



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
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**Stephen L. Madkour**  
 County Counsel

December 08, 2022

Board of County Commissioners  
 Clackamas County

Members of the Board:

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
 Assistants

**Adoption of Previously Approved Zoning and Development Ordinance Amendments**  
**ZDO-273, on Remand – Short-Term Rentals**

<b>Purpose/Outcomes</b>	Amend the Clackamas County Zoning and Development Ordinance
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Indefinitely
<b>Previous Board Action</b>	Board of County Commissioners held a public hearing on this matter on November 2, 2022.  Prior Board actions related to short-term rentals:  Policy/Planning Sessions - <i>March 13, 2019; June 11, 2019; August 6, 2019; September 25, 2019; October 22, 2019; January 14, 2020; March 11, 2020; October 13, 2020; March 30, 2021; May 4, 2022; May 10, 2022; and August 3, 2022.</i>  Public Hearings - <i>January 30, 2020; February 13, 2020; November 5, 2020; November 25, 2020, June 23, 2022; and September 8, 2022</i>
<b>Strategic Plan Alignment</b>	The item helps <u>build public trust through good government</u> by updating land use regulations to respond to community concerns; to provide clarity about allowed uses and to create certainty for property owners making investments in their property.
<b>Counsel Review</b>	November 29, 2022 - NB
<b>Procurement Review</b>	1. <i>Was the item processed through Procurement?</i> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> 2. <i>If no, provide brief explanation:</i> The item is an amendment of the zoning code and does not involve any procurement activities.
<b>Contact Person</b>	Nate Boderman, Assistant County Counsel; 503-655-8364
<b>Contract No.</b>	N/A

**BACKGROUND:**

The County has identified short-term rentals to be the rental of a dwelling unit, a portion of a dwelling unit, or a guest house for overnight residential purposes, for a period of up to 30 consecutive nights.

In early 2019, the Board directed staff to look into the most effective ways to potentially allow and regulate STRs. After more than a year of research, work, and public outreach to consider the regulation of homes being used as STRs, the Board went through a series of public hearings to consider establishing a STR registration and regulation program and to clarify that short-term rentals are an allowed use in the Zoning & Development Ordinance (ZDO). As structured by staff and the Board, there were two main components to the county's overall STR program; each component had its own adoption process and post-adoption actions.

1. County Code amendments (Chapter 8.10), which included a STR registration and regulation program. This program was never funded and the regulations never became effective. On September 8, 2022, the Board voted to repeal this program.
2. Zoning & Development Ordinance (ZDO) amendments. On December 17, 2020, the Board adopted amendments to the county's ZDO that were intended to clarify that STRs are an allowed residential use. The amendments were adopted, in part, to support the STR program that had just been adopted into the County Code, but also because the ZDO needed clarification about whether and where STRs may be allowed.

After that approval, the following actions occurred:

- The ZDO amendments were appealed to the Oregon Land Use Board of Appeals (LUBA) by two parties that identified seven Assignments of Error in the ZDO amendments.
- On January 24, 2022, LUBA issued a decision denying two of the Assignments of Error and remanding (sending back to the County) all or parts of the remaining five Assignments of Error (LUBA No. 2021-003).
- Both the County and intervenor-petitioner then appealed a limited portion of LUBA's decision to the Oregon Court of Appeals.
- On June 23, 2022, the Court of Appeals affirmed LUBA's original decision to remand the ZDO amendments back to the county (*1000 Friends of Oregon v. Clackamas County*, 320 Or. App. 444 (2022)).

The amendments proposed in ZDO-273, on remand, are intended to again clarify where STRs are permitted and to also address the Assignments of Error remanded to the county.

Ordinance ZDO-273, on remand, addresses the remand, in part, by allowing STRs in dwelling units and guest houses:

- *outside* the Exclusive Farm Use (EFU), Timber (TBR), and Ag/Forest (AG/F) zones; and
- *outside* of the Portland Metropolitan area urban and rural reserves.

To accomplish this, seven sections of the ZDO are proposed for amendment.

Ordinance ZDO-273, on remand, also addresses the remand by including more substantial findings related to affordable housing policies in the county's Comprehensive Plan.

A public hearing was held on November 2, 2022, for the BCC's consideration of ZDO-273, on remand. Following the public hearing, the BCC voted 3 - 2 to approve ZDO-273, on remand, as recommended by staff.

The attached Exhibit A reflects the amendments, as approved by the BCC.

**RECOMMENDATION:**

Staff respectfully requests that the BCC adopt the proposed ordinance.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

**Attachments:**

Proposed Ordinance

Exhibit A, *Proposed Amendments*

Exhibit B, *Findings in Response to Remand at LUBA No. 2021-003*

**ORDINANCE NO. ZDO-273, on remand**

**An Ordinance Amending Sections 202, 315, 316, 317, 510, 513, and 833 of the Clackamas County Zoning and Development Ordinance (ZDO)**

WHEREAS, the county's Zoning & Development Ordinance (ZDO) does not clearly identify short-term rentals as allowed in any dwellings and it specifically prohibits the use of a guest house as a source of rental income, which has caused confusion and inconsistencies in the county's policies and procedures around short-term rentals; and

WHEREAS, on December 17, 2020, the Board of County Commissioners adopted Ordinance ZDO-273, which contained amendments to the county's ZDO that were intended to clarify that short-term rentals are an allowed residential use of dwellings and guest houses; and

WHEREAS, the ZDO amendments were appealed to the Oregon Land Use Board of Appeals (LUBA) by two parties that identified seven Assignments of Error in the ZDO amendments; and

WHEREAS, on January 24, 2022, LUBA issued a decision denying two of the Assignments of Error and remanding all or parts of the remaining five Assignments of Error back to the county; and

WHEREAS, both the County and intervenor-petitioner then appealed a limited portion of LUBA's decision to the Oregon Court of Appeals; and

WHEREAS, on June 23, 2022, the Court of Appeals affirmed LUBA's original decision to remand the ZDO amendments back to the county; and

WHEREAS, the county revised the proposed ZDO amendments to address the issues identified in the Assignments of Error and included those proposed amendments in ZDO-273, on remand; and

WHEREAS, the proposed ZDO amendments and the findings included in Exhibit B *Findings in Response to Remand at LUBA No. 2021-003* effectively address the Assignments of Error included in the remand from LUBA; and

WHEREAS, after a duly-noticed public hearing on November 2, 2022, the Board of County Commissioners orally approved the amendments to the ZDO, as drafted, by a vote of 3 - 2; now therefore

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** This Board adopts as its findings and conclusions the *Findings in Response to Remand at LUBA No. 2021-003*, as shown in Exhibit B, hereto attached.

**Section 2:** Sections 202, 315, 316, 317, 510, 513, and 833 of the Clackamas County Zoning and Development Ordinance (ZDO) are hereby amended, as shown in Exhibit A, hereto attached.

**Section 3:** This ordinance shall be effective on January 7, 2023.

ADOPTED this 8<sup>th</sup> day of December, 2022

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary

**Exhibit A: Ordinance ZDO-273, on remand**

**Zoning and Development Ordinance Amendments**

Text to be added is underlined. Text to be deleted is ~~struck through~~.

**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 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 the same lot of record or on middle housing lots.

**COTTAGE CLUSTER DEVELOPMENT:** A development site with one or more cottage clusters.

**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 or on middle housing lots. If one of the two dwelling units is an accessory dwelling unit, the building is not a duplex.

DWELLING: A building that 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, DETACHED SINGLE-FAMILY: A building 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, residential trailer, or dwelling unit in a cottage cluster is not a detached single-family dwelling.

DWELLING, MULTIFAMILY: A building that contains five or more dwelling units.

DWELLING UNIT: A building, or portion thereof, with one or more rooms designed for residential occupancy by one family.

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.

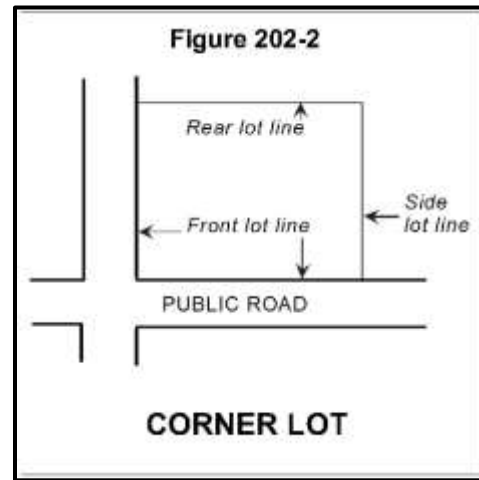
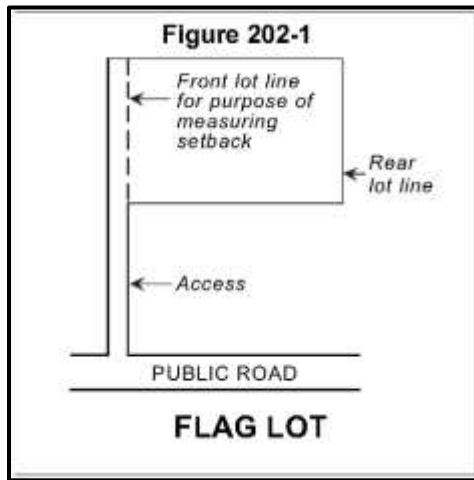
**LOT LINE, FRONT:** Any boundary line separating a lot from a County, public, state, or private road, or from an access drive. Exceptions are:

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.

**MIDDLE HOUSING LAND DIVISION:** A partition or subdivision of a lot of record that is developed, or proposed to be developed, with more than one middle housing dwelling unit. The type of middle housing developed on the original lot of record is not altered by a middle housing land division.

MIDDLE HOUSING LOT: A lot or parcel created through a middle housing land division. A middle housing lot is a separate lot of record; however, development on a middle housing lot is limited by conditions imposed at the time of the middle housing land division. Middle housing lots are not divisible.

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 or on middle housing lots.

**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 or a middle housing land division, 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.

SHORT-TERM RENTAL: The rental of a dwelling unit, portion of a dwelling unit, or guest house for overnight residential purposes, for a period of up to 30 consecutive nights. Overnight occupancy of the dwelling unit plus any guest house shall not exceed 15 persons. A short-term rental may include use of accessory structures, such as decks or swimming pools, that are located on the same lot as the dwelling unit or guest house being rented.

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.

**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 or on middle housing lots.

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*.

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[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; Amended by Ord. ZDO-280, 10/23/21; Amended by Land Use Board of Appeals Remand of Ord. ZDO-273, 1/24/22; Amended by Ord. ZDO-282, 7/1/22]

**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*; 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*.

**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
<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 buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A	A	A	A	A	A
<b>Accessory Kitchens</b>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	X	A <sup>1</sup>	A <sup>1</sup>	X	X	X	X

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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>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
<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>
<b>Dwellings, including:</b>											
Accessory Dwelling Units, subject to Section 839	A	A	A	A	X	X	X	X	X	X	X
Congregate Housing Facilities	X	X	X	P	P	P	P	P	P	P	P
Cottage Clusters	P <sup>7,8</sup>	P <sup>7,8</sup>	X	X	P	X	X	X	X	X	X
Detached Single-Family Dwellings	P <sup>7</sup>	P <sup>7</sup>	X	X	X	X	X	X	X	X	X
Duplexes	P <sup>7</sup>	P <sup>7</sup>	X	P	P	P	P	P	P	X	X
Manufactured Dwelling Parks, subject to Section 825	P <sup>9</sup> ,C	P <sup>10</sup>	C	X	C	P	X	X	X	X	X

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Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Manufactured Homes	P <sup>7</sup>	P <sup>7</sup>	X	X	X	X	X	X	X	X	X
Multifamily Dwellings	X	X	X	X	P	P	P	P	P	P	P
Quadplexes	P <sup>7,8</sup>	P <sup>7,8</sup>	X	P	P	P	P	P	P	P	P
Townhouses	P <sup>7,8</sup>	P <sup>7,8</sup>	P	P	X	P <sup>11</sup>	P <sup>11</sup>	X	X	X	X
Triplexes	P <sup>7,8</sup>	P <sup>7,8</sup>	X	P	P	P	P	P	P	X	X
<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
<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>2,12</sup> ,C	L <sup>4</sup> ,C
<b>Fraternal Organization Lodges</b>	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</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>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Guest Houses</b> , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X

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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>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>14</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>15</sup>	L <sup>4</sup> ,C
<b>Hydroelectric Facilities</b>	C	X	C	X	X	C	C	C	X	C	X
<b>Libraries</b>	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
<b>Livestock</b> , subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
<b>Marijuana Processing</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Marijuana Production</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Marijuana Retailing</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Multi-Use Developments</b> , subject to Section 844	C	X	X	X	X	C	X	C	X	C	X
<b>Nursing Homes</b>	C	C	C	P	P	P	P	P	P	P	P



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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

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>Produce Stands</b> , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
<b>Public Utility Facilities</b> <sup>16</sup>	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</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>13</sup>	X	C <sup>13</sup>	X	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	X	X	X	X	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	X	X

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>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>18</sup>	P <sup>19</sup>	P <sup>19</sup>	P <sup>19</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>	P <sup>20</sup>
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>18</sup>	P <sup>19</sup>	X	P <sup>19</sup>	X	C <sup>13</sup>	P <sup>20</sup>	P <sup>20</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Recreational Uses</b> , including boat moorages, country clubs, equine facilities, gymnastics facilities, golf courses, parks, and swimming pools <sup>18</sup>	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>	A <sup>21</sup>

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>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>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup>	L <sup>4</sup> , CPUD <sup>22</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>5,23</sup> ,C <sup>6,23</sup> , CPUD	CPUD	L <sup>2,23</sup> ,C <sup>3,23</sup> , CPUD	L <sup>4,23</sup> , CPUD

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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>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup>	L <sup>4</sup> , CPUD <sup>22</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

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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, upholstering, 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>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup>	L <sup>4</sup> , CPUD <sup>22</sup>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22</sup>	CPUD <sup>22</sup>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22</sup>	L <sup>4</sup> , CPUD <sup>22</sup>
<b><u>Short-Term Rental in a dwelling unit or guest house permitted by this table</u></b>	<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>P</u>	<u>P</u>	<u>P</u>
<b>Signs</b> , subject to Section 1010	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>
<b>Telephone Exchanges</b>	C <sup>13</sup>	X	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	X	C <sup>13</sup>	C <sup>13</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

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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>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</sup>	P,C <sup>25</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, 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.

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- <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 allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, duplex, triplex, quadplex, townhouse, or cottage cluster development.
- <sup>8</sup> The development of a triplex, quadplex, townhouse, or cottage cluster is subject to Section 845, *Triplices, Quadplexes, Townhouses, and Cottage Clusters*.



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- <sup>9</sup> A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are conditional uses.
- <sup>10</sup> A manufactured dwelling park that also qualifies as a cottage cluster development pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, is a primary use. All other manufactured dwelling parks are prohibited.
- <sup>11</sup> For a 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 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> Only indoor facilities are permitted.
- <sup>13</sup> Uses similar to this use may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- <sup>14</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>15</sup> Hotels in the SHD District are limited to a maximum of 80 units per gross acre.
- <sup>16</sup> Public utility facilities shall not include shops, garages, or general administrative offices.
- <sup>17</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>18</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- <sup>19</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>20</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>21</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.
- <sup>22</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.

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- 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>23</sup> Only commercial schools are permitted, and such schools are not subject to Section 805, *Schools*.
- <sup>24</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>25</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**

<b>Standard</b>	<b>R-2.5</b>	<b>R-5</b>	<b>R-7</b>	<b>R-8.5</b>	<b>R-10</b>	<b>R-15</b>	<b>R-20</b>	<b>R-30</b>
District Land Area (DLA) for Calculating Density Pursuant to Section 1012/Minimum Lot Size <sup>1,2</sup>	2,500/2,000 square feet	5,000/4,000square feet <sup>3</sup>	7,000/5,600 square feet <sup>4</sup>	8,500/6,800 square feet <sup>4</sup>	10,000/8,000 square feet <sup>4</sup>	15,000/12,000 square feet <sup>4</sup>	20,000/16,000 square feet <sup>4</sup>	30,000/24,000 square feet <sup>4</sup>
Maximum Lot Coverage	50 percent <sup>5,6</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>7</sup>							
Minimum Rear Setback	20 feet <sup>7,8,9,10,11</sup>							
Minimum Side Setback	5 feet <sup>7,8,9,10,11</sup>							
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)							

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Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
Building Design Standards for Detached Single-Family Dwellings, Duplexes, and Manufactured Homes <sup>12</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 a front door unless the feature is unrelated to a façade (e.g., roofing material).							
Building Design Standards for Buildings Accessory to a Dwelling	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.  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.							

- <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 minimum lot size standards of Section 800 apply.
- <sup>2</sup> In a planned unit development, there is no minimum lot size. However, the DLA standard applies pursuant to Section 1012, *Lot Size and Density*.
- <sup>3</sup> For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, there is no minimum lot size and the DLA shall be one-third of the DLA.
- <sup>4</sup> For townhouses developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*., there is no minimum lot size and the DLA shall be one-quarter of the DLA in the applicable zoning district.
- <sup>5</sup> Maximum lot coverage in a planned unit development is 65 percent.

- <sup>6</sup> For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- <sup>7</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>8</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 detached single-family dwellings, manufactured homes, and structures accessory to such dwellings, 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>9</sup> On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- <sup>10</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:

  - a. The minimum rear setback for a detached single-family dwelling, a manufactured home, or a duplex is 10 feet.
  - b. The minimum side setback for a detached single-family dwelling, a manufactured home, or a duplex 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.

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<sup>11</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:

Building Area	Building Height			
	≤ 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 ≤ to 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>12</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**

<b>General Standards</b>			
<b>Standard</b>	<b>VR-5/7</b>	<b>VR-4/5</b>	<b>VTH</b>
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		65 percent
Maximum Height for Fences and Sight-Obscuring Plantings	6 feet at or behind the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building or 4 feet forward of the building line of the dwelling closest to front lot line(s) or, in the case of non-residential development, of the main building.		
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>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		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>9</sup>	See Subsection 1005.12(B).

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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/carport or no garage/carport; 19½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>8,9,10,11,12,13</sup>	10 feet <sup>11,12,13</sup>	10 feet <sup>14,15,16</sup>
Maximum Front Setback	18 feet for a dwelling with a recessed garage/carport or no garage/carport; 20½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>8,9,10,11,12,17,18, 19</sup>	18 feet <sup>7,11,12,17,18,19</sup>	18 feet <sup>14</sup>
Minimum Rear Setback	15 feet <sup>8,11,12,20</sup>		15 feet <sup>20</sup>
Minimum Side Setback	0 on one side; 5 feet on all other sides <sup>8,11,20</sup>		5 feet <sup>20,21</sup>



<p>Building Design Standards<sup>8,22</sup></p>	<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>	<p>See Subsections 1005.04(F) and 1005.12(A).</p>
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**Standards for Buildings Accessory to a Dwelling**

<b>Standard</b>	<b>VR-5/7</b>	<b>VR-4/5</b>	<b>VTH</b>
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>23</sup>		

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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>8,24</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>		
<b>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></b>			
<b>Building Area</b>	<b>Building Height</b>		
	≤ 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>25</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>25</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>25</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>25,26</sup>

- 1 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.
- 2 The minimum and maximum lot size standards apply only to lots or parcels for townhouses.
- 3 The maximum lot size standard applies only to lots or parcels for detached single-family dwellings, manufactured homes, or middle housing, except the maximum lot size standard does not apply to a middle housing land division.
- 4 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 6,500 square feet.
- 5 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 5,000 square feet.
- 6 Alternatively, the average size of all lots in a subdivision, partition, or replat shall not exceed 2,500 square feet.
- 7 For development on a middle housing lot, the lot coverage is calculated on the entire parent lot that was divided through a middle housing land division.
- 8 Except for middle housing developed pursuant to Section 845, *Triplexes, Quadplexes, Townhouses, and Cottage Clusters*, 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 cottage clusters developed pursuant to Section 845.
- 12 On a middle housing lot, there are no minimum setbacks, except from lot lines on the perimeter of the final plat or lot lines abutting a road or access drive.
- 13 A porch or patio, whether covered or not, may extend a maximum of four feet into the minimum front yard depth.
- 14 Frontage on an accessway shall be considered a front lot line.
- 15 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.

- 16 Awnings, porches, bays, and overhangs may extend a maximum of four feet into the minimum front setback.
- 17 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.
- 18 Dwellings located on lots with less than 35 feet of street frontage shall be exempt from the maximum front setback standard.
- 19 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.
- 20 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.
- 21 Frontage on a pedestrian connection shall be considered a side lot line.
- 22 For triplexes, quadplexes, and townhouses developed pursuant to Section 845, design standards in Section 845 shall apply in addition to standards in Table 315-3.
- 23 The maximum building height standard applies only to accessory buildings larger than 100 square feet.
- 24 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.
- 25 Frontage on a pedestrian connection shall be considered a side lot line, and the minimum setback is five feet.
- 26 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>

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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, 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.

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- <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.

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<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 is five feet from any side lot line where two townhouses 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; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22]



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

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316.01 PURPOSE

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

316.02 APPLICABILITY

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

316.03 USES PERMITTED

- A. Uses permitted in each rural residential and future urban residential zoning district are listed in Table 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*. Uses not listed are prohibited.
- B. As used in Table 316-1:
  - 1. “P” means the use is a primary use.
  - 2. “A” means the use is an accessory use.
  - 3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
  - 4. “CPUD” means the use is allowed as a conditional use in a planned unit development.
  - 5. “X” means the use is prohibited.
  - 6. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
  - 7. Numbers in superscript correspond to the notes that follow Table 316-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

316.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the rural and future urban residential zoning districts are listed in Table 316-2, *Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts*. As used in Table 316-2, numbers in superscript correspond to the notes that follow the table.
- B. Modifications: Modifications to the standards in Table 316-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

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

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<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 management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A
<b>Accessory Historic Dwellings</b> , subject to Section 843	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	X
<b>Accessory Kitchens</b>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>
<b>Aircraft Land Uses</b>	X	X	X	C	C	C
<b>Aircraft Landing Areas</b>	X	C	C <sup>4</sup>	X	X	X
<b>Bed and Breakfast Inns</b> , subject to Section 832	C	C	C	C	C	X
<b>Bed and Breakfast Residences</b> , subject to Section 832	C	C	C	C	C	C
<b>Bus Shelters</b>	P	P	P	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Campgrounds</b>	C	C	C	C	C	C
<b>Cemeteries</b> , subject to Section 808	C	C	X	C	C	C
<b>Child Care Facilities</b>	C	C	C	C	C	C <sup>5</sup>
<b>Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses<sup>6</sup></b>	X	X	X	C	C	X
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>7</sup>
<b>Composting Facilities</b> , subject to Section 834	X	X	X	C	C	X
<b>Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources</b>	P	P	P	P	P	P
<b>Crematories</b> , subject to Section 808	C	C	X	X	X	X
<b>Daycare Services, Adult</b>	C	C	C	C	C	C <sup>8</sup>
<b>Dwellings, including:</b>						
Accessory Dwelling Units, subject to Section 839	A <sup>1</sup>	A <sup>1</sup>	X	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
Detached Single-Family Dwellings	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>
Duplexes	C <sup>9</sup>	X	X	X	X	X
Manufactured Dwellings	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>
<b>Energy Source Development</b>	X	X	C	X	X	X
<b>Farm Uses, including<sup>6</sup>:</b>						
Raising, harvesting, and selling crops	P	P	P <sup>10</sup>	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Dairying and the sale of dairy products	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use	P	P	P <sup>10</sup>	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X <sup>11</sup>	P	X <sup>11</sup>	P	P	P
Growing cultured Christmas trees	P	P	P <sup>10</sup>	P	P	P
<b>Farmers' Markets</b> , subject to Section 840	A	A	A	A	A	A
<b>Fish or Wildlife Management Programs</b>	X	X	X	P	P	P
<b>Forest Practices</b> , including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P <sup>12</sup>	P <sup>12</sup>	P	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>
<b>Fraternal Organization Lodges</b>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>
<b>Guest Houses</b> , subject to Section 833	A	A	A	A	A	A
<b>Guest Ranches and Lodges</b>	X	X	C	X	X	X
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>14</sup>	A	A	A	A	A	A
<b>Home Occupations to Host Events</b> , subject to Section 806	C	C	C	C	C	C
<b>Hydroelectric Facilities</b>	C	C	C	C	C	C
<b>Kennels</b>	C <sup>15</sup>	C <sup>15</sup>	X	C <sup>15</sup>	C <sup>15</sup>	X
<b>Libraries</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>7</sup>
<b>Livestock</b> , subject to Section 821	P	X <sup>11</sup>	A	X <sup>11</sup>	X <sup>11</sup>	X <sup>11</sup>
<b>Marijuana Processing</b>	X	X	X	X	X	X
<b>Marijuana Production</b> , subject to Section 841	X	X	X	A	A	X

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Marijuana Retailing</b>	X	X	X	X	X	X
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X
<b>Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources</b>	X	X	X	C	C	X
<b>Places of Worship</b> , subject to Section 804	C	C	C	C	C	C <sup>16</sup>
<b>Produce Stands</b>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17,18</sup>
<b>Public Utility Facilities</b>	C <sup>13,19</sup>	C <sup>13,19</sup>	C <sup>13,19</sup>	C <sup>13,19</sup>	C <sup>13,19</sup>	C <sup>13,19</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>13,20</sup>	C <sup>13,20</sup>	C <sup>13,20</sup>	C <sup>13,20</sup>	C <sup>13,20</sup>	C <sup>13,20</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>21</sup>	C <sup>13</sup>	C <sup>13,22</sup>	C <sup>13</sup>	C <sup>13,22</sup>	C <sup>13,22</sup>	C <sup>13,22</sup>
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>21</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P	P	P

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>21</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>13</sup>	C <sup>13</sup>	C	C <sup>13</sup>	C <sup>13</sup>	X
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>	A <sup>24</sup>
<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, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, 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>25</sup>	X	X	X	X	X
<b>Roads</b>	P	P	P	P	P	P
<b>Sanitary Landfills and Debris Fills</b>	X	X	X	C	C	X
<b>Schools</b> , subject to Section 805	C <sup>26</sup>	C <sup>26</sup>	C	C <sup>26</sup>	C <sup>26</sup>	C <sup>27</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>25</sup>	X	X	X	X	X

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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<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>25</sup>	X	X	X	X	X
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>25</sup>	X	X	X	X	X
<b>Sewer System Components that Serve Lands Inside an Urban Growth Boundary</b> , subject to ORS 660-011-0060(3)	Type II <sup>28</sup>	Type II <sup>28</sup>	Type II <sup>28</sup>	Type II <sup>28</sup>	Type II <sup>28</sup>	Type II <sup>28</sup>
<b>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community</b> , subject to ORS 660-011-0060(4)	Type II <sup>29</sup>	Type II <sup>29</sup>	Type II <sup>29</sup>	Type II <sup>29</sup>	Type II <sup>29</sup>	Type II <sup>29</sup>
<u>Short-Term Rental in a dwelling unit or guest house permitted by this table</u>	<u>P</u>	<u>P<sup>30</sup></u>	<u>P</u>	<u>P<sup>30</sup></u>	<u>P<sup>30</sup></u>	<u>P<sup>30</sup></u>
<b>Signs</b> , subject to Section 1010	A <sup>301</sup>	A <sup>301</sup>	A <sup>301</sup>	A <sup>301</sup>	A <sup>301</sup>	A <sup>301</sup>
<b>Surface Mining</b> , subject to Section 818	X	X	X	C	C	X
<b>Telephone Exchanges</b>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</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
<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



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Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Transfer Stations</b> , subject to Section 819	X	X	C	X	X	C
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>342</sup>	P,C <sup>342</sup>	P,C <sup>342</sup>	P,C <sup>342</sup>	P,C <sup>342</sup>	P,C <sup>342</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

- <sup>1</sup> This use is permitted only inside of an urban growth boundary.
- <sup>2</sup> This use is permitted only outside of both an urban growth boundary and an urban reserve.
- <sup>3</sup> An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- <sup>4</sup> Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.
- <sup>5</sup> This use is limited to alteration or expansion of a lawfully established child care facility.
- <sup>6</sup> As used in Table 316-1, farm uses do not include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing. See separate listings in Table 316-1 for these uses.
- <sup>7</sup> Even though it is prohibited in this category, this use is included in the “government use” category.
- <sup>8</sup> This use is limited to alteration or expansion of a lawfully established adult daycare service.
- <sup>9</sup> Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, duplex (only if approved as a conditional use in the RA-1 District), or manufactured dwelling.
- <sup>10</sup> This use is permitted only on lots larger than five acres.
- <sup>11</sup> In the RA-2, RRFF-5, FF-10, and FU-10 Districts, livestock is permitted as described under the use category of farm uses. In the RA-1 and RR Districts, livestock is permitted as described under the use category of livestock.
- <sup>12</sup> For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.
- <sup>13</sup> Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

- 14 A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.
- 15 The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- 16 This use is limited to alteration or expansion of a lawfully established place of worship.
- 17 A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- 18 In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.
- 19 Public utility facilities shall not include shops, garages, or general administrative offices.
- 20 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 21 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 22 Equine facilities are a primary use, subject to the following standards and criteria:
- a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.
  - b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.
- 23 Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- 24 Recyclable drop-off sites are permitted only if accessory to an institutional use.
- 25 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 23 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.
- f. The maximum building floor space per commercial use is 4,000 square feet except that no maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

<sup>26</sup> Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.

<sup>27</sup> This use is limited to alteration or expansion of a lawfully established school.

<sup>28</sup> Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.

<sup>29</sup> The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.

<sup>30</sup> This use is not permitted in an urban or rural reserve established pursuant to OAR 660, Division 27.

<sup>31</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>32</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 316-2: Dimensional Standards in the Rural Residential and Future Urban Residential Zoning Districts**

<b>Standard</b>	<b>RA-1</b>	<b>RA-2</b>	<b>RR</b>	<b>RRFF-5</b>	<b>FF-10</b>	<b>FU-10</b>
Minimum Lot Size <sup>1</sup>	1 acre <sup>2,3</sup>	2 acres <sup>3</sup>	2 acres	2 acres, provided that the minimum average lot size of all lots or parcels in a subdivision, partition, or replat is 5 acres <sup>3,4,5,6</sup>	10 acres <sup>3,4,7</sup>	10 acres <sup>4</sup>
Minimum Front Setback	30 feet <sup>8</sup>	30 feet <sup>8</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>9</sup>	30 feet <sup>8</sup>	30 feet <sup>8</sup>	30 feet
Minimum Rear Setback	30 feet <sup>10,11</sup>	30 feet <sup>10,12</sup>	15 feet <sup>10</sup>	30 feet <sup>10,12</sup>	30 feet <sup>10,12</sup>	30 feet <sup>12</sup>
Minimum Side Setback	10 feet <sup>10,13</sup>	10 feet <sup>10</sup>	5 feet <sup>10</sup>	10 feet <sup>10</sup>	10 feet <sup>10</sup>	10 feet
Maximum Lot Coverage	None	None	40 percent	None	None	None
Minimum Building Separation above 3,500 Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

- <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 minimum lot size standards of Section 800 apply.
- <sup>2</sup> In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a duplex, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- <sup>3</sup> The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.
- <sup>4</sup> For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- <sup>5</sup> The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.
- <sup>6</sup> The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.
- <sup>7</sup> In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10 acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- <sup>8</sup> In a planned unit development, the minimum front setback is 20 feet.
- <sup>9</sup> For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- <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 316-2.
- <sup>11</sup> The minimum rear setback for an accessory building shall be five feet except as established by Note 10.

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- 12 The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10.
- 13 The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[Added 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-263, 5/23/17; 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 Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22]

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

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317.01 PURPOSE

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

317.02 APPLICABILITY

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

317.03 USES PERMITTED

A. Uses permitted in the MRR and HR Districts are listed in Table 317-1, *Permitted Uses in the MRR and HR Districts*. Uses not listed are prohibited, except that in the MRR District, uses similar to one or more of the listed limited uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

B. As used in Table 317-1:

1. “P” means the use is a primary use.
2. “A” means the use is an accessory use.
3. “L” means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional 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. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
8. Numbers in superscript correspond to the notes that follow Table 317-1.

C. Permitted uses are subject to the applicable provisions of Subsection 317.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the MRR and HR Districts are listed in Table 317-2, *Dimensional and Building Design Standards in the MRR and HR Districts*. As used in Table 317-2, numbers in superscript correspond to the notes that follow the table.
- B. Modifications: Modifications to the standards in Table 317-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.



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

Use	MRR	HR
<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 management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
<b>Accessory Kitchens</b>	A <sup>1</sup>	A <sup>1</sup>
<b>Airports, Personal-Use</b>	C	C
<b>Bed and Breakfast Inns</b> , subject to Section 832	P	C
<b>Bed and Breakfast Residences</b> , subject to Section 832	P	C
<b>Bus Shelters</b>	P	P
<b>Campgrounds</b>	C	C
<b>Child Care Facilities</b>	C	C
<b>Civic and Cultural Facilities</b> , including art galleries, museums, and visitor centers	L <sup>2</sup>	X
<b>Community Halls</b>	CPUD	CPUD
<b>Composting Facilities</b>	X	X
<b>Daycare Services, Adult</b>	C	C
<b>Dwellings, including:</b>		
Accessory Dwelling Units, subject to Section 839	A	A
Congregate Housing Facilities	P	X
Detached Single-Family Dwellings	P <sup>3</sup>	P <sup>3</sup>
Duplexes	P	X
Manufactured Dwelling Parks, subject to Section 825	C	X
Manufactured Homes	P <sup>3</sup>	P <sup>3</sup>
Multifamily Dwellings	P	X
Quadplexes	P	X
Townhouses	P <sup>3</sup>	P <sup>3,4</sup>
Triplexes	P	X
<b>Energy Source Development</b>	C	C
<b>Farmers’ Markets</b> , subject to Section 840	A	A
<b>Fraternal Organization Lodges</b>	C <sup>5</sup>	C <sup>5</sup>

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Use	MRR	HR
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C <sup>5</sup>	C <sup>5</sup>
<b>Guest Houses</b> , subject to Section 833	X	A
<b>Guest Ranches and Lodges</b>	X	C
<b>Helistops, Personal-Use</b>	C	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>6</sup>	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Hydroelectric Facilities</b>	C	C
<b>Libraries</b>	L <sup>2</sup> , CPUD	CPUD
<b>Livestock</b> , subject to Section 821	A	A
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b>	X	X
<b>Marijuana Wholesaling</b>	X	X
<b>Mobile Vending Units</b> , subject to Section 837	L <sup>2,9</sup>	X
<b>Motels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Multi-Use Developments</b> , subject to Section 844	C	C
<b>Nursing Homes</b>	P	C
<b>Parking Structures</b>	A	X
<b>Places of Worship</b> , subject to Section 804	C	C
<b>Produce Stands</b> , subject to Section 815	A	A
<b>Public Utility Facilities</b>	C <sup>5</sup>	C <sup>5,10</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>5,11</sup>	C <sup>5,11</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>12</sup>	C <sup>5</sup>	C <sup>5</sup>
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>12</sup>	P <sup>13</sup>	P <sup>14</sup>

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Use	MRR	HR
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>12</sup>	P <sup>13</sup>	P <sup>14</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>5</sup>	C <sup>5</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>15</sup>	A <sup>15</sup>
<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, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, 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.	L <sup>2</sup> , CPUD <sup>16</sup>	CPUD <sup>16</sup>
<b>Roads</b>	P	P
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>2</sup> , CPUD <sup>16</sup>	CPUD <sup>16</sup>
<b>Services, Commercial—Maintenance and Repair</b> , of any of the following: bicycles and sporting goods	L <sup>2</sup> , CPUD <sup>16</sup>	CPUD <sup>16</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.	L <sup>2</sup> , CPUD <sup>16</sup>	CPUD <sup>16</sup>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	L <sup>2</sup> , CPUD <sup>16</sup>	CPUD <sup>16</sup>
<b>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community</b> , subject to ORS 660-011-0060(4)	Type II <sup>17</sup>	Type II <sup>17</sup>
<b>Schools</b> , subject to Section 805	C	C
<b>Short-Term Rental in a dwelling unit or guest house permitted by this table</b>	<u>P</u>	<u>P</u>
<b>Signs</b> , subject to Section 1010	A <sup>18</sup>	A <sup>18</sup>
<b>Surface Mining</b> , subject to Section 818	X	X
<b>Telephone Exchanges</b>	C <sup>5</sup>	C <sup>5</sup>
<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
<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
<b>Transit Park-and-Rides</b>	P	P
<b>Transfer Stations</b> , subject to Section 819	C	C
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>19</sup>	P,C <sup>19</sup>

Use	MRR	HR
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	See Table 835-1

- <sup>1</sup> An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- <sup>2</sup> The limited use is permitted subject to the following criteria:
  - a. The use shall be incidental to a primary use.
  - b. The use shall be provided for as an integral part of the general plan of the development.
  - c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.
- <sup>3</sup> Except as allowed by Section 839, *Accessory Dwelling Units*, or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: detached single-family dwelling, manufactured home, or townhouse.
- <sup>4</sup> Townhouses are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
- <sup>5</sup> Uses similar to this may be authorized pursuant to Section 106.
- <sup>6</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 317-1.
- <sup>7</sup> Also permitted are associated convention facilities.
- <sup>8</sup> A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- <sup>9</sup> Only level three and four mobile vending units are permitted.
- <sup>10</sup> Public utility facilities shall not include shops, garages, or general administrative offices.
- <sup>11</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>12</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.

- <sup>13</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>14</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>15</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.
- <sup>16</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 15 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>17</sup> The use is limited to sewer systems designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6). The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- <sup>18</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>19</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 317-2: Dimensional and Building Design Standards in the MRR and HR Districts**

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012	See Table 317-3	10,890 square feet
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>1</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5,6</sup>	15 feet <sup>3,4</sup>
Minimum Side Setback	10 feet <sup>3,4,5,6</sup>	5 feet <sup>3,4</sup>
Maximum Lot Coverage	None	40 percent <sup>7</sup>
Maximum Building Height	40 feet <sup>8,9</sup>	40 feet <sup>8</sup>
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	4,000 square feet, except 8,000 square feet in Government Camp <sup>10</sup>	4,000 square feet, except 8,000 square feet in Government Camp <sup>10</sup>
Building Design Standards for Single-Family Dwellings and Manufactured Homes <sup>11</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 the front door unless the feature is unrelated to a façade (e.g., roofing material).	

- <sup>1</sup> In Government Camp, the minimum front setback is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- <sup>2</sup> For a corner lot in Government Camp, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- <sup>3</sup> If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- <sup>4</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.
- <sup>5</sup> Except as established by Note 3, 4, or 6, if a rear lot line or a side lot line abuts an HR District or abuts a lot in the MRR District developed with a single-family dwelling or a manufactured home, the applicable minimum setback standard for a building is based on the height of that building, as follows:

<b>Building Height</b>	<b>Minimum Setback</b>
≤ 20 feet	10 feet
> 20 feet and ≤ 30 feet	15 feet
> 30 feet and ≤ 40 feet	20 feet
> 40 feet and ≤ 50 feet	25 feet
> 50 feet	30 feet

- <sup>6</sup> The minimum rear and side setback standards applicable in the HR District apply to detached single-family dwellings and manufactured homes, as well as to structures that are accessory to such detached single-family dwellings and manufactured homes. The minimum side setback standard applicable in the HR District applies to townhouses, as well as to structures that are accessory to such townhouses.
- <sup>7</sup> Maximum lot coverage is 50 percent for a lot of record that is developed with a townhouse.
- <sup>8</sup> The maximum building height may be increased to 50 feet to accommodate understructure parking.
- <sup>9</sup> For a hotel in Government Camp, the maximum building height shall be 70 feet and may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.

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- <sup>10</sup> No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- <sup>11</sup> These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.



**Table 317-3: District Land Area Standards in the MRR District**

<b>Location/Dwelling Unit Size</b>	<b>District Land Area</b>
Government Camp	
Dwelling unit of any size	1,980
Rhododendron	
Dwelling unit of 1200 square feet or greater	10,890
Dwelling unit of 1000 to 1199 square feet	8,712
Dwelling unit of 800 to 999 square feet	7,260
Dwelling unit of 600 to 799 square feet	5,445
Dwelling unit of 400 to 599 square feet	3,630
Dwelling unit of less than 400 square feet	1,980
Wemme/Welches	
Dwelling unit of 1200 square feet or greater	7,260
Dwelling unit of 1000 to 1199 square feet	6,223
Dwelling unit of 800 to 999 square feet	5,445
Dwelling unit of 600 to 799 square feet	4,356
Dwelling unit of 400 to 599 square feet	3,111
Dwelling unit of less than 400 square feet	1,361

[Added 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-269, 9/6/18; Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-282, 7/1/22]

**510 NEIGHBORHOOD COMMERCIAL (NC), COMMUNITY COMMERCIAL (C-2), REGIONAL CENTER COMMERCIAL (RCC), RETAIL COMMERCIAL (RTL), CORRIDOR COMMERCIAL (CC), GENERAL COMMERCIAL (C-3), PLANNED MIXED USE (PMU), STATION COMMUNITY MIXED USE (SCMU), OFFICE APARTMENT (OA), OFFICE COMMERCIAL (OC), AND REGIONAL CENTER OFFICE (RCO) DISTRICTS**

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510.01 PURPOSE

Section 510 is adopted to implement the policies of the Comprehensive Plan for the Neighborhood Commercial zoning district and Community Commercial, Regional Center Commercial, Retail Commercial, Corridor Commercial, General Commercial, Planned Mixed Use, Station Community Mixed Use, Office Apartment, Office Commercial, and Regional Center Office areas.

510.02 APPLICABILITY

Section 510 applies to land in the Neighborhood Commercial (NC) Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OA), and Regional Center Office (RCO) Districts, hereinafter collectively referred to as the urban commercial and mixed-use zoning districts.

510.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 510-1:

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.
4. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.

6. “X” means the use is prohibited.
  7. Numbers in superscript correspond to the notes that follow Table 510-1.
- B. If a use is identified in Table 510-1 as prohibited, it is prohibited even if it also falls within a broader use description that is permitted in the applicable zoning district. For example, a car wash may be prohibited even if commercial services in general are permitted.
  - C. If a use is included in more than one use description in Table 510-1, the more specific listing applies. For example, if a car wash is a conditional use, but commercial services in general are a primary use, the car wash shall be reviewed as a conditional use. Notwithstanding this provision, a use may be included in two of the following categories because it is allowed with fewer restrictions in one category than another: primary, accessory, limited, and conditional. In that case, the use may be approved in either category, to the extent that it complies with the respective approval criteria. For example, child care facilities may be permitted as a limited use with a maximum building floor area and as a conditional use without a maximum building floor area.
  - D. Permitted uses are subject to the applicable provisions of Subsection 510.04, *Dimensional Standards*, Subsection 510.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

#### 510.04 DIMENSIONAL STANDARDS

Dimensional standards applicable in the urban commercial and mixed-use zoning districts are listed in Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*. Modifications to the standards of Table 510-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*. As used in Table 510-2, numbers in superscript correspond to the notes that follow Table 510-2.

#### 510.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Outdoor Operations in the NC District: In the NC District, primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.
- B. Operational Impacts in the C-2 and C-3 Districts: In the C-2 and C-3 Districts, processes and equipment employed and goods processed or sold shall be limited to those that are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried wastes.

- C. Storage in the C-2 District: In the C-2 District, storage of materials and merchandise shall be confined and contained within completely enclosed buildings.
- D. Outdoor Operations in the RCC District: In the RCC District:
1. Primary commercial uses are permitted provided that outdoor display and storage shall be limited to no more than five percent of the building coverage.
  2. Outdoor sales and services are prohibited.
- E. Outdoor Operations in the RTL District: In the RTL District, primary commercial uses and conditional uses are permitted provided that:
1. Outdoor display and storage shall be limited to no more than five percent of the building coverage.
  2. Notwithstanding Subsection 510.05(E)(1), auto body, recreational vehicle, and boat repair businesses shall store within a completely enclosed structure those vehicles and equipment that are damaged or being repaired.
  3. Primary commercial uses shall conduct most activities within a completely enclosed structure.
- F. Outdoor Sales and Storage in the PMU District: In the PMU District, outdoor sales, except temporary sidewalk sales and sidewalk cafes and food vendors, are prohibited. Also prohibited is permanent outdoor storage of materials or products.
- G. Site-Specific Standards in the PMU District: Six sites have a Comprehensive Plan designation of PMU. These sites are designated PMU1 through PMU6 and are identified on Comprehensive Plan Map IV-6, *North Urban Area Land Use Plan Map*. When one of these sites is zoned Planned Mixed Use District, a site number corresponding to the number designated by the Comprehensive Plan is assigned. A PMU site shall comply with the specific standards for that site identified in Table 510-3, *Site-Specific Requirements for the PMU District*, except that there are no site-specific standards for PMU6. As used in Table 510-3, numbers in superscript correspond to the notes that follow Table 510-3.
- H. Outdoor Operations in the SCMU District: In the SCMU District, outdoor displays, processes, or storage, except for the storage of solid waste and recyclables either as required by Section 1021, *Solid Waste and Recyclable Material Collection*, or as an accessory use to a townhouse, are prohibited.

- I. Outdoor Operations in the OA District: In the OA District, all primary and accessory uses associated with office uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure. For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Office and Outpatient Clinics, and Research Facilities and Laboratories.
- J. Outdoor Storage and Display in the OC District: In the OC District, outdoor storage or display of materials or products is prohibited.
- K. Outdoor Sales, Storage, and Display in the RCO District: In the RCO District, outdoor sales, storage, or display of materials or products is prohibited.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

**Table 510-1: Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts**

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Accessory 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 home, 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 buildings/rooms , television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A	A	A	A	A	A
<b>Assembly Facilities</b> , including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, places of worship, senior centers, and theaters for the performing arts	C	P	P,C <sup>4</sup>	P	P	P	P	P	S	P,C <sup>4</sup>	P,C <sup>4</sup>
<b>Bed and Breakfast Residences and Inns</b> , subject to Section 832	P	P	X	P	P	P	X	X	X	P	X
<b>Bus Shelters</b>	A	A	P	P	P	P	P	P	A	P	P
<b>Child Care Facilities</b>	P	P	P	P	P	P	P	P	P	L <sup>5</sup> ,C	L <sup>6</sup> ,C

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CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Civic and Cultural Facilities</b> , including art galleries, museums, and visitor centers	P	P	P	P	P	P	P	P	P	P	P
<b>Composting Facilities</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Daycare Services, Adult</b>	P	P	P	P	P	P	P	P	P	L <sup>5</sup> ,C	L <sup>6</sup> ,C
<b>Dog Services</b> , including boarding, daycare, and grooming	S	P	S	S	S	S	S	S	S	S	S
<b>Drive-Thru Window Services</b> , subject to Section 827	C	A	A <sup>7</sup>	A	A	A	A <sup>8</sup>	X	X	A <sup>8</sup>	A <sup>8</sup>
<b>Dwellings, including:</b>											
Congregate Housing Facilities	X	X	P <sup>9,10</sup>	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>	P	P	L	P <sup>11</sup>	P <sup>9,10</sup>
Detached Single-Family Dwellings	A	A	X	A	X	A	X	X	X	X	X
Duplexes	X	A	X	P	P	P	P	P	L <sup>12</sup>	P	X
Multifamily Dwellings	X	X	P <sup>9</sup>	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>	P	P	L <sup>12</sup>	P <sup>11</sup>	P <sup>9</sup>
Quadplexes	X	X	P <sup>9</sup>	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>	P	P	L <sup>12</sup>	P <sup>11</sup>	P <sup>9</sup>
Townhouses	X	A	X	A	X	A	P	P	L <sup>13</sup>	X	X
Triplexes	X	X	X	P	P	P	P	P	L <sup>12</sup>	P	X
<b>Electric Vehicle Charging Stations</b>	A,C	P	A	A,C	P	P	A	A	A	A	A
<b>Employee Amenities</b> , such as cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A <sup>14</sup>	A <sup>14</sup>	A <sup>14</sup>
<b>Entertainment Facilities</b> , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	P	P	P <sup>15</sup>	P <sup>15,16</sup>	S	C <sup>15,17</sup>	L <sup>6,15</sup>
<b>Farmers' Markets</b> , subject to Section 840	P	P	P	P	P	P	P	P	P	P	P

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Use</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU<sup>1</sup></b>	<b>SCMU</b>	<b>OA<sup>2,3</sup></b>	<b>OC</b>	<b>RCO</b>
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P	P	P	P	P	P	P	P	P	P
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	P	P	P <sup>15</sup>	P <sup>15,16</sup>	L <sup>15,18</sup>	C <sup>15</sup>	L <sup>15,19</sup>
<b>Government Uses</b> , including fire stations, police stations, and post offices	C	P	P	P	P	P	P	P	P	P	P
<b>Heliports</b>	X	X	C <sup>20</sup>	C	C	C	X	X	X	C <sup>20</sup>	C <sup>20</sup>
<b>Helistops</b>	X	X	C <sup>20</sup>	C	C	C	C	C	X	C <sup>20</sup>	C <sup>20</sup>
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
<b>Hospitals</b>	X	X	X	X	X	X	X	X	X	C	C
<b>Hotels</b>	P	P	P	P	P	P	P	P <sup>16</sup>	S	L <sup>5,21</sup> ,C <sup>21</sup>	P <sup>21</sup>
<b>Hydroelectric Facilities</b>	X	C	X	C	X	C	X	X	X	X	X
<b>Libraries</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Manufacturing</b> , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products and the assembly of component parts, but excluding the primary processing of raw materials	S <sup>22</sup>	S <sup>23</sup>	S	S	P	P	S	P <sup>24,25</sup>	S	P <sup>26</sup>	S



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Manufacturing of Edible or Drinkable Products Retailed on the Same Site</b> , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site.	S	P	S	S	P	P	S	P <sup>24,25</sup>	S	P <sup>26</sup>	S
<b>Marijuana Processing</b>	X	X	X	X	P <sup>27</sup>	P <sup>27</sup>	X	P <sup>24,27</sup>	X	P <sup>26,27</sup>	X
<b>Marijuana Production</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Marijuana Retailing</b> , subject to Section 841	P	P	P	P	P	P	P	P <sup>16</sup>	X	P <sup>17</sup>	L <sup>6</sup>
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Mobile Vending Units</b> , subject to Section 837	P	P	P	P	P	P	P	P	A <sup>28</sup>	A <sup>28</sup>	A <sup>28</sup>
<b>Motels</b>	P	P	P	P	P	P	P	P <sup>16</sup>	S	L <sup>5,29</sup> ,C <sup>29</sup>	L <sup>6</sup>
<b>Multi-Use Developments</b> , subject to Section 844	X	X	X	X	X	C	X	X	X	C	X
<b>Nursing Homes</b>	X	X	X	X	X	X	P	P	L	X	X
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P	P	P	P	P	P	P	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<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.	P	P	P	P	P	P	P	P	P	P	P
<b>Parking Lots</b>	A	A	A	A	P	P	A	A	A	P <sup>30</sup>	A
<b>Parking Structures</b>	X	A <sup>31</sup>	P <sup>30</sup>	P <sup>30</sup>	P	P	A	A	A <sup>31</sup>	P <sup>30</sup>	P <sup>30</sup>
<b>Parks, Government-Owned</b> , including 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; nature preserves and wildlife sanctuaries; picnic areas and structures; play equipment and playgrounds; tables and seating; and similar recreational uses. Accessory uses to a park may include concessions, maintenance facilities, restrooms, and similar support uses.	P	P	P	P	P	P	P	P	P	P	P
<b>Pedestrian Amenities</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Public Utility Facilities</b>	S	C	C <sup>32</sup>	C <sup>32</sup>	C	C	S	S	S	S	S
<b>Race Tracks, Outdoor</b>	X	X	X	X	X	C	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Radio and Television Studios</b> , excluding transmission towers	C	P	P	P	P	P	P	P	S	P	P
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> <sup>33</sup>	S	C	S	S	C	C	S	S	S	S	S
<b>Radio and Television Transmission and Receiving Earth Stations</b>	S	C	C	C	C	C	A	S	S	S	S
<b>Recreational Sports Facilities</b> for such sports as basketball, dance, gymnastics, martial arts, racquetball, skating, soccer, swimming, and tennis. These facilities may be used for any of the following: general recreation, instruction, practice, and competitions.	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	P	P	P <sup>15</sup>	P <sup>15,16</sup>	S	C <sup>15</sup>	L <sup>15,19</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A	A	A <sup>34</sup>	A <sup>34</sup>	A	A	A <sup>34</sup>	A <sup>34</sup>	A <sup>34</sup>	A <sup>34</sup>	A <sup>34</sup>
<b>Research Facilities and Laboratories</b> , including medical laboratories, medical research, product design and testing, and product research and development	S	S	S	S	P	P	P <sup>26</sup>	P	P <sup>35</sup>	P <sup>35</sup>	P <sup>26</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P <sup>16</sup>	S	C <sup>17</sup>	L <sup>6</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<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	P	P	P	P	P	P	P	P <sup>16</sup>	L <sup>18,36</sup> ,S	L <sup>5,36</sup> ,C <sup>17</sup>	L <sup>6</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C <sup>17</sup>	L <sup>6</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Roads</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Schools</b>	P <sup>37</sup>	P <sup>37</sup>	P	P	P	P	P	P	L <sup>38</sup>	P	P
<b>Service Stations</b>	C	P	X	C	P	P	X	X	X	X	X
<b>Services, Business</b> , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	P	P	P	P	P	P	P	P	P	P	P
<b>Services, Commercial</b>	S	S	P	P	P	P	P	P <sup>16</sup>	S	C <sup>17</sup>	L <sup>6</sup>
<b>Services, Commercial—Car Washes</b>	S	S	X	C	P	P	P	X	X	X	X
<b>Services, Commercial—Construction and Maintenance</b> , including contractors engaged in construction and maintenance of electrical and plumbing systems	C	P	P	P	P	P	P	S	S	C <sup>17</sup>	L <sup>6</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	P	P	P	P	P	P	P	P <sup>16</sup>	L <sup>18</sup>	L <sup>5</sup> ,C <sup>39</sup>	L <sup>6,40</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	P	P	P	P	P	P	P	P <sup>16</sup>	S	C <sup>17</sup>	L <sup>6</sup>
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	C	P	P	P	P	P	X	X	X	C <sup>17</sup>	L <sup>6</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	P	P	P	X	X	X	X	X
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P	P	P	P	P	P	P <sup>16</sup>	S	C <sup>17</sup>	L <sup>6</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.	P	P	P	P	P	P	P	P <sup>16</sup>	L <sup>18</sup>	L <sup>5</sup>	L <sup>6</sup>
<b>Services, Commercial—Mini-Storage/Self-Storage Facilities</b>	S	S	X	C	P	P	X	X	S	X	X
<b>Services, Commercial—Storage</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	X	C	P	P	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Services, Commercial—Storage</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; manufactured dwellings; recreational vehicles; and residential trailers	X	X	X	C	P	P	X	X	X	X	X
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	P	P	P	P	P	P	P	P <sup>16</sup>	S	P	P
<b>Services, Commercial—Truck Stops</b>	X	X	X	X	P	P	X	X	X	X	X
<b>Services, Information</b> , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	S	S	S	S	P	P	P	P <sup>24</sup>	P	P	P
<b><u>Short-Term Rental in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use</u></b>	<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>P</u>
<b>Signs</b> , subject to Section 1010	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>	A <sup>41</sup>
<b>Stadiums, Outdoor</b>	X	X	X	X	X	C	X	X	X	X	X
<b>Telephone Exchanges</b>	S	C	C	C	C	C	S	S	S	S	S
<b>Temporary Buildings for Uses Incidental to Construction Work</b> , provided that such buildings shall be removed upon completion or abandonment of the construction work	A	A	A	A	A	A	A	A	A	A	A

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Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<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 Facilities</b> , including transit centers, transit park-and-rides, transit stations, and transit stops	S	S	P	P	P	P	P	P	S	P	P
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>	P,C <sup>42</sup>
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	P	P	P	P	P	P	See Table 835-1	P	P	P

<sup>1</sup> Required primary uses for each Planned Mixed Use site are listed in Table 510-3, *Site-Specific Requirements for the PMU District*.

<sup>2</sup> A minimum of 60 percent of the total building floor area on a site shall be primary use(s).

<sup>3</sup> A maximum of 40 percent of the total building floor area on a site may be limited use(s).

<sup>4</sup> An assembly facility with a maximum capacity of more than 500 people is a conditional use.

<sup>5</sup> The maximum combined building floor area of the use, and any other limited uses, shall be 20 percent of the building floor area of primary uses in the same development.

<sup>6</sup> The use is permitted only:

- a. In a multistory building with a primary use, up to a maximum building floor area equal to the building floor area of the first floor; or
- b. On the ground-level floor of a freestanding parking structure.

<sup>7</sup> Drive-thru window service is prohibited on streets designated as Main Streets on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*.

<sup>8</sup> Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.



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- <sup>9</sup> Freestanding congregate housing facilities, freestanding multifamily dwellings, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the RCHDR District.
- <sup>10</sup> A congregate housing facility shall have a minimum of four dwelling units.
- <sup>11</sup> Freestanding congregate housing facilities, freestanding multifamily dwellings, and freestanding quadplexes (as opposed to congregate housing facilities, multifamily dwellings, and quadplexes in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities, multifamily dwellings, and quadplexes in the HDR District, except that the minimum and maximum residential density standards of Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, apply.
- <sup>12</sup> Duplexes, triplexes, quadplexes, and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.
- <sup>13</sup> Townhouses, subject to the density standards of the VTH District, may be developed in the same building as a primary use.
- <sup>14</sup> Employee amenities shall be located in the same structure as the use to which they are accessory.
- <sup>15</sup> Only indoor facilities are permitted.
- <sup>16</sup> A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 16 shall not exceed 40,000 square feet in a single building.
- <sup>17</sup> The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 17, shall be 20 percent of the building floor area of primary uses in the same development.
- <sup>18</sup> An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 18, shall be 10 percent of the total building floor area in the same development.
- <sup>19</sup> The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:
- a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
    - i. The minimum FAR for the office use shall be 0.75; and
    - ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.
  - b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.

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c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use.

20 This use is permitted only in conjunction with a primary or another conditional use.

21 Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the hotel.

22 In the NC District, sign production is a conditional use.

23 In the C-2 District, sign production is a permitted use.

24 These uses are permitted with a maximum of 10,000 square feet of building floor area per building, if part of a mixed-use development and if the combined building floor area of the use, and any other uses subject to Note 24, does not exceed 25 percent of the building floor area of the mixed-use development.

25 Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.

26 This use is permitted only if it has physical and operational requirements that are similar to those of other primary uses allowed in the same zoning district.

27 Marijuana processing shall be located entirely within one or more completely enclosed buildings. The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.

28 Only level one mobile vending units are permitted.

29 Also permitted are associated gift shops, newsstands, and eating and drinking establishments, all of which shall be located in the same building as the motel.

30 The parking is permitted to serve only developments located in the same zoning district as the subject property.

31 This use is limited to understructure parking.

32 Only substations are permitted.

33 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.

34 Recyclable drop-off sites are permitted only if accessory to an institutional use.

35 No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.

36 Only retailing of videos is permitted as a limited use. All other retailing in this use category requires review pursuant to Section 106 in the OA District and is a conditional use, subject to Note 17, in the OC District.

37 Only commercial schools are permitted.

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- <sup>38</sup> Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- <sup>39</sup> An eating and drinking establishment may be permitted as a conditional use, provided that it complies with a minimum of five of the following criteria:
- a. Has a minimum seating capacity of 75;
  - b. Specializes in gourmet, ethnic, or specialty cuisine;
  - c. Includes banquet facilities and services;
  - d. Provides live entertainment at least two nights a week;
  - e. Utilizes custom architectural design and/or collections of artistic, cultural, or historic items to produce a distinctive thematic decor or atmosphere;
  - f. Has an Oregon Liquor Control Commission license to serve beer and wine; or
  - g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.
- <sup>40</sup> Notwithstanding Note 6, a freestanding eating and drinking establishment shall be allowed in conjunction with a primary use in the same development, subject to the following criteria:
- a. The building floor area of the freestanding eating and drinking establishment shall not exceed 5,000 square feet.
  - b. If the primary use in the same development is an office use, as defined in Note 23 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
  - c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
  - d. The eating and drinking establishment shall be developed concurrently with, or after, a primary use.
- <sup>41</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>42</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 510-2: Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts**

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Lot Size	7,260 square feet <sup>1,2</sup>	None	1 acre <sup>2,3</sup>	½ acre <sup>2,3</sup>	None	None	PMU1: None  PMU2: 2 acres  PMU3: 3 acres  PMU4: ½ acre  PMU5: 10 acres  PMU6: 5 acres	½ acre <sup>2,4</sup>	None	1 acre <sup>2,3</sup>	2½ acres <sup>2,3</sup>
Minimum Street Frontage	None	None	None	None	None	None	None	100 feet <sup>5</sup>	None	None	None
Maximum Front Setback	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>7</sup>	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>7,8</sup>	See Subsection 1005.10	20 feet <sup>6</sup>	20 feet <sup>6</sup>	20 feet <sup>7</sup>
Minimum Front Setback	0	15 feet	5 feet <sup>9</sup>	15 feet	15 feet	15 feet	0	See Subsection 1005.10	10 feet	15 feet	5 feet <sup>9</sup>

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<b>Standard</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU</b>	<b>SCMU</b>	<b>OA</b>	<b>OC</b>	<b>RCO</b>
Minimum Rear Setback	0	0 <sup>10</sup>	0 <sup>11</sup>	0 <sup>12</sup>	0 <sup>12</sup>	0 <sup>12</sup>	0 <sup>8,10</sup>	See Subsection 1005.10	10 feet <sup>13</sup>	10 feet <sup>11</sup>	0 <sup>14</sup>
Minimum Side Setback	0	0 <sup>15</sup>	0 <sup>15</sup>	0 <sup>16</sup>	0 <sup>16</sup>	0 <sup>16</sup>	0 <sup>8,15</sup>	See Subsection 1005.10	6 feet <sup>17</sup>	10 feet <sup>18</sup>	0 <sup>15</sup>
Maximum Building Height	35 feet	None <sup>19</sup>	None	None	None	None	None	None	45 feet	None <sup>20</sup>	None
Minimum Floor Area Ratio	None	None	0.3 for a retail development; 0.5 for an office development <sup>21</sup>	None	None	None	See Table 510-3.	None	None	None	0.5 for primary office uses on lots of 2½ acres or less; 1.0 for primary office uses on lots greater than 2½ acres <sup>21, 22, 23</sup>
Maximum Building Floor Area per Use	5,000 square feet	None	None	None	None	None	None	None	None	None	None

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Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
Minimum Residential Density	None	None	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use <sup>24</sup>	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	None	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	30 dwelling units per net acre for freestanding multifamily dwellings and freestanding congregate housing facilities; none if these uses are in a building with another primary use or with a limited use other than a fitness facility or a freestanding restaurant <sup>24</sup>

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<b>Standard</b>	<b>NC</b>	<b>C-2</b>	<b>RCC</b>	<b>RTL</b>	<b>CC</b>	<b>C-3</b>	<b>PMU</b>	<b>SCMU</b>	<b>OA</b>	<b>OC</b>	<b>RCO</b>
Maximum Residential Density	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None, but residential density may be limited because dwellings are allowed only as an accessory use.	None	60 dwelling units per acre <sup>25</sup>	60 dwelling units per acre <sup>25</sup>	60 dwelling units per acre <sup>25</sup>	None	None	Standards in MR-2 District apply. See Table 315-4.	60 dwelling units per acre <sup>25</sup>	None

Notes to Table 510-2:

- <sup>1</sup> The minimum lot size for land with a Comprehensive Plan land use plan designation of Low Density Residential shall be the same as that allowed by the zoning district that applied to the subject property immediately prior to the application of the NC zoning district.
- <sup>2</sup> The minimum lot size standard applies only to subdivisions, partitions, and property line adjustments. Notwithstanding the minimum lot size standard, an undersized lot of record may be developed, subject to other applicable standards of this Ordinance.
- <sup>3</sup> No minimum lot size standard applies to a lot created by partition or subdivision or adjusted through a property line adjustment, provided that the newly created or adjusted lot is developed only with a dwelling classified as a nonconforming use and uses accessory to that dwelling.
- <sup>4</sup> The minimum is 2,000 square feet for a lot developed only with a townhouse and uses accessory to that townhouse.
- <sup>5</sup> The minimum street frontage standard applies only to subdivisions, partitions, and property line adjustments. The minimum for a lot of record on the outer radius of a curved street or the circular end of a cul-de-sac is 35 feet measured on the arc. The minimum for a lot of record developed only with a townhouse, and uses accessory to that townhouse, shall be 20 feet. A lot of record with frontage on more than one street shall meet the minimum on each street.

- <sup>6</sup> The maximum front setback standard applies only if required by Subsection 1005.03(H). However, see Subsection 1005.03(E) for a related standard.
- <sup>7</sup> The maximum front setback standard shall be met for all buildings except freestanding parking structures. However, the maximum front setback may be exceeded to the minimum extent necessary to accommodate pedestrian amenities. If a lot has more than one front lot line, the standard must be met for only one. A private road used to satisfy the maximum front setback standard must comply with Subsection 1005.08(G). The maximum front setback from Main Streets identified on Comprehensive Plan Map X-CRC-3 is 10 feet.
- <sup>8</sup> In lieu of complying with the standard, an applicant for design review on a site of 25 acres or larger may propose alternate setback standards. The alternate standards, or any part thereof, shall be approved if they are found to be equally effective as the regular standards in establishing a visual image, sense of place, and quality pedestrian environment for the area.
- <sup>9</sup> There is no minimum setback from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.
- <sup>10</sup> If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet.
- <sup>11</sup> If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet.
- <sup>12</sup> If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- <sup>13</sup> If the rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: 10 feet for the portion of a building that is 25 feet or less in height; 20 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- <sup>14</sup> If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 39 feet.
- <sup>15</sup> If the side lot line abuts a residential zoning district, the minimum shall be 15 feet.



- <sup>16</sup> If the side lot line abuts a residential zoning district, the minimum side yard setback shall be 15 feet plus one foot for each one-foot increase in building height over 35 feet. Height increments of less than one foot shall be rounded up to the nearest foot. For example, if the building height is 38.8 feet, the minimum setback shall be 19 feet.
- <sup>17</sup> If the side lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 zoning district, the minimum shall be: six feet for the portion of a building that is 25 feet or less in height; 16 feet for the portion of a building that is greater than 25 feet and less than or equal to 35 feet in height; and 40 feet for the portion of a building that is greater than 35 feet and less than or equal to 45 feet in height.
- <sup>18</sup> If the side lot line abuts a residential zoning district, the minimum shall be 35 feet.
- <sup>19</sup> If the subject property abuts a residential zoning district, the maximum building height shall be 35 feet.
- <sup>20</sup> If the building is located less than 100 feet from an Urban Low Density Residential, VR-4/5, or VR-5/7 District, the maximum building height shall be equal to the building's distance from the Urban Low Density Residential, VR-4/5, or VR-5/7 District.
- <sup>21</sup> Floor area ratio shall be calculated pursuant to Subsection 1005.03(K).
- <sup>22</sup> With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
- <sup>23</sup> For the purposes of this provision, "office uses" include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Business Services, Financial Institutions, Information Services, Offices, Offices and Outpatient Clinics, and Research Facilities and Laboratories.
- <sup>24</sup> Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).
- <sup>25</sup> Maximum residential density may be increased pursuant to Table 1012-1, *Bonus Density*. Any partial figure of one-half or greater shall be rounded up to the next whole number.

**Table 510-3: Site-Specific Requirements for the PMU District**

<b>Land Uses &amp; Areas Required</b>	<b>PMU1</b>
Office uses <sup>1</sup> , minimum square feet	525,000 square feet
Retail, entertainment, hotel, service commercial, theater, or equivalent, minimum square feet	500,000 square feet
Dwelling units, minimum number	200 dwelling units; demonstrate ability to accommodate 600 dwelling units
Public plaza	one-half- to one-acre plaza
Entertainment/recreational facility	
Transit facilities	
Preserve Phillips Creek and enhance Phillips Creek Greenway	
<b>Land Uses &amp; Areas Required</b>	<b>PMU 2, 3, 4, and 5</b>
Office uses <sup>1</sup> or residential uses <sup>2</sup> , minimum site area	50 percent
Office uses <sup>1</sup> , minimum floor area ratio (FAR)	0.5 for office uses on lots of two and one-half acres or less; 1.0 for office uses on lots greater than two and one-half acres, calculated pursuant to Subsection 1005.03(K). With a master plan approved pursuant to Subsection 1102.03(B), a lot greater than two and one-half acres may be developed in phases, provided that the minimum floor area ratio of each phase prior to the final phase is 0.5 and that the minimum floor area ratio of 1.0 is achieved for the entire lot with development of the final phase.
Retail uses and service commercial uses, minimum FAR	0.3, calculated pursuant to Subsection 1005.03(K)
Residential density <sup>2</sup>	The minimum density for residential development shall be 30 dwelling units per net acre. Net acreage shall be calculated pursuant to Subsections 1012.08(A) and (B).

Notes to Table 510-3:

- <sup>1</sup> For the purposes of this provision, “office uses” include the following uses from Table 510-1, *Permitted Uses in the Urban Commercial and Mixed-Use Zoning Districts*: Assembly Facilities, Business Services, Civic and Cultural Facilities, Financial Institutions, Information Services, Libraries, Offices, Offices and Outpatient Clinics, Radio and Television Studios, Research Facilities and Laboratories, and Schools.
- <sup>2</sup> For the purposes of this provision, “residential uses” include the following uses from Table 510-1: Congregate Housing Facilities, Multifamily Dwellings, and Nursing Homes. However, nursing homes are excluded from the minimum residential density standard.

[Added 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; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21; Amended by Ord. ZDO-277, 1/1/22; Amended by Ord. ZDO-282, 7/1/22]

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

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513.01 PURPOSE

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

513.02 APPLICABILITY

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

513.03 USES PERMITTED

- A. Uses permitted in the RTC and RC Districts are listed in Table 513-1, *Permitted Uses in the RTC and RC Districts*. In addition, uses similar to one or more of the listed uses for the applicable zoning district may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- B. As used in Table 513-1:
  - 1. “P” means the use is a primary use.
  - 2. “A” means the use is an accessory use.
  - 3. “C” means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
  - 4. “S” means the use may be authorized only pursuant to Section 106; however, identifying a use as “S” does not indicate that any determination has been made regarding whether the use will be authorized pursuant to Section 106.
  - 5. “X” means the use is prohibited.
  - 6. “Type II” means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
  - 7. Numbers in superscript correspond to the notes that follow Table 513-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 513.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

513.04 DIMENSIONAL STANDARDS

- A. General: Dimensional standards applicable in the RTC and RC Districts are listed in Tables 513-2, *Dimensional Standards in the RTC and RC Districts, Except in Government Camp*, and 513-3, *Dimensional Standards in Government Camp*. As used in Tables 513-2 and 513-3, numbers in superscript correspond to the notes that follow the tables.

- B. Modifications: Modifications to the standards in Tables 513-2 and 513-3 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

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

Use	RTC	RC
<b>Accessory 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 buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
<b>Assembly Facilities</b> , including auditoriums, community centers, convention facilities, exhibition halls, fraternal organization lodges, places of worship, senior centers, and theaters for the performing arts	P	P,C <sup>1</sup>
<b>Bed and Breakfast Inns</b> , subject to Section 832	P	P
<b>Bed and Breakfast Residences</b> , subject to Section 832	P	P
<b>Bus Shelters</b>	P	P
<b>Child Care Facilities</b>	P	P
<b>Civic and Cultural Facilities</b> , including art galleries, libraries, museums, and visitor centers	P	P
<b>Composting Facilities</b>	X	X
<b>Contractors, Logging</b>	P	P
<b>Daycare Services, Adult</b>	P	P
<b>Drive-Thru Window Services</b> , subject to Section 827	X	A
<b>Dwellings, Detached Single-Family</b>	P <sup>2</sup> ,A	A
<b>Electric Vehicle Charging Stations</b>	P	P
<b>Employee Amenities</b> , including cafeterias, clinics, child care facilities, fitness facilities, lounges, and recreational facilities	A	A
<b>Entertainment Facilities</b> , including arcades, billiard halls, and movie theaters	P	P
<b>Farmers’ Markets</b> , subject to Section 840	P	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	P	P

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Use	RTC	RC
<b>Government Uses</b> , including fire stations, police stations, and post offices	P	P
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b>	P <sup>3</sup>	S <sup>4</sup>
<b>Hydroelectric Facilities</b>	C	C
<b>Manufacturing of Edible or Drinkable Products Retailed on the Same Site</b> , including the primary processing of raw materials (e.g., malt, milk, spices) that are ingredients in edible or drinkable products retailed on the same site, and also including the wholesale distribution of edible or drinkable products that are manufactured and retailed on the same site, but excluding the processing, production, and wholesaling of marijuana products.	P	S
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b> , subject to Section 841	P <sup>5</sup>	P <sup>5</sup>
<b>Marijuana Wholesaling</b>	P <sup>6</sup>	P <sup>6</sup>
<b>Mobile Vending Units</b> , subject to Section 837	P	P
<b>Motels</b>	P <sup>3</sup>	S <sup>4</sup>
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer’s representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P
<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.	P	P
<b>Parking Lots</b>	A	A
<b>Parking Structures, Community</b>	P <sup>7</sup>	X
<b>Pedestrian Amenities</b>	P	P
<b>Public Utility Facilities</b>	S	C
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	S <sup>8</sup>	C <sup>8</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>9</sup>	C	C
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>9</sup>	P	P
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>9</sup>	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	P	X
<b>Recycling Centers</b> , subject to Section 819	C	C
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A	A
<b>Resort Accommodations</b>	P <sup>10</sup>	S
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: Class I, III, and IV all-terrain vehicles, as defined by Oregon Revised Statutes Chapter 801; motorcycles; and snowmobiles	S	P
<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	P	P
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: animal feed, building materials, farm equipment, forestry equipment, and livestock supplies	P	P
<b>Roads</b>	P	P
<b>Schools</b>	P	P,C <sup>2,11</sup>
<b>Service Stations</b>	P	P
<b>Services, Commercial—Construction and Maintenance</b> , including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	P <sup>12</sup>	P <sup>12</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	P	P
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	P	P
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	P
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P
<b>Services, Commercial—Mini-Storage/Self-Storage Facilities</b>	C <sup>13</sup>	C
<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.	P	P
<b>Services, Commercial—Storage</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	C
<b>Services, Commercial—Storage</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	C
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	P	P
<b>Sewer System Components that Serve Lands Inside an Urban Growth Boundary</b> , subject to ORS 660-011-0060(3)	Type II <sup>14</sup>	Type II <sup>14</sup>
<b>Sewer Systems and Extensions of Sewer Systems to Serve Land Outside an Urban Growth Boundary and Unincorporated Community</b> , subject to ORS 660-011-0060(4)	Type II <sup>15</sup>	Type II <sup>15</sup>
<b><u>Short-Term Rental in a dwelling unit permitted by this table, except for a dwelling unit that is an accessory use</u></b>	<u>P</u>	<u>X</u>
<b>Signs</b> , subject to Section 1010	A <sup>16</sup>	A <sup>16</sup>
<b>Telephone Exchanges</b>	S	C
<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



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Use	RTC	RC
<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
<b>Theme Parks and Amusement Parks</b>	C	S
<b>Transfer Stations</b> , subject to Section 819	C	C
<b>Transit Park-and-Rides</b>	P	P
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>17</sup>	P,C <sup>17</sup>
<b>Wholesaling</b> —whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings	P	P
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	See Table 835-1	See Table 835-1

- <sup>1</sup> A fraternal organization lodge, place of worship, or school is a conditional use if the building floor space exceeds 4,000 square feet.
- <sup>2</sup> On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.
- <sup>3</sup> A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- <sup>4</sup> If a hotel or motel is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).
- <sup>5</sup> Marijuana retailing is permitted only inside an unincorporated community.
- <sup>6</sup> Marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 4,000 square feet of building floor space may be used for all activities associated with marijuana wholesaling on a lot of record.
- <sup>7</sup> Parking structures are permitted only in Government Camp and only if they are consistent with a community parking plan adopted by the Board of County Commissioners.
- <sup>8</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>9</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- <sup>10</sup> A resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre. A resort accommodations development in Rhododendron or Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 317-3, *District Land Area Standards in the MRR District*, but is not subject to Section 1012, *Lot Size and Density*.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 11 Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District’s 2040 Growth Concept Map.
- 12 Drive-in eating and drinking establishments are prohibited.
- 13 No outside storage shall be permitted.
- 14 Components of a sewer system that serve land outside urban growth boundaries or unincorporated community boundaries are prohibited.
- 15 The use is limited to sewer systems that: are designed and constructed so that their capacity does not exceed the minimum necessary to serve the area within the boundaries described under ORS 660-011-0060(4)(b)(B), except for urban reserve areas as provided under OAR 660-021-0040(6); and do not serve any uses other than those existing or allowed in the identified service area on the date the sewer system is approved.
- 16 Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- 17 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 513-2: Dimensional Standards in the RTC and RC Districts, Except in Government Camp**

Standard	RTC	RC
Minimum Lot Size	None	None <sup>1</sup>
Minimum Front Setback	25 feet <sup>2</sup>	30 feet <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5</sup>	10 feet <sup>4,6</sup>
Minimum Side Setback	10 feet <sup>3,4,5</sup>	10 feet <sup>4,6</sup>
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet <sup>7</sup>	
Maximum Building Floor Space per Commercial Use outside an Unincorporated Community	Not Applicable	3,000 square feet <sup>8</sup>
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet <sup>9</sup>	

- 1 The minimum lot size inside the Portland Metropolitan Urban Growth Boundary shall be 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- 2 In a planned unit development, the minimum front setback is 20 feet.
- 3 If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- 4 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.
- 5 If the lot line abuts an RR or HR District, the minimum is 20 feet except as established by Note 3 or 4.
- 6 If the lot line abuts a residential zoning district, the minimum is 20 feet except as established by Note 3 or 4.
- 7 No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- 8 A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- 9 No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

**Table 513-3: Dimensional Standards in Government Camp**

Standard	RTC
Minimum Front Setback unless the Front Lot Line abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front Setback if the Front Lot Line abuts Government Camp Loop	4 feet <sup>1</sup>
Maximum Front Setback if the Front Lot Line abuts Government Camp Loop	10 feet <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5</sup>
Minimum Side Setback	None

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Maximum Building Height	70 feet <sup>6</sup>
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	8,000 square feet <sup>7</sup>
Maximum Building Floor Space per Industrial Use	60,000 square feet <sup>8</sup>

- <sup>1</sup> There is no minimum front setback for building cantilevers with a minimum vertical clearance of eight feet above any pedestrian pathway, sidewalk, or walkway. Structures less than 10 feet from the front lot line shall be designed to include measures to protect the public and vehicles from snow slide incidents.
- <sup>2</sup> The maximum front setback may be exceeded to the minimum extent necessary to accommodate public plaza space. Detached single-family dwellings are exempt from complying with the maximum front setback.
- <sup>3</sup> If the rear lot line abuts a national forest, there is no minimum rear setback. If Note 3 and Note 4 conflict, Note 3 prevails.
- <sup>4</sup> In a planned unit development, there is no minimum rear setback except from rear lot lines on the perimeter of the final plat.
- <sup>5</sup> If the rear lot line abuts an HR District, the minimum rear setback is 20 feet except as established by Note 3 or 4.
- <sup>6</sup> The maximum building height may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.
- <sup>7</sup> No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- <sup>8</sup> No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

[Added 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; Amended by Ord. ZDO-276, 10/1/20; Amended by Ord. ZDO-280, 10/23/21]

**833 GUEST HOUSES**

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833.01 STANDARDS

Guest houses shall comply with the following standards:

- A. Use: ~~A guest house shall not be a source of rental income, except that a guest house may be used as a short-term rental.~~ Aa guest house shall be used only by members of the family residing in the primary dwelling, their nonpaying guests, or their nonpaying employees who work on the premises. ~~A guest house shall not be a source of rental income~~
- B. Number: Only one guest house shall be allowed per lot of record.
- C. Maximum Floor Area: The maximum floor area shall be 600 square feet.
- D. Maximum Separation Distance: The guest house shall be located within 100 feet of the primary dwelling to which it is accessory. This distance shall be measured from the closest portion of each structure.
- E. Facilities: ~~Occupants of the guest house and the primary dwelling shall live together as one housekeeping unit, sharing the kitchen and laundry facilities in the primary dwelling.~~ The guest house may contain include one bathroom plus one additional sink but shall not include laundry facilities, a stove, oven, or other cooking appliances.
- F. Utilities: All public water, electric, natural gas, and sanitary sewer service for the guest house shall be extended from the primary dwelling services. No separate meters for the guest house shall be allowed.
- G. On-Site Wastewater Treatment Systems: A guest house shall use the same on-site wastewater treatment system as the primary dwelling except when a separate system is required by the County due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.

[Amended by Ord. ZDO-268, 10/2/18; Amended by Ord. ZDO-273, 1/17/21; Amended by Land Use Board of Appeals Remand of Ord. ZDO-273, 1/24/22]

**Exhibit B**  
**Ordinance ZDO-273, on remand**

Findings in Response to Remand at LUBA No. 2021-003

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**BACKGROUND**

The County has identified short-term rentals to be the rental of a dwelling unit, a portion of a dwelling unit, or a guest house for overnight residential purposes, for a period of up to 30 consecutive nights. Operators/hosts may be owners, renters, or property management companies. Short-term rentals are often advertised on websites such as Airbnb, HomeAway, VRBO, VacationRentals.com, or Booking.com.

In early 2019, the Board directed staff to look into the most effective ways to potentially allow and regulate STRs for three reasons:

1. The County's Zoning & Development Ordinance (ZDO) does not clearly identify STRs as allowed in any homes in the county, and therefore, from a zoning perspective, it is considered a prohibited use of a dwelling. However, there are clearly a number of homes in the County actively being used as short-term rentals and a growing interest among homeowners in pursuing this type of use legally in the county;
2. Several properties in the county operating as STRs generated enough complaints that it became apparent that this use can cause unwanted neighborhood impacts; and
3. The Transient Room Tax (TRT) currently applies to STRs, as it does to hotels, motels and other lodging establishments. While there are a number of STRs that are paying the tax, as required, there appear to be a large number that are not. It was thought that establishing a STR registration program, linking the registration to a requirement to pay the TRT, and funding enforcement of the new regulations could help level the playing field for all lodging establishments, ensuring they are all paying their fair share.

After more than a year of research, work, and public outreach to consider the regulation of homes being used as STRs, the Board went through a series of public hearings to consider establishing a STR registration and regulation program and to clarify that short-term rentals are an allowed use in the Zoning & Development Ordinance (ZDO). As structured by staff and the Board, there were two main components to the county's overall STR program; each component had its own adoption process and post-adoption actions.

1. County Code amendments: The Board adopted a STR registration and regulation program (Chapter 8.10) into County Code on November 25, 2020, with an effective date of July 1, 2021. Due to a number of factors, the Board postponed the effective date for this program twice - most recently until July 1, 2023. However, on September 8, 2022, the Board voted to repeal the STR program (Chapter 8.10). There is currently no registration/regulation program for STRs (except that STRs continue to be required to register for and pay the transient room tax).
2. Zoning & Development Ordinance (ZDO) amendments: On December 17, 2020, the Board adopted amendments to the county's ZDO that were intended to clarify that STRs are an allowed residential use. The amendments were adopted, in part, to support the STR program that had just been adopted into the County Code, but also because the ZDO needed clarification about whether and where STRs may be allowed. After that approval, the following actions occurred:

- The ZDO amendments were appealed to the Oregon Land Use Board of Appeals (LUBA) by two parties, known as the petitioner and as the intervenor-petitioner. They identified seven Assignments of Error in the ZDO amendments.
- On January 24, 2022, LUBA issued a decision denying two of the Assignments of Error (#3 and #5 from the intervenor-petitioner) and remanding (sending back to the County) all or parts of the remaining five Assignments of Error (LUBA No. 2021-003).
- Both the County and intervenor-petitioner then appealed a limited portion of LUBA's decision to the Oregon Court of Appeals.
- On June 23, 2022, the Court of Appeals affirmed LUBA's original decision to remand the ZDO amendments back to the county (1000 Friends of Oregon v. Clackamas County, 320 Or. App. 444 (2022)).

LUBA's grounds for the remand are detailed and addressed in the "Assignments of Error Addressed" section below.

As a result of the remand, the previously-adopted ZDO amendments to allow STRs in the county are not in effect and short-term rentals remain prohibited in most zoning districts in the unincorporated areas of the county.

The amendments proposed in ZDO-273 (on remand) are intended to again clarify where STRs are permitted and also to address the Assignments of Error remanded to the county.

There was a public hearing held before the Board of County Commissioners on November 2, 2022 to consider the ZDO amendments proposed in Ordinance ZDO-273 (on remand) and to consider the findings addressing the Assignments of Error remanded to the county. At this hearing, the Board voted 3-2 to approve the proposal under ZDO-273 (on remand).

## **AMENDMENTS**

Ordinance ZDO-273 (on remand) includes amendments to the County's Zoning & Development Ordinance (ZDO) that address the grounds for remand by allowing STRs in dwelling units and guest houses *outside* the Exclusive Farm Use (EFU), Timber (TBR), and Ag/Forest (AG/F) districts zones, which are the districts in the county that directly implement Statewide Planning Goals 3 and 4. The amendments are included as **Ordinance Exhibits A**.

Specifically, the amendments would:

1. Add a definition of "short-term rental" to ZDO Section 202, *Definitions*.
2. Add "short-term rental" as an allowed use of a dwelling unit or guest house in all zoning districts where dwelling units or guest houses are allowed,
  - a. *except* for the EFU, TBR, and AG/F districts and
  - b. *except* for dwellings located in an urban or rural reserves where state law prohibits allowing new uses that were not allowed when the reserves were designated
3. Amend ZDO Section 833, *Guest Houses*, to remove existing text that specifically prohibits using a guest house as a source of rental income and replace it with text that makes it clear that the rental of a guest house on a short-term basis is allowed. Specific facilities allowed and not allowed in guest houses would also be clarified.

These amendments would not authorize a new dwelling or a new guest house that would not otherwise be authorized in any zoning district.

The Board notes that under the proposal in ZDO-273 (on remand), not all dwellings outside of the EFU, TBR and AG/F zones and outside of reserves would be allowed to be used as STRs. Dwellings that are approved with specific restrictions on occupancy or usage (for example, a temporary dwelling for care, or “hardship dwelling”) would remain ineligible for use as an STR. In addition, structures on a property that are accessory to dwellings could not separately be used as a STR, but overnight renters of the STR may be allowed to have access to accessory structures like decks or swimming pools.

In addition, four issues arose and were discussed by the Board during the hearing process for consideration of ZDO-273 (on remand):

- In its decision, LUBA does not preclude the idea that a STR might be able to be operated in a dwelling in any zoning district, including EFU, AG/F and TBR as a “home occupation”. The county’s ZDO allows for a “home occupation” to be approved, subject to the regulations found in ZDO Section 822, and even includes an option for a “home occupation” to be a bed and breakfast use. Not listing a STR as an outright allowed use of a dwelling in those zoning districts would not prevent a property owner from submitting a land use application and trying to qualify for a STR under the county’s existing home occupation rules. It was noted that for some, operating a STR may not fall neatly into the county’s existing home occupation rules. In particular, the operator must live in the dwelling.
- Staff and the Board understood, and consistently messaged to the public throughout the life of the STR project, that a STR includes the *overnight* rental of a dwelling, portion of a dwelling, or guest house. The fact that STRs must register for and pay the transient room tax, as well as the fact that the STR registration program that was recently repealed included regulations specific to the number of sleeping areas in a STR attest to this understanding. LUBA clearly understood this when it stated that *the ZDO amendments allow a person to stay in a dwelling unit or guest house overnight on a transient basis (p.22, LUBA 2021-003)*.

The hourly rental of only home amenities or other accessory structures on a property was never contemplated in the STR project and was not included in the ZDO amendments that were appealed to LUBA. However, it has come to Staff’s and the Board’s attention in recent months that there are several online platforms on which property owners can post and rent out their “home amenities,” like a pool or tennis court, on an hourly basis. As noted in written and oral testimony, this may include the hosting of parties or other events, and there was a specific request to consider this type of rental in the definition of a STR. The Board declined to make additional amendments that would outright allow the hourly rental of amenities for several reasons:

- Similar to STRs, the hourly rental of home amenities is currently not explicitly provided for in the ZDO and is therefore not allowed outright. A property owner could seek approval for this type of use as a home occupation (potentially with exceptions to the limitations on outdoor activity and noise that apply to most home occupations). In addition, the type of business referenced to in the testimony, which includes hosting pool parties, could conceivably be permitted through the county’s ZDO as a conditional use permit for a “home occupation to host events,” which does have some allowance for



outdoor activities, or as a conditional use permit for a private recreational swimming pool.

- The proposed definition of a short-term rental in ZDO-273 (on remand) has been intentionally worded to make it clear that a STR includes “overnight” rental and not the hourly rental of an accessory structure or amenity. This is a clarification of the original intent under the ZDO amendments and does not represent a policy change. The definition also clarifies that the use of home amenities by overnight guests would be allowed.
- Because the hourly rental of home amenities is not something that was within the scope of the STR project and previously adopted ZDO amendments, research into appropriate regulations for this use, as well as public outreach around this concept should occur before the Planning Commission and Board consider adopting additional ZDO amendments to allow for it outside of the existing ZDO permit options discussed above.
- Testimony was received during the hearing that the occupancy limits for an STR established by the ZDO amendments exceed what is allowed under the commercial and residential specialty building codes. While the county tries to ensure that there is consistency amongst the various regulations that apply to the use and development of property, the Board finds that the ZDO does not supersede the building codes, and the county is precluded from regulating or modifying the content of the building codes through its zoning ordinance. Assuming the ZDO does create a conflict with the building regulations, the more restrictive building regulations would control in any event.
- Testimony was also received that the proposed definition of “short term rental” conflicts with the county’s definition of “Hotel” that exists in the ZDO. As noted at the outset of these findings, and throughout the multi-year process to arrive at these amendments, the county has identified short-term rentals to be the rental of a dwelling unit, a portion of a dwelling unit, or a guest house for overnight residential purposes, for a period of up to 30 consecutive nights. The Board has chosen to regulate short-term rentals as a residential use of property, as opposed to a commercial enterprise, for purposes of land use. The text of the amendments clarify that short-term occupancies are a residential use of land that are confined to a “dwelling units” and “guest houses” which, by their own respective definitions, are buildings designed specifically for residential occupancy. The Board does not intend that that STRs be predominantly limited to commercial zoning districts or that they resemble or be developed similar to hotels or motels and does not interpret the ZDO’s definition of “Hotel” or “Motel” in a way that includes STRs. The amendments to the ZDO provide a specific definition of “Short-Term Rental” which eliminates potential confusion that these uses should fall under the more general definition of “Hotel” or are otherwise intended to be regulated, for land uses purposes, as commercial uses.

### **ASSIGNMENTS OF ERROR ADDRESSED (LUBA 2021-003)**

The following discussion summarizes the Board’s findings as they relate to each of the Assignments of Error remanded by LUBA (2021-003) and affirmed by the Oregon Court of Appeals (*1000 Friends of Oregon v. Clackamas County*, 320 Or. App. 444 (2022)).

1. First Assignment of Error (petitioner), and First and Second Assignments of Error (intervenor-petitioner): The county’s Exclusive Farm Use (EFU), Timber (TBR), and Ag/Forest (AG/F) Districts implement Statewide Planning Goals 3 (Agricultural Lands) and 4

(Forest Lands). In this assignment of error, LUBA found the County's ZDO amendments to be inconsistent with state law regulating uses on farm and forest lands, since the amendments have the effect of expanding the allowed use of a dwelling on lands zoned EFU, TBR, and AG/F.

As noted by LUBA, *ORS 215.283 lists uses that are allowed on EFU land, and a county cannot allow uses that are not listed under the statute in an EFU zone. OAR chapter 660, division 6, similarly identifies the limited uses that are allowed on forest land.* The county has three zoning districts that are regulated by ORS 215.283 and OAR chapter 660, division 6: EFU, TBR and AG/F (which allows for both farm and forest uses).

While the intent of the county's ZDO amendments was to clarify that the county did not intend to regulate length of stay in a dwelling (just as the county does not regulate long-term rental of a dwelling), both LUBA and the Court concluded that the short-term residency of a dwelling is indeed a different "use" of that dwelling than the long-term residency of a dwelling. LUBA's decision (as affirmed by the Court) makes this distinction, asserting that the short-term rental of a dwelling is indeed a new "use" of the dwelling that must be authorized under state law. Further, LUBA found that *if the county wants to allow the nonfarm short-term rental use of a dwelling unit on EFU land, that use must be allowed pursuant to either ORS 215.283(1) or (2)... and that use is not allowed under ORS 215.283. The uses that are allowed on forest land are similarly restricted by OAR 660-006-0025 and, absent any identification of authority under OAR 660-006-0025 for allowing the short-term rental use of dwelling units or guest houses on forest land, that use is not allowed.* (p.10, LUBA, Exhibit 1).<sup>1</sup>

LUBA further explains this determination with a discussion about the types of "nonfarm" uses ORS 215.283 specifically allows in dwellings on EFU lands, including residential homes and room and board arrangements and concludes that if a short-term rental were an allowed use of an existing dwelling in EFU, then it would be an ORS 215.283(2)-type use. Similarly, LUBA notes that OAR 660-006-0025(1)(d) identifies the types of dwellings allowed on Forest lands and that there are other lodging-type facilities that are specifically allowed on such lands, like a guest ranch, but short-term rental of a dwelling unit is not specified in those rules. In the case of both Agricultural and Forest Lands, uses allowed conditionally, including many of the identified uses of dwellings or lodging, require a finding that the use would not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

LUBA concludes that these state regulations *suggests a legislative intent to strictly regulate transient lodging on resource land with consideration of its effects on accepted farm and forest practices.*(p.18, LUBA, Exhibit 1). The Court concurred, stating that *we conclude that regardless of whether the question is whether the short-term rental use of dwellings is implicitly included in the allowance of "dwellings" or "residences" on [resource] land or, instead, whether state law expressly allows the short-term rental use of dwellings on land zoned for resource uses, the answer is the same: It does not.*(p.18, Court, Exhibit 1)

To address and remedy this issue, the structure of the ZDO amendments found in ZDO-273 (on remand) was revised to:

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<sup>1</sup> While not relevant to the remedy associated with these Assignments of Error, the Board does note that LUBA errs in its assumption that guest houses are an allowed use in the EFU, TBR, and AG/F Districts. In fact, guest houses are prohibited in all three of those districts because they are not listed as an authorized use in either ORS 215.283 of OAR chapter 660, division 6.

- Define “short-term rental” as *The rental of a dwelling unit, portion of a dwelling unit, or guest house for overnight residential purposes, for a period of up to 30 consecutive nights. Overnight occupancy of the dwelling unit plus any guest house shall not exceed 15 persons. A short-term rental may include use of accessory structures, such as decks or swimming pools, that are located on the same lot as the dwelling unit or guest house being rented.*
- Include STRs as an allowed use in urban and rural residential zones and certain commercial zones that allow dwellings.<sup>2</sup> Notably, these amendments do not add STRs as an allowed use in the county’s farm and forest zones that were the subject of the remand, including the EFU, TBR and AG/F Districts.

These amendments also do not allow for STRs in urban and rural reserves that were established pursuant to OAR 660, Division 27, which include the Metro area urban reserves and all the county’s rural reserves. These areas are excluded because the required restructuring of the amendments, necessitated by LUBA’s analysis, means that STRs are a separate use, rather than just a clarification of what constitutes a dwelling, and state law prohibits the county from making code changes that allow for new uses within these reserves.

However, nothing about the exclusions in EFU, TBR, and AG/F or in reserves would prevent a property owner from trying to qualify for a STR as a home occupation.

- Amend Section 833, *Guest Houses*, to remove existing text that specifically prohibits using a guest house as a source of rental income and replace it with text that makes it clear that the rental of a guest house on a short-term basis is allowed. This part of the proposal remains unchanged from the originally adopted STR amendments.

In short, the amendments proposed under ZDO-273 (on remand) would effectively allow for the STR use in dwellings and guest houses *outside* of the EFU, TBR, and AG/F Districts and the Metro area urban and rural reserves, provided that the dwelling or guest house is allowed by the underlying zoning district in which the property is located.

Therefore, the First Assignment of Error (petitioner) and First and Second Assignments of Error (intervenor-petitioner) are satisfactorily addressed.

2. Second Assignment of Error (petitioner): Given LUBA’s determination that short-term rentals are impermissible expansions of the use of dwellings on farm and forest lands, LUBA found also that the County’s amendments did not comply with Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands) or with agriculture and forest policies in the County’s Comprehensive Plan. LUBA concluded that because the ZDO amendments were

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<sup>2</sup> The ZDO sections amended by ZDO-273 (on remand) are Sections: 202, *Definitions*; 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*; 316, *Rural Area Residential 1-Acre (RA-1), Rural Area Residential 2-Acre (RA-2), Recreational Residential (RR), Rural Residential Farm Forest 5-Acre (RRFF-5), Farm Forest 10-Acre (FF-10), and Future Urban 10-Acre (FU-10) Districts*; 317, *Mountain Recreational Resort (MRR) and Hoodland Residential (HR) Districts*; 510, *Neighborhood Commercial (NC), Community Commercial (C-2), Regional Center Commercial (RCC), Retail Commercial (RTL), Corridor Commercial (CC), General Commercial (C-3), Planned Mixed Use (PMU), Station Community Mixed Use (SCMU), Office Apartment (OA), Office Commercial (OC), and Regional Center Office (RCO) Districts*; 513, *Rural Tourist Commercial (RTC) and Rural Commercial (RC) Districts*; and 833, *Guest Houses*.

not consistent with ORS 215.283 (1) and (2) and OAR chapter 660, division 6, then the amendments were necessarily inconsistent with the county's Comprehensive Plan policies that implement those provisions.

The amendments proposed under ZDO-273 (on remand) would effectively allow for the STR use in dwellings and guest houses *outside* of the EFU, TBR, and AG/F districts. The proposal includes no amendments to uses or regulations in the zones that implement Statewide Planning Goals 3 and 4 and therefore Goals 3 and 4 are not applicable. Similarly, agriculture and forest policies found in the county's Comprehensive Plan that implement those Goals are not applicable.

Therefore, the Second Assignment of Error (petitioner) is satisfactorily addressed.

3. Fifth Assignment of Error (intervenor-petitioner): LUBA found that the County did not meaningfully consider and address affordable housing policies in its Comprehensive Plan. In this Assignment of Error, LUBA found that the county did consider housing impacts generally, but did not specifically address affordable housing. Specific policies in the county's Comprehensive Plan referenced in this Assignment include the following from Chapter 6, *Housing*:

*“6.B.1 Encourage development of affordable housing (including public subsidized housing) to produce a range of housing prices and rent ranges commensurate with the range of the County's household incomes. And*

*6.B.2 Encourage the development of low-and moderate-income housing with good access to employment opportunities.”*

However, since the adoption of ZDO-273 in December of 2020, the county substantially revised Chapter 6 of the Plan and adopted a number of amendments to the ZDO to allow for more opportunities for the development of housing, including more affordable housing. These changes include substantially amending the two Comprehensive Plan policies noted in LUBA 2021-003 and identified above. Current affordable housing policies that may be relevant to the proposed amendments include:

- *6.C.1. Encourage more affordable housing by allowing for a variety of housing densities and price ranges throughout the county.*
- *6.C.2. Allow for rental units with a variety of size, location, and accessibility.*

The Board offers the following additional findings to address this Assignment of Error and specifically the relevant affordable housing policies in Chapter 6 of the Plan identified above:

- Potential impacts to affordable housing were considered throughout the life of the larger STR project (which began in 2019). Although there has been anecdotal evidence questioning if increased rental income generated from running an STR, in lieu of a traditional long-term rental, has motivated some owners to not pursue long-term rental as an option, it is important to note the following:
  - a. There are currently estimated to be as many as 1,000 STRs operating in the unincorporated area of the county, the majority of which are in the resort areas of Mt. Hood, where a large portion of the housing stock is vacation homes rather than primary residences for owner or renter occupancy; and
  - b. Based on the county's housing needs analysis (completed in 2019), there are approximately 62,000 dwelling units in the unincorporated area of the county,

meaning that only approximately 1.5% of the current housing stock in the unincorporated area are STRs.

- Several national studies have considered impacts of STRs on the price of housing. Most conclude that STRs, on average, may have a minimal impact to home prices. As noted in the Wall Street Journal article, *Short-Term Rentals Have Modest Impact on Home Prices, Study Suggests*, a report by Oxford Economics found that *short-term vacation rentals haven't significantly contributed to the rise in American housing costs*. This report found *that over a four-year period only 0.2 percentage points of the 4.3% rise in inflation-adjusted rent could be attributed to the effects of short-term rentals.*, *For home sales, the increase amounts to less than \$9 on the average monthly mortgage payment.*

On a more local level, evidence from Clatsop County suggests STRs do not have a discernable impact on housing prices. A May 2022 report compiled from short-term rental data in Clatsop County found that the data *demonstrates that there is not a correlation between the issuance of short-term rental permits and housing prices.*

The Board finds this evidence to be credible, and indicative that STRs have a *de minimis* impact on home prices and housing affordability in Clackamas County.

- Even if one were to concede that STRs may have a small impact on housing affordability or availability in some areas, this conclusion would not necessarily mean that allowing STRs is contrary to the county's affordable housing policies. The county's policies, noted above, reference allowing for and encouraging the development of a variety of housing types in a variety of locations and at a variety of price points. The county has elected to address these policies through more direct means that would have a greater impact of affordability, such as:
  - creating more opportunities for the development of a greater variety of housing;
  - providing more incentives for the development of affordable housing; and
  - amending zoning regulations to help make the development of affordable housing more financially feasible in appropriate locations near services and transit.

Along those lines, and as noted above, the county substantially revised Chapter 6 of the Plan and adopted a number of amendments to the ZDO to allow for more opportunities for the development of housing, including more affordable housing. Beyond substantially amending the two Comprehensive Plan policies that were at issue in LUBA 2021-003, the county's revisions included the following:

- Making a number of changes to the county's ZDO to increase the supply of housing that is more affordable to households at all income levels, with a focus on housing for low-income households (subsidized affordable housing) and moderate-income households (smaller units that are naturally more "affordable"). These amendments:
  1. Increased maximum allowed density for multifamily dwellings in certain commercial zones from 25 dwelling units/acre to 60 dwelling units/acre. This action will make multifamily development in these zones more financially feasible and enable developers to provide more affordable units, rather than having to price them higher to cover shared development costs.
  2. Decreased minimum off-street parking requirements for multifamily development. This action will make the development of higher-density units more feasible on a site and reduce the per-unit development costs for multifamily development.

3. Increased the affordable housing density bonus, from a maximum of 8% over base density to a maximum of 50% over base density. This action will allow and may incentivize affordable housing developers to provide more needed units.
4. Added a density bonus for mixed-use development in certain commercial zones. This action is intended to incentivize mixed-use development, in part to enable more housing to be developed in proximity to needed goods and services and to transit options.
5. Allowed duplexes, triplexes, quadplexes, townhouses, and cottage clusters (middle housing) in urban low-density residential areas, and identified development and design standards that apply to this middle housing. This action implemented House Bill 2001 [2019] and should result in the development of smaller, lower-priced dwellings, which in turn, will provide more opportunities for moderate-income households to afford rental or for-sale housing.
6. Removed the 3,000 square foot minimum lot size for residential development. This action will facilitate the development of smaller, more affordable homes on existing urban lots that were not separately developable under the previous regulations.
7. Simplified the maximum lot coverage requirements in urban low density residential zoning districts. This action increased the amount of lot area that can be covered with structures in several of these zones, which will help facilitate the development of middle housing.
8. Allowed and identified standards for middle housing land divisions. This action implemented Senate Bill 458 [2021] and will allow for more, lower-priced homeownership opportunities in the urban area.
9. Repealed design standards specific to manufactured dwellings, including minimum sizes and specific development standards that increased the expense of home placement. This action removes some of the cost barriers for manufactured dwellings and enabled them to be a more affordable option.

While these amendments are not directly tied to the amendments at issue here, related to STRs, the Board finds that allowing STRs would not interfere or undermine those other efforts noted above, which the Board believes will have a more direct and meaningful impact on achieving the affordable housing policies set out in the County's Comprehensive Plan. The Fifth Assignment of Error (intervenor-petitioner) is satisfactorily addressed.

## **CONCLUSION**

As noted previously, the county's ZDO does not clearly identify STRs as allowed in any homes in the county, and therefore, from a zoning perspective, it is not considered an allowed use of a dwelling. However, we do know there are as many as 1,000 homes in the county actively being used as short-term rentals, some of which, particularly in the resort areas on Mt. Hood, have been operating for many decades. In addition, there appears to be a growing interest among homeowners in pursuing this type of use legally in the county.

- The amendments proposed in ZDO-273 (on remand) would provide the clarity that the ZDO currently lacks regarding the rental of a dwelling on a short-term basis. This clarity would provide property owners certainty as they are making decisions to purchase a second home or to invest in improvements to their primary dwelling, financial decisions that may hinge on the supplemental income provided by the rental of that property on a short-term basis.

Further, it would provide certainty to property owners of existing STRs, many of which have been operating for several decades. Owners of existing STRs in zoning districts that are *not* EFU, AG/F or TBR and *not* in urban or rural reserves would be assured that there would not be code enforcement action taken on them in the future simply because of the use of the dwelling or guest house as such.

- The amendments proposed to ZDO Section 833, *Guest Houses* would remove the specific prohibition on using a guest house as a source of rental income and allow a property owner to rent their guest house on a short-term basis. By its definition, a guest house is not a separate dwelling unit – it cannot contain separate laundry and kitchen/cooking facilities and is indeed intended only for “guests” of the family residing in the primary dwelling unit. Adding the ability of the resident family to rent the guest house on a short-term basis could similarly provide an opportunity for supplemental income, while retaining the intent of the guest house to be occupied only by guests or employees and not by a separate family living in the unit on a long-term basis. In addition, this allowance is a change that was specifically requested by members of the public and supported by the Board during the extensive process to consider a STR program.
- Nothing in these amendments would authorize a new dwelling or a new guest house that would not otherwise be authorized in any zoning district.
- With the amendments proposed in ZDO-273 (on remand) and the additional findings provided above, all the relevant Assignments of Error remanded to the county by LUBA (and affirmed by the Court) have been satisfactorily addressed.

The Board finds amendments in ZDO-273 (on remand) are necessary to clarify that STRs are an outright allowed use in many areas of the unincorporated county and are necessary to address the Assignments of Error remanded in LUBA 2021-003 and affirmed in *1000 Friends of Oregon v. Clackamas County*, 320 Or. App. 444 (2022).