage clusters (7,000 sq.ft.)
<b>Distance from Property Lines</b>	Same as single-family requirement	Middle housing can be closer to property lines	60%: setbacks <i>should not</i> be different for middle housing	Mixed response, but more participants agreed than disagreed that middle housing should be allowed closer	Did not discuss these items specifically, but recommended the siting standards be the same for middle housing as for single-family homes	Unless required to be different, draft amendments include the same setbacks and lot coverage for middle housing as for single-family. Staff proposes increased lot coverage in some zoning districts (discussed later in this memo).
<b>Size of Building Footprint</b>	Same as single-family requirement	Middle housing can take up more of the lot	52%: lot coverage <i>should not</i> be different for middle housing	Mixed response		
<b>Sidewalks</b>	Must build sidewalks for four or more units	Can pay a “fee-in-lieu-of” (FILO) development. (These funds are used to build sidewalks elsewhere in the county.)	73%: townhomes, cottage clusters and quadplexes <i>should not</i> be allowed to pay a fee instead of sidewalks.	General agreement that sidewalks should be built by middle housing development and not allowed to pay a fee instead.	Did not discuss	Currently residential developments with 3 or fewer units are allowed to pay the FILO. The issue is whether middle housing with 4 or more units should be allowed to pay the FILO. Staff does not propose changing the FILO allowance for other development.
<b>Parking</b>	Must provide parking on-site	Can count street parking	71%: on-street parking <i>should not</i> be allowed to be counted toward minimum parking requirement	General agreement that parking should be provided on-site; on-street should not be counted.	Require parking on-site; do not count on-street parking toward minimum	Proposed amendments do not include an allowance for on-street parking to count.

## Zoning & Development Ordinance (ZDO) Amendments

In developing middle housing codes, the county must stay within the minimum compliance standards established through a state rulemaking process and found in the Oregon Administrative Rules (OAR 660, Division 46), and also may use standards found in the Model Code. Generally, what this means is that:

- The county has *no control* over:
  - The housing types that must be allowed, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters;
  - The zoning districts in which those housing types must be allowed;
  - The review process for a proposal for any middle housing type, which must be the same as is required for a single-family dwelling in the same zoning district; and
  - Siting and design standards for duplexes, which also must be the same as is required for a single-family dwelling in the same zoning district.
- The county has *very limited control* over parking; we can only require a maximum of one off-street parking space per unit (or less, depending on minimum lot sizes). However, this does not prevent us from *allowing* a developer/owner to provide more off-street parking. The county also may (but is not required to) allow on-street parking to count toward the requirement.
- The county has *slightly more flexibility* with some siting and design standards for non-duplex middle housing types (triplexes, quadplexes, townhouses and cottage clusters), as long as those standards do not result in unreasonable cost or delay in the development of middle housing. To meet the “do not result in unreasonable cost or delay” standard, our regulations *must either*:
  - A. Be the same (or less restrictive than)...
    - those for a single-family dwelling;
    - what is included in *the Middle Housing Model Code*;
    - what is included in the OARs for “minimum compliance” with each standard; or
  - B. The county can justify certain new design standards and demonstrate how they do not cause unreasonable cost or delay, but this demonstration must be based on a fairly complicated (and largely prohibitive) set of factors and analysis determined by the state’s rules (in OAR 660-046-0235), and staff does not recommend this option.

With these parameters in mind, staff reviewed the ZDO and has begun developing draft amendments to comply with HB2001. Some of the substantive changes needed are in:

- Section 202, *Definitions*;
- Section 315, *Urban Residential Districts*; and
- Section 845, *Middle Housing*.

Initial drafts of these three sections as well as a summary of changes made to each section are included in *Attachment C*. We have color-coded the summaries to indicate which changes are required (those items out of the county’s control); which are optional (items with some flexibility); and which changes are not substantive (conforming amendments, formatting changes, etc.). The changes are also summarized in **Table 2**, below. Drafts of the remaining ZDO sections will be made available to the public well before the scheduled public hearings in the spring.

**TABLE 2. Overview of Proposed Amendment by Section**

<b>ZDO Section</b>	<b>Proposed Amendments</b>	<b>Staff Comments</b>
<b>Section 202, Definitions</b>	<ul style="list-style-type: none"> <li>• New definitions added for middle housing types</li> <li>• Some terms changed to be consistent with HB2001, state rules and Building Codes</li> </ul>	<ul style="list-style-type: none"> <li>• Definitions for “plexes” include only attached option</li> <li>• The change in terms will lead to conforming amendments in several ZDO sections</li> <li>• Additional definitions may be included once staff completes drafts of the all ZDO sections to be included for the adoption</li> </ul>
<b>Section 315</b> <i>Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30)</i> <i>Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), Regional Center High Density Residential (RCHDR) districts</i>	<ul style="list-style-type: none"> <li>• Add all new middle housing types to the table of allowed uses in zones affected by HB2001 and list as “primary uses”</li> <li>• Establish density for townhomes that is three or four times the density for single-family homes (depending on zoning district)</li> <li>• Amend some standards in Sunnyside Village area to ensure they are clear &amp; objective and compliant with HB2001</li> <li>• Change maximum lot coverage from 40% to 50% in R7 through R30 zoning districts</li> <li>• Remove the 3,000-sq.-ft. minimum lot size for residential development</li> <li>• Other changes to clarify which standards apply to middle housing</li> </ul>	<ul style="list-style-type: none"> <li>• The county could establish a minimum lot size of 1,500 sq. ft. for a townhome (equivalent to 29 dwelling units [DU] per acre), but rules allow townhomes to be regulated by density rather than minimum lot size. That means lot sizes for townhomes vary based on the minimums in each zoning district, resulting in a range of approximately 6 to 26 DU/acre</li> <li>• The change to maximum lot coverage in some zones is optional and is proposed because existing lots smaller than 6,000 sq. ft. that pre-date current zoning are allowed 50% lot coverage; changing it for all development would simplify permitting and increase feasibility of middle housing development in these areas</li> <li>• Removing the 3,000-sq.-ft. minimum lot size for residential development is optional and will be discussed with the Planning Commission</li> </ul>
<b>Section 845, Middle Housing</b>	<ul style="list-style-type: none"> <li>• New section with all siting and design standards unique to triplexes, quadplexes, townhouses, and cottage clusters in zones affected by HB2001</li> <li>• Contains general standards including minimum lot sizes for development of triplexes, quadplexes and cottage clusters</li> <li>• Contains standards specific to each type of middle housing, including: entry orientation, driveway regulations, windows, cottage cluster courtyard regulations, and others</li> </ul>	<ul style="list-style-type: none"> <li>• Standards specific to each type of middle housing originated from the state’s Model Code, but have been edited for clarity and consistency with our ZDO</li> <li>• The standards are not required by HB2001; however, if the county chooses not to adopt any of these, only standards applicable to single-family homes would apply to the development of middle housing</li> </ul>

## Comprehensive Plan Amendments

While updating the ZDO has been the central focus of the discussions to date, updating relevant chapters of the Comprehensive Plan to incorporate middle housing is another important aspect of the project that is underway. The Comprehensive Plan updates have been focused on Chapter 6, *Housing*, which contains the goals and policies to guide the ZDO as it relates to housing. This chapter is long overdue for an update; it is so outdated that it currently has population projections only through 2010. See *Attachment D* for more background on the updates proposed for the Comprehensive Plan.

To ensure we have appropriate policies for housing in Chapter 6, we first need to determine whether the overarching housing goals are appropriate for current circumstances in the county. Table 3, below, lists the current housing goals in Chapter 6 and proposed changes. Staff will be asking the Planning Commission for feedback on the proposed changes at the policy session.

**TABLE 3. Current and Proposed Housing Goals in Comprehensive Plan**

Current Housing Goal		Proposed Housing Goal
1	<i>Meet the needs of the County houseless population through a variety of short and long-term options.</i>	No change.
2	<i>Provide opportunities for a variety of housing choices, including low- and moderate-income housing, to meet the needs, desires, and financial capabilities of all County residents to the year 2010.</i>	Encourage development that will provide a range of choices in housing type, density, and price throughout the county.
3	<i>Protect the quality, lifestyle, and values of existing neighborhoods.</i>	Enhance the ability of Clackamas County to provide housing opportunities that meet the economic, social, and cultural needs of community members, while using land and public facilities as efficiently as possible and supporting more walking, biking and transit use.

### Discussion Items/Questions:

1. Does the Planning Commission have any additional comments, concerns, or questions on the items discussed or the direction that staff has proposed for amendments to address the items in **Table 1**?
2. Does the Planning Commission agree with the proposed ZDO amendments summarized and **Table 2** and detailed in **Attachment C**?
3. Should the county change the Housing Goals in the Comprehensive Plan, as per staff's recommendations in **Table 3**? What additional goals, if any, should be added to Comprehensive Plan Chapter 6, *Housing*?

**Attachments:**

- A. HB2001 Background
  - 1. Map: Urban unincorporated areas potentially affected by HB2001
  - 2. HB2001 Frequently Asked Questions (FAQs)
- B. Public outreach summary
  - 1. *Findings from Online Survey & Session 1 Focus Groups*, January 2022, Ping Khaw & Jamie Stanberger
  - 2. Presentation from January, 2022 discussion group meetings (English)
  - 3. Postcard: Invitation to Virtual Q & A session
  - 4. Timeline for future engagement
- C. Initial draft ZDO amendments: Certain sections, including summary of changes
  - 1. Section 202, *Definitions*
  - 2. Section 315, *Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), Regional Center High Density Residential (RCHDR) Districts*
  - 3. Section 845, *Middle Housing*
- D. Memorandum: Comprehensive Plan amendments and housing goals

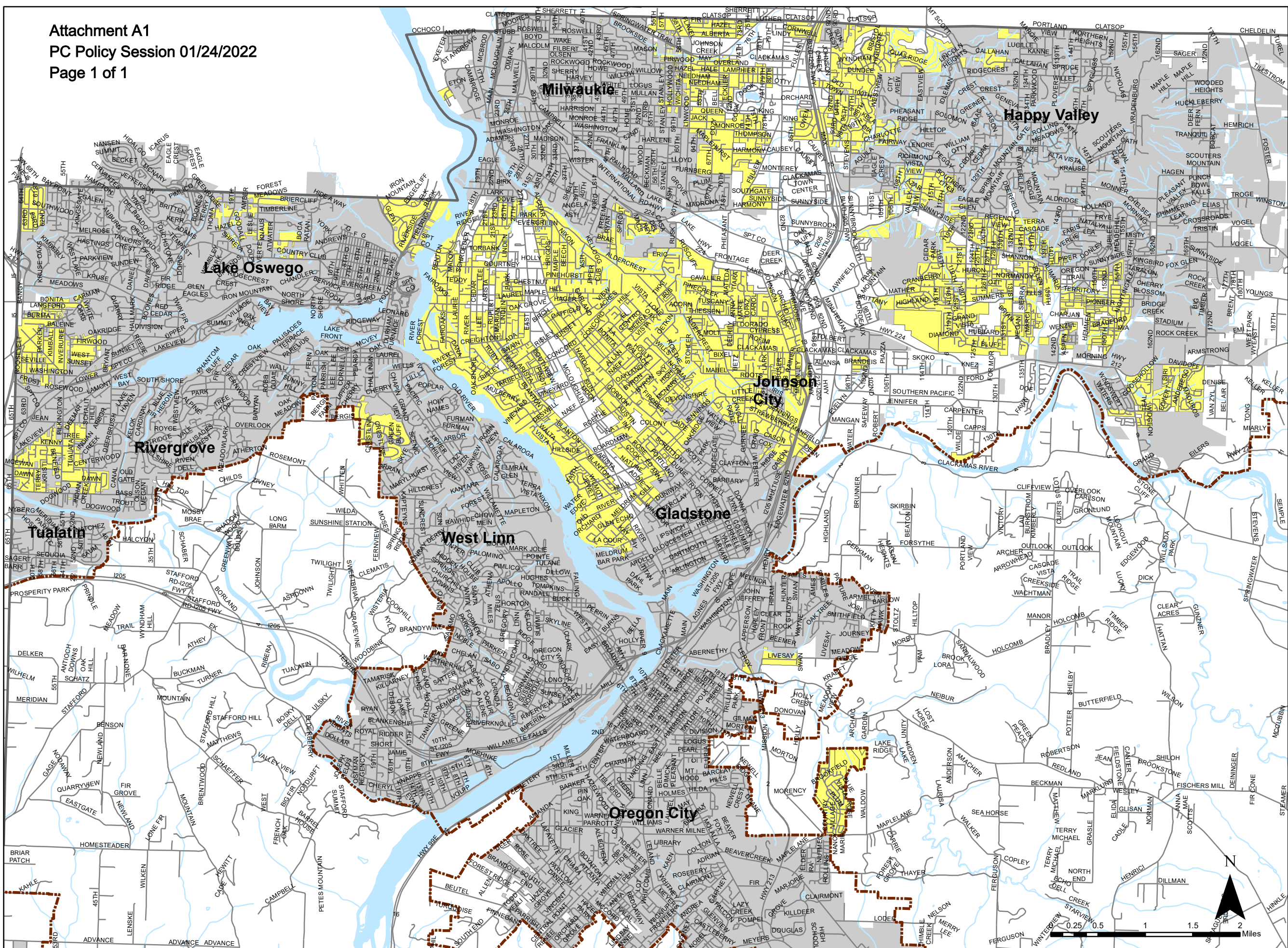
**For More Information:**

Please contact Martha Fritzie at 503-742-4529 or [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us) or visit our webpages:

- HB2001 Implementation Project: [www.clackamas.us/planning/hb2001](http://www.clackamas.us/planning/hb2001)
- Land Use Housing Strategies Project: <https://www.clackamas.us/planning/land-use-housing-strategies>



Areas Affected by  
House Bill 2001  
(HB2001)  
Middle Housing  
Requirements



- County line
- Urban growth boundary (UGB)
- Taxlots
- Cities
- Urban properties zoned for single-family homes



The information provided was derived from digital databases from Clackamas County's GIS. Although we strive to provide the best data we can, we sometimes use data developed by jurisdictions outside Clackamas County. Therefore, Clackamas County cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Although information from Land Surveys may have been used in the creation of this product, in no way does this product represent or constitute a Land Survey. Users are strongly cautioned to verify all information before making any decisions.



# FAQs

## FREQUENTLY ASKED QUESTIONS



## Expanding Housing Choice in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

## HB 2001

### What is HB 2001? Why was it passed?

[House Bill 2001](#) (HB 2001) is a law passed by the 2019 Oregon legislature that requires cities and counties to allow certain middle housing types – duplexes, triplexes, quadplexes, townhouses and cottage clusters – in urban residential zones that already allow houses. The purpose of the law is to increase the amount of housing available to people at a variety of income levels. Since middle housing can be less expensive to build than conventional large houses, it may be possible to charge lower rents or sales prices for middle housing.

### What is “middle housing”?

**Middle housing** includes duplexes, triplexes, quadplexes (also known as fourplexes), townhouses, and cottage clusters (several small houses centered on a common area such as a lawn or courtyard). Middle housing also includes ADUs (accessory dwelling units), which are secondary houses or apartment units on the same lot as a larger, primary house. Since Clackamas County already allows ADUs, we won't have to make any code changes related to ADUs.

The diagram below shows common of housing types considered “middle housing,” in between single-family homes and large, multi-unit apartment and condo buildings. The Oregon law refers specifically those shown below including cottage clusters (similar to the bungalow court in the diagram) and does not include live/work options (retail/business on the first floor with residential space on upper floors).



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*This project is funded by Oregon general fund dollars through the Department of Land Conservation and Development. The contents of this document do not necessarily reflect the views or policies of the State of Oregon.*



These photos show examples of different middle housing types

Duplexes		
Townhomes		
Triplexes		
Quadplexes		
Cottage Clusters		

# FAQs

## FREQUENTLY ASKED QUESTIONS



## Expanding Housing Choice in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

### **Can middle housing be built anywhere?**

- HB2001 only requires that Clackamas County allow middle housing in residential zones in the urban unincorporated areas of the county that already allow single-family homes.
- This law does not in any way regulate the type of housing in rural, unincorporated areas of the county.
- The county can continue to require that the property be ready for development before the County approves development. For example, if there is not sufficient water, sewer service, or transportation – then the county does not have to allow the development.
- The county can regulate the siting (size and location) and design (appearance) of middle housing as long as our regulations do not discourage the development of middle housing

### **What is the county doing to comply with the law?**

The county must either amend its [Zoning and Development Ordinance \(ZDO\)](#), and its [Comprehensive Plan](#) by June 30, 2022, to allow for the development of middle housing in unincorporated urban residential zones or abide by the state's Middle Housing Model Code beginning July 1, 2022.

### **How does this affect homeowners?**

HB 2001 will allow some residential property owners to pursue building an additional dwelling or dwellings on their property and, in some cases, to also convert a single-family home into multiple residential units.

### **How will this affect renters of residential property?**

The results of HB 2001 could increase the supply of rental property by encouraging some homeowners to build a rental dwelling or dwellings on their properties.

### **How will HB 2001 affect residential building developers and contractors?**

- Developers and contractors will have clear regulations to follow whether they are building single-family houses or middle housing.
- The new law generally requires that the same development regulations be applied to single-family houses and middle housing, so our urban residential zoning regulations will be amended to apply to middle housing.
- We plan to make the amended regulations clear and simple in order to encourage small developers, including homeowners and small homebuilders, to build middle housing.

# FAQs



## Expanding Housing Choice in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

### Will parking rules change?

HB2001 does require Clackamas County to change the current parking rules for triplexes and quadplexes. The state rules that guide the implementation of HB 2001 include specific standards that prohibit Clackamas County from requiring more than two off-street parking spaces for a duplex. They also include specific standards about parking for other middle housing types, summarized in the table below:

Lot size in square feet (sq ft)	Minimum off-street parking <u>requirements</u> must be no greater than...				
	Duplex	Triplex	Quadplex	Cottage Cluster	Townhomes
Less than 3,000 sq ft	2 spaces (total)	1 space (total)	1 space (total)	1 space per unit	1 space per unit
3,000 - 5,000 sq ft		2 spaces (total)	2 spaces (total)		
5,000 - 7,000 sq ft		3 spaces (total)	3 spaces (total)		
7,000 sq ft or more			4 spaces (total)		

Though the county cannot require more off-street parking, developers could provide more than the minimum. Developers often do provide more parking than required if they think that is what the market wants.

### Does this mean the county will no longer allow the building of single-family homes?

No. As in the past, the county will continue to allow the building of single-family houses on properties that are zoned for them and are ready for development.

### Does HB2001 interfere with homeowner association (HOA) codes, covenants, and restrictions (CC&Rs)?

HB2001 allows most existing deed restrictions, homeowner association agreements (HOA), and covenants, conditions, and restrictions (CC&Rs) to remain as they are. However, they will be unenforceable if they both prohibit middle housing and were adopted on or after August 8, 2019. New deed restrictions, agreements, and CC&Rs are not permitted to prohibit middle housing.

# FAQs

FREQUENTLY ASKED QUESTIONS



## Expanding Housing Choice in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

## Health & Housing

### How is housing related to my health?

Housing is many things: stability, part of a neighborhood or community, and an impact on residents' health. Housing stability, quality, safety, and affordability can support physical, mental, and behavioral health.

### How will code changes make housing more affordable?

Since middle housing can be less expensive to build than conventional large houses, it may become possible for property owners to charge lower rents or sales prices. The updated code will allow for more housing types, such as duplexes, triplexes, quadplexes (fourplexes), townhouses, and cottage clusters (several small houses centered on a common area such as a lawn or courtyard).

### How will this impact me and my family?

- If you currently own a single-family house or property zoned for a single-family house in urban unincorporated Clackamas County, you may have the option of adding one or more additional dwelling units to your property.
- If you are looking for housing in urban unincorporated Clackamas County, the proposed code changes could provide you with more housing options to rent or own because it could lead to more residential development throughout the county.

## Land Use Housing Strategies Project (LUHSP)

### What is LUHSP?

The proposed changes related to HB2001 are part of a three-phase Land Use Housing Strategies project — LUHSP — undertaken by the county's Planning & Zoning Division to support the development of more affordable varieties of housing in unincorporated urban areas of the county.

### Why is more housing needed?

Housing in Clackamas County is becoming less affordable. This problem is worsened by a shortage in buildable residential land in the urban unincorporated area. Based on estimates in the Clackamas County Regional Housing Needs Analysis (HNA) from September 2019, unincorporated Clackamas County lacks residentially-zoned land for as many as 5,000 housing units needed in the next 20 years, over half of which would be multi-family units.



# FAQs

## FREQUENTLY ASKED QUESTIONS



## Expanding Housing Choice in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

### What is the focus of each phase?

- **Phase 1:** The first phase has resulted in Board of County Commissioners approval of changes to the Zoning and Development Ordinance (ZDO) to encourage the development of more multifamily housing in urban unincorporated Clackamas County. Specifically, the approved amendments will:
  - Provide residential developers with additional entitlements (such as more units) in exchange for providing housing that is affordable for low-income households;
  - Increase maximum allowed housing density in some unincorporated commercial zones from 25 units per acre to 60 units per acre;
  - Allow a 20 percent density bonus for housing in mixed-use development in those unincorporated commercial zones;
  - Reduce overall parking requirements for multifamily developments in unincorporated commercial and residential areas, and
  - Reduce parking requirements for multifamily developments within ¼ mile walking distance of a light-rail station.
- **Phase 2:** The second phase started in January 2021 and will end in 2022. This current phase, implementing the state-required HB 2001 components, will allow more housing types in single-family residential areas.
- **Phase 3:** The third and final phase may begin after Phase 2 is complete. It could include allowing housing on religious-owned properties, preserving manufactured dwelling parks and allowing even more housing types in residential areas.

### How has the public been engaged in the process?

Equitable public engagement and involvement are integral to the success of this project and is taking place throughout all phases. The primary public engagement objectives are to:

- Understand the community's priorities and concerns with regard to potential changes that may take place in their neighborhoods as a result of implementation of these strategies.
- Collaborate with community partners to advance socioeconomic, racial and transportation equity in Clackamas County.
- Lay the groundwork for updating policies and regulations to ensure the updates will be responsive to the needs of urban communities in unincorporated areas of the county.

#### Where can I get more information?

For more information about the HB 2001 Implementation Project and other Clackamas County efforts on housing, please visit [www.clackamas.us/planning/HB2001](http://www.clackamas.us/planning/HB2001).

#### For questions, please contact:

Martha Fritzie, Principal Planner  
Clackamas County Planning and Zoning Division  
[mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)

#### How can I share my comments?

There are public hearings before the Planning Commission and the Board of Commissioners in for all phases of the project.

Dates, times and details will be mailed to property owners and posted online at [www.clackamas.us/planning/HB2001](http://www.clackamas.us/planning/HB2001).

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# Findings from Online Survey & Session 1 Focus Groups

## Clackamas County HB2001 Multicultural Community Engagement – Phase 2

Prepared on behalf of Clackamas County  
by Ping Khaw, PKS International and  
Jamie Stamberger, Stamberger Outreach Consulting

JANUARY 2022

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## PREFACE

### DEMOGRAPHICS OF PARTICIPANTS & HOW TO USE THESE FINDINGS

We understand the primary intent of adding middle housing to be to increase affordable rental and homeownership options for those who currently rent, or otherwise do not own, especially during a time of unprecedented increases in rental and home sales prices. People of color are more likely to be renters and less likely to own homes than their White and Asian counterparts in Clackamas County<sup>1</sup>, and thus stand to benefit more from middle housing development.

This study included focus groups with members of communities of color. However, the vast majority (222 of 342) of online survey respondents consulted for their feedback about middle housing, and whether or not to allow the tradeoffs of flexible regulations in order to encourage it, were White and/or landowners.

We strongly recommend that Clackamas County pay close attention to the results of the discussion groups with people of color in this report, and increase their outreach to specific racial and ethnic groups that have lower homeownership rates and are more likely to benefit from middle housing. As you interpret the results of the online survey, understand that the residents that stand to benefit the most from middle housing were the least represented.

#### Survey and Discussion Group Respondents by Race and Homeownership Rate:

Race	Homeownership Rate in Clackamas County	# Survey Responses	# in Focus Groups	Total Included
Asian	72.8%	23	19	42
White alone, not Hispanic or Latino	71%	222	na	222
American Indian and Alaska Native	61.3%	3	0	3
Two or more races	53.3%	Unknown	Unknown	Unknown
Hispanic or Latino	44.7%	19	8	27
Black or African American	38.2%	1	6	7
Native Hawaiian and Other Pacific Islander	26%	2	0	2
<b>Homeownership rate for online survey respondents as a whole</b>	<b>74.2%</b>			

<sup>1</sup> US Census Bureau, American Community Survey, 2012-2016  
Online Survey and Session 1 Focus Group Results – HB2001 MCE



# SUMMARY OF KEY FINDINGS

TOPIC	FINDING	RECOMMENDATION
<b>Knowledge of HB2001</b>	Online survey only: 64% had heard of or knew about HB2001. 22% were very unfamiliar, and 14% knew a lot. Respondents of color were more likely to report being very unfamiliar.	Continue to increase intentional outreach to communities of color about HB2001.
<b>Reaction to adding middle housing</b>	Online survey only: 42% are concerned, 35% are excited.	
<b>Benefits of middle housing</b>	More affordable housing was most mentioned in both the online survey and discussion groups.	
<b>Concerns about middle housing</b>	Online survey respondents and discussion group respondents both mentioned concerns about crowding and parking most often. They differed in that residents of color in discussion groups had more concerns about preserving open space and damage to the land from development, while online survey respondents were more concerned about middle housing being “out of neighborhood character”.	
<b>Are cottage clusters the best fit?</b>	Online survey only: 52% agree, 31% disagree. Those who agreed had a variety of reasons, including decreased homelessness, that they would be more affordable, and that they are more likely to be owner-occupied. Those who disagreed most mentioned crowding and parking as their concerns.	
<b>Why cottage clusters?</b>	Online survey only: Most compatible with existing neighborhood and more likely to be owner-occupied were most mentioned, followed by dedicated outdoor space and lowest density housing type.	
<b>Special rules for cottage clusters</b>	Regulating how many cottages can be in one cluster was the most important of the options given for regulating cottage clusters among both discussion group participants and survey respondents. Discussion participants said it is also very important for the county to require sidewalks and off-street parking for cottage clusters. They felt it was least important for the county to require screened parking.	<ul style="list-style-type: none"> <li>• Set rules for maximum number of cottages per cluster.</li> <li>• Require sidewalks for cottage clusters</li> <li>• Require off-street parking for cottage clusters.</li> </ul>

<b>Allow duplexes, triplexes, quadplexes to be detached?</b>	Discussion group participants had mixed feelings about whether or not to allow duplexes, triplexes and cottage clusters to be detached. Some worried detached buildings might be more expensive. Most survey respondents were said duplexes should be allowed to be detached. They had less clear feelings about detached triplexes. More than half wanted quadplexes to remain attached.	MIXED RESPONSE
<b>Require larger lot sizes for triplex, quadplex, cottage clusters?</b>	Discussion group participants were divided on whether or not the county should allow middle housing on single-family-sized tax lots. Those who agreed said it was important in order to encourage middle housing. Most online survey respondents said the county should require larger lot sizes for middle housing.	MIXED RESPONSE
<b>Allow flexibility in property setbacks?</b>	More discussion group participants agreed than disagreed the county should allow buildings to be built closer to property lines. However, not all participants weighed in on this topic, and those who did not want this flexibility were passionate about it. A small majority of online survey respondents said the county should not allow buildings to be built closer to property lines.	MIXED RESPONSE
<b>Allow bigger building footprints on lots?</b>	The Latinx group said the county should allow bigger building footprints to encourage middle housing, and the Russian group was divided on this issue. Over half of survey respondents said the county should not allow larger building footprints for middle housing, and about a third said the county should allow them.	MIXED RESPONSE
<b>Pay a fee instead of building sidewalks?</b>	Most discussion group participants said sidewalks should be required for new development, and developers should not be able to pay a fee instead of building a sidewalk at the new development. A large majority of online survey respondents agreed.	Require sidewalks to be built at the site of new development (no in lieu of fee)
<b>Include on-street parking as required parking?</b>	All discussion group participants said the county should not allow builders to count street parking as part of the required parking for new development. They agreed that off-street parking should be provided for all units. Most online survey respondents agreed.	Do not allow street parking to count towards required parking. All new units should include off-street parking.

# DETAILED FINDINGS

## DISCUSSION GROUPS WITH RESIDENTS OF COLOR (SESSION 1)

### 1. BENEFITS OF MIDDLE HOUSING

**More affordable housing was the benefit mentioned most by focus group participants from communities of color. Many mentioned the currently high prices of rent and home sales and said they are unaffordable.** Latinx respondents talked about wanting to own homes and about the difficulty they face accessing homeownership due to cost, availability, and immigration status. One African American participant said they are on their “third round of gentrification”, having been economically displaced from North and Northeast Portland. They want housing prices to remain affordable in Clackamas County. Another participant pointed out that the history of colonization and White supremacy has denied people of color access to land and homeownership. They said middle housing might present opportunities for the County to make homes available to those who have been historically excluded through redlining and other practices.

Other benefits mentioned included: more options for home buyers, possible source of additional income for landowners, additional density of housing, that they are attractive and compact, and that middle housing and higher density might attract local businesses to neighborhoods.

*“[Middle housing] is a great opportunity for us Latinx to acquire a house in better condition than we already have and more affordable.”*

*“Having smaller establishments makes more room for parking and personalized housing rather than these larger apartment complexes taking up that square footage.”*

### 2. DRAWBACKS OF MIDDLE HOUSING

**Crowding, less open space, parking concerns, and damage to the land were the drawbacks focus group participants mentioned most.** Some said they are not convinced middle housing will actually be more affordable if left to market forces. Some said middle housing may be too small for families. Others had concerns about traffic, and a few said they are concerned middle housing will increase homelessness. Some in the community feedback panel worried wealthy landowners could take advantage of middle housing and more flexible regulations to increase their wealth and perpetuate exclusion of people of color from land

ownership. One participant asked if middle housing might increase predatory land purchasing practices for the elderly who own valuable lands. Another worried developers might make all the units rentals instead of units they could purchase.

Other concerns mentioned once included:

- Concern that if rules are made more flexible, developers will exploit the flexibility at the expense of communities.
  - Displacement concerns need to be addressed. What will happen if rents continue to rise in the area and lower income people can't afford to live here?
  - Legal issues arising from shared common space.
  - Decreased property values of single-family homes.
  - Increased crime.
  - Middle housing won't fit with existing neighborhood character.
  - Neighborhood safety concerns for parks and playgrounds.
- **Crowding and less open space** – Participants value green spaces in their communities and say open space is vital to a healthy community. They worry middle housing could replace this open space and detract from their community. One said they have been looking forward to moving to Clackamas County for the tranquility, but middle housing makes them wonder if this will change. Participants said having trees and growing food is important to them, and they want to make sure there is room for this.

*“There’s no green space where I live, there’s a little but it’s not usable, there’s no sun to grow food, there is so little space between the buildings, a strip of grass but completely unusable for agriculture, food, kids, it limits the opportunity for what’s available.”*

*“It’s been my dream to move to Clackamas area, but now that some areas are going to be busy, how do I ensure I get to experience all the peace, cleanness and tranquility everyone is talking about here.”*

- **Damage to the land** – Many African American participants in the community feedback panel expressed a concern about what damage middle housing development might cause to the environment. They expressed concerns about middle housing contributing to climate change, stormwater runoff and water pollution, destruction of wildlife habitat, and removal of tree canopy that is hard to replace.

*“We’re facing global warming, and that’s just one thing that stuck out to me. ... I know people need to be housed, but are we considering the land as we’re making these decisions?”*

*“I think it’s very important to have tree canopy requirements. Once the land is used up, and the canopy chopped down, it can take a whole generation or two to recover. I see the zones being divided up without the requirement of land reserved for nature. This is*

*something that needs to be addressed beforehand, or you will find out the hard way why it is so very important."*

### 3.FLEXIBLE RULES TO ENCOURAGE MIDDLE HOUSING

About half of discussion group participants think the county should allow some flexibility in regulations to encourage middle housing, and half did not think flexibility should be allowed. Agreement varied by community. Those who thought flexibility should be allowed felt it was a tradeoff that is necessary in order to increase affordable housing.

*"We all want comfort, but now we are too uncomfortable with the high prices we pay for housing. If they lowered the rent I would not mind living closer to the other home, if I think we need more housing, even if they are smaller and closer to one another, even if it is uncomfortable."*

Parking and sidewalk requirements were the most mentioned areas for which participants *did not* feel the county should allow regulatory flexibility. Most said the county should allow duplexes, triplexes, and quadplexes to be detached. Responses were mixed for allowing larger units on single-family-sized lots, allowing flexibility in setbacks, and allowing larger building footprints.

#### 1. ALLOWING DETACHED DUPLEXES, TRIPLEXES, AND QUADPLEXES

Most discussion group participants said the county should allow duplexes, triplexes, and quadplexes to be detached if site conditions allow. They said this would increase diversity of housing arrangements and provide more privacy. Those who disagreed said detached units might be more expensive due to construction costs, and one thought multiple units would take up more space and detract from open space on the lot.

#### 2. ALLOWING TRIPLEXES, QUADPLEXES, AND COTTAGE CLUSTERS ON SINGLE-FAMILY-SIZED LOTS

Five groups had opinions on lot size requirements. Of these, about half of participants said the county should require larger lot sizes for triplexes, quadplexes, and cottage clusters, while the other half said the county should allow those units to be built on single-family-sized lots if possible. Those who were in favor of allowing them on single-family lots felt flexibility is necessary in order to encourage middle housing.

#### 3. ALLOWING BUILDING CLOSER TO PROPERTY LINES

More discussion group participants agreed than disagreed the county should allow buildings to be built closer to property lines. However, not all participants weighed in on this topic, and those who did not want this flexibility were passionate about it. Those who disagreed with more flexible setbacks are worried about losing areas to plant trees and that developers will use the flexibility to maximize their profit regardless of

impacts on the community. One participant who agreed with flexibility setbacks clarified that only the front and back setbacks should be made flexible; the 5-foot setbacks on the sides “are small enough already”.

#### 4. ALLOWING MORE BUILDING COVERAGE ON A LOT

Only participants in the Latinx group and the Russian group commented about whether the county should allow middle housing to take up a greater proportion of the lot than single-family housing currently allows. Participants in the Latinx group said the county should allow more lot coverage to encourage middle housing. The Russian group was divided; they understood the need for flexible regulations to encourage housing but are worried flexible property coverage rules would reduce open space to a problematic level.

*“We can allow it. Sure. But does it mean that middle housing inhabitants will have a less quality of life because they don’t have any free space left for recreation?”*

#### 5. ALLOW A FEE INSTEAD OF A SIDEWALK AT NEW DEVELOPMENT

**Most discussion group participants said sidewalks should be required for new development, and that developers should not be able to pay a fee instead of building a sidewalk at the new development.** They felt sidewalks are vital to neighborhoods and important for safety to avoid walking in the street. However, some participants in the Russian group and the Latinx group said it is acceptable to allow a fee instead of a sidewalk. Some Latinx participants felt it is better to save up the fees to build sidewalks in areas with schools, for example, than to build separated sections of sidewalk in a neighborhood.

*“If you build a house and put sidewalk it looks better and serves to walk, it can be more safety for older people, it gives them stability. If you don't build a sidewalk and that fee goes to a savings account, and the house is sold before you have a sidewalk built, it won't have the same value as if you had it. I would definitely like the sidewalk to be added to the house at the time of construction.”*

#### 6. ALLOW STREET PARKING TO COUNT AS REQUIRED PARKING FOR NEW UNITS

**All participants said the county should not allow developers to count street parking as part of the required parking for new development. They agreed that off-street parking should be provided for all units.** Many participants in the community feedback panel said off-street parking is needed for safety, for elders and people with disabilities, and to avoid being rained on. Some said the county should require at least two spots for units to account for families. One participant wondered how the county would keep multiple developers from counting the same street parking in their totals so that none had enough.

*“What if you have spaces that are counted on the street - how is a person that has less capabilities allowed to live in these structures? If you’re an*

*elder, you can't walk down the street to your house with your groceries.  
Am I expected to walk with my infant in the rain?"*

*"I have had to park literally blocks down on the other side of a busy street  
and walk, thinking about the safety of myself or my car where it's not even  
in my eyesight if something were to take place, if there were a break-in."*

*"When you're coming in late at night or early in the morning, it's easier  
and safer to have a parking space nearby where it's safe."*

## 7. SPECIAL RULES FOR COTTAGE CLUSTERS

**For cottage clusters, participants said it is most important for the county to regulate how many cottages are in one cluster. They also said the county should require off-street parking and sidewalks for cottage clusters.**

**Participants said hiding parking from view (screened parking) was the least important for the county to regulate.** Some said it is not important for the county to regulate cottage cluster design (how they look).

**The Vietnamese focus group agreed they like cottage clusters the best of the middle housing options.** One participant said they are concerned about lack of privacy from sharing common outdoor space.

## 4. RECOMMENDATIONS FOR DEVELOPMENT IN GENERAL

- Many participants in the community feedback panel recommended that the county make plans for limiting damage to the land when making development rules and planning development, in general.
- A few also said the county should look to other countries for inspiration.
- One participant encouraged the county to create development plans with the goal of increasing land ownership among those who were systemically denied access in the past.
- Another participant encouraged the county to think outside the box and not repeat the damaging practices of the past.

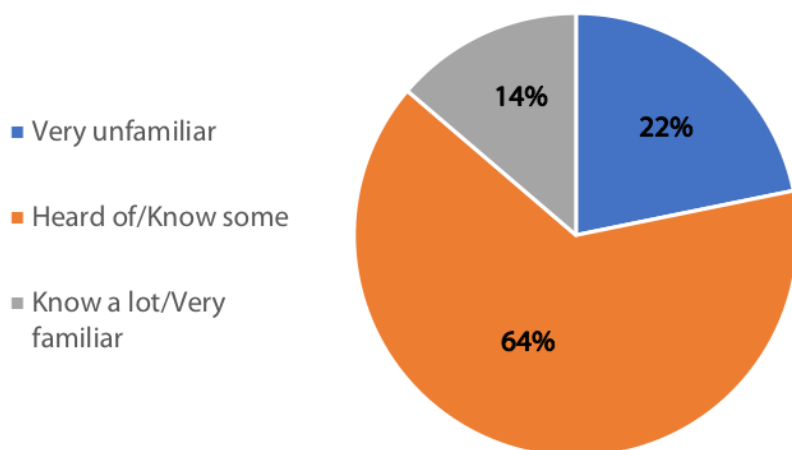
*"I've seen the grid being laid out before, that's something that came with the colonizers. Think about not following that same plan - it's been harmful to the people and the land and the animals we share it with. Let's think about doing better."*

## ONLINE SURVEY RESULTS

**Total Responses: 342**

Survey period: Dec. 6, 2021 – Jan. 10, 2022

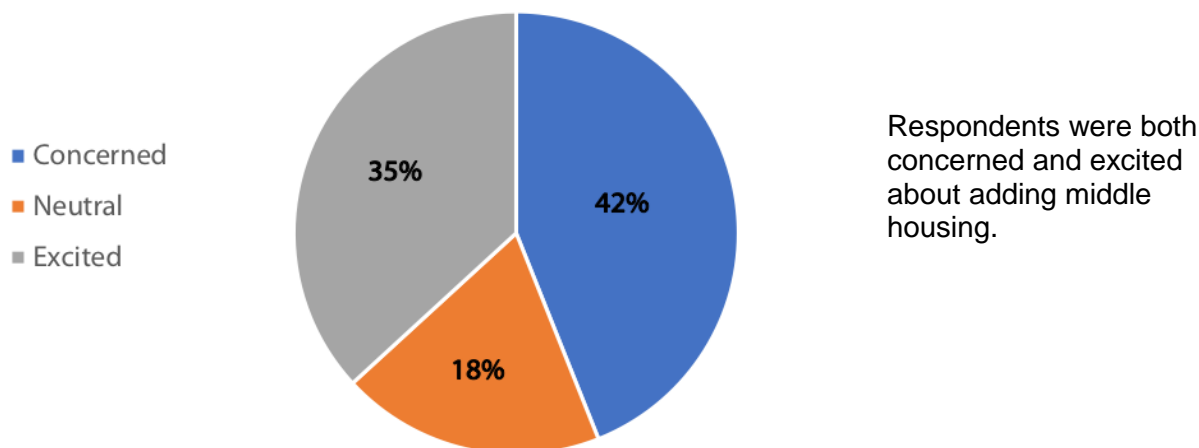
### Q1: Are you familiar with House Bill 2001 (HB 2001) -- Middle Housing?



The majority of respondents had heard of or knew something about HB2001. Residents of color were less likely to know about it.

### Q2: How do you feel about the potential to add middle housing types into urban single-family neighborhoods?





### 3. Why do you feel the way you do about adding middle housing to single family neighborhoods?

Respondents had a lot of opinions about the benefits and drawbacks of adding middle housing.

**Creation of more, and more affordable, housing was the benefit respondents mentioned the most by far.** Many acknowledged the dramatic increases in housing costs in the area and the need to help people afford to pay rent or buy a home. Other benefits they mentioned including having more economically and structurally diverse neighborhoods, reducing homelessness, and economic benefits to the community such as more sources of income for homeowners, an increased tax base for the county, and attracting more local businesses.

*"We need to add density to address affordability and climate change. As a parent to three kids in Clackamas County, I want them to have a livable world and an affordable County so they can live near me when they are older if they want to."*

*"We need places to live to reduce the homeless population, and having a variety of housing styles makes for more vibrant, culturally exciting neighborhoods."*

*"We need more housing. I'm a homeowner but if I wanted to buy for the first time now, I'd be priced out. Prices and rents are ridiculously high because of supply and demand--too little supply; too much demand. I cringe when I see how many people can't even live inside because of the costs. Building more homes, LOTS more, will help."*

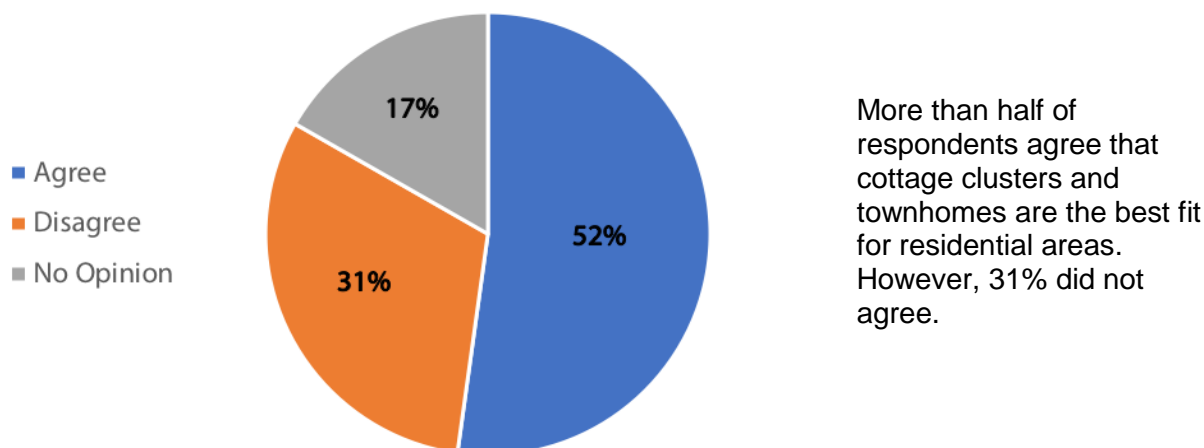
**Crowding was the concern cited most often, followed by parking and traffic concerns, and concerns that middle housing will not fit within existing neighborhood character.** Some said they are worried about losing open green space, and that middle housing will cause single family home values to go down. Some expressed not wanting more renters in their neighborhood because of their "transient nature" and concern increased renters will lead to increased crime. Some also said they don't believe middle housing will decrease housing costs.

*"The effect of increased density can have a negative impact on a neighborhood. Large numbers of rental units means that often residents do not feel connected to their neighbors. You lose the community when you don't know the people that live around you."*

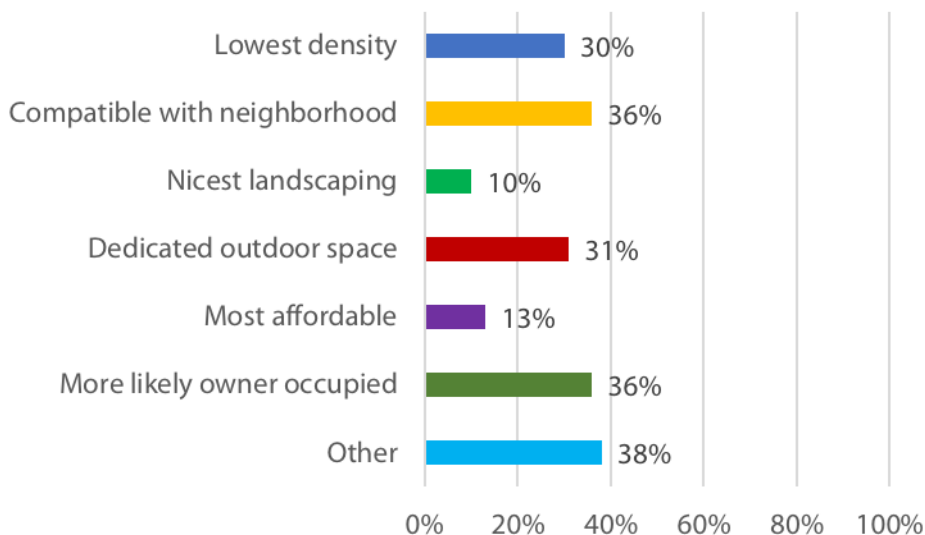
*"They are called 'single-family neighborhoods' for a reason. I'm not a snob, but mixing the different styles of homes unfortunately has potential to bring down property values of single-family homes."*

*"I think it would overcrowd the neighborhoods, add too much congestion on the already busy roads and increase the crime rate while lowering property values for the existing owners."*

**Q4: People who responded to our last survey said that of the middle housing types proposed, cottage clusters and townhomes are the best fit for residential areas. Do you tend to agree or disagree that cottage clusters and townhomes are the best fit in residential areas?**



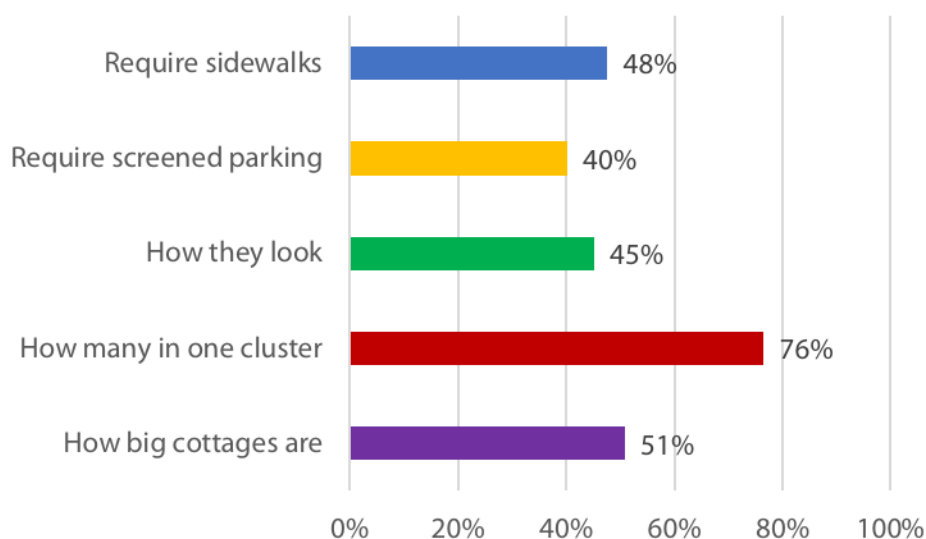
**Q5: Why do you feel this way about adding cottage clusters and townhomes to residential areas?  
(choose all that apply)**



Leading reasons for liking cottage clusters and townhomes were that they are more compatible with the neighborhood, more likely to be owner occupied, have dedicated outdoor space, and are the lowest density. Many respondents included “other” comments about why they felt the way they do about cottage clusters and townhomes. About half

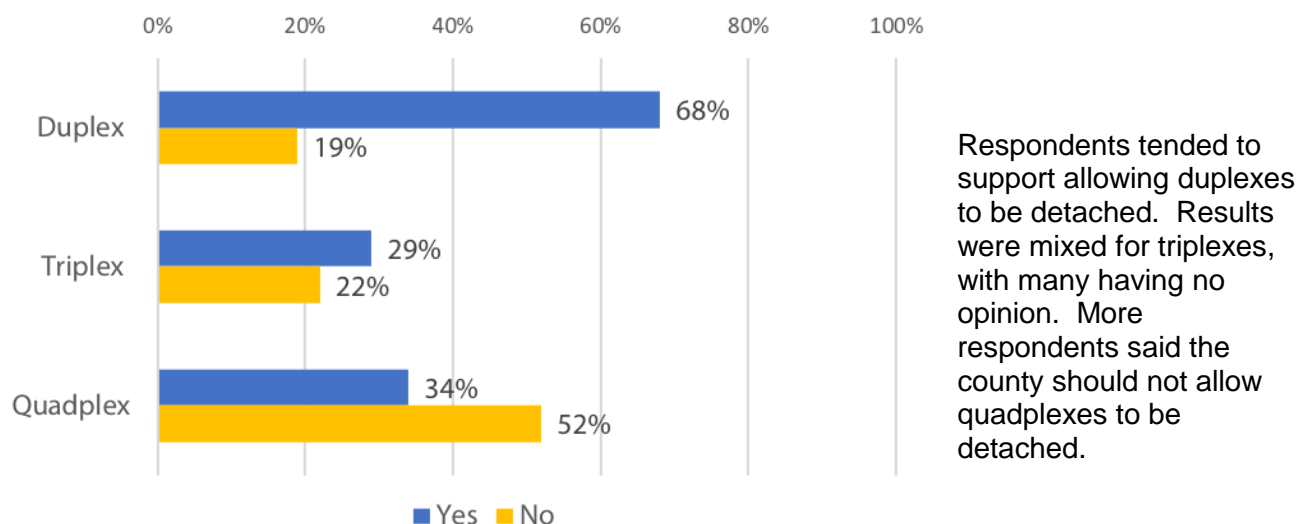
described why they don’t agree that cottage clusters and townhomes are the best fit. They most mentioned concerns about parking and crowding. The other half mostly fit into existing categories above, but some added other reasons they approve of cottage clusters and townhomes, including that they have diverse styles and are good for smaller lots.

**Q6: The county can choose to have specific requirements for cottage clusters. Which of the following topic areas do you feel are important for the county to set rules to guide development? (choose all that apply)**

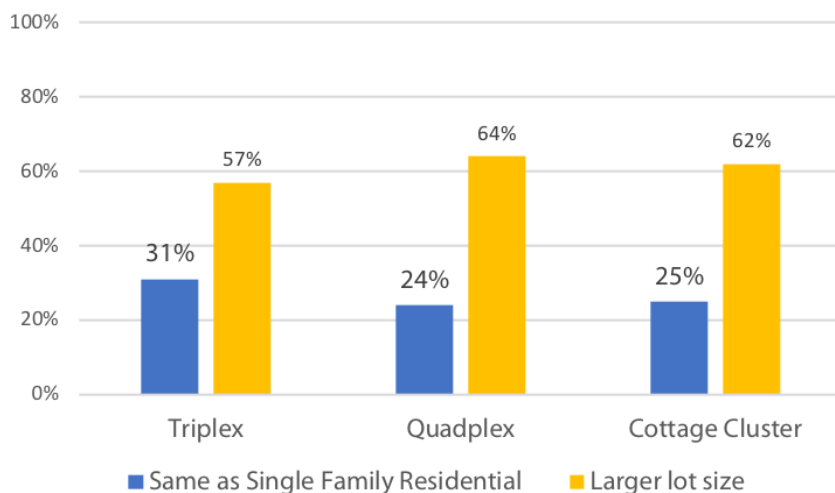


Most respondents said the county should regulate how many cottages can be in one cluster. 40% or more thought most other areas should also be regulated.

**Q7: HB 2001 requires attached duplexes, triplexes, and quadplexes on every property that permits single-family homes in all residential neighborhoods. Do you think the county should also allow the following types of middle housing to be detached from one another?**

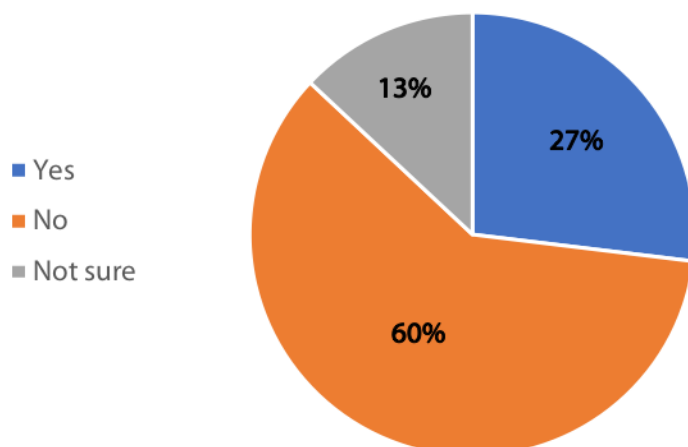


**Q8: Currently, the county requires a lot to be at least 3,000 square feet in size in order for a single-family home to be built on it. Under HB2001, the county could increase the required minimum lot size for triplexes to 5,000 square feet and for quadplexes and cottage clusters to 7,000 square feet. Do you think larger lot sizes should be required for the following types of middle housing?**



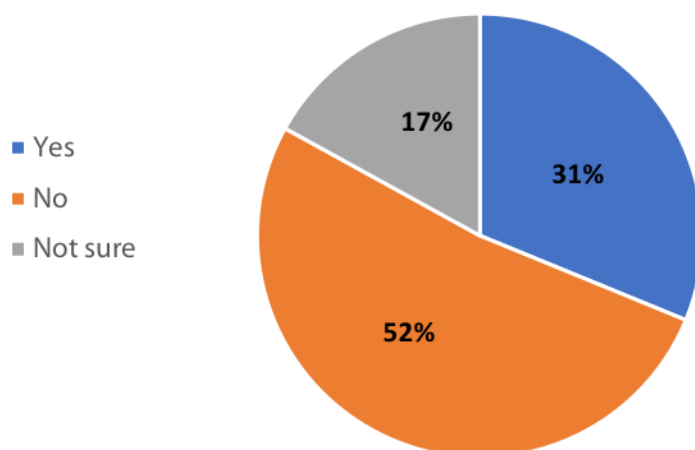
Most respondents said the county should require larger lot sizes for triplexes, quadplexes, and cottage clusters. However, more than a quarter thought the county could allow them on single-family-sized lots.

### Q9: Do you think the county should change the rules about property line setbacks to allow middle housing to be built closer to property lines?



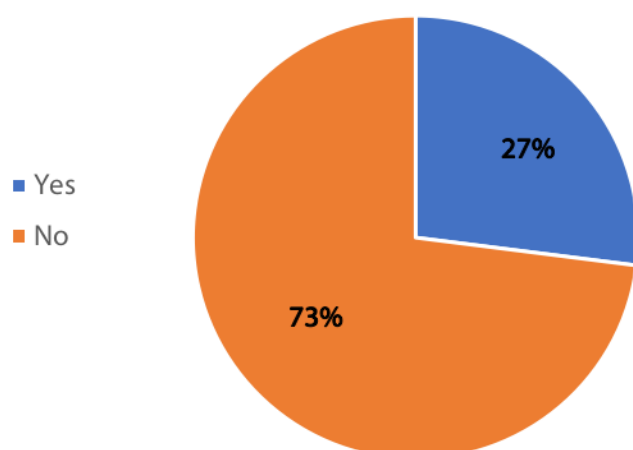
The majority said the county should not allow builders to build closer to property lines than what is currently allowed.

### Q10: Do you think the county should change the rules about building footprints to allow bigger buildings to be built on lots?



Over half of respondents said the county should not allow middle family housing to take up a larger proportion of the lot than is currently allowed for single family housing. Nearly a third said this should be allowed.

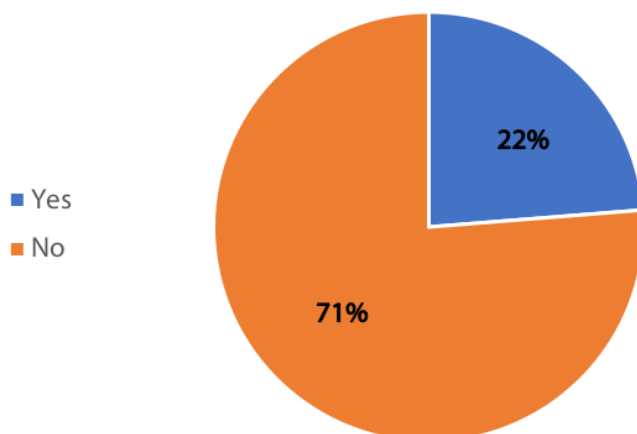
**Q11: Currently the county requires street improvements (curbs and sidewalks) to be installed with new housing, but allows developers to pay a fee to the county instead of building the sidewalks for single-family homes, duplexes and triplexes. Should the county also allow builders of other types of middle housing to pay a fee instead of building sidewalks?**



The large majority of respondents said the county should not allow builders to pay a fee in lieu of building a sidewalk for middle housing.

**Q12: Residential neighborhoods have a combination of off-street parking in driveways and garages, and**

**on-street public parking along the curb. HB 2001 says the county can only require one off-street parking space per dwelling for middle housing types and can allow on-street parking next to the unit to count toward that requirement. Do you think that on-street parking should count toward the parking required for new middle housing units?**



A large majority of respondents said the county should not allow builders to count street parking towards the parking requirement for new units.

## Demographics of Survey Respondents

English language survey (311 respondents)	78% single family homeowners, 62% 50 years old or older. 17% between 40-49, and 15% younger than 40. Over half identified as female. 70% (211) identified as White, 1 identified as African American, 8 as Hispanic/Latinx, 15 as Asian/Asian American, 3 as Native American, 2 as Native Hawaiian/Pacific Islander. Most heard about the survey through an email from Clackamas County or on social media.
Chinese language survey (6 respondents)	67% single family homeowners, all between 30 and 49 years old. Half identified as female and half as male. Half heard of survey through friend/relative and half on social media.
Spanish language survey (11 respondents)	54% (6) rent, 18% (2) own a single-family home, 18% (2) live with family or friends. 64% (7) were 50 years old or older. 28% (3) were 40-49, and 9% (1) was younger than 40. 91% (10) identified as female. Most heard of survey from friend/relative and social media.
Russian language survey (12 respondents)	58% (7) own single family home, 25% (3) rent, 50% 30-59 years old, 33% (4) 40-49, 75% female. Half heard of survey from friend/relative, some from CELs liaisons.
Vietnamese language survey (2 respondents)	1 rents, 1 owns single family home, both 40-49 years old. 1 male, 1 female. 1 heard of survey from friend/family member, 1 from Community Engagement Liaison hired by PKS International

# Land Use Housing Strategies Project:

*Supporting the development of more affordable housing in urban unincorporated areas through changes to land use zoning*

## Phase 2: HB2001 Implementation Community Feedback Panel

January 5, 2022



**Expanding  
Housing Choice**  
in Clackamas County

HB 2001 IMPLEMENTATION PROJECT



1

## House Bill 2001: The “middle housing” bill

- Missing middle housing (generally)



- HB2001: Duplexes, triplexes, quadplexes, townhomes, cottage clusters



Slide 2





## County must allow middle housing in urban, unincorporated areas

Compliance required by June 30, 2022

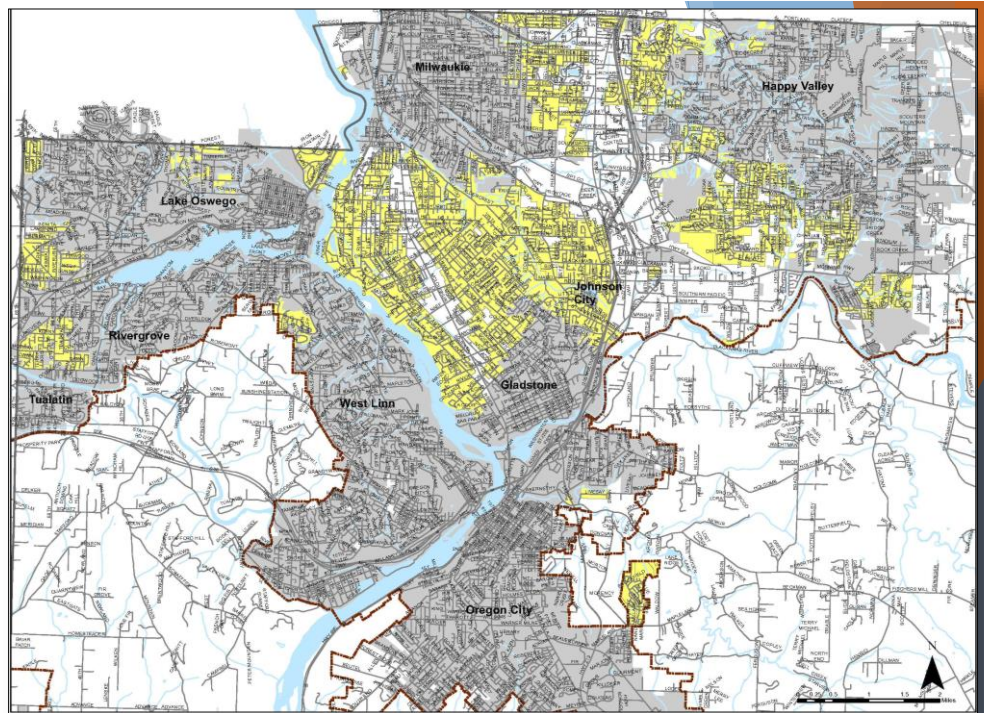
Slide 3



### Urban Unincorporated Areas Affected by HB 2001

#### Zoning districts:

- R-5
- R-7
- R-8.5
- R-10
- R-15
- R-20
- R-30
- VR-5/7
- VR-4/5



## To comply with HB2001... the county must:

- ▶ Adopt zoning standards consistent with state regulations  
or
- ▶ Use the state's Middle Housing Model Code



Slide 5



## To comply with HB2001...the county has no control over:

1. Housing types
2. Zoning districts
3. Review process
4. Duplex siting and design standards
5. Housing price



Slide 6



## To comply with HB 2001...the county has *some* control (within limits):

1. How big a site must be for middle housing to be developed
2. Protections for floodplains and other protected natural resource areas
3. Parking
4. Some siting and design standards
  - ▶ *Siting*: size and location of buildings and other features
  - ▶ *Design*: How the buildings look

Slide 7



## Middle housing siting and design standards

- ▶ Same as those for a single-family dwelling
- ▶ Same as or less restrictive than the state Model Code

Slide 8

	LESS FLEXIBILITY (Minimum requirements)	MORE FLEXIBILITY (Possible new rules to remove barriers)
Detached vs. Attached	All duplexes, triplexes & quadplexes must be attached	Duplexes, triplexes & quadplexes may be detached
Lot Size Requirements	Larger for some middle housing than for single-family housing	Same as single-family housing regardless of number of middle housing dwelling units
Distance from Property Lines	Same as single-family requirement	Middle housing can be closer to property lines
Size of Building Footprint	Same as single-family requirement	Middle housing can take up more of the lot
Sidewalks	Must build sidewalks for four or more units	Can pay a fee instead
Parking	Must provide parking on-site	Can count street parking



## Detached vs. attached



Attached Duplex



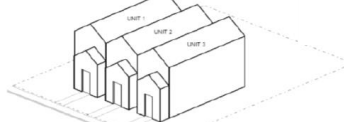
Attached Triplex



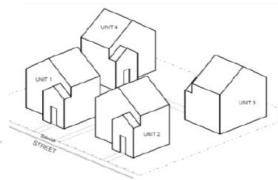
Attached Quadplex



Attached Duplex



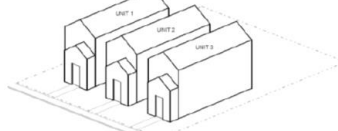
Attached Triplex



Detached Quadplex



Detached Duplex



Detached Triplex

Allowing detached plexes can:

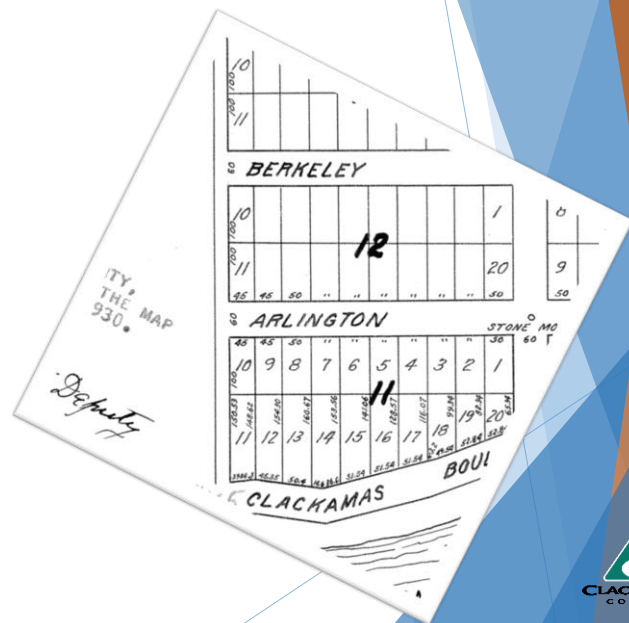
- Provide more privacy
- Look like smaller detached homes
- Let owners add dwelling units without impacting the existing home



## Minimum lot sizes (non-duplex middle housing)

Slide 10

- ▶ Current minimum lot size for single-family home on existing lot: 3,000 sq. ft.
- ▶ Should middle housing have a larger minimum lot size?
  - ▶ Triplex: 5,000 sq. ft.
  - ▶ Quadplex: 7,000 sq. ft.
  - ▶ Cottage cluster: 7,000 sq. ft.

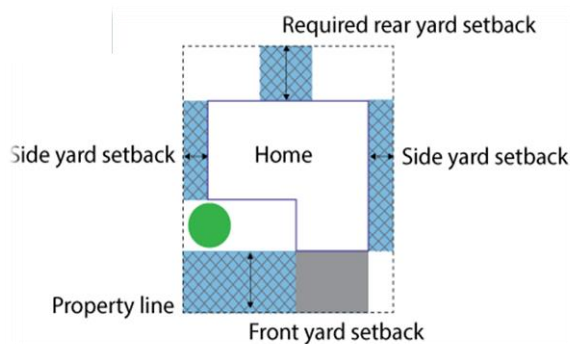




## Setbacks (distance from property line)

### ► Setbacks for urban area homes

- Front: 15 feet  
(20 feet to garage door)
- Rear: 20 feet
- Side: 5 feet



### ► Allowing reduced setbacks can:

- Allow more design flexibility, resulting in more middle housing
- Reduce privacy for neighbors
- Allow for more consistent streetscape

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## Lot coverage

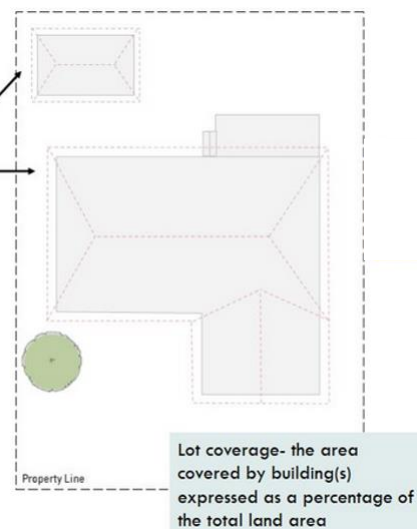
### ► Homes in urban zones and accessory structures can cover:

- 50% of the lot (R-2.5 and R-5 districts)
- 40% of the lot (R-7 - R-30 districts)

### ► Allowing increased lot coverage can:

- Allow larger/more units to be built
- Provide more design flexibility
- Result in more impervious surface, and increased stormwater

Footprints of home + accessory structures included in calculation



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## Sidewalks

► County requires curbs and sidewalks to be installed with new housing, but in certain circumstances developers can pay a fee to the county instead of building sidewalks for individual single-family homes, duplexes, and triplexes

► Allowing a fee:

- Allows sidewalks elsewhere in high use areas
- Results in fewer small sections of sidewalks
- Allows for a more continuous streetscape
- Sidewalks would not have to be constructed on site



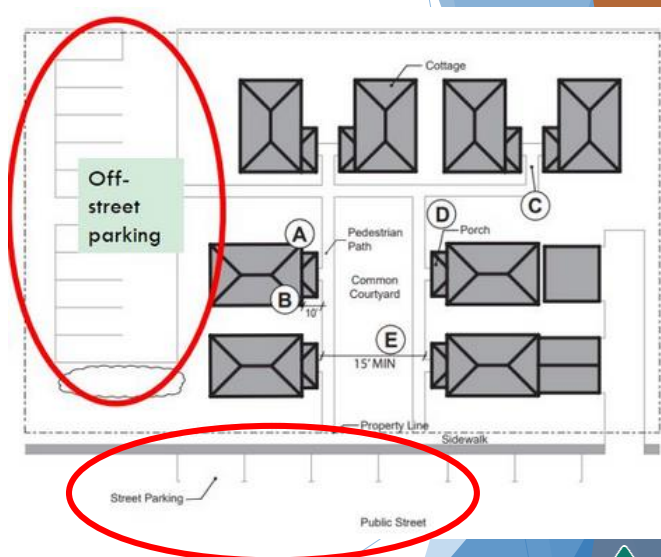
13



## Parking

Slide 14

- 1 space per unit
- May allow, but cannot require, more
- May allow on-street parking to count toward minimum
- Allowing on-street parking can:
  - Reduce development costs
  - Allow more green space on the property
  - Allow more houses
  - Result in less parking available on the street for neighbors

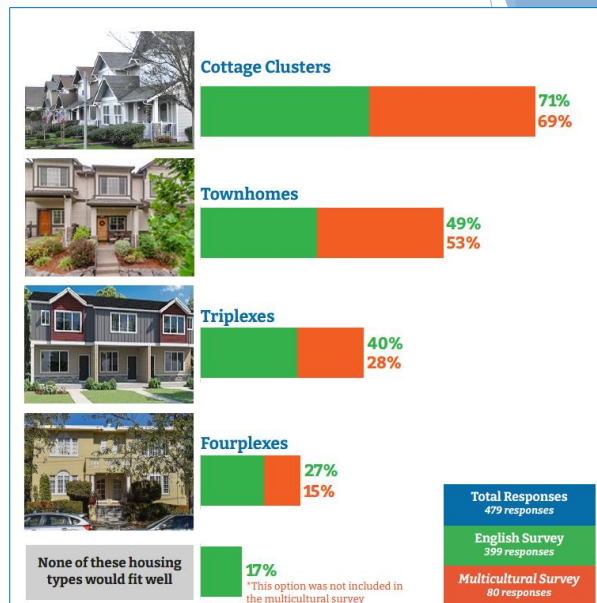




## Work to date

### ► Public outreach

- Initial engagement
  - Website and education
  - Initial survey
  - Multicultural discussion groups
- Continued engagement
  - Community feedback panel
  - Focus groups
  - Final survey
  - Q & A session



Slide 15



## Discussion and Questions

For more information or to take the survey  
visit: [www.clackamas.us/planning/hb2001](http://www.clackamas.us/planning/hb2001)



**Expanding  
Housing Choice**  
in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

Slide 16





## **Expanding Housing Choice**

in Clackamas County

HB 2001 IMPLEMENTATION PROJECT

**Expanding housing choice means providing more housing types and options for residents to improve housing affordability in urban, unincorporated Clackamas County.**

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**Get your questions answered: 6-8 p.m., Feb. 22, 2022**

# Attachment B3 PC Policy Session 01/24/2022 Expanding housing choice in Clackamas County

Page 2 of 2

In 2009, the Oregon legislature passed a bill to increase housing supply, housing choices and housing affordability. In response, the county must allow “middle housing” (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) in urban areas currently zoned for single-family houses no later than June 30, 2022. The Board of County Commissioners will hold public hearings in spring 2022 before making these code changes.

If you’d like a chance to ask questions or share suggestions with project staff, join us for an online video chat from 6-8 p.m., Tuesday, Feb. 22, 2022. Get the meeting link and find out more about middle housing at **[www.clackamas.us/planning/hb2001](http://www.clackamas.us/planning/hb2001)**.

To receive project updates by email, contact Ellen Rogalin at [ellenrog@clackamas.us](mailto:ellenrog@clackamas.us).

## Questions or comments?

Martha Fritzie: [mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)/503-742-4529

**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод? | 翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?



Planning and Zoning  
150 Beaver Creek Road  
Oregon City, OR 97045  
**[www.clackamas.us/planning](http://www.clackamas.us/planning)**

**Middle Housing Public Engagement, Winter-Spring 2022**  
ZDO 282: HB2001 Implementation

January 11, 2022

Informing and gathering perspectives from residents and other stakeholders about the state middle housing requirements and our proposed response continue to be vital components of the process of developing middle housing codes.

In addition to maintaining an up-to-date project website, sending email updates to the nearly 300 people on the interested parties, and posting information on social media and in the media, the following specific activities have been/are taking place during the first half of 2022.

- ♦ Community survey (online): Dec. 6 – Jan. 10
- ♦ Community feedback panels (three): Jan. 5, Jan. 26, March 9
- ♦ Focus groups (five): Jan. 6-8
  - Russian
  - Vietnamese
  - Chinese
  - Spanish
  - BIPOC
- ♦ **Planning Commission work session:** **Jan. 24**
- ♦ Postcard mailed to all property owners in affected zoning districts: Feb. 1 (approximately)
- ♦ **Board of Commissioners Planning Session:** **Feb. 2**
- ♦ Community Leaders (CPOs/Hamlets): Early February
- ♦ Virtual Q&A session: Feb. 22
- ♦ **Planning Commission Hearings:** **March 28, April 11 (if needed)**
- ♦ **Board of Commissioners Hearings:** **April 27, May 11, May 25**

**Summary of Proposed Amendments to Section 202, Definitions**

Items in **black** are conforming amendments, formatting or other changes for consistency

Items in **red** are mandatory under HB2001

- Add/amend definitions for each middle housing type included in HB2001 (duplex, triplex, quadplex, townhouse and cottage cluster). Add general definition for “middle housing” to include all these housing types for ease of use/reference in subsequent ZDO sections.
- Change reference from “dwelling, attached single-family” to “townhouse” and from “dwelling, two-” and “three-family” to “duplex” and “triplex” to be consistent with terminology used in HB2001 (and its implementing laws) and in the Building Code.
- Change definition of “multifamily dwelling” to include “five or more dwelling units”, rather than the current “four or more dwelling units”. Buildings with four dwelling units are now called quadplexes in the ZDO.

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**202      DEFINITIONS**

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ACCESSORY BUILDING OR USE: A subordinate building or use, the function of which is clearly incidental to that of the main building or use on the same lot.

ACCESSWAY: A public right-of-way, a portion of which is hard surfaced, for use by pedestrians and bicyclists providing a direct route where public roads require significant out of direction travel.

ACCESS DRIVE: A private way, with a travel surface generally no more than 12 feet in width, created by deed or easement to provide vehicular ingress to, or egress from not more than two lots or parcels.

ACTIVE RECREATIONAL AREA: An area such as a park, sports field, or golf course, where turf lawn provides a playing surface that is dedicated to active play.

ADJOINING: Contiguous or abutting exclusive of street width. It shall include the terms adjacent, abutting or contiguous.

AIRPORT, PERSONAL-USE: An airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by his invited guests, and to commercial activities in connection with agricultural operations only.

AIRPORT, PRIVATE USE: An airport restricted, except for aircraft emergencies, to use by the owner and his invited guests. The determination as to whether an airport is private or public-use is made by the Oregon Department of Aviation.

AIRPORT, PUBLIC-USE: An airport that is open to use by the flying public, with or without a request to use the airport.

ALLEY: A travel way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

ALTERATION, CULTURAL RESOURCE: Any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

ANTIQUES: Goods that, by virtue of their age or unusual quality, are generally considered to be of historical and/or artistic interest, ordinarily such items are in good state of preservation or are restorable to their original conditions.



AQUIFER: A layer of rock or alluvial deposit which holds water.

ARCHITECTURAL FEATURES: Features include, but are not limited to cornices, canopies, sunshades, gutters, chimneys, fireplaces, flues and eaves. Architectural features shall not include any portion of a structure built for the support, occupancy, shelter or enclosure of persons or property of any kind.

ARCHITECTURAL FEATURES, CULTURAL RESOURCE: The architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color, texture of the building materials and type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

AUTOMATIC IRRIGATION CONTROLLER: An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture sensor data.

BABYSITTER: A person who goes into the home of a child to give care during the temporary absence of the parent or legal guardian or custodian.

BASEMENT: A portion of a building which has less than one-half of its height measured from finished floor to finished ceiling above the average elevation of the adjoining ground, but not an "underground structure" as defined in this ordinance.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST HOMESTAY: A use that is conducted in an owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. A maximum of two guest rooms and a maximum of five guests at one time are permitted.

BED AND BREAKFAST INN: A use that is conducted in an operator- or owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. A bed and breakfast inn may include a restaurant offering meals to the general public as well as to overnight guests.

BED AND BREAKFAST RESIDENCE: A use that is conducted in an operator- or owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. In addition to the required breakfast, other occasional family-style meals may be provided for overnight guests.

BICYCLE RACK: An apparatus designed to support the central frame of a bicycle and allow locking of both wheels, without the removal of wheels.

**BIKEWAY:** A paved facility provided for use by cyclists. There are five types of bikeways.

Shared Roadway: A type of bikeway where motorists and cyclists occupy the same roadway area. Shared roadways are allowed on neighborhood streets and on rural roads and highways.

Shoulder Bikeway: A bikeway which accommodates cyclists on paved roadway shoulder.

Bike Lane: A section of roadway designated for exclusive bicycle use, at the same grade as the adjacent roadway.

Bike Path: A bike lane constructed entirely separate from the roadway.

Cycle Track: An exclusive “grade-separated” bike facility elevated above the street level using a low-profile curb and a distinctive pavement material.

**BLANKETING:** The visual blocking of one sign by another as seen by a motorist traveling a street or highway.

**BLOCK:** A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, unsubdivided acreage, or a combination thereof.

**BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING ENVELOPE:** The three dimensional space which is to be occupied by a building.

**BUILDING LINE:** A straight line that is parallel and adjacent to the front side of the main building and parallel to the front lot line.

**BUILDING OR STRUCTURE HEIGHT:** The term "height of building" shall be calculated by the methods identified in the State of Oregon Structural Specialty Code or the State of Oregon One and the Two Family Dwelling Specialty Code, as applicable.

**BULK PLANT:** Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. The primary emphasis of uses at the bulk plant level is on hazardous substances. Materials are stored in large permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.

**CANNABINOID:** Any of the chemical compounds that are the active constituents of marijuana.

**CANNABINOID CONCENTRATE:** A substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

**CANNABINOID EDIBLE:** Food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

**CANNABINOID EXTRACT:** A substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

**CANNABINOID PRODUCT:** A cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes (ORS) 571.300.

**CARE:** The provision of room and board and other services as needed to assist in activities of daily living, such as assistance with bathing, grooming, eating, medication management, money management, or recreation.

**CHILD CARE FACILITY:** As defined in ORS 329A.250 but excluding a family child care home.

**CLACKAMAS REGIONAL CENTER:** The regional center identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

**CLACKAMAS REGIONAL CENTER AREA:** The Clackamas Regional Center Area identified on Comprehensive Plan Map X-CRC-1, *Regional Center, Corridors, and Station Community*, excluding the portion in the City of Happy Valley.

**COGENERATION FACILITY:** A facility that produces, through the sequential use of energy, electric energy and useful thermal energy including but not limited to heat or steam, used for industrial, commercial, heating, or cooling purposes; and is more than 50 percent owned by a person who is not an electric utility, an electric holding company, an affiliated interest, or any combination thereof.

COMMERCIAL USE: The use of land and/or structures for the conduct of retail, service, office, artisan, restaurant, lodging, child care, adult daycare, entertainment, private recreational, professional, and similar uses.

COMMON OWNERSHIP: Land commonly owned to include open space lands dedicated in planned unit developments and lands dedicated for open space which are owned by homeowners associations.

COMMUNITY GARDEN: A site where any kind of plant, except marijuana, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and sales are prohibited.

COMPOSTING: The managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purposes of soil remediation.

COMPOSTING FACILITY: A site or facility, excluding home composting and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities.

CONGREGATE HOUSING FACILITY: A building that contains more than one dwelling unit and provides common facilities and services for residents who require or desire a more supportive living environment than typically afforded to residents in ~~multifamily, three-family, two-family, or single-family~~ other types of dwellings. Regular on-premise supervision by a registered physician, registered nurse, or other health care provider may be included.

COTTAGE CLUSTER: A group of four or more detached dwelling units with a common courtyard, all of which are located on a single lot or parcel.

COTTAGE CLUSTER DEVELOPMENT: One or more cottage clusters located on a single lot or parcel.

CULTURAL RESOURCE: Improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the community members of the county.

CULTURAL RESOURCE INVENTORY: The official list of designated cultural features, sites, districts subject to the provisions of Section 707, *Historic Landmark (HL)*, *Historic District (HD)*, and *Historic Corridor (HC)*.

CULTURAL RESOURCES OBJECT: A material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

DEDICATION: The designation of land by its owner for any general or public use.

DESIGNATED SITE (historic site, cultural resource site, landmark site): A parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated pursuant to this Ordinance.

DESIGNATED STRUCTURE (landmark, cultural resource, historic structure): Any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the county, the State of Oregon, or the nation and that has been designated pursuant to this ordinance.

DIMENSIONAL STANDARD: A numerical measurement for a distance or area standard of this Ordinance, such as building height, lot size, or yard depth; or a percentage of a distance or area measurement of this Ordinance, such as lot coverage or landscaped area.

DIRECT ROUTE: The shortest reasonable route between two points. A route is considered direct if it does not involve significant out of direction travel that could be avoided. Out of direction travel is significant if it is more than 50 percent longer than the straight line between two points.

DISTINCTIVE URBAN FOREST: Forested or woodland areas which are visually prominent or contain unique or rare tree and plant communities. These areas are usually found in association with other open space resources within the urban area.

DRIP LINE, TREE: The outermost edge of a tree's canopy; when delineating the tree drip line on the ground, it will appear as an irregularly shaped circle defining the canopy's perimeter.

DROUGHT-TOLERANT PLANTS: Plants that will survive in the typical or somewhat less than typical amount of rainfall in the Willamette Valley, and therefore require very little or no supplemental water once established.

DUPLEX: ~~A building that contains exactly two dwelling units, both of which are located on the same lot of record. If one of the two dwelling units is an accessory dwelling unit, the building, or portion thereof, is not a duplex.~~

DWELLING: A building ~~, or portion thereof,~~ which contains one or more dwelling units. A dwelling may be a residential trailer or a manufactured dwelling but not a recreational vehicle.

DWELLING, ACCESSORY HISTORIC: A detached single-family dwelling legally constructed between 1850 and 1945 that was converted from a primary dwelling to an accessory dwelling, pursuant to Section 843, *Accessory Historic Dwellings*.

~~DWELLING, ATTACHED SINGLE FAMILY: A building, or portion thereof, that contains only one dwelling unit; shares at least one wall, or portion thereof, with another attached single family dwelling; and is located on a separate lot of record from any other dwelling, except where otherwise permitted for an accessory dwelling~~

~~unit. A manufactured dwelling or residential trailer is not an attached single-family dwelling.~~

DWELLING, DETACHED SINGLE-FAMILY: A building, ~~or portion thereof,~~ that contains only one dwelling unit and is detached from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling, ~~or residential trailer,~~ or dwelling unit in a cottage cluster is not a detached single-family dwelling.

DWELLING, MULTIFAMILY: A building, ~~or portion thereof,~~ that contains ~~four~~ five or more dwelling units.

~~DWELLING, THREE FAMILY: A building, or portion thereof, that contains three dwelling units.~~

~~DWELLING, TWO FAMILY: A building, or portion thereof, that contains two dwelling units, both of which are located on the same lot of record. If one of the two dwelling units is an accessory dwelling unit, the building, or portion thereof, is not a two-family dwelling.~~

DWELLING UNIT: A building, or portion thereof, with one or more rooms designed for residential occupancy by one family. A dwelling unit may be occupied by one family or, except as otherwise provided in this Ordinance, may be used for residential occupancy by no more than 15 persons for a period that does not exceed 30 consecutive nights by any one person.

DWELLING UNIT, ACCESSORY: A dwelling unit located on the same lot of record as ~~a one~~ primary dwelling. The primary dwelling may be a townhouse, an attached or a detached single-family dwelling, or a manufactured dwelling, as specified in the underlying zoning district provisions.

EASEMENT: A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

EDIBLE GARDEN: A garden that contains plants that produce food for human consumption.

ELECTRIC VEHICLE CHARGING STATION: A location where a vehicle can plug into an electrical source to re-charge its batteries.

EQUINE FACILITY: Premises that are used for the stabling or training of equines, including, but not limited to, providing riding lessons, training clinics, and schooling shows.

FAMILY: Any individual or group of persons, regardless of relationship but not exceeding 15 persons, living together as a single housekeeping unit within a dwelling unit.



FAMILY CHILD CARE HOME: A child care provider who provides child care to 16 or fewer children, including children of the provider, regardless of full-time or part-time status, in the home of the provider. Child and child care are as defined in ORS 329A.250.

FARMERS' MARKET: An organized seasonal outdoor market dedicated to the direct sales by growers of agricultural goods, including plants, produce, meats, and other animal products (e.g., eggs, cheese, honey), but excluding marijuana.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

FLOOR AREA: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of porches and exterior stairs, multiplied by the number of stories or portion thereof. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Floor area shall not include portions of buildings used for parking of vehicles, except the square footage of commercial uses in parking structures can be counted as part of the total floor area.

FLOOR AREA RATIO (FAR): A measurement of density expressed as the ratio of floor area (in square feet) to net site area (in square feet). The greater the ratio, the greater the density. For example, a building occupying one-fourth of the net site area has a FAR of .25:1, or .25; adding a second floor of equal area to the same building increases the FAR to .5:1, or .5.

GOVERNMENT CAMP: The unincorporated community of Government Camp, as identified on Comprehensive Plan Map X-MH-4, *Government Camp Village Plan, Land Use Plan & Boundary*.

GRADE: The line of the street or ground surface deviation from the horizontal.

GREEN FEEDSTOCKS: Yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste, and livestock manure. Non-treated wood waste excludes wood waste treated with paint, varnish, or other chemicals or preservatives.

GREEN ROOF: A vegetated roof designed to treat storm runoff.

GROUNDWATER: Any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates, or otherwise moves.

GUEST HOUSE: An accessory building, or portion thereof, that includes at least one bedroom and is—with the exception of bathrooms, closets, and halls—constructed as habitable space under the Oregon Residential Specialty Code.

**HARDSCAPES:** In the practice of landscaping, refers to the inanimate, manmade, non-planted, outdoor areas where the soil is no longer exposed and that are surfaced with pervious or non-pervious durable materials such as masonry, wood, stone, paving, tile, or similar material to create patios, walkways, water fountains, benches, gazebos, etc.

**HAZARDOUS SUBSTANCE, MATERIAL, OR WASTE:** Any hazardous substance, material, or waste listed in the following federal regulations:

1. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302 Extremely Hazardous Substances List (40 C.F.R 355, App. A and B);
2. Comprehensive Environmental Response Compensation & Liability Act Superfund (CERCLA) of 1980, Hazardous Substances List (40 C.F.R 302, Table 302.4);
3. SARA of 1986, Section 313, Toxic Chemicals List (40 C.F.R Section 372.65);
4. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Wastes List (P & U Categories) (40 C.F.R Section 261.33(e) and (f)); and
5. DOT Hazardous Materials Table (49 C.F.R Part 172.101).

**HISTORIC AREA:** Any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical of the history of the County and which improvements constitute a distinct section of the County that has been designated a cultural resource district pursuant to this ordinance.

**HOME COMPOSTING:** A composting area operated and controlled by the owner or person in control of a single-family dwelling and used to dispose of vegetative waste, garden wastes, weeds, lawn cuttings, leaves, and prunings generated from that property.

**HOME OCCUPATION:** An occupation or business activity that results in a product or service and is conducted, in whole or in part, in a dwelling unit, an accessory building normally associated with primary uses allowed in the subject zoning district, or both. Home occupations do not include garage sales, yard sales, holiday bazaars, or home parties which are held for the purpose of the sale or distribution of goods or services unless such sales and parties are held more than six times in a calendar year or operate in excess of 24 total days in a calendar year.

**HOMEOWNERS ASSOCIATION:** The grouping or uniting of persons residing within a defined area, such as a subdivision, into an incorporated entity for the prosecution of a common enterprise.

**HOSPITAL, ANIMAL:** A building or premises for the medical or surgical treatment

of domestic animals or pets, including dog, cat, and veterinary hospitals.

HOTEL: A building which is designed or used to offer short-term lodging for compensation, with or without meals, for six or more people. A facility that is operated for the purpose of providing care beyond that of room and board is not a "hotel".

HOUSEKEEPING UNIT: A living arrangement within a dwelling unit in which the kitchen, living and dining rooms, and other general living areas of the dwelling unit are shared in common, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement. Such a living arrangement also may include the provision of food, shelter, personal services, care, and when appropriate, a planned treatment or training program of counseling, therapy, or other rehabilitative social service, for persons of similar or compatible conditions or circumstances who are members of the resident family.

HYDROELECTRIC FACILITY: Any facility relating to the production of electricity by waterpower, including, but not limited to the power generating plant, associated dams, diversions, penstocks, navigation locks, fish ladders, fish screens, reservoirs and detention areas, recreation facilities, interconnecting transmission lines, substations, access roads, offices or commercial and industrial structures proposed to be built in connection with the energy facility; and activities involved in their construction and operation.

IMPROVEMENT: Any building structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

INDIRECT ILLUMINATION: A nonelectric sign illuminated by an indirect or separate light source.

INDUSTRIAL USE: The use of land and/or structures for the manufacturing or processing of primary, secondary, or recycled materials into a product; warehousing and associated trucking operations; wholesale trade; and related development.

INSTITUTIONAL USE: The use of land and/or structures for activities such as child care, adult daycare and pre-school facilities, public and private schools, colleges, universities, art, music, trade and other educational and training facilities, convalescent care facilities, nursing homes, hospitals, places of worship, fraternal lodges, municipal and civic buildings, transit centers and park-and-ride facilities, parks, swimming pools and other recreational facilities open to the public or a membership group, senior and community centers, libraries, museums, cemeteries and mausoleums, utility facilities, and similar public and private uses.

INVASIVE NON-NATIVE OR NOXIOUS VEGETATION: Plant species that are listed in the Oregon Department of Agriculture's Noxious Weed Policy and Classification System.

KENNEL: Any lot or premises on which four or more dogs, more than six months of age or with permanent canine teeth, are kept for purposes other than a veterinary clinic.

KIOSK: A small structure used as a newsstand, information booth, refreshment stand, bandstand, or display of goods, etc.

KITCHEN, ACCESSORY: A kitchen that complies with all of the following standards:

1. It shall be incidental to a primary dwelling.
2. It shall be located in a room that is approved for residential occupancy and used for a purpose in addition to that of a kitchen (e.g., a recreation room, a bedroom).
3. It shall not be located in a detached accessory building.
4. Any of the following features shall be located within a contiguous area that is no more than 30 inches deep and 10 feet long: cooking appliances, sinks, refrigerators, dishwashers, counters, and cabinets.

LANDSCAPING: Areas of land planted with groundcover, grasses, shrubs, annuals, perennials, or trees.

LIMITED USE: A use allowed in a district on a limited basis and subject to conditions specified therein which are generally more restrictive than the conditions placed on primary or accessory uses within the same district.

LIVESTOCK: One or more domesticated animals raised to produce commodities, such as food, fiber, and labor. Livestock includes, but is not limited to, miniature livestock, fowl, and farmed fish.

LOT: A single unit of land that is created by a subdivision of land. For the purposes of this Ordinance, lot includes parcel and lot of record unless otherwise specified in the context of the specific provisions.

LOT AREA OR LOT SIZE: The total surface area (measured horizontally) within the lot lines of a lot.

LOT, CORNER: A lot with street frontage on two streets intersecting at a corner of the lot. A lot within the radius curve of a single street is not a corner lot. A lot may be both a corner lot and a through lot.

LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area. Swimming pools are not considered buildings for the purpose of this definition.

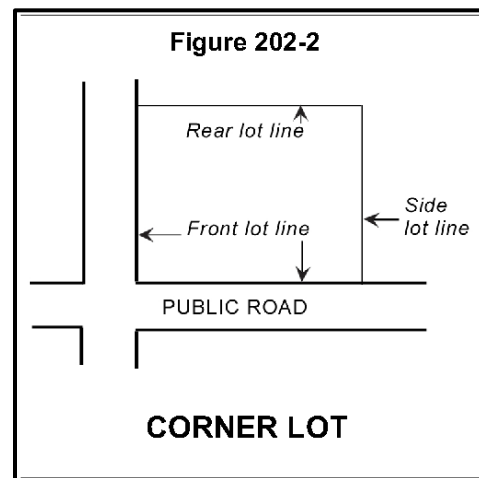
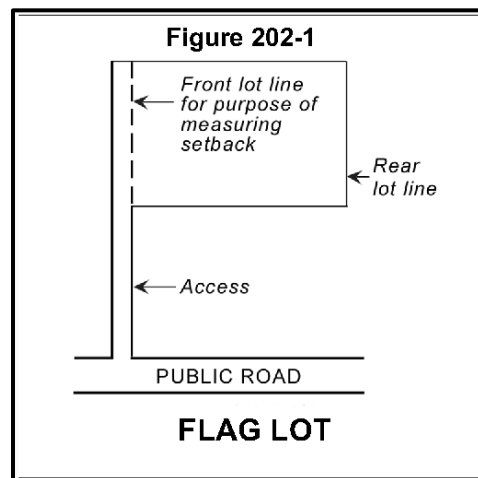
LOT DEPTH: The mean horizontal distance between the front lot line and the rear

lot line of a lot.

**LOT, FLAG:** A lot that has access to a road by means of a narrow strip of lot or easement.

**LOT LINE, FRONT:** Any boundary line separating a lot from a County, public, state, or private road, or from an access drive. Exceptions are:

1. Except as otherwise provided in Subsection 903.08, the front lot line of a flag lot shall be within the boundaries of the lot by a distance equal to the width of the narrow strip of lot or easement providing access to the lot. The front lot line shall be parallel to the lot line extending from the road to the lot line opposite and most distant from the road. (See Figure 202-1.)
2. A corner lot has at least two front lot lines, except where one of the lot lines that would otherwise be a front lot line abuts a private road or access drive and motor vehicle access from the lot is not taken to that private road or access drive. In that case, the lot line where motor vehicle access is not taken is a side lot line.
3. A through lot has at least two front lot lines except where one of the lot lines that would otherwise be a front lot line abuts a collector, arterial, expressway, interstate, or other feature that precludes motor vehicle access. In that case, the lot line where access is precluded is the rear lot line.



**LOT LINE, REAR:** Any boundary line opposite and most distant from the front lot line and not intersecting a front lot line. Exceptions are:

1. For a corner lot, the rear lot line is any one of the boundary lines opposite the front lot lines. Any other opposite boundary line is a side lot line. (See Figure 202-2.)
2. A triangular-shaped lot has no rear lot line.
3. A through lot has no rear lot line except where one of the lot lines that would

otherwise be a front lot line abuts a collector, arterial, expressway, interstate, or other feature that precludes motor vehicle access. In that case, the lot line where access is precluded is a rear lot line.

**LOT LINE, SIDE:** Any boundary line that is not a front or rear lot line.

**LOT OF RECORD:** A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract; except:

1. Contiguous lots under the same ownership when initially zoned shall be combined when any of these lots, parcels or units of land did not satisfy the lot size requirements of the initial zoning district, excluding lots in a recorded plat.
2. A unit of land created solely to establish a separate tax account, or for mortgage purposes, that does not conform to all zoning and Subdivision Ordinance requirements and applicable Comprehensive Plan provisions, in effect on the date when a recorded separate deed, tax account or contract creating it was signed by the parties to the deed or contract, unless it is sold under the foreclosure provisions of ORS Chapter 88.

**LOT, THROUGH:** A lot that has street frontage on two or more non-intersecting streets. A lot may be both a corner lot and a through lot.

**LOT WIDTH:** The mean horizontal distance between the side lot lines of a lot.

**LOT, ZONING:** A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

**LOW VOLUME IRRIGATION:** The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

**MAJOR TRANSIT STOP:** A transit center, major bus stop, or light rail stop, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*.

**MAJOR TRANSIT STREET:** A street with a Frequent Service Bus Line, as identified on Comprehensive Plan Map 5-8a, *Transit, Urban*; existing or planned High Capacity Transit, as identified on Comprehensive Plan Map 5-8c, *High Capacity Transit (HCT) System Plan*; or both.



MANUFACTURED DWELLING: A mobile home or manufactured home but not a residential trailer or recreational vehicle.

MANUFACTURED DWELLING PARK: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot.

MANUFACTURED HOME: A structure constructed on or after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in ORS 571.300.

MARIJUANA ITEMS: Marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

MARIJUANA PROCESSING: The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission (OLCC), a holder of a research certificate issued by the OLCC, or registered with the Oregon Health Authority.

MARIJUANA PRODUCTION: The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission (OLCC), a holder of a research certificate issued by the OLCC, or registered with the Oregon Health Authority and a “person designated to produce marijuana by a registry identification cardholder.”

MARIJUANA RETAILING: The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

MARIJUANA WHOLESALING: The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

MASTER PLAN: A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or

subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern.

MIDDLE HOUSING: A duplex, triplex, quadplex, townhouse, or cottage cluster.

MILL SITE, ABANDONED OR DIMINISHED: A mill, plant, or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp, and paper, that is located outside of urban growth boundaries; was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and contains or contained permanent buildings used in the production or manufacturing of wood products.

MIXED USE: A mix of uses located within a single building, such as retail on the first floor and residential or office uses on the upper floors.

MOBILE HOME: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976 and met the construction requirements of Oregon mobile home law in effect at the time of construction.

MOBILE VENDING UNIT: A vehicle that is used in selling and dispensing goods or services to the customer. Notwithstanding this definition, a mobile vending unit shall not be used in selling and dispensing marijuana items. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to, a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

MOTEL: A building or series of buildings in which lodging only is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit designed primarily for automobile tourists and transient persons. The term includes auto courts, tourist courts, tourist homes, and motor lodges.

NATIVE PLANTS: Any indigenous or resident species currently or historically found in the Willamette Valley.

NATURAL AREA: An area of land or water that has substantially retained its character and functions as an important habitat for plant and animal life.

NONCONFORMING DEVELOPMENT: An element of development, such as landscaping, parking, height, signage, or setbacks that was created in conformance with development regulations which, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable regulations.

NONCONFORMING USE: A use of any building, structure or land allowed by right when established or that obtained a required land use approval when established but, due to a change in the zone or zoning regulations, is now prohibited in the zone.

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Help and seasonal labor may be employed. The term "nursery" contemplates the sale of a product of such nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of reselling goods purchased off the premises, except plant stock, or the establishment of a roadside stand.

NURSING HOME: A nursing, convalescent, or rest home facility licensed by the State under ORS chapters 441 and 442, or an assisting living facility licensed under ORS 443, which provides, for a period exceeding 24 hours, the continuous services of licensed nursing personnel to care for chronically ill or infirm patients, exclusive of those patients related to the owner or facility administrator by blood or marriage. Such nursing, convalescent, or rest home must provide nursing services to those patients who, in the judgment of a physician, registered nurse, or facility administrator, require remedial, restorative, supportive, or preventive nursing measures.

OPEN SPACE: Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreational uses or for scenic purposes. Open space shall be used as such in perpetuity.

OVERBURDEN: Earth that lies above a natural deposit of a mineral.

OVERHEAD SPRINKLER IRRIGATION: The application of irrigation water from spray heads, rotors, or other above-ground emitters that send water through the air.

OWNER: Person or persons holding fee title to a parcel, lot or tract of land, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed the owner.

PARCEL: A single unit of land that is created by a partition of land. For the purposes of this Ordinance, parcel includes lot and lot of record unless otherwise specified in the context of the specific provisions.

PARKING STRUCTURE: A building having at least two levels that are designed and used for parking vehicles, or a building having one level of covered parking area under an open space or recreational use. A one-level surface parking area, garage, or carport is not a parking structure.

**PARTITION:** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

**PEDESTRIAN AMENITIES:** Outdoor improvements directly visible and accessible to pedestrians that promote and facilitate pedestrian use, including plazas, pocket parks, courtyards, awnings or other weather protection, kiosks, gazebos, water features, drinking fountains, sculpture, outside seating areas, planters, trellises, and street furniture.

**PEDESTRIAN PATHWAY:** A hard-surfaced or permeable hard-surfaced pedestrian facility adjacent to a public roadway where there is no curb, but is protected from vehicular traffic or set back behind a planting strip.

**PEDESTRIAN-SCALE LIGHTING:** Street lights designed to illuminate sidewalks to provide security for nighttime use by pedestrians. Pedestrian scale lighting includes ornamental lighting with a 14- to 25-foot mounting height and which meets the Illumination Society guidelines for Commercial Collector roadways.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended, usually in series, from a rope, wire, or string, and designed to move in the wind.

**PERSON DESIGNATED TO PRODUCE MARIJUANA BY A REGISTRY**

**IDENTIFICATION CARDHOLDER:** A person designated to produce marijuana by a registry identification cardholder under ORS 475B.420 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

**PERVIOUS:** Any surface or material that allows the passage of water through the material and into the underlying soil.

**PLAT, FINAL:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a partition or subdivision and recorded as required by ORS Chapter 92.

**PLAT, PRELIMINARY:** A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of a partition or subdivision. As used in this Ordinance, preliminary plat shall be

synonymous with tentative plan as used in ORS Chapter 92.

POROUS PAVEMENT: Surface to walk, drive or park on that may reduce stormwater runoff by allowing water to soak into the ground. Examples are permeable pavers, pervious concrete, porous asphalt, and gravel.

PREMISES: A lot, building, or portion of a lot or building, occupied by a use with its appurtenances.

PRESERVATION, CULTURAL RESOURCES: The identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

PRIMARY BUILDING WALL: Exterior building wall which contains a public entrance to the occupant's premises and faces either a street or a parking area.

PRODUCE STAND: A table, bench, cart, or structure, any of which may be covered, that is located or erected for the purpose of direct sales by growers of agricultural goods, including vegetables, fruits, flowers, bulbs, herbs, plants, honey, and similar products, but not including marijuana or processed foods such as jams or jellies, that are produced on the same tract on which the produce stand is located.

PROFESSIONAL SERVICES: Activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist, teacher, real estate agent, and insurance agent.

PROPERTY LINE ADJUSTMENT: A relocation or elimination of all or a portion of the common property line between two abutting lots of record that does not create an additional lot of record. As used in this definition, a property line is the division line between two abutting lots of record.

PUBLIC OWNERSHIP: Land owned by federal, state, regional, or local government, or governmental agency.

PUBLIC UTILITY: A utility regulated by the Public Utility Commission under ORS 757 or any other utility that provides electrical energy directly to consumers within the State of Oregon, including, but not limited to, municipalities, cooperatives and people's utility districts.

PUBLIC WATER SYSTEM: A system for the provision to the public of piped water for human consumption, if such system has more than three service connections and is a facility licensed by the State of Oregon Health Division.

QUADPLEX: A building that contains exactly four dwelling units, all of which are located on the same lot of record.

RAINWATER COLLECTION SYSTEM: A system of pipes, container (rain barrel, rainwater tank, pond, or rainwater reservoir), valves and associated apparatus for

collecting and storing harvested rainwater runoff, typically from rooftops via rain gutters, but also from ground catchment systems.

RECREATIONAL VEHICLE: A vehicle licensed by the State of Oregon, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode. These shall include but are not limited to park trailers, travel trailers, pickup campers, motor homes, fifth wheel trailers, camping and tent trailers.

RECYCLABLE DROP-OFF SITE: A convenient location not within a public right-of-way where mobile depots or drop boxes may be sited as a recyclable material collection point for nearby residents prior to delivery to a broker or user of such materials.

RECYCLE/RECYCLING: A process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity. It shall also include the collection, transportation, or storage of products by other than the original user or consumer, giving rise to the product's being in the stream of commerce for collection, disposal, recycling, reuse, resource recovery, or utilization.

RECYCLING CENTER: A facility that primarily purchases for recycling or reuse principal recyclable materials which have been source-separated by type, such as vegetative yard debris, paper, glass, and metal, by the person who last used the unseparated solid wastes, but not a salvage or junkyard. Principal recyclable materials are those items defined as such by the Oregon Department of Environmental Quality.

RELATIVE: A parent, child, brother, sister, grandparent, or grandchild of a person or person's spouse.

REPLAT: The act, other than a property line adjustment, of platting the lots, parcels, tracts, or easements in a final plat to achieve a reconfiguration of the existing final plat or to increase or decrease the number of lots or parcels.

RESERVE STRIP: A strip of land, usually one foot in width, across the end of a street or alley which shall be under the ownership of the County to insure street extensions where needed.

RESIDENTIAL TRAILER: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy by one family, that is being used for residential purposes, and that was constructed before January 1, 1962, in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction and is greater than 400 square feet and less than 700 square feet.

RESOURCE RECOVERY FACILITY: Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, but not a salvage or junkyard.



**RHODODENDRON:** The unincorporated community of Rhododendron, as identified on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

**RIGHT-OF-WAY:** A passageway conveyed for a specific purpose.

**ROAD:** A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a “road”. The terms “street”, “access drive” and “highway” for the purposes of this Ordinance shall be synonymous with the term “road”.

**ROAD, COUNTY:** A public way under County jurisdiction which has been accepted into the County road maintenance system by order of the Board of County Commissioners.

**ROAD, PRIVATE:** A private way created by deed or easement to provide vehicular ingress to, or egress from, three or more lots or parcels.

**ROAD, PUBLIC:** A public way dedicated or deeded for public use but not accepted into the County road maintenance system, intended primarily for vehicular circulation and access to abutting properties.

**ROADWAY:** That portion of a road or alley that has been improved for vehicular and pedestrian traffic.

**SALVAGE:** Separating, collecting, or retrieving reusable solid waste for resale.

**SALVAGE, JUNKYARD:** A location at which solid wastes are separated, collected, and/or stored pending resale.

**SCHOOL, COMMERCIAL:** A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

**SENSITIVE GROUNDWATER AREA:** Any area classified by the State of Oregon as a groundwater limited area, critical groundwater area, or other area where new groundwater appropriations are restricted by the State of Oregon.

**SERVICE STATION:** A commercial establishment with sales and services limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting and fender work are excluded. An electric vehicle charging station is not a service station.

SETBACK: The shortest horizontal distance between a structure and the lot line.

SETBACK, FRONT: The shortest horizontal distance between a structure and the front lot line.

SETBACK, REAR: The shortest horizontal distance between a structure and the rear lot line.

SETBACK, SIDE: The shortest horizontal distance between a structure and the side lot line.

SHARED PARKING: Parking spaces used jointly by two or more uses within the same development, or separate adjacent developments, which either have peak hours of operation that do not overlap, or typically provide services to many of the same patrons (e.g., restaurant in an office complex or hotel providing lodging for convention participants within the same development), provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for all parties jointly using them.

SIDEWALK: A concrete pedestrian facility adjacent to a curb along a public road or setback from the curb behind a planting strip.

SIGN: A presentation or representation, other than a house number, by words, letters, figures, designs, pictures or colors displayed out of doors in view of the general public so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of identification. This definition specifically includes billboards, ground signs, freestanding signs, wall signs, roof signs, logo signs, and signs on the following: marquees, awnings, canopies, street clocks and furniture and includes the surface upon which the presentation or representation is displayed.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN AREA, OR SURFACE AREA: The area, on the largest single face of a sign, within a perimeter which forms the outside shape of a sign. If the sign consists of more than one module, the total area of all modules will constitute the sign area. The area of a sign having no such perimeter or border shall be computed by enclosing the entire copy area within the outline of either a parallelogram, triangle, circle or any other easily recognized geometric shape and then computing the area. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in flat projection for the purpose of computing sign area.

SIGN, BUILDING: Any sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface

of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

SIGN, COMMERCIAL: Any sign associated with a commercial activity.

SIGN, DIRECTORY: An onsite sign that identifies and directs traffic to a number of tenants, uses, or buildings within a development.

SIGN, DRIVE-THRU: A freestanding or building sign for a commercial drive-thru window service that is oriented toward a drive-thru lane on the same property and that is for viewing by drivers and their passengers while they are in the drive-thru lane, but does not extend higher than eight feet above grade.

SIGN, ELECTRONIC MESSAGE CENTER: A sign, display, or device, or portion thereof, whose message may be changed by electronic process or remote control, and includes electronic time and temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

SIGN, FREESTANDING: A sign not attached to a building.

SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," entrance," "loading only," "telephone," and other similar directives.

SIGN, INTEGRAL ROOF: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, LOGO: A sign consisting of a trademark or symbol.

SIGN, MESSAGE: Anything displayed on an electronic message center sign, including copy and graphics.

SIGN, MONUMENT: A sign which extends from the ground or which has a support which places the bottom thereof less than two feet from the ground.

SIGN, OFF-PREMISES: A sign which advertises goods, products or services which are not sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.

SIGN, POLE: A sign erected and maintained on a freestanding frame, mast or pole and not attached to any building but does not include ground-mounted signs.

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, and/or designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-

frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used as other than a sign in the normal day-to-day operations of the business for transportation of goods and/or personnel.

SIGN, PROJECTING: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, PUBLIC SERVICE INFORMATION: Any sign, or message on an electronic message center sign, which provides the time, date, temperature, weather, or information concerning civic, charitable or other noncommercial activities.

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

SIGN, ROOF: Any sign erected and constructed wholly on and on top of the roof of a building, supported by the roof structure.

SIGN, SEGMENTED MESSAGE: Any message or distinct subunit of a message presented by means of at least one display change on an electronic message center sign.

SIGN, TEMPORARY: Any sign that is normally considered to be of temporary duration and is not permanently mounted. Examples include, but are not limited to: commercial signs for limited term events, election signs, real estate signs, etc.

SIGN, TRAVELING MESSAGE: A message which appears to move across an electronic message center sign.

SIGN, WALL: Any sign parallel to, and attached within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW: Any sign, pictures, symbol, or combination thereof, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGNIFICANT NATURAL AREAS: Natural areas as defined in "Oregon National Areas - Clackamas County Data Summary" published by The Nature Conservancy. This list of natural areas may be amended by the County as additional areas are identified.

SMALL POWER PRODUCTION FACILITY: A facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof; is more than 50 percent owned by a person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof; and has a power production capacity that,

together with any other small power production facility located at the same site and owned by the same person, is not greater than 80 megawatts.

**SNOW SLIDE AREA:** The area around a building that may be subject to snow buildup as a result of snow sliding from the sloped roof of the building.

**SOIL MOISTURE SENSOR:** A device that measures the amount of water in the soil. The device also suspends and initiates irrigation events.

**SOLAR ENERGY SYSTEM:** Any solar collector, or other solar energy device, the primary purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or electricity.

1. The power generating capacity of a roof-mounted solar energy system that is located on a primary use, conditional use, or limited use structure is limited only by the size of the system that can fit within the confines of the roof surface to which it is mounted.
2. The power generating capacity of a ground-mounted solar energy system, or of a roof-mounted solar energy system that is located on an accessory structure, is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

**SOLID WASTE:** As defined in Chapter 10.03, *Solid Waste and Wastes Management*, of the Clackamas County Code.

**STORY:** A portion of a building included between a floor and the ceiling next above it, exclusive of a basement.

**STREAM:** A body of perennial running water, together with the channel occupied by such running water.

**STREAM CORRIDOR AREA:** An area including the streambed and a required strip or buffer of land on each side of the streambed necessary to maintain streamside amenities and existing water quality. The width of the stream corridor area varies with the site conditions and shall be determined by on-the-ground investigation, as provided under Subsection 1002.04(B). The intent of the stream corridor area shall be to preserve natural environmental qualities and the function of land to purify water before it reaches the stream but not to prohibit timber management activities pursuant to the State Forest Practices Act.

**STREET FRONTAGE:** The entire linear distance of a lot abutting a street. Toe strips or flair strips shall not be used to satisfy the minimum street frontage requirements of the Ordinance.

**STREET:** See “ROAD”.

**STREET FURNITURE:** Any structural element other than residential, industrial or commercial buildings, streets, sidewalks and curbs shall be considered street furniture including, but not limited to, benches, bus shelters, newsstands, bulletin boards, kiosks, drinking fountains, bicycle stalls, etc.

**STRUCTURE:** Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

**SUBDIVIDE:** To divide an area or tract of land into four or more lots within a calendar year when such area or tract exists as a unit or contiguous units, under a single ownership at the beginning of such year, whether or not that area or tract of land is divided by a water course or a road right-of-way.

**SUBDIVISION:** A division of property creating four or more lots in the same calendar year.

**SUBDIVISION, MAJOR:** A subdivision creating 11 or more lots in the same calendar year.

**SUBDIVISION, MINOR:** A subdivision creating four to 10 lots in the same calendar year.

**SUNNYSIDE VILLAGE:** The Sunnyside Village community plan area, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*.

**SURFACE MINING:** Includes the mining of minerals by removing overburden and extracting a natural mineral deposit thereby exposed, or simply such extraction. Surface mining includes open-pit mining, auger mining, production of surface mining waste, prospecting and exploring that extracts minerals or affects land, processing to include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads. Surface mining does not mean operations within a road right-of-way or other easement for the purpose of construction, reconstruction, or maintenance; excavations of sand, gravel, clay, rock, or other similar materials by a landowner or tenant for the purpose of construction, reconstruction, or maintenance of access roads; excavation or grading in the process of farming, forestry, or cemetery operations, or other onsite construction, unless more than 5,000 cubic yards of such materials are removed from the property for compensation, except that more than 5,000 cubic yards of such materials may be removed from the property for compensation when the construction activities are authorized by a building permit.

**SURFACE MINING, MINERALS:** Soil, clay, stone, sand, gravel, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial, or construction use.

**SURFACE MINING, NONAGGREGATE MINERALS:** Coal and metal-bearing ores, including, but not limited to, ores that contain nickel, cobalt, lead, zinc, gold, molybdenum, uranium, silver, aluminum, chrome, copper, or mercury.

**SURFACE MINING, OPERATOR:** A legal entity engaged in surface mining or in an activity at a surface mining site preliminary to surface mining.

**SURFACE MINING, RECLAMATION:** Procedures designed to minimize the disturbance from surface mining and to provide for the rehabilitation of surface resources through the use of plant cover, soil stabilization, and other procedures to protect the surface and subsurface water resources, and other measures appropriate to the subsequent beneficial use of mined lands.

**SURFACE WATER MANAGEMENT REGULATORY AUTHORITY:** The surface water management district in which the subject property is located, or, if there is no such district, the County.

**TOWNHOUSE:** A dwelling unit that shares at least one wall, or portion thereof, with another townhouse and is located on a separate lot of record from any other dwelling that is not an accessory dwelling unit. A manufactured dwelling or residential trailer is not a townhouse.

**TRACT:** One or more contiguous lots of record under the same ownership. Notwithstanding the preceding definition, as used in Sections 706, *Habitat Conservation Area District*, 709, *Water Quality Resource Area District*, 1012, *Lot Size and Density*, 1013, *Planned Unit Developments*, and 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, a tract is a unit of land (other than a lot or parcel) created by a subdivision, partition, or replat.

**TRAIL:** A hard- or soft-surfaced facility for pedestrians, bicyclists, or equestrians that is separate from vehicular traffic. Trails often go through natural areas and are designed to have a minimal impact on the natural environment.

**TRANSFER STATION:** A fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site, including, but not limited to, drop boxes made available for general public use. Solid waste collection vehicles are not transfer stations.

**TRANSIT STOP:** Any posted bus or light rail stop.

**TRIPLEX:** A building that contains exactly three dwelling units, all of which are located on the same lot of record.

**TURF LAWN:** A ground-cover surface made up of thick, closely mowed, cultivated grass.

**UNDERGROUND STRUCTURE:** A structure in which more than 50 percent of the cubic footage of the enclosed, covered space is (1) constructed below the highest elevation of the ground adjoining the structure site prior to excavation; and (2) covered over by ground materials, such as soil, sod, sand or exterior paving, which are continuous on at least one side of the structure with contiguous surface ground



materials. Conventional roofing materials may be used to cover any portion of the structure which extends above ground elevation.

UNINCORPORATED COMMUNITY: A settlement that conforms to the definition set forth in Chapter 660, Division 22 of the Oregon Administrative Rules. The County's unincorporated communities are identified in Chapter 4 of the Comprehensive Plan and shown on Map IV-7 of the Comprehensive Plan.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied.

UTILITY CARRIER CABINETS: A small enclosure used to house utility equipment intended for off-site service, such as electrical transformer boxes, telephone cable boxes, cable television boxes, fire alarm boxes, police call boxes, traffic signal control boxes, and other similar apparatus.

VEHICLE, COMMERCIAL: A commercially licensed and operated vehicle exceeding the capacity of one ton.

VISUALLY SENSITIVE AREAS: Prominent natural landscape features such as hillsides, forests, and waterways; historic district; visual corridors along major highways and rivers. Natural landscapes that occur within the urban area and along traffic corridors are of higher visual significance.

WALKWAY: A hard-surfaced facility for pedestrians, within a development or between developments, distinct from surfaces used by motor vehicles. A walkway is distinguished from a sidewalk by its location on private property.

WELL, EXEMPT-USE: A well from which groundwater is used as defined in ORS 537.545(1) as amended.

WELL, PERMITTED: A well from which the intended use of water requires a registration, certificate of registration, application for a permit, permit, certificate of completion, or groundwater right certificate under ORS 537.505 to 537.795 and 537.992.

WEMME/WELCHES: The unincorporated community of Wemme/Welches, as identified on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

WETLANDS: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WILDWOOD/TIMBERLINE: The unincorporated community of Wildwood/Timberline, as identified on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

ZIGZAG VILLAGE: The unincorporated community of Zigzag Village, as identified on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan, Mt. Hood Corridor Land Use Plan*.

ZONING DISTRICT, COMMERCIAL: A zoning district regulated by Section 500, *Commercial Districts*.

ZONING DISTRICT, INDUSTRIAL: A zoning district regulated by Section 600, *Industrial Districts*.

ZONING DISTRICT, NATURAL RESOURCE: A zoning district regulated by Section 400, *Natural Resource Districts*.

ZONING DISTRICT, RESIDENTIAL: A zoning district regulated by Section 300, *Urban and Rural Residential Districts*.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16 and 3/1/16; Amended by Ord. ZDO-258, 1/18/17; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-267, 8/28/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by automatic repeal of Ord. ZDO-267, 8/28/19; Amended by Ord. ZDO-273, 1/17/21]

**Summary of Proposed Amendments to Section 315, Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts**

Items in **black** are conforming amendments, formatting, or other non-substantive changes

Items in **red** are mandatory under HB2001 (or other state legislation)

Items in **blue** are options under HB2001, but alternative may be that the standards for detached single-family dwelling would apply instead

- Amend Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, to include a “Dwellings” category, with each type of dwelling a subset of that category. Sort all dwelling types alphabetically within that category.
- Add all new middle housing types to Table 315-1 in applicable Districts. The only substantive changes to Table 315-1 are to the Urban Low Density Residential; Village Standard Lot Residential; and Village Small Lot Residential Districts for the inclusion of middle housing. All other changes to the table are a result of sorting the table and will not affect allowed uses.
- Change existing terms to the new middle housing terms, as identified in Section 202, *Definitions* (duplex, triplex, townhouse, etc).
- Change footnotes to Table 315-1, as necessary, to ensure references to middle housing are consistent with HB2001. Add reference to new Section 845, *Middle Housing*, which contains many of the development and design standards for non-duplex middle housing in Districts subject to HB2001.
- Amend Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts* to apply building design standards for single-family dwellings to duplexes and to clarify that accessory building standards apply to middle housing as well as detached single-family dwellings (except where specified differently in Section 845).
- Change maximum lot coverage from 40% to 50% in the R7 through R30 Districts. Currently existing lots of record that are smaller than 6,000 SF and were created prior to current zoning already have an allowance for 50% lot coverage, but changing it for all development will both simplify permitting and increase feasibility of middle housing development in these areas.
- Amend footnotes to Table 315-2 to remove minimum lot sizes for townhomes and to establish a District Land Area (DLA) for townhomes that is 1/3<sup>rd</sup> or 1/4<sup>th</sup> of the DLA for single-family dwellings, depending on District. This change is necessary for townhomes to comply with HB2001 regulations unless the county chooses to have no density

standards for townhomes or an average lot size of 1,500 SF (equivalent to 29 dwelling units per acre).

- Amend Table 315-3, *Dimensional and Building Standards in the VR-5/7, VR-4/5, and VTH Districts* and its associated footnotes to clarify which standards in Table 315-3 do and do not apply to middle housing in the VR-5/7 and VR-4/5 Districts and include references to Section 845, where appropriate.
- Amend standards in the Sunnyside Village Resource Protection Areas, to (1) be clear & objective, and (2) be subject to a Type 1 review process, rather than Design Review.
- Remove the 3,000SF minimum lot size for the residential development of an existing lot.

**315 URBAN LOW DENSITY RESIDENTIAL (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, AND R-30), VILLAGE STANDARD LOT RESIDENTIAL (VR-5/7), VILLAGE SMALL LOT RESIDENTIAL (VR-4/5), VILLAGE TOWNHOUSE (VTH), PLANNED MEDIUM DENSITY RESIDENTIAL (PMD), MEDIUM DENSITY RESIDENTIAL (MR-1), MEDIUM HIGH DENSITY RESIDENTIAL (MR-2), HIGH DENSITY RESIDENTIAL (HDR), VILLAGE APARTMENT (VA), SPECIAL HIGH DENSITY RESIDENTIAL (SHD), AND REGIONAL CENTER HIGH DENSITY RESIDENTIAL (RCHDR) DISTRICTS**

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**315.01 PURPOSE**

Section 315 is adopted to implement the policies of the Comprehensive Plan for Low Density Residential, Village Standard Lot Residential, Village Small Lot Residential, Village Townhouse, Medium Density Residential, Medium High Density Residential, High Density Residential, Special High Density Residential, Village Apartment, and Regional Center High Density Residential areas.

**315.02 APPLICABILITY**

Section 315 applies to land in the Urban Low Density Residential (R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30), Village Standard Lot Residential (VR-5/7), Village Small Lot Residential (VR-4/5), Village Townhouse (VTH), Planned Medium Density Residential (PMD), Medium Density Residential (MR-1), Medium High Density Residential (MR-2), High Density Residential (HDR), Village Apartment (VA), Special High Density Residential (SHD), and Regional Center High Density Residential (RCHDR) Districts, hereinafter collectively referred to as the urban residential zoning districts.

**315.03 USES PERMITTED**

A. Uses permitted in each urban residential zoning district are listed in Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*. Uses not listed are prohibited, except:

1. In the PMD District, uses similar to one or more of the listed uses for the PMD District may be authorized pursuant to Section 106, *Authorizations of Similar Uses*; and
2. In the HDR, SHD, and RCHDR Districts, uses similar to one or more of the listed limited uses for the applicable zoning district may be authorized pursuant to Section 106.

B. As used in Table 315-1:

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 Uses*.
  5. "CPUD" means the use is allowed as a conditional use in a planned unit development.
  6. "X" means the use is prohibited.
  7. Numbers in superscript correspond to the notes that follow Table 315-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 315.04, *Dimensional and Building Design Standards*; Subsection 315.05, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

### 315.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the urban residential zoning districts are listed in Tables 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts*; 315-3, *Dimensional and Building Design Standards in the VR-4/5, VR-5/7, and VTH Districts*; and 315-4, *Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts*. As used in Tables 315-2 through 315-4, numbers in superscript correspond to the notes that follow each table.
- B. Modifications: Modifications to the standards in Tables 315-2 through 315-4 are established by Sections 800, *Special Use Requirements*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. Except in the HDR, SHD, and RCHDR Districts, modifications to the standards in these tables also are established by Section 903, *Setback Exceptions*.

### 315.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Condominiums: ~~Except in the VR-5/7 and VR-4/5 Districts, any~~ Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums: accessory dwelling units, cottage cluster dwelling units, detached single-family dwellings, ~~attached single-family dwellings, two-family dwellings, duplexes, multifamily dwellings, quadplexes, townhouses, and three-family dwelling triplexes, and multifamily dwellings~~. In the case of detached single-family dwellings and townhouses, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record; ~~however, attached single-family dwellings must be attached at a wall (as they would be if a lot line separated the dwellings) rather than ceiling-to-floor.~~

B. Resource Protection Areas in the VR 4/5 and VR 5/7 Districts: Development of primary dwellings and accessory structures within a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, shall ~~require~~ be review of a Type I application pursuant to Section 1307, Procedures ~~subject to design review, pursuant to Section 1102, Design Review~~, and shall be subject to the following ~~standard~~ criteria:

~~1. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized.~~

~~2. Compliance with Subsection 1002.03 shall be demonstrated.~~

~~3.~~ 1. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area.

~~4.~~ 2. Driveways shall be designed at the narrowest width allowed by the ~~to be as narrow as possible, consistent with the requirements of the~~ fire district.



Table 315-1: Permitted Uses in the Urban Residential Zoning Districts

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<del>Accessory Dwelling Units, subject to Section 839</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<del>Accessory Kitchens</del>	<del>A<sup>+</sup></del>	<del>A<sup>+</sup></del>	<del>A<sup>+</sup></del>	<del>A<sup>+</sup></del>	<del>X</del>	<del>A<sup>+</sup></del>	<del>A<sup>+</sup></del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<b>Accessory Buildings and Uses, Customarily Permitted</b> , 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 child care homes, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management 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	A	A	A	A	A	A	A	A	A	A	A

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment											
<u>Accessory Kitchens</u>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>	<u>X</u>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<b>Bed and Breakfast Inns</b> , subject to Section 832	C	X	C	X	X	P	P	P	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Bed and Breakfast Residences</b> , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
<b>Bus Shelters</b>	A	A	A	A	P	A	A	A	A	A	A
<b>Cemeteries</b> , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
<b>Child Care Facilities</b>	C	C	C	C	C	C	C	L <sup>5</sup> ,C	C	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Civic and Cultural Facilities</b> , including art galleries, museums, and visitor centers	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD
<b>Composting Facilities</b>	X	X	X	X	X	X	X	X	X	X	X
<del>Congregate Housing Facilities</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<b>Daycare Services, Adult</b>	C	C	C	C	C	C	C	L <sup>5</sup> ,C	C	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<del>Dwellings, Attached Single-Family</del>	<del>P<sup>7,8</sup></del>	<del>P<sup>7,9</sup>,C<sup>7,10</sup></del>	<del>P</del>	<del>P</del>	<del>X</del>	<del>P<sup>11</sup></del>	<del>P<sup>11</sup></del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<b><u>Dwellings, including:</u></b>											
<del>Clustered Single-Family</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>P</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>
<u>Accessory Dwelling Units</u> , subject to Section 839	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

## CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<u>Congregate Housing Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cottage Clusters</u>	<u>P<sup>7,8</sup></u>	<u>P<sup>7,8</sup></u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Clustered Single-Family</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Detached Single-Family <u>Dwellings</u>	<u>P<sup>7,8</sup></u>	<u>P<sup>7,8</sup></u>	X	X	X	X	X	X	X	X	X
<u>Duplexes</u>	<u>P<sup>7,8</sup></u>	<u>P<sup>7,8</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<u>Manufactured Dwelling Parks, subject to Sections 824 and 825</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Manufactured Homes, subject to Section 824</u>	<u>P<sup>7,8</sup></u>	<u>P<sup>7,87</sup></u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Multifamily <u>Dwellings</u>	X	X	X	<u>X</u> P <sup>12</sup>	P	P	P	P	P	P	P
<u>Quadplexes</u>	<u>P<sup>7,8</sup></u>	<u>P<sup>7,8</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Townhouses</u>	<u>P<sup>7,8</sup></u>	<u>P<sup>7,8</sup></u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P<sup>11</sup></u>	<u>P<sup>11</sup></u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Triplexes</u>	<u>€<sup>7</sup>P<sup>7,8</sup></u>	<u>€<sup>7</sup>P<sup>7,8</sup></u>	X	P	P	P	P	P	P	X	X
<b><u>Dwellings, Two-Family</u></b>	<u>€<sup>7</sup></u>	<u>€<sup>7</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>
<b>Entertainment Facilities</b> , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Farmers' Markets</b> , subject to Section 840	A	A	A	A	A	A	A	A	A	A	A
<b>Fences and Retaining Walls</b>	P	P	P	P	P	P	P	P	P	P	P

## CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L <sup>5</sup> ,C	X	L <sup>2,13</sup> ,C	L <sup>4</sup> ,C
<b>Fraternal Organization Lodges</b>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Guest Houses</b> , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>15</sup>	A	A	A	A	A	A	A	A	A	A	A
<b>Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use</b>	C	X	X	X	X	X	X	X	X	X	X
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	X	C	X	X	C	C	C	X	C	X
<b>Hotels and Associated Convention Facilities</b>	X	X	X	X	X	X	X	X	X	C <sup>16</sup>	L <sup>4</sup> ,C

## CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Hydroelectric Facilities	C	X	C	X	X	C	C	C	X	C	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	L <sup>5</sup> , C <sup>6</sup> , CPUD	CPUD	L <sup>2</sup> , C <sup>3</sup> , CPUD	L <sup>4</sup> , CPUD
Livestock, subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
<del>Manufactured Dwelling Parks, subject to Sections 824 and 825</del>	<del>€</del>	<del>✗</del>	<del>€</del>	<del>✗</del>	<del>€</del>	<del>€</del>	<del>✗</del>	<del>✗</del>	<del>✗</del>	<del>✗</del>	<del>✗</del>
Marijuana Processing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments, subject to Section 844	C	X	X	X	X	C	X	C	X	C	X
Nursing Homes	C	C	C	P	P	P	P	P	P	P	P

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Offices</b> , including accounting services, administrative, business, corporate, and professional offices, but not including offices for governmental uses. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Offices and Outpatient Clinics</b> —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	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Parking Structures</b>	X	X	X	X	X	A	A	A	X	A	A
<b>Pedestrian Amenities</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Places of Worship</b> , subject to Section 804	C	C	C	CPUD	C	C	C	C	CPUD	C	C

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Produce Stands</b> , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
<b>Public Utility Facilities</b> <sup>17</sup>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Radio and Television Studios</b> , excluding transmission towers	X	X	X	X	X	X	X	X	X	L <sup>2</sup> ,C <sup>3</sup>	X
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> <sup>18</sup>	C <sup>14</sup>	X	C <sup>14</sup>	X	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	X	X	X	X	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	X	X



Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Recreational Uses, Government-Owned</b> , including parks, amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; equine facilities; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; miniature golf, putting greens, and sports courts; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; tables and seating; and similar recreational uses <sup>19</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>	P <sup>21</sup>
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>19</sup>	P <sup>20</sup>	X	P <sup>20</sup>	X	C <sup>14</sup>	P <sup>21</sup>	P <sup>21</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Recreational Uses</b> , including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools <sup>19</sup>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>	A <sup>22</sup>

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Retailing</b> —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	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>23</sup>	L <sup>4</sup> , CPUD <sup>23</sup>
<b>Roads</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Schools</b> , subject to Section 805	C	C	C	CPUD	CPUD	C	C	L <sup>5,24</sup> ,C <sup>6,24</sup> , CPUD	CPUD	L <sup>2,24</sup> ,C <sup>3,24</sup> , CPUD	L <sup>4,24</sup> , CPUD

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Services, Business</b> , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>3</sup> ,C <sup>4</sup>	L <sup>2</sup>
<b>Services, Commercial—Construction and Maintenance</b> , including contractors engaged in construction and maintenance of electrical and plumbing systems	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>23</sup>	L <sup>4</sup> , CPUD <sup>23</sup>
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstery, and veterinary	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Services, Commercial—Personal and Convenience</b> , 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.	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>23</sup>	L <sup>4</sup> , CPUD <sup>23</sup>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>23</sup>	CPUD <sup>23</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>23</sup>	L <sup>4</sup> , CPUD <sup>23</sup>
<b>Signs</b> , subject to Section 1010	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>	A <sup>25</sup>
<b>Telephone Exchanges</b>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>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</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Transit Park-and-Rides</b>	X	X	X	X	X	X	X	X	X	X	A
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1	See Table 835-1

<sup>1</sup> An accessory kitchen is permitted only in ~~a townhouse or attached single-family dwelling~~, a detached single-family dwelling, or a manufactured home, to the extent that these dwelling types are permitted in the applicable zoning district. Only one accessory kitchen is permitted in each ~~townhouse, detached~~ single-family dwelling, or manufactured home.

<sup>2</sup> The limited use is permitted subject to the following criteria:

- a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
- b. The building floor area occupied by all limited uses shall not exceed 15 percent of the building floor area occupied by primary uses.
- c. No outdoor storage of materials associated with the use shall be allowed.

- d. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
- <sup>3</sup> The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.
- <sup>4</sup> The limited use is permitted subject to the following criteria:
  - a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - b. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.
- <sup>5</sup> The limited use is permitted subject to the following criteria:
  - a. The use shall be part of a development within a Design Plan area.
  - b. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - c. The building floor area occupied by all limited uses shall not exceed 10 percent of the building floor area occupied by primary uses. No single limited commercial use shall occupy more than 1,500 square feet of building floor area.
  - d. Allowing the use will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use.
  - e. No outdoor storage of materials associated with the use shall be allowed.
  - f. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
- <sup>6</sup> The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6, shall not exceed 10 percent of the building floor area occupied by primary uses.
- <sup>7</sup> Except ~~as limited by Note 1(b) to Table 315-2 or~~ as allowed by Subsection 315.05(A) or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: ~~attached single family dwelling if permitted by Note 8, 9, or 10~~ detached

single-family dwelling, ~~duplex, or~~ manufactured home, quadplex, townhouse, or triplex. ~~The development of two and three family dwellings is subject to Subsection 1012.07, and, if a lot of record is also to be developed with a single family dwelling or manufactured home, the entire development is subject to Section 1012, Lot Size and Density.~~

<sup>8</sup> ~~The development of a cottage cluster, quadplex, triplex, or townhouse is subject to Section 845, Middle Housing.~~

<sup>8</sup> ~~Attached single family dwellings are permitted on 100 percent of the lots in a planned unit development and 20 percent of the lots in a subdivision that is not a planned unit development.~~

<sup>9</sup> ~~As a primary use, only two attached single family dwellings may be attached in succession except in the VR-4/5 District when transferring density from a Resource Protection Area as shown on Comprehensive Plan Map X-SV-1, Sunnyside Village Plan Land Use Plan Map in which case this limit does not apply.~~

<sup>10</sup> ~~Attached single family dwellings that do not comply with Note 9 are a conditional use.~~

<sup>11</sup> For an ~~attached single family dwelling~~townhouse, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for ~~attached single family dwelling~~townhouses. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.

<sup>12</sup> ~~Multifamily dwellings are limited to those containing four dwelling units.~~

<sup>13</sup> Only indoor facilities are permitted.

<sup>14</sup> Uses similar to this use may be authorized pursuant to Section 106, Authorizations of Similar Uses.

<sup>15</sup> A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 315-1.

<sup>16</sup> Hotels in the SHD District are limited to a maximum of 80 units per gross acre.

<sup>17</sup> Public utility facilities shall not include shops, garages, or general administrative offices.

<sup>18</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.



<sup>19</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.

<sup>20</sup> Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

<sup>21</sup> Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

<sup>22</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.

<sup>23</sup> The use is subject to the following standards and criteria:

- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
- b. The area occupied by all uses subject to Note 22 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
- c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
- d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
- e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

<sup>24</sup> Only commercial schools are permitted, and such schools are not subject to Section 805, *Schools*.

<sup>25</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>26</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

**Table 315-2: Dimensional and Building Design Standards in the Urban Low Density Residential Zoning Districts**

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
District Land Area (DLA) for Calculating Density Pursuant to Section 1012/Minimum Lot Size <sup>1,2</sup>	2,500/2,000 square feet	5,000 <sup>3</sup> /4,000 square feet	7,000 <sup>3,4</sup> /5,600 square feet	8,500 <sup>3,4</sup> /6,800 square feet	10,000 <sup>3,4</sup> /8,000 square feet	15,000 <sup>3,4</sup> /12,000 square feet	20,000 <sup>3,4</sup> /16,000 square feet	30,000 <sup>3,4</sup> /24,000 square feet
Maximum Lot Coverage	50 percent <sup>4,5</sup>		<del>5</del> 40 percent <sup>4,5</sup>					
Maximum Building Height	Accessory building larger than 500 square feet and accessory to a primary dwelling: 20 feet or the height of the primary dwelling, whichever is greater All other buildings: 35 feet							
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>6</sup>							
Minimum Rear Setback	20 feet <sup>6,7,8,9</sup>							
Minimum Side Setback	5 feet <sup>6,7,8,9</sup>							

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling	Equal to the ground floor area of the primary dwelling and the ground floor area of any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage)							
Building Design Standards for <u>Detached</u> Single-Family Dwellings, <u>Duplexes</u> , and Manufactured Homes <sup>10</sup>	A minimum of three of the following features are required: a covered porch at least two feet deep; an entry area recessed at least two feet from the exterior wall to the door; a bay or bow window (not flush with the siding); an offset on the building face of at least 16 inches from one exterior wall surface to the other; a dormer; a gable; roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; a roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other; an attached garage; orientation of the long axis and front door to a street; a cupola; a tile, shake, or composition roof; and horizontal lap siding. The required features must be on the same façade as <del>the</del> <u>a</u> front door unless the feature is unrelated to a façade (e.g., roofing material).							
Building Design Standards for Buildings Accessory to a <del>Single-Family Dwelling</del> <u>or Manufactured Home</u>	<p>Freight shipping containers shall be located behind the building line of the dwelling, and the exterior shall be painted similar in color to that of the dwelling.</p> <p>Metal buildings greater than 500 square feet in area shall include roof overhangs, gutters, and downspouts, and the exterior shall be painted similar in color to that of the dwelling.</p>							

- <sup>1</sup> The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except:
- a. ~~Minimum lot size standards of Section 800 apply; and~~
  - b. ~~Except in an R-2.5 District, a lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development or pursuant to Subsection 1012.02(A), (B), (D), (E), or (F).~~
- <sup>2</sup> In a planned unit development, there is no minimum lot size. However, the DLA ~~district land area~~ standard applies pursuant to Section 1012, Lot Size and Density.
- <sup>3</sup> ~~For townhouses developed pursuant to Section 845, Middle Housing, there is no minimum lot size and the DLA shall be one-third of the DLA. zoning.~~
- <sup>3</sup> ~~For two- and three-family dwellings, the minimum lot area standard of Table 1012-2, Minimum Lot Area per Dwelling Unit, applies in lieu of the district land area standard.~~
- <sup>4</sup> ~~For townhouses developed pursuant to Section 845, Middle Housing, there is no minimum lot size and the DLA shall be one-quarter of the DLA in the applicable zoning district.~~
- <sup>4.5</sup> Maximum lot coverage in a planned unit development is 65 percent. For cottage clusters developed pursuant to Section 845, Middle Housing, there is no maximum lot coverage.
- <sup>5</sup> ~~Outside a planned unit development, maximum lot coverage is 50 percent for a lot of record that is:~~
- a. ~~6,000 square feet or less in area, was created prior to the application of an Urban Low Density Residential District to the subject lot of record, and is developed with a detached single family dwelling; or~~
  - b. ~~Developed with an attached single family dwelling.~~
- <sup>6</sup> For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet, and the minimum side and rear setbacks are three feet.

- <sup>7</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. In a zero-lot-line development, approved pursuant to Subsection 1105.03(B), there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to ~~such single family dwellings and manufactured homes~~, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-2.
- <sup>8</sup> The following exceptions apply to a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record:
- The minimum rear setback for a detached single-family dwelling, a duplex, or a manufactured home is 10 feet.
  - The minimum side setback for a detached single-family dwelling, a duplex, or a manufactured home is a total of five feet (e.g., five feet from one side lot line and zero from the other, three feet from one side lot line and two feet from the other) except that if the subject lot of record has more than two side lot lines, the minimum side setback from each of the additional side lot lines is five feet.
- <sup>9</sup> If an accessory building is located behind the building line of the main building, the applicable minimum rear and side setback standards for that accessory building are based on the accessory building area and accessory building height, as follows:

	<b>Building Height</b>			
<b>Building Area</b>	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet and ≤ 15 feet	> 15 feet
≤ 100 square feet	None	3 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 100 square feet and ≤ 200 square feet	3 feet side and rear	3 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 200 square feet and ≤ 500 square feet	5 feet side and rear	5 feet side and rear	5 feet side and rear	5 feet side, 10 feet rear
> 500 square feet	5 feet side; 10 feet rear	5 feet side; 10 feet rear	5 feet side, 10 feet rear	5 feet side, 10 feet rear

- <sup>10</sup> These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, or to manufactured homes in manufactured dwelling parks.



**Table 315-3: Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts**

General Standards			
Standard	VR-5/7	VR-4/5	VTH
District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size <sup>1</sup>	5,000/4,000 square feet	4,000/2,000 square feet	2,000/2,000 square feet <sup>2</sup>
Maximum Lot Size <sup>1</sup>	7,000 square feet <sup>3,4</sup>	5,000 square feet <sup>3,5</sup>	3,000 square feet <sup>2,6</sup>
Maximum Lot Coverage	50 percent <sup>7</sup>		65 percent
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of the main building <u>or dwelling closest to front lot line(s)</u> ; 4 feet forward of the building line of the main building <u>or dwelling closest to front lot line(s)</u>		
Maximum Driveway Width	16 feet at the front lot line, unless the subject property is developed with a garage that has at least three side-by-side (as opposed to tandem) garage bays, in which case the maximum driveway width shall be 24 feet at the front lot line <sup>7,8</sup>		See Subsection 1005.12(B)(4).
Minimum Percentage of Lots in a Subdivision that Shall have Alley Motor Vehicle Access Only	50 percent of lots with frontage on an alley <sup>7</sup>		Not Applicable
Garage/Carport Design for Primary Dwellings	A minimum of 50 percent of the primary dwellings in a development shall have a recessed garage/carport or no garage/carport. The remaining 50 percent may have a non-recessed garage/carport. <sup>8,9,10</sup>	All garages and carports shall be recessed. <sup>7,9</sup>	See Subsection 1005.12(B).



Standards for Primary Dwellings			
Standard	VR-5/7	VR-4/5	VTH
Maximum Building Height	35 feet <sup>8</sup>		
Minimum Front Setback	10 feet for a dwelling with a recessed garage <u>or no garage</u> ; 19½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>8,9,10,11,12</sup>	10 feet <sup>7,11,12</sup>	10 feet <sup>13,14,15</sup>
Maximum Front Setback	18 feet for a dwelling with a recessed garage <u>or no garage</u> ; 20½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>8,9,10,11,16,17,18</sup>	18 feet <sup>7,11,16,17,18</sup>	18 feet <sup>13</sup>
Minimum Rear Setback	15 feet <sup>7,8,11,19</sup>		15 feet <sup>19</sup>
Minimum Side Setback	0 on one side; 5 feet on all other sides <sup>7,8,11,19</sup>		5 feet <sup>19,20</sup>

Building Design Standards <sup>7.7.5.8</sup>	<ul style="list-style-type: none"><li>• Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall.</li><li>• Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.</li><li>• Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.</li><li>• If the lot on which the dwelling is located has street frontage on a local or connector street, or a private street that meets local or connector street design standards, then the primary entry to the dwelling shall be accessed directly from and be visible from one of those streets.</li><li>• A minimum of 50 percent of the dwellings in a subdivision shall have a porch or patio. The porch or patio shall be covered, placed immediately adjacent to the primary entry to the dwelling, have a minimum unobstructed depth of six feet, and have a minimum unobstructed width of 10 feet.</li></ul>	See Subsections 1005.04(F) and 1005.12(A).	
Standards for Buildings Accessory to a Dwelling			
Standard	VR-5/7	VR-4/5	VTH
Maximum Number of Accessory Buildings per Lot of Record	Two		
Minimum Separation Distance Between an Accessory Building and any other Building on the Same Lot of Record	3 feet		
Maximum Building Height	25 feet or the building height of the primary dwelling, whichever is less <sup>21</sup>		

Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.
Minimum Front Setback	Greater than or equal to the front setback of the facade of the primary dwelling (not including porches, patios, bays, garages, and architectural features) <sup>8,22</sup>	
Exterior Building Materials	Buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling. <sup>8</sup>	

Minimum Rear and Side Setback Standards for Buildings Accessory to a Primary Dwelling in the VR-5/7, VR-4/5, and VTH Districts <sup>9,19</sup>			
Building Area	Building Height		
	≤ 8 feet	> 8 feet and ≤ 20 feet	> 20 feet
≤ 100 square feet	None	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>23</sup>	No minimum on one side, 5 feet on all other sides; 5 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>23</sup>
> 100 square feet	No minimum on one side, 3 feet on all other sides; 3 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>23</sup>		No minimum on one side, 5 feet on all other sides; 5 feet rear if rear lot line does not abut an alley, 6 feet rear if rear lot line does abut an alley <sup>23,24</sup>

<sup>1</sup> The minimum and maximum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum and maximum lot size standards, a lot of record may be developed subject to other applicable standards of this Ordinance, except minimum lot size standards of Section 800 apply.

<sup>2</sup> The minimum and maximum lot size standards apply only to lots or parcels for ~~attached single-family dwellings~~ townhouses.

<sup>3</sup> The maximum lot size standard applies only to lots or parcels for single-family dwellings or manufactured homes.

<sup>4</sup> Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 6,500 square feet.

<sup>5</sup> Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 5,000 square feet.

<sup>6</sup> Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 2,500 square feet.

<sup>7</sup> The VTH District standard applies in lieu of this standard for ~~primary-use attached single-family dwellings~~ townhouses if three or more dwelling units are attached in succession.

7.5 (new footnote) For middle housing developed pursuant to Section 845, design standards in Section 845 shall apply in addition to standards in Table 315-3.

- 8 Except for middle housing developed pursuant to Section 845, *Middle Housing*.  
~~D~~development on lots in the plat of Sieben Creek Estates (plat no. 3039) is not required to comply with this standard.
- 9 A recessed garage or carport is a garage or carport with a front setback to the garage door or carport motor vehicle entry that is a minimum of five feet greater (i.e., farther from the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- 10 A non-recessed garage or carport shall have a front setback to the garage door or carport motor vehicle entry that is a maximum of five feet less (i.e., closer to the front lot line) than the front setback to the façade of the primary dwelling living area (not including porches, patios, bays, and architectural features).
- 11 The minimum and maximum setback standards do not apply in a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*.  
The maximum setback standards do not apply to middle housing developed pursuant to Section 845, *Middle Housing*.
- 12 A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.
- 13 Frontage on an accessway shall be considered a front lot line.
- 14 On a corner lot, the minimum setback from one front lot line is eight feet, provided that the lot line abuts a road with a functional classification of local or connector.
- 15 Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback.
- 16 If a public utility easement precludes compliance with the maximum front setback standard, the maximum shall be as close to the front lot line as possible.
- 17 Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback standard.
- 18 If a lot has more than one front lot line, compliance with the maximum front setback standard is required from only two intersecting front lot lines.
- 19 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-3.
- 20 Frontage on a pedestrian connection shall be considered a side lot line.
- 21 The maximum building height standard applies only to accessory buildings larger than 100 square feet.
- 22 A garage may be required to be recessed, as defined by Note 10, in order to comply with the standard for garage/carport design for primary dwellings.

- <sup>23</sup> Frontage on a pedestrian connection shall be considered a side lot line, and the minimum setback is five feet.
- <sup>24</sup> If the rear lot line abuts an alley, a second-story accessory dwelling unit may cantilever a maximum of four feet into the minimum rear setback.

**Table 315-4: Dimensional Standards in the PMD, MR-1, MR-2, HDR, VA, SHD, and RCHDR Districts**

<b>Standard</b>	<b>PMD</b>	<b>MR-1</b>	<b>MR-2</b>	<b>HDR</b>	<b>VA</b>	<b>SHD</b>	<b>RCHDR</b>
District Land Area for Calculating Density Pursuant to Section 1012	3,630 square feet	3,630 square feet	2,420 square feet	1,742 square feet	1,500 square feet	726 square feet	Not Applicable
Minimum Density	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012
Minimum Lot Size	None	None <sup>1</sup>	None <sup>2</sup>	None	None	None	None
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>3,4</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>4</sup>	15 feet <sup>5</sup>	10 feet <sup>6,7</sup>	15 feet	5 feet <sup>8</sup>
Maximum Front Setback	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	18 feet <sup>6</sup>	See Subsections 1005.03(E) and (H).	20 feet <sup>8,9</sup>
Minimum Rear Setback	30 feet <sup>10</sup>	20 feet <sup>5,10,11,12</sup>	20 feet <sup>5,10</sup>	See Subsection 1005.03(L) <sup>5</sup>	None <sup>6,7</sup>	See Subsection 1005.03(L)	See Subsection 1005.03(L) <sup>13</sup>

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Minimum Side Setback	30 feet <sup>10</sup>	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. <sup>5,10,11,12,14,15</sup>	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. <sup>5,10,14,15</sup>	See Subsection 1005.03(L) <sup>5</sup>	None	See Subsection 1005.03(L)	See Subsection 1005.03(L) <sup>16</sup>
Maximum Building Height	None	None	None	None	45 feet	None	None
Minimum Building Separation	10 feet	None	None	See Subsection 1005.03(L)	20 feet between multifamily dwellings	See Subsection 1005.03(L)	See Subsection 1005.03(L)

<sup>1</sup> The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 3,630 square feet.

<sup>2</sup> The minimum lot size for a lot developed with a detached single-family dwelling classified as a nonconforming use is 2,420 square feet.

<sup>3</sup> For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet.

<sup>4</sup> On a corner lot developed with ~~a townhouse~~ a detached single-family dwelling, the minimum front setback from one front lot line is 10 feet, except that the minimum shall be 20 feet to garage and carport motor vehicle entries.

<sup>5</sup> The minimum setback standards of Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.



- <sup>6</sup> If the front or rear lot line abuts Sunnyside Road, the minimum setback shall be 65 feet from the centerline of Sunnyside Road, and the maximum setback shall be 75 feet from the centerline of Sunnyside Road.
- <sup>7</sup> Awnings, porches, and bays may extend a maximum of six feet into the minimum setback.
- <sup>8</sup> For dwellings and structures accessory to dwellings, the minimum front setback shall be 15 feet, and there shall be no maximum setback. However, Note 8 does not apply to mixed-use buildings that include dwellings or to structures accessory to such mixed-use buildings.
- <sup>9</sup> The maximum setback may be exceeded to accommodate plazas identified on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*.
- <sup>10</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-4.
- <sup>11</sup> For a swimming pool that is accessory to a dwelling, the minimum side and rear setbacks are five feet, unless the side or rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 District, in which case the minimum setback shall be 15 feet from the abutting lot line.

- <sup>12</sup> The minimum rear and side setback standards for an accessory building are based on the building area and height, as follows:

Building Area	Building Height		
	≤ 8 feet	> 8 feet and ≤ 10 feet	> 10 feet
≤ 100 square feet	None, if the accessory building is located behind the building line of the main building; otherwise, 3 feet side and rear	3 feet side and rear	Same as primary building minimum setbacks
> 100 square feet and ≤ 200 square feet	3 feet side and rear	3 feet side and rear	Same as primary building minimum setbacks
> 200 square feet	Same as primary building minimum setbacks	Same as primary building minimum setbacks	Same as primary building minimum setbacks

- <sup>13</sup> If the rear lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum rear setback is 20 feet.
- <sup>14</sup> If the side lot line abuts an Urban Low Density Residential, VR-5/7, or VR-4/5 District, the minimum side setback for a two-story building is 10 feet.
- <sup>15</sup> The minimum side setback for a townhouse~~an attached single family dwelling~~ is five feet from any side lot line where two ~~townhouses~~~~attached single family dwellings~~ do not share a common wall.
- <sup>16</sup> If the side lot line abuts a residential zoning district other than HDR, SHD, or RCHDR, the minimum side setback is 15 feet.

[Added by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-268, 10/2/18]

Items in **black** are conforming amendments, formatting or other non-substantive changes

Items in **red** are mandatory under HB2001

Items in **blue** are options under HB2001, but the alternative may be that the standards for detached single-family dwelling would apply instead

- Section 845 is an entirely new section which contains specific siting and design standards for certain types of middle housing (triplexes, quadplexes, townhomes and cottage clusters) developed only in the R-2.5, R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, VR-5/7, and VR4/5 zoning districts.
- This section contains general standards for these types of middle housing, including minimum lot sizes for development of triplexes, quadplexes and cottage clusters.
- This section also contains standards specific to each type of middle housing. These standards originated from the state's Middle Housing Model Code, but have been, in some cases reworded for consistency with terms and structure used in the ZDO, lightly edited for clarity, and, where necessary, amended to be more consistent with current standards in the ZDO for detached single-family dwellings. Staff has been careful to not alter siting and design standards from the Model Code in such a way that they would not meet the standards of (copy here) by being more restrictive than the Model Code or than what is required for single-family dwellings.
  - Triplex & quadplex standards generally include requirements for:
    - Entry orientation;
    - Window coverage on street-facing facades;
    - Garage and off-street parking placement; and
    - Driveway widths and placement. It should be noted that if the standards included in this section are adopted, the county Roadway Standards would need to be amended to allow for narrower driveway widths than are currently allowed for residential development.
  - Townhouse standards generally include requirements for:
    - Entry orientation;
    - Features required on a dwelling to provide unit definition;
    - Window coverage on street-facing facades; and
    - Driveway access and parking.
  - Cottage cluster standards generally include requirements for:
    - Unit sizes and setbacks;
    - Dwelling orientation related to the courtyard and to lot lines;
    - Courtyard size and dimensions; and
    - Landscaping and screening of parking areas.

## **845 MIDDLE HOUSING**

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### **845.01 GENERAL STANDARDS**

- A. Minimum lot size. The subject lot shall be a minimum of:
- a. 5,000 square feet for a triplex, except in VR-4/5 and VR-5/7 Districts where there is no minimum; and
  - b. 7,000 square feet for a quadplex or a cottage cluster.
- B. Exemptions. Subsections 845.02 through 845.04 do not apply to middle housing created through a conversion of an existing detached single-family dwelling that does not add any building square footage to the site.
- C. Prohibitions. Development of triplexes, quadplexes, townhomes and cottage clusters, either through new construction or through a conversion, is prohibited within the Floodplain Management District regulated by Section 703, *Floodplain Management District (FMD)*.

### **845.02 TRIPLEXES AND QUADPLEXES**

New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet the following standards.

- A. Windows. A minimum of 15 percent of the area of all street-facing facades shall include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 845-1

**Figure 845-1:**



- B. Entry Orientation. At least one main entrance for each triplex or quadplex structure shall meet the standards in subsections (1) and (2) below. Any detached structure for

which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

1. The entrance shall be within 8 feet of the longest street-facing wall of the dwelling unit; and

2. The entrance shall either:

a. Face the street (see Figure 845-2);

b. Be at an angle of up to 45 degrees from the street (see Figure 845-3);

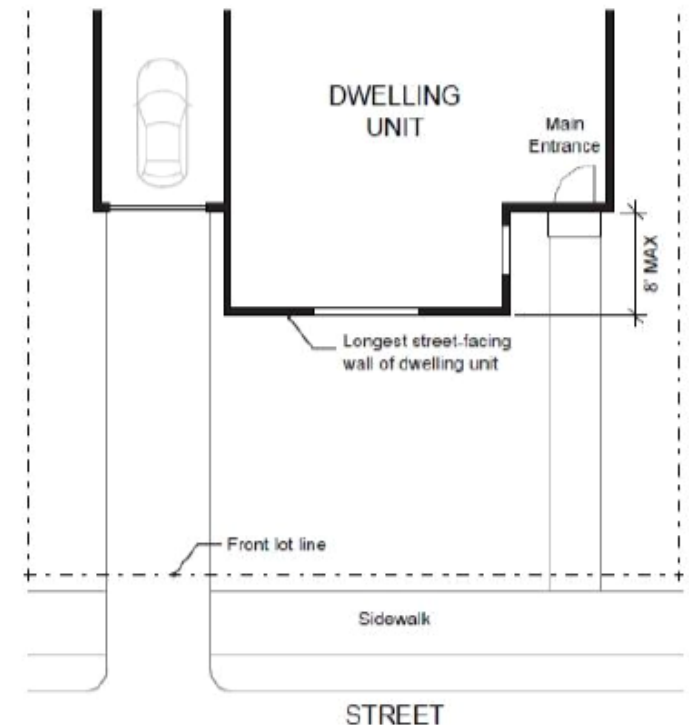
c. Face a common outdoor area that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 845-4); or

d. Open onto a porch (see Figure 845-5). The porch shall:

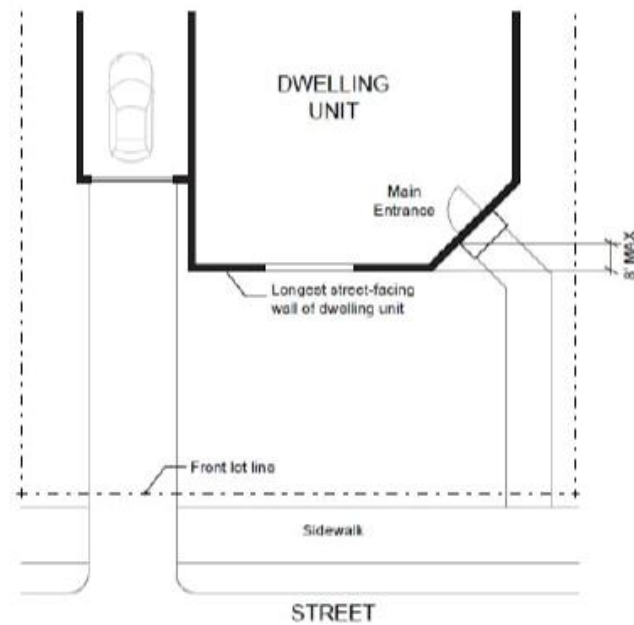
i. Be at least 25 square feet in area; and

ii. Have at least one entrance facing the street or have a roof.

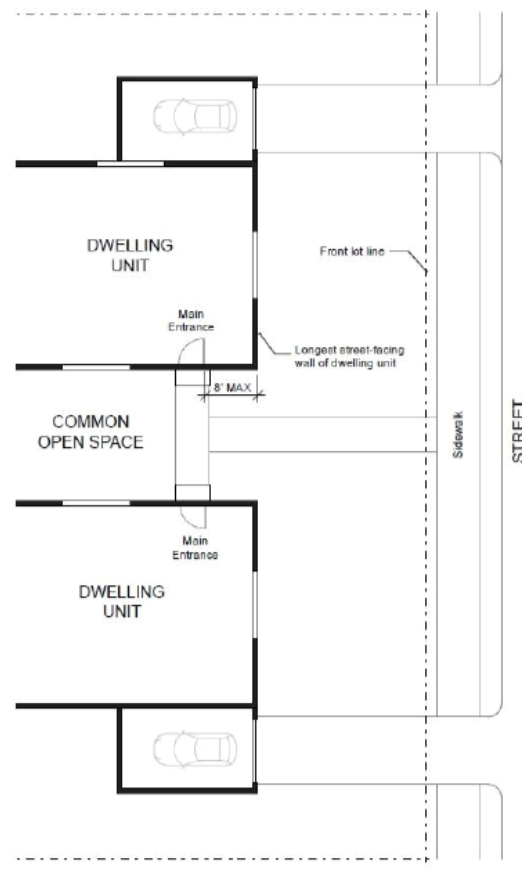
**Figure 845-2:**



**Figure 845-3:**

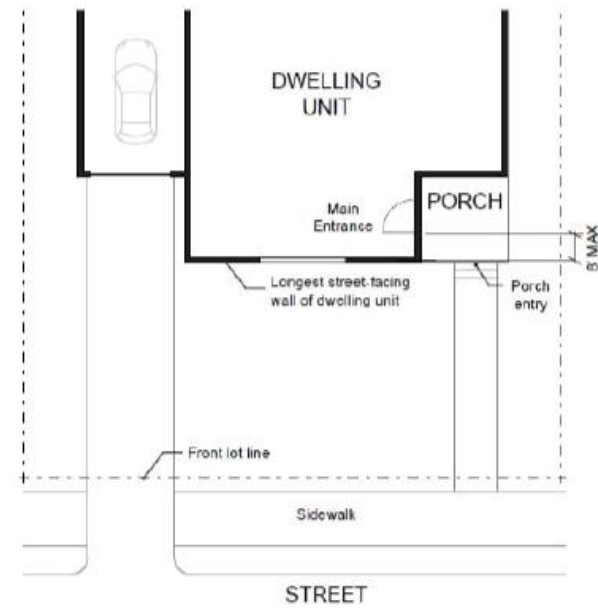


**Figure 845-4:**



845-3

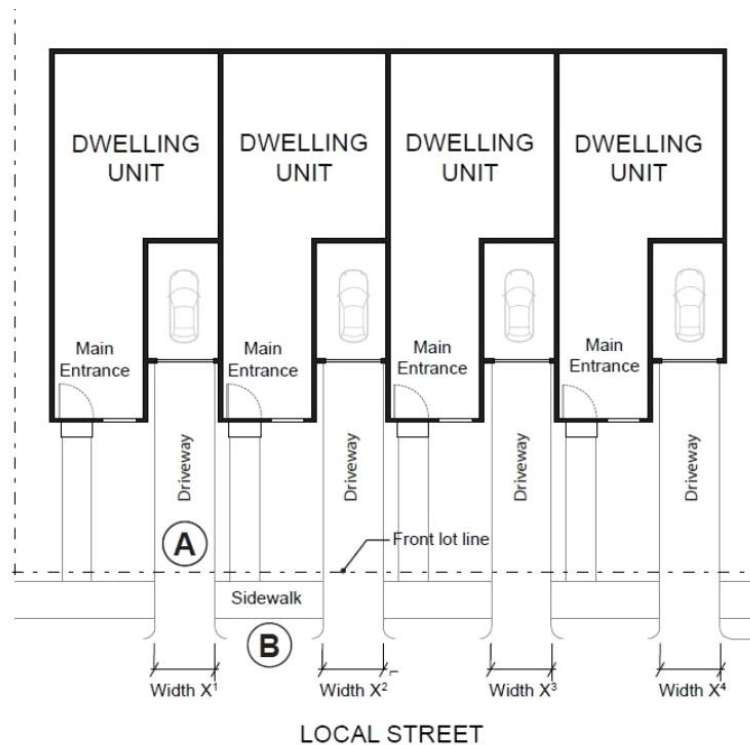
**Figure 845-5:**



**C. Driveway Approach. Driveway approaches shall comply with the following:**

- 1. The total width of all driveway approaches shall not exceed 32 feet per frontage, as measured at the property line (see Figure 845-6). For lots or parcels with more than one frontage, see Subsection 845.02(B)(3).**
- 2. Driveway approaches may be separated when located on a local street (see Figure 845-6). If approaches are separated, they must meet driveway spacing standards pursuant to the Clackamas County Roadway Standards.**

**Figure 845-6:**



- A**  $X^1 + X^2 + X^3 + X^4$  must not exceed 32 feet per frontage,
- B** Driveway approaches may be separated when located on a local street

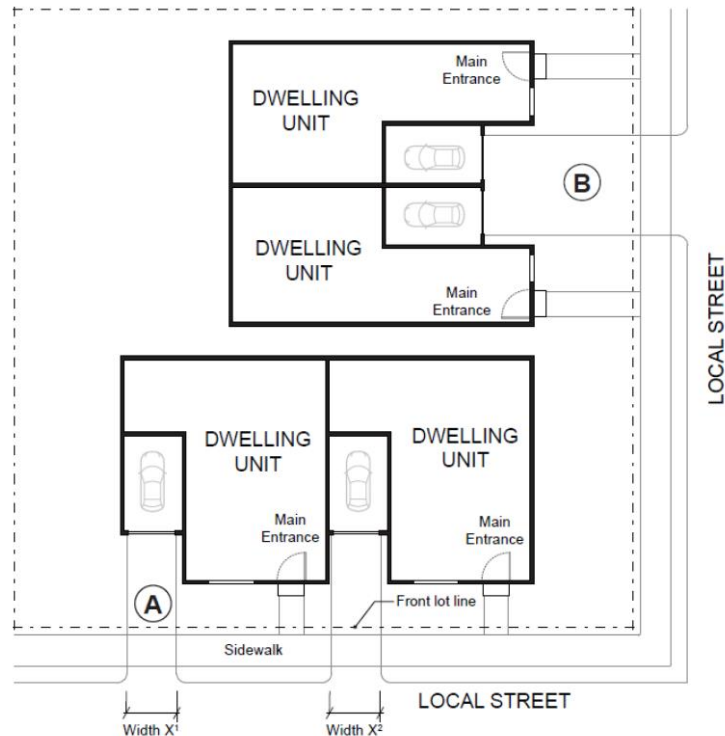
3. In addition, lots or parcels with more than one frontage shall comply with the following:

- a. Lots or parcels shall access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley, access shall be taken from the alley.
- b. Lots or parcels with frontages only on collectors and/or arterial streets shall meet access standards applicable to collectors and/or arterials.
- c. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:
  - Two driveway approaches not exceeding 32 feet in total width on one frontage; or



- One maximum 16-foot-wide driveway approach per frontage (see Figure 845-7)

**Figure 845-7:**



Options for site with more than one frontage on local streets:

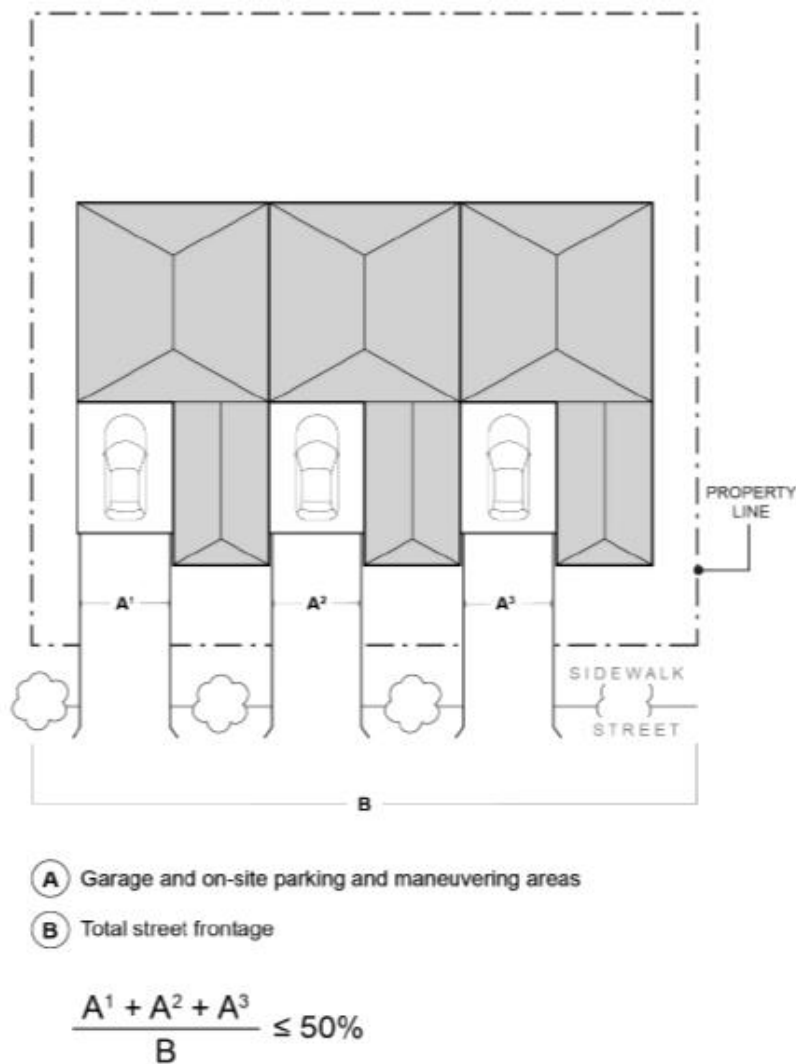
- A** Two driveway approaches not exceeding 32 feet in total width on one frontage (as measured  $X1 + X2$ ); or
- B** One maximum 16-foot-wide driveway approach per frontage.

*(Note: Both options are depicted here for illustrative purposes only. The standards do not allow both Options A and B on the same site.)*

**D. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (1) and (2) of this subsection**

1. The garage or off-street parking area is separated from the street property line by a dwelling; or
2. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 845-8).

**Figure 845-8:**



### 845.03 TOWNHOUSES

New townhouses shall meet the following standards.

A. Entry Orientation. The main entrance of each townhouse shall:

1. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
2. Either:
  - a. Face the street (see Figure 845-2);

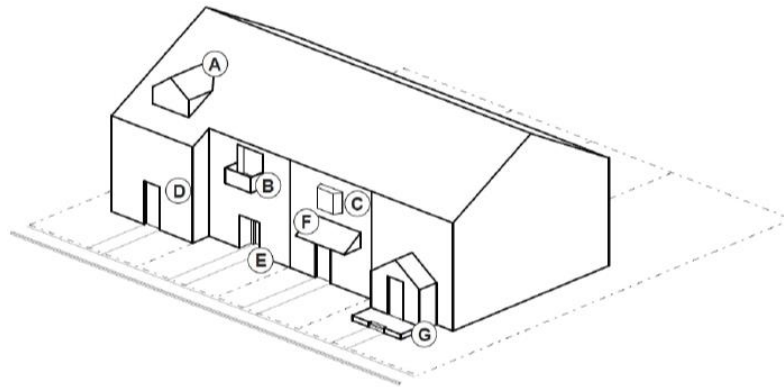
- b. Be at an angle of up to 45 degrees from the street (see Figure 845-3);
- c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or
- d. Open onto a porch (see Figure 845-5). The porch shall:
  - i. Be at least 25 square feet in area; and
  - ii. Have at least one entrance facing the street or have a roof.

B. Unit definition. Each townhouse shall include at least one of the following on at least one street-facing façade (see Figure 845-9):

- 1. A roof dormer a minimum of 4 feet in width, or
- 2. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or
- 3. A bay window that extends from the facade a minimum of 2 feet, or
- 4. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or
- 5. An entryway that is recessed a minimum of 3 feet, or
- 6. A covered entryway with a minimum depth of 4 feet, or
- 7. A porch meeting the standards of subsection 845.03(A)(2)(d).

±

**Figure 845-9:**



- 
- (A) Roof dormer, minimum of 4 feet wide
  - (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
  - (C) Bay window extending minimum of 2 feet from facade
  - (D) Facade offset, minimum of 2 feet deep
  - (E) Recessed entryway, minimum 3 feet deep
  - (F) Covered entryway, minimum of 4 feet deep
  - (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)
- 

C. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit shall include windows or entrance doors. Fifty percent of the window area in the door of an attached garage may count toward meeting this standard. See Figure xx.

D. Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards:

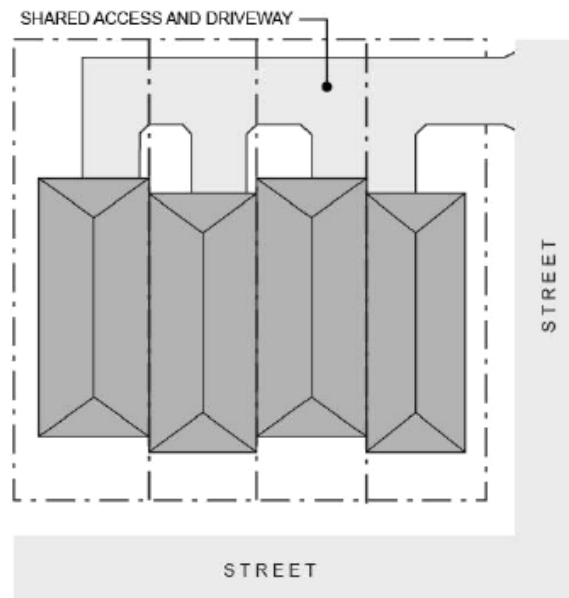
1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards.
  - a. Each townhouse lot has a street frontage of at least 15 feet on a local street.
  - b. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
  - c. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
  - d. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

2. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection 845.03(D)(1).

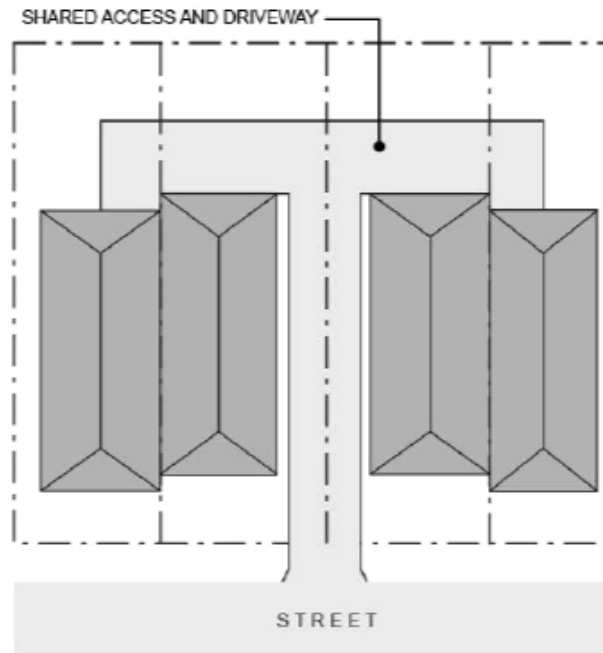
- a. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.
- b. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 845-10.
- c. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 845-11.
- d. A townhouse project that includes consolidated access or shared driveways shall grant access easements for shared and emergency vehicle access..

3 Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection 845.03(D)(2).

**Figure 845-10:**



**Figure 845-11:**



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#### 845.04 COTTAGE CLUSTERS

##### A. General Standards

1. Project size. Dwellings shall be developed in clusters of four to 12 dwelling units per cluster sharing a common courtyard. A lot or parcel may contain more than one cluster

##### B. Development Standards

1. Maximum ground-floor floor area: 900 square feet per dwelling unit
2. Ggarages: Each dwelling may have up to an additional 200 square feet for an attached garage. Dwellings may have detached garages.
3. Maximum average floor area: The average combined floor area of dwelling unit plus its attached garage shall not exceed 1,400 square feet. If the cottage cluster development includes a community build, the community building shall be included in the average floor area calculation.
4. Setbacks: 10 feet for minimum front and rear setbacks, , 5 feet for side setbacks.
5. Maximum detached accessory building floor area: 400 square feet per building, except as provided under 845.04(C)(3) for a community building.

##### C. Design Standards

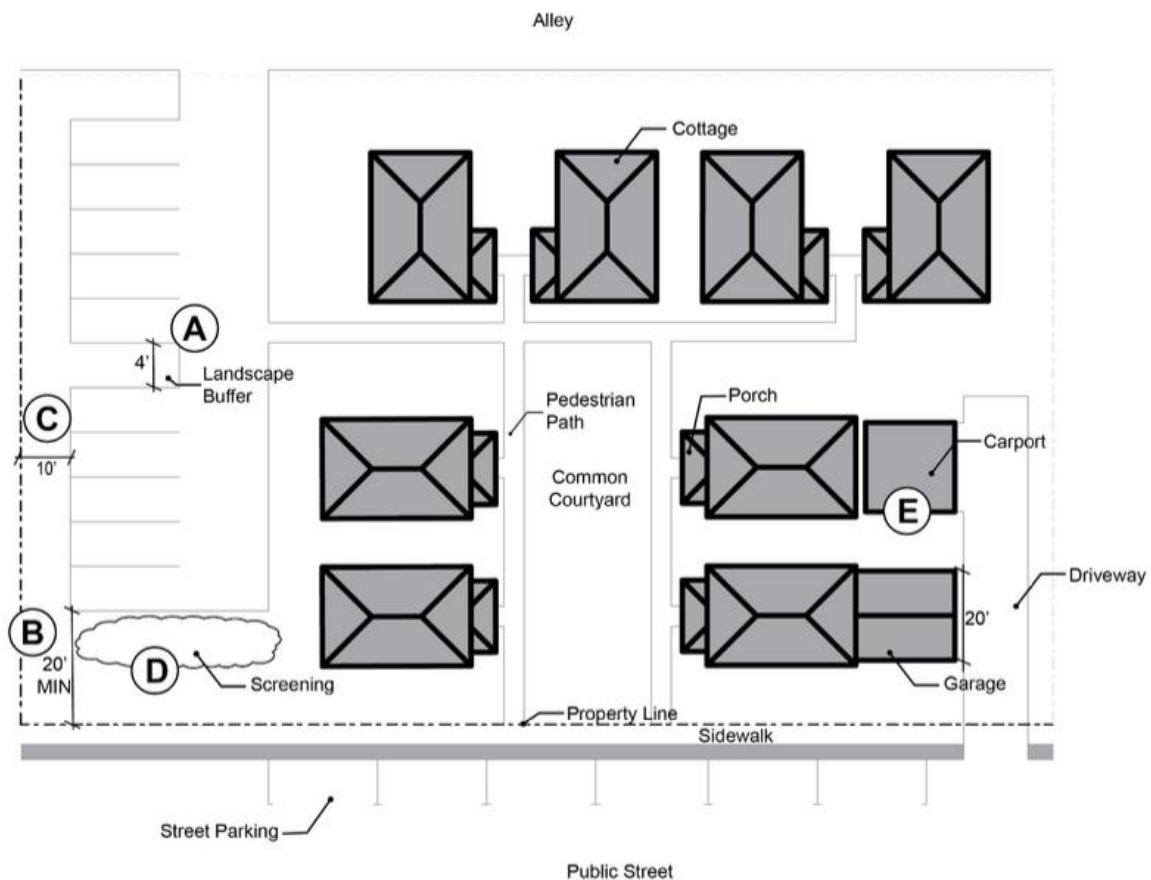
1. Dwelling Orientation. Dwellings in the cottage cluster shall meet the following standards (Figure 845-xx):
  - a. Each dwelling shall either abut the common courtyard or else it shall have a door that enters into a common room of the dwelling connected to a walkway leading to the common courtyard.
  - b. A minimum of 50 percent of dwellings within the cluster shall:
    - i. Have a door that enters into a common room of the dwelling and faces the common courtyard;
    - ii. Be within 10 feet from the common courtyard, as measured from a façade of the dwelling to the nearest edge of the common courtyard; and
    - iii. Be directly connected to the common courtyard by a walkway.
2. Common Courtyard Design Standards.. Each common courtyard shall meet the following standards:
  - a. The common courtyard shall be a single, contiguous piece. The courtyard shall be a minimum of 15 feet wide at its narrowest dimension, unless the courtyard is rounded. For the purposes of this subsection, a “single, contiguous piece” may include a courtyard that is divided by gardens or a pathway.
  - b. Dwellings shall abut more than one side of the courtyard, unless the courtyard is rounded. If the courtyard is rounded, dwellings shall abut a minimum of 50 percent of the perimeter of the courtyard.
  - c. The common courtyard shall contain a minimum of 150 square feet per dwelling within the associated cluster, as described in Subsection 845.04(A)(1).
  - d. The common courtyard shall be developed with a hard-surfaced walkway, landscaping, and any of the following: recreational amenities, a patio, seating, or a gazebo. Impervious elements and recreational amenities of the common courtyard shall not exceed 75 percent of the total common courtyard area.
  - e. The courtyard shall include a walkway. Walkways on the perimeter of or crossing the courtyard shall count toward the courtyard’s minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

3. Community Buildings. Cottage clusters may include a community building for the shared accessory uses of the cottage cluster's residents and their guests. Community buildings shall meet the following standards:
  - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area pursuant to Subsection 845.02(B).
  - b. The community building may not be used as a residence.
4. Pedestrian Access.
  - a. A walkway shall connect a door that enters into a common room of of each cottage to the following:
    - i. The common courtyard;
    - ii. Any shared parking areas;
    - iii. Any community buildings; and
    - iv. Sidewalks in public rights-of-way abutting the site or roadways if there are no sidewalks.
  - b. The walkway shall be hard-surfaced and a minimum of five feet wide.
5. Parking Design. See Figure 845-13.
  - a. Parking areas for cottage clusters are exempt from compliance with Subsection 1009.03.
  - b. Off-street vehicle parking is subject to the following standards:
    - i. Sites with 15 or fewer cottages shall not have more than five contiguous spaces.
    - ii. Sites with 16 or more cottages shall not have more than eight contiguous spaces.
    - iii. Each group of contiguous parking spaces shall be separated from any other group of parking spaces serving a cottage cluster by at least four feet of landscaping.
    - iv. The parking areas may be covered.
  - c. Parking location and access.



- i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
  - a. Within 10 feet of a front lot line, except from a front lot line that separates the subject property from an alley; or
  - b. Between a front lot line and the front façade of the dwelling(s) located closest to the front property line. This standard does not apply to alleys.
- ii. Off-street parking spaces shall not be located within 10 feet of any other lot line, except a lot line that separates the subject property from an alley. Driveways and drive aisles are permitted within 10 feet of other lot lines.
- d. Garages and carports.
  - i. A detached garage shall not exceed 400 square feet in floor area.
  - ii. There is no maximum size for garages attached to a cottage; however, only the first 200 square feet shall be exempted from the calculation of maximum ground-floor floor area in Subsection 845.04(xxx).
  - iii. Garage doors for attached and detached garages shall not exceed 20 feet in width.
- e. Screening. Landscaping, fencing, or walls at least three feet tall shall separate the cottage cluster's parking areas, garages, and carports from the cluster's common courtyards.

**Figure 845-13: Cottage Cluster Parking Design Standards**



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

D. Existing Structures.

On a lot or parcel to be used for a cottage cluster, a pre-existing detached single-family dwelling may remain within the cottage cluster under the following conditions:

1. Existing dwellings that exceed the maximum height, footprint, and/or unit size of Subsection 845.04(B)(1) may not be expanded.
2. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
3. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard in Subsection 845.04(C)(1)(b).

To: Clackamas County Planning Commission

From: Joy Fields, Senior Planner  
Karen Buehrig, Long Range Planning Manager

Date: January 18, 2022

RE: ZDO-282: Land Use Housing Strategies Project (LUHSP) Phase 2 – **Clackamas County Comprehensive Plan Update**

Amending the Zoning and Development Ordinance (ZDO) to address the Middle Housing requirements of HB 2001 has been the central focus of Phase 2 of the Land Use Housing Strategies project. Updating Comprehensive Plan Chapter 6: Housing is another important aspect of the project. Chapter 6, which provides the framework for land use efforts, provides the guidance for the ZDO on housing. Chapter 6 is in dire need of an update since it currently has population projections through 2010. With the work from the Housing Affordability and Homelessness Task Force (HAHTF), including the 2019 Housing Needs Analysis (2019 HNA), and the state mandates related to middle housing, we have begun updating the Comprehensive Plan to reflect our current understanding of housing needs and resources for Clackamas County.

In December 2019, the Board of County Commissioners was given the final report and recommendations from the HAHTF. In January 2020, the Planning Commission received the background on this project and draft Long-Range Planning Issues Paper 2020-1 that synthesized the housing issue from the 2019 HNA within the regulatory framework that includes HB 2001. On January 24, we will provide a brief review of HB2001, followed by an update on draft changes to the Comprehensive Plan.

Most of the Comprehensive Plan updates are in Chapter 6, but there may also need to be slight changes to Chapter 4 to ensure uniformity between chapters and compliance with HB2001. The first step to update Chapter 6 is to review the existing goals as they relate to the work completed by the HAHTF, 2019 HNA, and recent state mandates. The housing goals will then inform the location of existing policies in the chapter and determine if and what modifications to current policies, or any additional policies, are needed.

Following are the current Chapter 6 housing goals, proposed changes and rationale for those changes:

Current Goal	Proposed Goal	Rationale
Meet the needs of the County houseless population through a variety of short- and long-term options.	No change	
Provide opportunities for a variety of housing choices, including low- and moderate-income housing, to meet the needs, desires, and financial capabilities of all County residents to the year 2010.	Encourage development that will provide a range of choices in housing type, density, and price throughout the County.	The proposed text is general enough and addresses the needs, desires, and financial capabilities in a way that can be implemented through the ZDO.

## Attachment D

PC Policy Session 01/24/2022

Page 2 of 2  
Protect the quality, lifestyle,  
and values of existing  
neighborhoods.

Enhance the ability of Clackamas County to provide housing opportunities that meet the economic, social, and cultural needs of community members while using land and public facilities as efficiently as possible and supporting more walking, biking and transit use.

We are using an equity lens in all aspect of our review. With that in mind, there is a concern that the current goal may be interpreted by some as intending to keep historically-marginalized people out of existing neighborhoods. The proposed text is inclusive and relates to the livability of Clackamas County for everyone.