



## OFFICE OF COUNTY COUNSEL

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

December 2, 2021

Board of County Commissioners  
Clackamas County

Members of the Board:

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**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 Comprehensive Plan and  
Zoning and Development Ordinance Amendments  
ZDO-277 – Phase 1: Land Use Housing Strategies Project,  
Comprehensive Plan and Zoning and Development Ordinance Amendments**

<b>Purpose/Outcomes</b>	Amend the Clackamas County Comprehensive Plan and the 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 public hearings on October 6, 2021 and November 3, 2021
<b>Strategic Plan Alignment</b>	The project aligns with the goal to <b>ensure safe, healthy, and secure communities</b> by providing a comprehensive look at strategies that can be implemented through the ZDO to provide for more housing opportunities in county locations that will be appropriate, safe and affordable for the wide variety of households in the county. The project will also help the county achieve the housing targets identified for the Dept. of Transportation & Development (DTD) to provide zoning/places for 700 new dwelling units affordable to households between 60% and 110% of the area's median income (AMI) by 2025.
<b>Counsel Review</b>	11/22/21 (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 Comprehensive Plan and 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:**

ZDO-277 is a package of legislative amendments to the Clackamas County Comprehensive Plan and Zoning and Development Ordinance (ZDO), which would implement the first phase of the Land Use Housing Strategies project (LUHSP). The LUHSP is a three-phased project that was initiated in 2020, at the direction of the BCC, to consider amendments to the county's Zoning & Development Ordinance (ZDO) to provide more opportunities for housing development in unincorporated Clackamas County.

The amendments included in ZDO-277 would:

1. Increase the county's affordable housing density bonus for multifamily development;
2. Reduce overall multifamily minimum parking requirements and allow additional reductions for multifamily housing within ¼-mile walking distance of a light rail station; and
3. Increase the multifamily housing density allowed in four commercial zoning districts (General Commercial [C-3], Corridor Commercial [CC], Office Commercial [OC] and Retail Commercial [RTL]) and include an additional density bonus for multifamily housing developed as part of a mixed-use development in these zoning districts.

To achieve all this, ZDO-277 includes amendments to Chapters 5 and 6 of the Clackamas County Comprehensive Plan and amendments to Sections 510, 1012, and 1015 of the Clackamas County Zoning and Development Ordinance (ZDO).

A public hearing was held on August 23, 2021, for Planning Commission consideration of the proposed Plan and ZDO amendments. The Planning Commission voted to recommend approval of all the items included in ZDO-277.

A public hearing was held on October 6, 2021, for the BCC's consideration of this recommendation. At this hearing, the BCC voted unanimously (5-0) to approve the first item – increasing the affordable housing density bonus. The other two items were continued to November 3<sup>rd</sup> for discussion and deliberation.

At the continued public hearing on November 3, 2021, the Board voted to approve all or portions of the two remaining items through a series of motions, as follows:

- Vote to increase multifamily housing density in commercial zones: 5-0
- Vote to include density bonus for housing developed as part of mixed-use development: 5-0
- Vote to decrease overall multifamily minimum parking requirements: 4-1
- Vote to include additional reduction to multifamily minimum parking requirement for developments within ¼-mile walking distance of a light-rail station: 3-2

On a vote of 3-2, the Board declined to approve the recommendation of the Planning Commission and staff to reduce the overall amount of parking required for any multifamily development that is affordable to households earning at or below 60% of the area's median income.

The final motion for the BCC to approve ZDO-277, in a manner the implements the Board direction based on all prior approved motions related to the various items from the November 3<sup>rd</sup> and October 6<sup>th</sup> public hearings passed by a vote of 4-1.

The attached Exhibits A and B reflect the amendments, as approved by the BCC. The attached Exhibit C, which is attached to the ordinance and incorporated as if fully set out in the ordinance itself, contains the findings supporting the Board's decision.

**RECOMMENDATION:**

Staff respectfully requests that the BCC adopt the proposed ordinance.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

Attachments:  
Proposed Ordinance with Exhibits A and B  
Findings in Exhibit C

**ORDINANCE NO. ZDO-277****An Ordinance Amending Chapters 5 and 6 of the Clackamas County Comprehensive Plan and Amending Sections 510, 1012, and 1015 of the Clackamas County Zoning and Development Ordinance (ZDO)**

WHEREAS, the Clackamas County *Housing Needs Analysis (HNA)*, completed in 2019 at the direction of the Clackamas County Coordinating Committee (C4), the Board of County Commissioners (Board), and County Administration, found that housing in the county has become less affordable and that over the next 20 years there is expected to be a deficit of available residential land for as many as 5,000 dwelling units in the urban unincorporated area; and

WHEREAS, The *Housing Affordability and Homelessness Task Force*, appointed by the Board in 2018, recommended actions the county can take to address housing affordability issues, including strategies related to funding, housing services and housing supply; and

WHEREAS, the Board's *Performance Clackamas* strategic plan identified a five-year goal for the Department of Transportation & Development to provide zoning/places for 700 new dwelling units affordable to households from 60% to 110% of the area's median income (AMI); and

WHEREAS, the Planning & Zoning Division, at the direction of the Board, initiated a three-phased project to consider amendments to the county's Zoning & Development Ordinance (ZDO) to provide more opportunities for housing development in unincorporated Clackamas County; and

WHEREAS, the first phase of that project would begin to address the identified housing needs by increasing the density bonus for affordable multifamily housing and for any multifamily housing developed as part of a mixed-use development in certain areas; allowing for lower off-street parking minimums for all multifamily developments with additional reductions allowed for multifamily housing near light-rail stations; and by increasing the maximum multifamily housing density allowed in certain commercial zones, which would all be achieved with the amendments to the Comprehensive Plan and ZDO in Attachments A and B, hereto attached; and

WHEREAS, the amendments are also consistent with Statewide Planning Goals and Guidelines, the Metro Urban Growth Management Functional Plan, the Clackamas County Comprehensive Plan, and the ZDO, as found in Exhibit C, hereto attached; and

WHEREAS, after duly-noticed public hearings on October 6, 2021 and November 3, 2021, and after considering a recommendation by the Planning Commission following their public hearing on August 23, 2021, the Board of County Commissioners orally approved the amendments; now therefore

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapters 5 and 6 of the Clackamas County Comprehensive Plan and Sections 510, 1012, and 1015 of the Clackamas County Zoning and Development Ordinance (ZDO) are hereby amended, as shown in Exhibits A and B, hereto attached.

**Section 2:** This Board adopts as its findings and conclusions the materials attached hereto and identified as Exhibit C.

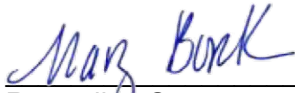
**Section 3:** This ordinance shall be effective on January 1, 2022.

ADOPTED this 2<sup>nd</sup> day of December, 2021

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary

Exhibit A

Ordinance ZDO-277

Comprehensive Plan Amendments

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

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**Chapter 5: TRANSPORTATION SYSTEM PLAN**

The Clackamas County Transportation System Plan (TSP) will guide transportation related decisions and identify the transportation needs and priorities in unincorporated Clackamas County from 2013 to 2033. The TSP has been created in coordination with the County's 16 cities, the State of Oregon, area transit providers, and other affected agencies and has been vetted through an extensive public process, including a series of public outreach events and twelve Public Advisory Committee meetings. The public and county staff worked together to develop the following vision for the TSP and six goals to guide implementation of this vision:

*Building on the foundation of our existing assets, we envision a well-maintained and designed transportation system that provides safety, flexibility, mobility, accessibility and connectivity for people, goods and services; is tailored to our diverse geographies; and supports future needs and land use plans.*

**TSP GOALS**

- Goal 1: Provide a transportation system that optimizes benefits to the environment, the economy and the community
- Goal 2: Plan the transportation system to create a prosperous and adaptable economy and further the economic well-being of businesses and residents of the County.
- Goal 3: Tailor transportation solutions to suit the diversity of local communities.
- Goal 4: Promote a transportation system that maintains or improves our safety, health, and security.
- Goal 5: Provide an equitable transportation system.
- Goal 6: Promote a fiscally responsible approach to protect and improve the existing transportation system and implement a cost-effective system to meet future needs.

**BACKGROUND AND ISSUES**

The County's transportation system includes an extensive network of public and private transportation facilities, including roads, railways, airports, pipelines, waterways, and multi-use paths. The system is intended to allow people to travel where they need to go safely and efficiently, while also providing for efficient movement of goods. The County's transportation system is also intended to support sustainable land use patterns and policies to serve a

multitude of public needs without sacrificing air and water quality or creating noise pollution.

Government agencies, public and private service providers, and developers are involved in building and maintaining the County's transportation system. Metro, Portland's metropolitan planning organization, sets general policy guidelines for design, distributes regional funding for certain types of projects within its boundary, and sets standards for the operation of the transportation system located within the Portland Metropolitan Urban Growth Boundary (UGB). All transportation facilities must conform to standards and guidelines outlined by federal, state and, in some cases, Metro regulatory documents.

Clackamas County faces several challenges as it attempts to continue to develop and maintain a safe and integrated transportation system, appropriate for and accessible to all potential users.

- Limited funding: Funding levels for roads, the backbone of the transportation system, have not kept pace with the mobility needs of our society. Limited funding makes it a challenge to balance the need for maintenance and management of existing facilities with the need for building new facilities to accommodate increased trip demand. As a result, the backlog of needed road maintenance and construction projects has grown larger.
- Reducing congestion: Community members help reduce traffic congestion when they choose to take the bus, join a carpool, or bicycle and walk to destinations. Reducing congestion decreases the need for costly road construction projects while improving air quality, neighborhood livability and access to goods, services and employment.

Improving the relationship between land uses and transportation can also decrease reliance on automobiles and reduce congestion. Some ways to improve this relationship are to: alter the site design of new construction at or near major transit stops; increase connectivity in transportation systems; provide better pedestrian and bicycle facilities; use land more efficiently; and encourage mixed-use developments.

- Balancing needs: All land-based modes of travel, except rail and pipeline, must share the public rights-of-way. These modes includes autos, trucks, buses, bicycles, pedestrians and, in some localities, equestrians. Balancing the need for mobility (through movement of traffic) with the need for local movement and access to individual properties often creates design and safety challenges for roadways.
- Safety: From 2005 to 2009, there were approximately 160 fatalities and 1,245 serious injuries in Clackamas County due to traffic crashes. One of the County's goals is to improve the safety of its system for all users and reduce the number and severity of crashes for future years. Developing facilities to accommodate all modes of travel will help reduce conflicts that lead to safety problems for some users. The adopted Transportation Safety Action Plan calls for a 50 percent reduction of fatal and serious injury crashes by 2022.
- Fostering economic growth: Monitoring the effects of transportation on employment and economic activity is important during both good and bad economic times. Of particular significance are the ways transportation can be used as a tool to sustain and promote economic development both in the urban industrial and commercial centers and within the

county's distinctive rural economy, including agriculture, forestry and equestrian facilities.

- **Addressing environmental impacts:** Development of transportation infrastructure needs to be sensitive to potential impacts to neighborhoods and to the natural environment, in order to create and maintain livable communities, preserve air and water quality, and conserve energy.

The northwest urban area of the County is within a designated Air Quality Maintenance Area (AQMA). Presently the AQMA meets state and federal air quality standards, but federal law requires the region to implement measures to maintain federal air quality standards. Federal law also prohibits significant degradation of air quality in the Mt. Hood Wilderness.

- **Ensuring accessibility:** In many areas of the County, transportation disadvantaged populations, such as the elderly, disabled or low-income residents, need improved access to public transit and special transportation services. Clackamas County will ensure that new and rebuilt roads are planned and designed to perform all necessary functions, including being accessible to those who choose not to drive or cannot drive.
- **Maintaining and improving rural area roads:** Clackamas County also is challenged by the responsibility to maintain and develop a safe and functional road network in rural areas. Upgrades to aging rural roadways are needed to enhance safety and accommodate different modes of travel.

## **TSP ORGANIZATION**

To implement the vision and goals and to address the issues identified above, a series of policies have been created to direct the County in its efforts to build and maintain a multi-modal transportation system. Under each policy category, the countywide policies are listed first, followed by the urban policies, and the rural policies.

The policies are presented in this chapter by major topic or transportation mode as follows:

- **Foundation and Framework:** includes policies relating to coordination; safety; equity, health and sustainability; intelligent transportation systems; and transportation demand management
- **Land Use and Transportation:** includes policies relating to the integration of land use and transportation; parking; rural tourism; and scenic roads.
- **Active Transportation:** includes policies relating to pedestrian and bicycle facilities and multi-use paths.
- **Roadways:** includes policies relating to functional classification; urban and rural roadway considerations; project development; improvements to serve development; and performance evaluation and access standards.
- **Transit:** includes policies relating to transit and transit-supportive amenities.
- **Freight, Rail, Air, Pipeline and Water Transportation:** includes policies relating to general



freight movement; freight trucking; rail; airports; pipelines; and water transportation.

- **Finance and Funding:** includes policies relating to funding capital transportation improvements and maintenance.
- **Transportation Projects and Plans:** includes policies relating to the 20-year and five-year capital improvement plans. Also identifies Special Transportation Plans that are adopted by reference as refinements of the TSP and plans or studies that need to be completed in the future to support the TSP.
- **Definitions:** relevant definitions for use within this chapter.

The TSP also contains the following components:

- The County's **20-year Capital Improvement Plan:** a complete list of needed transportation-related projects to address gaps and deficiencies in the transportation network (Tables 5-3[a-d]).
- **Tables, Maps and Figures** illustrating the transportation system and street cross sections, and presenting guidelines and standards for developing the system.
- **Background documents** including detailed findings and conclusions relating to the various components of the transportation system (Appendix B).

## FOUNDATION AND FRAMEWORK

Clackamas County's transportation networks serve local communities and also tie into regional networks. Creating a transportation system that is safe and accessible for all users must be done within the context of federal, state, and regional regulations. The system needs to be responsive to new initiatives adopted by these regulatory bodies to ensure the development of a complete and sustainable transportation system. It needs to be responsive to new approaches, techniques and measures developed for assessing the performance of the system. Intelligent Transportation Systems (ITS) and Travel Demand Management (TDM) techniques are two such tools that can be effective in managing the costs of the system and enabling better performance.

Safety is consistently mentioned by citizens as one of the highest concerns related to the transportation system, regardless of individuals' preferred methods of travel. The accessibility of the transportation system for all individuals is also a primary concern. Therefore, prioritizing safety and accessibility is essential in the planning, design, operation and maintenance of the transportation system.

### 5.A Compliance and Coordination Policies

- 5.A.1 Support intergovernmental partnerships needed to promote coordination and address multi-jurisdictional transportation needs.
- 5.A.2 Work collaboratively with federal, state, regional, and local agencies and with County residents to pursue the County's road safety programs and plans.
- 5.A.3 Work with state and local partners to implement the Oregon Transportation Safety Plan.
- 5.A.4 Coordinate with the Oregon Department of Transportation (ODOT) in implementing the Oregon Transportation Plan (OTP), Oregon Highway Plan (OHP), Statewide Transportation Improvement Program (STIP), and with other state transportation planning policies, guidelines and programs.
- 5.A.5 Work with the Oregon Office of Emergency Management to ensure that the TSP supports effective responses to natural and human-caused disasters and emergencies and other incidents, and access during these incidents.
- 5.A.6 **Urban** Coordinate with Metro and local governments to implement the Regional Transportation Plan (RTP), Regional Transportation Functional Plan (RTFP), Urban Growth Management Functional Plan (UGMFP), and local transportation plans.
- 5.A.7 **Rural** Pursue formation of an Area Commission on Transportation (ACT) for the portions of Clackamas County outside the Portland Metropolitan Urban Growth Boundary to facilitate a coordinated approach to addressing issues on the state transportation system.

**5.B Road Safety Policies**

- 5.B.1 Update the Clackamas County Transportation Safety Action Plan (TSAP) every five years to include necessary changes and document the progress toward the plan's goal of a 50 percent reduction in fatal and serious injury crashes by 2022.
- 5.B.2 Identify transportation system safety improvements that will reduce fatal and injury crashes for all modes of travel and meet the TSAP goal.
- 5.B.3 Address the County's top three crash cause factors of Aggressive Driving, Young Drivers (ages 15-25) and Roadway Departure utilizing education, emergency medical services, enforcement, engineering and evaluation.
- 5.B.4 Support programs, policies, regulations and actions that increase awareness and education about the safety of the transportation system for all users.
- 5.B.5 Support programs that utilize data-driven approaches to improve safety of the transportation system.
- 5.B.6 Align County departments, external safety groups, and other public agencies toward common transportation safety goals.
- 5.B.7 Integrate roadway, safety and traffic data management, health and emergency services data sources.
- 5.B.8 Integrate Highway Safety Manual (HSM) principles into the planning, engineering, design, operation and maintenance of the transportation system.

**5.C Equity, Health and Sustainability Policies**

- 5.C.1 Support programs and projects, such as pedestrian and bike connections to transit stops, that expand and improve transportation options for residents in areas with identified transportation-disadvantaged populations.
- 5.C.2 Protect neighborhoods, recreation areas, pedestrian facilities, bikeways and sensitive land uses (such as schools, daycare centers and senior centers whose users are more vulnerable to pollution) from transportation-related environmental degradation. Coordinate transportation and land use planning and use mitigation strategies, such as physical barriers and design features, to minimize transmission of air, noise and water pollution from roads to neighboring land uses.
- 5.C.3 Work with public agencies, private businesses and developers to increase and improve infrastructure necessary to support use of vehicles that use alternative fuels.
- 5.C.4 Ensure that programs to encourage and educate people about bicycle, pedestrian, and transit transportation options are appropriate for all County residents, particularly transportation-disadvantaged populations.

- 5.C.5 Build working partnerships between the County’s Public Health and Transportation Divisions and utilize tools, such as health impact assessments, to better connect the effects of transportation projects with the health of communities.
- 5.C.6 Support the continued provision of public transportation services to County populations that are un-served or under-served, as well as the network of community-based, transportation services for seniors and persons with disabilities.

**5.D Intelligent Transportation Systems (ITS) Policies**

- 5.D.1 Implement a wide range of ITS strategies aligned with the TSP vision and goals by ensuring safe, efficient, and equitable mobility for people and goods.
- 5.D.2 Update the ITS Action Plan every five years as part of the County’s 5-Year Capital Improvement Program.

**5.E Transportation Demand Management (TDM) Policies**

- 5.E.1 Implement Transportation Demand Management techniques—including education, encouragement, and enforcement—appropriate for all County residents , in order to increase efficient use of existing transportation infrastructure and minimize congestion and safety concerns by offering choices of mode, route, and time.
- 5.E.2 Support and participate in efforts by Metro, the Department of Environmental Quality (DEQ), transit providers, and any area Transportation Management Associations (TMAs) to develop, monitor and fund regional TDM programs.
- 5.E.3 Provide adequate bicycle and pedestrian facilities to employment areas to encourage use of bicycles or walking for the commute to work and to improve access to jobs for workers without cars.
- 5.E.4 Support programs that work with schools to identify safe bicycle and pedestrian routes to connect neighborhoods and schools. Seek partnerships and funding to support improvement of these routes.
- 5.E.5 **Urban** Work with County employers located in concentrated employment areas to develop Transportation Management Associations (TMAs) to coordinate and support private-sector TDM efforts and to work toward mode share targets (Table 5-1) adopted in this Plan.

5.E.6 **Urban** Establish the following year 2040 non-drive-alone targets for growth concept design types (as identified on Map 4-8):

**TABLE 5-1**  
**Year 2040 Non-Drive-Along Modal Targets**

Design Type	Non-Drive-Along Modal Target
Regional Centers Station Communities Corridors	45-55% of all vehicle trips
Industrial Areas Employment Areas Neighborhoods Regionally Significant Industrial Areas	40-45% of all vehicle trips

5.E.7 **Rural** Encourage employers and schools outside urban growth boundaries to implement a range of TDM policies to help their employees and students reduce vehicle miles traveled, maximize use of existing transportation facilities, and increase walking, biking and transit use.

## LAND USE AND TRANSPORTATION

Integrating transportation plans with land use plans is a key element in effective management and operation of the entire transportation system. Roads support the wide range of land activities that take place in both the urban and rural areas. Because of the diverse nature of activities and land use types found in Clackamas County, it is of particular importance that the transportation systems are designed to accommodate both urban networks and the different needs of rural area users, including providing safe routes for users of all modes to enjoy the rural area's scenic beauty, and for those participating in agri-tourism and activities related to forestry.

Planning for appropriate amounts of parking supports efficient development of the land within communities. Accommodating on-street parking and planning for off-street parking needs are Transportation System Management (TSM) techniques that are consistent with the Metro Region's 2040 Growth Concept, meet the objectives of the Transportation Planning Rule (TPR), and comply with DEQ's Air Quality Maintenance Plan.

### **5.F Integration of Land Use and Transportation Policies**

- 5.F.1 Land use and transportation policies shall be integrated consistent with state law regarding preservation of farm and forest lands.
- 5.F.2 Support efforts to enhance and maintain the function of State highways and County arterials through land use policies, access management strategies, and roadway improvements.
- 5.F.3 Support and promote an integrated approach to land use and transportation planning and implementation that encourages livable and sustainable communities, decreases average trip length and increases accessibility for all modes.
- 5.F.4 Support and promote transportation investments that support complete and sustainable communities as a long-term strategy to reduce reliance on long commutes out of the County to employment destinations.
- 5.F.5 Recognize the County's rural economic engine and the importance of moving goods from rural businesses (including farms, nurseries, livestock, and lumber) to distribution centers.
- 5.F.6 Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule [Oregon Administrative Rules (OAR) 660-012-0060].
- 5.F.7 **Urban** Require changes in land use plan designation within the Interchange Management Areas identified on Map 5-7 to be consistent with the Transportation Planning Rule (OAR 660-012-0060). If the land uses allowed by the new land use plan designation would cause the interchange mobility standards to be exceeded, either the change shall be denied or improvements shall be made such that the mobility standards are met.

### 5.G. Parking Policies

- 5.G.1 Set minimum and, where appropriate, maximum limits on allowed off-street parking of motor vehicles relative to building size, location and use, and to adjacent land uses. In the urban area, parking standards shall be coordinated with regional parking requirements.
- 5.G.2 Require new multi-family, commercial and institutional development to provide bicycle parking.
- 5.G.3 Allow shared parking and, where appropriate, on-street parking to be used to comply with parking standards.
- 5.G.4 **Urban** Allow the removal of existing, on-street parking along arterials and collectors to create bikeways, construct travel or turning lanes, or increase sight distance.
- 5.G.5 **Urban** Increase area for on-street parking in residential zoning districts by minimizing the width of driveway accesses.
- 5.G.6 **Urban** Encourage off-street parking in commercial, industrial, and high density residential areas to be located at the sides or rear of buildings, where practical.
- 5.G.7 **Urban** Consider allowing for decreased parking area requirements for development that:
  - provides housing in close proximity to a light-rail station; or
  - is located along a transit routes, if the development provides pedestrian, bicycle and transit amenities. See Map 5-8a.
- 5.G.8 **Urban** Consider requiring shared parking within mixed-use development and where adjacent land uses are compatible.

### 5.H Rural Tourism Policies

- 5.H.1 **Rural** Encourage agri-tourism and other commercial events and activities that are related to and supportive of agriculture, in accordance with the provisions of ORS 215. Mitigation of traffic impacts and other event impacts may be required to reduce the effects of these limited land uses on the County road system.

### 5.I Rural Scenic Roads Policies

- 5.I.1 Implement a County Scenic Road System that is safe and attractive for all users.
- 5.I.2 Promote the protection of recreation values, scenic features and an open, uncluttered character along designated scenic roads.

Developments adjacent to scenic roads shall be designed with sensitivity to natural conditions and:

- 5.I.2.1 Scenic roads shall have strict access control on new developments.

- 5.1.2.2 Scenic roads should have shoulders wide enough for pedestrians or bicycles, or a separated path where feasible and when funding is available.
  - 5.1.2.3 Turnouts shall be provided where appropriate for viewpoints or recreational needs.
  - 5.1.2.4 Design review of developments adjacent to scenic roads shall require visual characteristics and signing appropriate to the setting.
  - 5.1.2.5 Buildings shall be set back a sufficient distance from the right-of-way to permit a landscaped or natural buffer zone.
  - 5.1.2.6 Parking areas adjacent to scenic roads shall be separated from the right-of-way by a landscaped buffer.
  - 5.1.2.7 Any frontage roads adjacent to scenic roads shall be separated by a vegetative buffer where feasible
  - 5.1.2.8 Underground placement of utilities shall be encouraged.
- 5.1.3 The following facilities shall be designated scenic roads: (*see Map 5-1 Scenic Roads*)
- Wilsonville Road
  - Stafford Road (City of Lake Oswego to Mountain Road)
  - Schaeffer Road
  - Pete’s Mountain Road (Schaeffer Road to the Tualatin River)
  - SW Mountain Road, Canby Ferry Road, N. Locust, NE 37th, and Holly Street
  - Canby-Marquam Highway (City of Canby to Hwy 211)
  - Clackamas River Drive
  - Springwater Road (Clackamas River Drive to Hayden Road)
  - Hayden Road
  - Redland Road
  - Fischer’s Mill Road
  - Marmot Road/Barlow Trail Road/
  - Ten Eyck Road/SE Lusted Road from Ten Eyck Road to the County line.
  - Lolo Pass Road
  - Salmon River Road
  - Still Creek Road
  - Timberline Road and West Leg Road
  - I-205 west of the Willamette River
  - Highway 99E from Oregon City to New Era Rd
  - Oregon City Bypass (Newell Creek Canyon segment)
  - Highway 211 (Canby-Marquam Highway to Estacada)
  - Highway 224 (Carver to Barton and south of Estacada)
  - Highway 26 east of the City of Sandy
  - Highway 35/Forest Service Road 386
- 5.1.4 Support implementation of the Oregon Scenic Byway System, including the Mt. Hood Scenic Byway and the West Cascades Scenic Byway.



## ACTIVE TRANSPORTATION

Recognizing the increasing importance of having multiple ways to travel through a community and through the region has led to an increased awareness for designing transportation systems to safely enhance active transportation modes. “Active Transportation” is defined to include walking, bicycling and horseback riding.

The County completed transportation systems planning for pedestrian and bicycle modes in 1995 to implement the state’s Transportation Planning Rule (TPR), particularly the following TPR principles:

- Land use and transportation are intimately related.
- Over reliance should not be placed on any one transportation mode.
- Walking and bicycling reduce the number of motorized vehicle trips.
- Compact, mixed-use development encourages the use of non-motorized modes.
- Well-planned, properly designed facilities will encourage people to make trips by non-motorized modes.
- Facilities for these non-motorized modes are essential for people not having access to an automobile, and constitute desirable elements in a well-designed community that are enjoyed by people who can drive, but choose to walk or bicycle.

These principles underlie the development of the Clackamas County Pedestrian Master Plan and the Clackamas County Bicycle Master Plan, both of which are adopted by reference. Both master plans were prepared under the guidance of the Clackamas County Pedestrian and Bikeway Advisory Committee, which was guided by the following vision:

*Create an environment which encourages people to bicycle and walk on networked systems that facilitate and promote the enjoyment of bicycling and walking as safe and convenient transportation modes.*

The Clackamas County Active Transportation Plan (ATP), adopted by reference in Appendix A, contains priority routes connecting communities in both the urban and rural portions of the County. Development of the principal active transportation routes described in the ATP would provide opportunities for residents to safely bicycle or walk to schools, parks, shopping, and employment centers.

### 5.J General Active Transportation Policies

- 5.J.1 Coordinate the implementation of pedestrian facilities and bikeways with neighboring jurisdictions and jurisdictions within the county.

- 5.J.2 Ensure an opportunity for a diverse and representative citizen involvement in the county pedestrian and bicycle planning process by sponsoring the Clackamas County Pedestrian and Bikeway Advisory Committee (CCPBAC) as a forum for public input. Recruit representatives of transportation disadvantaged populations as part of this process.
- 5.J.3 Monitor and update the Clackamas County Pedestrian Master Plan, Bicycle Master Plan, and Active Transportation Plan through data collection and evaluation, and review activities necessary to maintain and expand the programs established in these plans.
- 5.J.4 Support bicycle, pedestrian and transit projects that serve the needs of transportation disadvantaged populations.
- 5.J.5 Coordinate with pedestrian, bicycle, and trail master plans, and with special transportation plans of the County, Oregon Department of Transportation, the United States Forest Service, Metro, and parks providers to achieve safe and convenient crossings and off-road, multi-use path and trail systems connecting to on-road pedestrian facilities and the bikeway networks.
- 5.J.6 Support the continuation of the “Bikes on Transit” program on all public transit routes.
- 5.J.7 Inform property owners of their responsibilities for the maintenance of sidewalks and pedestrian pathways.
- 5.J.8 Identify low traffic volume streets that are appropriate for signing as bicycle routes to enhance safety and connectivity and to supplement the system of bikeways found on the major street system.
- 5.J.9 **Rural** Support bicycle and pedestrian projects that improve access to public transit stops and provide connections to significant local destinations.

**5.K Design Policies**

- 5.K.1 Require bikeways and pedestrian facilities for all new roadway construction or substantial reconstruction, allowing for flexibility to accommodate characteristics of terrain, scenic qualities, existing development, and environmental constraints.
- 5.K.2 Design and implement innovative bicycle and pedestrian facilities that improve the convenience and safety of these facilities. Use facility types described in the Active Transportation Plan as a reference.
- 5.K.3 Improve the safety and appeal of walking and biking by supporting the development of bikeways and pedestrian facilities and networks on low volume or local roads and off of existing street rights-of-way.
- 5.K.4 **Urban** Identify pedestrian facilities and bikeway improvements necessary to ensure direct and continuous networks of pedestrian facilities and bikeways on the county road system.

- 5.K.5 **Urban** Identify locations where bicycle and pedestrian access is blocked by rivers and other natural barriers and encourage the creation of bicycle and pedestrian facilities to extend across these barriers.
- 5.K.6 **Urban** Review development plans to ensure that they provide bicycle and pedestrian access.
- 5.K.7 **Urban** Create a networked system of pedestrian facilities and bikeways connecting cities, neighborhoods, commercial areas, community centers, schools, recreational facilities, employment centers, other major destinations, regional and city bikeways and pedestrian facilities, and other transportation modes. Utilize separate accessways for pedestrian facilities and bikeways where street connections are impractical or unavailable.
- 5.K.8 **Rural** Support the safe movement of equestrians in rural areas.

**5.L Construction Policies**

- 5.L.1 Construct all pedestrian facilities, bikeways, and multi-use paths according to the current County design standards and to the applicable cross section, allowing for flexibility to accommodate characteristics of terrain, scenic qualities, existing development, and environmental constraints, and different designs identified in adopted Special Transportation Plans.
- 5.L.2 Construct all pedestrian facilities, bikeways, and multi-use paths designated on the Planned Bikeway Network (Maps 5-2a and 5-2b); the Essential Pedestrian Network (Map 5-3); and the Active Transportation Plan (Maps 5-12a and 5-12b).
- 5.L.3 Construct interim pedestrian facilities and bikeways, as appropriate, on existing streets that are not built to the applicable cross section and where the construction of full street improvements is not practicable or imminent as determined by the County Planning Director and County Road Official or County Engineer.
- 5.L.4 **Urban** Require that new development include construction of walkways and accessways within the development and between adjacent developments, where appropriate.
- 5.L.5 **Rural** In Unincorporated Communities, construct walkways adjacent to or within areas of development (such as schools, businesses, or employment centers) and at rural transit stops.

**5.M Facilities Policies**

- 5.M.1 Encourage the provision of appropriate, supportive facilities and services for bicyclists, including showers, lockers, bike racks on buses, bike repair and maintenance information/clinics, and secure bicycle parking.
- 5.M.2 Establish and maintain way-finding systems to facilitate bicycle travel.

- 5.M.3 Install and maintain the signage and bicycle amenities identified in the Active Transportation Plan.
- 5.M.4 **Urban** Encourage the provision of street lighting to increase the visibility and personal security of pedestrians and bicyclists.

**5.N Multi-Use Path Policies**

- 5.N.1 Support acquisition and development of multi-use paths on abandoned public and private rights-of-way.
- 5.N.2 Collaborate with the appropriate service providers, such as park providers, to plan for multi-use paths that accommodate equestrian facilities where possible.
- 5.N.3 **Rural** Consider multi-use paths where travel lanes or wide paved shoulders along roadways may not provide adequate safety for pedestrians or bicyclists.
- 5.N.4 **Rural** Consider equestrian uses when designing and constructing multi-use paths. Work with local communities and interest groups to plan, develop and maintain multi-use paths that also provide equestrian features. Plan for parking areas at such multi-use paths that support parking needs of equestrians, as well as needs of other path users.
- 5.N.5 **Rural** Establish a program to plan, develop, and maintain multi-use paths in the rural part of the County.

## ROADWAYS

The County's road system permits the movement of goods and people between communities and regions, using any of a variety of modes of travel. Roads provide access to virtually all property. They support established communities and serve new development. They connect rural communities and urban neighborhoods. Roads give structure to our urban form, define our commuting patterns and influence our perceptions of what is far away or close at hand.

Creating and maintaining a safe, continuous County-wide road system, which accommodates movement by all travel modes, means setting standards for development of new roads and redevelopment of existing roads, including design and access standards for urban and rural roads. To ensure roads continue to meet the transportation demands of the County, a method to measure the ongoing performance of the system is essential. In response to new technologies and financial constraints, recent changes have been made to these standards on the state and regional levels. These changes are reflected in this TSP.

### 5.0 Functional Classification and Design Policies

- 5.0.1 Designate and develop roadways according to the functional classifications and guidelines illustrated in the County Road Typical Cross Sections (Figures 5-1a through 5-1f, and Figures 5-2a through 5-2f) while allowing flexibility to accommodate characteristics of terrain, scenic qualities, environmental constraints, existing development, and adopted Special Transportation Plans.
- 5.0.2 Designate freeways, arterials, collectors and connectors as shown on Map 5-4a and Map 5-4b. Roadways that do not presently exist but are shown on these maps are shown in approximate locations.
- 5.0.3 Maintain and improve roads consistent with their functional classification, and reclassify roads as appropriate to reflect function and use.
- 5.0.4 Develop and implement traffic calming strategies, appropriate for the road functional classification, that will improve the safety and convenience of travel by all modes, particularly in areas with high crash rates or high rates of bicycle and/or pedestrian activity.
- 5.0.5 **Urban** Consider the Metro Regional Street Design Classifications when designing new county roads or redesigning existing county roads, prior to construction or reconstruction. Map 5-5 shows which roads are designated by each Design Classification.
- 5.0.6 **Urban** Minimize impacts of managing storm water by allowing for Metro's alternative street standards, such as "green streets," as design alternatives.
- 5.0.7 **Urban** Design arterials and collectors to allow safe and convenient passage of buses, bicycles, and pedestrians.

- 5.O.8 **Urban** Streets, alleys, bikeways, pedestrian facilities, multi-use paths, trails and transit stops are allowed uses in all urban zoning districts. Consider all state and County policies relating to these facilities when widening, improving or constructing new transportation infrastructure.
- 5.O.9 **Rural** Plan to support the existing development pattern and through traffic needs of the rural communities, and not to support or promote urbanization.
- 5.O.10 **Rural** Consistent with ORS 215.283(3) and OAR 660, Division 12, County road capital improvement projects may be designed and constructed to improve safety and bring roads up to county standards outside the UGB. If the road capital improvement project is not otherwise allowed and would require expansion of right-of-way exceeding the road improvements allowed in the Agriculture or Forest districts, a goal exception would be required for such a project, as provided for in ORS 215.283(3).
- 5.O.11 **Rural** Streets, alleys, bikeways, pedestrian facilities, multi-use paths, trails and transit stops are allowed uses in all rural zoning districts with the exception of Agricultural and Forest Districts in which they are conditionally allowed by ORS 215.213, 215.283 or OAR Chapter 660, Division 6 (Forest Lands).
- 5.O.12 **Rural** Recognize the importance of resource-related uses such as agriculture and forestry to the local economy, and the need to maintain a transportation system that provides opportunities to harvest agricultural and forest products and deliver them to market.
- 5.O.13 **Rural** Design, construct and reconstruct rural arterials and collectors to allow safe and convenient passage of trucks, buses, pedestrians and bicyclists.
- 5.O.14 **Rural** Support the safe movement of agricultural equipment in rural areas by improving existing roads to county standards and considering design features such as signs, pull-outs for slow-moving vehicles, reduced speeds, and limiting curbs where equipment may move to the shoulder or out of the right-of-way.

**5.P Project Development Policies**

- 5.P.1 Before building new roads or adding capacity to existing roads, consider Transportation System Management (TSM) strategies for using the existing road system, including associated pedestrian and bicycle facilities, and system capacity most efficiently.

TSM strategies include:

- Access Management;
- Alternative/Modified Standards (Performance and/or Design Standards);
- Intelligent Transportation System (ITS) applications;
- Operational Improvements;
- Parking Standards;
- Enhanced Bicycle and Pedestrian Facilities; and,
- Road Diet (*For example, restriping a low volume, 4-lane road to a 3-lane configuration with bicycle and pedestrian facilities*).

**5.Q Access Standard Policies**

- 5.Q.1 Ensure safe and convenient access for bicyclists, pedestrians, and transit users for land uses that are open to the public. Apply access management in a flexible manner to allow reasonable access and balance the needs of all roadway users.
- 5.Q.2 Improve multimodal operations and safety by ensuring that Interchange Management Areas and other access plans and projects are coordinated with multimodal connectivity standards and are designed to support safe and convenient access and travel for all modes, when appropriate.
- 5.Q.3 Support the implementation of state access management standards (OAR Chapter 734, Division 51, as amended, and the Oregon Highway Plan) on state highway facilities and within Interchange Management Areas. Coordinate with the Oregon Department of Transportation for access control on state highways.
- 5.Q.4 If feasible, allow only collectors, connectors, or other arterials to intersect arterials.
- 5.Q.5 Access Standards shall be implemented through the Zoning and Development Ordinance and the County Roadway Standards. Where access management standards are adopted by the County in Special Transportation Plans, those standards shall apply.
- 5.Q.6 Developments should be designed to place driveway accesses on streets with the lowest functional classification or the lowest traffic volume.

**5.R Policies on Improvements to Serve Development**

- 5.R.1 Require new development to be served by adequate transportation facilities and access points that are designed and constructed to safely accommodate all modes of travel.
- 5.R.2 For new developments and land divisions, require right-of-way dedication, on-site frontage improvements to the applicable standards as shown in the roadway Cross Sections (Figures 5-1a through 5-1f and Figures 5-2a through 5-2f) and the County Roadway Standards, and off-site improvements necessary to safely handle expected traffic generated by the development and travel by active modes. Where roadway standards are adopted by the County in Special Transportation Plans, those standards shall apply.
- 5.R.3 Assess anticipated off-site traffic impacts caused by new developments. The developer may be required to participate financially or otherwise in the provision of off-site improvements, dedications or other requirements.
- 5.R.4 For new development proposed on a site identified on Map 5-6 (*Potentially Buildable Residential Sites >5 Acres in UGB*), require a conceptual street plan that is consistent with requirements of this section and provides for full street connections at intervals of no more than 530 feet, where feasible.

- 5.R.5 Require new development that will require construction of new streets to provide full street connections at intervals of no more than 530 feet, where feasible. If full street connections are not feasible at such intervals, require accessways for pedestrians, bicyclists or emergency vehicles at intervals of no more than 330 feet. Exceptions may be made where there are barriers, including topography, railroads, freeways, pre-existing development, existing easements, or environmental constraints such as streams and wetlands.
- 5.R.6 New development shall accommodate on-site traffic circulation within the boundaries of the site, not by circulating vehicles on and off the site through multiple access points using the public road system. Internal circulation plans should avoid relying on "backing out" maneuvers for new driveways onto all rural arterials and collectors.
- 5.R.7 **Urban** Require implementation of a road network for undeveloped sites illustrated on Map 5-6. Existing roads shall be extended to provide a direct, connected system.
- 5.R.8 **Urban** Where appropriate, develop and implement neighborhood traffic circulation plans for all modes intended to improve circulation while minimizing safety concerns and exposure to air and noise pollution.
- 5.R.9 **Urban** Discourage motor vehicle through-trips on local, connector and collector roads, and encourage bicycle and pedestrian travel on these roads.
- 5.R.10 **Urban** Allow flexible criteria and standards for local streets that are less than 200 feet in length, are expected to carry very low traffic volumes, and are not capable of being extended.
- 5.R.11 **Urban** Private streets may be appropriate in areas with topographic constraints that make construction of a road to County standards not feasible. Private roads are not classified as local roads and are not maintained by the County.
- 5.R.12 **Rural** Discourage through trips on rural local roadways.

**5.S System Performance Policies**

- 5.S.1 For County roads, evaluate transportation system performance and the impact of new development. Use the evaluation methodology in the County Roadway Standards.



5.S.2 Evaluate motor vehicle capacity needs for roadways within the urban area using the standards shown in Table 5-2a, except as established below.

**Table 5-2a  
MOTOR VEHICLE CAPACITY EVALUATION STANDARDS FOR THE URBAN AREA  
Weekday Mid-day and Weekday PM Peak Periods**

ODOT Roadways and Intersections	Maximum Volume to Capacity (V/C) Ratio		
	Mid-day One-Hour Peak	1 <sup>st</sup> Hour, PM Peak	2 <sup>nd</sup> Hour, PM Peak
OR 99E from OR 224 interchange north to county line OR 213 within the Clackamas Regional Center and the Fuller Road Station Community	0.99	1.1	0.99
I-205 I-5 OR 212 OR 224 OR 213	0.90	0.99	0.99
<b>County Roadways and Intersections by Metro Urban Design Type</b> <i>See Map 4-8</i>			
Regional Centers Town Centers Main Streets Station Communities	0.99	1.1	0.99
Corridors Neighborhoods Employment Areas Industrial Areas Regionally Significant Industrial Areas All Other Areas Outside of City Limits	0.90	0.99	0.99

5.S.3 Exceptions to the motor vehicle capacity evaluation standards for review of development proposed on property within Metro’s boundary are established as follows:

- 5.S.3.1 Within the Clackamas Industrial Area, no motor vehicle capacity evaluation standards shall apply.
- 5.S.3.2 For the intersections of SE Park Avenue/OR 99E, SE Park Avenue/SE Oatfield Road, and SE Park Avenue/SE 27th Street, motor vehicle capacity evaluation standards of the Station Community Design Type shall apply.

- 5.S.4 Evaluate motor vehicle capacity needs for roadways in the rural area using the standards shown in Table 5-2b.

**Table 5-2b**  
**MOTOR VEHICLE CAPACITY EVALUATION STANDARDS FOR THE RURAL AREA**  
**Weekday, AM and PM Peak Periods**

	Maximum Volume to Capacity (V/C) Ratio	
	1 <sup>st</sup> Hour, PM Peak Period	2 <sup>nd</sup> Hour, PM Peak Period
<b>ODOT Roadways and Intersections (based on posted speed and highway classification)<sup>1</sup></b>		
Unincorporated areas inside city UGBs	0.80 to 0.95	0.80 to 0.95
Inside Unincorporated Communities	0.70 to 0.80	0.70 to 0.80
All other rural areas	0.70 to 0.75	0.70 to 0.75
<b>County Roadways and Intersections outside of Cities</b>	<b>Minimum Level of Service (LOS) or Maximum Volume/Capacity Ratio; Weekday Peak Periods</b>	
	<b>AM Peak Hour</b>	<b>PM Peak Hour</b>
Road segments and unsignalized intersections	LOS E	LOS E
Signalized and roundabout intersections	0.90	0.90

<sup>1</sup> See Oregon Highway Plan for details.

- 5.S.5 Exception to the motor vehicle capacity evaluation standards for review of development proposed on property in the rural area is established as follows:
- 5.S.5.1 Within Government Camp Village, no motor vehicle capacity evaluation standards shall apply.
- 5.S.6 The maximum volume to capacity ratio for the ramp terminals of interchange ramps shall be v/c 0.85. (1999 Oregon Highway Plan, OHP Policy 1F Revisions, Adopted by OTC: Dec. 21, 2011).
- 5.S.7 Where more than one motor vehicle capacity standard would apply at an intersection, the standard allowing the higher level of congestion will be used, except for ramp terminal intersections.

## TRANSIT

Public transit service is essential for the mobility of many County residents, and provides an affordable option for others who prefer to use it. The County contains five major public transportation systems. Tri-County Metropolitan Transportation District of Oregon (TriMet), the state's largest transit provider, serves generally the western, more urbanized part of the county. The County also is home to four rural transit providers: South Clackamas Transportation District (SCTD) serving the Molalla area, Sandy Area Metro (SAM), Canby Area Transit (CAT) and Wilsonville's South Metro Area Transit (SMART). Clackamas County also directly supports the Mountain Express service which provides public transit to the Hoodland area along the Highway 26 corridor east of the City of Sandy. All of these services provide public transit as well as specialized services for seniors and persons with disabilities (paratransit) as mandated by the American with Disabilities Act.

Clackamas County participates in the development and implementation of the Coordinated Human Services Transportation Plan which addresses the services available to vulnerable populations throughout the Portland metropolitan area.

The County can influence the type of service provided and the way new developments interface with transit and provide amenities for transit riders. Busses operated by the six districts, as well as each of the school districts in the county must safely share the county's roads with all other users.

### 5.T Transit Policies

- 5.T.1 Work with transit agencies to identify existing transit deficiencies in the County, needed improvements, and additional park-and-ride lots needed to increase the accessibility of transit services to all potential users.
- 5.T.2 Emphasize corridor or roadway improvements that help ensure reliable and on-time transit service in the County.
- 5.T.3 Encourage transit providers to restructure transit service to efficiently serve local as well as regional needs.
- 5.T.4 Emphasize transit improvements that improve east-west connections; improve service between the County's industrial and commercial areas and neighborhoods; and best meet the needs of all County residents, employees and employers, regardless of race, age, ability, income level and geographic location.
- 5.T.5 Coordinate with all applicable transit agencies on all new residential, commercial and industrial developments to ensure appropriate integration of transit facilities and pedestrian access to transit facilities.
- 5.T.6 Require major developments and road construction projects along transit routes to include provisions for transit shelters, pedestrian access to transit and/or bus turnouts, where appropriate.

- 5.T.7 Promote park-and-ride lots, transit shelters and pedestrian/bikeway connections to transit. Coordinate the location of these facilities with other land uses to promote shared parking and bicycle/ pedestrian-oriented transit nodes.
- 5.T.8 Coordinate and cooperate with transit agencies to provide transportation for seniors, people with disabilities, and other transportation-disadvantaged populations. Provide continued support for paratransit services as required within a three-quarter-mile distance from fixed-route transit stops.
- 5.T.9 Coordinate transit-supportive, roadway improvements with transit-providers to ensure financing and implementation of such improvements.
- 5.T.10 **Urban** Require pedestrian and transit-supportive features and amenities and direct access to transit for new development.
- Pedestrian and transit supportive amenities may include pedestrian/bikeway facilities, street trees, outdoor lighting and seating, landscaping, shelters, kiosks, strict standards for signs, and visually aesthetic shapes, textures and colors. Buildings measuring more than 100 feet along the side facing the major pedestrian/transit access should have more than one pedestrian entrance. Pedestrian access should be provided to connect transit centers or transit stops on bus routes with centers of employment, shopping or medium-to-high density residential areas within one-quarter mile of these routes.
- 5.T.11 **Urban** Coordinate with transit providers to achieve the goal of transit service within one-quarter mile of most residences and businesses within the Portland Metropolitan UGB. Support more frequent service within Regional Centers, Town Centers, Station Communities, and Corridors and Main Streets.
- 5.T.12 **Urban** Work with federal, state and regional agencies to implement high capacity transit in the regional High Capacity Transit (HCT) System Plan in order to help relieve traffic congestion, provide for transportation alternatives to the automobile, and promote the County's economy. See Map 5-8c for the HCT network in the County.
- 5.T.13 **Urban** Site new commercial, institutional, and multi-family buildings at major transit stops as close as possible to transit, with a door facing the transit street or side street, and with no parking between the building and front lot lines.
- 5.T.14 **Rural** Focus safety improvements near existing or planned transit stops.

## **FREIGHT, RAIL, AIR, PIPELINE AND WATER TRANSPORTATION**

In 2009, Clackamas County adopted “Open for Business – Economic Development Plan (EDP).” This plan provides a comprehensive guiding policy document for the County to improve, diversify and grow the economy in Clackamas County. Crucial to economic development is the infrastructure that supports the businesses and the employees that work in those businesses. Specific goals and actions called out by the Economic Development Plan include:

- Maintain mobility for people and freight in the face of expected growth; and
- Respond to the opportunities and challenges faced by its cities and rural areas, and support them in their efforts to develop quality jobs and businesses,

Freight, rail, air, pipelines and water transportation make significant contributions to the movement of people and goods; improve the quality of life; and support economic development in Clackamas County.

Policies relating to the movement of freight via roads, rail, air, pipelines or water transportation must also respond to new regulations to ensure the highest level of safety.

### **5.U General Freight Policies**

- 5.U.1 Coordinate the planning, development, maintenance and operation of a safe and efficient freight system for all freight modes in Clackamas County with the private sector, ODOT, Metro, the Port of Portland and the cities of Clackamas County.
- 5.U.2 Promote an inter-modal freight transportation strategy and work to improve multi-modal connections among rail, industrial areas, airports and regional roadways to promote efficient movement of people, materials, and goods.
- 5.U.3 Work with the private transportation industry, Oregon Economic Development Department, Port of Portland and others to identify and realize investment opportunities that enhance freight mobility and support the County, regional and state economy.
- 5.U.4 Make freight investments that, in coordination with the County’s economic development strategies, help retain and grow the County’s job base and strengthen the County’s overall economy.
- 5.U.5 Ensure that freight rail lines and truck routes do not have disproportionately negative impacts on sensitive land uses (places where people with increased risk of adverse impacts from exposure to noise and air pollution are likely to gather, such as schools, senior centers, hospitals, parks, housing). Prioritize mitigation efforts for current sensitive land use areas near freight rail lines and truck routes. Mitigate impacts to sensitive land uses by using vegetative buffers, establishing rail "quiet zones," and coordinating land use plans.

**5.V Freight Trucking Policies**

- 5.V.1 Support the Truck Freight Route System, while not prohibiting the use of other roads for local pickup and delivery of goods and services. (See Maps 5-9a and 5-9b).
- 5.V.2 Improve and maintain the countywide Truck Freight Route System, the Regional Transportation Plan Freight Routes and Oregon Freight Plan Routes, as shown on Maps 5-9a and 5-9b.
- 5.V.3 Consider Heavy and Oversize Freight Movement requirements on State and County facilities when developing plans for transportation improvements and land use changes along freight routes designated as ORS 366.215 Corridors, as shown on Maps 5-9c and 5-9d.
- 5.V.4 Consider the safety of all travel modes that use the Truck Freight Route System when designing improvements to this system.
- 5.V.5 Accommodate freight travel on the Truck Freight Route System by improving facility design and operations.
- 5.V.6 Identify street improvements to reduce delays and to improve travel time reliability on roadways in the Truck Freight Route system
- 5.V.7 Work to improve the safety of Truck Freight Routes for all transportation modes.
- 5.V.8 Support the development of truck layover facilities/staging areas to reduce the conflicts between parked vehicles and adjoining land uses.
- 5.V.9 Utilize Intelligent Transportation Systems (ITS) solutions to improve safety and operations of freight movement.

**5.W Rail Policies**

- 5.W.1 Support the safe and efficient movement of goods by rail.
- 5.W.2 Support the reduction of the number of at-grade crossings of arterial and collector streets on main rail lines to reduce conflicts between rail use and other transportation modes, and improve safety.
- 5.W.3 On new or reconstructed arterials and urban collectors, prohibit at-grade crossings of main rail lines without traffic restrictive safety devices.
- 5.W.4 Support expansion and maintenance needed to establish reliable, higher speed (110-125 mph) freight rail service and intercity rail passenger service in the Willamette Valley.
- 5.W.5 Encourage the development of rail-accessible land uses within industrial areas adjacent to main rail lines.

- 5.W.6 Support the development of convenient inter-modal facilities such as ramp, terminal and reload facilities for transfers from truck to rail for long-haul freight movement.
- 5.W.7 Improve the safety and operations of rail transport at at-grade rail crossings and ensure that all at-grade crossings meet the best practices for facilitating safe, multi-modal crossings, as identified in the most recent version of the “Railroad-Highway Grade Crossing Handbook” (Federal Highway Administration [FHWA]).
- 5.W.8 Identify and protect existing and abandoned rail rights-of-way for future transportation facilities and services.

**5.X Airport Policies**

- 5.X.1 Coordinate with the Port of Portland, the Oregon Department of Aviation, and other affected agencies to implement the Mulino Airport Plan.
- 5.X.2 Coordinate with Marion County, the City of Wilsonville, the Oregon Department of Aviation, and other affected agencies to develop and implement the Aurora Airport Plan.
- 5.X.3 Allow new airports as conditional uses in appropriate zoning districts. Require new public use airports to be located within:
  - one mile of an arterial roadway, and
  - at least one mile away from urban residential areas.
- 5.X.4 Cooperate with the Oregon Department of Environmental Quality, Oregon Department of Aviation and Federal Aviation Administration to minimize conflicts between airports and uses of surrounding lands.
- 5.X.5 Require that new airports, airport expansions, or expansions of airport boundaries, except those limited to use by ultra-lights and helicopters, have a runway at least 1,800 feet long and control at least enough property at the end of each runway through ownership, aviation easement, or long term lease to protect their approach surfaces until the approach surfaces are 50 feet above the terrain. Require the runway to be located so as to achieve at least a 20-foot clearance of the approach surface over a county, city or public road.
- 5.X.6 Apply a Public-Use Airport and Safety overlay zoning district to public-use airports, consistent with ORS 836.600 through 836.630, and as shown on Map 5-10.
- 5.X.7 Apply a Private-Use Airport and Safety overlay zoning district to privately-owned, private-use airports that served as the base for three or more aircraft, consistent with ORS 836.600 through 836.630, and as shown on Map 5-10.
- 5.X.8 Recognize privately-owned, private-use airports that served as the base for one or two aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation and as shown on Map 5-10.

- 5.X.9 Encourage establishment of heliports in industrial areas in conjunction with state and federal standards for heliport design and location.
- 5.X.10 Support the role Clackamas County airports serve in supporting emergency response and disaster assistance.

**5.Y Pipeline Policy**

- 5.Y.1 Work with state and federal regulatory agencies, affected communities and pipeline companies to provide safe, quiet, environmentally sensitive, and efficient transport of bulk commodities.

**5.Z Water Transportation Policies**

- 5.Z.1 Maintain safe and convenient, multi-modal land access to the Canby ferry, and to public and commercial docks and boat ramps
- 5.Z.2 Support efforts to minimize noise and negative impacts caused by river transportation on air and water quality and to habitat for fish migration.
- 5.Z.3 Support the continued operation and maintenance of the Willamette Falls Locks to facilitate water transportation on the Willamette River.



## FINANCE AND FUNDING

The vast majority of surface transportation funding in the United States is derived from public sources at the federal, state, and local levels and primarily includes gas and vehicle taxes and fees. For a variety of reasons, including more efficient vehicles, trends toward shortening commutes or carpooling, and a general unwillingness to raise gas tax rates, jurisdictions across the nation are facing decreasing levels of available funding for transportation projects. That, combined with rising construction costs, leads to increasing challenges in finding available funds for all the improvements that are needed to the transportation system.

One way to control costs is to spend wisely by focusing on using and maintaining the transportation systems that exist. The County also is committed to identifying and pursuing potential new funding sources for transportation improvements.

### **5.AA General Finance and Funding Policies**

- 5.AA.1 Support continuation of current (or equivalent) federal, state, and local funding mechanisms to construct and maintain County transportation projects. Identify and pursue new, permanent funding mechanisms to construct and maintain County transportation facilities and to support programs and projects identified in the TSP.
- 5.AA.2 Seek dedicated funding sources to implement active transportation projects.
- 5.AA.3 Establish funding for bicycle, pedestrian and transit projects that serve the needs of transportation disadvantaged populations.
- 5.AA.4 Consider a transportation system development charge methodology that calculates person trips to allow pedestrian, transit, and bicycle projects, as well as motor vehicle projects, to be funded by TSDCs.
- 5.AA.5 To the extent practical, invest unrestricted funding sources in a balanced manner between rural and urban areas.
- 5.AA.6 **Urban** Study creating a transportation facility funding program that establishes a "fee in lieu of" process that may be used by developers to pay for all on-site and off-site transportation facilities required as part of the land development process.

### **5.BB Maintenance Policies**

- 5.BB.1 Emphasize maintenance of existing rights-of-way, with improvements where appropriate, to improve traffic flow and safety for all transportation modes at a reasonable cost.
- 5.BB.2 Determine road maintenance needs and priorities and develop an effective and efficient road maintenance program.
- 5.BB.3 Develop routine maintenance standards and practices for the transportation system, including traffic control devices.

## TRANSPORTATION PROJECTS AND PLANS

The County's Capital Improvement Plan (CIP) includes a 20-year plan for needed transportation improvements and the 5-year programmed projects. The CIP was developed through concentrated and intense scrutiny by County staff and several advisory groups. Needed transportation projects were reviewed and analyzed with respect to how the transportation system is expected to function in 2035; how well each reflected the TSP vision and goals; and based on feedback from the public and several advisory committees. The Public Advisory Committee (PAC) developed the final recommendation to the Planning Commission on the project prioritization.

The purpose of the project prioritization was to identify a set of project that could reasonably be expected to be funded over the next 20 years. The funding forecast completed in 2012 indicates that only around 15% of the funding will be available to construct the needed projects. Therefore, the Capital Improvement Plan is divided into three project lists:

- 20-Year Capital Projects: contains the prioritized list of needed transportation projects that can reasonably be undertaken given the current estimates of available funding.
- Preferred Capital Projects: contains a second group of needed, prioritized transportation projects that the County would undertake if additional funding becomes available during the next 20 years.
- Long-Term Capital Projects: contains the remainder of the needed transportation projects. Although these projects will be needed to meet the transportation needs of the County in the next 20 years, they are not expected to be funded or constructed by the County.

The CIP will be updated as needed, and additional studies will be completed to optimize the work completed in this TSP by finding new ways to address known problems that cannot be solved by the current CIP. Special Transportation Plans include policy recommendations for a specific geographic areas or transportation facilities within the County Where conflicts exist between provisions of Special Transportation Plans and provisions of Chapter 5, provisions in the Special Transportation Plans take precedence.

### 5.CC Capital Improvement Plan Policies

- 5.CC.1 Fund and build the transportation improvement projects identified as needed to accommodate and appropriately manage future transportation needs. These projects are found in the following lists: 20-Year Capital Projects (Table 5-3a); Preferred Capital Projects (Table 5-3b); and Long-Term Capital Projects (Table 5-3c). Project locations are shown on Maps 5-11a through 5-11f.

- 5.CC.2 Maintain a current and complete 5-Year Capital Improvement Program (CIP), which contains the programmed transportation projects in priority order, with estimated costs and assigned responsibility for funding. Update and adopt the 5-Year Capital Improvement Program periodically.
- 5.CC.3 Support the construction of prioritized, major transportation improvements in the County as identified by other jurisdictions including the Oregon Department of Transportation, Metro, cities, transit agencies and park providers. The list of needed transportation projects to be built by other jurisdictions is located in Table 5-3d. The project locations are shown on Maps 5-11a through 5-11f.

**5.DD Special Transportation Plans and Studies**

- 5.DD.1 Designate the following as Special Transportation Plans:
- The SE 172nd Avenue/190th Drive Corridor Management Plan, adopted by reference in Appendix A;
  - The Clackamas County Pedestrian Master Plan, adopted by reference in Appendix A;
  - The Clackamas County Bicycle Master Plan, adopted by reference in Appendix A;
  - The Clackamas County Airport Plan, adopted by reference in Appendix A;
  - Transportation elements of the Community Plans and Design Plans included in Chapter 10;
  - The Exception to Statewide Planning Goal 3 (Agricultural Lands), Goal 11 (Public Facilities & Services) and Goal 14 (Urbanization), pursuant to OAR 660, Division 12, to allow for the Arndt Road improvement, which is substantially complete; (For findings of fact and statement of reasons, see Board Order 2003-76.)
  - The Exception to Statewide Planning Goal 3 (Agricultural Lands), Goal 11 (Public Facilities & Services) and Goal 14 (Urbanization), pursuant to OAR 660, Division 12, to allow for the Arndt Road improvement listed as project number 2029 on Table 5-3b and shown on Map 5-11e; (For findings of fact and statement of reasons, see Board Order 2003-104.)
  - The Clackamas County Active Transportation Plan, adopted by reference in Appendix A; and
  - The Clackamas Regional Center Pedestrian/Bicycle Plan, adopted by reference in Appendix A.
- 5.DD.2 Complete the following studies to develop solutions to previously identified problems.

- 5.DD.2.1 Conduct an alternatives analysis and land use study to identify and consider roadway improvements to address access to I-5 within the southwest portion of the County and capacity deficiencies along Arndt Road (project #1106).
- 5.DD.2.2 For the urban unincorporated area, develop a study to identify potential pedestrian, bicycle, and safety performance standards for use during development review.
- 5.DD.2.3 Develop a circulation study for the area west of the Clackamas Town Center and conduct a Transportation Infrastructure Analysis. (project #1018)
- 5.DD.2.4 Study the I-205 Multi-use Path gap to identify near term solutions for completing the path. (project #1026)
- 5.DD.2.5 Identify bicycle and pedestrian improvements to better connect OR 224 to the Clackamas Regional Center along 82nd Avenue. (project #1032)
- 5.DD.2.6 Work with ODOT, the City of Happy Valley and the City of Damascus to review the future need for the Sunrise Unit 2 (parallel to Highway 212, between 172<sup>nd</sup> Avenue and US 26), identified as a future, planned highway corridor.
- 5.DD.2.7 Work with ODOT, Metro, Oregon City, West Linn and any other affected jurisdiction to analyze and develop a solution to the transportation bottleneck on I-205 between Oregon City and the I-205 / Stafford Road Interchange. This process may include undertaking an Environmental Impact Statement to identify a preferred alternative that addresses the transportation congestion and facility operations issues on this portion of the I-205 corridor.
- 5.DD.2.8 Evaluate transitioning from transportation concurrency to safety analysis when a traffic impact study (TIS) is required of new development.
- 5.DD.2.9 Work with Metro and ODOT over five years to develop Alternate Road Capacity Performance Standards, required by Oregon Highway Plan Policy 1.F., to address the following five intersections. These intersections were forecast not to meet the capacity performance standards adopted in the 2013 TSP, and there were no projects identified that could make the intersections meet the standards.
- SE Harmony Road/SE Linwood Avenue
  - OR 212/SE 172nd Avenue – ODOT Intersection
  - OR 212/SE 282nd Avenue – ODOT Intersection
  - OR 213/S. Henrici Road – ODOT Intersection (traffic signal or roundabout)
  - OR 224/SE Lake Road/SE Webster Road – ODOT Intersection

## DEFINITIONS

The following definitions apply to usage within Chapter 5.

**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.

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

- **Shared Roadway:** A type of bikeway where motorists and cyclists occupy the same roadway area. Shared lane markings should be provided in the roadway to designate the shared use of the roadway by bicyclists and motorists. On shared roadway facilities, bicyclists may use the full travel lane. Two types of shared roadway facilities are:
  - **Bicycle Boulevard:** A bicycle facility in a network of connected low volume and low speed roads (typically local or connector roadways) where bicycles share the roadway with vehicles but bicycle movements are prioritized over vehicle movements.
  - **Advisory Lanes:** A bicycle facility where the center travel lane is shared by two-way automobile traffic and shoulder bikeways or bike lanes are provided on each side of the center lane. Vehicles may use the shoulder bikeways/bike lanes for passing but must yield to bicyclists and oncoming motorists.
- **Shoulder Bikeway:** A bikeway which accommodates cyclists on paved roadway shoulder.
- **Bike Lane:** There are three types of bike lanes:
  - **Buffered Bike Lane:** Bicycle lanes with a striped buffer providing greater separation from vehicles than a typical bike lane.
  - **Protected Bike Lane:** Bicycle lanes parallel to the roadway and separated from traffic by a buffer as well as by a barrier such as a landscaped buffer, parked cars, or flexible bollards.
  - **Conventional 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. Two-way cycle tracks are physically separated cycle tracks that allow bicycle movement in both directions on one side of the road.

**Truck Freight Route System:** A set of identified arterials, collectors and State facilities that support the efficient movement of goods throughout the County.

**Functional Classification:** The process by which streets and highways are grouped into classes, or systems, according to the character of traffic service that they are intended to provide. Functional classifications found in Clackamas County and typical characteristics of each classification follow:

- **Principal Arterials:** (Freeway/Expressway and other designated Principal Arterials). Serves interregional and intraregional trips and carries heavy volume at high speed. Primarily Interstate Freeways and State Highways but also includes other roads designated as Principal Arterials. These roads make up the National Highway System.
- **Major Arterial:** Carries local and through traffic to and from destinations outside local communities and connects cities and rural centers. Moderate to heavy volume; moderate to high speed.
- **Minor Arterial:** Connects collectors to higher order roadways. Carries moderate volume at moderate speed.
- **Collector:** Principal carrier within neighborhoods or single land use areas. Links neighborhoods with major activity centers, other neighborhoods, and arterials. Generally not for through traffic. Low to moderate volume; low to moderate speed.
- **Connector:** Collects traffic from and distributes traffic to local streets within neighborhoods or industrial districts. Usually longer than local streets. Low traffic volumes and speeds. Primarily serves access and local circulation functions. Not for through traffic in urban areas.
- **Local:** Provides access to abutting property and connects to higher order roads. New local roads should intersect collectors, connectors, or, if necessary, minor arterials. Not for through traffic.
- **Alley:** May be public or private, to provide access to the rear of property. Alleys should intersect local roads or connectors. Not for through traffic

**Level of service (LOS):** A performance measure that represents quality of service of an intersection or roadway segment, measured on an A–F scale, with LOS A representing the best operating conditions from the traveler’s perspective and LOS F the worst.

**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.

**Mode** (also “travel mode”): A particular form of travel, for example, walking, bicycling, traveling by automobile, or traveling by bus.

**Multi-use Path:** A paved path built for bicycle and pedestrian traffic that is physically separated from motor vehicle traffic, and can be either within the road right-of-way or within an independent right-of-way.

**Pedestrian Facilities:** Sidewalks, pedestrian pathways, or other facilities that are designed specifically for pedestrian use, as identified by functional classification in cross sections (Figures 5-1 through 5-3) or as determined appropriate by the County Planning Director and the County Road Official or County Engineer.

**Principal Active Transportation (PAT) Route:** Priority routes for pedestrian and bikeway facilities which form the “spine” of the County active transportation network that have been identified in the Active Transportation Plan. PAT Routes provide connection to key county destinations, link rural and urban communities, and connect to Parkways and Bikeways as identified in the Metro Regional Active Transportation Plan. Specifics about the appropriate bikeway and/or pedestrian facility treatments for the PAT Routes are included in the Active Transportation Plan.

**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.

**Transportation Demand Management (TDM):** Strategies to achieve efficiency in the transportation system by reducing demand.

**Transportation Disadvantaged:** Persons who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk.

**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 Plan shall be synonymous with the term “road.”

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

**Rural:** Outside the Portland Metropolitan Urban Growth Boundary and outside city limits

**Urban:** Inside the Portland Metropolitan Urban Growth Boundary

**Volume-to-Capacity (v/c) Ratio:** A volume-to-capacity ratio compares vehicle volumes (the roadway demand) with roadway supply (carrying capacity). Volume refers to the number of vehicles using a roadway at a specific time period (and length of time), while capacity is the road's ability to support that volume based on its design and number of lanes.



## **Chapter 6: HOUSING**

Meeting the future housing needs and desires of residents will require a variety of housing types and densities. For example, the desire for home ownership can be partially met with manufactured dwellings and condominiums in large or small complexes or owner-occupied duplexes. A range of housing prices can be encouraged by providing a greater variety of lot sizes for single-family housing. More multifamily dwellings and other alternative housing forms are needed to house the young, the elderly, and lower-income households which are priced out of the single-family housing market, or households which may prefer other than single-family homes.

### **ISSUES**

The planning process has identified a number of issues. These issues address affordable housing, housing choice and variety, citizen preference, density, neighborhood livability, and compatibility with mass transit. Some of these issues follow:

- The availability of shelter and housing options for houseless persons
- Affordable housing for all the County's households
- Housing for low- and moderate-income households, the elderly, and mentally or physically handicapped residents
- A variety of housing types for all income levels, including single-family dwellings, multifamily dwellings, three-family dwellings, two-family dwellings, condominiums, and manufactured dwellings
- The number and densities of single-family, two-family, three-family, and multifamily dwelling units and manufactured dwellings
- Locations of multifamily housing in relation to services, employment, transportation, and open space
- Locations of individual manufactured dwellings and manufactured home parks
- Owner-occupied and renter-occupied housing

### **SUMMARY OF FINDINGS AND CONCLUSIONS**

- The County is projected to gain as many as 112,500 people between 1987 and 2010.
- Projected population growth is expected to be slower than the County experienced in the 1970s, faster than the 1980s. From 1970 to 1978 the average annual growth rate was 3.8 percent per year, and from 1980 to 1987 it was .76 percent. The forecast for planning purposes is 1.6 percent per year from 1987 to 2010.
- The northwest urban area has the potential of being the most energy-efficient and cost-effective location for growth in the County.

- Since 1980, 30 percent of the new dwelling units built in the entire County have been multifamily units, including duplexes. In the northwest urban area, 41 percent of new units have been multifamily.
- It is forecast that 26 percent of the new dwelling units built in the next 20 years in the entire County, and 32 percent of the new units built in the northwest urban area, will be multifamily.
- Lack of affordable housing continues to be a problem, especially severe for households headed by the young, elderly, single parents, or handicapped individuals.
- The County has a shortage of special living environments for the developmentally disabled and chronically mentally ill, a particularly pressing need as the de-institutionalization movement continues to accelerate and homes must be found in communities for previously institutionalized residents. (Note: The County social services agency does not identify a particular shortage of special housing for their elderly clients at this time (1990).
- There are few condominiums in unincorporated areas.
- The *Clackamas County 2017 Point-in-Time Count of Homeless Individuals* identified 2,293 homeless individuals. Despite an increase in available housing dedicated to unsheltered or unstably housed individuals, the 2017 count represents an increase of 10.7% over 2013.

## **GOALS**

- Meet the needs of the County houseless population through a variety of short- and long-term options.
- Provide opportunities for a variety of housing choices, including low- and moderate-income housing, to meet the needs, desires, and financial capabilities of all County residents to the year 2010.
- Protect the quality, lifestyle, and values of existing neighborhoods.

### **6.A Housing Choice Policies**

- 6.A.1 Encourage development that will provide a range of choices in housing type, density, and price and rent level throughout the urban areas of the County.
- 6.A.2 Provide for manufactured home park development.
- 6.A.3 Encourage new condominiums of all types, densities, and price ranges but discourage conversion of existing rental units.
- 6.A.4 Encourage an adequate number and variety of rental units including those that allow children.

- 6.A.5 Develop detailed community plans when appropriate to ensure that both housing choice and neighborhood quality and livability goals are attained.
- 6.A.6 Encourage a diversity of housing types and densities in planned unit developments.
- 6.A.7 Encourage a wide range of housing alternatives for the elderly or handicapped.
- 6.A.8 Allow accessory dwelling units in the following types of zoning districts if located inside an urban growth boundary (UGB):
  - Urban low density residential
  - Village standard- and small-lot residential and townhouse
  - Rural residential
  - Future urban
- 6.A.9 Allow accessory dwelling units in the Hoodland Residential (HR) and Mountain Recreational Resort (MRR) zoning districts.
- 6.A.10 Allow the conversion of a lawfully established detached single-family dwelling built between 1850 and 1945 to an accessory historic dwelling when a new primary dwelling is built on the same lot, if the property is:
  - Within the RA-1, RA-2, RRF-5, or FF-10 zoning district;
  - Located outside of both a UGB and an Urban Reserve; and
  - At least two acres in size.

**6.B Affordable Housing Policies**

- 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.
- 6.B.2 Encourage the development of low- and moderate-income housing with good access to employment opportunities.
- 6.B.3 Encourage diversified, affordable housing opportunities for the elderly or handicapped.
- 6.B.4 Support the regional Housing Opportunity Plan (HOP), the County's Community Development Block Grant program, and the County's Public Housing Program as a means to provide more low- and moderate-income housing.

- 6.B.5 Pursue subsidies to provide affordable housing for low- and moderate-income households including the elderly and the handicapped.
- 6.B.6 Encourage more affordable housing by:
  - 6.B.6.1 Providing for higher-density, single-family development by planning for smaller-lot developments, implemented by the R-2.5 to R-8.5, VR-4/5, VR-5/7, and VTH zoning districts;
  - 6.B.6.2 Providing for increased capacity for multifamily development at six density levels: Medium, Medium High, High, Special High, Regional Center High, and Village Apartment;
  - 6.B.6.3 Allowing alternative road and improvement standards where appropriate (see the policies in the Roadways section of Chapter 5, *Transportation System Plan*);
  - 6.B.6.4 Allowing reduced utility and roadway costs through flexible lotting patterns in subdivisions and planned unit developments;
  - 6.B.6.5 Allowing density transfers from hard-to-develop sites in planned developments;
  - 6.B.6.6 Providing expedient, efficient design review, building permit, zoning, and subdivision processes;
  - 6.B.6.7 Encouraging growth in areas where public services can be economically provided;
  - 6.B.6.8 Encouraging common-wall construction;
  - 6.B.6.9 Encouraging more condominiums and manufactured dwellings;
  - 6.B.6.10 Emphasizing planned developments resulting in less expensive lots;
  - 6.B.6.11 Continuing to allow single-family dwellings to be built on lots of record down to 3,000 square feet (or smaller in zoning districts that permit the platting of smaller lots); and
  - 6.B.6.12 Continuing to allow prefabricated housing that meets the Uniform Building Code on individual lots of record within the Portland Metropolitan Urban Growth Boundary.
- 6.B.7 Give priority for relocation into public housing to low-income residents displaced by development of property to commercial, industrial, or multifamily use.
- 6.B.8 Encourage continuation of existing manufactured dwelling parks.
- 6.B.9 Give every new subdivision of 20 lots or more a density bonus of one lot for every lot reserved for assisted housing to provide an adequate amount of dispersion of assisted housing (see Policy 6.H.1).

- 6.B.10 Develop and support a full spectrum of shelter and housing options (e.g., emergency shelters, transitional shelters, and public housing) that assist individuals in moving from houselessness to stable, long-term housing solutions.

**6.C Neighborhood Quality Policies**

- 6.C.1 Provide for a variety of housing opportunities that are complementary or compatible with existing neighborhoods.
- 6.C.2 Encourage the maintenance or upgrading of existing neighborhoods.
- 6.C.3 Discourage the demolition of housing which can be economically renovated in residential areas.

**6.D Urban Infill Policies**

- 6.D.1 Make use of existing urban service capacities without damaging the character of existing low-density neighborhoods by:
  - 6.D.1.1 Providing higher-density residential land use plan designations.
  - 6.D.1.2 Locating higher-density land use plan designations at locations that have minimum impact on existing low-density neighborhoods.
  - 6.D.1.3 Encouraging development within Immediate Urban Areas where services are available (see the Immediate Urban Policies section in Chapter 4, *Land Use*).
  - 6.D.1.4 Allowing greater flexibility for two- and three-family dwellings (see Policies 6.F.1 through 6.F.5).
  - 6.D.1.5 Establishing a transportation policy that encourages investments to improve the existing system prior to making investments in new roads (see the policies in the Roadways section of Chapter 5).
  - 6.D.1.6 Protecting existing neighborhoods by designating compatible land uses in existing low-density neighborhoods. (see the Low Density Residential Policies section in Chapter 4).
  - 6.D.1.7 Encouraging shared access when developing flag lots.
  - 6.D.1.8 Facilitating development on hillsides within the limits of public safety and land suitability. (see the Natural Hazards section of Chapter 3, *Natural Resources and Energy*; and the Low Density Residential Policies and Open Space sections of Chapter 4.)
  - 6.D.1.9 Allowing density transfers from hazard areas to more suitable sites.
  - 6.D.1.10 Allowing flexibility in residential setback requirements pursuant to adopted criteria.
  - 6.D.1.11 Protecting the privacy of existing residences by buffer requirements where appropriate.

**6.E Multifamily Residential Policies**

- 6.E.1 Encourage multifamily residential development consistent with the needs and desire of County residents. (Multifamily residential refers to all development in Village Apartment and Medium, Medium High, High, Special High, and Regional Center High Density residential land use designations.)
- 6.E.2 Require design review approval for all multiple-family development.
- 6.E.3 Design review will address the following:
  - Energy efficiency and conservation
  - Access to transit
  - Crime prevention including natural surveillance of public areas by residents
  - Open space, including recreation areas and children's play areas
  - Privacy considerations, including private entries, patios, and fencing
  - Noise abatement
  - Shared parking to reduce paved areas
  - Accessibility of parking to units
  - Pedestrian/bicycle facilities on and off site
  - Minimization of impervious ground cover
  - Retention of natural areas and features such as major trees
  - Landscaping
  - Screened parking areas

~~6.E.4 Allow density bonuses for provision of affordable housing units, either through a government-subsidized program or the private sector, and for parks dedication.~~

**6.F Low Density Residential Policies**

- 6.F.1 Encourage attached single-family dwellings and two- and three-family dwellings.
- 6.F.2 Allow, as an outright permitted use, a maximum of 20 percent of the primary dwelling units in all new subdivisions, except planned unit developments, to be attached single-family dwellings.
- 6.F.3 Allow, as an outright permitted use, all primary dwelling units in planned unit developments to be attached single-family dwellings.

- 6.F.4 Allow, as a conditional use, two- and three-family dwellings on individual lots with a lot area per dwelling unit equal to approximately two-thirds the minimum average lot area standard of the zoning district.

**6.G Manufactured Dwelling Policies**

- 6.G.1 Support the provision of needed manufactured dwelling sites throughout the County.
- 6.G.2 Allow new manufactured home parks as a primary use in Medium Density Residential zoning districts, but not in designated commercial, industrial, or higher-density multifamily areas.
- 6.G.3 Permit a mobile home in lieu of a single-family dwelling in future urban, future urban study, unincorporated community, rural, agriculture, and forest areas and in unincorporated communities, except Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village.
- 6.G.4 Permit a manufactured home in lieu of a single-family dwelling. Require compliance with design standards for such manufactured homes in immediate urban areas and in the unincorporated communities of Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village.
- 6.G.5 Existing manufactured dwelling parks shall not redevelop unless a plan for relocation of the existing tenants is submitted and approved prior to redevelopment.

**6.H Density Bonus Policy**

- 6.H.1 Allow, where appropriate, residential density bonuses for:
- Affordable housing units, developed either through a government-subsidized program or by the private sector
  - Housing included as part of a mixed-use development
  - Parks dedication
  - in Low, Medium, Medium High, and High Density Residential land use plan designations ~~W~~ where special performance criteria have been met.

**Exhibit B**  
**Ordinance ZDO-277**  
**Zoning and Development Ordinance Amendments**

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

**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 an attached single-family dwelling, 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.
- L. Condominiums: Any of the following types of dwellings, if permitted in the subject zoning district, may be platted as condominiums: detached single-family dwellings, attached single-family dwellings, two-family dwellings, three-family dwellings, and multifamily dwellings. In the case of attached single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record.

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>Congregate Housing Facilities</b>	X	X	P <sup>7,8</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P	P	L	P <sup>9</sup>	P <sup>7,8</sup>
<b>Daycare Services, Adult</b>	P	P	P	P	P	P	P	P	P	L <sup>5,C</sup>	L <sup>6,C</sup>
<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>10</sup>	A	A	A	A <sup>11</sup>	X	X	A <sup>11</sup>	A <sup>11</sup>
<b>Dwellings, Attached Single-Family</b>	X	A	X	A	X	A	P	P	L <sup>12</sup>	X	X
<b>Dwellings, Detached Single-Family</b>	A	A	X	A	X	A	X	X	X	X	X
<b>Dwellings, Multifamily</b>	X	X	P <sup>7</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P	P	L <sup>13</sup>	P <sup>9</sup>	P <sup>7</sup>
<b>Dwellings, Three-Family</b>	X	X	X	P	P	P	P	P	L <sup>13</sup>	P	X
<b>Dwellings, Two-Family</b>	X	A	X	P	P	P	P	P	L <sup>13</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
<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

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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>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
<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

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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>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
<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>



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<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>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
<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

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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>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>
<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>

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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>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
<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>

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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>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>
<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, upholstery, and veterinary	P	P	P	P	P	P	P	P <sup>16</sup>	S	C <sup>17</sup>	L <sup>6</sup>

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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>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
<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>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

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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>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
<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.

7 Freestanding congregate housing facilities and freestanding multifamily dwellings are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings in the RCHDR District. This requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.

8 A congregate housing facility shall have a minimum of four dwelling units.

9 Freestanding congregate housing facilities and freestanding multifamily dwellings (as opposed to congregate housing facilities and multifamily dwellings in a mixed-use building) are subject to the development and dimensional standards applicable to congregate housing facilities and multifamily dwellings 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. ~~With the exception of compliance with the maximum density standard, this requirement does not apply to congregate housing facilities or multifamily dwellings in a mixed-use building.~~

10 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*.

11 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.

12 Attached single-family dwellings, subject to the density standards of the VTH District, may be developed in the same building as a primary use.

13 Two-family, three-family and multifamily dwellings, subject to the density standards of the MR-2 District, may be developed in the same building as a primary use.

14 Employee amenities shall be located in the same structure as the use to which they are accessory.

15 Only indoor facilities are permitted.

16 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.

17 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.

18 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.

19 The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:

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- 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.
  - c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use.
- <sup>20</sup> This use is permitted only in conjunction with a primary or another conditional use.
- <sup>21</sup> 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.
- <sup>22</sup> In the NC District, sign production is a conditional use.
- <sup>23</sup> In the C-2 District, sign production is a permitted use.
- <sup>24</sup> 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.
- <sup>25</sup> Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.
- <sup>26</sup> 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.
- <sup>27</sup> 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.
- <sup>28</sup> Only level one mobile vending units are permitted.
- <sup>29</sup> 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.
- <sup>30</sup> The parking is permitted to serve only developments located in the same zoning district as the subject property.
- <sup>31</sup> This use is limited to understructure parking.
- <sup>32</sup> Only substations are permitted.



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- 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.
- 38 Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- 39 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.
- 40 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.

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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).

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**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>	<u>20 dwelling units per net acre for residential development; none for mixed-use development<sup>24</sup></u>  <b>None</b>	<u>20 dwelling units per net acre for residential development; none for mixed-use development<sup>24</sup></u>  <b>None</b>	<u>20 dwelling units per net acre for residential development; none for mixed-use development<sup>24</sup></u>  <b>None</b>	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	None	<u>20 dwelling units per net acre for residential development; none for mixed-use development<sup>24</sup></u>  <b>None</b>	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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Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
<u>Maximum Residential Density</u>	<u>None, but residential density may be limited because dwellings are allowed only as an accessory use.</u>	<u>None, but residential density may be limited because dwellings are allowed only as an accessory use.</u>	<u>None</u>	<u>60 dwelling units per acre<sup>25</sup></u>	<u>60 dwelling units per acre<sup>25</sup></u>	<u>60 dwelling units per acre<sup>25</sup></u>	<u>None</u>	<u>None</u>	<u>Standards in MR-2 District apply. See Table 315-4.</u>	<u>60 dwelling units per acre<sup>25</sup></u>	<u>None</u>

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 an attached single-family dwelling and uses accessory to that dwelling.
- <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 an attached single-family dwelling, and uses accessory to that dwelling, 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.

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- <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]

## **1012 LOT SIZE AND DENSITY**

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### **1012.01 APPLICABILITY**

Section 1012 applies to the following land use permit applications in any zoning district that has a minimum lot size standard, district land area standard, or minimum density standard, except AG/F, EFU, and TBR:

- A. Subdivisions;
- B. Partitions;
- C. Replats;
- D. Design review for manufactured home parks, congregate housing facilities, and dwellings, including residential condominiums; and
- E. Conditional uses for manufactured home parks and dwellings.

### **1012.02 MINIMUM LOT SIZE EXCEPTIONS**

In subdivisions, partitions, and replats, lots and parcels shall comply with the minimum lot size standards, if any, of the applicable zoning district, except as established by Subsections 1012.02(A) through (H).

- A. Bonus Density: If a smaller lot size is necessary to provide bonus density dwelling units awarded under Subsection 1012.05(E), the minimum lot size standard of the applicable zoning district is waived. Demonstrating compliance with this standard shall not require the proposed development to be a planned unit development or require that attached-single-family dwellings be developed in lieu of detached single-family dwellings.
- B. Two or More Lawfully Established Dwellings on One Lot of Record: If a lot of record is not large enough to be divided in compliance with the minimum lot size standard of the applicable zoning district, the standard is waived if there are two or more lawfully established dwellings located on one lot of record with a Comprehensive Plan land use plan designation of Low Density Residential, Unincorporated Community Residential, or Rural. At least one of the lawfully established dwellings shall be located on each lot or parcel created pursuant to Subsection 1012.02(B). Subsection 1012.02(B) does not apply to the creation of separate lots or parcels for:
  - 1. Accessory dwelling units;
  - 2. Accessory farm dwellings on a lot of record with a land use plan designation of Rural if the accessory farm dwelling was established after October 4, 2000;

3. Manufactured dwellings and residential trailers established under a temporary permit;
  4. Manufactured dwellings and residential trailers established within a manufactured dwelling park or a manufactured home park; and
  5. Dwellings established as a “replacement” for a historic landmark dwelling, where the continued use of the historic landmark dwelling for residential purposes was permitted as a conditional use in an HL, HD, or HC overlay zoning district.
- C. Conditional Use: If the subject property is developed, or approved to be developed, with a conditional use, the minimum lot size standards of the applicable zoning district are waived, provided:
1. If a minimum lot size for the conditional use is established by Section 800, *Special Use Requirements*, it remains applicable.
  2. The proposed lot size requires approval pursuant to Section 1203, *Conditional Uses*. However, approval pursuant to Section 1203 does not waive the requirement to also receive approval pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*.
  3. The minimum lot size waiver applies only to a lot or parcel developed with the conditional use and not to any other lots or parcels in the proposed subdivision, partition, or replat.
  4. A deed restriction limiting development of an undersized lot or parcel to the approved conditional use shall be recorded in conjunction with the recording of the final plat.
  5. This lot size exception does not apply in the RA-2 or RR Districts, and the minimum lot size for the lot or parcel developed with the conditional use is two acres in the RRFF-5 and FF-10 Districts. In addition, two- and three-family dwellings in an R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, or RA-1 District are subject to Subsection 1012.02(F) in lieu of Subsection 1012.02(C).
- D. Comprehensive Plan Boundary: If through a Type IV Comprehensive Plan map amendment, a lot of record is divided by a Comprehensive Plan land use plan designation boundary, the lot of record may be partitioned along that boundary (access strips and parcels of less than one acre are excluded). If the boundary separates an Agriculture or Forest designation from an Urban, Unincorporated Community, or Rural designation, or if the boundary separates an Agriculture designation from a Forest designation, the exception to the minimum lot size standards does not apply to any portion of the subject property designated Agriculture or Forest, except to the extent that Subsection 401.08(K) or 406.09(G) also applies.

- E. Attached Single-Family Dwellings: In an R-5, R-7, R-8.5, R-10, R-15, R-20, or R-30 District, the minimum lot size for a lot or parcel to be developed with an attached single-family dwelling is 2,000 square feet, except in a planned unit development where there is no minimum lot size. Notwithstanding this minimum lot size exception, the maximum density standards of Subsection 1012.05 continue to apply.
- F. Two- and Three-Family Dwellings: In an R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, or RA-1 District, there is no minimum lot size for a lot or parcel to be developed with a two- or three-family dwelling pursuant to Section 1203, *Conditional Uses*. However, the maximum density standards of Subsection 1012.07 apply to the entire property proposed for development with two- or three-family dwellings prior to the creation of new lots or parcels. This has the effect of implementing an average lot size for a development of two- or three-family dwellings of two or three times, respectively, the minimum lot area per dwelling unit established by Table 1012-2, except to the extent that Subsections 1012.07(C) and (D) allow a reduction in this average.
- G. The minimum lot size standards of the applicable zoning district are waived for a designated nonresidential tract for a private road, open space, or similar support purpose.
- H. Notwithstanding Subsections 1012.02(B) through (D), the minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres in the FF-10, RA-1, RA-2, RC, RI, and RRFF-5 Districts, except as provided by Subsection 3.07.1130(c) of the Code of the Metropolitan Service District.

1012.03 MAXIMUM LOT SIZE

In subdivisions, partitions, and replats in the VR-5/7, VR-4/5, and VTH Districts, lots and parcels shall comply with the maximum lot size standards of the applicable zoning district, except as established by Subsections 1012.03(A) through (C) for the VR-5/7 and VR-4/5 Districts.

- A. A portion of the subject property may be excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-3, *Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts*, or when calculating maximum individual lot size, provided that a master plan for the excluded portion of the subject property demonstrates that the maximum lot size standards can be met for the entire property through future land division.

- B. Unless a master plan is provided pursuant to Subsection 1012.03(A), the maximum size of a lot or parcel created for a dwelling lawfully established prior to being zoned VR-5/7 or VR-4/5 is 15,000 square feet unless the dwelling is in a resource protection area, as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*, in which case there is no maximum lot size standard. Such a lot or parcel is excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-3.
- C. Resource protection area, as shown on Comprehensive Plan Map X-SV-1, is excluded when calculating average lot size for the subdivision, partition, or replat pursuant to Note 4 or 5 of Table 315-3 or when calculating maximum individual lot size.

#### 1012.04 GENERAL DENSITY PROVISIONS

- A. Density is a measurement of the number of dwelling units in relationship to a specified amount of land. In the context of a partition, subdivision, replat, or manufactured home park, density typically relates to potential dwelling units in the form of lots, parcels, or manufactured home park spaces. Density often is expressed as dwelling units per acre; however, this Ordinance implements density standards in many zoning districts by assigning a district land area (DLA), which is the starting point for determining the maximum number of dwelling units allowed on a particular site. In general, the DLA is the minimum lot area required per dwelling unit; however, the DLA is subject to adjustment for density bonuses, restricted area development limitations, and limits on the extent of new road area that must be subtracted.
- B. The DLA and the minimum lot size standard applicable to a particular zoning district are seldom the same. Often this is because the maximum density derived from the DLA standard is calculated over the entire site prior to any platting of new lots or parcels. The minimum lot size standard then typically permits flexibility in determining where on the site the allowed dwelling units will be developed. For example, some lots may be relatively large while others are smaller, or open space tracts may be platted while all lot sizes are relatively small. Regardless of allowed flexible sizing of individual lots or parcels, however, the maximum density allowed for the entire site remains the same.
- C. If the subject property is currently developed with one or more dwelling units that will be retained, such dwelling units shall be included in demonstrating compliance with the maximum and minimum density standards of Section 1012. Notwithstanding this provision, accessory dwelling units and temporary dwellings approved pursuant to Section 1204, *Temporary Permits*, are not included in demonstrating compliance with the density standards, provided that these dwellings will continue to comply with the requirements for accessory dwelling units or temporary dwellings, respectively.

- D. If a subdivision, partition, or replat is proposed on property currently developed with two-family, three-family, or multifamily dwellings (or with a current design review approval for such development), maximum and minimum density shall be calculated separately for each proposed lot or parcel, except in a planned unit development or a development of two- or three- family dwellings approved pursuant to Subsection 1012.07, in which case maximum and minimum density shall be calculated for the entire property proposed for development prior to the creation of new lots or parcels.
- E. In a zoning district that does not allow new detached single-family dwellings, a lot created for a nonconforming detached single-family dwelling shall not be included in the gross site area used to calculate minimum and maximum density for the remaining lot(s).

1012.05 MAXIMUM DENSITY

If this Ordinance establishes a district land area (DLA) for the applicable zoning district, the proposed development shall be limited to a maximum density. Except as necessary to implement a minimum lot size exception granted pursuant to Subsection 1012.02 or as established by Subsections 1012.06 and 1012.07, maximum density shall be calculated as follows.

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Subtract the following from GSA to determine net site area (NSA). In the event of an overlap between categories requiring a subtraction, the area of overlap shall be classified in the most restrictive category.
  - 1. The land area of new county, public, or private roads (NR) in the HR, MRR, Urban Low Density Residential, VR-4/5, VR-5/7, and VTH Districts, except:
    - a. If NR exceeds 15 percent of the GSA, only 15 percent of the GSA shall be subtracted.
    - b. No subtraction shall be made for strips of land adjacent to existing road rights-of-way when such strips are required to be dedicated as a condition of approval;
  - 2. In a zoning district other than HR and MRR, any land area of the GSA in the following highly restricted areas (HRA), except that no subtraction shall be made for HRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas:
    - a. Slopes greater than 50 percent;

- b. Mass movement hazards regulated by Section 1003, *Hazards to Safety*;
  - c. The floodway of the Floodplain Management District regulated by Section 703, *Floodplain Management District*;
  - d. The Willamette River and the required buffer area regulated by Section 705, *Willamette River Greenway*;
  - e. Habitat Conservation Areas regulated by Section 706, *Habitat Conservation Area District (HCAD)*; and
  - f. Water Quality Resource Areas regulated by Section 709, *Water Quality Resource Area District*; and
3. In a zoning district other than HR and MRR, fifty percent of the land area of any portions of the GSA in the following moderately restricted areas (MRA), except that no subtraction shall be made for MRA that will remain undeveloped, in which case density accruing to these areas may be transferred to unrestricted areas.:
    - a. Slopes equal to or greater than 20 percent and less than or equal to 50 percent; and
    - b. Areas outside the floodway but within the Floodplain Management District regulated by Section 703.
  4. In the HR and MRR Districts, any land area of the GSA in the following highly restricted area (HRA). Residential development is prohibited in the HRA.
    - a. The Floodplain Management District regulated by Section 703; and
  5. In the HR and MRR Districts, 50 percent of the land area of the GSA in the following moderately restricted areas (MRA). Residential development is prohibited in the MRA.
    - a. Slopes greater than 25 percent;
    - b. Mass movement hazards regulated by Section 1003; and
    - c. Wetlands and required buffer areas regulated by Subsection 1002.06 or another public agency.
  6. In the HR and MRR Districts, although no subtraction is required for stream corridor areas, residential development is prohibited in these areas.



- C. Divide the NSA by the DLA of the applicable zoning district. The result is base density (BD). The calculations that result in a determination of BD are represented by the following formula:

$$\{GSA - [NR + HRA + (MRA \times 0.5)]\} / DLA = BD^*$$

\* Except in the HR and MRR Districts, HRA and MRA may be reduced to zero as provided by Subsections 1012.05(B)(2) and (3).

- D. In the MRR District, the calculation in Subsection 1012.05(C) shall be done separately for each proposed unit size category identified in Table 317-3. This requires the applicant to identify the square footage of the NSA that is attributed to each unit size category. The results of each separate calculation shall be added to determine BD.
- E. Add any applicable density bonuses to BD. Bonus density shall be allowed subject to the following criteria:
1. The proposed development shall include a minimum of four dwelling units, excluding accessory dwelling units and temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.
  2. The bonus density categories and corresponding maximum increases to BD, as well as the zoning districts to which the bonus density categories are applicable, are identified in Table 1012-1, *Bonus Density*.
  3. In the MRR District, dwelling units allowed through the bonus density provisions shall be developed with the same unit size mixture as provided in the BD. For example, if a development is proposed with a BD of 50 units of 700 square feet and 50 units of 500 square feet, and a bonus density of 10 units is allowed, the 10 bonus units shall include 5 units of 700 square feet and 5 units of 500 square feet.

**Table 1012-1: Bonus Density**

Bonus Category	Maximum Increase in the HR and Urban Low Density Residential Districts	Maximum Increase in <u>All Other Zoning Districts</u> the <del>HDR, MR-1, MR-2, MRR, and PMD Districts</del>
<p>Affordable Housing: Dwelling units <u>affordable to households earning equal to or less than 80 percent of the area median income (AMI) as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee. <del>qualifying and approved for housing for low-income families or for the elderly under a federal, state, or local program will be provided in the development.</del></u></p>	<p>One dwelling unit per affordable dwelling unit up to 5 percent of the base density</p>	<p>One dwelling unit per affordable dwelling unit up to <del>8-50</del> <u>8-50</u> percent of the base density<sup>1</sup></p>
<p><u>Mixed-Use Development<sup>2</sup>: Multifamily dwelling units developed as part of a mixed-use development, where a minimum of 20 percent of the total floor area on a site is developed for a non-residential use.</u></p>	<p><u>Not applicable</u></p>	<p><u>One dwelling unit per dwelling unit located in a mixed-use development up to 20 percent of the base density<sup>3</sup></u></p>
<p>Park Dedication: Land will be dedicated as a park and accepted by a government agency pursuant to Subsection 1011.04.</p>	<p>10 percent of the base density</p>	<p>10 percent of the base density<sup>1</sup></p>
<p>Habitat Conservation Area: At least 75 percent of the HCA on the subject property will be protected from development by a restrictive covenant or a public dedication.</p>	<p>Not applicable</p>	<p>25 percent of the base density<sup>4</sup>; <del>This bonus density provision is also applicable in the SHD and VA Districts.</del></p>
<p><b>MAXIMUM TOTAL INCREASE</b></p>	<p><b>15 percent of the base density</b></p>	<p><b><del>43-60</del> <u>43-60</u> percent of the base density</b></p>

<sup>1</sup> Does not apply in the VA, VR-4/5, VR-5/7, or VTH Districts

<sup>2</sup> For the purposes of this provision, mixed-use development means a mix of uses located within a single building or a mix of uses located on a single site.

<sup>3</sup> May only be applied in the C-3, CC, OC, and RTL Districts

<sup>4</sup> Does not apply in the VR-4/5, VR-5/7, or VTH Districts

- F. Any partial figure of one-half or greater shall be rounded up to the next whole number, except partial figures shall be rounded down for a subdivision, partition, or replat of 10 lots or fewer in an Urban Low Density Residential, VR-4/5, or VR-5/7 District.
- G. The result is maximum density, except that the result shall be reduced as necessary to:
  - 1. Comply with the minimum lot size standards, if any, of the applicable zoning district, as modified by Subsection 1012.02;
  - 2. Ensure that, in an R-2.5 District, the density of the developed portion of the subject property does not exceed one dwelling unit per 2,420 square feet of land area; and
  - 3. Ensure that, in all other Urban Low Density Residential Districts, the density of the developed portion of the subject property does not exceed one dwelling unit per 3,630 square feet of land area.

1012.06 MAXIMUM DENSITY IN THE VA, VTH, VR-4/5, AND VR-5/7 DISTRICTS

In the VA, VTH, VR-4/5, and VR-5/7 Districts, maximum density shall be calculated pursuant to Subsection 1012.05, except if any restricted areas, as identified in Subsections 1012.05(B)(2) and (3), are to be developed, in which case:

- A. A district land area of one acre shall apply to the restricted areas proposed for development, and such areas shall not be developed at a density greater than one dwelling unit per acre.
- B. The steps identified in Subsections 1012.05(B)(2) and (3) shall be omitted when completing the calculations for the restricted areas to be developed.

1012.07 MAXIMUM DENSITY FOR TWO- AND THREE-FAMILY DWELLINGS IN URBAN LOW DENSITY RESIDENTIAL DISTRICTS

In the R-5, R-7, R-8.5, R-10, R-15, R-20, R-30, and RA-1 Districts, developments of two- or three-family dwellings approved pursuant to Section 1203, *Conditional Uses*, shall be limited to a maximum density, which shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area (GSA).
- B. Divide GSA by the minimum lot area per dwelling unit (MLA) of the applicable zoning district as shown in Table 1012-2, *Minimum Lot Area per Dwelling Unit*. The result is base density (BD).

**Table 1012-2: Minimum Lot Area per Dwelling Unit**

<b>Zoning District</b>	<b>Minimum Lot Area per Dwelling Unit (in square feet)</b>
R-5	3,333
R-7	4,662
R-8.5	5,661
R-10	6,660
R-15	9,990
R-20	13,320
R-30	19,980
RA-1	43,560

- C. Except in the RA-1 District, add any applicable density bonuses to BD. Bonus density shall be allowed pursuant to Subsection 1012.05(E). However, if affordable housing is provided pursuant to Table 1012-1, *Bonus Density*, but affordability requirements are not specified by a federal, state, or local program as required by Table 1012-1, an affordability covenant or other mechanism to ensure affordability, deemed acceptable by the County, shall instead be attached to the affordable dwelling units.
- D. Any partial figure of one-half or greater shall be rounded up to the next whole number, except partial figures shall be rounded down in a subdivision, partition, or replat of 10 lots or fewer.
- E. The result is maximum density.

1012.08 MINIMUM DENSITY

A minimum density standard applies in the Urban Low Density Residential, HDR, MR-1, MR-2, PMD, RCHDR, SHD, and VA Districts. Minimum density shall be calculated as follows:

- A. Calculate the land area of the subject property. The result is gross site area (GSA).

- B. Subtract the following land area from GSA to determine net acreage:
1. New county, public, or private roads and strips of land dedicated adjacent to existing road rights-of-way;
  2. Slopes equal to or greater than 20 percent;
  3. Mass movement hazards regulated by Section 1003, *Hazards to Safety*;
  4. Areas in the Floodplain Management District regulated by Section 703, *Floodplain Management District*;
  5. The Willamette River and the required buffer area regulated by Section 705, *Willamette River Greenway*;
  6. Habitat Conservation Areas (HCA) regulated by Section 706, *Habitat Conservation Area District (HCAD)*, provided that the HCA, or portion thereof, to be subtracted is protected from development by a restrictive covenant or a public dedication, and provided that the subject property was inside the Portland Metropolitan Urban Growth Boundary on January 1, 2002;
  7. Water Quality Resource Areas regulated by Section 709, *Water Quality Resource Area District (WQRAD)*; and
  8. Land to be dedicated to the public for park or open space use.
- C. In the RCHDR District, the minimum density is 30 dwelling units per net acre. Otherwise, divide by the district land area of the applicable zoning district and multiply the result:
1. By 80 percent in Urban Low Density Residential Districts. However, partitions in these districts have no minimum density requirement provided that a master plan demonstrates that the minimum density for the entire property can be met through future land division;
  2. By 80 percent in the PMD and MR-1 Districts, except in the case of a manufactured home park where the result shall be multiplied by 50 percent;
  3. By 90 percent in the MR-2, HDR, and SHD Districts; or
  4. By 50 percent in the VA District.
- D. Any partial figure of one-half or greater shall be rounded up to the next whole number.
- E. The result is minimum density.

[Amended by Ord. ZDO-245, 7/1/13; Amended 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-266, 5/23/18; Amended by Ord. ZDO-280, 10/23/21]

**1015 PARKING AND LOADING**

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1015.01 GENERAL STANDARDS

- A. Inside the Portland Metropolitan Urban Growth Boundary (UGB), parking, loading, and maneuvering areas shall be hard-surfaced, unless a permeable surface is required for surface water management pursuant to the regulations of the surface water management authority or in order to comply with Subsection 1006.06.
- B. Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.
- C. Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1, *Automobile Parking Space Requirements*; 1015-2, *Minimum Required Bicycle Parking Spaces*; and 1015-3, *Minimum Required Off-Street Loading Berths* shall be subject to the requirements for the most similar use.
- D. Motor vehicle parking, bicycle parking, and loading areas shall be separated from one another.
- E. Required parking spaces and loading berths shall not be:
  - a. Rented, leased, or assigned to any other person or organization, except as provided for under Subsection 1015.02(D)(~~32~~)(a) for shared parking or Subsection 1015.04(C) for shared loading berths.
  - b. Used for storing or accumulating goods or storing a commercial or recreational vehicle, camper, or boat, rendering the space(s) useless for parking or loading operations.
  - c. Occupied by the conducting of any business activity, except for permitted temporary uses (e.g., farmers' markets).

1015.02 MOTOR VEHICLE PARKING AREA STANDARDS

- A. Off-street parking areas shall be designed to meet the following requirements:
  - 1. Off-street motor vehicle parking areas shall be provided in defined areas of the subject property. No area shall be considered a parking space unless it can be shown that the area is accessible and usable for that purpose and has required maneuvering area for vehicles. Required backing and maneuvering areas shall be located entirely onsite.
  - 2. Automobile parking spaces shall be a minimum of 8.5 feet wide and 16 feet long, except that parallel spaces shall be a minimum of 8.5 feet wide and 22 feet long.

3. A minimum of 25 percent of required parking spaces shall be no larger than 8.5 feet wide and 16 feet long.
  4. Parking areas shall comply with minimum dimensions for curb length, stall depth, and aisle width established by the Clackamas County Roadway Standards; these dimensions are based on the orientation (e.g., 45-degree, 90-degree), length, and width of the spaces.
  5. Double-loaded, ninety-degree angle parking bays shall be utilized where possible.
  6. A minimum of one parking space or five percent of the required spaces, whichever is greater, shall be marked and signed for use as carpool/vanpool spaces. These spaces shall be the closest employee automobile parking spaces to the building entrances normally used by employees, but shall not take priority over any spaces required for individuals with disabilities.
  7. In parking lots greater than one acre, major onsite circulation drive aisles and lanes crossing to adjacent developments shall not have parking spaces accessing directly onto them.
  8. Where feasible, shared driveway entrances, shared parking and maneuvering areas, and interior driveways between adjacent parking lots shall be required.
  9. Except for parallel spaces, parking spaces heading into landscaped areas or along the perimeter of a parking lot shall be provided with a sturdy tire stop at least four inches high and located two feet within the space to prevent any portion of a car within the lot from extending over the property line.
  10. For parking spaces heading into a landscaped area, the area in front of the tire stop that is included in the parking space dimension may be landscaped instead of paved or graveled according to the following standards:
    - a. Landscaping shall be ground cover plants only;
    - b. The area in front of the tire stop that is included in the parking space dimension shall be in addition to the required minimum dimension for a landscape planter; and
    - c. The landscaped area in front of the tire stop may count toward overall site landscaping requirements established in Table 1009-1, *Minimum Landscaped Area*. However, it may not count toward perimeter landscaping requirements established in Section 1009.03(B)(1).
- B. Parking Minimums: The minimum number of parking spaces listed in Table 1015-1, *Automobile Parking Space Requirements*, applies unless modified in Subsection 1015.02(D).



1. In case of expansion of a building or use that, prior to the expansion, does not meet the minimum parking space requirements in Table 1015-1, the following provisions shall apply:
  - a. The minimum number of additional parking spaces required shall be based only on the floor area or capacity added and not the area or capacity existing prior to the expansion.
  - b. If the enlargement covers any of the pre-expansion parking spaces, lost parking spaces shall be replaced, in addition to any required additional spaces.
2. In the event more than one use occupies a single structure or parcel, the total minimum requirement for parking shall be the sum of the minimum requirements of the several uses computed separately.

C. Parking Maximums:

1. Within the UGB, the parking maximums listed in Table 1015-1, Urban Zone A, apply when an area has 20-minute peak hour transit service within one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit.
2. Within the UGB, areas not meeting the requirements of Subsection 1015.02(C)(1), are subject to the parking maximums listed in Table 1015-1, Urban Zone B.
3. In case of expansion of a building or use with more parking spaces than the maximum allowed by Table 1015-1:
  - a. Existing parking spaces may be retained, replaced, or eliminated, provided that after the expansion, the total number of remaining spaces complies with the minimum parking space requirement of Table 1015-1 for the entire development; and
  - b. Additional parking spaces are allowed only if required to comply with the minimum parking space requirement of Table 1015-1 for the entire development after the expansion.

**Table 1015-1: Automobile Parking Space Requirements<sup>1</sup>**

<b>Land Use Category</b>	<b>Minimum Parking Spaces</b>	<b>Maximum Parking Spaces (Urban Zone A)</b>	<b>Maximum Parking Spaces (Urban Zone B)</b>
Amusement Parks, Riding Academies, and Camps (per 1000 square feet of serving area)	0.8	None	None
Bank with Drive-in	4.3	5.4	6.5
Bed and Breakfast Residences and Inns	1 for each guest room and 1 for the operator	None	None
Bowling Alleys (per alley)	3	None	None
Child Care Facilities	0.5 In addition, a passenger-loading area shall be provided on the site.	None	None
Dwellings, including:			
Manufactured Dwelling or Single-Family Dwelling in RA-1, RA-2, Urban Low Density Residential, VR-4/5, or VR-5/7 District (per dwelling unit)	1, located behind the front setback line	None	None
HR District (per primary dwelling unit 800 square feet or less or per unit for accessory dwelling units) <sup>2</sup>	1	None	None
HR District (per primary dwelling unit greater than 800 square feet) <sup>2</sup>	2	None	None
MRR District, except congregate housing facilities (per 600 square feet of residential building area for primary dwellings or per unit for accessory dwelling units)	1	None	None
Attached Single-Family Dwelling in MR-1 or MR-2 District (per dwelling unit)	2	None	None

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Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Attached Single-Family Dwelling in SCMU District (per dwelling unit)	1 onsite	2 onsite	NA
Attached Single-Family Dwelling in VTH District (per dwelling unit)	1, located in a garage	None	None
Two- and Three-Family Dwellings (per dwelling unit)	1.5	None	None
Manufactured Dwelling Park (per dwelling unit)	2	None	None
Multifamily Dwelling (per <del>studio/0-bedroom</del> or one-bedroom dwelling unit)	<del>1.25</del> 1.0	None	None
Multifamily Dwelling (per two-bedroom dwelling unit)	<del>1.5</del> 1.25	None	None
Multifamily Dwelling (per three-bedroom dwelling unit)	<del>1.75</del> 1.5	None	None
Congregate Housing Facilities (per resident)	0.25	None	None
Home Occupations for Canine Skills Training	1 per canine handler, based on the maximum number of handlers permitted for any single training session. An additional space shall be provided for each employee.	None	None

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<b>Land Use Category</b>	<b>Minimum Parking Spaces</b>	<b>Maximum Parking Spaces (Urban Zone A)</b>	<b>Maximum Parking Spaces (Urban Zone B)</b>
Home Occupations to Host Events	1 space per 3 guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.	None	None
Hospitals	0.5	None	None
Hotels and Motels (per unit)	1	None	None
Industrial, Manufacturing, and Processing Facilities			
Zero to 24,999 square feet	1.5	None	None
25,000 to 49,999 square feet	1.42	None	None
50,000 to 79,999 square feet	1.25	None	None
80,000 square feet and greater	1	None	None
Medical and Dental Clinics	3.5	4.9	5.9
Movie Theaters (per seat)	0.3	0.4	0.5
Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children (per bed)	0.2	None	None
Office Uses (includes Office Park, “Flex-Space”, Government Office and Miscellaneous Services)	2.7	3.4	4.1

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<b>Land Use Category</b>	<b>Minimum Parking Spaces</b>	<b>Maximum Parking Spaces (Urban Zone A)</b>	<b>Maximum Parking Spaces (Urban Zone B)</b>
Places of Worship (per seat located in main assembly room), unless a school, daycare, or similar facility is proposed in conjunction with primary use, in which case it shall have separate parking requirement	0.5, or 1 per 5.3 feet of bench length in main assembly room	0.6	0.8
Produce Stands (per stand)	4	None	None
Recreational Vehicle Camping Facilities	1 per campsite (in addition to the space required for parking the recreational vehicle) and 1 per employee at peak employment period	None	None
Restaurants: Fast Food with drive-thru window service	9.0	12.4	14.9
Restaurants: With no drive-thru window service, Taverns	15.0	19.1	23
Retail/Commercial, including shopping centers	4.1, except in the Clackamas Regional Center Area, 3.0	5.1	6.2
Retail stores with bulky merchandise, such as furniture, appliances, automobiles, service/repair shops	2	5.1	6.2
Schools: Colleges, Universities, and High Schools (per student or staff member)	0.2	0.3	0.3
Schools: Elementary and Junior High Schools (per school)	15, or 2 per classroom, whichever is less	None	None

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Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Service Stations (per employee at peak employment period)	1	None	None
Sports Clubs/Recreation Facilities	4.3	5.4	6.5
Surface Mining	On-site vehicular parking for employees, customers and visitors, determined through Conditional Use process.	None	None
Tennis and Racquetball Courts	1	1.3	1.5
Theaters, Dance Halls, Community Clubs, Skating Rinks, Public Meeting Places (per seat, or 1 per 100 sq. ft. exclusive of stage)	0.25	None	None
Warehouse and Storage Distribution, and Terminals (air, rail, truck, water, etc.) **Maximum parking requirements apply only to warehouses 150,000 gross square feet or greater.			
Zero to 49,999 square feet	0.3	None	None
50,000 square feet and over	0.2	0.4**	0.5**

<sup>1</sup> Parking ratios are based on spaces per 1,000 square feet of gross leasable area, unless otherwise stated.

<sup>2</sup> On land above 3,500 feet in elevation, covered parking shall be provided for structures containing three or more dwelling units.

D. Exceptions to Parking Requirements:

1. Parking maximums in Table 1015-1 may be increased for the following:

- a. Parking spaces in parking structures;
- b. Fleet parking spaces;
- c. Designated employee carpool spaces;
- d. User-paid spaces; and
- e. Parking spaces for vehicles for sale, lease, or rent.

2. Parking minimums in Table 1015-1 may be reduced by 40 percent for multifamily dwelling units on sites within a one-quarter mile walking distance of a light rail station. Walking distance is measured along public roads, walkways, or accessways.

2.~~3.~~ Parking minimums in Table 1015-1 or as calculated pursuant to Subsection 1015.02(D)(2) may be reduced for the following:

- a. The total minimum requirement for parking spaces may be reduced up to 20 percent per use when shared parking is utilized.
- b. In commercial and industrial zoning districts, available permitted on-street parking spaces on a development's street frontage may be counted toward required parking. To count as an on-street parking space, the space must comply with the minimum dimensions for a parking space established by Subsections 1015.02(A)(2) and (4).
- c. Motorcycle parking may substitute for required automobile parking spaces as follows:
  - i. Up to five spaces or five percent of required automobile parking, whichever is less, may be utilized.
  - ii. For every four motorcycle parking spaces provided, the automobile parking requirement is reduced by one space.
  - iii. Each motorcycle space must be at least four feet wide and eight feet deep.
- d. Electric vehicle charging stations may be installed according to the following standards:
  - i. Two spaces or five percent of the minimum required parking spaces, whichever is greater, may be utilized for electric vehicle charging stations and identified exclusively for such use.

- ii. Additional parking spaces of the minimum required parking may be utilized for electric vehicle charging stations, provided they are not identified exclusively for such use.
- iii. Any portion of parking spaces provided that are beyond the required minimum number of parking spaces may be utilized for electric vehicle charging stations, regardless of whether they are identified exclusively for such use.

34. A parking cap applies in the SCMU District. The total number of parking spaces provided for nonresidential development (either onsite or offsite) shall not exceed the parking cap, regardless of the number of pre-existing parking spaces. Parking maximums and minimums established by Table 1015-1 shall be adjusted to the extent necessary to comply with the parking cap. The parking cap shall be calculated by the following formula:

$\text{Parking Cap} = \text{Gross Acres of the Development Site} \times 67 \text{ Parking Spaces}$
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1015.03 BICYCLE PARKING STANDARDS

A. Bicycle parking areas shall meet the following on-site locational requirements:

- 1. Bicycle parking racks shall be located in proximity to an entrance but shall not conflict with pedestrian needs.
- 2. At least 75 percent of the bicycle parking spaces shall be located within 50 feet of a public entrance to the building.
- 3. Bicycle parking may be provided within a building, if the location is easily accessible for bicycles.
- 4. Bicycle parking for multiple uses, or a facility with multiple structures, may be clustered in one or several locations within 50 feet of each building's entrance.
- 5. If the bicycle parking is not easily visible from the street or main building entrance, then a sign must be posted near the building entrance indicating the location of the parking facilities.

B. Bicycle parking shall be designed to meet the following requirements:

- 1. When more than seven bicycle parking spaces are required, a minimum of 50 percent of the spaces shall be covered. All of the required bicycle spaces for schools, park-and-ride lots, congregate housing facilities, and multifamily dwellings shall be covered.
- 2. Cover for bicycle parking may be provided by building or roof overhangs, awnings, bicycle lockers, bicycle storage within buildings, or freestanding shelters.



3. When more than 15 covered bicycle parking spaces are required, 50 percent of the required covered spaces shall be enclosed and offer a high level of security, e.g., bicycle lockers or a locked cage or room with locking facilities inside, to provide safe long-term parking.
4. Required bicycle parking spaces shall be illuminated.
5. Required bicycle parking areas shall be clearly marked and reserved for bicycle parking only.
6. Bicycle parking space dimensions and standards:
  - a. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations the overhead clearance must be at least seven feet.
  - b. An aisle a minimum of five feet wide must be provided for bicycle maneuvering.
  - c. Bicycle racks must hold bicycles securely by the frame and be securely anchored.
  - d. Hanging bicycle racks and/or enclosed, stackable bike lockers may be substituted for surface racks if comparable dimensions, maneuvering, and clearance are provided to the user.
  - e. Bicycle racks must accommodate both:
    - i. Locking the frame and one wheel to the rack with a high-security U-shaped shackle lock; and
    - ii. Locking the frame and both wheels without removal of wheels to the rack with a chain or cable not longer than six feet.
7. The minimum number of bicycle parking spaces listed in Table 1015-2, *Minimum Required Bicycle Parking Spaces*, are required. If a listed use is located within the Portland Metropolitan Urban Growth Boundary (UGB), it shall have a minimum of two bicycle parking spaces or the number required by Table 1015-2, whichever is greater.
8. New multifamily residential, commercial, and institutional developments within the UGB shall designate short-term bicycle parking (less than four hours) and long-term bicycle parking (four or more hours) spaces as needed for the development.

**Table 1015-2: Minimum Required Bicycle Parking Spaces**

Land Use Category	Minimum Bicycle Parking Spaces <sup>1</sup>
Elementary Schools, Junior High Schools, Middle Schools, Senior High Schools, and Colleges (per classroom)	2  (maximum required spaces – 100)
Multifamily Dwellings (per dwelling unit)	0.5
Park-and-Ride Lots, Transit Centers, and Community Parks (per acre)	5
Preschools	4
Residential Care Facilities, Nursing Homes, and Hospitals (per 8 beds)	1
Retail and Commercial including offices and clinics	
Per 2,500 square feet, up to 50,000 square feet	1
Per each additional 5,000 square feet	1
Theaters, Places of Worship, Auditoriums, Dance Halls and other Public Assembly Places (per 40 seats or per 40 persons of design capacity, whichever is greater)	1
Warehouses and industrial buildings without attached offices, automotive service uses such as service stations and tire stores, and businesses selling large items such as major appliances, furniture, cars, or boats (per 10,000 square feet of building area)	1

<sup>1</sup> Minimums outside the UGB are 20 percent of the requirement listed in Table 1015-2.

1015.04 OFF-STREET LOADING STANDARDS

- A. No area shall be considered a loading berth unless it can be shown that the area is accessible and usable for that purpose, and has maneuvering area for vehicles.
- B. In cases of expansion of a building or use, that prior to the expansion, does not meet the minimum loading berth requirements in Table 1015-3, *Minimum Required Off-Street Loading Berths*, the following provisions shall apply:

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1. The minimum number of additional loading berths required shall be based only on the floor area or capacity added and not on the area or capacity existing prior to the expansion.
  2. If the expansion covers any pre-expansion loading berths, lost loading berths shall be replaced, in addition to any required additional berths.
- C. In the event several uses occupy a single structure or parcel of land and share the same loading berths, the total requirement for off-street loading shall be reduced by up to 25 percent of the sum of the requirements of the several uses computed separately.
- D. The minimum off-street loading berths listed in Table 1015-3 are required.

**Table 1015-3: Minimum Required Off-Street Loading Berths**

<b>Land Use Category</b>	<b>Unit of Measurement</b>	<b>Number of Loading Berths</b>	<b>Minimum Required Dimension</b>
Multifamily Dwellings	Number of Dwelling Units		25 feet x 12 feet x 14 feet high
	Below 50	None	
	50 to 100	1	
	101 to 200	2	
	201 or more	3	
Hotels and Motels	Square feet of floor area		35 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 50,000	1	
	50,001 to 150,000	2	
	150,001 to 300,000	3	
	300,001 to 500,000	4	
	For each additional 200,000	1 additional berth	

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<b>Land Use Category</b>	<b>Unit of Measurement</b>	<b>Number of Loading Berths</b>	<b>Minimum Required Dimension</b>
Institutional Uses			
Nursing Homes, Welfare or Correctional Institutions, and Institutions for Children	Number of beds		35 feet x 12 feet x 14 feet high
	Less than 25	0	
	More than 25	1	
Assisted Living Facilities	Square feet of floor area		
	Below 10,000	None	
	10,000 to 60,000	1	
	60,001 to 160,000	2	
	160,001 to 264,000	3	
	388,001 to 520,000	5	
	520,001 to 652,000	6	
	652,001 to 784,000	7	
	784,001 to 920,000	8	
	For each additional 140,000	1 additional berth	
Schools	Per each school bus	0.5	

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Land Use Category</b>	<b>Unit of Measurement</b>	<b>Number of Loading Berths</b>	<b>Minimum Required Dimension</b>
Hospitals	Square feet of floor area		35 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 16,000	1	
	16,001 to 40,000	2	
	40,001 to 64,000	3	
	64,001 to 96,000	4	
	96,001 to 128,000	5	
	128,001 to 160,000	6	
	160,001 to 196,000	7	
	For each additional 36,000	1 additional berth	
Commercial Uses	Square feet of floor area		35 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 24,999	1	
	25,000 to 49,999	2	
	50,000 to 100,000	3	
	Each additional 50,000	1	

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Land Use Category</b>	<b>Unit of Measurement</b>	<b>Number of Loading Berths</b>	<b>Minimum Required Dimension</b>
Industrial, Manufacturing, Warehousing, Storage, Processing, and Terminals	Square feet of floor area		60 feet x 12 feet x 14 feet high
	Under 5,000	None	
	5,000 to 16,000	1	
	16,001 to 40,000	2	
	40,001 to 64,000	3	
	64,001 to 96,000	4	
	96,001 to 128,000	5	
	128,001 to 160,000	6	
	160,001 to 196,000	7	
	For each additional 36,000	1 additional berth	

[Added by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; 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-276, 10/1/20]

**Exhibit C**  
**Ordinance ZDO-277**

Findings of Consistency with Statewide Planning Goals and Guidelines, the Metro Urban Growth Management Functional Plan, the Clackamas County Comprehensive Plan, and the Zoning and Development Ordinance (ZDO)

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**BACKGROUND**

In early 2020 and at the direction of the Board of County Commissioners (Board), the Planning Division initiated a three-phased project to consider amendments to the county's Zoning & Development Ordinance (ZDO) to provide more opportunities for housing development in unincorporated Clackamas County.

The project was developed in response to the following county and state level actions that took place between 2017 and 2019:

- The Clackamas County *Housing Needs Analysis (HNA)*, completed in 2019 at the direction of the Clackamas County Coordinating Committee (C4), the Board, and County Administration, found that:
  - housing has become less affordable in the county; and
  - over the next 20 years there is expected to be a deficit of available residential land for as many as 5,000 dwelling units in the urban unincorporated area;
- The *Housing Affordability and Homelessness Task Force*, appointed by the Board in 2018, recommended actions the county can take to address housing affordability issues, including strategies related to funding, housing services and housing supply;
- The Board's *Performance Clackamas* strategic plan identified a five-year goal for the Department of Transportation & Development to provide zoning/places for 700 new dwelling units affordable to households from 60% to 110% of the area's median income (AMI);
- *House Bill 2001 [2019]* and *Senate Bill 1051 [2017]* require the county to amend its zoning regulations to, among other things, allow for additional housing types in single-family residential zones, and
- The County's *2019-2021 Long-Range Planning Work Program* contained several housing-related elements at the request of various community members and groups.

ZDO-277 represents the first phase of this project. This phase was focused on multifamily development and included consideration of amendments that would:

- 1) Increase the density bonus for affordable housing;
- 2) Reduce parking requirements for multifamily developments; and
- 3) Increase maximum allowed housing density in certain commercial zones.

To develop recommendations for ZDO changes related to each of these items, Planning staff reviewed related studies and data; reviewed how and/or if zoning codes in other jurisdictions address the underlying issues in each strategy; analyzed the potential impact to the housing stock from ZDO changes; and conducted public outreach, including:

- An online public survey from Dec. 9, 2020 – Jan. 8, 2021; there were 573 respondents;



- Discussions with a technical working group of people with experience and interest in the topic in September and October 2020, January 2021, and June 2021;
- Presentations to community groups including the Jennings Lodge CPO, Oak Grove Community Council, Community Leaders Meeting and Housing Oregon's Portland Metro Policy Council.

In addition, staff gave several presentations to and had conversations with the Planning Commission (PC) and Board prior to the three public hearings that were held for consideration of the amendments proposed in ZDO-277.

- August 23, 2021: PC Public Hearing, at which testimony was received and the PC voted to recommend approval of each of the three items in ZDO-277, as follows:
  - Vote to increase affordable housing bonus: 8-0
  - Vote to reduce overall multifamily minimum parking requirements and allow additional reductions for affordable housing and multifamily housing within ¼-mile walking distance of a light rail station: 5-3
  - Vote to increase multifamily housing density in commercial zones: 8-0, with an amendment to allow a density bonus for all mixed-use development on the same site, not just when commercial and residential uses are in the same building.
- October 6, 2021: Board Public Hearing, at which testimony was received and the Board voted unanimously (5-0) to approve the first item – increasing the affordable housing density bonus. The other two items were continued to November 3<sup>rd</sup> for discussion and deliberation. The written record was left open until November 3<sup>rd</sup>.
- November 3, 2021: Board Public Hearing, at which the Board closed public testimony and deliberated and voted to approve all or portions of the two remaining items through a series of motions, as follows:
  - Vote to increase multifamily housing density in commercial zones: 5-0
  - Vote to include density bonus for housing developed as part of mixed-use development: 5-0
  - Vote to decrease overall multifamily minimum parking requirements: 4-1
  - Vote to include additional reduction to multifamily minimum parking requirement for developments within ¼-mile walking distance of a light-rail station: 3-2
- On a vote of 3-2, the Board declined to approve the recommendation of the Planning Commission and staff to reduce the overall amount of parking required for any multifamily development that is affordable to households earning at or below 60% of the area's median income.
- The final motion for the BCC to approve ZDO-277, in a manner that implements the Board direction based on all prior approved motions related to the various items from the November 3<sup>rd</sup> and October 6<sup>th</sup> public hearings passed by a vote of 4-1.

## **AMENDMENTS**

ZDO-277 includes text amendments to Comprehensive Plan Chapter 5, *Transportation*; Comprehensive Plan Chapter 6, *Housing*; and three separate ZDO sections: Section 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; Section 1012, Density; and Section 1015, Parking and Loading.*

These text amendments implement all the items included in the Board's approval and will accomplish the following three actions.

**1. Increase the density bonus for affordable housing.**

An affordable housing density bonus is a voluntary program that gives a developer additional building entitlements (e.g., more height or units) in exchange for providing housing that is affordable to low-income households.

Currently the county's ZDO provides a very limited density bonus if a development includes affordable housing – one unit (either market rate or affordable) beyond the base density for each affordable unit developed, up to an 8% increase above base density. (For example, if the allowable density is 100 units and a developer proposes to make at least 8 of those affordable, they may add 8 units, for a total of 108.) This bonus is rarely used and, even when used, does not result in a significant number of additional affordable units.

ZDO-277 increases the affordable housing density bonus for multifamily developments from a maximum of 8% over base density to a maximum of 50% over base density. The ZDO amendments also specify that the bonus is applicable for both for-sale and rental units that will be held affordable to households at or below 80% of the area median income (AMI) for at least 30 years. To obtain this bonus, a developer would need to provide a restrictive covenant or other similar guarantee that the units would remain affordable for at least 30 years.

These amendments to ZDO Section 1012, *Density* will affect all zoning districts that currently allow the use of the affordable housing density bonus for multifamily housing or plexes. It will also apply the affordable housing density bonus to one zoning district -- Special High Density Residential (SHD) -- that allows multifamily development, but is not currently eligible for the bonus.

**2. Amend minimum parking requirements for multifamily housing to better reflect market needs.**

Currently the county's ZDO provides the same parking ratio (spaces/residential unit) for all multifamily developments -- a minimum of 1.25-1.75 parking spaces per residential unit, depending on number of bedrooms. Data shows, however, that developing parking can be expensive and affect the affordability of housing, and that proximity to a light rail station can reduce the actual need for parking. The county's ZDO does not include a specified process or criteria for a reduction to the current parking requirements.

ZDO-277 will amend the minimum parking requirements for multifamily housing, found in Section 1015, *Parking & Loading*, in the following ways:

- Reduce the minimum parking requirement for all multifamily dwelling units to 1.0 – 1.5 parking spaces per residential unit, depending on number of bedrooms; and
- Allow for an additional 40% reduction to the minimum parking requirement for units (at any price/rent level) that are located within ¼-mile of a light-rail station.

**3. Increase allowed housing density in certain commercial zones.**

Most of the county's urban commercial zoning districts allow multifamily housing to be developed as stand-alone or as part of a mixed-use development. Despite having no height limits or maximum floor area ratios for *commercial development* in most commercial zones, the county does have maximum densities (dwelling units per acre) for *residential development* in many commercial zones. In commercial districts most commonly found along our major transportation corridors (General Commercial [C-3], Corridor Commercial [CC], Office Commercial [OC] and Retail Commercial [RTL]), multifamily dwellings are limited to 25 units/acre, a maximum that is too low to make building multifamily housing financially feasible, unless the units can be priced very high.

ZDO-277 will increase the allowed density for housing in those four commercial zoning districts to a maximum of 60 dwelling units/acre (ZDO Section 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*). In an effort to promote mixed-use development in these zones, the amendments also include an additional density bonus in ZDO Section 1012, *Density*, which would allow for a 20% increase over this base density for housing developed in conjunction with commercial uses.

## **PUBLIC NOTICE & COMMENTS**

Notice of the proposed amendments in ZDO-277 was sent to:

- All County Community Planning Organizations (CPOs) and Hamlets;
- Oregon Department of Land Conservation & Development (DLCD), Metro, Oregon Department of Transportation (ODOT) and other interested agencies, and
- An interested parties list, specific to this project, which contains 287 contacts.

Notice was also published in the newspaper and was the subject of a press release and social media posts. The Jennings Lodge CPO provided written testimony, generally in support of the amendments, but with some identified concerns. Written and oral testimony received from other parties was split fairly evenly in support and opposed to all or portions of the proposed amendments, although most opposition was related to changing parking minimums.

## **ANALYSIS AND FINDINGS**

### **1. Statewide Planning Goals**

This section of the report includes findings on the consistency of ZDO-277 with the Statewide Planning Goals.

- a. **Goal 1 – Citizen Involvement:** Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process” and requires the County to have a citizen involvement program with certain features.

ZDO-277 does not propose to change the *Citizen Involvement* chapter (Chapter 2) of the County's Comprehensive Plan. ZDO Section 1307 implements policies of Comprehensive Plan Chapter 2, and contains adopted and acknowledged procedures for citizen involvement and public notification of land use applications. Notice of ZDO-277 has been provided consistent with the requirements of Chapter 2 and Section 1307,

including to all Community Planning Organizations, Hamlets, DLCD, and a sizeable list of interested parties. Notice of the Planning Commission and Board hearings was published in the newspaper, both were advertised through social media, and press releases issued. Before a final decision on ZDO-277 can be made, there were three public hearings: one before the PC and two before the Board.

The amendments proposed in ZDO-277 respond to requests from the public through work with the development and adoption of the Long-Range Planning Work Program, as well as from members of the *Housing Affordability and Homelessness Task Force*. **This proposal is consistent with Goal 1.**

- b. **Goal 2 – Land Use Planning:** Goal 2 requires the County to have and to follow a comprehensive land use plan and implementing regulations. Comprehensive Plan (Plan) provisions and regulations must be consistent with Statewide Planning Goals, but Goal 2 also provides a process by which exceptions can be made to certain goals.

ZDO-277 does not require an exception to any Statewide Planning Goal. With the proposed amendments, the County's adopted and acknowledged Comprehensive Plan will continue to be consistent with Statewide Planning Goals, and the implementing regulations in the ZDO will continue to be consistent with those goals and with the Comprehensive Plan. **This proposal is consistent with Goal 2.**

- c. **Goal 3 – Agricultural Lands:** This goal is **not applicable** because the ZDO-277 text amendments would not change Plan agricultural land policies or implementing regulations for compliance with Goal 3.
- d. **Goal 4 – Forest Lands:** This goal is **not applicable** because the ZDO-277 text amendments would not change Plan forest lands policies or implementing regulations for compliance with Goal 4.
- e. **Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** Goal 5 is **not applicable** because the text amendments do not propose to change Plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources within Clackamas County.
- f. **Goal 6 – Air, Water and Land Resources Quality:** Goal 6 is **not applicable** because the text amendments do not propose to change Plan policies or implementing regulations for compliance with Statewide Planning Goal 6.
- g. **Goal 7 – Areas Subject to Natural Disasters and Hazards:** This Statewide Planning Goal is also **not applicable** because the text amendments do not propose to change Plan policies or implementing regulations regarding natural disasters and hazards.
- h. **Goal 8 – Recreational Needs:** Goal 8 is **not applicable** because the text amendments do not propose to change Plan policies or implementing regulations related to recreational needs.
- i. **Goal 9 – Economy of the State:** Goal 9 requires the County to provide an adequate supply of land for commercial and industrial development. ZDO-277 would not change the Comprehensive Plan or zoning designation of any property. It also would not add any new restriction to land uses in areas of the County reserved for commercial and industrial development.

Although some concern was expressed during the adoption process about potential negative impacts to employment lands related to allowing an increase in housing development in commercial areas, several important factors need to be considered:

- Goal 9 requires that a jurisdiction provides an adequate supply of land so that the market will have ample opportunity to provide for whatever type of employment is demanded in a particular area. Nothing about the proposal in ZDO-277 would affect the ability to develop a commercial site with commercial uses that are currently and will continue to be allowed.
- Housing is currently allowed in all the commercial zones being considered for a density increase. To date, very little housing has been developed in these areas, presumably because development is market-driven and this is not what the market has deemed feasible. Even with an increase in allowed housing, both commercial and housing development will continue to be allowed in these areas and the market will determine which one, or both, are needed at the time of development.
- Included in the proposal is an additional density bonus for housing developed as part of a “mixed-use” development. This provision was included to provide an incentive to developers to provide both employment opportunities and housing opportunities on the same site. Having housing and employment uses developed on the same site, or within close proximity, helps both the residents and businesses in the area, furthering both Goal 9 and Goal 10 objectives. Mixed-use spaces can help increase parking and transportation efficiencies, encourage walking, reduce dependency on fuels and additional fuel infrastructure, and help inspire safer communities.

As such, **this proposal is consistent with Goal 9.**

- j. **Goal 10 – Housing:** Goal 10 requires Oregon’s county plans to “*encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*”

While the Housing Needs Analysis (HNA) completed in 2019 was not formally adopted and acknowledged, its analysis was completed following the OARs for a Goal 10 analysis and found a significant deficit of residentially zoned land for housing in urban unincorporated Clackamas County at a variety of income levels and housing types. The proposed amendments in ZDO-277 will help alleviate this shortage and further the objective of Goal 10. Specifically, the amendments proposed under ZDO-277 will:

- Increase housing opportunities for lower-income households through the increased affordable housing bonus and for all households through the increased density allowance in commercial areas.
- Increase housing variety and enhance the unit mix and housing affordability in the urban area. All three strategies will allow for more multifamily development in the urban area, which, based on the HNA analysis, remains developed predominantly with single-family homes and currently lacks sufficient residential land to accommodate expected growth. Residential land zoned to accommodate multifamily development shows the greatest deficit.
- Offer greater flexibility to housing developers and more opportunities for property owners to provide additional housing.

As such, **this proposal is consistent with Goal 10.**

**Goal 11 – Public Facilities and Services:** The purpose of Goal 11 is to ensure that local governments plan and develop a timely, orderly, and efficient arrangement of public facilities and services to act as a framework for urban and rural development. ZDO-277 does not propose any change in adopted plans for the provision of water, sewer, or other public services. In addition, all development of multifamily housing is required to go through development review, which includes confirmation of the adequacy of such services. **This proposal is consistent with Goal 11.**

- k. **Goal 12 – Transportation:** Goal 12 is implemented by Oregon Administrative Rules (OAR) Chapter 660, Division 12. Local governments are required to adopt a transportation system plan (TSP) and land use regulations to implement the TSP. This proposal does not include amendments to the County’s TSP or transportation-related land use regulations. Nonetheless, OAR 660-012-0060 requires any comprehensive plan and land use regulation amendment to be evaluated according to the terms outlined in that OAR to demonstrate whether they will have a significant impact on the transportation system.

In the case of ZDO-277, no significant impact on the transportation system is expected. Based on an analysis provided by county engineering staff and included in the record, increasing the maximum allowed density of multifamily residential developments in the C-3, CC, OC and RTL zones from 25 to 60 units per acre would increase potential trip generation, but would generate far fewer trips than other commercial uses currently allowed and commonplace in the zones, including medical office, office, retail and restaurant uses. As noted in that analysis, it uses very conservative assumptions for commercial development for comparison purposes.

Further, an analysis of trip generation from multifamily development at a density as high as 90 dwelling units per acre (which may be feasible in these zones if the maximum affordable housing bonus is utilized) found that three of the four commercial uses analyzed could generate more daily and p.m. peak hour trips than multifamily developed at 90 dwelling units per acre, noting that *“only the General Office Building land use appears to be somewhat less intensive trip generator, at least at the assumed GFA of 20,000 square feet on a one-acre parcel.”*

Based on this analysis, staff concluded and the Board concurs that *“multi-family residential (MFR) development at a density of 90 dwelling units per acre in the C-3, CC, OC and RCL zones would generate fewer trips than other, more intensive uses that are currently allowed and commonplace in the zones. Therefore, the density of MFR may be increased to 90 units per acre without increasing the potential trip generation of the zones, and it would not have a significant affect per Goal 12 of the Transportation Planning Rule (OAR 660-012-0060).”*

**This proposal is consistent with Goal 12.**

- l. **Goal 13 – Energy Conservation:** Goal 13 is **not applicable** because the text amendments do not propose to change the Plan’s energy conservation policies or implementing regulations.
- m. **Goal 14 – Urbanization:** Goal 14 is **not applicable** because the text amendments do not propose to change Plan policies or implementing regulations regarding urbanization.

- n. **Goal 15 – Willamette River Greenway:** Goal 15 is **not applicable** because the text amendments do not propose to change Plan policies or implementing regulations regarding the Willamette River Greenway (WRG).
- o. **Goals 16-19 – (Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources):** Clackamas County is not subject to these four Statewide Planning Goals.

## 2. Metro Urban Growth Management Functional Plan (UGMFP) & Regional Transportation Functional Plan (RTFP)

The purpose of the Urban Growth Management Functional Plan (UGMFP) is to implement certain regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The Regional Transportation Functional Plan (RTFP) contains policies and guidelines to help local jurisdictions implement the policies in the Regional Transportation Plan and its modal plans, including those for active transportation, freight movement and high capacity transit.

Title 4 of the RTFP contains regional parking management guidelines to help local governments plan for parking management in their communities. This section requires that local jurisdictions establish parking ratios that do not exceed maximums identified in Table 3.08-3. Current multifamily parking ratios in the county's ZDO are set at the maximum allowed. The amendments included in ZDO-277 to reduce these parking ratios are consistent with the RTFP, which does not require a minimum amount of parking.

ZDO-277 does not propose to change the County's residential, commercial, or industrial land supply, or to modify any UGB. The ordinance would change the allowed housing density standards in part of the County. However, the UGMFP addresses circumstances in which a jurisdiction may reduce the housing capacity in certain areas, but does not limit increasing housing capacity or densities. Further, the UGMFP notes that "*Centers, Corridors, Station Communities and Main Streets need a mix of housing types to be vibrant and successful*" (3.07.640(c)) and encourages local jurisdictions to allow for housing within those areas. Many properties in unincorporated Clackamas County that are zoned General Commercial (C-3), Corridor Commercial (CC), Office Commercial (OC) and Retail Commercial (RTL) are located within designated "corridors" or "centers".

And finally, the UGMFP requires cities and counties to "*ensure that their comprehensive plans and implementing ordinances: (a) Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries. (b) Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries. (c) Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing (3.07.730)*". The amendments, and particularly the increase in housing density in commercial zones and the increase in the allowed affordable housing bonus, will allow for more and better housing opportunities dispersed throughout a sizeable portion of the urban unincorporated area.

**This proposal is consistent with the Metro Functional Plans.**

## 3. Clackamas County's Comprehensive Plan

This section of the report includes findings on the consistency of ZDO-277 with the County's Comprehensive Plan. The Board finds that the following two chapters of the Plan are applicable to this proposal.

**a. Chapter 2 – Citizen Involvement**

Chapter 2 aims to promote public participation in the County's land use planning. Its policies largely focus on the County's Community Planning Organization (CPO) program and methods for informing and involving the public. Chapter 2 includes these specific policies:

*2.A.1 – Require provisions for opportunities for citizen participation in preparing and revising local land use plans and ordinances. Insure opportunities for broad representations, not only of property owners and Countywide special interests, but also of those persons within the neighborhood or areas in question.*

*2.A.6 – Seek citizens' input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

*2.A.11 – Promote informed public participation in decisions through sponsoring or conducting education programs and providing publications and printed materials.*

ZDO-277 addresses a commitment in the 2019-2021 Long-Range Planning Work Program to consider a number of strategies to address housing issues, with the Work Program itself having been adopted after a broad public input process and upon recommendations of the public.

In addition, consideration of ZDO-277 has proceeded according to the noticing and public hearing requirements of ZDO Section 1307, which implements Chapter 2 of the Plan.

**This proposal is consistent with Chapter 2.**

**b. Chapter 11 – The Planning Process**

Chapter 11 of the Comprehensive Plan includes policies requiring inter-governmental and inter-agency coordination, public involvement, and noticing. As explained previously in this report, all required entities have been notified in accordance with law and have been invited to participate in duly-advertised public hearings.

Chapter 11 of the Comprehensive Plan also contains the specific requirement that the Comprehensive Plan and ZDO be consistent with Statewide Planning Goals and with Metro's Urban Growth Management Functional Plan; Chapter 11 is what requires the ZDO itself to be consistent with the Comprehensive Plan.

**This proposal is consistent with Chapter 11.**

**4. Zoning and Development Ordinance (ZDO)**

The text amendments proposed in ZDO-277 are legislative. Section 1307 of the ZDO establishes procedural requirements for legislative amendments, which have been or are being followed in the proposal and review of ZDO-277. Notice of this proposal was provided at least 35 days before the first scheduled public hearing to DLCD and active CPOs and Hamlets, as well as other interested agencies and a sizeable list of interested individuals, to allow them an opportunity to review and comment on the proposed amendments. Advertised public hearings were held before the Planning Commission and the Board to consider the



proposed amendments. The ZDO contains no further specific review criteria that must be applied when considering an amendment to the text of the Comprehensive Plan or ZDO.

**This proposal is consistent with the Zoning & Development Ordinance.**