



**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
 2051 KAEN ROAD OREGON CITY, OR 97045

September 6, 2018

Board of County Commissioners  
 Clackamas County

Members of the Board:

**Stephen L. Madkour**  
 County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Jeff Heinrich**  
 Assistants

Adoption of Previously Approved Comprehensive Plan and Zoning and Development Ordinance Amendments ZDO-269 – Accessory Dwelling Units

<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 a public hearing on August 1, 2018
<b>Strategic Plan Alignment</b>	1. Grow a Vibrant Economy; Housing 2. Build Public Trust Through Good Government
<b>Contact Person</b>	Nate Boderman, Assistant County Counsel; 503-655-8364
<b>Contract No.</b>	N/A

**BACKGROUND:**

ZDO-269 is a legislative amendment to the Clackamas County Comprehensive Plan and Zoning and Development Ordinance, which would expand opportunities for accessory dwelling units (ADUs); increase the maximum allowed size of ADUs; and permit a new type of use in specific areas - accessory historic dwellings. More specifically, the amendments would:

- Expand the areas that allow ADUs within an urban growth boundary (UGB) to include the FU-10, RA-1, RA-2, RRF-5, and FF-10 zoning districts;
- Allow ADUs in the Mountain Recreational Resort (MRR) zoning district;
- Allow ADUs to be a maximum of 900 square feet in size in:
  - zones in which ADU are a new use,
  - zones where ADU standards did not previously exist, and
  - zones with a current maximum size of 720 square feet;
- Allow a manufactured dwelling to be used as an ADU in the FF-10, RA-1, RA-2, and RRF-

5 zoning districts (inside UGBs); and

- Allow the conversion of a lawfully established dwelling built between 1850 and 1945 to be converted to an accessory dwelling in conjunction with the development of a new primary single-family home, but only if the property is in a rural residential zone; at least two acres in size; and outside both an urban growth boundary and an urban reserve.

To achieve this, ZDO-269 includes amendments to Chapters 4 and 6 of the Clackamas County Comprehensive Plan and Sections 202, 316, 317, 824, 839, 1015, 1204, and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO); and would add a new Section 843 to the ZDO.

A public hearing was held on June 25, 2018, for Planning Commission consideration of the proposed Plan and ZDO amendments. The Planning Commission voted 5-0 to recommend to the BCC that ZDO-269 be approved as recommended by staff, and adopted the following two changes:

1. Increase the total maximum allowed size of an ADU from 720 to 900 square feet; and
2. Have no minimum size requirement for manufactured dwellings serving as ADUs in the FF-10, RA-1, RA-2, and RRF-5 Districts inside UGBs.

A public hearing was held on August 1, 2018 for the Board of County Commissioners' consideration of the proposed Plan amendments, as amended by the Planning Commission. The BCC voted 5-0 to approve ZDO-269 as recommended by staff and the Planning Commission, with one exception – the BCC opted to retain an "owner occupancy" requirement, which stipulates that either the primary or accessory dwelling be occupied by the property owner.

The attached exhibits reflect the amendments, as approved by the BCC.

**RECOMMENDATION:**

Staff respectfully requests that the Board adopt the proposed ordinance.

Respectfully submitted,



Nate Boderman  
Assistant County Counsel

Attachments:

Proposed Ordinance with Exhibits

## ORDINANCE NO. ZDO-269

### **An Ordinance Amending Chapters 4 and 6 of the Clackamas County Comprehensive Plan; Amending Sections 202, 316, 317, 824, 839, 1015, 1204, and 1307 of the Clackamas County Zoning and Development Ordinance; and Adding a New Section 843 to the Clackamas County Zoning and Development Ordinance**

WHEREAS, Senate Bill 1051 (2017) and House Bill 4031 (2018) require Clackamas County to allow at least one accessory dwelling unit (ADU) per detached single-family dwelling in all zoning districts within an urban growth boundary (UGB) where a detached single-family dwelling is a primary use; and

WHEREAS, the County retains the authority to also permit ADUs in its Mountain Recreational Resort zoning district of the Mt. Hood area, and to apply siting and design standards to all ADUs, including square-footage maximums; and

WHEREAS, the County has not historically permitted the use of a manufactured dwelling as an ADU in any zoning district, nor has it applied the general square-footage maximums and entrance standards to ADUs in the Mt. Hood area's Hoodland Residential (HR) District; and

WHEREAS, House Bill 3012 (2017) gives the County the option of allowing the conversion of a single-family dwelling built between 1850 and 1945 to an accessory dwelling when a new primary dwelling is constructed or placed on the same lot, but only on rural residential lots at least two acres in size and located outside of both an urban growth boundary and urban reserve and only subject to certain standards; and

WHEREAS, after a duly-noticed public hearing on June 25, 2018, the Clackamas County Planning Commission recommended approval of amendments to the Comprehensive Plan and the Zoning and Development Ordinance that would: authorize ADU in rural residential and future urban zones within an urban growth boundary, authorize the accessory historic dwellings subject to the limitations and standards in state law; increase the 720-square-foot floor area maximum for an ADU to 900 square feet; permit manufactured dwellings to be used as ADUs, but only in specific rural residential zoning districts; subject ADUs in the HR District to maximum area and entrance requirements; and newly authorize ADUs in the MRR District; and

WHEREAS, after a duly-noticed public hearing on August 1, 2018, the Board of County Commissioners orally approved the Planning Commission's recommendation and rejected a proposal to repeal an existing requirement that a property owner reside in either their primary or accessory dwelling; now therefore:

The Board of Commissioners of Clackamas County ordains as follows:

- Section 1:** Sections 202, 316, 317, 824, 839, 1015, 1204, and 1307 of the Clackamas County Zoning and Development Ordinance are hereby amended, and a new Section 843 is added, as shown in Exhibit A, hereto attached.
- Section 2:** Chapters 4 and 6 of the Clackamas County Comprehensive Plan are hereby amended, as shown in Exhibit B, hereto attached.
- Section 3:** This ordinance shall be effective upon its adoption.

ADOPTED this 6<sup>th</sup> day of September, 2018

BOARD OF COUNTY COMMISSIONERS

---

Chair

---

Recording Secretary

**DEFINITIONS**

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BED AND BREAKFAST ESTABLISHMENT:** A use carried on in a structure designed for a single-family dwelling, except as provided under Section 832, which provides rooms for rent on a daily basis to the public and which includes a breakfast meal as part of the cost of the room. Bed and breakfast establishments do not include other similar uses, such as motels, health or limited care facilities, boarding houses, group quarters, hostels, or rescue missions. All bed and breakfast establishments require tourist facility licensing by the appropriate agency. Bed and breakfast residences and inns, as defined below, must also satisfy the State Health Division requirements. Three levels of bed and breakfast establishments are as follows:

"Bed and Breakfast Homestay" provides overnight accommodations plus breakfast in an owner-occupied dwelling that provides one or two guest rooms for occasional bed and breakfast guests, not exceeding five guests at one time. Primary use of the dwelling remains as a dwelling, not as a lodging establishment. All reservations are made in advance. Income derived from bed and breakfast activity does not generally represent a primary source of income. Bed and breakfast homestays are major home occupations, subject to Section 822.

"Bed and Breakfast Residence" provides overnight accommodations plus breakfast and occasional family-style meals for guests, in an operator- or owner-occupied

dwelling that provides up to five rooms on an occasional or regular basis. Income derived from the bed and breakfast activity may represent a primary source of income. Bed and breakfast residences are subject to Section 832, and all requirements of the underlying district.

"Bed and Breakfast Inn" provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests. Bed and breakfast inns are subject to Section 832 and all requirements of the underlying district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

COMPOSTING FACILITY: A site or facility, excluding home composting areas as described in Section 202 and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities. Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers. The area utilized for the sale of said accessory products shall not exceed 10% of the area used for composting, or two (2) acres, whichever is less subject to the provisions of Subsection 834.03 and 834.04.

CONGREGATE HOUSING FACILITY: A building that contains more than one dwelling unit and provides common facilities and services for residents who require or desire a more supportive living environment than typically afforded to residents in

multifamily, three-family, two-family, or single-family dwellings. Regular on-premise supervision by a registered physician, registered nurse, or other health care provider may be included.

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

CULTURAL RESOURCE INVENTORY: The official list of designated cultural features, sites, districts subject to the provisions of Section 707, Cultural Resources.

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

DAYCARE FACILITY: A facility that provides regular daycare services to children under 13 years of age, including a day nursery, nursery school group, or similar unit operating under any name. A daycare facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or daycare provided by a "babysitter" or "family daycare provider".

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

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

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

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

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

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

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

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

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

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

DWELLING, ATTACHED SINGLE-FAMILY: A building, or portion thereof, that contains only one dwelling unit; shares at least one wall, or portion thereof, with another attached single-family dwelling; and is located on a separate lot of record from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not an attached single-family dwelling.

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

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

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

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

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

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

EASEMENT: A right of usage of real property granted by an owner to the public or

to specific persons, firms, and corporations.

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

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

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

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

**FAMILY DAYCARE PROVIDER:** A daycare provider who regularly provides daycare to 16 or fewer children, or as amended by ORS 329A.440, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provision of daycare to more than 16 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters shall constitute the operation of a "daycare facility" and shall be subject to the requirements of this Ordinance for daycare facilities.

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

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

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

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

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

*Land Use Plan & Boundary.*

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

**GREEN FEEDSTOCKS:** Are defined as including yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste and livestock manure. For the purpose of these provisions, "non-treated wood waste" excludes wood waste treated with paint, varnish or other chemicals or preservatives.

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

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

**GUEST HOUSE/STUDIO:** A guest house or studio is a separate accessory structure, or portion thereof, which is built to residential (R-3 occupancy) building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guests or employees on the premises. A "guest house" or "studio" shall be a temporary living area, and shall not be used for boarders or lodgers.

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

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

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

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

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

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

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

**HOSPITAL, ANIMAL:** A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

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

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

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

construction and operation.

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

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

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

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

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

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

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

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

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

**LANDSCAPING:** Areas of land planted with groundcover, grasses, shrubs, annuals,

perennials, or trees.

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

**LIVESTOCK:** One or more domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor. The term "livestock" includes miniature livestock, poultry, and farmed fish.

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

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

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

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

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot.

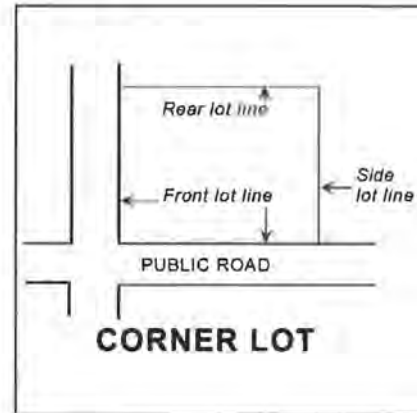
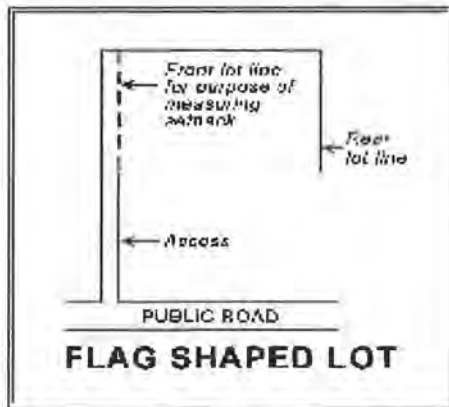
**LOT, FLAG:** A lot that has access to a road by means of a narrow strip of lot or easement.

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

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



lot line where access is precluded is the rear lot line.



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

1. For a corner lot, the rear lot line is any one of the boundary lines opposite the front lot lines. Any other opposite boundary line is a side lot line. (See Figure 202-2.)
2. A triangular-shaped lot has no rear lot line.
3. A through lot has no rear lot line except where one of the lot lines that would otherwise be a front lot line abuts a collector, arterial, expressway, interstate, or other feature that precludes motor vehicle access. In that case, the lot line where access is precluded is a rear lot line.

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

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

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

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

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

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

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

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

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

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

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

**MANUFACTURED HOME PARK:** Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent, lease or barter the use of such facilities. A manufactured home park does not include a lot or lots located within a subdivision.

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

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

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

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

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

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

**MASTER PLAN:** A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern.

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

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

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

**MOBILE VENDING UNIT:** A vehicle that is used in selling and dispensing goods or services to the customer. Notwithstanding this definition, a mobile vending unit shall not be used in selling and dispensing marijuana items. As used in this definition, a vehicle is motorized or non-motorized transportation equipment containing an axle and intended for use on public roads, including, but not limited to,

a car, van, pickup, motorcycle, recreational vehicle, bus, truck, detached trailer, or a truck tractor with no more than one trailer.

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

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

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

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

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

**NUDITY OR NUDE:** Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and, in the case of a female, exposing to view one or both breasts without a covering over the nipple that is at least three inches in diameter and does not simulate the organ covered.

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

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

patients who, in the judgment of a physician, registered nurse, or facility administrator, require remedial, restorative, supportive, or preventive nursing measures.

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

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

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

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

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

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

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

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

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

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

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

**PERSON DESIGNATED TO PRODUCE MARIJUANA BY A REGISTRY IDENTIFICATION CARDHOLDER:** A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475B.420 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

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

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

**PLAT, PRELIMINARY:** A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of a partition or subdivision. As used in this Ordinance, preliminary plat shall be synonymous with tentative plan as used in Oregon Revised Statutes Chapter 92.

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

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

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

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

**PRODUCE STAND:** A table, bench (or similar), cart, or structure, any of which may be covered, that is located or erected for the purpose of direct sales by growers of agricultural goods, including vegetables, fruits, flowers, bulbs, herbs, plants, honey, and similar products as determined by the Planning Director, but not including

marijuana or processed foods such as jams or jellies, that are produced on the same site at which the produce stand is located.

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

**PROPERTY LINE ADJUSTMENT:** A relocation of a common property line between two abutting lots of record that does not create an additional lot of record. As used in this definition, a property line is a boundary between two abutting lots of record.

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

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

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

**RAINWATER COLLECTION SYSTEM:** A system of pipes, container (rain barrel, rainwater tank, pond, or rainwater reservoir), valves and associated apparatus for collecting and storing harvested rainwater runoff, typically from rooftops via rain gutters, but also from ground catchment systems.

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

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

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

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

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

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

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

**RESIDENTIAL TRAILER:** A structure constructed prior to January 1, 1962, for movement on the public highways that has sleeping, cooking and plumbing facilities, that is designed, intended to be and/or being used for human occupancy by a family for residential purposes and that was constructed in accordance with Federal Manufactured housing construction and safety standards and regulations in effect at the time of construction and is greater than 400 square feet and less than 700 square feet.

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

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

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

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

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



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

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

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

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

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

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

SCHOOL, PRIVATE: Includes private kindergartens, nurseries, play schools, and church-related schools.

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

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

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

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

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

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

SHARED PARKING: Parking spaces used jointly by two or more uses within the

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

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

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

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

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

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

SIGN, CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

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

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

SIGN, ELECTRONIC MESSAGE CENTER: A sign, display or device, or portion thereof, whose message may be changed by electronic process or remote control, and

includes electronic time and temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

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

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

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

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

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

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

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

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

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure, and/or designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used as other than a sign in the normal day-to-day operations of the business for transportation of goods and/or personnel.

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

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

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

SIGN, ROOF: Any sign erected and constructed wholly on and on top of the roof of

a building, supported by the roof structure.

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

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

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

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

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

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

**SMALL POWER PRODUCTION FACILITY:** A facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof; is more than 50 percent owned by a person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof; and has a power production capacity that, together with any other small power production facility located at the same site and owned by the same person, is not greater than 80 megawatts.

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

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

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

1. The power generating capacity of a roof-mounted solar energy system that is located on a primary use, conditional use, or limited use structure is limited only by the size of the system that can fit within the confines of the roof surface to

which it is mounted.

2. The power generating capacity of a ground-mounted solar energy system, or of a roof-mounted solar energy system that is located on an accessory structure, is limited to power consumed by the development to which the system is accessory, or—if the system feeds power into the grid of a public utility company—to an amount equivalent to no more than the annual usage of the development to which the system is accessory.

**SOLID WASTE:** Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to: garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable; manufactured dwellings or residential trailers which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms “solid waste” or “waste” do not include:

- A. Environmentally hazardous wastes as defined in ORS 466.055;
- B. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;
- C. Septic tank and cesspool pumping or chemical toilet waste;
- D. For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS 459A;
- E. Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;
- F. Applications of industrial sludges or industrial waste by-products authorized through a Land Use Compatibility Statement of Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;

- G. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations;
- H. Sludge derived products applied for beneficial uses on land in landscaping projects.

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

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

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

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

**STREET:** See "ROAD".

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

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

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

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

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

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

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

SURFACE MINING: Includes the mining of minerals by removing overburden and extracting a natural mineral deposit thereby exposed, or simply such extraction. Surface mining includes open-pit mining, auger mining, production of surface mining waste, prospecting and exploring that extracts minerals or affects land, processing to include rock crushing and batch plant operations, and excavation of adjacent offsite borrow pits other than those excavated for building access roads.

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

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

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

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

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

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

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

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

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

**TRANSITIONAL SHELTER COMMUNITY:** Temporary shelters for houseless people. The operator also may provide the transitional shelter residents with food, clothing, and other support services on the transitional shelter site.<sup>1</sup>

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

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

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

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

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

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

---

<sup>1</sup> Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of:

- August 28, 2019; or
- The day after the County renders a final decision approving a conditional use permit for the third of three separate transitional shelter communities.



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

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

WASTE-RELATED USES: Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also includes uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

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

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

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

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

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

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

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

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

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

---

316.01 PURPOSE

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

316.02 APPLICABILITY

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

316.03 USES PERMITTED

A. Uses permitted in each rural residential and future urban residential zoning district are listed in Table 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*. Uses not listed are prohibited.

B. As used in Table 316-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "CPUD" means the use is allowed as a conditional use in a planned unit development.
5. "X" means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 316-1.

C. Permitted uses are subject to the applicable provisions of Subsection 316.04, *Dimensional Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

316.04 DIMENSIONAL STANDARDS

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

B. Modifications: Modifications to the standards in Table 316-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variations*.

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

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Accessory Buildings and Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, docks, decorative ponds, driveways, electric vehicle charging stations, family daycare providers, fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A
<b><u>Accessory Dwelling Units, subject to Section 839</u></b>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>	<u>X</u>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>	<u>A<sup>1</sup></u>
<b><u>Accessory Historic Dwellings, subject to Section 843</u></b>	<u>A<sup>2</sup></u>	<u>A<sup>2</sup></u>	<u>A<sup>2</sup></u>	<u>A<sup>2</sup></u>	<u>A<sup>2</sup></u>	<u>X</u>
<b>Accessory Kitchens</b>	A <sup>12</sup>	A <sup>12</sup>	A <sup>13</sup>	A <sup>13</sup>	A <sup>13</sup>	A <sup>13</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Aircraft Land Uses</b>	X	X	X	C	C	C
<b>Aircraft Landing Areas</b>	X	C	C <sup>24</sup>	X	X	X
<b>Bed and Breakfast Inns</b> , subject to Section 832	C	C	C	C	C	X
<b>Bed and Breakfast Residences</b> , subject to Section 832	C	C	C	C	C	C
<b>Bus Shelters</b> , subject to Section 823	P	P	P	P	P	P
<b>Campgrounds</b>	C	C	C	C	C	C
<b>Cemeteries</b> , subject to Section 808	C	C	X	C	C	C
<b>Churches</b> , subject to Section 804	C	C	C	C	C	C <sup>85</sup>
<b>Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses</b> <sup>46</sup>	X	X	X	C	C	X
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>87</sup>
<b>Composting Facilities</b> , subject to Section 834	X	X	X	C	C	X
<b>Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources</b>	P	P	P	P	P	P
<b>Crematories</b> , subject to Section 808	C	C	X	X	X	X
<b>Daycare Facilities</b> , subject to Section 807	C	C	C	C	C	C <sup>68</sup>
<b>Daycare Services, Adult</b>	C	C	C	C	C	C <sup>72</sup>
<b>Dwellings, Detached Single-Family</b>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>
<b>Dwellings, Two-Family</b>	C <sup>810</sup>	X	X	X	X	X
<b>Energy Source Development</b>	X	X	C	X	X	X
<b>Farmers' Markets</b> , subject to Section 840	A	A	A	A	A	A
<b>Farm Uses, including</b> <sup>46</sup> :						
Raising, harvesting, and selling crops	P	P	P <sup>911</sup>	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X <sup>1012</sup>	P	X <sup>1012</sup>	P	P	P
Dairying and the sale of dairy products	X <sup>1012</sup>	P	X <sup>1012</sup>	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X <sup>1012</sup>	P	X <sup>1012</sup>	P	P	P
Preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use	P	P	P <sup>911</sup>	P	P	P
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X <sup>1012</sup>	P	X <sup>1012</sup>	P	P	P
Growing cultured Christmas trees	P	P	P <sup>911</sup>	P	P	P
<b>Fish or Wildlife Management Programs</b>	X	X	X	P	P	P
<b>Forest Practices</b> , including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P <sup>1113</sup>	P <sup>1113</sup>	P	P <sup>1113</sup>	P <sup>1113</sup>	P <sup>1113</sup>
<b>Fraternal Organization Lodges</b>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>
<b>Guest Houses and Studios</b> , subject to Section 833	A	A	A	A	A	A
<b>Guest Ranches and Lodges</b>	X	X	C	X	X	X
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>1315</sup>	A	A	A	A	A	A
<b>Home Occupations to Host Events</b> , subject to Section 806	C	C	C	C	C	C

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Hydroelectric Facilities</b> , subject to Section 829	C	C	C	C	C	C
<b>Kennels</b>	C <sup>+416</sup>	C <sup>+416</sup>	X	C <sup>+416</sup>	C <sup>+416</sup>	X
<b>Libraries</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>57</sup>
<b>Livestock</b> , subject to Section 821	P	X <sup>+1012</sup>	A	X <sup>+1012</sup>	X <sup>+1012</sup>	X <sup>+1012</sup>
<b>Manufactured Dwellings</b> , subject to Section 824	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>	P <sup>810</sup>
<b>Marijuana Processing</b>	X	X	X	X	X	X
<b>Marijuana Production</b> , subject to Section 841	X	X	X	A	A	X
<b>Marijuana Retailing</b>	X	X	X	X	X	X
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X
<b>Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources</b>	X	X	X	C	C	X
<b>Produce Stands</b>	A <sup>+517</sup>	A <sup>+517</sup>	A <sup>+517</sup>	A <sup>+517</sup>	A <sup>+517</sup>	A <sup>+517,1618</sup>
<b>Public Utility Facilities</b>	C <sup>+214,1719</sup>	C <sup>+214,1719</sup>	C <sup>+214,1719</sup>	C <sup>+214,1719</sup>	C <sup>+214,1719</sup>	C <sup>+214,1719</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>+214,1820</sup>	C <sup>+214,1820</sup>	C <sup>+214,1820</sup>	C <sup>+214,1820</sup>	C <sup>+214,1820</sup>	C <sup>+214,1820</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>+921</sup>	C <sup>+214</sup>	C <sup>+214,2022</sup>	C <sup>+214</sup>	C <sup>+214,2022</sup>	C <sup>+214,2022</sup>	C <sup>+214,2022</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>1921</sup>	P <sup>2+23</sup>	P <sup>2+23</sup>	P <sup>2+23</sup>	P	P	P
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>1921</sup>	P <sup>2123</sup>	P <sup>2123</sup>	P <sup>2123</sup>	P	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	X



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	CPUD <sup>22</sup> <sub>24</sub>	X	X	X	X	X
<b>Sanitary Landfills and Debris Fills</b> , subject to Section 819	X	X	X	C	C	X
<b>Schools</b> , subject to Section 805	C <sup>2425</sup>	C <sup>2425</sup>	C	C <sup>2425</sup>	C <sup>2425</sup>	C <sup>2426</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>22</sup> <sub>24</sub>	X	X	X	X	X
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD <sup>22</sup> <sub>24</sub>	X	X	X	X	X
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>22</sup> <sub>24</sub>	X	X	X	X	X
<b>Signs</b> , subject to Section 1010	A <sup>2527</sup>	A <sup>2527</sup>	A <sup>2527</sup>	A <sup>2527</sup>	A <sup>2527</sup>	A <sup>2527</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Surface Mining</b> , subject to Section 818	X	X	X	C	C	X
<b>Telephone Exchanges</b>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>	C <sup>1214</sup>
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A	A	A	A
<b>Transfer Stations</b> , subject to Section 819	X	X	C	X	X	C
<b>Utility Carrier Cabinets</b> , subject to Section 830	P	P	P	P	P	P
<b>Wireless Telecommunication Facilities</b> listed in Subsections 835.04 and 835.05(A)(2) and (3), subject to Section 835	P	P	P	P	P	P
<b>Wireless Telecommunication Facilities</b> listed in Subsection 835.06(A), subject to Section 835	C	C	C	C	C	C

<sup>1</sup> This use is permitted only inside of an urban growth boundary.

<sup>2</sup> This use is permitted only outside of both an urban growth boundary and an urban reserve.

<sup>43</sup> An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.

<sup>24</sup> Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.

<sup>35</sup> This use is limited to alteration or expansion of a lawfully established church.

<sup>40</sup> As used in Table 316-1, farm uses do not include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing. See separate listings in Table 316-1 for these uses.

- 57 Even though it is prohibited in this category, this use is included in the “government use” category.
- 68 This use is limited to alteration or expansion of a lawfully established daycare facility.
- 79 This use is limited to alteration or expansion of a lawfully established adult daycare service.
- 810 Except as limited by Note 1(b) to Table 316-2 or as allowed by Section 1204, *Temporary Permits* or Section 839, *Accessory Dwelling Units*, each lot of record may be developed with only one of the following: detached single-family dwelling, two-family dwelling (only if approved as a conditional use in the RA-1 District), or manufactured dwelling.
- 911 This use is permitted only on lots larger than five acres.
- 1412 In the RA-2, RRFF-5, FF-10, and FU-10 Districts, livestock is permitted as described under the use category of farm uses. In the RA-1 and RR Districts, livestock is permitted as described under the use category of livestock.
- 1413 For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.
- 1414 Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- 1415 A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.
- 1416 The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- 1517 A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- 1618 In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.
- 1719 Public utility facilities shall not include shops, garages, or general administrative offices.
- 1820 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 1921 This use may include concessions, restrooms, maintenance facilities, and similar support uses.

<sup>2422</sup> Equine facilities are a primary use, subject to the following standards and criteria:

- a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.
- b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.

<sup>2423</sup> Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

<sup>2424</sup> The use is subject to the following standards and criteria:

- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
- b. The area occupied by all uses subject to Note 23 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
- c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
- d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
- e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.
- f. The maximum building floor space per commercial use is 4,000 square feet except that no maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

<sup>2425</sup> Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.

<sup>2426</sup> This use is limited to alteration or expansion of a lawfully established school.

<sup>2427</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

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

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

- 1 The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except:
  - a. Minimum lot size standards of Section 800 apply; and
  - b. A lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development in the RA-1 District or pursuant to Subsection 1012.02(B), (D), or (F).
- 2 In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a two-family dwelling, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- 3 The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.
- 4 For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- 5 The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.
- 6 The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.
- 7 In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10 acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- 8 In a planned unit development, the minimum front setback is 20 feet.
- 9 For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <sup>10</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 316-2.
- <sup>11</sup> The minimum rear setback for an accessory building shall be five feet except as established by Note 10.
- <sup>12</sup> The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10.
- <sup>13</sup> The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-266, 5/23/18]

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

---

317.01 PURPOSE

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

317.02 APPLICABILITY

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

317.03 USES PERMITTED

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



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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	MRR	HR
<b>Helistops, Personal-Use</b>	C	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>6</sup>	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Hydroelectric Facilities</b> , subject to Section 829	C	C
<b>Libraries</b>	L <sup>2</sup> , CPUD	CPUD
<b>Livestock</b> , subject to Section 821	A	A
<b>Manufactured Homes</b> , subject to Section 824	P <sup>3</sup>	P <sup>3</sup>
<b>Manufactured Home Parks</b> , subject to Section 825	C	X
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b>	X	X
<b>Marijuana Wholesaling</b>	X	X
<b>Mobile Vending Units</b> , subject to Section 837	L <sup>2,9</sup>	X
<b>Motels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Multi-Use Developments</b> , subject to Section 1016	C	C
<b>Nursing Homes</b> , subject to Section 810	P	C
<b>Parking Structures</b>	A	X
<b>Produce Stands</b> , subject to Section 815	A	A
<b>Public Utility Facilities</b>	C <sup>5</sup>	C <sup>5,10</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>5,11</sup>	C <sup>5,11</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>12</sup>	C <sup>5</sup>	C <sup>5</sup>
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>12</sup>	P <sup>13</sup>	P <sup>14</sup>
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>12</sup>	P <sup>13</sup>	P <sup>14</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>5</sup>	C <sup>5</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	MRR	HR
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	L <sup>2</sup> , CPUD <sup>15</sup>	CPUD <sup>15</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>2</sup> , CPUD <sup>15</sup>	CPUD <sup>15</sup>
<b>Services, Commercial—Maintenance and Repair</b> , of any of the following: bicycles and sporting goods	L <sup>2</sup> , CPUD <sup>15</sup>	CPUD <sup>15</sup>
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L <sup>2</sup> , CPUD <sup>15</sup>	CPUD <sup>15</sup>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	L <sup>2</sup> , CPUD <sup>15</sup>	CPUD <sup>15</sup>
<b>Schools</b> , subject to Section 805	C	C
<b>Signs</b> , subject to Section 1010	A <sup>16</sup>	A <sup>16</sup>
<b>Surface Mining</b> , subject to Section 818	X	X
<b>Telephone Exchanges</b>	C <sup>5</sup>	C <sup>5</sup>
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
<b>Transit Park-and-Rides</b>	P	P
<b>Transfer Stations</b> , subject to Section 819	C	C
<b>Utility Carrier Cabinets</b> , subject to Section 830	P	P
<b>Wireless Telecommunication Facilities</b> listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	P	P
<b>Wireless Telecommunication Facilities</b> listed in Subsection 835.06(A), subject to Section 835	C	C

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. The use shall be incidental to a primary use.
  - b. The use shall be provided for as an integral part of the general plan of the development.
  - c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.
- 3 Except as allowed by Subsection 317.05 or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: attached single-family dwelling, detached single-family dwelling, or manufactured home.
  - 4 Attached single-family dwellings are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
  - 5 Uses similar to this may be authorized pursuant to Section 106.
  - 6 A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 317-1.
  - 7 Also permitted are associated convention facilities.
  - 8 A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
  - 9 Only level three and four mobile vending units are permitted.
  - 10 Public utility facilities shall not include shops, garages, or general administrative offices.
  - 11 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
  - 12 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
  - 13 Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
  - 14 Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
  - 15 The use is subject to the following standards and criteria:
    - a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.

- b. The area occupied by all uses subject to Note 15 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
- c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
- d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
- e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

<sup>16</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

#### 317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

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

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

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012	See Table 317-3	10,890 square feet
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>1</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5,6</sup>	15 feet <sup>3,4</sup>
Minimum Side Setback	10 feet <sup>3,4,5,6</sup>	5 feet <sup>3,4</sup>
Maximum Lot Coverage	None	40 percent <sup>7</sup>
Maximum Building Height	40 feet <sup>8,9</sup>	40 feet <sup>8</sup>
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	4,000 square feet, except 8,000 square feet in Government Camp <sup>10</sup>	4,000 square feet, except 8,000 square feet in Government Camp <sup>10</sup>
Building Design Standards for Single-Family Dwellings and Manufactured Homes <sup>11</sup>	A minimum of three of the following features are required: a covered porch at least two feet deep; an entry area recessed at least two feet from the exterior wall to the door; a bay or bow window (not flush with the siding); an offset on the building face of at least 16 inches from one exterior wall surface to the other; a dormer; a gable; roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; a roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other; an attached garage; orientation of the long axis and front door to a street; a cupola; a tile, shake, or composition roof; and horizontal lap siding. The required features must be on the same façade as the front door unless the feature is unrelated to a façade (e.g., roofing material).	

<sup>1</sup> In Government Camp, the minimum front setback is 10 feet, except 20 feet to garage and carport motor vehicle entries.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

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

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

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

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

**317.05 DEVELOPMENT STANDARD**

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 single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record; however, attached single-family dwellings must be attached at a wall (as they would be if a lot line separated the dwellings) rather than ceiling to floor.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18]

**824 MANUFACTURED DWELLINGS****824.01 MINIMUM STANDARDS**

Manufactured dwellings shall be subject to the following requirements in all of the zoning districts in which they are allowed:

- A. The manufactured dwelling shall satisfy the requirements for a manufactured dwelling as defined in Section 202 of this Ordinance.
- B. If the manufactured dwelling is to be located in a Rural or Natural Resource zoning district, it shall contain at least 700 square feet of living space. If the manufactured dwelling is to be located in an R-5 through R-30, RR, HR, FU-10, VR-4/5, or VR-5/7 zoning district or in a manufactured home park or manufactured dwelling park, it shall contain at least 1,000 square feet of living space and shall be subject to Subsection 824.03 and Section 825. Living space is measured from the exterior of the manufactured dwelling, excluding any hitch and any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling. This provision does not apply to manufactured dwellings approved pursuant to Section 1200 or manufactured dwellings, residential trailers, and recreational vehicles located within pre-existing mobile home parks.
- C. County approved final inspection for the installation of a sewage disposal system.
- D. Placement of the manufactured dwelling upon a foundation or footings according to the requirements of the Oregon Manufactured Dwelling Standards.
- E. Placement of manufactured skirting in those areas around the perimeter of the home which are not developed with a solid wall foundation.
- F. Any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling and which is intended for use either as part of the dwelling or for storage purposes shall be subject to a County building permit if so required by the appropriate state statutes and regulations.
- G. The applicant must obtain an installation/setup permit for the manufactured dwelling from the County Department of Transportation and Development.
- H. ~~A manufactured dwelling shall not be allowed as accessory structures or to be attached to another dwelling.~~
- I. A manufactured dwelling shall not be allowed as an accessory structure, except as permitted by Section 1204, Temporary Permits, or by Section 839, Accessory Dwelling Units.

**824.02 STANDARDS FOR MANUFACTURED HOMES IN MANUFACTURED HOME PARKS IN THE URBAN AREA**

Ordinance ZDO-269, Exhibit A

Page 54 of 127

824-1

Last amended 9/6/18

Manufactured homes in manufactured home parks in the MR-1 and PMD Districts shall be subject to Subsection 824.01 and the following:

- A. The factory design of the manufactured home shall include a roof pitched at a minimum of two inches in 12 inches.
- B. An onsite paved parking area shall be provided for each manufactured home.
- C. Skirting shall be compatible with exterior design and siding materials of the manufactured home.
- D. Play Areas. A separate play area shall be provided in all manufactured home parks that accommodate children under 14 years of age unless each space has a minimum size of 4,000 square feet. Such play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each manufactured home lot. If the play area abuts a railroad, a street, steep slope, or other similar hazard, then a suitable separation (i.e. fence, large setback, etc.) or other safeguards shall be required.

824.03 STANDARDS FOR MANUFACTURED HOMES TO BE USED AS A PERMANENT DWELLING LOCATED ON INDIVIDUAL LOTS IN THE URBAN AREA

Manufactured homes to be used as a permanent dwelling located on individual lots in the urban area including the R-5 through R-30, RR, HR, FU-10, VR-4/5, and VR-5/7 zoning districts shall be subject to Subsection 824.01 and the following:

- A. The factory design of the manufactured home shall include a roof pitched at a minimum of nominal three inches in 12 inches.
- B. The manufactured home shall be placed on an permanent, excavated and back-filled foundation, enclosed at the perimeter with no more than 12 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 12 inches do not apply.  
  
In addition, the foundation shall include concrete strip footings placed to accommodate interior supports. All transportation mechanisms, including wheels, axles, and hitches, shall be removed.
- C. The manufactured home shall have no bare, unpainted, or galvanized metal roofing or siding materials.
- D. An enclosed garage or carport shall be provided and constructed of like materials and designed for automobile storage with at least 250 square feet of floor area.
- E. A manufactured home is a multiple sectionalized structure which shall contain at least 1,000 square feet of living space. Living space is measured from the exterior of

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

the manufactured home, excluding any hitch and any extension of or attachment which is not part of the original manufactured home.

- F. Either the manufactured home was constructed after April 1, 1992 or was manufactured under one of Bonneville Power Administration's energy conservation programs (either the Super Good Cents or the Manufactured Housing Acquisition Program).

[Amended by Ord. ZDO-249, 10/13/14]

839 ACCESSORY DWELLING UNITS

---

~~839.01~~ ~~APPLICABILITY~~

~~Section 839 applies to accessory dwelling units.~~

839.01~~2~~ ~~GENERAL STANDARD~~ NUMBER ALLOWED

Only one accessory dwelling unit shall be allowed ~~on a lot of record~~ per primary attached or detached single-family dwelling, and per primary manufactured dwelling, on the same lot of record.

839.02~~3~~ ~~GENERAL STANDARDS IN THE URBAN LOW-DENSITY RESIDENTIAL DISTRICTS~~

~~In the Urban Low-Density Residential Districts~~ Except in the VR-4/5, VR-5/7, and VTH Districts, accessory dwelling units shall comply with the following standards:

- A. Maximum Area: The maximum floor area of an accessory dwelling unit shall be ~~720900~~ 720900 square feet, except in the R-2.5 District, where the maximum shall be 500 square feet. In no case shall the floor area of an accessory dwelling unit be larger than that of the primary dwelling.
- B. Entrances: If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling entrance(s) shall be on the side or rear of the ~~building structure~~ building structure. An exception to this requirement may be granted if there is no ground-level access to the accessory dwelling unit, or if the primary dwelling has additional front entrances prior to the development of an accessory dwelling unit and the total number of entrances is not increased.
- C. Owner Occupancy: ~~Owner~~ Except in the HR District, owner occupancy of either the accessory dwelling unit or the primary dwelling shall be required. A deed restriction requiring owner-occupancy of one of the dwelling units shall be recorded prior to issuance of a building permit for the accessory dwelling unit.

839.03~~4~~ ~~STANDARDS IN THE VR-4/5 AND VR-5/7 DISTRICTS~~

In the VR-4/5 and VR-5/7 Districts, accessory dwelling units shall comply with the following standards:

- A. An accessory dwelling unit either may be located above a detached garage, or it may be integral to a primary dwelling ~~unit~~.
- B. If the accessory dwelling unit is located above a detached garage:
  - 1. The maximum floor area of the accessory dwelling unit shall be ~~720900~~ 720900 square feet.

2. The accessory dwelling unit shall be subject to the ~~dimensional~~ standards in Table 315-3, Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts, that apply to accessory structures in the VR-4/5 and VR-5/7 Districts ~~listed in Table 315-4 and to Subsections 315.05(H) and (M).~~
- C. If the accessory dwelling unit is integral to a primary dwelling ~~unit~~, it shall be subject to the ~~dimensional~~ standards in Table 315-3 that apply to primary dwellings in the VR-4/5 and VR-5/7 Districts ~~listed in Table 315-4 and to Subsections 315.05(H) and (I).~~

#### 839.045 STANDARDS IN THE VTH DISTRICT

In the VTH District, accessory dwelling units shall comply with the following standards:

- A. An accessory dwelling unit either may be located above a detached garage, or it may be integral to a primary dwelling ~~unit~~.
- B. If the accessory dwelling unit is located above a detached garage:
  1. The maximum floor area of the accessory dwelling unit shall be 500 square feet.
  2. The accessory dwelling unit shall be subject to the dimensional standards in Table 315-3, Dimensional and Building Design Standards in the VR-5/7, VR-4/5, and VTH Districts, that apply to accessory structures in the VTH District ~~listed in Table 315-4 and to Subsection 315.05(M).~~
- C. If the accessory dwelling unit is integral to a primary dwelling ~~unit~~, it shall be subject to the ~~dimensional~~ standards in Table 315-3 that apply to primary dwellings in the VTH District ~~listed in Table 315-4 and to Subsection 1005.12(A).~~

#### 839.05 MANUFACTURED DWELLINGS

A manufactured dwelling may not be used as an accessory dwelling unit in any zoning district except the FF-10, RA-1, RA-2, and RRF-5 Districts. A manufactured dwelling used as an accessory dwelling unit is not subject to Section 824, Manufactured Dwellings.

843      ACCESSORY HISTORIC DWELLINGS

---

843.01    PROCEDURE

An accessory historic dwelling requires review as a Type I application pursuant to Section 1307, Procedures.

843.02    MINIMUM LOT SIZE

An accessory historic dwelling may only be permitted on a lot of record at least two acres in size.

843.03    CONVERSION IN CONJUNCTION WITH NEW DWELLING

A. A detached single-family dwelling legally built between 1850 and 1945 may be converted from a primary dwelling to an accessory dwelling upon completion of a new detached single-family dwelling, or the placement of a manufactured dwelling, on the same lot of record.

B. As used in Subsections 843.03(A) and 843.04(A):

1. "New" means that the single-family dwelling being constructed did not previously exist in residential or nonresidential form; "new" does not include the acquisition, alteration, renovation, or remodeling of an existing structure;
2. "Placement of a manufactured dwelling" means the placement of a manufactured dwelling that did not previously exist on the subject lot of record; it may include the placement of a manufactured dwelling that was previously used as a dwelling on another lot and moved to the subject lot of record.

843.04    ALTERATION AND REPLACEMENT

A. An accessory historic dwelling may not be altered, renovated, or remodeled so that its square footage is more than 120 percent of its square footage at the time construction of the new detached single-family dwelling, or placement of a manufactured dwelling, commenced.

B. An accessory historic dwelling may not be replaced if it is lost to fire, destroyed, or removed for any reason.

843.05    OWNER OCCUPANCY

Owner occupancy of either the accessory historic dwelling or the primary dwelling shall be required. A deed restriction requiring owner-occupancy of one of the dwelling units shall be recorded prior to issuance of a building or placement permit for the new primary dwelling.

**1015 PARKING AND LOADING**

---

**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)(2)(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>**

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone 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
Bowling Alleys (per alley)	3	None	None
Daycare Facilities	0.5  In addition, a passenger-loading area shall be provided on the site.	None	None
<u>Dwellings, including:</u>			
<u>Accessory Dwelling Unit, 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)</u>	<u>1, located behind the front setback line</u>	<u>None</u>	<u>None</u>
<u>HR District (per primary dwelling unit 800 square feet or less or per unit for accessory dwelling units)<sup>2</sup></u>	<u>1</u>	<u>None</u>	<u>None</u>
<u>HR District (per primary dwelling unit greater than 800 square feet)<sup>2</sup></u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>MRR District, except congregate housing facilities (per 600 square feet of residential building area for primary dwellings or per unit for accessory dwelling units)</u>	<u>1</u>	<u>None</u>	<u>None</u>
<u>Attached Single-Family Dwelling in MR-1 or MR-2 District (per dwelling unit)</u>	<u>2</u>	<u>None</u>	<u>None</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
<u>Attached Single-Family Dwelling in SCMU District (per dwelling unit)</u>	<u>1 onsite</u>	<u>2 onsite</u>	<u>NA</u>
<u>Attached Single-Family Dwelling in VTH District (per dwelling unit)</u>	<u>1, located in a garage</u>	<u>None</u>	<u>None</u>
<u>Two- and Three-Family Dwellings (per dwelling unit)</u>	<u>1.5</u>	<u>None</u>	<u>None</u>
<u>Manufactured Dwelling Park (per dwelling unit)</u>	<u>2</u>	<u>None</u>	<u>None</u>
<u>Multifamily Dwelling (per one-bedroom dwelling unit)</u>	<u>1.25</u>	<u>None</u>	<u>None</u>
<u>Multifamily Dwelling (per two-bedroom dwelling unit)</u>	<u>1.5</u>	<u>None</u>	<u>None</u>
<u>Multifamily Dwelling (per three-bedroom dwelling unit)</u>	<u>1.75</u>	<u>None</u>	<u>None</u>
<u>Congregate Housing Facilities (per resident)</u>	<u>0.25</u>	<u>None</u>	<u>None</u>
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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
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
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
<b>Dwellings, including</b>			
<del>Single-Family Dwelling or Manufactured Dwelling in Urban Low Density Residential, VR-4/5, VR-5/7, RA-1, or RA-2 District (per dwelling unit)</del>	<del>1, located behind the front yard setback line</del>	<del>None</del>	<del>None</del>
<del>Hoodland Residential District (per dwelling unit 800 square feet or less) <sup>2</sup></del>	<del>1</del>	<del>None</del>	<del>None</del>
<del>Hoodland Residential District (per dwelling unit greater than 800 square feet) <sup>2</sup></del>	<del>2</del>	<del>None</del>	<del>None</del>
<del>Mountain Recreational Resort District, except congregate housing facilities (per 600 square feet of residential building area)</del>	<del>1</del>	<del>None</del>	<del>None</del>
<del>Attached Single-Family Dwelling in Medium or Medium High Density Residential District (per dwelling unit)</del>	<del>2</del>	<del>None</del>	<del>None</del>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Attached Single-Family Dwelling in Station-Community Mixed-Use District (SCMU) District (per dwelling unit)	1- onsite	2- onsite	NA
Attached Single-Family Dwelling in Village-Townhouse 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 one-bedroom dwelling unit)	1.25	None	None
Multifamily Dwelling (per two-bedroom dwelling unit)	1.5	None	None
Multifamily Dwelling (per three-bedroom dwelling unit)	1.75	None	None
Congregate Housing Facilities (per resident)	0.25	None	None
Accessory Dwelling Units (per dwelling unit)	1, located behind the front yard setback line	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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
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
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

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
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 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.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 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.
- 3. 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:

$\text{Parking Cap} = \text{Gross Acres of the Development Site} \times 67 \text{ Parking Spaces}$
--

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:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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**

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
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	

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
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

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
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

Land Use Category	Unit of Measurement	Number of Loading Berths	Minimum Required Dimension
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]

**1204 TEMPORARY PERMITS**

---

**1204.01 PURPOSE AND APPLICABILITY**

Section 1204 is adopted to provide standards, criteria, and procedures under which a temporary permit may be approved. Temporary permits may be approved in any zoning district, except that temporary permits for uses otherwise prohibited are not permitted in the EFU, TBR, and AG/F Districts.

**1204.02 TEMPORARY USE OTHERWISE PROHIBITED**

- A. A temporary permit for a use otherwise prohibited requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The use for which a temporary permit is requested is not listed as a primary, accessory, limited, or conditional use in the applicable zoning district;
  2. There is no reasonable alternative to the temporary use;
  3. The permit will be necessary for a limited time;
  4. The temporary use will not include the construction of a substantial structure or require a permanent commitment of the land; and
  5. The temporary use will not have a materially adverse effect on the surrounding area.
- B. A temporary permit for a use otherwise prohibited may be approved for a period not to exceed one year. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed one year. A renewal shall be subject to the same approval criteria as an initial permit. A temporary permit for a use otherwise prohibited may be renewed an unlimited number of times.

**1204.03 TEMPORARY DWELLING WHILE BUILDING**

- A. A temporary permit for a dwelling while building shall require review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The temporary dwelling will be a manufactured dwelling that does not comply with all applicable requirements for a permanent dwelling, a residential trailer, or a recreational vehicle.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

2. A building permit to construct a permanent dwelling has been issued for the lot of record or tract on which the temporary dwelling will be located; and
  3. The temporary dwelling will be occupied by the owner of the subject lot of record or tract.
- B. If a valid building permit for a permanent dwelling on the subject lot of record or tract is not maintained, the temporary permit shall become void on the day the building permit lapses.
- C. A temporary permit for a dwelling while building shall be subject to the following conditions of approval:
1. The temporary dwelling shall be connected to a sanitary sewer system or to an on-site wastewater treatment system approved by the County.
  2. The temporary dwelling shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
  3. If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject property when the permit expires or the permanent dwelling is occupied, whichever first occurs. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the permanent dwelling is occupied, whichever first occurs. A recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatment system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.
- D. A temporary permit for a dwelling while building may be approved for a period not to exceed two years. The permit may not be renewed. A renewal shall be the same or any substantially similar application filed within two years of the date a previous temporary permit for a dwelling while building expired.

1204.04 TEMPORARY DWELLING FOR CARE

- A. A temporary permit for a dwelling for care requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:
1. The temporary dwelling will be a manufactured dwelling, residential trailer, or recreational vehicle.

2. The temporary dwelling will be occupied by a person or persons who require(s) care or who will provide care. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the temporary dwelling provided such occupancy is consistent with the remaining provisions of Subsection 1204.04.
3. The temporary dwelling will be located on the same lot of record or tract as a lawfully established permanent dwelling. The permanent dwelling will be occupied by the person(s) receiving care from the occupant(s) of the temporary dwelling or by the person(s) providing care to the occupant(s) of the temporary dwelling. This provision shall not prevent persons in addition to the care recipient(s) or the care provider(s) from occupying the permanent dwelling, provided such occupancy is consistent with the remaining provisions of Subsection 1204.04.
4. There exists a need for care. The need shall be documented by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient, generally indicate that an age-related and/or medical condition results in a need for care, and substantiate that the type of assistance required by the patient is consistent with the type of assistance identified in the definition of care in Subsection 1204.04(B).
5. There exists no reasonable housing alternative in the form of adequate housing on the subject lot of record or tract. A determination regarding the reasonableness of the care recipient and the care provider occupying the permanent dwelling together, and the reasonableness of either residing in an existing accessory dwelling unit or an existing accessory historic dwelling on the subject lot of record or tract, shall be made based on the size and floor plan of the permanent dwelling, and of any accessory dwelling unit(s) or accessory historic dwellings(s) on the lot of record or tract, with consideration for maintaining a degree of privacy and independence for both the care recipient and the care provider; and
6. There exists no reasonable alternative care provider. Alternative care providers who shall be considered include:
  - a. Other adults who live with the care recipient; and
  - b. Other relatives of the care recipient who live nearby. This alternative shall only be considered in cases where the care recipient currently resides on the subject lot of record or tract; and
7. There is no other temporary dwelling for care on the subject lot of record or tract.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- B. As used in Subsection 1204.04, care means assistance, required as a result of age or poor health, that is given to a specific person in the activities of daily living, which may include, but are not necessarily limited to, bathing, grooming, eating, medication management, ambulation, and transportation, or care means daily supervision of a specific person when such supervision is required due to cognitive impairment. As used in Subsection 1204.04, care does not include assistance with improvement or maintenance of property in the absence of a documented need for assistance with personal activities or a need for personal supervision due to cognitive impairment. Care does not include financial hardship alone.
- C. A temporary permit for a dwelling for care shall be subject to the following conditions of approval:
1. The temporary dwelling shall be connected to a sanitary sewer system or to an on-site wastewater treatment system approved by the County. The temporary dwelling shall use the same on-site wastewater treatment system used by the permanent dwelling, if that system is adequate to accommodate the additional dwelling. An exception may also be granted if more than one lawfully established on-site wastewater treatment system exists on the subject lot of record or tract.
  2. The temporary dwelling shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
  3. All water, electricity, natural gas, and sanitary sewer service for the temporary dwelling shall be extended from the permanent dwelling services. No separate meters for the temporary dwelling shall be allowed. An exception may be granted if the utility provider substantiates that separate service is required or if more than one lawfully established service exists on the subject lot of record or tract.
  4. The temporary dwelling shall use the same driveway entrance as the permanent dwelling, although the driveway may be extended. An exception may be granted if more than one lawfully established driveway entrance to the subject lot of record or tract exists.
  5. The temporary dwelling shall be located within 100 feet of the permanent dwelling. This distance shall be measured from the closest portion of each structure. This distance may be increased if the applicant provides evidence substantiating that steep slopes, significant natural features, significant existing landscaping, existing structures, other physical improvements, or other similar constraints prevent compliance with the separation distance standard. The increase shall be the minimum necessary to avoid the constraint. An exception may also be granted if the temporary dwelling will

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

be sited in the same or substantially similar location as a previous, lawfully established temporary dwelling for care.

6. A written statement shall be recorded in the County deed records recognizing that a dwelling approved pursuant to Subsection 1204.04 is temporary and that the temporary permit is not transferable when the property is conveyed to another party.
  7. The temporary dwelling shall not be a source of rental income.
  8. If the temporary dwelling is a manufactured dwelling or residential trailer, it shall be removed from the subject property when the permit expires or the need for care ceases, whichever first occurs. An exception to this provision may be granted if a temporary manufactured dwelling is converted to a permanent dwelling. Such a conversion shall be allowed only if the temporary dwelling complies with all applicable standards of this Ordinance for a permanent dwelling, including any that limit the number of dwelling units permitted on the subject property. If the temporary dwelling is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the need for care ceases, whichever first occurs. A recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatment system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.
- D. A temporary permit for a dwelling for care may be approved for a period not to exceed two years in the EFU, TBR, and AG/F Districts and for a period not to exceed three years in any other zoning district. The permit may be renewed, subject to review as a Type II application pursuant to Section 1307, for a period not to exceed two years in the EFU, TBR, and AG/F Districts and three years in any other zoning district. A temporary permit for a dwelling for care may be renewed an unlimited number of times.
- E. In lieu of Subsections 1204.04(A) and (B), a renewal application shall be subject to the following standards and criteria:
1. The circumstances that provided the basis on which the previous permit was granted remain substantially similar.
  2. A renewal application shall be accompanied by a signed statement from a licensed healthcare provider. The statement shall be dated within 90 days preceding the date the application is submitted and shall identify the care recipient and substantiate that the level of assistance required is substantially

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

similar to, or greater than, the level required when the previous permit was granted.

- F. An application shall be evaluated as a renewal application rather than a new application if the permit is requested for the same lot of record or tract and the same care recipient as the previous permit.

1204.05 TEMPORARY EMERGENCY SHELTER

- A. A temporary permit for emergency shelter requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- 1. A lawfully established dwelling or business located on the subject lot of record or tract has been destroyed, substantially damaged, or rendered unsafe to occupy due to fire or natural disaster.
- 2. The temporary shelter will be a manufactured dwelling that does not comply with all applicable requirements for a permanent dwelling, a residential trailer, or a recreational vehicle for residential purposes, or a commercial office trailer for business purposes.

- B. A temporary permit for emergency shelter shall be initially approved for 60 days. If replacement or repair of the dwelling or business is lawfully commenced within 60 days of the date the permit is initially approved, the approval shall automatically be extended for two years from the date of initial approval. Lawfully commenced means the filing of a complete application for a land use, building, on-site wastewater treatment, grading, manufactured dwelling, plumbing, electrical, or other development permit required by the County or other appropriate permitting agency that is necessary to begin replacement or repair of the destroyed or damaged structure. If replacement or repair is not lawfully commenced within 60 days of the date the temporary permit is initially approved, the temporary permit shall become void on the sixty-first day.

- C. A temporary permit for emergency shelter shall be subject to the following conditions of approval:

- 1. The temporary shelter shall be connected to a sanitary sewer system or to an on-site wastewater treatment system approved by the County.
- 2. The temporary shelter shall comply with the minimum yard depth standards for primary buildings in the applicable zoning district.
- 3. If the temporary shelter is a manufactured dwelling, residential trailer, or commercial office trailer, it shall be removed from the subject property when the permit expires or the permanent building is occupied, whichever first



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

occurs. If the temporary shelter is a recreational vehicle, it shall be removed from the subject property or placed in a stored condition when the permit expires or the permanent building is occupied, whichever first occurs. A recreational vehicle shall be deemed to be placed in a stored condition when it ceases to be used for residential purposes and is disconnected from any on-site wastewater treatment system and all utilities other than temporary electrical connections for heating necessary to avoid physical deterioration. Storage of a recreational vehicle shall comply with all other applicable requirements of this Ordinance.

- D. A temporary permit for emergency shelter may not be renewed. A renewal shall be the same or any substantially similar application filed within two years of the date a previous temporary permit for emergency shelter expired.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14]

**1307 PROCEDURES**

---

1307.01 PURPOSE

Section 1307 is adopted to:

- A. Implement the goals and policies of the Comprehensive Plan for citizen involvement and the planning process;
- B. Establish uniform procedures for the review of land use applications and legislative land use proposals;
- C. Facilitate timely review of land use applications by the County;
- D. Clarify the land use application review process for applicants; and
- E. Enable the public to effectively participate in the County's land use permit decision-making process.

1307.02 APPLICABILITY

Section 1307 applies to all land use permit applications and all legislative land use proposals under this Ordinance.

- A. No person shall engage in or cause development to occur without first obtaining the necessary land use permit approvals required by, and according to the procedures in, Section 1307.
- B. Where the provisions of Section 1307 conflict with other provisions of this Ordinance, the more specific provisions shall control.

1307.03 REVIEW AUTHORITIES

- A. Review Authorities, Generally: Review authorities are those who are designated to make recommendations or decisions regarding land use permit applications and legislative land use proposals. Table 1307-1 lists the land use permits and legislative land use proposals that are provided for by this Ordinance and establishes:
  - 1. The review authority charged with making the initial decision;
  - 2. The review authority charged with making the decision on the initial County-level appeal, if any;
  - 3. The review authority charged with making the decision on the second County-level appeal, if any; and

4. Those circumstances where an additional review authority is charged with making a recommendation on the application or proposal to the decision maker.
- B. Planning Director: Pursuant to Oregon Revised Statutes 215.042, the Planning Director is the County official designated to administer land use planning in the County. In this role, the Planning Director administers the Comprehensive Plan and this Ordinance, issues decisions on certain land use permit applications, and provides administrative support to other review authorities. As used in this Ordinance, the term Planning Director includes any County staff member authorized by the Planning Director to fulfill the responsibilities assigned to the Planning Director by this Ordinance.
- C. Hearings Officer: Pursuant to ORS 215.406, the Hearings Officer is appointed by the Board of County Commissioners to conduct public hearings and issue decisions on certain land use permit applications.
- D. Historic Review Board: The Historic Review Board is designated as an advisory body on matters pertaining to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district and has the powers and duties described in Sections 707 and 1307.
1. The Historic Review Board shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.
  2. Historic Review Board members shall have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of historic preservation. Three positions on the Historic Review Board shall be filled as follows:
    - a. One architect, with knowledge in historic restoration;
    - b. One contractor, with expertise in construction techniques applied to historic structures; and
    - c. One representative from a historic group in the County.
  3. Unless otherwise provided for, members of the Historic Review Board shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
  4. If a member of the Historic Review Board does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

5. A member whose term has ended may continue to serve on the Historic Review Board until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(D)(3).
  6. The Historic Review Board shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.
  7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- E. Design Review Committee: The Design Review Committee is designated as an advisory body on matters pertaining to the design review process and has the powers and duties described in Sections 1102 and 1307.
1. The Design Review Committee shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.
  2. Five positions on the Design Review Committee shall be filled as follows:
    - a. One landscape architect;
    - b. One architect;
    - c. One registered engineer;
    - d. One graphic design representative; and
    - e. One representative from the field of finance or the construction and development industry.
  3. Unless otherwise provided for, members of the Design Review Committee shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
  4. If a member of the Design Review Committee does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
  5. A member whose term has ended may continue to serve on the Design Review Committee until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(E)(3).

6. The Design Review Committee shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.
  7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- F. **Planning Commission:** The Planning Commission is designated as the land use planning advisory body to the Board of County Commissioners and acts as the decision maker on an initial appeal of the Planning Director's interpretation of the Comprehensive Plan. The Planning Commission shall have the powers and duties described in Section 1307 and such other powers and duties as may be imposed on it by County, state, or federal law.
1. The Planning Commission shall be composed of nine members, designated in positions labeled 1 through 9, appointed by and serving at the pleasure of the Board of County Commissioners.
  2. Members of the Planning Commission shall be residents of the various geographic areas of the County. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade, or profession.
  3. Unless otherwise provided for, members of the Planning Commission shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
  4. If a member of the Planning Commission does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
  5. A member whose term has ended may continue to serve on the Planning Commission until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(F)(3).
  6. The Planning Commission shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.

7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.

G. Board of County Commissioners: The Board of County Commissioners is the governing body of the County and is the final County decision maker on legislative land use proposals and certain land use permit applications.

#### 1307.04 REVIEW PROCEDURE TYPES

- A. Land use permits and legislative land use proposals provided for under this Ordinance are classified as one of four types, each of which is subject to a corresponding review procedure. The four types are described as follows:
  1. Type I permits are ministerial in nature and involve land use actions governed by non-discretionary standards and clear and objective approval criteria. Approval of a Type I permit may require imposition of conditions of approval to ensure compliance with this Ordinance. The Type I procedure is an administrative review process, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.
  2. Type II permits are administrative in nature and involve land use actions governed by standards and approval criteria that generally require the exercise of limited discretion. Impacts associated with the land use action may require imposition of conditions of approval to minimize those impacts and to ensure compliance with this Ordinance. The Type II procedure is an administrative review process, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.
  3. Type III permits are quasi-judicial in nature, and involve land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.
  4. Type IV proposals are legislative in nature, and involve the creation, broad-scale implementation, or revision of public policy. These include amendments to the text of the Comprehensive Plan or this Ordinance. Large-scale changes in the Comprehensive Plan Land Use Plan maps and zoning maps also may be characterized as legislative where a larger number of property owners are directly affected.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

B. Table 1307-1 lists the land use permits and legislative land use proposals that are provided for by this Ordinance and assigns a procedure type to each. In the event that the procedure type for a land use permit application is not identified in Table 1307-1, specified elsewhere in this Ordinance, or otherwise required by law, the Planning Director shall determine the applicable procedure based on the guidelines in Subsection 1307.04(A). Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

1. As used in Table 1307-1:
  - a. "PD" means Planning Director.
  - b. "HO" means Hearings Officer.
  - c. "PC" means Planning Commission.
  - d. "BCC" means Board of County Commissioners.
  - e. Numbers in superscript correspond to the notes that follow Table 1307-1.

**Table 1307-1: Land Use Permits by Procedure Type**

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
<u>Accessory Historic Dwelling</u>	I	No	PD	<del>No County-Level Appeal</del>
AG/F District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(C)]	I	No	PD	No County-Level Appeal
AG/F District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(5)]	III	No	HO	No County-Level Appeal
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 407-1	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Comprehensive Plan Map Amendment <sup>1</sup>	III or IV	Type III Only	BCC	No County-Level Appeal
Comprehensive Plan Text Amendment	IV	No	BCC	No County-Level Appeal
Conditional Use	III	Yes	HO	No County-Level Appeal
Condominium Plat <sup>2</sup>	I	No	PD	No County-Level Appeal
Conversion of a Manufactured Dwelling Park or a Mobile Home Park to a Subdivision	I	No	PD	No County-Level Appeal
Design Review <sup>3</sup>	II	Yes	PD	HO
EFU District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(C)]	I	No	PD	No County-Level Appeal
EFU District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(5)]	III	No	HO	No County-Level Appeal
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1	II	No	PD	HO
Farmers' Market	II	No	PD	HO



**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Land Use Permit</b>	<b>Procedure Type</b>	<b>Pre-Application Conference Required</b>	<b>Initial Decision Review Authority</b>	<b>Appeal Review Authority</b>
Floodplain Development	II	No	PD	HO
Floodway, Fish Enhancement Project [pursuant to Subsection 703.07(F)]	I	No	PD	No County-Level Appeal
Gathering subject to review under Oregon Revised Statutes 433.763	III	Yes	PC	BCC
Habitat Conservation Area District	See Subsection 706.06	No	See Subsection 706.06	See Subsection 706.06
Historic Landmark, Historic District, and Historic Corridor, Maintenance	I	No	PD	No County-Level Appeal
Historic Landmark, Historic District, and Historic Corridor, Major Alteration <sup>4</sup>	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Minor Alteration	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Moving or Demolition <sup>4</sup>	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, New Construction <sup>4</sup>	II	Yes	PD	HO
Home Occupation, Major, New, with an Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, New, without an Exception	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Home Occupation, Major, Renewal, with a New Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, Renewal, without a New Exception	II	No	PD	HO
Interpretation, Comprehensive Plan <sup>5</sup>	II	No	PD	PC
Interpretation, Zoning and Development Ordinance <sup>6</sup>	II	No	PD	HO
Marijuana Processing in the AG/F and EFU Districts	II	No	PD	HO
Marijuana Production, if regulated by Section 841, <i>Marijuana Production, Processing, and Retailing</i>	I	No	PD	No County-Level Appeal
Marijuana Retailing	I	No	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Extraction Area Permit	I	No	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Impact Area Permit	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Two	I	No	PD	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Mobile Vending Unit, Level Three	II	Yes	PD	HO
Modification	II	No	PD	HO
Nonconforming Use, Alteration not Required by Law	II	No	PD	HO
Nonconforming Use, Verification	II	No	PD	HO
Open Space, Conflict Resolution for Wetlands and Significant Natural Areas	II	No	PD	HO
Open Space Review	II	No	PD	HO
Partition	II	Yes	PD	HO
Principal River Conservation Area	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, Expansion of Existing Use [pursuant to Subsection 712.05(B)]	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, New Use [pursuant to Subsection 712.06]	III	No	HO	No County-Level Appeal
Public Use Airport and Safety Overlay Zones, Use Permitted Subject to Review [pursuant to Subsection 713.05]	III	No	HO	No County-Level Appeal
Property Line Adjustment [except pursuant to Subsection 1107.04(C)(2)(b), 1107.04(C)(2)(c), or 1107.04(D)(3)]	I	No	PD	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Property Line Adjustment [pursuant to Subsection 1107.04(C)(2)(b), 1107.04(C)(2)(c), or 1107.04(D)(3)]	II	No	PD	HO
Replat (number of lots or parcels proposed to increase)	II	Yes	PD	HO
Replat (number of lots or parcels proposed to decrease or remain the same)	I	No	PD	No County-Level Appeal
Sensitive Bird Habitat District, Alteration or Development	II	No	PD	HO
Sign Permit	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(A)]	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(B)]	II	No	PD	HO
Stream Conservation Area	II	No	PD	HO
Subdivision, Major	III	Yes	HO	No County-Level Appeal
Subdivision, Minor	II	Yes	PD	HO
TBR District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Land Use Permit</b>	<b>Procedure Type</b>	<b>Pre-Application Conference Required</b>	<b>Initial Decision Review Authority</b>	<b>Appeal Review Authority</b>
TBR District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 406-1	II	No	PD	HO
Temporary Dwelling for Care	II	No	PD	HO
Temporary Dwelling while Building	I	No	PD	No County-Level Appeal
Temporary Structure for Emergency Shelter	I	No	PD	No County-Level Appeal
Temporary Use Otherwise Prohibited	II	No	PD	HO
Time Extension	II	No	PD	HO
Variance	II	No	PD	HO
Vested Right Determination	II	No	PD	HO
Water Quality Resource Area District	See Subsection 709.06	No	See Subsection 709.06	See Subsection 709.06
Willamette River Greenway	II	No	PD	HO
Willamette River Greenway, Timber Harvest [pursuant to Subsection 705.03(I)]	II	No	PD	HO
Wireless Telecommunication Facility [pursuant to Subsection 835.04]	I	No	PD	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Wireless Telecommunication Facility, with an Adjustment [pursuant to Subsection 835.05]	III	No	HO	No County-Level Appeal
Wireless Telecommunication Facility, without an Adjustment [pursuant to Subsection 835.05]	II	No	PD	HO
Zone Change <sup>7</sup>	III or IV	Type III Only	HO, Type III BCC, Type IV	No County-Level Appeal
Zoning and Development Ordinance Text Amendment	IV	No	BCC	No County-Level Appeal

Notes to Table 1307-1:

- <sup>1</sup> The Type III procedure shall be modified to include Planning Commission public hearing and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing. In the case of a Comprehensive Plan amendment related to the designation of a Historic Landmark, Historic District, or Historic Corridor, both the Type III and Type IV procedures shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.
- <sup>2</sup> If condominium platting is proposed as part of a design review application, a separate condominium plat application is not required.
- <sup>3</sup> The Type II procedure may be modified, pursuant to Subsection 1102.04(A) or (B), to include Design Review Committee review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.

- 4 The Type II procedure shall be modified to include Historic Review Board review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.
  - 5 The Type II procedure shall be modified to allow the Planning Commission's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.13(E)(1).
  - 6 The Type II procedure shall be modified to allow the Hearings Officer's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.13(E)(2).
  - 7 In the case of a zone change related to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the Type III procedure shall be modified to designate the Board of County Commissioners as the initial decision review authority and to include Historic Review Board review and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing, and the Type IV procedure shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.
- C. Notwithstanding any other provision in Section 1307, except for an application for an interpretation of the Comprehensive Plan, an applicant may choose to process a Type II land use permit application using the Type III procedure, and the Hearings Officer shall be the review authority for the initial decision. The decision of the Hearings Officer shall be the final decision of the County, except for an application for an interpretation of this Ordinance, in which case appeal to the Board of County Commissioners is allowed pursuant to Subsection 1307.13(E)(2).

#### 1307.05 PRE-APPLICATION CONFERENCE

- A. Purpose: Pre-application conferences are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- B. Applicability: Table 1307-1 identifies the land use permit applications for which pre-application conferences are mandatory. Pre-application conferences are voluntary for all other land use permit applications.

- C. Submittal Requirements: Pre-application conference requests shall include:
1. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
    - a. The names, mailing addresses, and telephone numbers of the applicant(s);
    - b. The address of the subject property, if any, and its assessor's map and tax lot number;
    - c. The size of the subject property;
    - d. The Comprehensive Plan designation and zoning district of the subject property;
    - e. The type of application for which the pre-application conference is requested;
    - f. A brief description of the proposal for which the pre-application conference is requested; and
    - g. Signature(s) of the applicant(s), authorizing the filing of the pre-application request.
  2. Additional information necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow County staff to review and comment; and
  3. Payment of the applicable fee, pursuant to Subsection 1307.15.
- D. Scheduling: Upon receipt of a complete application, the Planning Director will schedule the pre-application conference. The Planning Director will coordinate the involvement of other County departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- E. Summary: Subsequent to the pre-application conference, the Planning Director will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the County or any other outside agency or service provider on the merits of the proposal.
- F. Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences: A follow-up pre-application conference is required for those mandatory pre-application conferences that have already been held when:
1. A complete application relating to the proposed development has not been submitted within one year of the pre-application conference; or



2. The proposed use, layout, or design of the proposed development has changed significantly.

1307.06 REVIEW OF MULTIPLE APPLICATIONS

When multiple land use permits for the same property are required or proposed by an applicant, all of the applications may be filed concurrently. Each application shall be processed separately using the procedure identified in Table 1307-1 for that application, except that applications filed concurrently shall be processed through a consolidated procedure if:

- A. One of the applications is a Type III application for a Comprehensive Plan map amendment, in which case the Type III Comprehensive Plan map amendment procedure shall be used;
- B. Multiple land use permit applications are subject to the same procedure type with the same initial decision and appeal review authorities. Applications for an interpretation of this Ordinance are excluded from this consolidation provision; or
- C. The applicant elects to process multiple applications through a consolidated procedure, if such consolidation is consistent with Subsection 1307.04(C).

1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- A. Initiation of Applications: Type I, II, and III land use permit applications may be initiated by:
  1. The owner of the subject property;
  2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;
  3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority; or
  4. If the application is for Comprehensive Plan designation or zoning of a Historic District or Historic Corridor, the owners or contract purchasers of at least 60 percent of the property within the area to be so designated or zoned.
- B. Initiation of Legislative Proposals: Type IV legislative land use proposals may be initiated by the Board of County Commissioners, the Planning Commission, or the Planning Director. However, initiation of a legislative proposal does not obligate the County to further processing of the proposal pursuant to Subsection 1307.11, or prevent the County from discontinuing the processing of the proposal at any point prior to decision.

- C. Application Submittal: Type I, II, and III land use permit applications are subject to the following submittal requirements:
1. The following shall be submitted for an application to be complete:
    - a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
      - i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
      - ii. The address of the subject property, if any, and its assessor's map and tax lot number;
      - iii. The size of the subject property;
      - iv. The Comprehensive Plan designation and zoning district of the subject property;
      - v. The type of application being submitted;
      - vi. A brief description of the proposal; and
      - vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.
    - b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each applicable approval criterion and standard and each item on the supplemental application form;
    - c. Any additional information required under this Ordinance for the specific land use permit sought; and
    - d. Payment of the applicable fee, pursuant to Subsection 1307.15.
  2. The Planning Director, at his or her sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the application.
  3. Each application, when received by the Planning Director, shall be date-stamped with the date the application was received.

- D. Completeness of a Type I Application: If a Type I application is not complete when submitted, and the applicant does not make it complete within 60 days of submittal, the application is void.
- E. Completeness Review for Type II and III Applications: After it is submitted, a Type II or III land use permit application shall be reviewed for completeness, as follows:
1. Except as otherwise provided under Oregon Revised Statutes 215.427, the Planning Director shall review an application for completeness within 30 days of its receipt.
  2. Determination of completeness shall be based upon the submittal requirements of Subsection 1307.07(C)(1) and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the County will make a favorable decision on the application.
  3. If an application is determined to be complete, review of the application shall commence.
  4. If an application is determined to be incomplete, written notice shall be provided to the applicant within 30 days of receipt of the application, identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. The application shall be deemed complete upon receipt by the Planning Director of:
    - a. All of the missing information;
    - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
    - c. Written notice from the applicant that none of the missing information will be provided.
  5. If the application was complete when first submitted, or the applicant submits additional information, as described in Subsection 1307.07(E)(4), within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
  6. On the 181st day after first being submitted, the application is void, if the applicant has been notified of the missing information as required under Subsection 1307.07(E)(4) and has not submitted the missing information or otherwise responded, as provided in Subsection 1307.07(E)(4).

1307.08 TYPE I MINISTERIAL PROCEDURES

Type I land use permit applications are subject to the following procedure:

- A. Notice of Application: Notice of application is not provided.
- B. Decision: The review authority shall approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision.
- C. Notice of Decision: A copy of the decision shall be mailed to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof.
- D. Appeal: The review authority's decision is the final decision of the County.

1307.09 TYPE II ADMINISTRATIVE PROCEDURES

Type II land use permit applications are subject to the following procedures:

- A. Notice of Application: Notice of application shall be provided as follows:
  - 1. A minimum of 20 days prior to the issuance of a decision, written notice of application shall be mailed to:
    - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
      - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;
      - ii. 500 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
      - iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district;
    - c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
    - d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;

- e. Cities, as prescribed in applicable urban growth management agreements;
  - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
  - g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
  - h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
  - i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
2. At a minimum, notice of application shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
  - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
  - c. The street address or other easily understood geographical reference to the subject property;
  - d. The name and telephone number of the County staff member to contact where additional information may be obtained;
  - e. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
  - f. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and
  - g. A statement that subsequent to the closing of the public comment period, a decision will be issued and mailed to everyone entitled to the initial notice of the application.
3. A minimum of 20 days prior to the issuance of a decision, a copy of the submitted application shall be mailed to those identified in Subsections 1307.09(A)(1)(d) through (i).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- B. Decision: The review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
  2. The conditions of approval, if any;
  3. The street address or other easily understood geographical reference to the subject property;
  4. The name and telephone number of the County staff member to contact where additional information may be obtained;
  5. A statement that the complete application file is available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
  6. The date the review authority's decision becomes effective, unless appealed;
  7. A statement that the decision will not become final until the period for filing an appeal with the County has expired without the filing of an appeal;
  8. A statement that any person who is adversely affected or aggrieved or who is entitled to written notice under Subsection 1307.09(C) may appeal the decision by filing a written appeal, and including the date and time by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, the appeal fee, and where further information may be obtained concerning the appeal process; and
  9. A statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.
- C. Notice of Decision: A copy of the decision shall be mailed to those identified in Subsection 1307.09(A)(1).
- D. Appeal: The review authority's decision is the final decision of the County, unless an appeal is filed pursuant to Subsection 1307.13.

1307.10 TYPE III QUASI-JUDICIAL PROCEDURES

Type III land use permit applications are subject to the following procedures:

- A. Notice of Application and Public Hearing: Notice of application and public hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development (DLCD), if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
  2. A minimum of 35 days prior to the first evidentiary hearing on the application, a copy of the submitted application shall be mailed to:
    - a. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
    - b. Cities, as prescribed in applicable urban growth management agreements;
    - c. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
    - d. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
    - e. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
    - f. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
  3. A minimum of 20 days prior to the first evidentiary hearing of each review authority on the application, written notice of the application and hearing shall be mailed to:
    - a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
    - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
      - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- ii. 500 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
  - iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district.
  - iv. If the application is for a zone change to apply the MAO District, the distances set forth in Subsections 1307.10(A)(3)(b)(i) through (iii) shall be increased to 1,000 feet from the outer boundary of the proposed impact area under Section 708;
- c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
  - d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
  - e. Cities, as prescribed in applicable urban growth management agreements;
  - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
  - g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
  - h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification;
  - i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416; and
  - j. Tenants of a mobile home or manufactured dwelling park, as defined in ORS 446.003, when property that includes all or part of such mobile home or manufactured dwelling park is the subject of an application for a Comprehensive Plan map amendment, zone change, or both. Notice to such tenants shall be mailed no more than 40 days before the first evidentiary hearing.
4. At a minimum, notice of application and hearing shall include:



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
  - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
  - c. The street address or other easily understood geographical reference to the subject property;
  - e. Date, time, and location of the hearing;
  - f. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;
  - g. The name and telephone number of the County staff member to contact where additional information may be obtained;
  - h. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
  - i. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a cost established by the Board of County Commissioners;
  - j. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings; and
  - k. A statement that subsequent to the close of the public hearing, a decision will be issued and mailed as required by Subsection 1307.10(E).
5. If the application is for a Comprehensive Plan amendment, notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first evidentiary hearing, by publication in a newspaper of general circulation in the County. However, if the application applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- B. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.
- C. Public Hearing: A public hearing shall be held before the review authority, for the purpose of receiving testimony regarding the application.
- D. Decision: The review authority shall consider the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
  2. The conditions of approval, if any;
  3. The street address or other easily understood geographical reference to the subject property;
  4. The date the review authority's decision becomes effective, unless appealed; and
  5. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal; the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
- E. Notice of Decision: A copy of the decision shall be mailed to:
1. Those identified in Subsections 1307.10(A)(3)(a) and (d) through (i);
  2. Anyone who provided evidence, argument, or testimony as part of the record;
  3. Anyone who made a written request for notice of decision; and
  4. DLCD, if required pursuant to ORS 197.615. Procedures for the giving of the required notice to DLCD shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.

- F. Appeal: The review authority's decision is the final decision of the County, except as may be provided for interpretation applications pursuant to Subsection 1307.13(E). Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

1307.11 TYPE IV LEGISLATIVE PROCEDURES

Type IV legislative land use proposals are subject to the following procedures:

- A. Notice of Proposal and Public Hearing: Notice of proposal and hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development, if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
  2. Notice shall be provided to the Metropolitan Service District, if required pursuant to Section 3.07.820 of the Code of the Metropolitan Service District. Procedures for the giving of the required notice shall be those established by Section 3.07.820 of the Code of the Metropolitan Service District.
  3. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, a minimum of 35 days prior to the first public hearing, a copy of the text, showing proposed additions and deletions, shall be made available to the public for review. All active community planning organizations, hamlets, and villages that are recognized by the County shall be notified when it becomes available.
  4. A minimum of 20 days prior to the first public hearing of each review authority on the proposal, written notice of the proposal and hearing shall be mailed to:
    - a. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, all active community planning organizations, hamlets, and villages that are recognized by the County;
    - b. For proposed Comprehensive Plan Land Use Plan map amendments and zone changes, any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
    - c. Cities, as prescribed in applicable urban growth management agreements; and
    - d. Those special districts and government agencies deemed by the Planning Director to have an interest in the proposal.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

5. At a minimum, notice of proposal and hearing shall include:
    - a. An explanation of the nature of the proposal;
    - b. Date, time, and location of the hearing;
    - c. The name and telephone number of the County staff member to contact where additional information may be obtained; and
    - d. For Comprehensive Plan Land Use Plan map amendments and zone changes, a copy of the proposed map change(s).
  6. Notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first public hearing, by publication in a newspaper of general circulation in the County. However, if the legislative land use proposal applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Proposal Review and Staff Report: The Planning Director shall consider the proposal, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the proposal, comments received to-date, and the relevant issues associated with the proposal. Each staff report shall make a recommendation to the review authority.
  - C. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission, for the purpose of receiving testimony regarding the proposal.
  - D. Planning Commission Recommendation: The Planning Commission shall consider the record and may make a recommendation to the Board of County Commissioners to adopt, adopt with modifications, or decline to adopt the proposal. If no recommendation is made by the Planning Commission and no extension is granted by the Board of County Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a recommendation.
  - E. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners, for the purpose of receiving testimony regarding the proposal.
  - F. Decision: The Board of County Commissioners shall consider the record and may adopt, adopt with modifications, or decline to adopt the proposal; remand the matter back to the Planning Commission for further consideration; or table the matter. The decision of the Board of County Commissioners to adopt or adopt with modifications shall be by ordinance.

G. Notice of Decision: Notice of decision shall be provided as follows:

1. A maximum of 20 days after the decision is made it shall be submitted to the Oregon Department of Land Conservation and Development (DLCD). Procedures for the giving of the required notice shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.
2. On the same day the decision is submitted to DLCD, the County shall mail, or otherwise deliver, notice to persons who both participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or this Ordinance and requested in writing that the County give notice of the change. The notice shall:
  - a. State how and where the materials described in ORS 197.615(2) may be obtained;
  - b. Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;
  - c. List the locations and times at which the public may review the decision and findings; and
  - d. Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.

H. Appeal: The Board of County Commissioners' decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals or the Oregon Land Conservation and Development Commission, as determined by state law.

1307.12 PUBLIC HEARINGS

Subsection 1307.12 applies to public hearings held pursuant to Section 1307, except that only Subsections 1307.12(A), (B), (E) through (H), and (J) apply to public hearings in a Type IV proceeding.

- A. Procedure, Generally: Public hearings shall be conducted in accordance with Oregon Revised Statutes (ORS) 197.763, Subsection 1307.12, and any bylaws or rules of procedure adopted by the review authority. Subsection 1307.12 authorizes the Hearings Officer, Planning Commission, and Board of County Commissioners to adopt rules of procedure for the conduct of hearings.
- B. Parties: Any interested party shall be entitled to participate in a public hearing.
- C. Order of Proceeding: The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted bylaws or rules of procedure of the review authority, as appropriate.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. Jurisdictional Objections: Before receiving the staff report or testimony on the application, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the review authority has the discretion to proceed or terminate the hearing.
2. Disclosure Statement: The review authority (or individual member thereof), or its designee, shall read the land use disclosure statement, which shall include:
  - a. A list of the applicable substantive criteria, or a reference to the staff report, where a list of the criteria can be found;
  - b. A statement that testimony, argument, and evidence must be directed toward the criteria described in Subsection 1307.12(C)(2)(a) or other criteria in the Comprehensive Plan or land use regulation which the person believes to apply to the decision;
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
3. Call for Ex Parte Contacts: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact. If the review authority is the Hearings Officer, he or she shall declare any ex parte contacts and state for the record the nature and content of the contact.
4. Call for Abstentions: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member must abstain from participation in the hearing due to conflicts of interest. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises. If the review authority is the Hearings Officer, he or she shall declare any potential conflicts of interest. The Hearings Officer shall state the nature of the conflict, and if the nature of the conflict is such that the Hearings Officer cannot fulfill his or her duty to be a fair and impartial decision maker, the Hearings Officer shall recuse himself or herself from hearing the matter.

5. Staff Report: The Planning Director shall present a report and recommendation concerning the proposal.
  6. Presentation of the Application:
    - a. Applicant's case;
    - b. Community planning organizations, hamlets, and villages. Appearance by a representative from any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village, to present the organization's position on the proposal;
    - c. Public testimony; and
    - d. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters that were introduced during the hearing.
  7. Close of Hearing: No additional testimony, evidence, or argument shall be accepted after the close of the hearing unless the record is held open by the review authority.
  8. Reopened Hearing: The hearing may be reopened by the review authority, prior to decision, to receive additional testimony, evidence, or argument. Notice shall be provided to the same persons who received notice of the original hearing and to anyone who provided evidence, argument, or testimony as part of the record.
  9. Deliberations: If the review authority is the Planning Commission or Board of County Commissioners, deliberations shall immediately follow the hearing, except that deliberations may be delayed to a subsequent date and time certain. If the review authority is the Hearings Officer, deliberations will not occur, and the Hearings Officer will instead take the matter under advisement.
  10. Remand: The Board of County Commissioners may remand any matter previously considered by the Planning Commission back to the Planning Commission for further review.
  11. Recommendation or Decision: When the review authority is the Planning Commission or Board of County Commissioners, the recommendation or decision, as applicable, will be voted on and announced during a public meeting.
- D. Ex Parte Contact:
1. The review authority shall not do any of the following:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate;
  - b. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with a particular application, unless the parties are afforded an opportunity to contest the material so noted; or
  - c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. Individuals representing the review authority may inspect the site alone but must put the circumstances of the inspection on record.
2. A party may challenge the review authority, or individual member thereof, on the grounds of Subsection 1307.12(D)(1), or that such individual has a legal conflict of interest as defined by ORS 244.020(1) or ORS 244.120. A challenge and the decision thereon by the review authority shall be entered in the record of the application.
  3. While every effort must be made to avoid ex parte contact, no decision of the review authority shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1307.12(D)(1), if the review authority (or individual member thereof) receiving the contact:
    - a. Places on the record the substance of any written or oral ex parte communication concerning the decision or action; and
    - b. Has a public announcement made of the content of the communication, and of the parties' right to rebut the substance of the communication, at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.
  4. A communication between County staff and the review authority (or individual member thereof) shall not be considered an ex parte contact for purposes of Subsection 1307.12(D)(1).

E. Evidence and Exhibits:

1. All evidence may be received unless excluded by the review authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the approval of the land use permit or legislative land use proposal more or less probable than it would without the evidence. Evidence may be received subject to a later ruling regarding its admissibility.



2. The review authority may exclude cumulative, repetitious, or immaterial evidence, but erroneous admission of evidence by the review authority shall not preclude action by the review authority or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
  3. All evidence shall be offered and made a part of the record in the application or legislative proceeding; and, except for matters stipulated to and except as provided in Subsection 1307.12(E)(4), no other factual information or evidence shall be considered in the recommendation or decision.
  4. The review authority may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within specialized knowledge. Except in a Type IV proceeding, interested parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The review authority may utilize experience, technical competence, and specialized knowledge in evaluation of the evidence presented.
  5. All exhibits received shall be marked so as to provide identification upon review. Such exhibits may be returned when the period for review has expired, but shall otherwise be preserved by the Planning Director.
- F. Time Limits: The review authority may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. No person may speak more than once without obtaining permission from the review authority.
- G. Questioning: The review authority (or individual member thereof) or County staff may question any person who testifies. The applicant and other parties to the proceeding shall not have the right to question or cross-examine any person who testifies.
- H. Scope of Testimony: Except in a Type IV proceeding, testimony shall be directed towards the applicable standards and criteria that apply to the proposal. The review authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the review authority may call for those in favor and those in opposition to rise, and the review authority shall note the numbers of such persons for the record.

I. Continuances and Open Record Periods:

1. All documents or evidence relied upon by the applicant shall be submitted to the County and be made available to the public. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the review authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.
2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The review authority shall either continue the public hearing, pursuant to Subsection 1307.12(I)(2)(a), or leave the record open for additional written evidence, argument, or testimony, pursuant to Subsection 1307.12(I)(2)(b).
  - a. If the review authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, argument, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, argument, or testimony for the purpose of responding to the new written evidence. Only one continuance is available of right under Subsection 1307.12(I)(2)(a); provided, however, nothing in Subsection 1307.12(I)(2)(a) shall restrict the review authority, in its discretion, from granting additional continuances.
  - b. If the review authority leaves the record open for additional written evidence, argument, or testimony, the record shall be left open for at least seven days. The review authority may leave the record open for an additional period of at least seven days for any participant to respond to new evidence submitted during the prior open-record period. However, if the review authority has not provided for this additional open-record period, any participant may file a written request with the Planning Director for an opportunity to respond to new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is left open. If such a request is filed, the review authority may reopen the record pursuant to Subsection 1307.12(I)(4).

- c. A continuance or extension granted pursuant to Subsection 1307.12(I)(2) shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.
3. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and place certain, in which case notice of the continued hearing shall be given as though it were the initial hearing.
4. If the record is reopened to admit new evidence, argument, or testimony, any person may raise new issues which relate to the new evidence, argument, testimony, or criteria for decision-making which apply to the matter at issue. Notice of the reopened record shall be provided to any person who presented evidence, argument, or testimony as part of the record prior to the date the record was reopened.
5. Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.

J. Record of Hearing:

1. A verbatim record of the proceeding shall be made by written, mechanical, or electronic means, which record need not be transcribed except upon review on the record.
2. The record of proceedings is comprised of:
  - a. The Comprehensive Plan and this Ordinance, all of which shall be automatically incorporated into the record;
  - b. The application or legislative proposal that initiated the proceeding;
  - c. All testimony, argument, evidence, and exhibits submitted prior to the close of the record of the proceeding;
  - d. Any staff reports submitted prior to the close of the record of the proceeding;
  - e. Any electronic presentation used by either staff, applicant, or other participant in the proceeding;
  - f. The verbatim record, as provided in Subsection 1307.12(J)(1);

- g. Minutes, if any, of the hearing;
- h. A verbatim record, as provided in Subsection 1307.12(J)(1), of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority;
- i. Minutes, if any, of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority; and
- j. The written decision.

### 1307.13 APPEALS

Subsection 1307.13 applies to all appeals processed by the County of decisions issued under Section 1307. Table 1307-1 identifies those land use permit decisions that may be appealed at the County level and the applicable review authority for those appeals.

- A. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12<sup>th</sup> day falls on a day on which the County is not open for business, by the next day on which the County is open for business.
- B. Notice of Appeal: Notice of appeal shall be made on a form prescribed by the Planning Director and shall be accompanied by the appeal fee. The notice of appeal shall contain:
  - 1. Identification of the decision sought to be appealed, including its assigned file number, the name of the applicant, and the decision date;
  - 2. The name, mailing address, and telephone number of the appellant;
  - 3. The nature of the decision being appealed and the grounds for appeal; and
  - 4. Signature(s) of the appellant(s), or the duly authorized representative(s) thereof, authorizing the filing of the appeal.
- C. Proper Filing of Notice of Appeal: The failure to file a timely and complete notice of appeal is a jurisdictional defect, and the Planning Director shall not accept a notice of appeal that does not comply with Subsections 1307.13(A) and (B). The Planning Director's determination that an appellant has failed to comply with Subsections 1307.13(A) and (B) shall be final.
- D. Appeal Procedures; Scope: Appeals are subject to the following procedures:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. De Novo Review: Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level review authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record of the appeal. For purposes of Subsection 1307.13(D)(1), the record of the initial proceeding consists of
  - a. Those items listed in Subsections 1307.12(J)(2)(a) through (d) and (j); and
  - b. Those items listed in Subsections 1307.12(J)(2)(e) through (i), to the extent that any prior hearing(s) or public meeting(s) were conducted in reaching the decision that is being appealed.
2. Notice of Public Hearing: Notice of public hearing shall be provided as follows:
  - a. A minimum of 20 days prior to the first evidentiary hearing on the appeal, written notice of the appeal and hearing shall be mailed to:
    - i. Those who were entitled to notice pursuant to Subsection 1307.09(A)(1);
    - ii. The appellant; and
    - iii. Anyone who previously provided evidence, argument, or testimony as part of the record.
  - b. At a minimum, notice of hearing shall include those elements identified in Subsection 1307.10(A)(4), except that 1307.10(A)(4)(i) will reference the appealed decision, rather than the staff report.
3. Public Hearing: A public hearing shall be held before the appeal review authority, for the purpose of receiving testimony regarding the application.
4. Decision: The appeal review authority shall consider the record and affirm the decision, affirm the decision with additional conditions or modifications, or reverse the decision. The appeal review authority shall issue a written decision in the form of an order, which shall be signed and dated, that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include the elements identified in Subsection 1307.10(D)(1) through (5).
5. Notice of Decision: A copy of the written order shall be mailed to:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. Those identified in Subsection 1307.10(E); and
  - b. The appellant.
6. Appeal: Except where an additional County-level appeal is provided pursuant to Subsection 1307.13(E), the appeal review authority's decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.
- E. Review of an Interpretation by the Board of County Commissioners:
1. A second County-level appeal is provided for applications for an interpretation of the Comprehensive Plan, where the Board of County Commissioners shall review the decision of the Planning Commission on appeal. Processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given to:
    - a. Those identified in Subsections 1307.09(A)(1)(a), (d) through (f), and (i);
    - b. The appellant;
    - c. Anyone who provided evidence, argument, or testimony as part of the record; and
    - d. Anyone who made a written request for notice of decision.
  2. A second County-level appeal is provided for applications for an interpretation of this Ordinance, where the Board of County Commissioners may choose to review the decision of the Hearings Officer on appeal but is not required to do so.
    - a. If the Board of County Commissioners accepts the appeal, processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given pursuant to Subsection 1307.13(E)(1).
    - b. If the Board of County Commissioners denies a request for review, it shall do so in writing. Notice of the denial shall be given pursuant to Subsection 1307.13(E)(1). If the Board of County Commissioners denies a request for review, the decision of the Hearings Officer stands as the final decision of the County. The period for appeal to the Oregon Land Use Board of Appeals commences on the date of mailing of the Board of County Commissioners' denial of review.
- F. Effect of Judicial or Administrative Review: Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the County shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any development

permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by County Counsel, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.

- G. Remand from the Land Use Board of Appeals: Except as set forth in Oregon Revised Statutes (ORS) 215.435(4), the County shall take final action on decisions remanded by the Oregon Land Use Board of Appeals within the time frame established by ORS 215.435(1) and (2).

#### 1307.14 CONDITIONS OF APPROVAL

Approval of a Type I, II, or III land use permit may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

- A. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no time is set forth, within a reasonable time. Failure to fulfill any conditions within the time limitations provided shall be grounds for the Planning Director to initiate revocation of the approved land use permit pursuant to Subsection 1307.16(L).
- B. Conditions shall be imposed to ensure compliance with the standards and approval criteria applicable to the land use permit, or shall be reasonably calculated to fulfill public needs emanating from the proposed land uses as set forth in the application, in the following respects:
1. Protection of the public from the potentially deleterious effects of the proposed use; or
  2. Fulfillment of the need for public services created by the proposed use.
- C. The review authority may find compliance with an applicable approval criterion by imposing conditions necessary to ensure compliance and finding that it is feasible for the conditions to be satisfied. Notwithstanding this provision, where conditions require state agency permits to be obtained, the review authority need only find substantial evidence to demonstrate that the applicant is not precluded from obtaining such state agency permits as a matter of law.
- D. A surety may be required from the applicant, in an amount sufficient to ensure compliance with one or more conditions of approval, subject to Section 1311, *Completion of Improvements, Sureties, and Maintenance*.

1307.15 FEES

Fees are for the purposes of defraying administrative costs and are subject to the following:

- A. Fees payable at the time of application or appeal are established by separate order of the Board of County Commissioners.
- B. The failure to submit the required fee with an application or appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. An active community planning organization that is recognized by the County may file appeals without fee, provided the decision to file an appeal is made at a public meeting held in compliance with Oregon Revised Statutes 192.610 to 192.690.
- D. Appeal fees shall be refunded if the appellant prevails. Any other fee refund policy shall be established by separate order of the Board of County Commissioners.
- E. The County Administrator or designee may reduce or waive fees upon showing of just cause to do so.

1307.16 GENERAL PROVISIONS

- A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.
- B. Property Owner's Signature: When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that he or she is buying the property under contract, the Planning Director and the review authority, if other than the Planning Director, may accept these statements to be true, unless the contrary be proved, and except where otherwise in this Ordinance more definite and complete proof is required. Nothing herein shall prevent the Planning Director or the review authority, if other than the Planning Director, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.



- C. Property Owner Notice: Where notice to property owners of record is required by Section 1307, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal need not be notified of the application, decision, or hearing. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in Section 1307 shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.
- D. Method of Mailing: When mailing is required by Section 1307, first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.
- E. Burden of Proof: Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.
- F. Argument and Evidence: For the purposes of Section 1307:
1. Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by any party. Argument does not include facts.
  2. Evidence means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by any party to be relevant to the proposal.
- G. Withdrawal: Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.
- H. Final Action Deadline: Except as modified by ORS 197.763, the County shall take final action on a land use permit application that is subject to Oregon Revised Statutes (ORS) 215.427, including resolution of all County appeals, within the time period specified by ORS 215.427, unless the applicant provides written request for an extension of such period pursuant to ORS 215.427(5).

- I. Effective Date of Decision: The County's final decision on a Type I, II, or III land use permit application becomes effective on:
1. The day the final decision is issued, if no appeal at the County level is allowed;
  2. The day after the appeal period expires, if an appeal at the County level is allowed, but no notice of appeal is timely filed;
  3. The day the decision is issued by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County's final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed; or
  4. The date of mailing of the Board of County Commissioners' denial of review, pursuant to Subsection 1307.13(E)(2)(b).
- J. Reissuing a Decision: The review authority may reissue a Type I, II, or III decision as a result of a clerical error, a misstatement of facts, or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period, if any, or after the filing of an appeal. Notice of the reissued decision shall be given in the same manner as notice of the original decision. A new appeal period equal to that of the original decision shall be provided from the date of mailing of the amended decision.
- K. Re-filing an Application: If a Type II or III land use permit application is denied, or a Type II or III land use permit is revoked pursuant to Subsection 1307.16(L), an applicant may re-file for consideration of the same or substantially similar application only if:
1. At least two years have passed after either final denial of an application by the County or revocation of a permit; or
  2. The review authority finds that one or more of the following circumstances render inapplicable all of the specific reasons for the denial:
    - a. A change, which is material to the application, has occurred in this Ordinance, the Comprehensive Plan, or other applicable law; for the purposes of this provision, "change" includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Section 1308;
    - b. A mistake in facts, which was material to the application, was considered by the review authority;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- c. There have been changes in circumstances resulting in new facts material to the application;
  - d. A change has occurred in the zoning of the subject property, or adjacent property, that substantially affects the merits of the application; or
  - e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application.
- L. Revocation of Approval: An approval of a Type II or III land use permit may be revoked, as follows:
- 1. The Planning Director may initiate a public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation.
  - 2. Revocation of approval shall be reviewed using the Type III procedure. The Hearings Officer shall be the review authority, and the decision of the Hearings Officer shall be the final decision of the County.
  - 3. Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.
- M. Modifications: Except as permitted pursuant to Section 1309:
- 1. A modification to an approved Type I, II, or III land use permit, or conditions thereto, shall be processed as a new application; and
  - 2. A modification to conditions of approval for a Type II or III land use permit shall be considered only if one or more of the circumstances identified in Subsection 1307.16(K)(2) apply.

[Added by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-266, 5/23/18]



### **Chapter 4: LAND USE**

When the pioneers settled Clackamas County, the land resource appeared infinite. They cleared forest, carved towns from the wilderness, and used waterways as the arterials of commerce. Some lands were valued for certain uses. The alluvial valley of the Willamette River was among the first areas to be cleared for agriculture. The falls at Oregon City was one of the first industrial sites. From the earliest days, the value of strategic location for various uses of the land was recognized and exploited for man's benefit. The best sites were usually used first.

Now we realize that not only is land finite, but also that sites with desirable characteristics for certain types of development are scarce. A growing population is increasing demand for land of all types. It is increasingly important to evaluate characteristics of remaining sites to determine their optimum use.

The Oregon Legislature has provided for land use to be determined at the local level through a rational process of balancing state and local goals, human needs, and the site characteristics of land. Generally, the factors for designating land use categories in this plan include the following:

- Physical site conditions such as soils, slope, and drainage
- Present and projected needs of the people
- Character of existing development
- Financial impacts on the County and its residents
- Community livability
- Capacities of streets, sewers, water systems, and other facilities
- Estimated market demand
- Parcel sizes
- Availability of transit
- Proximity to jobs, shopping and cultural activities
- Providing an adequate balance between various uses

The above factors alone are insufficient for planning a community. A planning process reflecting community values is needed to weigh various factors. This systematic approach involves identifying issues, developing alternative ways of dealing with the issues and choosing the most desirable alternative.

#### **ISSUES**

The major issues affecting future development in the County are:

1. Supply and location of land for urban uses
2. Density of residential uses
3. Intensity of commercial and industrial uses

[4-1]

Last Amended 9/6/11 5/23/11

*Clackamas County Comprehensive Plan*

4. Proximity of mutually supporting land uses
5. The cost impacts of various land uses
6. Compatibility or conflict between land uses
7. Competing demands for land having certain characteristics
8. Compatibility of city and County plans
9. Supply and location of land for rural uses
10. Preservation of land for agricultural and forestry uses
11. The character and appearance of neighborhoods
12. Compatibility of land use with supportive systems such as transportation and sewerage
13. Protection of natural features and waterways from the impact of development
14. Provision of open spaces within the urban environment.

**LAND USE DEFINITIONS**

This Plan divides the County into six principal land use categories: Urban, Urban Reserve, Unincorporated Communities, Rural, Agriculture, and Forest. This Plan also establishes one or more land use plan designations within each of these categories. Table 4-1 identifies all of the land use plan designations established by this Plan and the zoning districts that implement each designation.

**Urban**

Urban areas include all land inside urban growth boundaries. Urban areas are either developed or planned to be developed with adequate supportive public services provided by cities or by special districts. Urban areas have concentrations of people, jobs, housing, and commercial activity.

**Urban Growth Boundaries:** Urban growth boundaries are designated on the land use plan maps. They separate Urban areas from Urban Reserve areas, Unincorporated Communities, and Rural, Agriculture, and Forest areas. An urban growth boundary encompasses existing urban development and lands to accommodate urban growth forecasted for a 20-year horizon.

**Immediate Urban Areas:** Immediate urban areas are lands that are within urban growth boundaries, are planned and zoned for urban uses, and meet at least one of the following conditions:

1. Served by public facilities, including sanitary sewage treatment, water, storm drainage, and transportation facilities;
2. Included within boundaries of cities or within special districts capable of providing public facilities and planned to be served in the near future; or
3. Substantially developed or surrounded by development at urban densities.

**Future Urban Areas:** Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities,

[4-2]

Last Amended 9/6/18, 5/23/19

## *Clackamas County Comprehensive Plan*

but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.

**Future Urban Study Areas:** Future urban study areas are lands that have been brought into an urban growth boundary but for which urban plan designations have not been applied. Planning will be conducted to determine urban plan designations and apply future urban zoning.

### **Urban Reserve**

Urban Reserve areas lie outside an urban growth boundary and have been designated as highest priority for inclusion in an urban growth boundary when additional urban land is needed. Urban Reserve areas may be established pursuant to OAR Chapter 660, Division 21, or pursuant to OAR 660, Division 27. Metro designates Urban Reserve areas in the Portland metropolitan area. The cities of Sandy, Molalla, Estacada, and Canby, in coordination with the County, may designate other Urban Reserve areas.

### **Rural Reserve**

Rural Reserve areas are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization. Rural Reserve areas shall not be included in an urban growth boundary or Urban Reserve area. Rural Reserves may be established pursuant to OAR Chapter 660, Division 27.

### **Unincorporated Communities**

Unincorporated Communities, as defined in Chapter 660, Division 22 of the Oregon Administrative Rules, are settlements located outside urban growth boundaries in which concentrated residential development is combined with limited commercial, industrial, or public uses. Unincorporated Communities may have limited public facilities and services.

### **Rural**

Rural lands are exception lands, as defined in Oregon Administrative Rules 660-004-0005(1), that are outside urban growth boundaries and Unincorporated Communities and are suitable for sparse settlement such as small farms, wood lots or acreage home sites. They lack public facilities or have limited facilities and are not suitable, necessary, or intended for urban, agricultural, or forest use.

### **Agriculture**

Agriculture areas are those of predominantly Class I through IV soils as identified by the United

[4-3]

Last Amended 9/9/18 5/27/19

*Clackamas County Comprehensive Plan*

States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands.

**Forest**

Forest areas are composed of existing and potential forestlands that are suitable for commercial forest uses. Also included are other forested lands needed for watershed protection, wildlife and fish habitat, and recreation, lands where extreme conditions of climate, soil, and topography require maintenance of vegetative cover, and forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife habitat, scenic corridors, and recreational use.

**Land Use Maps Section**

Map 4-1 displays the unincorporated land within the Portland Metropolitan Urban Growth Boundary. Map 4-2 provides an index for the land use plan maps. Maps 4-3, 4-4, and 4-5 are land use plan maps for areas where the county has adopted land use plan designations by agreement with adjoining cities. As these cities adopt amendments to their maps, the county will consider adoption. County land use plan designations are shown on Maps 4-6 and 4-7. Land use plan maps adopted as part of a Community Plan or Design Plan in Chapter 10 automatically amend Maps 4-6 and 4-7. Map 4-9 displays urban and rural reserves designated pursuant to OAR 660, Division 27, and urban and rural reserves are also illustrated in greater detail on Map 4-7.

[4-4]

| Last Amended ~~9/6/18~~ 9/6/23



## URBANIZATION

The goals and policies in the following section address the designation of lands for urban uses, conversion of lands from Urban Reserve to Future Urban plan designations, and County actions regarding Future Urban Study areas and Urban Reserve areas.

### URBANIZATION GOALS

- Clearly distinguish Urban and Urban Reserve areas from non-urban areas.
- Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.
- Insure an adequate supply of land to meet immediate and future urban needs.
- Provide for an orderly and efficient transition to urban land use.
- Distinguish lands immediately available for urban uses from Future Urban areas within Urban Growth Boundaries.

#### **4.A. General Urbanization Policies**

- 4.A.1 Coordinate with Metro in designating urban areas within Metro's jurisdiction. Recognize the statutory role of Metro in maintenance of and amendments to the Portland Metropolitan Urban Growth Boundary.
- 4.A.2 Coordinate with affected cities in designating urban areas outside of Metro. Land designated as a Rural Reserve, as shown on Map 4-9, shall not be designated as an Urban Reserve or added to an urban growth boundary. The following areas may be designated as Urban:
- 4.A.2.1. Land needed to accommodate 20 years of future urban population growth.
  - 4.A.2.2. Land needed for increased housing, employment opportunities and livability from both a regional and subregional view.
  - 4.A.2.3. Land to which public facilities and services can be provided in an orderly and economic way.
  - 4.A.2.4. Land which insures efficient utilization of land within existing urban areas.
  - 4.A.2.5. Land which is best suited for urban uses based on consideration of the environmental, energy, economic and social consequences.
  - 4.A.2.6. Agricultural land only after considering retention of agricultural land as defined, with Class I having the highest priority for retention and Class VI the lowest priority.
  - 4.A.2.7. Land needed after considering compatibility of proposed urban uses with nearby agriculture activities.
  - 4.A.2.8. Land where the strategic location of employment and living opportunities can minimize commuting distance, traffic congestion, pollution and energy needs.
- 4.A.3 Land use planning for urban areas shall integrate all applicable policies found throughout the Plan including the following:

[4-5]

Last Amended [9/6/2015/23718](#)

*Clackamas County Comprehensive Plan*

- 4.A.3.1. Locate land uses of higher density or intensity to increase the effectiveness of transportation and other public facility investments.
- 4.A.3.2. Encourage infilling of Immediate Urban Areas with a minimum of disruption of existing neighborhoods (see infill policies in the Housing Chapter).
- 4.A.3.3. Enhance energy conservation and transportation system efficiency by locating opportunities for housing near work and shopping areas.
- 4.A.3.4. Integrate developments combining retailing, office, and medium and high density housing at places with frequent transit service and pedestrian facilities.
- 4.A.4. Establish Urban Growth Management Areas and Urban Growth Management Agreements to clarify planning responsibilities between the County and cities for areas of mutual interest.
- 4.A.5. Establish agreements with cities and service districts to clarify service and infrastructure responsibilities for areas of mutual interest.

**4.B. Immediate Urban Policies**

The following policies apply to Immediate Urban areas.

- 4.B.1. An area may be designated Immediate Urban consistent with the definition.
- 4.B.2. Use the following guidelines when evaluating proposed changes in zoning designations that convert an area from Future Urban to Immediate Urban status:
  - 4.B.2.1. Capital improvement programs, sewer and water master plans, and regional public facility plans shall be reviewed to ensure that orderly, economic provision of public facilities and services can be provided.
  - 4.B.2.2. Sufficient vacant Immediate Urban land should be permitted to ensure choices in the market place.
- 4.B.3. Apply urban zoning districts that implement the Plan through a legislative or quasi-judicial zone change process consistent with applicable state, Metro and local requirements.
- 4.B.4. Control land uses in Immediate Urban areas through the Zoning and Development Ordinance.
- 4.B.5. Place conditions on development to ensure adequate services and facilities prior to or concurrent with development.

**4.C. Future Urban Policies**

The following policies apply to Future Urban lands:

- 4.C.1. Control premature development (before services are available) by:

[4-6]

Last Amended 9/6/18 5/23/18

*Clackamas County Comprehensive Plan*

- 4.C.1.1. Applying a future urban zone with a 10-acre minimum lot size within the Portland Metropolitan UGB except those lands identified in Subsection 7.1.b.
- 4.C.1.2. Applying a future urban zone with a 20-acre minimum lot size or greater for areas planned for employment, industrial and commercial uses within the Portland Metropolitan UGB.
- 4.C.1.3. Applying within the urban growth boundaries of Canby, Estacada, Sandy, and Molalla, a five-acre minimum lot size or larger in rural, agricultural, and forest zones.

- 4.C.2. Review subdivision and partition applications to ensure that the location of proposed easements and road dedications, structures, wells, and on-site wastewater treatment systems are consistent with the orderly future development of the property at urban densities.
- 4.C.3. For land within the urban growth boundaries of Canby, Estacada, Sandy, and Molalla, require annexation to a city as a requirement for conversion to Immediate Urban unless otherwise agreed to by the City and County.
- 4.C.4. Implement dimensional and development standards to address compatibility, function, and aesthetics.

**4.D. Future Urban Study Area Policies**

The following policies apply to Future Urban Study Areas:

- 4.D.1. Conduct a planning process consistent with the policies of Chapter 11 of this Plan, that coordinates with affected service providers, agencies, and jurisdictions, and meets pertinent state, regional and local requirements.
- 4.D.2. In the Portland Metropolitan Urban Area, develop Comprehensive Plan designations that are consistent with Regional Urban Growth Goals and Objectives and the Regional Urban Growth Management Functional Plan, including Title 11, and the following.

When areas are brought into the Urban Growth Boundary, the following actions shall be undertaken:

1. Control premature development (before services are available) within the Portland Metropolitan Urban Growth Boundary by applying a 20-acre minimum lot size to lands within the boundary that have the following plan designations: Unincorporated Community Residential, Rural Commercial, Rural Industrial, and Rural.
2. The County shall enter into discussion with nearby cities, agencies that provide public facilities and services, and area citizens, to determine how services and governance will be provided for the area.
3. Agreements shall be developed with affected cities and service providers to

[4-7]

Last Amended 9/6/18 5:23:18

*Clackamas County Comprehensive Plan*

cooperate in development of a Concept Plan for the area, and to consider the Concept Plan in development of future Plans.

4. A Concept Plan shall be developed meeting state and regional requirements. Opportunity shall be provided to citizens and affected public agencies to participate in the development of the Concept Plan. In the Damascus area, the Damascus Concept Planning Study Report shall be used to provide background information and guidance for the Concept Planning process.
5. A request shall be made to revise state and regional transportation plans to reflect the Concept Plan.
6. Public facilities plans shall be developed or revised to accommodate the Concept Plan.
7. The Comprehensive Plan, Comprehensive Plan Maps, Zoning and Development Ordinance and zoning maps shall be revised according to the Concept Plan.

4.D.3. Develop and adopt urban comprehensive plan designations that meet applicable state planning requirements and balance County planning goals adopted in the Comprehensive Plan. This will convert Future Urban Study Areas to Future Urban or Immediate Urban areas.

4.D.4. During development of Comprehensive Plan provisions pursuant to Title 11 of the Urban Growth Management Functional Plan, consider the feasibility of providing and funding adequate infrastructure.

**4.E. Urban Reserve Area Policies**

4.E.1. The following policies apply to Urban Reserve areas established pursuant to OAR 660, Division 21:

- 4.E.1.1 Clackamas County shall recommend to Metro land in Clackamas County which should be designated Urban Reserve, when Urban Reserve amendments to the Region 2040 Urban Growth Management Functional Plan are considered by Metro. The cities of Sandy, Molalla, Estacada and Canby, in coordination with Clackamas County, may designate and adopt other urban reserve areas in a manner consistent with OAR 660-021-0000.
- 4.E.1.2 Clackamas County will consider the following characteristics of each area when recommending Urban Reserve areas to Metro: potential for providing jobs within near proximity to housing; the feasibility and cost effectiveness of extending urban infrastructure; the suitability of an area to accommodate urban level densities; and, the relationship and implications to existing areas designated urban.
- 4.E.1.3 When considering the designation of Urban Reserve areas near Sandy, Molalla, Estacada and Canby, the County, in cooperation with the City, shall make findings and conclusions based on the requirements of OAR 660-021-0030.
- 4.E.1.4 Urban Reserve areas designated by Metro will be depicted on Metro's Region 2040 Growth Concept map. Designated Urban Reserve areas near Sandy,

[4-8]

Last Amended ~~9/6/18~~ ~~5/23/18~~

*Clackamas County Comprehensive Plan*

- Molalla, Estacada and Canby shall be defined within the Urban Growth Management agreements with each city.
- 4.E.1.5 Lands within a designated Urban Reserve area shall continue to be planned and zoned for rural uses in a manner that ensures a range of opportunities for the orderly, economic and efficient provision of urban services when these lands are included in the Urban Growth Boundary. Planning and zoning shall be done in a manner consistent with OAR 660-021-0000 and the Metro Code, in areas where Metro has jurisdiction.
- 4.E.2. The following policies apply to Urban Reserve areas established pursuant to OAR 660, Division 27, as shown on Map 4-9:
- 4.E.2.1 The County will review the designation of Urban Reserve areas, in coordination with Metro, Multnomah and Washington Counties, within 20 years after the initial designation of these Urban Reserve Areas.
- 4.E.2.2 The County will participate in the development of concept plans for areas within Urban Reserve areas that are being considered for addition to the Portland Metropolitan Urban Growth Boundary.
- 4.E.2.3 The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:
- a. To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserve areas.
  - b. To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were designated, except as authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserve areas.

**4.F. Rural Reserve Area Policies**

The following policies apply to Rural Reserve areas established pursuant to OAR 660, Division 27, as shown on Map 4-9:

- 4.F.1. Land established as a Rural Reserve area shall not be included in an urban growth boundary.
- 4.F.2. Land established as a Rural Reserve area shall not be included in an Urban Reserve area established pursuant to either OAR 660, Division 21, or OAR 660, Division 27.
- 4.F.3. The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance, or the Comprehensive Plan Map or zoning designations:
- 4.F.3.1 To allow within the Rural Reserve areas, new uses that were not allowed on the date Rural Reserve areas were designated, except as authorized by

[4-9]

Last Amended 9/5/18 5/23/18

*Clackamas County Comprehensive Plan*

amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after the designation of Rural Reserve areas.

- 4.F.3.2 To allow within Rural Reserve areas, the creation of new lots or parcels smaller than allowed on the date Rural Reserve areas were designated, except as authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Rural Reserve areas.

**4.G. Population Coordination**

The following policies apply to population planning and coordination.

- 4.G.1. Pursuant to OAR 660-024-0030, counties are required to adopt and maintain a coordinated 20-year population forecast for each urban area within the county and consistent with the applicable statutory requirements of ORS 195.025 to 195.036. The cities within the county are required to adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except for those urban areas located within the Metropolitan Service District (Metro) that must also coordinate with Metro’s 20-year population forecast.
- 4.G.2. The County and its cities located inside the Metro boundary shall coordinate with Metro in establishing 20-year population projections in order to evaluate and provide sufficient lands necessary for housing and employment needs within each jurisdiction’s planning boundary.
- 4.G.3. The County and its cities located outside the Metro boundary shall coordinate in establishing 20-year population projections in order to evaluate and provide sufficient lands necessary for housing and employment needs within each city’s urban growth boundary.
- 4.G.4. Clackamas County adopts the following population forecasts, as identified in the “Clackamas County Rural Cities Population Coordination Background Report and Forecasts, Final: March 12, 2013,” adopted by Ordinance ZDO-242 and found in Appendix B. These projections have been coordinated with the identified cities.

City	2012 population	2032 population	Net growth 2012-2032	Avg. Annual Growth Rate (AAGR) 2012-2032
Barlow	136	146	10	0.4%
Canby	16,820	26,730	9,910	2.3%
Estacada	2,845	4,345	1,500	2.1%
Molalla	8,532	12,760	4,228	2.0%
Sandy	10,322	17,960	7,628	2.8%

## URBAN GROWTH CONCEPT

This section of the Land Use Chapter addresses the implementation of the Region 2040 Growth Concept as it applies to Clackamas County. It provides for design type areas that are consistent with the general locations shown on the Region 2040 Growth Concept Map.

Clackamas County, with approximately 67% of its population inside the Portland Metropolitan Urban Growth Boundary, is a partner in the region's efforts to efficiently utilize the land inside the boundary. This will minimize the need to expand the boundary and protect the land available for agricultural, forest and rural uses. The intent of the Urban Growth Concept is to focus increased development in appropriate locations, such as existing commercial centers and along transportation corridors with existing or planned high quality transit service. It also encourages increased employment densities in industrial and employment areas.

The provisions of the Urban Growth Concept apply in addition to other requirements identified in the Clackamas County Comprehensive Plan. The Urban Growth Concept is designed to provide guidance for Comprehensive Plan and Zoning Development Ordinance changes, as well as to identify specific development review requirements. All provisions except Green Corridors apply to lands inside the Portland Metropolitan Urban Growth Boundary. Green Corridors apply to rural, agricultural and forest areas. Future Urban Study Areas are areas in transition. When concept planning is completed for these areas, growth concept design types will be adopted as appropriate.

### DEFINITIONS

#### Growth Concept Design Types

The locations of the following design types are identified on the Clackamas County Urban Growth Concept Map: (Map 4-8) or as described below:

**Regional Center:** An area that is the focus of compact development, redevelopment, high quality transit service and multi-modal street networks. The intent of the Regional Center is to provide an area for the most intense development and highest densities of employment and housing.

**Corridors:** Areas located along streets which have existing or planned high quality transit service and feature a high quality pedestrian environment, convenient access to transit and increased residential and employment densities. The intent of the Corridor designation is to encourage increased densities by facilitating zone and plan changes in specific locations. In addition, it provides guidance for development review to implement a high quality pedestrian environment.

*Clackamas County Comprehensive Plan*

The streets where the Corridor design type designation is applied are: McLoughlin Blvd. (from Milwaukie to Gladstone), 82<sup>nd</sup> Avenue (within the Clackamas Regional Center Design Plan Area), Johnson Creek Boulevard (within the Clackamas Regional Center Design Plan Area), and Sunnyside Road (from 82<sup>nd</sup> Avenue to 139<sup>th</sup> Avenue).

**Station Community:** Areas centered around a light-rail or high capacity transit station that feature housing, offices and other employment, and a variety of shops and services that are easily accessible to pedestrians, bicyclists and transit users as well as vehicles. The intent of the Station Community designation is to encourage transit oriented development with a mix of high density housing and employment uses, a high quality pedestrian environment and other features designed to encourage high transit ridership.

**Employment Areas:** Employment centers mixing various types of employment and including some residential development as well. These areas include limited retail commercial uses primarily to serve the needs of the people working or living in the immediate area.

**Industrial Areas:** Areas set aside primarily for industrial activities. Supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses.

**Regionally Significant Industrial Areas:** Areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. These areas, like Industrial Areas, are set aside primarily for industrial activities. Supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. Supporting uses are limited to an even greater degree than in Industrial Areas.

**Neighborhoods:** Primarily residential areas that are accessible to jobs and neighborhood businesses. This broad category includes areas set aside for homes, parks and open space, schools, public services, and neighborhood business uses. The intent is to facilitate the Region 2040 "Inner Neighborhood" design type.

**Green Corridors:** Areas outside the Urban Growth Boundary adjacent to major transportation routes to neighboring cities where the rural character of the landscape and agricultural economy shall be maintained. The intent is to preserve the view sheds and maintain the rural character between urban areas along the major transportation routes.



*Clackamas County Comprehensive Plan*

**Future Urban Study Areas:** Areas brought within the Urban Growth Boundary for which the required planning has not yet been completed. The intent is to identify the areas where Title 11 of the Urban Growth Management Functional Plan and Metro code specify that concept planning and other requirements must be completed before other Urban Growth Concept design types and urban plan designations can be applied. Future Urban Study Areas include areas identified on Map 4-8 and areas brought into the Portland Metropolitan UGB after the adoption of Map 4-8.

**GOALS**

- Provide for a compact urban form, integrating the built environment, transportation network, and open space, that:
  - Minimizes the amount of Urban Growth Boundary expansion required to accommodate expected population and employment growth in the next 20 years.
  - Efficiently uses public services including transportation, transit, parks, schools, sewer and water.
  - Distinguishes areas for intensive development from areas appropriate for less intensive development.
  - Preserves existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed use centers and corridors.
  - Develops mixed use centers and corridors at a pedestrian scale and with design features and public facilities that support pedestrian, bicycle and transit trips.
- Maintain the rural character of the landscape between the Urban Growth Boundary and neighboring cities.

**4.H. Regional Center Policies**

The Regional Center design type designation is applied to the Clackamas Regional Center, as identified on Map 4-8. The goals and policies applicable to the Clackamas Regional Center are located in Chapter 10: Clackamas Regional Center Area Design Plan.

**4.I. Corridor Policies**

The Corridor design type designation is applied to sites adjoining the Corridor streets shown on Map 4-8. Corridor design type areas may be either continuous or development nodes. The areas of application for the Corridor design type are specified in Chapter 10 for all of the Corridor streets.

**4.I.1. Policies that apply to all Corridor design type areas include:**

- 4.I.1.1 Provide for both employment and housing, including mixed use.
- 4.I.1.2 Provide for a high level of bus usage, with land uses and transportation facilities to support bus use.
- 4.I.1.3 Encourage and support pedestrian travel with supportive land uses, frequent street connections, and sidewalks and pedestrian-ways.
- 4.I.1.4 Provide for vehicular traffic and auto-oriented uses, while expanding the share

[4-13]

Last Amended 9/6/18, 5/23/18

*Clackamas County Comprehensive Plan*

- of trips via transit and other modes.
- 4.I.1.5 Enhance connectivity between neighborhoods adjacent to the Corridor Design Type Area and the Corridor Street.
  - 4.I.2. Specific policies for the SE 82<sup>nd</sup> Ave, SE Johnson Creek Boulevard and SE Sunnyside Road (from 82<sup>nd</sup> Ave to approximately SE 117<sup>th</sup> Ave.) Corridor design type areas are located in Chapter 10: Clackamas Regional Center Area Design Plan.
  - 4.I.3. Specific policies for the Sunnyside Road (from approximately SE 117<sup>th</sup> Ave to SE 139<sup>th</sup> Avenue) Corridor design type area are located in Chapter 10: The Sunnyside Corridor Community Plan.
  - 4.I.4. Specific policies for the McLoughlin Boulevard Corridor design type area are located in Chapter 10: McLoughlin Corridor Design Plan.

**4.J. Station Community Policies**

The Station Community design type designation is applied to sites surrounding a light rail or other high capacity transit station as shown on Map 4-8. The areas of application for the Station Community design type are specified in Chapter 10. Policies that apply to all Station Community design type areas include:

- 4.J.1. Provide for transit oriented development with land uses that support a high level of transit usage, such as a mix of high density employment and housing uses.
- 4.J.2. Provide a high quality pedestrian and bicycle environment with frequent street connections, walkways and bikeways.
- 4.J.3. Enhance connectivity between neighborhoods adjacent to the Station Community.

Specific policies for the Fuller Road Station Community are located in Chapter 10: Clackamas Regional Center Area Design Plan.

**4.K. Employment Area Policies**

The Employment Area design type designation is applied as shown on Map 4-8. Policies that apply to Employment design type areas include:

- 4.K.1. Employment design type areas shall be developed to provide for a mix of employment and residential uses, including:
  - 4.K.1.1 Industry, office and service uses,
  - 4.K.1.2 Residential development,
  - 4.K.1.3 Low traffic generating, land consumptive commercial uses with low parking demand which have community or region-wide market,
  - 4.K.1.4 Limited retail uses appropriate in type and size to serve the needs of businesses, employees, and residents of the immediate Employment design

*Clackamas County Comprehensive Plan*

type area.

- 4.K.2. The following are prohibited in an Employment design type area: a retail use with more than 60,000 square feet of gross leasable area in a single building; and retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way. These prohibitions do not apply:
  - 4.K.2.1. To sites designated General Commercial on or before January 1, 2003; or
  - 4.K.2.2. When allowed by zoning if: the Zoning and Development Ordinance authorized those uses on January 1, 2003; transportation facilities adequate to serve the retail uses will be in place at the time the uses begin operation; and the Comprehensive Plan provides for transportation facilities adequate to serve other uses planned for the immediate Employment design type area over the planning period.
  - 4.K.2.3. When allowed by zoning if the uses: generate no more than a 25-percent increase in site-generated vehicle trips above permitted non-industrial uses; and meet the Maximum Permitted Parking—Zone A requirements set forth in Table 3.08-3 of Title 4 of the Regional Transportation Functional Plan.

**4.L. Industrial Area Policies**

The Industrial Area design type designation is applied as shown on Map 4-8. Policies that apply to Industrial Areas include:

- 4.L.1. Limit the size of buildings for retail commercial uses, as well as retail and professional services that cater to daily customers, to 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project. This limitation does not apply to training facilities, the primary purpose of which is to provide training to meet industrial needs.

**4.M. Regionally Significant Industrial Area Policies**

The Regionally Significant Industrial Areas Design Type designation is applied as shown on Map 4-8. Policies that apply to Regionally Significant Industrial Areas include:

- 4.M.1. Limit the size of buildings for retail commercial uses, as well as retail and professional services that cater to daily customers, to 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project. This limitation does not apply to training facilities, the primary purpose of which is to provide training to meet industrial needs.
- 4.M.2. Prohibit the siting of schools, places of assembly larger than 20,000 square feet, or

[4-15]

Last Amended 9/6/10 5/23/14

*Clackamas County Comprehensive Plan*

parks intended to serve people other than those working or residing in the Regionally Significant Industrial Area.

**4.N. Neighborhood Policies**

The Neighborhood design type designation is applied as shown on Map 4-8. Policies that apply to the Neighborhoods include:

- 4.N.1. Development of areas planned for residential, commercial and industrial uses within Neighborhood design type areas shall be guided by the urban land use policies of Chapter 4.
- 4.N.2. Areas designated as Low Density Residential shall achieve the densities outlined in the Low Density Residential policies of Chapter 4.

**4.O. Future Urban Study Area Policies**

The Future Urban Study Area design type designation is applied as shown on Map 4-8. The goals and policies applicable to Future Urban Study Areas are located in the Urbanization section of Chapter 4.

**4.P. Green Corridor Policies**

The goals and policies for Green Corridors shall be defined through a separate study as outlined in the Intergovernmental Agreements on Green Corridor and Rural Reserve and Population Coordination, signed by Clackamas County, City of Sandy, City of Canby, ODOT and Metro.

## RESIDENTIAL

This section of the Land Use Chapter primarily addresses the location and density of housing. Chapter 6, *Housing*, establishes policies for other aspects of housing such as structure type, affordability, and design.

Low Density Residential areas are those planned primarily for single-family residential development, with a range of lot sizes from 2,500 square feet for attached single-family dwellings to 30,000 square feet for sites with environmental constraints.

Medium Density Residential areas are those planned for up to 12 units per gross acre (exclusive of density bonuses and conditional uses).

Medium High Density Residential areas are those planned for up to 18 units per gross acre (exclusive of density bonuses and conditional uses).

High Density Residential areas are those planned for up to 25 units per gross acre (exclusively of density bonuses and conditional uses).

Special High Density Residential areas are planned for high-rise multifamily housing up to 60 units per gross acre.

### GOALS

- Protect the character of existing low-density neighborhoods.
- Provide a variety of living environments.
- Provide for development within the carrying capacity of hillsides and environmentally sensitive areas.
- Provide opportunities for those who want alternatives to the single-family house and yard.
- Provide for lower-cost, energy-efficient housing.
- Provide for efficient use of land and public facilities, including greater use of public transit.

#### 4.Q. General Residential Policies

- 4.Q.1. Determine permitted uses and the density of development through zoning. Zoning of Residential areas shall be consistent with this Plan. Timing of zoning district application shall be in accord with the orderly development of the County.
- 4.Q.2. Implement dimensional and development standards to address compatibility, function, and aesthetics.
- 4.Q.3. Require dedication of designated Open Space areas where appropriate for purposes of developing the urban park or trails program.

*Clackamas County Comprehensive Plan*

- 4.Q.4. Establish minimum densities to help meet regional and local housing needs.
- 4.Q.5. Allow the Neighborhood Commercial zoning district to implement the Low Density Residential, Medium Density Residential, Medium High Density Residential, and High Density Residential land use plan designations according to the criteria in the Commercial Section of this Chapter.
- 4.Q.6. Require all Medium, Medium High, High, and Special High Density Residential developments to be subject to a design review process.
- 4.Q.7. When necessary, require improvements to existing streets and/or development of new streets to County standards prior to or concurrent with Medium, Medium High, High, and Special High Density Residential development.
- 4.Q.8. In Medium, Medium High, High, and Special High Density Residential areas, require pedestrian access to nearby schools, transit stations, commercial areas, recreational areas, and employment areas to be convenient and improved to standards determined through a design review process.
- 4.Q.9. Develop all Medium, Medium High, High, and Special High Density Residential areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities, underground utilities, and street lighting.

**4.R. Low Density Residential Policies**

- 4.R.1. The following areas may be designated Low Density Residential if any of the following criteria are met:
  - 4.R.1.1 Areas where a need for this type of housing exists.
  - 4.R.1.2 Areas which are currently developed at low density and where little need exists for redevelopment.
  - 4.R.1.3 Areas where transportation is limited to collectors and local streets.
  - 4.R.1.4 Areas where sensitivity to the natural environment or natural hazards indicates a reduced density.
- 4.R.2. Zoning of Immediate Urban Low Density Residential areas and conversion of Future Urban areas to Immediate Urban Low Density Residential shall include zones of 2,500; 5,000; 7,000; 8,500; 10,000; 15,000; 20,000, and 30,000 square feet (R-2.5 through R-30). The following factors guide the determination of the most appropriate zone:
  - 4.R.2.1 Physical site conditions such as soils, slope, and drainage:
    - a. Land with soils subject to slippage, compaction or high shrink-swell characteristics shall be zoned for larger lots.
    - b. Land with slopes of:
      - Less than 20 percent shall be considered for the R-2.5 through R-8.5

- zoning districts.
  - 20 percent and over shall be considered for the R-10 through R-30 zoning districts.
- c. Land with hydrological conditions such as flooding, high water table or poor drainage shall be zoned for larger lots.
- 4.R.2.2 Capacity of facilities such as streets, sewers, water, and storm drainage systems.
- 4.R.2.3 Availability of transit: Land within walking distance (approximately one-quarter mile) of a transit stop should be zoned for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.
- 4.R.2.4 Proximity to jobs, shopping, and cultural activities: Areas in proximity to trip generators shall be considered for smaller lots implemented by the R-2.5, R-5, R-7, and R-8.5 zoning districts.
- 4.R.2.5 Location of 2,500- and 5,000-square-foot lots: Location of 2,500 and 5,000 square foot lots, implemented by the R-2.5 and R-5 zoning districts, may be allowed in Corridor design type areas and where permitted by Community and Design Plans located in Chapter 10.
- 4.R.2.6 Need for neighborhood preservation and variety: Areas that have historically developed on large lots where little vacant land exists should remain zoned consistent with the existing development pattern. Otherwise, unless physical or service problems indicate to the contrary, areas of vacant land shall be zoned for lots of 8,500 square feet or smaller.
- 4.R.2.7 Density average: To achieve an average of 7,500 square feet or less per lot in low density Future Urban areas when conversion to Immediate Urban low density residential occurs, the R-10 zone shall be limited to areas with 20 percent slope and greater. Flexible-lot-size land divisions and other buffering techniques shall be encouraged in those areas immediately adjacent to developed subdivisions with lots of 20,000 square feet or more to protect neighborhood character, while taking full advantage of allowed densities.
- 4.R.3. Permit transfer of density within a development even if different zoning districts or land use plan designations are involved. Encourage the transfer of dwelling units from hazardous or environmentally sensitive areas to areas which are less hazardous or less expensive to develop. Resulting density on the developed portion of a given site shall not exceed the density allowed in the next-highest-density residential land use plan designation. Buffering from lower-density adjacent uses shall be considered in the review process.
- 4.R.4. Establish special development criteria and density standards in the following areas (see Policy 6.0 in the Natural Hazards section of Chapter 3, *Natural Resources and Energy*):
  - 4.R.4.1 On slopes over 20 percent, the following development criteria shall be met:
    - a. Avoid major hazard areas

*Clackamas County Comprehensive Plan*

- b. Maintain the stability of the slope
  - c. Grade without large or successive pads or terraces and without creating road grades in excess of County standards
  - d. Maintain vegetation and natural terrain features to sustain slope stability
  - e. Ensure that existing natural rates of run-off and erosion are not exceeded
  - f. Protect visually significant slopes, ravines, ridgelines, or rock outcroppings in their natural state
- 4.R.4.2 In flood hazard areas or wetlands, the following development criteria, as well as the specifications in Chapter 3, shall be met:
- a. Avoid major flood hazard areas
  - b. Maintain water quality and the natural function of the area to reduce or absorb flood runoff and to stabilize water flow
  - c. Protect wildlife habitats, significant vegetation, and trees
  - d. Protect any associated recreational values
- 4.R.4.3 Density standards in these areas shall be as follows:
- a. Land in the flood fringe and land with slopes over 20 percent shall be allowed to develop at no more than 50 percent of the density of the zone. If these lands are not developed, then up to 100 percent of the density may be transferred to more suitable land within the site, depending upon its characteristics. Density should be reduced as slope increases above 20 percent, with development discouraged on slopes over 35 percent.
  - b. Land in the floodway and land on landslides shall not be allowed to develop, except on a lot of record and only after having met the provisions stated in Policies 4.R.4.1 and 4.R.4.2, and other relevant Plan requirements. However, 100 percent of the dwelling units allowed in the zoning district may be transferred to more suitable land within the site.
- 4.R.5. Ensure adequate provisions for schools, churches, and recreational facilities which are integral parts of all residential neighborhoods. The siting of these facilities shall be subject to conditions ensuring adequate design and safety, particularly with regard to vehicular and pedestrian access.
- 4.R.6. Encourage retention of natural landscape features such as topographic variations, trees, and water areas, and allow variation in housing type and design.
- 4.R.7. Require a site analysis for each development in areas designated as Open Space or where the County has identified the potential for significant impacts. This requirement may be waived in the event all development is transferred to more suitable land outside of areas designated as Open Space.
- 4.R.8. Require roads in land divisions to be County roads and connected directly with an improved County road, state road, or city street. Half streets and private roads



*Clackamas County Comprehensive Plan*

may be allowed where appropriate.

- 4.R.9. Develop all land divisions in urban areas with public sewer, public water, drainage controls, pedestrian/bikeway facilities, and underground utilities. Street lighting and street trees may be required. Implementing ordinances shall set standards in which street lighting and street trees will be encouraged or required.
- 4.R.10. Determine the net density in planned unit developments recognizing that up to 15 percent of the gross area is for roadways.
- 4.R.11. Encourage subdivision design to eliminate direct vehicular access from individual lots onto major or minor arterials. Frontage roads should be used wherever possible.
- 4.R.12. Require stub streets in land divisions where necessary to provide access to adjacent property.
- 4.R.13. Develop residential land divisions as planned unit developments whenever one or more of the following criteria apply:
  - 4.R.13.1. Any part of the site is designated Open Space on Map 4-6, *North Urban Area Land Use Plan Map*
  - 4.R.13.2. More than 20 percent of the dwelling units are to be attached or condominiums
  - 4.R.13.3. Sites are large enough to warrant on-site provision of substantial open and/or recreation space
  - 4.R.13.4. A large area is specifically identified by the County as needing greater design flexibility, increased open space, or a wider variety of housing types
- 4.R.14. Require a minimum of 20 percent of the total land area in all planned unit developments to be devoted to open space or outdoor recreational areas. Development for any other uses shall not be allowed. Parkland dedications may be part of the 20-percent open space requirement.
- 4.R.15. Require provisions for adequate maintenance prior to final plat approval to ensure the designated park area will be a community asset.
- 4.R.16. Allow flexible-lot-size land divisions provided that the average lot size is consistent with the base zone, as adjusted by density bonuses (see the Density Bonus section of Chapter 6, *Housing*).
  - 4.R.16.1. For detached single-family dwellings, the smallest lot size allowable shall be 80 percent of the minimum average lot size allowed by the base density.
  - 4.R.16.2. For attached single-family dwellings, the smallest lot size allowable shall be 2,000 square feet.
  - 4.R.16.3. In planned unit development land divisions, the individual lot size is

[4-21]

Last Amended ~~9/6/18~~ 5/23/18

unrestricted.

~~4.R.17. Allow one accessory dwelling unit per primary dwelling on a lot of record subject to design standards.~~

#### 4.S. Medium Density Residential Policies

- 4.S.1. The following areas may be designated Medium Density Residential when at least the first two criteria are met:
  - 4.S.1.1. Areas where a need for this type of housing exists.
  - 4.S.1.2. Areas with access to a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
  - 4.S.1.3. Areas located near or adjacent to commercial areas, employment concentrations, or transit stops.
  - 4.S.1.4. Areas of deteriorating dwellings or structures in neighborhoods to stimulate private investment, infilling, and redevelopment, as long as one or more of the preceding criteria apply.
- 4.S.2. Limit the Planned Medium Density (PMD) zoning district to areas currently zoned PMD.
- 4.S.3. In Medium Density Residential zoning districts, provide for reduced density on hazardous land or steep slopes as stipulated in Policy 4.R.4.3.
- 4.S.4. Encourage variations in density on different parts of a large site and promote a variety in housing type, ownership, and design.
- 4.S.5. Require in all Medium Density Residential developments a minimum of 25 percent of the total gross areas to be landscaped, natural, and/or recreational areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for passive or active recreation within the development are substituted for gross land area.
- 4.S.6. Existing mobile home parks which are designated Medium Density Residential shall not have the designation changed unless a plan for relocation of the existing tenants is submitted and approved. This plan shall demonstrate that existing tenants will be relocated prior to redevelopment of the property.

#### 4.T. Medium High Density Residential Policies

- 4.T.1. The following areas may be designated Medium High Density Residential when the first two and at least one of the remaining criteria are met:
  - 4.T.1.1. Areas where a need for this type of housing exists.

[4-22]

Last Amended ~~9/5/18~~ 5/23/18

*Clackamas County Comprehensive Plan*

- 4.T.1.2. Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
- 4.T.1.3. Areas adjacent to or within walking distance of a significant educational, cultural, recreational, or open space facility or area.
- 4.T.1.4. Areas located adjacent or in proximity to a designated commercial or industrial area on the Comprehensive Map.
- 4.T.1.5. Areas within 800 feet of a transit line or transit station or within one-quarter mile of such transit facility if easily accessible due to pedestrian amenities such as sidewalks, pedestrian ways, and streetlights.
- 4.T.2. In Medium High Density Residential zoning districts, provide for reduced density on hazardous land or steep slopes as stipulated in Policy 4.R.4.3.
- 4.T.3. Encourage variations in density on different parts of a large site and promote a variety in housing type, ownership, and design.
- 4.T.4. Require in all Medium High Density Residential developments a minimum of 25 percent of the total gross area to be landscaped, natural, and/or recreational areas.

**4.U. High Density Residential Policies**

- 4.U.1. 37.0 The following areas may be designated High Density Residential when at least the first three criteria are met:
  - 4.U.1.1. Areas located either adjacent to or within proximity to major shopping centers, employment concentrations, and/or major transit centers.
  - 4.U.1.2. Areas with access to a street designated as a major or minor arterial or collector. Siting should not result in significant traffic increase on local streets serving low density residential areas.
  - 4.U.1.3. Areas free from known geologic hazards, flooding, or soils subject to slippage.
  - 4.U.1.4. Areas adjacent to permanently protected open space or bodies of water as long as the above criteria apply.
- 4.U.2. In High Density Residential zoning districts, provide for reduced density on hazardous land or steep slopes as stipulated in Policy 4.R.4.3.
- 4.U.3. Encourage variations in density on different parts of a site and promote a variety of housing type, ownership, and design.
- 4.U.4. If the minimum residential density standard is achieved, allow office, retail, and commercial service uses with limits on floor area and standards to ensure compatibility with residential uses permitted in High Density Residential areas.
- 4.U.5. Allow existing commercial uses to remain or improve in High Density Residential

[4-23]

Last Amended 9/5/10 5/23/18

*Clackamas County Comprehensive Plan*

areas as long as such uses are integrated with surrounding development.

- 4.U.6. Require all High Density Residential developments to provide a minimum of 25 percent of the total gross area to be landscaped, natural, and/or recreational areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for passive or active recreation within the development are substituted for gross land area.
- 4.U.7. Encourage understructure parking.

**4.V. Special High Density Residential Policies**

- 4.V.1. The following areas may be designated Special High Density Residential when all of the criteria are met:
  - 4.V.1.1. Areas located either adjacent or close to employment concentrations in excess of 2,000 employees.
  - 4.V.1.2. Areas within walking distance (approximately one-quarter mile) of a major transit station, and with good access to a major or minor arterial.
  - 4.V.1.3. Areas where impact on adjacent neighborhoods will be minimal.
  - 4.V.1.4. Areas free from known geologic hazards, flooding, or soils subject to slippage.
- 4.V.2. Encourage variations of density on different parts of a site through high-rise construction.
- 4.V.3. If the minimum residential density standard is achieved, allow office, retail, and commercial service uses with limits on floor area and standards to ensure compatibility with residential uses permitted in Special High Density Residential areas.
- 4.V.4. Allow existing commercial uses to remain or improve in Special High Density Residential areas as long as such uses are integrated with surrounding development.
- 4.V.5. Require all Special High Density Residential developments to provide a minimum of 40 percent of the total gross area to be landscaped, natural, and/or recreation areas. This landscaping requirement may be reduced during the design review process when pedestrian amenities or amenities that provide opportunities for active or passive recreation are substituted for gross land area.
- 4.V.6. Understructure or underground parking may be required.

[4-24]

Last Amended ~~2/6/18~~ 2/7/18

## COMMERCIAL

This section of Chapter 4 addresses the location of commercial land and the physical development of commercial zoning districts. Chapter 8, *Economics*, establishes policies for other aspects of commerce, such as commercial growth, economic diversity, and employment.

The Neighborhood Commercial zoning district is intended to allow for uses that provide goods and services to residential neighborhoods in locations easily accessible to these neighborhoods with minimal negative impacts. Neighborhood Commercial uses are compatible with residential areas and may be located in residential areas.

Community Commercial areas are designated for local shopping and services, including large grocery stores and other frequently patronized community services. Sale of a limited range of goods and services is allowed. Trade areas may encompass several neighborhoods. Uses are generally compatible with adjacent neighborhoods. Professional offices are allowed in this land use category.

Office Commercial areas are designated for a mix of offices; clean, light manufacturing; multifamily residential uses; and other compatible uses. Commercial service and retail uses are allowed on a limited basis.

Office Apartment areas are intended to provide for: a mix of office uses and compatible uses, such as residential uses; a high standard of architectural design and landscaping; and pedestrian improvements and pedestrian-oriented site and building design to support non-auto trips. Office Apartment areas are designated as mixed-use areas with an emphasis on office and multifamily residential uses. Compatible land uses may be allowed on a limited basis. This land use category includes uses generally compatible with development within designated Corridors.

General Commercial areas are designated for sale of a wide range of goods and services. Trade areas for establishments within this district may be extensive. This category includes uses which may be incompatible with residential areas. Outdoor storage and display are permitted. Manufacturing (excluding primary processing of raw materials), professional offices, and multifamily residential uses are allowed in this land use category.

Retail Commercial areas are also designated for sale of a wide range of goods and services. Trade areas for establishments within this district may be very extensive. This category provides for intensive retail development, with limits on some land extensive uses, and also limits on outdoor storage. Professional offices and multifamily residential uses are allowed in this land use category.

[4-25]

Last Amended 9/6/19 5/23/19

**GOALS**

- Provide opportunities for a wide range of commercial activity ranging from convenience establishments close to neighborhoods to major regional shopping centers.
- Ensure that access, siting, and design of commercial developments are suitable for the type of commercial activity.
- Provide for the efficient utilization of commercial areas while protecting adjacent properties and surrounding neighborhoods.
- Ensure that the minimum operational requirements of development are provided on-site.
- Encourage attractive, compact shopping areas offering a wide range of goods and services.
- Ensure that traffic attracted to commercial development will not adversely affect neighborhoods.
- Limit expansion of commercial strips and encourage better design of existing strips to make them more functional and attractive.
- Allow mixed use.

**4.W. Neighborhood Commercial and All Urban Commercial Plan Designation Policies**

- 4.W.1. Determine permitted uses through zoning. Zoning of Commercial areas shall be consistent with this Plan. Timing of zoning district application shall be in accord with the orderly development of the County.
- 4.W.2. Require all developments to be subject to a design review process.
- 4.W.3. Implement dimensional and development standards to address compatibility, function, and aesthetics.

**4.X. Neighborhood Commercial Policies**

- 4.X.1. Implement a Neighborhood Commercial zoning district, which may be applied to sites with a land use plan designation of Low Density Residential, Medium Density Residential, Medium High Density Residential, or High Density Residential. The Neighborhood Commercial zoning district may be applied to sites within residential areas which either have an historical commitment to neighborhood commercial uses, or satisfy all the following criteria:
  - 4.X.1.1. The conditional use criteria of the Zoning and Development Ordinance.
  - 4.X.1.2. The new site, or expanded site, is necessary to provide convenience commercial uses which are not currently available within the service area. "Service area", for purposes of this policy, shall be either:
    - a. The readily accessible area within 2,000 feet of the proposed site; or
    - b. A defined area with a minimum of 500 existing or potential dwelling units which

*Clackamas County Comprehensive Plan*

are closer to the proposed site, and have as good or better access to the proposed site, than to existing commercial sites considering distance and topographical barriers. Potential dwelling units shall be determined on the basis of existing zoning.

- 4.X.1.3. Each Neighborhood Commercial site should be a maximum of one acre in size. To allow clustering of convenience uses, additional area may be added up to a maximum total area of two acres.
- 4.X.1.4. Sites shall have direct access to a street of at least a collector classification and preferably an arterial.
- 4.X.1.5. Sites should not include more than one quadrant of an intersection. If more than one quadrant is approved, it shall be shown that undue traffic congestion will not result.
- 4.X.2. Cluster buildings in Neighborhood Commercial areas to prevent strip development and require buildings to be compatible in design and scale with the surrounding neighborhood.
- 4.X.3. Require that improvements to streets be made when necessary prior to or concurrent with development. Bicycle/pedestrian facilities shall be provided.

**4.Y. Community Commercial Policies**

- 4.Y.1. The following areas may be designated Community Commercial when the first criterion is met or all of the other criteria are met:
  - 4.Y.1.1. Areas having an historical commitment to commercial uses.
  - 4.Y.1.2. Areas which are separated from similar commercial uses by a least one-half mile. Each Community Commercial area should not exceed 10 acres.
  - 4.Y.1.3. Areas having direct access to a street of at least a minor arterial classification. Siting should not result in significant traffic increase on local streets serving residential areas.
  - 4.Y.1.4. Areas which do not increase an existing commercial strip.
- 4.Y.2. Require improvements to streets and/or transit access when necessary prior to or concurrent with development.
- 4.Y.3. Require sidewalks and bicycle facilities.
- 4.Y.4. Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.
- 4.Y.5. Require curbs, drainage controls, underground utilities, and street lighting.

**4.Z. Office Commercial Policies**

- 4.Z.1. The following areas may be designated Office Commercial:
  - 4.Z.1.1. Properties or areas currently developed with office commercial uses or committed to such uses, or which are adjacent to properties developed or committed to such uses, and are required in order to protect such uses from incompatible development.
  - 4.Z.1.2. Properties offering high visibility from a major highway or arterial which will not draw traffic through single-family neighborhoods.
  - 4.Z.1.3. Properties or areas which provide a buffer between residential and commercial or industrial properties.
- 4.Z.2. Allow, as primary uses, institutional and cultural facilities, high-density housing, and bed and breakfast establishments.
- 4.Z.3. Allow service commercial uses with limits on the percent of floor area to be occupied.
- 4.Z.4. Require improvements to streets and/or pedestrian and transit access when necessary prior to or concurrent with development.
- 4.Z.5. Limit and define access to facilitate efficient and safe traffic movements. Joint access provisions for vehicular and pedestrian movement between developments shall be required when uses are complementary or compatible.
- 4.Z.6. Provide for high-quality building and site design through the application of strict development standards.
- 4.Z.7. Protect and promote Office Commercial areas for developments which project a positive image.
- 4.Z.8. Require sidewalks, drainage controls, underground utilities, and street lighting.

**4.AA. Office Apartment Policies**

- 4.AA.1. Areas may be designated Office Apartment when they meet Policy 4.AA.1.1 or 4.AA.1.2:
  - 4.AA.1.1. The area to be considered by the land use application is located in a Corridor design type area as defined in the Urban Growth Concept section of this Chapter.
  - 4.AA.1.2. The area to be considered by the land use application is located on a Corridor street and the majority of the area is within 150 feet of the Corridor street right-of-way, and meets the following criteria:



*Clackamas County Comprehensive Plan*

- a. Access to the site will meet transportation safety standards and not cause an unacceptable level of service on the Corridor street; and
  - b. The site can be developed consistent with access management plans that have been prepared for the Corridor street, e.g., Map X-SC-5, and consistent with access management requirements implemented by the Zoning and Development Ordinance and the County Roadway Standards.
- 4.AA.2. Allow multifamily or attached single-family dwelling uses in mixed-use buildings as part of developments that include office uses.
- 4.AA.3. Allow congregate housing facilities and nursing homes as limited uses.
- 4.AA.4. Allow compatible land uses as limited uses with limits on the amount of floor space used by the limited use.
- 4.AA.5. For each Office Apartment site area, a master plan for the entire contiguous site area designated Office Apartment shall be submitted for approval with any land use application. The master plan shall include a plan for consolidation of vehicular accesses for the entire site area. Master plan approval for Office Apartment site areas shall be required prior to allowing development or land divisions.
- 4.AA.6. Development shall comply with the following design requirements:
- 4.AA.6.1. Developments shall be designed at a pedestrian scale, with pedestrian amenities provided and pedestrian-oriented design used to support non-auto trips to the facility.
  - 4.AA.6.2. Developments shall be designed in a series of low-rise buildings.
  - 4.AA.6.3. Buildings shall be oriented towards streets.
  - 4.AA.6.4. Development shall be integrated with the neighborhood using secondary accesses or, at minimum, pedestrian-only access to adjacent residential areas.
  - 4.AA.6.5. Strict development standards shall be applied to provide for high-quality building and site design.
  - 4.AA.6.6. Sidewalks, drainage controls, underground utilities, and street lighting shall be required.
  - 4.AA.6.7. Improvements to streets and/or pedestrian and transit access shall be required when necessary, prior to, or concurrent with development.
  - 4.AA.6.8. Access shall be limited and defined to facilitate efficient and safe traffic movements. Joint access provisions for vehicular and pedestrian movement between developments shall be required when uses are complementary or compatible.

**4.BB. General Commercial Policies**

- 4.BB.1. The following areas may be designated General Commercial when either the first criterion is met or all of the other criteria are met:
  - 4.BB.1.1. Areas having an historical commitment to commercial uses.
  - 4.BB.1.2. Areas necessary to serve the shopping needs of County residents.
  - 4.BB.1.3. Areas having access to a street of at least a major arterial classification or to a high capacity transit corridor. Siting should not result in significant traffic increase on local streets serving residential areas.
  - 4.BB.1.4. Areas which do not increase an existing commercial strip or create new strips.
  - 4.BB.1.5. Areas where adverse effects, such as traffic and noise, will have a minimal effect on adjacent neighborhoods or can be minimized through on-site improvements.
  - 4.BB.1.6. Areas near employment centers.
- 4.BB.2. Require improvements to streets and/or transit access when necessary prior to or concurrent with development.
- 4.BB.3. Require sidewalks and bicycle facilities.
- 4.BB.4. Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.
- 4.BB.5. Require curbs, drainage controls, underground utilities, and street lighting.
- 4.BB.6. Allow manufacturing (excluding primary processing of raw materials) and high-density housing within General Commercial areas.

**4.CC. Retail Commercial Policies**

- 4.CC.1. Provide for retail commercial areas incorporating high standards and an attractive image, to meet regional shopping needs for a wide range of goods and services accessible by transit and automobile in areas such as the Clackamas Town Center.
- 4.CC.2. Provide for development oriented toward mass transit and pedestrian amenities.
- 4.CC.3. The following areas may be designated Retail Commercial when either the first criterion is met or all of the other criteria are met:
  - 4.CC.3.1. Areas having an historical commitment to commercial uses.
  - 4.CC.3.2. Areas necessary to serve the shopping needs of County residents.
  - 4.CC.3.3. Areas having access to a street of at least a major arterial classification or to a high capacity transit corridor. Siting should not result in significant

*Clackamas County Comprehensive Plan*

- traffic increase on local streets serving residential areas.
- 4.CC.3.4. Areas which do not increase an existing commercial strip or create new strips.
- 4.CC.3.5. Areas where adverse effects, such as traffic and noise, will have a minimal effect on adjacent neighborhoods or can be minimized through on-site improvements.
- 4.CC.3.6. Areas near employment centers.
- 4.CC.4. Require improvements to streets and/or transit access when necessary prior to or concurrent with development.
- 4.CC.5. Require sidewalks and bicycle facilities.
- 4.CC.6. Limit and define access to facilitate efficient and safe traffic movements. Joint access and provisions for vehicular and pedestrian movement between developments shall be required when necessary.
- 4.CC.7. Require curbs, drainage controls, underground utilities, and street lighting.
- 4.CC.8. Allow high-density housing within Retail Commercial areas.

## INDUSTRIAL

This section of the Land Use Chapter addresses the location of industrial land and the physical development of industrial districts. Other aspects of industry such as industrial growth, diversity and employment are addressed in Chapter 8, *Economics*.

The Campus Industrial designation shall be limited to areas currently designated as Campus Industrial.

Business Park, Light Industrial and General Industrial areas are designated to accommodate manufacturing, processing, storage, wholesale distribution, and research facilities, as well as other compatible uses. Primary uses in Business Park areas generate no outdoor processing, storage, or display. Primary uses in Light Industrial areas generate minimal outdoor storage and no outdoor processing or display. General Industrial areas are intended to allow outdoor processing, storage, and display, with design and operational criteria to mitigate impacts on adjacent uses. In all industrial areas, development standards, including site planning, building type, truck and traffic circulation, landscaping, buffering, and screening shall be satisfied to ensure compatibility with, and an attractive appearance from, adjacent land uses.

### GOALS

- Provide, via existing Campus Industrial land, attractive areas for mixed uses including clean, employment-intensive industrial and office uses integrated with housing.
- Provide areas for general industry that meet the locational requirements of prospective industries and protect designated industrial areas from encroachment of incompatible uses.
- Protect Industrial areas from the transportation impacts of residential and commercial development.
- Protect areas adjacent to industrial areas from potential blighting effects of noise, dust, odor or high truck traffic volumes.
- Conserve the supply of industrial land.

#### 4.DD. Campus Industrial Policies

- 4.DD.1. The Campus Industrial designation, and corresponding Campus Industrial zoning district, shall be limited to areas currently designated Campus Industrial.
- 4.DD.2. Determine permitted uses by zoning. Zoning of Campus Industrial areas shall be consistent with this Plan and the stated purpose of compatible zoning districts. The zone should allow light industrial uses which do not produce substantial noise, smoke, dust, noxious odors or truck traffic. Offices, high density residential uses, and commercial retail and service uses for employees and residents shall be allowed.
- 4.DD.3. Require a unified site design for all properties within the Campus Industrial district. Clearly identify entrances and exits within the area and integrate internal circulation

*Clackamas County Comprehensive Plan*

within the area.

- 4.DD.4. Require in all Campus Industrial development a minimum of 25 percent of the total developed area to be landscaped and integrated with the open space system. Landscaping may be shared between developments within the Campus Industrial district.
- 4.DD.5. Provide for pedestrian/bicycle circulation within the Campus Industrial area as well as access to transit corridors and, where applicable, to nearby medium or high density residential areas.
- 4.DD.6. Require curbs, drainage controls, underground utilities and street lighting.
- 4.DD.7. Require all Campus Industrial developments to be subject to the design review process.

**4.EE. Business Park Policies**

- 4.EE.1. Areas may be designated Business Park when all of the following criteria are met:
  - 4.EE.1.1. Areas with good access to an existing or planned four-lane major arterial, expressway, or better road.
  - 4.EE.1.2. Areas adjacent to a street of at least a collector status.
  - 4.EE.1.3. Areas with significant natural or man-made amenities, as long as other criteria apply.
- 4.EE.2. The Business Park zoning district implements this designation.
- 4.EE.3. Require landscaping and strictly limit outdoor processing, outdoor storage and outdoor display, to enhance the appearance on site and from off site.
- 4.EE.4. Require all Business Park uses to be subject to development standards intended to maintain high aesthetics in the area.
- 4.EE.5. Require curbs, sidewalks, drainage controls, underground utilities and street lighting.

**4.FF. Light Industrial Policies**

- 4.FF.1. The following areas may be designated Light Industrial when either the first or all of the other criteria are met:
  - 4.FF.1.1. Areas having an historical commitment to industrial uses.
  - 4.FF.1.2. Areas with excellent access to the regional transportation network.
  - 4.FF.1.3. Areas with access to a street of at least a minor arterial classification.
  - 4.FF.1.4. Areas with sites large enough for several industries to cooperatively design an

[4-33]

Last Amended 9/6/18 5/23/18

*Clackamas County Comprehensive Plan*

industrial park.

- 4.FF.2. The Light Industrial zoning district implements this designation.
- 4.FF.3. Determine permitted uses through zoning. Zoning of Light Industrial areas shall be consistent with this Plan and the stated purpose of compatible zoning districts.  
Timing of zoning district application shall be in accord with the orderly development of the County.
- 4.FF.4. Limit land uses other than industrial or industrially related uses but balance these limits with the need to provide locations for certain governmental, recreational or social service uses that may prove challenging to locate elsewhere.
- 4.FF.5. Clearly identify entrances and exits to facilitate efficient traffic movement. The internal circulation system should have broad lanes and turnarounds large enough to accommodate truck traffic. Access streets should include curbs and gutters.
- 4.FF.6. Require landscaping and limit outdoor processing, outdoor storage and outdoor display to enhance the appearance on site and from off site.
- 4.FF.7. Provide for pedestrian and bicycle access to adjacent transit corridors and, where applicable, to nearby residential areas. Require sidewalks when appropriate.
- 4.FF.8. Require storm drainage control measures as an integral part of all industrial area development to compensate for large roofs and paved parking areas within industrial areas.
- 4.FF.9. Require underground utilities and street lighting.
- 4.FF.10. Require all Light Industrial developments to be subject to the design review process.
- 4.FF.11. Encourage coordinated utility and traffic improvements in industrial land divisions.

**4.GG. General Industrial Policies**

- 4.GG.1. The following areas may be designated General Industrial when either the first or all of the following criteria are met:
  - 4.GG.1.1. Areas having an historical commitment to industrial uses.
  - 4.GG.1.2. Areas with availability of rail service, access to navigable water, known mineral deposits or freeway access.
  - 4.GG.1.3. Areas where buffering land uses or physical features provide protection for lower intensity land uses, particularly Low Density Residential areas.
  - 4.GG.1.4. Areas having access to a street of at least a major arterial classification. Sites

[4-34]

Last Amended 9/6/18 5/24/18

*Clackamas County Comprehensive Plan*

within the broader district may be accessed by roads of a lower classification. Designation shall not result in significant traffic increase on streets of less than a collector status serving residential areas.

- 4.GG.1.5. Areas with sites large enough to accommodate expansion of individual establishments or serve several establishments within one district.
- 4.GG.2. The General Industrial zoning district implements this designation.
- 4.GG.3. Determine permitted uses through zoning. Zoning of General Industrial areas shall be consistent with this Plan and the stated purpose of compatible zoning districts. Timing of zoning district application shall be in accord with the orderly development of the County.
- 4.GG.4. Limit land uses other than industrial or industrially related uses.
- 4.GG.5. Clearly identify entrances and exits to facilitate efficient traffic movement. The internal circulation system should have broad lanes and turnarounds large enough to accommodate truck traffic. Access streets should include curbs and gutters.
- 4.GG.6. Require landscaping to enhance the appearance on site and from off site.
- 4.GG.7. Provide for pedestrian and bicycle access to adjacent transit corridors and, where applicable, to nearby residential areas.
- 4.GG.8. Require storm drainage control measures to be an integral part of the site design and improvements if site development includes large roof and paved parking areas.
- 4.GG.9. Require sidewalks, when appropriate.
- 4.GG.10. Require curbs, underground utilities and street lighting.
- 4.GG.11. Require all General Industrial developments to be subject to the design review process.

[4-35]

Last Amended [9/6/18 5/23/18](#)

## OPEN SPACE AND FLOODPLAINS

The protection of open space resources is an important objective, but the designation of an area as Open Space does not mean development is prohibited. Development can occur within the framework of preservation of essential open space elements, and the functioning of natural systems. Open space preservation also need not mean public ownership or public access. Many alternatives and methods of open space protection are available. An open space network must be established through early acquisition, where appropriate, or the imposition of clear, consistent controls on land containing significant natural resources or hazards.

Open space often coincides with areas subject to natural hazards, including the undeveloped 100-year floodplain. Floodplains consist of areas which are periodically inundated from stream flows, causing damage to property and threatening the lives of residents. The 100-year floodplain has an average flood frequency of at least once every 100 years, or a one-percent probability of flooding in any particular year. A distinct set of policies has been formulated to deal with the special problems associated with flood hazard areas.

### GOALS

- Protect the significant natural features and systems of the County for the enjoyment of all residents and visitors.
- Protect a network of open space to balance development within the urban area and provide needed contrast in the urban landscape.
- Provide opportunities for needed recreation facilities.
- Protect the lives and property of County residents from natural hazards.

### **4.HH. Open Space Policies**

- 4.HH.1. Designate as Open Space areas of land or water substantially free of buildings or other significant structures which also are one of the following:
  - 4.HH.1.1. Natural resource areas with recognized unique or significant value, primarily those associated with stream/river corridors and hillsides.
  - 4.HH.1.2. Areas with some constraint or degree of hazard for development, such as landslides, steep slope, or flooding.
  - 4.HH.1.3. Existing parks and other committed open areas, such as golf courses, playgrounds, and cemeteries.
- 4.HH.2. Establish three categories of Open Space within the northwest urban area: Resource Protection, Major Hazards, and Public and Community Use.
  - 4.HH.2.1. The purpose of Resource Protection Open Space is to protect natural resources and the open character of designated areas while allowing development according to the Plan. Resource Protection Open Space is land in one the following categories:
    - a. The flood fringe of 100-year floodplains

[4-36]

Last Amended ~~9/6/18~~ 9/23/18



*Clackamas County Comprehensive Plan*

- b. Areas within 100 feet of mean low water on all major rivers and 50 feet of any other permanent stream
  - c. Land within the Willamette River Greenway
  - d. Wetland areas
  - e. Distinctive urban forests
  - f. Hillside of more than 20 percent slope
  - g. Areas of high visual sensitivity
  - h. Other distinctive or unique natural areas (see Natural Resources Chapter)
  - i. Undeveloped public land with potential for recreation.
- 4.HH.2.2. The purpose of Major Hazards Open Space is to protect the public from natural hazards. Major Hazards Open Space is land in any of the following categories:
- a. The floodway of 100-year floodplains
  - b. Areas of known landslide hazard
  - c. Areas of severe erosion, unstable soil, or earth movement
- 4.HH.2.3. The purpose of Public and Community Use Open Space is to preserve community open space and its associated benefits, such as recreation. Public and Community Use Open Space is land in any of the following categories:
- a. Parks and other recreation facilities
  - b. Cemeteries
  - c. Other publicly or commonly owned lands which function as open space
- 4.HH.3. Require that all residential developments over one acre in size and having 10 percent or more of designated Open Space, be Planned Unit Developments or flexible lot land divisions.
- 4.HH.3.1. Protect open space features by clustering development away from the more sensitive areas within a site, assembling adjacent parcels into a larger development, transferring density within the development, and reviewing design, landscaping, color and materials for compatibility with the site and natural features.
- 4.HH.3.2. Development on land which includes wetlands shall be designed to (1) maintain water quality and the natural function of wetlands, (2) reduce and absorb flood runoff and stabilize water flow, and (2) protect wildlife habitats.
- 4.HH.3.3. Apply to Major Hazard Open Space areas a Low Density Residential zone consistent with the area for the purpose of computing density transfer.

[4-37]

Last Amended 9/6/18 5/23/18

*Clackamas County Comprehensive Plan*

- 4.HH.4. Require that industrial and commercial development not disturb land designated as Open Space, unless unavoidable for the reasonable development of the site. Develop criteria for land coverage and development intensity to guide site planning and reduce impacts on open space features. Dedication of land for purposes of developing the urban parks and trail program shall be required as appropriate.
- 4.HH.5. Prepare, in a timely manner, a site analysis for any development in the northwest urban area affecting land designated as Open Space. In addition, the County may prepare an analysis for development in an area of high visual sensitivity for any development having significant impact upon the County.
  - 4.HH.5.1. The County's analysis will supplement the applicant's environmental assessment and include the following:
    - a. An evaluation of the proposed development's impact on the relevant natural systems or features of the open space network.
    - b. Identification of applicable provisions or criteria of this Plan.
    - c. Alternatives to the proposal which might better achieve the optimum siting or design layout and protect the site's open space values.
    - d. An evaluation of the potential for public acquisition or dedication as part of the urban park or trail system.
- 4.HH.6. Prohibit development of areas designated Major Hazard Open Space except as provided in Policy 2.1 of the Natural Resources and Energy chapter, Natural Hazards Section, and Policy 4.R.4.3(b).
- 4.HH.7. Implement Public and Community Use Open Space through an Open Space zone. Public recreation or other compatible private or public uses and structures should be allowed, including golf pro shops, school play equipment, or park restrooms.
- 4.HH.8. Permit public acquisition of land intended for Public and Community Use Open Space purposes in all land use categories and amend the Land Use Plan Map accordingly.
- 4.HH.9. Use the best available data to make decisions on the extent to which a site may be developed in areas designated Open Space.
- 4.HH.10. Conversion of land designated Public and Community Use open space may occur when an alternate use proposal is accompanied by suitable retention or replacement of open space, developed recreation or other suitable compensating actions.

**4.II. Floodplain Policies**

- 4.II.1. Designate as Floodplains the areas within 100-year floodplains. Refine Floodplain

[4-38]

Last Amended 9/16/18 5/23/18

*Clackamas County Comprehensive Plan*

designations upon completion of detailed floodplain information including floodway and flood fringe.

- 4.II.2. Encourage floodplains to be retained as open space in order to protect their ability to convey and store water. The use of Floodplains shall conform to the requirements of the Floodplain Management Zoning District.
  - 4.II.2.1. Restrict development and/or fill in the flood fringe to insure that danger to life and property will not result. The natural flow of water shall not be restricted, nor shall development which would significantly increase flood elevations be permitted.
  - 4.II.2.2. Prohibit development and/or fill in the floodway due to risk to life and property, flow diversion and increased flood elevations. Possible exceptions to this policy are commercial or industrial activities of a water-dependent nature approved by the U.S. Army Corps of Engineers and/or Division of State Lands.
  - 4.II.2.3. Allow riprap or other streambank protection measures only when they comply with river management policies in the Natural Resources and Energy chapter.
  - 4.II.2.4. Prohibit storage of toxic or hazardous materials in the floodplain. Materials used for construction which may be inundated shall be of such strength and quality that they will not deteriorate, and shall be able to withstand water pressure or the high velocity of flowing water.
  - 4.II.2.5. Require structures in the floodplain to be secured to prevent flotation. Septic tank lids shall be sealed to prevent loss of contents during flooding.
  - 4.II.2.6. Require the lowest floor of buildings designed for human occupancy to be at least one foot above the 100-year flood elevation.

## UNINCORPORATED COMMUNITIES

Unincorporated Communities, as defined in Chapter 660, Division 22 of the Oregon Administrative Rules, are settlements located outside urban growth boundaries in which concentrated residential development is combined with limited commercial, industrial, or public uses. Unincorporated Communities may have limited public facilities and services.

There are four types of Unincorporated Communities:

**Rural Community:** an Unincorporated Community consisting primarily of residential uses but also including a minimum of two commercial, industrial, or public land uses. Redland, Beavercreek, Colton, Boring, Wildwood/Timberline, and Zigzag Village are Rural Communities.

**Rural Service Center:** an Unincorporated Community consisting primarily of commercial and industrial uses providing goods and services to the surrounding rural area or persons traveling through. Mulino and Rhododendron are Rural Service Centers.

**Resort Community:** an Unincorporated Community that was established primarily for, and continues to be used primarily for, recreation or resort purposes. A Resort Community includes residential and commercial uses as well as overnight lodging. Wemme/Welches is a Resort Community.

**Urban Unincorporated Community:** an Unincorporated Community that includes at least 150 permanent dwelling units and a mixture of other land uses, including three or more commercial, industrial, or public land uses. An Urban Unincorporated Community includes areas served by community water and sewer. Government Camp is an Urban Unincorporated Community.

## GOALS

- Provide for commercial and industrial development necessary to serve surrounding Agriculture, Forest, and Rural areas.
- Provide residential areas supportive of the commercial and industrial uses.
- Recognize and protect communities and their historic character.
- Provide a balance of residential, commercial, and industrial uses conducive to a healthy economy for the community.
- Provide employment opportunities for residents of the Unincorporated Community and surrounding non-urban areas.

### 4.JJ. General Unincorporated Community Policies

4.JJ.1. The following areas may be designated Unincorporated Communities:

*Clackamas County Comprehensive Plan*

- 4.JJ.1.1. Land which has been acknowledged as a Statewide Planning Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:
  - a. commercial, industrial, or public uses; and/or
  - b. dwelling units and associated residential lots at a greater density than exception lands outside Unincorporated Communities;
- 4.JJ.1.2. Lands planned and zoned for farm or forest use provided such land:
  - a. is contiguous to Statewide Planning Goal 3 or 4 exception lands included in the community boundary;
  - b. was occupied as of October 28, 1994 by one or more of the following uses: church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;
  - c. includes only that portion of the lot or parcel that is occupied by the use(s) above; and
  - d. remains planned and zoned for farm or forest use.
- 4.JJ.2. Prohibit the expansion of Unincorporated Communities into areas of natural hazards.
- 4.JJ.3. Guide management of land use patterns in Unincorporated Communities by policies in this Plan and by those in community plans which are prepared as part of the County's continuing planning program as described in Chapter 11, *The Planning Process*.
- 4.JJ.4. Require development to be contingent upon the ability to provide public services (e.g., school, water, fire, telephone).
- 4.JJ.5. Develop roads in a manner and to a level compatible with Unincorporated Communities.
- 4.JJ.6. Residential uses should be allocated in a manner and to a level that supports the commercial and industrial uses and provides housing opportunities to meet needs while maintaining compatibility with adjacent land use designations.
- 4.JJ.7. Limit industrial uses to:
  - 4.JJ.7.1. Uses authorized under Statewide Planning Goals 3 and 4;
  - 4.JJ.7.2. Expansion of a use existing on December 5, 1994;
  - 4.JJ.7.3. Small-scale, low- impact industrial uses, as defined in Oregon Administrative Rules (OAR) 660-022-0030(11);
  - 4.JJ.7.4. Uses that require proximity to a rural resource, as defined in OAR 660-004-0022(3)(a);
  - 4.JJ.7.5. New uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

[4-41]

Last Amended 9/6/18 5/23/18

*Clackamas County Comprehensive Plan*

- 4.JJ.7.6. New uses more intensive than those allowed under Policies 4.JJ.7.1 through 7.JJ.7.5, provided an analysis set forth in this Plan demonstrates, and land use regulations ensure:
- That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
  - That such uses would not rely upon a work force employed by uses within urban growth boundaries; and
  - That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries; and
- 4.JJ.7.7. Industrial uses, including accessory uses subordinate to industrial development, sited on an abandoned or diminished industrial mill site, as defined in the Clackamas County Zoning and Development Ordinance, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses.

4.JJ.8. Limit commercial uses to:

- 4.JJ.8.1. Uses authorized under Statewide Planning Goals 3 and 4;
- 4.JJ.8.2. Small-scale, low-impact uses as defined in OAR 660-022-0030(10); and
- 4.JJ.8.3. Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

4.JJ.9. Encourage commercial and industrial uses to locate in Unincorporated Communities to provide employment opportunities to residents of the communities and the surrounding non-urban area.

4.JJ.10. Require design review for commercial and industrial development.

4.JJ.11. Public facilities in Unincorporated Communities should be expanded or developed only when consistent with maintaining the rural character of the community.

4.JJ.12. Increased water service to an area shall not be used in and of itself to justify reduced lot sizes.

4.JJ.13. Sewerage systems shall be contained within urban growth boundaries or Unincorporated Community boundaries, and shall not be allowed to expand to land outside of such boundaries, except as provided by the Oregon Revised Statutes for abandoned or diminished mill sites.

**4.KK. Unincorporated Community Residential Policies**

- 4.KK.1. Apply a plan designation of Unincorporated Community Residential to residential areas in Unincorporated Communities, except as modified by Chapter 10.

*Clackamas County Comprehensive Plan*

- 4.KK.2. Implement the Unincorporated Community Residential plan designation through application of the Rural Area Residential 1-Acre (RA-1) zoning district.
- 4.KK.3. Implement dimensional and development standards to address compatibility, function, and aesthetics.

## **RURAL COMMERCIAL**

Rural Commercial lands are those that are outside urban growth boundaries and that are suitable based on specific factors for commercial development on a rural scale.

### **GOALS**

- To provide for the continuation of commercial uses in non-urban areas having an historical commitment to such uses.
- To implement the goals and policies of this Plan for commercial development in Unincorporated Communities.

### **4.LL. Rural Commercial Policies**

- 4.LL.1. The Rural Commercial plan designation may be applied in non-urban areas to provide for commercial uses that are necessary for, and on a scale commensurate with, rural development.
- 4.LL.2. The Rural Commercial (RC) zoning district implements the Rural Commercial plan designation.
- 4.LL.3. Areas may be designated Rural Commercial when either the first or both of the other criteria are met:
  - 4.LL.3.1. Areas shall have an historical commitment to commercial uses; or
  - 4.LL.3.2. Areas shall be located within an Unincorporated Community; and
  - 4.LL.3.3. The site shall have direct access to a road of at least a collector classification.
- 4.LL.4. Implement dimensional and development standards to address compatibility, function, and aesthetics.



## RURAL INDUSTRIAL

### GOALS

- To provide for the continuation of industrial uses in non-urban areas having an historical commitment to such uses.
- To provide for the industrial redevelopment of abandoned or diminished mill sites.
- To implement the goals and policies of this Plan for industrial development in Unincorporated Communities.

### 4.MM. Rural Industrial Policies

- 4.MM.1. The Rural Industrial plan designation may be applied in non-urban areas to provide for industrial uses that are not labor-intensive and are consistent with rural character, rural development, and rural facilities and services.
- 4.MM.2. The Rural Industrial (RI) zoning district implements the Rural Industrial plan designation.
- 4.MM.3. Areas may be designated Rural Industrial when the first, the second, or both of the other criteria are met:
  - 4.MM.3.1. Areas shall have an historical commitment to industrial uses; or (
  - 4.MM.3.2. The site shall be an abandoned or diminished mill site, as defined in the Zoning and Development Ordinance, provided that only the portion of the site that was improved for the processing or manufacturing of wood products may be designated Rural Industrial; or
  - 4.MM.3.3. Areas shall be located within an Unincorporated Community; and
  - 4.MM.3.4. The site shall have direct access to a road of at least an arterial classification.

## RURAL

Rural lands are exception lands, as defined in Oregon Administrative Rules 660-004-0005(1), that are outside urban growth boundaries and Unincorporated Communities and are suitable for sparse settlement, such as small farms, woodlots, or acreage home sites. They lack public facilities or have limited facilities and are not suitable, necessary, or intended for urban, agricultural, or forest use.

### GOALS

- To provide a buffer between urban and agricultural or forest uses.
- To perpetuate the rural atmosphere while maintaining and improving the quality of air, water, and land resources.
- To conserve open space and protect wildlife habitat.

### 4.NN. Rural Policies

- 4.NN.1. Areas may be designated Rural if they are presently developed, built upon, or otherwise committed to sparse settlement or small farms with limited, if any, public services available.
- 4.NN.2. Designation of additional Rural lands shall be based on findings that shall include, but not be limited to:
  - 4.NN.2.1. Reasons why additional Rural land is needed or should be provided;
  - 4.NN.2.2. An evaluation of alternative areas in the County that should be designated Rural and a statement of why the chosen alternative is more suitable;
  - 4.NN.2.3. An evaluation of the long-term environmental, economic, social, and energy consequences to the locality, region, or state of designating the area Rural; and
  - 4.NN.2.4. Reasons why designating the area Rural will be compatible with other adjacent uses;
- 4.NN.3. Areas impacted by major transportation corridors, adjacent to urban growth boundaries or areas designated Rural, and for which public services are committed or planned shall be given priority in designating additional Rural areas.
- 4.NN.4. Residential lot sizes shall be based upon:
  - 4.NN.4.1. Parcelization;
  - 4.NN.4.2. Level of existing development;
  - 4.NN.4.3. Topography;
  - 4.NN.4.4. Soil conditions;
  - 4.NN.4.5. Compatibility with the types and levels of available public facilities;

[4-46]

Last Amended [9/6/18 5/33/18](#)

*Clackamas County Comprehensive Plan*

- 4.NN.4.6. Proximity to Unincorporated Communities or an incorporated city; and
- 4.NN.4.7. Capacity and level of service of the road network
  
- 4.NN.5. Existing large lots should be reduced to meet future rural housing needs prior to expanding the areas designated as Rural.
  
- 4.NN.6. Areas with marginal or unsuitable soils for agricultural or forest use shall be given a higher priority for conversion to rural development than areas with more suitable soils.
  
- 4.NN.7. Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.
  
- 4.NN.8. Increased water service to an area shall not be used in and of itself to justify reduced lot sizes.
  
- 4.NN.9. The County shall encourage grouping of dwelling units with lot sizes less than the minimum allowed by the zoning district when such development is compatible with the policies in this Plan and the overall density of the zoning district.
  
- 4.NN.10. Lawfully established nonconforming structures and uses that are destroyed by fire, other casualty, or natural disaster shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.
  
- 4.NN.11. The Rural Area Residential 2-Acre (RA-2), Rural Residential Farm/Forest 5-Acre (RRFF-5), and Farm/Forest 10-Acre (FF-10) zoning districts implement the goals and policies of the Rural plan designation. These zoning districts shall be applied in Rural areas as follows:
  - 4.NN.11.1. The RA-2 zoning district shall be applied when all the following criteria are met:
    - a. Parcels are generally two acres or smaller.
    - b. The area is significantly affected by development.
    - c. There are no natural hazards, and the topography and soil conditions are well suited for the location of homes.
    - d. A public or private community water system is available.
    - e. Areas are in proximity or adjacent to an Unincorporated Community or incorporated city.
    - f. In areas adjacent to urban growth boundaries, RA-2 zoning shall be limited to those areas in which virtually all existing lots are two acres or less.
  - 4.NN.11.2. The RRFF-5 zoning district shall be applied when all the following criteria are met:
    - a. Parcels are generally five acres.
    - b. The area is affected by development.

[4-47]

Last Amended 9/6/18 5/24/18

*Clackamas County Comprehensive Plan*

- c. There are no serious natural hazards, and the topography and soils are suitable for development.
  - d. Areas are easily accessible to an Unincorporated Community or incorporated city.
- 4.NN.11.3. The FF-10 zoning district shall be applied when one or more of the following criteria are met:
- a. Parcels are generally ten acres.
  - b. The area is developed with a mixture of uses not consistent with extensive commercial agriculture or forestry uses.
  - c. Access to an Unincorporated Community or an incorporated city is generally poor.
- 4.NN.12 Implement dimensional and development standards to address compatibility, function, and aesthetics.

## AGRICULTURE

Agriculture areas are those of predominantly Class I through IV soils as identified by the United States Natural Resources Conservation Service or as identified in more detailed data; and other lands that are suitable for farm use due to soil fertility, suitability for grazing, climatic conditions, existing or future potential for irrigation, land use patterns, or accepted farming practices or are necessary to permit farming practices to be undertaken on adjacent or nearby lands.

### GOALS

- Preserve agricultural use of agricultural land.
- Protect agricultural land from conflicting uses, high taxation and the cost of public facilities unnecessary for agriculture.
- Maintain the agricultural economic base of the County and increase the County's share of the agricultural market.
- Increase agricultural income and employment by creating conditions that further the growth and expansion of agriculture and attract agriculturally related industries.
- Maintain and improve the quality of air, water, and land resources.
- Conserve scenic and open space.
- Protect wildlife habitats.

### 4.OO. Agriculture Policies

4.OO.1. The following areas shall be designated Agriculture:

- 4.OO.1.1. Areas with predominantly Class I through IV agricultural soil as defined by the United States Natural Resources Conservation Service or identified as agricultural soil by more detailed data;
- 4.OO.1.2. Areas generally in parcels of 20 acres or larger;
- 4.OO.1.3. Areas primarily in agricultural use;
- 4.OO.1.4. Areas necessary to permit farming practices on adjacent lands or necessary to prevent conflicts with the continuation of agricultural uses;
- 4.OO.1.5. Other areas in soil classes different from NRCS I through IV when the land is suitable for farm use as defined in Oregon Revised Statutes 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices.

4.OO.2. Agriculturally related industries shall be encouraged.

4.OO.3. Land uses that conflict with agricultural uses shall not be allowed.

*Clackamas County Comprehensive Plan*

- 4.00.4. New sewer facilities shall not be allowed in Agricultural areas.
- 4.00.5. Roads shall be developed in a manner and to a level compatible with maintaining Agricultural areas.
- 4.00.6. Education and dissemination of information on agricultural crops, methods, and technology; special tax assessment programs; and new land-use techniques should be encouraged.
- 4.00.7. Lawfully established nonconforming structures and uses that are destroyed by fire, other casualty, or natural disaster shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.
- 4.00.8. The Exclusive Farm Use (EFU) zoning district implements the goals and policies of the Agriculture plan designation and should be applied in Agriculture areas.
- 4.00.9. Forest zoning districts which require a minimum lot size of 80 acres or larger may be applied in Agriculture areas provided the primary uses are forest and forest-related and that permitted uses will not conflict with agricultural uses.
- 4.00.10. Except on lands within urban growth boundaries or as provided by the Oregon Revised Statutes for abandoned or diminished mill sites, exceptions to Statewide Planning Goals 3 and 4 shall be required for a plan amendment from the Agriculture designation to any designation other than Forest.

## FOREST

Forest areas are composed of existing and potential forestlands that are suitable for commercial forest uses. Also included are other forested lands needed for watershed protection, wildlife and fish habitat, and recreation, lands where extreme conditions of climate, soil, and topography require maintenance of vegetative cover, and forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife habitat, scenic corridors, and recreational use.

### GOALS

- To conserve forestlands.
- To protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of timber as the leading use on forestland.
- To conserve, protect, and enhance watersheds, wildlife and fisheries resources, agriculture, and recreational opportunities that are compatible with the primary intent of the plan designation.
- To minimize wildfire hazards and risks.
- To enhance and protect other environmentally sensitive areas.

### 4.PP. Forest Policies

4.PP.1. The following areas shall be designated Forest:

- 4.PP.1.1. Lands suitable for forest use;
- 4.PP.1.2. Lands predominantly capable of generating at least 85 cubic feet of timber per acre per year;
- 4.PP.1.3. Areas generally in forest uses;
- 4.PP.1.4. Areas which are environmentally sensitive or otherwise require protection (watersheds, areas subject to erosion, landslides, etc.) should be designated Forest;
- 4.PP.1.5. Forested areas which buffer more intense land uses from areas of less intense use may be designated Forest.

4.PP.2. Encourage forest-related industries.

4.PP.3. Prohibit land uses that conflict with forest uses.

4.PP.4. Housing should be limited in Forest areas because it is generally incompatible with forest uses due to fire danger and accepted forest practices such as herbicide spraying and slash burning.

4.PP.5. Prohibit commercial and industrial development in Forest areas.

[4-51]

Last Amended 9/6/18 5/28/18

*Clackamas County Comprehensive Plan*

- 4.PP.6. Prohibit new sewer facilities in Forest areas.
- 4.PP.7. Encourage use of a Homestead provision that allows retention of a homesite with an existing dwelling and transfer of the remaining property as long as the transfer is compatible with Forest policies.
- 4.PP.8. Lawfully established nonconforming structures and uses that are destroyed by fire, other casualty, or natural disaster shall be allowed to reconstruct, as provided by the Zoning and Development Ordinance.
- 4.PP.9. Apply zoning districts consistent with state, regional, and County goals and United States Forest Service land allocation and management plans to the Mt. Hood and Willamette National Forests.
- 4.PP.10. This Plan and implementing ordinance provisions shall not conflict with the Oregon Forest Practices Act.
- 4.PP.11. The Timber (TBR) and Ag/Forest (AG/F) zoning districts implement the goals and policies of the Forest plan designation. The TBR zoning district shall be applied to areas predominantly in forest use. The AG/F zoning district shall be applied to areas having such a mixture of agricultural and forest uses that neither Statewide Planning Goal 3 nor Goal 4 applies alone.
- 4.PP.12. Except on lands within urban growth boundaries or as provided by the Oregon Revised Statutes for abandoned or diminished mill sites, exceptions to Statewide Planning Goals 3 and 4 shall be required for a plan amendment from the Forest designation to any designation other than Agriculture.



## *Clackamas County Comprehensive Plan*

### 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:

1. The availability of shelter and housing options for houseless persons
2. Affordable housing for all the County's households
3. Housing for low- and moderate-income households, the elderly, and mentally or physically handicapped residents
4. 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
5. The number and densities of single-family, two-family, three-family, and multifamily dwelling units and manufactured dwellings
6. Locations of multifamily housing in relation to services, employment, transportation, and open space
7. Locations of individual manufactured dwellings and manufactured home parks
8. Owner-occupied and renter-occupied housing

#### SUMMARY OF FINDINGS AND CONCLUSIONS

1. The County is projected to gain as many as 112,500 people between 1987 and 2010.

## *Clackamas County Comprehensive Plan*

2. 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.
3. The northwest urban area has the potential of being the most energy-efficient and cost-effective location for growth in the County.
4. 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.
5. 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.
6. Lack of affordable housing continues to be a problem, especially severe for households headed by the young, elderly, single parents, or handicapped individuals.
7. 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).
8. There are few condominiums in unincorporated areas.
9. 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.

### HOUSING GOALS

- Meet the needs of the County houseless population through a variety of short- and long-term options.

## *Clackamas County Comprehensive Plan*

- 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, RRRF-5, or FF-10 zoning district;
- Located outside of both a UGB and an Urban Reserve; and

## *Clackamas County Comprehensive Plan*

- 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;

## *Clackamas County Comprehensive Plan*

- 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

## *Clackamas County Comprehensive Plan*

- 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

## *Clackamas County Comprehensive Plan*

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:

6.E.3.1 Energy efficiency and conservation

6.E.3.2 Access to transit

6.E.3.3 Crime prevention including natural surveillance of public areas by residents

6.E.3.4 Open space, including recreation areas and children's play areas

6.E.3.5 Privacy considerations, including private entries, patios, and fencing

6.E.3.6 Noise abatement

6.E.3.7 Shared parking to reduce paved areas

6.E.3.8 Accessibility of parking to units

6.E.3.9 Pedestrian/bicycle facilities on and off site

6.E.3.10 Minimization of impervious ground cover

6.E.3.11 Retention of natural areas and features such as major trees

6.E.3.12 Landscaping

6.E.3.13 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

## *Clackamas County Comprehensive Plan*

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 density bonuses in Low, Medium, Medium High, and High Density Residential land use plan designations where special performance criteria have been met.





**OFFICE OF COUNTY COUNSEL**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD OREGON CITY, OR 97045

September 6, 2018

Board of County Commissioners  
Clackamas County

Members of the Board:

Adoption of Zoning and Development Ordinance 268, Amendments to the  
Special Use and Development Standards Provisions of the ZDO

**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Jeff Heinrich**  
Assistants

<b>Purpose/Outcome</b>	Amend the Zoning and Development Ordinance
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	NA
<b>Duration</b>	Indefinitely
<b>Previous Board Action</b>	Board of County Commissioners held a public hearing on August 15, 2018
<b>Strategic Plan Alignment</b>	Build Public Trust through Good Government
<b>Contact Person</b>	Jennifer Hughes, 503-742-4518

**BACKGROUND:**

The Planning and Zoning Division is in the midst of an "audit" of the Zoning and Development Ordinance (ZDO). The intent is to complete, by the end of the project, a comprehensive review and proposed amendments for every section of the ZDO. This fifth phase of the work program has focused on provisions related to special uses and development standards, resulting in the consideration of amendments to these provisions.

The amendments proposed for adoption by Ordinance were considered previously by the Board at a public hearing and remain largely unchanged from the drafts included in the Board's public hearing packet. In preparing the final documents for adoption, staff made housekeeping changes for consistency (e.g., correcting cross-references, updating citations, formatting).

**RECOMMENDATION:**

Staff recommends the Board adopt the attached ordinance.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

**ORDINANCE NO. ZDO-268**

**An Ordinance Amending Sections 102, 202, 315, 316, 317, 401, 406, 407, 510, 511, 512, 513, 601, 602, 604, 702, 708, 711, 713, 804, 805, 806, 808, 813, 815, 818, 819, 821, 822, 824, 825, 827, 830, 832, 833, 834, 835, 836, 837, 840, 842, 903, 904, 1001, 1005, 1007, 1010, 1015, 1016, 1017, 1021, 1105 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) and repealing Sections 807, 809, 810, 814, 823, 829 and 1018 of the ZDO**

WHEREAS, the approved work program for the Planning and Zoning Division includes an audit of the Clackamas County Zoning and Development Ordinance (ZDO) intended to update, streamline and clarify the County's land use regulations; and

WHEREAS, the fifth phase of the ZDO audit is focused on special uses and development standards, resulting in a proposal to amend related ZDO provisions; and

WHEREAS, an ongoing process of amendments to the ZDO is necessary to clarify provisions and maintain consistency throughout the Ordinance and respond to changes in statutes and public input; and

WHEREAS, it is a policy of the Board of County Commissioners to provide excellent public service to citizens and the development community, streamline permitting processes, encourage sound land use and development and improve the ZDO as necessary; and

WHEREAS, the proposed amendments are consistent with the Clackamas County Comprehensive Plan, the Statewide Planning Goals and Guidelines and the Metro Urban Growth Management Functional Plan; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission recommended approval of amendments to the ZDO on July 23, 2018; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Board of County Commissioners orally approved the Planning Commission's recommendation on August 15, 2018; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Sections 102, 202, 315, 316, 317, 401, 406, 407, 510, 511, 512, 513, 601, 602, 604, 702, 708, 711, 713, 804, 805, 806, 808, 813, 815, 818, 819, 821, 822, 824, 825, 827, 830, 832, 833, 834, 835, 836, 837, 840, 842, 903, 904, 1001, 1005, 1007, 1010, 1015, 1016, 1017, 1021, 1105 and 1307 of the Clackamas County Zoning and Development Ordinance (ZDO) are hereby amended and Sections 807, 809, 810, 814, 823, 829 and 1018 of the ZDO are hereby repealed, as shown in Exhibit A, hereto attached.

**Section 2:** This ordinance shall be effective on October 2, 2018.

**ADOPTED** this 6<sup>th</sup> day of September, 2018

BOARD OF COUNTY COMMISSIONERS

---

Chair

---

Recording Secretary

**Exhibit A**  
**Ordinance ZDO-268**  
**Zoning and Development Ordinance Amendments**

Text to be added is underlined. Text to be deleted is ~~strikethrough~~

**102 PURPOSE AND SCOPE**

---

102.01 PURPOSE

This Ordinance is enacted to implement the goals and policies of the Clackamas County, Oregon, Comprehensive Plan (hereinafter referred to as the Comprehensive Plan) and to provide methods of administration and enforcement of the provisions herein described, as authorized by Chapter 215 of the Oregon Revised Statutes.

102.02 CONFORMANCE REQUIRED

Except as herein specified, no land, structure, or premise shall be used or transferred, and no structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zoning district(s) in which it is located.

102.03 VIOLATIONS AND ENFORCEMENT

The County may enforce violations of this Ordinance as provided for in Chapter 2.07 of the Clackamas County Code.

102.04 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed by other provisions of law, rules, regulations, resolutions, easements, covenants, or other agreements between parties, the provisions of this Ordinance shall control.

102.05 SAVING CLAUSE

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid; each section, clause, and provision hereof being declared severable.

102.06 CONFLICTS

A. All other zoning ordinances or regulations, by whatever authority resolved or ordained, are herewith superseded and all such previous zoning ordinances or regulations are replaced.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

B. If standards in this Ordinance conflict with one another to the extent that it is not possible for a use or development to comply with both, or all, of the conflicting standards, the conflicts shall be resolved by giving precedence as follows, in descending order of importance:

1A. Standards required ~~infer~~ by an overlay zoning district ~~by~~ in Section 700, *Special Districts*;

~~B.~~ Standards required in Section 800, *Special Use Requirements*;

~~C.~~ Standards required in Chapter 10 of the Comprehensive Plan for a community or design plan area;

2D. Standards required by ~~in~~ the section of this Ordinance that regulates the underlying zoning district ~~in which the subject property is located~~; and

3E. Standards required by ~~in~~ Section 1000, *Development Standards*.

C. If a standard required by Section 800 conflicts with a standard required by the section of this Ordinance that regulates the underlying zoning district or with a standard required by Section 1000, the standard in Section 800 shall apply.

[Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-266, 5/23/18]

**202 DEFINITIONS**

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~BED AND BREAKFAST ESTABLISHMENT: A use carried on in a structure designed for a single-family dwelling, except as provided under Section 832, which provides rooms for rent on a daily basis to the public and which includes a breakfast meal as part of the cost of the room. Bed and breakfast establishments do not include other similar uses, such as motels, health or limited care facilities, boarding houses, group quarters, hostels, or rescue missions. All bed and breakfast establishments require tourist facility licensing by the appropriate agency. Bed and breakfast residences and inns, as defined below, must also satisfy the State Health Division requirements. Three levels of bed and breakfast establishments are as follows:~~

~~BED AND BREAKFAST HOMESTAY"Bed and Breakfast Homestay": A use that is conducted in an owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room. provides overnight accommodations plus breakfast in an owner-occupied dwelling that provides one or A maximum of two guest rooms for occasional bed and breakfast guests, not exceeding and a maximum of five guests at one time are permitted. Primary use of the dwelling remains as a dwelling, not as a lodging establishment. All reservations are made in advance. Income derived from bed and breakfast activity does not generally represent a primary source of income. Bed and breakfast homestays are major home occupations, subject to Section 822.~~

~~"Bed and Breakfast Residence" provides overnight accommodations plus breakfast and occasional family-style meals for guests, in an operator- or owner-occupied dwelling that provides up to five rooms on an occasional or regular basis. Income derived from the bed and breakfast activity may represent a primary source of income. Bed and breakfast residences are subject to Section 832, and all requirements of the underlying district.~~

~~BED AND BREAKFAST INN"Bed and Breakfast Inn": A use that is conducted in an operator- or owner-occupied single-family dwelling, provides rooms for rent on a daily or weekly basis to the public, and includes breakfast as part of the cost of the room provides accommodations plus breakfast on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. This level A bed and breakfast includes inns that operate a restaurants offering meals to the general public as well as to overnight guests. Bed and breakfast inns are subject to Section 832 and all requirements of the underlying district.~~

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

CHILD CARE FACILITY: ~~As defined in Oregon Revised Statutes 329A.250 but excluding a family child care home.~~

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

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

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

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

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

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

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

COMPOSTING FACILITY: A site or facility, excluding home composting ~~areas as described in Section 202~~ and agricultural composting conducted as a farm use, which

utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities. ~~Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers. The area utilized for the sale of said accessory products shall not exceed 10% of the area used for composting, or two (2) acres, whichever is less subject to the provisions of Subsection 834.03 and 834.04.~~

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

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

CULTURAL RESOURCE INVENTORY: The official list of designated cultural features, sites, districts subject to the provisions of Section 707, Cultural Resources.

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

~~DAYCARE FACILITY: A facility that provides regular daycare services to children under 13 years of age, including a day nursery, nursery school group, or similar unit operating under any name. A daycare facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or daycare provided by a "babysitter" or "family daycare provider".~~

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

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

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

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

percentage of a distance or area measurement of this Ordinance, such as lot coverage or landscaped area.

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

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

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

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

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

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

DWELLING, ATTACHED SINGLE-FAMILY: A building, or portion thereof, that contains only one dwelling unit; shares at least one wall, or portion thereof, with another attached single-family dwelling; and is located on a separate lot of record from any other dwelling, except where otherwise permitted for an accessory dwelling unit. A manufactured dwelling or residential trailer is not an attached single-family dwelling.

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

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

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

DWELLING, TWO-FAMILY: A building, or portion thereof, that contains two dwelling units, both of which are located on the same lot of record. If one of the two

dwelling units is an accessory dwelling unit, the building, or portion thereof, is not a two-family dwelling.

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

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

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

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

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

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

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

FAMILY CHILD CARE HOMEDAYCARE PROVIDER: A ~~child care~~ daycare provider who ~~regularly~~ provides ~~child care~~ daycare to 16 or fewer children, ~~or as amended by ORS 329A.440,~~ including ~~the~~ children of the provider, regardless of full-time or part-time status, in the ~~home of the provider's home in the family living quarters.~~ Child and child care are as defined in Oregon Revised Statutes 329A.250. Provision of daycare to more than 16 children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters shall constitute the operation of a "daycare facility" and shall be subject to the requirements of this Ordinance for daycare facilities.

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

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

FLOOR AREA: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of porches and exterior stairs, multiplied by the number of stories or portion thereof. The floor area of a building, or portion thereof,

not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. Floor area shall not include portions of buildings used for parking of vehicles, except the square footage of commercial uses in parking structures can be counted as part of the total floor area.

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

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

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

GREEN FEEDSTOCKS: ~~Are defined as including Y~~ yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste, and livestock manure. ~~For the purpose of these provisions, "Non-treated wood waste"~~ excludes wood waste treated with paint, varnish, or other chemicals or preservatives.

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

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

GUEST HOUSE/STUDIO: ~~An~~ ~~A~~ ~~guest house or studio is a separate~~ accessory ~~building structure~~, or portion thereof, ~~that includes at least one bedroom and is—with the exception of bathrooms, closets, and halls—constructed as habitable space under the Oregon Residential Specialty Code which is built to residential (R-3 occupancy) building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guests or employees on the premises. A "guest house" or "studio" shall be a temporary living area, and shall not be used for boarders or lodgers.~~

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

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

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

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

HOSPITAL, ANIMAL: A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

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

HOUSEKEEPING UNIT: A living arrangement within a dwelling unit in which the kitchen, living and dining rooms, and other general living areas of the dwelling unit

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

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

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

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

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

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

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

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

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

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



standards:

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

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

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

LIVESTOCK: One or more domesticated animals raised ~~in an agricultural setting~~ to produce commodities, such as food, fiber, and labor. ~~The term "Livestock"~~ includes, ~~but is not limited to~~, miniature livestock, fowl/poultry, and farmed fish.

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

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

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

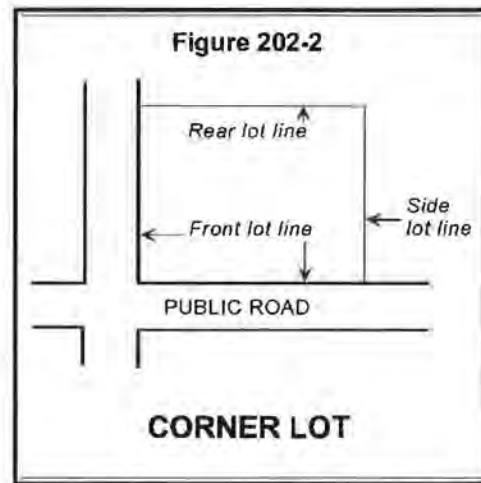
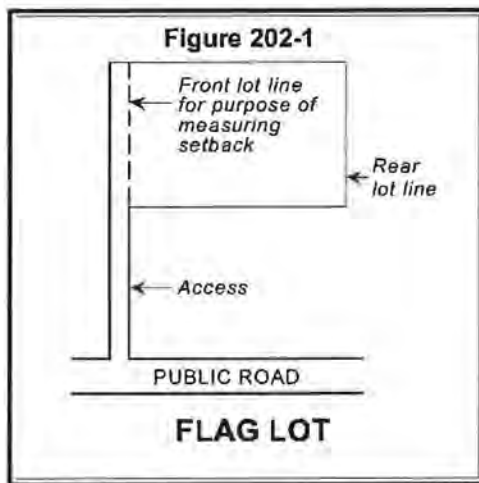
LOT COVERAGE: The area of a lot covered by a building or buildings expressed as a percentage of the total lot area. Swimming pools are not considered buildings for the purpose of this definition.

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

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

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

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



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

1. For a corner lot, the rear lot line is any one of the boundary lines opposite the front lot lines. Any other opposite boundary line is a side lot line. (See Figure 202-2.)
2. A triangular-shaped lot has no rear lot line.
3. A through lot has no rear lot line except where one of the lot lines that would otherwise be a front lot line abuts a collector, arterial, expressway, interstate, or other feature that precludes motor vehicle access. In that case, the lot line where access is precluded is a rear lot line.

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

**LOT OF RECORD:** A lot, parcel, other unit of land, or combination thereof, that conformed to all zoning and Subdivision Ordinance requirements and applicable

Comprehensive Plan provisions, in effect on the date when a recorded separate deed or contract creating the lot, parcel or unit of land was signed by the parties to the deed or contract; except:

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

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

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

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

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

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

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

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

MANUFACTURED DWELLING PARK: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not

include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot.

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

~~MANUFACTURED HOME PARK: Any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent, lease or barter the use of such facilities. A manufactured home park does not include a lot or lots located within a subdivision.~~

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

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

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

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

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

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

MASTER PLAN: A sketch or other presentation showing the ultimate development layout of a parcel of property that is to be developed in successive stages or subdivisions. The plan need not be completely engineered but shall be of sufficient detail to illustrate the property's inherent features and probable development pattern.

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

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

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

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

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

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

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

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

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

~~**NUDITY OR NUDE:** Being devoid of a covering for the male or female genitalia consisting of an opaque material which does not simulate the organ covered and, in the case of a female, exposing to view one or both breasts without a covering over the nipple that is at least three inches in diameter and does not simulate the organ covered.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

PERSON DESIGNATED TO PRODUCE MARIJUANA BY A REGISTRY IDENTIFICATION CARDHOLDER: A person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475B.420 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

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

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

PLAT, PRELIMINARY: A clearly legible and approximate drawing of the proposed layout of streets, blocks, lots and other elements of a subdivision or partition which shall help furnish a basis for the approval or disapproval of the general layout of a

partition or subdivision. As used in this Ordinance, preliminary plat shall be synonymous with tentative plan as used in Oregon Revised Statutes Chapter 92.

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

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

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

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

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

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

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

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

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

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

RAINWATER COLLECTION SYSTEM: A system of pipes, container (rain barrel, rainwater tank, pond, or rainwater reservoir), valves and associated apparatus for collecting and storing harvested rainwater runoff, typically from rooftops via rain gutters, but also from ground catchment systems.



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

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

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

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

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

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

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

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

**RESOURCE RECOVERY FACILITY:** Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating

and preparing solid waste for reuse, but not a salvage or junkyard.

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

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

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

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

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

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

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

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

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

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

~~SCHOOL, PRIVATE: Includes private kindergartens, nurseries, play schools, and church-related schools.~~

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

SERVICE STATION: A commercial establishment with sales and services limited to the sale of motor fuels and supplying goods and service generally required in the operation and maintenance of automotive vehicles and fulfilling a motorist's needs.

These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubricating services; the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products. Major automotive repairs, painting and fender work are excluded. An electric vehicle charging station is not a service station.

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

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

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

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

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

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

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

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

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

section shall be used in flat projection for the purpose of computing sign area.

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

SIGN, CHANGEABLE COPY: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

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

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

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

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

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

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

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

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

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

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

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

SIGN, PORTABLE: Any sign not permanently attached to the ground or other

permanent structure, and/or designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used as other than a sign in the normal day-to-day operations of the business for transportation of goods and/or personnel.

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

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

SIGN, RESIDENTIAL: Any sign associated with a dwelling.

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

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

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

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

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

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

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

SMALL POWER PRODUCTION FACILITY: A facility that produces energy primarily by use of biomass, waste, solar energy, wind power, water power, geothermal energy, or any combination thereof; is more than 50 percent owned by a

person who is not an electric utility, an electric utility holding company, an affiliated interest, or any combination thereof; and has a power production capacity that, together with any other small power production facility located at the same site and owned by the same person, is not greater than 80 megawatts.

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

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

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

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

SOLID WASTE: *As defined in Chapter 10.03, Solid Waste and Wastes Management, of the Clackamas County Code.* ~~Solid waste shall include all putrescible and non-putrescible waste, including, but not limited to: garbage; compost; organic waste; yard debris; brush and branches; land clearing debris; sewer sludge; residential, commercial and industrial building demolition or construction waste; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicles or vehicle parts and vehicle tires; special vehicles and equipment that are immobile and/or inoperable; manufactured dwellings or residential trailers which are dilapidated, partially dismantled or fire damaged; manure; feces; vegetable or animal solid and semi-solid waste and dead animals; and infectious waste. Waste shall mean useless, unwanted or discarded materials. The fact that materials which would otherwise come within the definition of Solid Waste may, from time to time, have value and thus be utilized shall not remove them from the definition. The terms "solid waste" or "waste" do not include:~~

~~A. Environmentally hazardous wastes as defined in ORS 466.055;~~

~~B. Materials used for fertilizer or for other productive purposes on land in agricultural operations in the growing and harvesting of crops or the raising of fowl or animals. This exception does not apply to the keeping of animals on land which has been zoned for residential non-agricultural purposes;~~

- ~~C. Septic tank and cesspool pumping or chemical toilet waste;~~
- ~~D. For purposes of Article V of this Ordinance, reusable beverage containers as defined in ORS 459A;~~
- ~~E. Source separated, principal recyclable materials as defined in ORS 459A and the Rules promulgated thereunder and under this Ordinance, which have been purchased or exchanged for fair market value, unless said principal recyclable materials create a public nuisance pursuant to Article II of this Ordinance;~~
- ~~F. Applications of industrial sludges or industrial waste by products authorized through a Land Use Compatibility Statement of Management Plan approval and that have been applied to agricultural lands according to accepted agronomic practices or accepted method approved by the Land Use Compatibility Statement or Management Plan, but not to exceed 100 dry tons per acre annually;~~
- ~~G. Stabilized municipal sewage sludge applied for accepted beneficial uses on land in agricultural, non-agricultural, or silvicultural operations;~~
- ~~H. Sludge derived products applied for beneficial uses on land in landscaping projects.~~

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

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

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

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

STREET: See "ROAD".

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

TRANSIT STOP: Any posted bus or light rail stop.

TRANSITIONAL SHELTER COMMUNITY: Temporary shelters for houseless people. The operator also may provide the transitional shelter residents with food, clothing, and other support services on the transitional shelter site.<sup>1</sup>

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

---

<sup>1</sup> Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of:

- August 28, 2019; or
- The day after the County renders a final decision approving a conditional use permit for the third of three separate transitional shelter communities.

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

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

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

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

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

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

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

~~WASTE-RELATED USES: Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also includes uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.~~

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

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

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

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

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

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

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

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

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

---

315.01 PURPOSE

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

315.02 APPLICABILITY

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

315.03 USES PERMITTED

- A. Uses permitted in each urban residential zoning district are listed in Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*. Uses not listed are prohibited, except:
  - 1. In the PMD District, uses similar to one or more of the listed uses for the PMD District may be authorized pursuant to Section 106, *Authorizations of Similar Uses*; and
  - 2. In the HDR, SHD, and RCHDR Districts, uses similar to one or more of the listed limited uses for the applicable zoning district may be authorized pursuant to Section 106.
- B. As used in Table 315-1:
  - 1. "P" means the use is a primary use.
  - 2. "A" means the use is an accessory use.

3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
  4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
  5. "CPUD" means the use is allowed as a conditional use in a planned unit development.
  6. "X" means the use is prohibited.
  7. Numbers in superscript correspond to the notes that follow Table 315-1.
- C. Permitted uses are subject to the applicable provisions of Subsection 315.04, *Dimensional and Building Design Standards*; Subsection 315.05, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

315.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

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

315.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Condominiums: Except in the VR-5/7 and VR-4/5 Districts, any 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 single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record; however, attached single-family dwellings must be attached at a wall (as they would be if a lot line separated the dwellings) rather than ceiling to floor.

- B. Resource Protection Areas in the VR 4/5 and VR 5/7 Districts: Development of primary dwellings and accessory structures within a Resource Protection Area shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, shall be subject to design review, pursuant to Section 1102, *Design Review*, and the following criteria:
1. Disturbance of natural features, including slopes in excess of 20 percent, trees and treed areas, wetlands, and stream corridors, shall be minimized.
  2. Compliance with Subsection 1002.03 shall be demonstrated.
  3. The maximum disturbed area shall be 5,000 square feet. All buildings and yard areas shall be contained within this area. Driveways and required trails and utility construction shall be excluded from calculation of the disturbed area.
  4. Driveways shall be designed to be as narrow as possible, consistent with the requirements of the fire district.

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

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Accessory Dwelling Units</b> , subject to Section 839	A	A	A	A	X	X	X	X	X	X	X
<b>Accessory Kitchens</b>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	X	A <sup>1</sup>	A <sup>1</sup>	X	X	X	X
<b>Accessory Buildings and Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family <u>child care homes/daycare providers</u> , 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	A	A	A	A	A	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
and receivers, transit amenities, trellises, and utility service equipment											
<b>Bed and Breakfast Inns</b> , subject to Section 832	C	X	C	X	X	P	P	P	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Bed and Breakfast Residences</b> , subject to Section 832	C	X	C	P	X	P	P	P	P	X	X
<b>Bus Shelters</b> , <del>subject to Section 823</del>	A	A	A	A	P	A	A	A	A	A	<del>AX</del>
<b>Cemeteries</b> , subject to Section 808	C	X	C	X	X	X	X	X	X	X	X
<b>Child Care Facilities</b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L<sup>3</sup>,C</u>	<u>C</u>	<u>L<sup>2</sup>,C<sup>3</sup></u>	<u>L<sup>4</sup></u>
<b>Civic and Cultural Facilities</b> , including art galleries, museums, and visitor centers	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Churches</b> , <del>subject to Section 804</del>	<u>€</u>	<u>€</u>	<u>€</u>	<u>CPUD</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>CPUD</u>	<u>€</u>	<u>€</u>
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD
<b>Composting Facilities</b>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<b>Congregate Housing Facilities</b>	X	X	X	P	P	P	P	P	P	P	P
<b>Daycare Facilities</b> , <del>subject to Section 807</del>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>€</u>	<u>L<sup>5</sup>,€</u>	<u>€</u>	<u>L<sup>2</sup>,€<sup>2</sup></u>	<u>L<sup>4</sup></u>
<b>Daycare Services, Adult</b>	C	C	C	C	C	C	C	L <sup>5</sup> ,C	C	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Dwellings, Attached Single-Family</b>	P <sup>7,8</sup>	P <sup>7,9</sup> ,C <sup>7,10</sup>	P	P	X	P <sup>11</sup>	P <sup>11</sup>	X	X	X	X
<b>Dwellings, Clustered Single-Family</b>	X	X	X	X	P	X	X	X	X	X	X
<b>Dwellings, Detached Single-Family</b>	P <sup>7</sup>	P <sup>7</sup>	X	X	X	X	X	X	X	X	X
<b>Dwellings, Multifamily</b>	X	X	X	P <sup>12</sup>	P	P	P	P	P	P	P



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Dwellings, Three-Family</b>	C <sup>7</sup>	C <sup>7</sup>	X	P	P	P	P	P	P	X	X
<b>Dwellings, Two-Family</b>	C <sup>7</sup>	C <sup>7</sup>	X	P	P	P	P	P	P	X	X
<b>Entertainment Facilities</b> , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Farmers' Markets</b> , subject to Section 840	A	A	A	A	A	A	A	A	A	A	A
<b>Fences and Retaining Walls</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	X	X	X	X	X	X	X	L <sup>5</sup> ,C	X	L <sup>2,13</sup> ,C	L <sup>4</sup> ,C
<b>Fraternal Organization Lodges</b>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, limited, conditional, or prohibited use in the applicable zoning district	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Guest Houses <del>or Studios</del></b> , subject to Section 833	A	X	A	X	X	X	X	X	X	X	X
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>15</sup>	A	A	A	A	A	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Horticulture, Nurseries, Hydroponics, and Similar Uses that Exceed an Accessory Use	C	X	X	X	X	X	X	X	X	X	X
Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events	C	X	C	X	X	C	C	C	X	C	X
Hotels and Associated Convention Facilities	X	X	X	X	X	X	X	X	X	C <sup>16</sup>	L <sup>4</sup> ,C
Hydroelectric Facilities, <del>subject to Section 829</del>	C	X	C	X	X	C	C	C	X	C	X
Libraries	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	CPUD	L <sup>5</sup> ,C <sup>6</sup> , CPUD	CPUD	L <sup>2</sup> ,C <sup>3</sup> , CPUD	L <sup>4</sup> , CPUD
Livestock, subject to Section 821	A	A	A	X	X	X	X	X	X	X	X
Manufactured <del>Dwelling Home</del> Parks, subject to Sections 824 and 825	C	X	C	X	C	P	X	X	X	X	X
Manufactured Homes, subject to Section 824	P <sup>7</sup>	P <sup>7</sup>	X	X	X	X	X	X	X	X	X
Marijuana Processing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Production	X	X	X	X	X	X	X	X	X	X	X
Marijuana Retailing	X	X	X	X	X	X	X	X	X	X	X
Marijuana Wholesaling	X	X	X	X	X	X	X	X	X	X	X
Multi-Use Developments, subject to Section <del>8441016</del>	C	X	X	X	X	C	X	C	X	C	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Nursing Homes</b> , <del>subject to Section 810</del>	C	C	C	P	P	P	P	P	P	P	P
<b>Offices</b> , including accounting services, administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: 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.	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Parking Structures</b>	X	X	X	X	X	A	A	A	X	A	A
<b>Pedestrian Amenities</b>	P	P	P	P	P	P	P	P	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<u>Places of Worship, subject to Section 804</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>CPUD</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>CPUD</u>	<u>C</u>	<u>C</u>
<b>Produce Stands</b> , subject to Section 815	A	A	A	X	X	X	X	X	X	X	X
<b>Public Utility Facilities</b> <sup>17</sup>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Radio and Television Studios</b> , excluding transmission towers	X	X	X	X	X	X	X	X	X	L <sup>2</sup> ,C <sup>3</sup>	X
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> <sup>18</sup>	C <sup>14</sup>	X	C <sup>14</sup>	X	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	X	X	X	X	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>21</sub>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22,23</sup>	CPUD <sup>22</sup> <sub>21</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22,21</sup>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>23</sub>
<b>Schools</b> , subject to Section 805	C	C	C	CPUD	CPUD	C	C	L <sup>5,23,24</sup> ,C <sup>6</sup> , 23,24, CPU D	CPUD	L <sup>2,23,24</sup> ,C <sup>3</sup> , 23,24, CPUD	L <sup>4,23,24</sup> , CPUD
<b>Services, Business</b> , including computer rental workstations; leasing, maintenance, repair, and sale of communications and office equipment; mailing; notary public; photocopying; and printing	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>3</sup> ,C <sup>4</sup>	L <sup>2</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Services, Commercial— Construction and Maintenance</b> , including contractors engaged in construction and maintenance of electrical and plumbing systems	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22,23</sup>	CPUD <sup>22</sup> <sub>23</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22,23</sup>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>23</sub>
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: appliances, bicycles, electronic equipment, guns, housewares, musical instruments, optical goods, signs, small power equipment, sporting goods, and tools	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	X	X	X	X	X	X	X	X	X	C <sup>3</sup>	X
<b>Services, Commercial— Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstery, and veterinary	X	X	X	X	X	X	X	L <sup>5</sup> ,C <sup>6</sup>	X	L <sup>2</sup> ,C <sup>3</sup>	L <sup>4</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22,23</sup>	CPUD <sup>22</sup> <sub>23</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22,23</sup>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>23</sub>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	CPUD <sup>22</sup> <sub>23</sub>	L <sup>5</sup> ,C <sup>6</sup> , CPUD <sup>22,23</sup>	CPUD <sup>22</sup> <sub>23</sub>	L <sup>2</sup> ,C <sup>3</sup> , CPUD <sup>22,23</sup>	L <sup>4</sup> , CPUD <sup>22</sup> <sub>23</sub>
<b>Signs</b> , subject to Section 1010	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>	A <sup>2425</sup>
<b>Telephone Exchanges</b>	C <sup>14</sup>	X	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	C <sup>14</sup>	X	C <sup>14</sup>	C <sup>14</sup>
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A	A	A	A	A	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Transit Park-and-Rides</b>	X	X	X	X	X	X	X	X	X	X	A



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	R-5 – R-30	VR-4/5 & VR-5/7	R-2.5	VTH	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>	P,C <sup>26</sup>
<b>Wireless Telecommunication Facilities</b> listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3), subject to Section 835	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P
<b>Wireless Telecommunication Facilities</b> listed in Subsection 835.06(A), subject to Section 835	€	€	€	€	€	€	€	€	€	€	€

- <sup>1</sup> An accessory kitchen is permitted only in an attached single-family dwelling, a detached single-family dwelling, or a manufactured home, to the extent that these dwelling types are permitted in the applicable zoning district. Only one accessory kitchen is permitted in each single-family dwelling or manufactured home.
- <sup>2</sup> The limited use is permitted subject to the following criteria:
  - a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - b. The building floor area occupied by all limited uses shall not exceed 15 percent of the building floor area occupied by primary uses.
  - c. No outdoor storage of materials associated with the use shall be allowed.
  - d. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
- <sup>3</sup> The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area.

- 4 The limited use is permitted subject to the following criteria:
  - a. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - b. No outdoor storage of materials or display of merchandise associated with the use shall be allowed.
- 5 The limited use is permitted subject to the following criteria:
  - a. The use shall be part of a development within a Design Plan area.
  - b. The use shall be allowed only in a development meeting the minimum residential density for the entire site area.
  - c. The building floor area occupied by all limited uses shall not exceed 10 percent of the building floor area occupied by primary uses. No single limited commercial use shall occupy more than 1,500 square feet of building floor area.
  - d. Allowing the use will not adversely impact the livability, value, and appropriate development of the site and abutting properties considering the location, size, design, and operating characteristics of the use.
  - e. No outdoor storage of materials associated with the use shall be allowed.
  - f. The use shall not be of a type or intensity which produces odor, smoke, fumes, noise, glare, heat, or vibration which are detectable outside of the premises and are incompatible with primary uses.
- 6 The use shall be developed in conjunction with a primary use on the same site, which is developed at the maximum allowed density for the site area. The building floor area occupied by all limited uses, and by all conditional uses that are subject to Note 6, shall not exceed 10 percent of the building floor area occupied by primary uses.
- 7 Except as limited by Note 1(b) to Table 315-2 or as allowed by Subsection 315.05(A) or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: attached single-family dwelling—if permitted by Note 8, 9, or 10—detached single-family dwelling, or manufactured home. The development of two- and three-family dwellings is subject to Subsection 1012.07, and, if a lot of record is also to be developed with a single-family dwelling or manufactured home, the entire development is subject to Section 1012, *Lot Size and Density*.
- 8 Attached single-family dwellings are permitted on 100 percent of the lots in a planned unit development and 20 percent of the lots in a subdivision that is not a planned unit development.

- <sup>9</sup> As a primary use, only two attached single-family dwellings may be attached in succession except in the VR-4/5 District when transferring density from a Resource Protection Area—as shown on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*—in which case this limit does not apply.
- <sup>10</sup> Attached single-family dwellings that do not comply with Note 9 are a conditional use.
- <sup>11</sup> For an attached single-family dwelling, the minimum lot size is 3,630 square feet in the MR-1 District and 2,420 square feet in the MR-2 District unless, as part of an application filed pursuant to Section 1105, *Subdivisions, Partitions, Replats, Condominium Plats, and Vacations of Recorded Plats*, new lots or parcels are proposed for attached single-family dwellings. In that case, there is no minimum lot size provided that the density of the entire development complies with the maximum density standards of Subsection 1012.05.
- <sup>12</sup> Multifamily dwellings are limited to those containing four dwelling units.
- <sup>13</sup> Only indoor facilities are permitted.
- <sup>14</sup> Uses similar to this use may be authorized pursuant to Section 106.
- <sup>15</sup> A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 315-1.
- <sup>16</sup> Hotels in the SHD District are limited to a maximum of 80 units per gross acre.
- <sup>17</sup> Public utility facilities shall not include shops, garages, or general administrative offices.
- <sup>18</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- <sup>19</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- <sup>20</sup> Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.
- <sup>21</sup> Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.

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

<sup>2223</sup> The use is subject to the following standards and criteria:

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

<sup>2324</sup> Only commercial schools are permitted, and such schools are not subject to Section 805, *Schools*.

<sup>2425</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

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

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

Standard	R-2.5	R-5	R-7	R-8.5	R-10	R-15	R-20	R-30
District Land Area for Calculating Density Pursuant to Section 1012/Minimum Lot Size <sup>1,2</sup>	2,500/2,000 square feet	5,000 <sup>3</sup> /4,000 square feet	7,000 <sup>3</sup> /5,600 square feet	8,500 <sup>3</sup> /6,800 square feet	10,000 <sup>3</sup> /8,000 square feet	15,000 <sup>3</sup> /12,000 square feet	20,000 <sup>3</sup> /16,000 square feet	30,000 <sup>3</sup> /24,000 square feet
Maximum Lot Coverage	50 percent <sup>4</sup>		40 percent <sup>4,5</sup>					
Maximum Building Height	Accessory building larger than 500 square feet and accessory to a primary dwelling: 20 feet or the height of the primary dwelling, whichever is greater All other buildings: 35 feet							
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>6</sup>							
Minimum Rear Setback	20 feet <sup>6,7,8,9</sup>							
Minimum Side Setback	5 feet <sup>6,7,8,9</sup>							
Maximum Building Floor Space for an Accessory Building Larger than 500 Square Feet and Accessory to a Primary Dwelling	Equal to the ground floor area of the primary dwelling and the ground floor area of any non-residential space that shares a common wall with the primary dwelling (e.g., an attached garage)							

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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

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

- a. Minimum lot size standards of Section 800 apply; and
- b. Except in an R-2.5 District, a lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development or pursuant to Subsection 1012.02(A), (B), (D), (E), or (F).

<sup>2</sup> In a planned unit development, there is no minimum lot size. However, the district land area standard applies pursuant to Section 1012.

<sup>3</sup> For two- and three-family dwellings, the minimum lot area standard of Table 1012-2, *Minimum Lot Area per Dwelling Unit*, applies in lieu of the district land area standard.

- 4 Maximum lot coverage in a planned unit development is 65 percent.
- 5 Outside a planned unit development, maximum lot coverage is 50 percent for a lot of record that is:
  - a. 6,000 square feet or less in area, was created prior to the application of an Urban Low Density Residential District to the subject lot of record, and is developed with a detached single-family dwelling; or
  - b. Developed with an attached single-family dwelling.
- 6 For a swimming pool that is accessory to a dwelling, the minimum front setback is 10 feet, and the minimum side and rear setbacks are three feet.
- 7 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. In a zero-lot-line development, approved pursuant to Subsection 1105.03(B), there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat. Where either of these standards applies, it supersedes any other rear or side setback standard in Table 315-2.
- 8 The following exceptions apply to a lot of record that is 6,000 square feet or less in area and was created prior to the application of an Urban Low Density Residential District to the subject lot of record:
  - a. The minimum rear setback for a detached single-family dwelling is 10 feet.
  - b. The minimum side setback for a detached single-family dwelling is a total of five feet (e.g., five feet from one side lot line and zero from the other, three feet from one side lot line and two feet from the other) except that if the subject lot of record has more than two side lot lines, the minimum side setback from each of the additional side lot lines is five feet.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <sup>9</sup> If an accessory building is located behind the building line of the main building, the applicable minimum rear and side setback standards for that accessory building are based on the accessory building area and accessory building height, as follows:

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

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



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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Standards for Primary Dwellings			
Standard	VR-5/7	VR-4/5	VTH
Maximum Building Height	35 feet <sup>8</sup>		
Minimum Front Setback	10 feet for a dwelling with a recessed garage; 19½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>8,9,10,11,12</sup>	10 feet <sup>7,11,12</sup>	10 feet <sup>13,14,15</sup>
Maximum Front Setback	18 feet for a dwelling with a recessed garage; 20½ feet to the garage door/carport motor vehicle entry for a dwelling with a non-recessed garage/carport <sup>8,9,10,11,16,17,18</sup>	18 feet <sup>7,11,16,17,18</sup>	18 feet <sup>13</sup>
Minimum Rear Setback	15 feet <sup>7,8,11,19</sup>		15 feet <sup>19</sup>
Minimum Side Setback	0 on one side; 5 feet on all other sides <sup>7,8,11,19</sup>		5 feet <sup>19,20</sup>
Building Design Standards <sup>7,8</sup>	<ul style="list-style-type: none"> <li>• Front facades shall be designed with balconies and/or bays. Facades facing a street shall not consist of a blank wall.</li> <li>• Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.</li> <li>• Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.</li> <li>• If the lot on which the dwelling is located has street frontage on a local or connector street, or a private street that meets local or connector street design standards, then the primary entry to the dwelling shall be accessed directly from and be visible from one of those streets.</li> <li>• A minimum of 50 percent of the dwellings in a subdivision shall have a porch or patio. The porch or patio shall be covered, placed immediately adjacent to the primary entry to the dwelling, have a minimum unobstructed depth of six feet, and have a minimum unobstructed width of 10 feet.</li> </ul>		See Subsections 1005.04(F) and 1005.12(A).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<b>Standards for Buildings Accessory to a Dwelling</b>			
<b>Standard</b>	<b>VR-5/7</b>	<b>VR-4/5</b>	<b>VTH</b>
Maximum Number of Accessory Buildings per Lot of Record	Two		
Minimum Separation Distance Between an Accessory Building and any other Building on the Same Lot of Record	3 feet		
Maximum Building Height	25 feet or the building height of the primary dwelling, whichever is less <sup>21</sup>		
Maximum Building Area	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 600 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	Only one accessory building may exceed 100 square feet, and it shall have a maximum ground floor area of 500 square feet, or the square footage of the ground floor of the primary dwelling, whichever is less.	
Minimum Front Setback	Greater than or equal to the front setback of the facade of the primary dwelling (not including porches, patios, bays, garages, and architectural features) <sup>8,22</sup>		
Exterior Building Materials	Buildings greater than 100 square feet in area shall be constructed with similar exterior building materials to those of the primary dwelling. <sup>8</sup>		

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

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

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

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

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

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

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

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

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

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

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
District Land Area for Calculating Density Pursuant to Section 1012	3,630 square feet	3,630 square feet	2,420 square feet	1,742 square feet	1,500 square feet	726 square feet	Not Applicable
Minimum Density	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012	See Section 1012
Minimum Lot Size	None	None <sup>1</sup>	None <sup>2</sup>	None	None	None	None
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>3,4</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>4</sup>	15 feet <sup>5</sup>	10 feet <sup>6,7</sup>	15 feet	5 feet <sup>8</sup>
Maximum Front Setback	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	See Subsections 1005.03(E) and (H).	18 feet <sup>6</sup>	See Subsections 1005.03(E) and (H).	20 feet <sup>8,9</sup>
Minimum Rear Setback	30 feet <sup>10</sup>	20 feet <sup>5,10,11,12</sup>	20 feet <sup>5,10</sup>	See Subsection <del>1005.03(L)+018.10</del> <sup>5</sup>	None <sup>6,7</sup>	See Subsection <del>1005.03(L)+018.10</del> <sup>8</sup>	See Subsection <del>1005.03(L)+018.10</del> <sup>3</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Standard	PMD	MR-1	MR-2	HDR	VA	SHD	RCHDR
Minimum Side Setback	30 feet <sup>10</sup>	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. <sup>5,10,11,12,14,15</sup>	One story: five feet; two stories: seven feet; three stories: 15 feet. For each story higher than three, an additional five feet of yard depth shall be required. <sup>5,10,14,15</sup>	See Subsection <u>1005.03(L)+018.10</u> <sup>5</sup>	None	See Subsection <u>1005.03(L)+018.10</u>	See Subsection <u>1005.03(L)+018.10</u> <sup>6</sup>
Maximum Building Height	None	None	None	None	45 feet	None	None
Minimum Building Separation	10 feet	None	None	See Subsection <u>1005.03(L)+018.10</u>	20 feet between multifamily dwellings	See Subsection <u>1005.03(L)+018.10</u>	See Subsection <u>1005.03(L)+018.10</u>

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

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

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

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

- <sup>5</sup> The minimum setback standards of Table 315-2, *Dimensional and Building Design Standards in the Urban Low Density Residential Districts*, apply to detached single-family dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.
- <sup>6</sup> If the front or rear lot line abuts Sunnyside Road, the minimum setback shall be 65 feet from the centerline of Sunnyside Road, and the maximum setback shall be 75 feet from the centerline of Sunnyside Road.
- <sup>7</sup> Awnings, porches, and bays may extend a maximum of six feet into the minimum setback.
- <sup>8</sup> For dwellings and structures accessory to dwellings, the minimum front setback shall be 15 feet, and there shall be no maximum setback. However, Note 8 does not apply to mixed-use buildings that include dwellings or to structures accessory to such mixed-use buildings.
- <sup>9</sup> The maximum setback may be exceeded to accommodate plazas identified on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*.
- <sup>10</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 315-4.
- <sup>11</sup> For a swimming pool that is accessory to a dwelling, the minimum side and rear setbacks are five feet, unless the side or rear lot line abuts an Urban Low Density Residential, VR-4/5, or VR-5/7 District, in which case the minimum setback shall be 15 feet from the abutting lot line.



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

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

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

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

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

---

316.01 PURPOSE

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

316.02 APPLICABILITY

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

316.03 USES PERMITTED

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

316.04 DIMENSIONAL STANDARDS

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

B. Modifications: Modifications to the standards in Table 316-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

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

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Accessory Buildings and Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family <del>child care homes</del> <del>daycare providers</del> , fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property management and maintenance offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A	A	A	A
<b>Accessory Dwelling Units</b> , subject to Section 839	A <sup>1</sup>	A <sup>1</sup>	X	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>
<b>Accessory Historic Dwellings</b> , subject to Section 843	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	A <sup>2</sup>	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Accessory Kitchens</b>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>
<b>Aircraft Land Uses</b>	X	X	X	C	C	C
<b>Aircraft Landing Areas</b>	X	C	C <sup>4</sup>	X	X	X
<b>Bed and Breakfast Inns, subject to Section 832</b>	C	C	C	C	C	X
<b>Bed and Breakfast Residences, subject to Section 832</b>	C	C	C	C	C	C
<b>Bus Shelters, <del>subject to Section 823</del></b>	P	P	P	P	P	P
<b>Campgrounds</b>	C	C	C	C	C	C
<b>Cemeteries, subject to Section 808</b>	C	C	X	C	C	C
<b><u>Child Care Facilities</u></b>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u> <sup>5</sup>
<b><del>Churches, subject to Section 804</del></b>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del> <sup>5</sup>
<b>Commercial or Processing Activities that are in Conjunction with Farm or Forest Uses<sup>6</sup></b>	X	X	X	C	C	X
<b>Community Halls</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>7</sup>
<b>Composting Facilities, subject to Section 834</b>	X	X	X	C	C	X
<b>Conservation Areas or Structures for the Conservation of Water, Soil, Forest, or Wildlife Habitat Resources</b>	P	P	P	P	P	P
<b>Crematories, subject to Section 808</b>	C	C	X	X	X	X
<b><del>Daycare Facilities, subject to Section 807</del></b>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del> <sup>8</sup>
<b>Daycare Services, Adult</b>	C	C	C	C	C	C <sup>98</sup>
<b>Dwellings, Detached Single-Family</b>	P <sup>109</sup>	P <sup>109</sup>	P <sup>109</sup>	P <sup>109</sup>	P <sup>109</sup>	P <sup>109</sup>
<b>Dwellings, Two-Family</b>	C <sup>109</sup>	X	X	X	X	X
<b>Energy Source Development</b>	X	X	C	X	X	X
<b>Farmers' Markets, subject to Section 840</b>	A	A	A	A	A	A
<b>Farm Uses, including<sup>6</sup>:</b>						
Raising, harvesting, and selling crops	P	P	P <sup>110</sup>	P	P	P
Feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees	X <sup>111</sup>	P	X <sup>111</sup>	P	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Dairying and the sale of dairy products	X <sup>1311</sup>	P	X <sup>1311</sup>	P	P	P
Any other agricultural or horticultural use or animal husbandry or any combination thereof	X <sup>1311</sup>	P	X <sup>1311</sup>	P	P	P
Preparation, storage, and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use	P	P	P <sup>1410</sup>	P	P	P
Propagation, cultivation, maintenance, and harvesting of aquatic, bird, and animal species that are under the jurisdiction of the Oregon Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission	X <sup>1311</sup>	P	X <sup>1311</sup>	P	P	P
Growing cultured Christmas trees	P	P	P <sup>1410</sup>	P	P	P
<b>Fish or Wildlife Management Programs</b>	X	X	X	P	P	P
<b>Forest Practices</b> , including the following operations conducted on or pertaining to forestland: reforestation of forestland, road construction and maintenance, harvesting of forest tree species, application of chemicals, disposal of slash, and removal of woody biomass	P <sup>1312</sup>	P <sup>1312</sup>	P	P <sup>1312</sup>	P <sup>1312</sup>	P <sup>1312</sup>
<b>Fraternal Organization Lodges</b>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>
<b>Government Uses</b> , unless such a use is specifically listed as a primary, accessory, conditional, or prohibited use in the applicable zoning district	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>
<b>Guest Houses and Studios</b> , subject to Section 833	A	A	A	A	A	A
<b>Guest Ranches and Lodges</b>	X	X	C	X	X	X
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>1514</sup>	A	A	A	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Home Occupations to Host Events</b> , subject to Section 806	C	C	C	C	C	C
<b>Hydroelectric Facilities</b> , <del>subject to Section 829</del>	C	C	C	C	C	C
<b>Kennels</b>	C <sup>+615</sup>	C <sup>+615</sup>	X	C <sup>+615</sup>	C <sup>+615</sup>	X
<b>Libraries</b>	CPUD	CPUD	CPUD	CPUD	CPUD	X <sup>7</sup>
<b>Livestock</b> , subject to Section 821	P	X <sup>+211</sup>	A	X <sup>+211</sup>	X <sup>+211</sup>	X <sup>+211</sup>
<b>Manufactured Dwellings</b> , subject to Section 824	P <sup>+09</sup>	P <sup>+09</sup>	P <sup>+09</sup>	P <sup>+09</sup>	P <sup>+09</sup>	P <sup>+09</sup>
<b>Marijuana Processing</b>	X	X	X	X	X	X
<b>Marijuana Production</b> , subject to Section 841	X	X	X	A	A	X
<b>Marijuana Retailing</b>	X	X	X	X	X	X
<b>Marijuana Wholesaling</b>	X	X	X	X	X	X
<b>Operations Conducted for the Exploration, Mining, or Processing of Geothermal Resources or Other Subsurface Resources</b>	X	X	X	C	C	X
<b>Places of Worship</b> , subject to Section 804	C	C	C	C	C	C <sup>16</sup>
<b>Produce Stands</b>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17,18</sup>
<b>Public Utility Facilities</b>	C <sup>+413,19</sup>	C <sup>+413,19</sup>	C <sup>+413,19</sup>	C <sup>+413,19</sup>	C <sup>+413,19</sup>	C <sup>+413,19</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>+413,20</sup>	C <sup>+413,20</sup>	C <sup>+413,20</sup>	C <sup>+413,20</sup>	C <sup>+413,20</sup>	C <sup>+413,20</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>21</sup>	C <sup>+413</sup>	C <sup>+413,22</sup>	C <sup>+413</sup>	C <sup>+413,22</sup>	C <sup>+413,22</sup>	C <sup>+413,22</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>21</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P	P	P
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>21</sup>	P <sup>23</sup>	P <sup>23</sup>	P <sup>23</sup>	P	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>413</sup>	C <sup>413</sup>	C	C <sup>413</sup>	C <sup>413</sup>	X
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	<u>A<sup>24</sup></u>	<u>A<sup>24</sup></u>	<u>A<sup>24</sup></u>	<u>A<sup>24</sup></u>	<u>A<sup>24</sup></u>	<u>A<sup>24</sup></u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	CPUD <sup>24</sup> <sub>25</sub>	X	X	X	X	X
<b>Sanitary Landfills and Debris Fills</b> , subject to Section 819	X	X	X	C	C	X
<b>Schools</b> , subject to Section 805	C <sup>2526</sup>	C <sup>2526</sup>	C	C <sup>2526</sup>	C <sup>2526</sup>	C <sup>2627</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	CPUD <sup>24</sup> <sub>25</sub>	X	X	X	X	X
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	CPUD <sup>24</sup> <sub>25</sub>	X	X	X	X	X
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	CPUD <sup>24</sup> <sub>25</sub>	X	X	X	X	X
<b>Signs</b> , subject to Section 1010	A <sup>2728</sup>	A <sup>2728</sup>	A <sup>2728</sup>	A <sup>2728</sup>	A <sup>2728</sup>	A <sup>2728</sup>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
<b>Surface Mining</b> , subject to Section 818	X	X	X	C	C	X
<b>Telephone Exchanges</b>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>	C <sup>1413</sup>
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A	A	A	A	A
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A	A	A	A
<b>Transfer Stations</b> , subject to Section 819	X	X	C	X	X	C
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>29</sup>	P,C <sup>29</sup>	P,C <sup>29</sup>	P,C <sup>29</sup>	P,C <sup>29</sup>	P,C <sup>29</sup>
<b>Wireless Telecommunication Facilities</b> listed in Subsections 835.04 and 835.05(A)(2) and (3), subject to Section 835	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P	See Table 835-1P
<b>Wireless Telecommunication Facilities</b> listed in Subsection 835.06(A), subject to Section 835	€	€	€	€	€	€

- <sup>1</sup> This use is permitted only inside of an urban growth boundary.
- <sup>2</sup> This use is permitted only outside of both an urban growth boundary and an urban reserve.
- <sup>3</sup> An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- <sup>4</sup> Aircraft landing areas are permitted for use by emergency aircraft (e.g., fire, rescue) only.
- <sup>5</sup> This use is limited to alteration or expansion of a lawfully established child care facility.
- ~~<sup>5</sup> This use is limited to alteration or expansion of a lawfully established church.~~

- <sup>6</sup> As used in Table 316-1, farm uses do not include marijuana production, marijuana processing, marijuana wholesaling, or marijuana retailing. See separate listings in Table 316-1 for these uses.
- <sup>7</sup> Even though it is prohibited in this category, this use is included in the “government use” category.
- ~~<sup>8</sup> This use is limited to alteration or expansion of a lawfully established daycare facility.~~
- <sup>8<sup>9</sup></sup> This use is limited to alteration or expansion of a lawfully established adult daycare service.
- <sup>9<sup>10</sup></sup> Except as limited by Note 1(b) to Table 316-2 or as allowed by Section 1204, *Temporary Permits* or Section 839, *Accessory Dwelling Units*, each lot of record may be developed with only one of the following: detached single-family dwelling, two-family dwelling (only if approved as a conditional use in the RA-1 District), or manufactured dwelling.
- <sup>10<sup>11</sup></sup> This use is permitted only on lots larger than five acres.
- <sup>11<sup>12</sup></sup> In the RA-2, RRFF-5, FF-10, and FU-10 Districts, livestock is permitted as described under the use category of farm uses. In the RA-1 and RR Districts, livestock is permitted as described under the use category of livestock.
- <sup>12<sup>13</sup></sup> For land inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.
- <sup>13<sup>14</sup></sup> Uses similar to this may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.
- <sup>14<sup>15</sup></sup> A use may be permitted as a home occupation, subject to Section 822, even if such use is also identified in another use listing in Table 316-1.
- <sup>15<sup>16</sup></sup> The portion of the premises used shall be located a minimum of 200 feet from all property lines.
- ~~<sup>16</sup> This use is limited to alteration or expansion of a lawfully established place of worship.~~
- <sup>17</sup> A produce stand shall be subject to the parking requirements of Section 1015, *Parking and Loading*.
- <sup>18</sup> In addition to selling produce grown on-site, a produce stand may sell agricultural products that are produced in the surrounding community in which the stand is located.
- <sup>19</sup> Public utility facilities shall not include shops, garages, or general administrative offices.
- <sup>20</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- <sup>21</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.

- 22 Equine facilities are a primary use, subject to the following standards and criteria:
- a. The number of horses shall be limited to no more than one horse per acre or five horses in total, whichever is less. Horses owned by the operator of the equine facility, or owned by a 501(c)(3) organization and being temporarily fostered by the operator of the equine facility, do not count toward the maximum number of horses. The one-horse-per-acre standard shall be calculated based on the area of the lot of record or tract on which the equine facility is located.
  - b. Services offered at the equine facility, such as riding lessons, training clinics, and schooling shows, shall be provided only to the family members and nonpaying guests of the operator of the equine facility, the owners of boarded horses, or the family members and nonpaying guests of the owners of boarded horses.
- 23 Any principal building or swimming pool shall be located a minimum of 45 feet from any other lot in a residential zoning district.

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

25 The use is subject to the following standards and criteria:

- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
- b. The area occupied by all uses subject to Note 23 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
- c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
- d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
- e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.
- f. The maximum building floor space per commercial use is 4,000 square feet except that no maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

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

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

<sup>28,27</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>29</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Standard	RA-1	RA-2	RR	RRFF-5	FF-10	FU-10
Minimum Building Separation above 3,500 Feet in Elevation	None	None	20 feet between buildings with contiguous snow slide areas	None	None	None

- 1 The minimum lot size standards apply as established by Sections 1012 and 1107. Notwithstanding the minimum lot size standard, a lot of record may be developed subject to other applicable standards of this Ordinance, except:
  - a. Minimum lot size standards of Section 800 apply; and
  - b. A lot of record smaller than 3,000 square feet may not be developed with a dwelling unless the lot of record was created as part of a planned unit development in the RA-1 District or pursuant to Subsection 1012.02(B), (D), or (F).
- 2 In a planned unit development, there is no minimum individual lot size. However, the minimum average lot size is one acre except for lots to be developed with a two-family dwelling, in which case the minimum average lot size is two acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.
- 3 The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to subdivisions, partitions, and Type II replats, but not to Type I replats or property line adjustments. Where this standard applies, it supersedes any other minimum lot size standard in Table 316-2.
- 4 For the purpose of complying with the minimum lot size standard, lots with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- 5 The minimum lot size inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy is five acres.
- 6 The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed partition, subdivision, or replat.
- 7 In a planned unit development, the minimum individual lot size is two acres, except inside the urban growth boundaries of the cities of Canby, Estacada, Molalla, and Sandy, where the minimum individual lot size is five acres. In all cases, the minimum average lot size is 10

acres. The average lot size is calculated by determining the lot area of the land proposed for subdivision, partition, or replat and dividing by the number of lots or parcels in the proposed planned unit development.

- 8 In a planned unit development, the minimum front setback is 20 feet.
- 9 For a corner lot located above 3,500 feet in elevation, one of the minimum front setbacks is 10 feet, except 20 feet to garage and carport motor vehicle entries.
- 10 In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat. Where this standard applies, it supersedes any other rear or side setback standard in Table 316-2.
- 11 The minimum rear setback for an accessory building shall be five feet except as established by Note 10.
- 12 The minimum rear setback for an accessory building shall be 10 feet except as established by Note 10.
- 13 The minimum side setback for an accessory building shall be five feet except as established by Note 10.

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18]



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

---

317.01 PURPOSE

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

317.02 APPLICABILITY

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

317.03 USES PERMITTED

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

317.04 DIMENSIONAL AND BUILDING DESIGN STANDARDS

- A. General: Dimensional and building design standards applicable in the MRR and HR Districts are listed in Table 317-2, *Dimensional and Building Design Standards in the MRR and HR Districts*. As used in Table 317-2, numbers in superscript correspond to the notes that follow the table.



- B. Modifications: Modifications to the standards in Table 317-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

317.05 DEVELOPMENT STANDARD

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 single-family dwellings, condominium platting supersedes the requirement that each dwelling unit be on a separate lot of record; however, attached single-family dwellings must be attached at a wall (as they would be if a lot line separated the dwellings) rather than ceiling to floor.

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

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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	MRR	HR
<b>Guest Ranches and Lodges</b>	X	C
<b>Helistops, Personal-Use</b>	C	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822 <sup>6</sup>	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Hydroelectric Facilities</b> , <del>subject to Section 829</del>	C	C
<b>Libraries</b>	L <sup>2</sup> , CPUD	CPUD
<b>Livestock</b> , subject to Section 821	A	A
<b>Manufactured Homes</b> , subject to Section 824	P <sup>3</sup>	P <sup>3</sup>
<b>Manufactured Dwelling Home Parks</b> , subject to Sections <u>824 and 825</u>	C	X
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b>	X	X
<b>Marijuana Wholesaling</b>	X	X
<b>Mobile Vending Units</b> , subject to Section 837	L <sup>2,9</sup>	X
<b>Motels</b> <sup>7</sup>	P <sup>8</sup>	X
<b>Multi-Use Developments</b> , subject to Section <u>8441016</u>	C	C
<b>Nursing Homes</b> , <del>subject to Section 810</del>	P	C
<b>Parking Structures</b>	A	X
<b>Places of Worship</b> , <u>subject to Section 804</u>	C	C
<b>Produce Stands</b> , subject to Section 815	A	A
<b>Public Utility Facilities</b>	C <sup>5</sup>	C <sup>5,10</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>5,11</sup>	C <sup>5,11</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>12</sup>	C <sup>5</sup>	C <sup>5</sup>
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>12</sup>	P <sup>13</sup>	P <sup>14</sup>
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>12</sup>	P <sup>13</sup>	P <sup>14</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	MRR	HR
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C <sup>5</sup>	C <sup>5</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>15</sup>	A <sup>15</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, flowers, food, furniture, garden supplies, hardware, interior decorating materials, jewelry, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos.	L <sup>2</sup> , CPUD <sup>1516</sup>	CPUD <sup>1516</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>2</sup> , CPUD <sup>1516</sup>	CPUD <sup>1516</sup>
<b>Services, Commercial—Maintenance and Repair</b> , of any of the following: bicycles and sporting goods	L <sup>2</sup> , CPUD <sup>1516</sup>	CPUD <sup>1516</sup>
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L <sup>2</sup> , CPUD <sup>1516</sup>	CPUD <sup>1516</sup>
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	L <sup>2</sup> , CPUD <sup>1516</sup>	CPUD <sup>1516</sup>
<b>Schools</b> , subject to Section 805	C	C
<b>Signs</b> , subject to Section 1010	A <sup>1617</sup>	A <sup>1617</sup>
<b>Surface Mining</b> , subject to Section 818	X	X
<b>Telephone Exchanges</b>	C <sup>5</sup>	C <sup>5</sup>
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
<b>Transit Park-and-Rides</b>	P	P
<b>Transfer Stations</b> , subject to Section 819	C	C
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>18</sup>	P,C <sup>18</sup>
<b>Wireless Telecommunication Facilities</b> <del>listed in Subsections 835.04(B) and (C) and 835.05(A)(2) and (3)</del> , subject to Section 835	<u>See Table 835-1P</u>	<u>See Table 835-1P</u>
<del><b>Wireless Telecommunication Facilities</b> listed in Subsection 835.06(A), subject to Section 835</del>	<u>C</u>	<u>C</u>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 1 An accessory kitchen is permitted only in a detached single-family dwelling or a manufactured dwelling. Only one accessory kitchen is permitted in each single-family dwelling or manufactured dwelling.
- 2 The limited use is permitted subject to the following criteria:
  - a. The use shall be incidental to a primary use.
  - b. The use shall be provided for as an integral part of the general plan of the development.
  - c. The use shall not, by reason of its location, construction, manner or timing of operations, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the MRR District or create traffic congestion or hazards to vehicular or pedestrian traffic.
- 3 Except as allowed by Subsection 317.05 or Section 1204, *Temporary Permits*, each lot of record may be developed with only one of the following: attached single-family dwelling, detached single-family dwelling, or manufactured home.
- 4 Attached single-family dwellings are permitted on a maximum of 100 percent of the lots in a planned unit development and a maximum of 20 percent of the lots in a subdivision that is not a planned unit development.
- 5 Uses similar to this may be authorized pursuant to Section 106.
- 6 A use may be permitted as a home occupation, subject to Section 822, *Home Occupations*, even if such use is also identified in another use listing in Table 317-1.
- 7 Also permitted are associated convention facilities.
- 8 A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- 9 Only level three and four mobile vending units are permitted.
- 10 Public utility facilities shall not include shops, garages, or general administrative offices.
- 11 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 12 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 13 Any principal building or swimming pool shall be located a minimum of 30 feet from any other lot in a residential zoning district.
- 14 Any principal building, swimming pool, or use shall be located a minimum of 45 feet from any other lot in a residential zoning district.

<sup>15</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.

<sup>16</sup> The use is subject to the following standards and criteria:

- a. The use shall be located in a planned unit development (PUD) with a minimum of 100 dwelling units. No building permit for the use shall be issued until a minimum of 100 dwelling units are constructed within the PUD.
- b. The area occupied by all uses subject to Note 15 and located in a single PUD, including their parking, loading, and maneuvering areas, shall not exceed a ratio of one-half acre per 100 dwelling units in the PUD.
- c. The use shall be an integral part of the general plan of development for the PUD and provide facilities related to the needs of residents of the PUD.
- d. The use shall be located, designed, and operated to efficiently serve frequent trade and service needs of residents of the PUD and not persons residing elsewhere.
- e. The use shall not, by reason of its location, construction, manner or hours of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the PUD.

<sup>17</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>18</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

Standard	MRR	HR
District Land Area for Calculating Density Pursuant to Section 1012	See Table 317-3	10,890 square feet
Minimum Front Setback	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>1</sup>	15 feet, except 20 feet to garage and carport motor vehicle entries <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5,6</sup>	15 feet <sup>3,4</sup>
Minimum Side Setback	10 feet <sup>3,4,5,6</sup>	5 feet <sup>3,4</sup>
Maximum Lot Coverage	None	40 percent <sup>7</sup>
Maximum Building Height	40 feet <sup>8,9</sup>	40 feet <sup>8</sup>
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	4,000 square feet, except 8,000 square feet in Government Camp <sup>10</sup>	4,000 square feet, except 8,000 square feet in Government Camp <sup>10</sup>
Building Design Standards for Single-Family Dwellings and Manufactured Homes <sup>11</sup>	A minimum of three of the following features are required: a covered porch at least two feet deep; an entry area recessed at least two feet from the exterior wall to the door; a bay or bow window (not flush with the siding); an offset on the building face of at least 16 inches from one exterior wall surface to the other; a dormer; a gable; roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls; a roofline offset of at least 16 inches from the top surface of one roof to the top surface of the other; an attached garage; orientation of the long axis and front door to a street; a cupola; a tile, shake, or composition roof; and horizontal lap siding. The required features must be on the same façade as the front door unless the feature is unrelated to a façade (e.g., roofing material).	

<sup>1</sup> In Government Camp, the minimum front setback is 10 feet, except 20 feet to garage and carport motor vehicle entries.

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

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

- 6 The minimum rear and side setback standards applicable in the HR District apply to detached single-family dwellings and manufactured homes, as well as to structures that are accessory to such detached single-family dwellings and manufactured homes. The minimum side setback standard applicable in the HR District applies to attached single-family dwellings, as well as to structures that are accessory to such attached single-family dwellings.
- 7 Maximum lot coverage is 50 percent for a lot of record that is developed with an attached single-family dwelling.
- 8 The maximum building height may be increased to 50 feet to accommodate understructure parking.
- 9 For a hotel in Government Camp, the maximum building height shall be 70 feet and may be increased to 87.5 feet to accommodate understructure parking or to preserve natural features or views.
- 10 No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.



- <sup>11</sup> These building design standards do not apply to temporary dwellings approved pursuant to Section 1204, *Temporary Permits*.

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

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

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18]

**401 EXCLUSIVE FARM USE DISTRICT (EFU)**

---

401.01 PURPOSE

Section 401 is adopted to implement the policies of the Comprehensive Plan for Agriculture areas.

401.02 APPLICABILITY

Section 401 applies to land in the Exclusive Farm Use (EFU) District.

401.03 DEFINITIONS

Unless specifically defined in Subsection 401.03 or in Section 202, *Definitions*, words or phrases used in Section 401 shall be interpreted to give them the same meaning as they have in common usage and to give Section 401 its most reasonable application.

- A. Accessory Farm Dwelling: Includes all types of residential dwellings allowed by the applicable state building code and the number of dwelling units is determined by a land use decision.
- B. Agricultural Land: As defined in Oregon Administrative Rules (OAR) 660-33-0020.
- C. Commercial Farm: A farm unit with all of the following characteristics:
  - 1. The land is used for the primary purpose of obtaining a profit in money from farm use;
  - 2. The net income derived from farm products is significant; and
  - 3. Products from the farm unit contribute substantially to the agricultural economy, to agricultural processors, and to farm markets.
- D. Date of Creation and Existence: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- E. Dwelling: Unless otherwise provided in Section 401, a dwelling is a detached single-family dwelling or a manufactured dwelling.
- F. Farm Operator: A person who resides on and actively manages a "farm unit".

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- G. Farm Stand: A structure located on a part of the farm operation owned by the farm operator that is designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of the incidental items and fees from promotional activity do not make up more than 25 percent of the total sales of the farm stand; and the farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings, or public entertainment.
- H. Farm Unit: The contiguous and noncontiguous tracts within the County or a contiguous county held in common ownership and used by the farm operator for farm use.
- I. Farm Use: As defined in Oregon Revised Statutes (ORS) 215.203.
- J. Fcc-based Activity to Promote the Sale of Farm Crops or Livestock: A common farm-dependent accessory activity directly related to the sale of farm crops or livestock sold at the farm stand, such as, but not limited to, hay rides, corn mazes, and educational how-to-farm workshops, but not including activities with no direct relationship to the farm crops or livestock sold at the farm stand, such as, but not limited to, quilting classes, dance lessons, jewelry making, or crafts that are only intended to bring customers to the farm stand.
- K. Golf Course: As defined in OAR 660-033-0130(20).
- L. High Value Farmland: As defined in ORS 215.710 and OAR 660-033-0020(8).
- M. Irrigated: Agricultural land watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. An area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.
- N. Low Value Farmland: All land not defined as High Value Farmland in ORS 215.710 and OAR 660-033-0020(8).
- O. Noncommercial Farm: A parcel where all or part of the land is used for production of farm products for use or consumption by the owners or residents of the property, or which provides insignificant income.

- P. Owner: For purposes of a Lot of Record Dwelling, owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.
- Q. Ownership: Holding fee title to a lot of record, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. Ownership shall include all contiguous lots of record meeting this definition.
- R. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, and hiking or nature oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
- S. Relative: For purposes of a Temporary Dwelling for Care, relative means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin.
- T. Tract: One or more contiguous lots of record under the same ownership, including lots of record divided by a county or public road, or contiguous at a common point. Lots of record divided by a state highway are not considered contiguous.

401.04 USES PERMITTED

Uses permitted in the EFU District are listed in Table 401-1, *Permitted Uses in the EFU District*.

A. As used in Table 401-1:

1. "A" means the use is allowed.
2. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.
3. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
4. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.
5. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

6. The “Subject To” column identifies any specific provisions of Subsection 401.05 to which the use is subject.
  7. “N” means not applicable.
  8. “\*NA1” means the use is not allowed except as set forth in Subsection 401.05(J)(1).
  9. “\*NA2” means the use is not allowed except as set forth in Subsection 401.05(J)(1) or 401.05(J)(2) and (3).
  10. “HV” means High Value Farmland.
  11. “LV” means Low Value Farmland.
  12. Numbers in superscript correspond to the notes that follow Table 401-1.
- B. Permitted uses are subject to the applicable provisions of Subsection 401.07, *Dimensional Standards*; Subsection 401.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

**Table 401-1: Permitted Uses in the EFU District**

	HV	LV	Use	Subject To
<b><u>FARM AND FOREST USES</u></b>	A	A	Propagation or harvesting of a forest product.	
	A	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	A	Other buildings customarily provided in conjunction with farm use.	
	TYPE II	TYPE II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141. Marijuana processing is subject to Section 841. <sup>1</sup>	401.05(B)(1)
	C	C	A facility for the primary processing of forest products.	401.05(B)(2)
<b><u>NATURAL RESOURCE USES</u></b>	HV	LV	Use	Subject To
	A	A	Creation of, restoration of, or enhancement of wetlands.	
	TYPE II	TYPE II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1)
<b><u>RESIDENTIAL USES</u></b>	HV	LV	Use	Subject To
	A	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	A	Alteration, restoration, or replacement of a lawfully established dwelling, subject to OAR 660-033-0130(8) excluding (d).	401.05(A)(3) & (C)(1)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	TYPE II	TYPE II	Alteration, restoration, or replacement of a lawfully established dwelling, subject to OAR 660-033-0130(8)(d).	401.05(A)(3) & (C)(2)
	HV	LV	Use	Subject To
RESIDENTIAL USES (cont.)	TYPE II	TYPE II	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property and listed on the National Register of Historic Places. <sup>2</sup>	401.05(A)(3)
	N	TYPE II	Lot of Record Dwelling on Low Value Farmland.	401.05(A)(2), (3), (4) & (C)(3)
	TYPE II	N	Lot of Record Dwelling on Class III or IV High Value Farmland.	401.05(A)(2), (3), (4) & (C)(4)
	TYPE III	N	Lot of Record Dwelling on Class I or II High Value Farmland.	401.05(A)(2), (3), (4) & (C)(5)
	TYPE II	N	Dwelling customarily provided in conjunction with a farm use on High Value Farmland. <sup>2</sup>	401.05(A)(3) & (C)(6)
	N	TYPE II	Dwelling customarily provided in conjunction with a farm use on Low Value Farmland. <sup>2</sup>	401.05(A)(3) & (C)(7)
	TYPE II	TYPE II	Dwelling customarily provided in conjunction with a commercial dairy farm.	401.05(A)(3) & (C)(8)
	N	TYPE II	160 acre test for a dwelling. <sup>2</sup>	401.05(A)(3), (4) & (C)(9)
	N	TYPE II	Capability test for a dwelling. <sup>2</sup>	401.05(A)(3), (4) & (C)(10)
	TYPE II	TYPE II	A single-family dwelling not provided in conjunction with farm use; a nonfarm dwelling.	401.05(A)(3), (4) & (C)(11)
	TYPE II	TYPE II	Accessory farmworker dwelling for a relative. <sup>2</sup>	401.05(A)(3) & (C)(12)
	TYPE II	TYPE II	Accessory farmworker dwelling for year-round and seasonal farm workers. <sup>2</sup>	401.05(A)(3) & (C)(13)
	TYPE II	TYPE II	Dwelling on Low or High Value Farmland to be operated by a different farm operator on at least 80 acres. <sup>2</sup>	401.05(A)(3) & (C)(14)
	TYPE II	TYPE II	Temporary dwelling for care, subject to Subsection 1204.04.	401.05(A)(1), (3) & (C)(15)
	TYPE II	TYPE II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings.	401.05(A)(1) & (3)
	TYPE II	TYPE II	Residential home or facility as defined in ORS 197.660, in existing dwellings.	401.05(A)(1) & (3)
	HV	LV	Use	Subject To
COMMERCIAL USES	A	A	Family <del>child care</del> <del>daycare</del> <del>home</del> <del>provider</del> .	
	A	A	Dog training classes.	401.05(D)(8)
	A	A	Dog testing trials.	401.05(D)(9)
	TYPE I	TYPE I	A license for a winery to carry out the first six of 18-day agri-tourism and other commercial events, subject to ORS 215.237 and 215.452(6)(a)	

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	TYPE II	TYPE II	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(o). <sup>3</sup>	
	TYPE II	TYPE II	Home occupations, subject to Section 822.	401.05(A)(1) & (D)(1)
	TYPE II	TYPE II	A landscape contracting business.	401.05(A)(1) & (D)(2)
	TYPE II	TYPE II	Agri-tourism single event.	401.05(A)(1) & (D)(3)
	<b>HV</b>	<b>LV</b>	<b>Use</b>	<b>Subject To</b>
<b>COMMERCIAL USES (cont.)</b>	TYPE II	TYPE II	Agri-tourism for up to 6 events or activities.	401.05(A)(1) & (D)(4)
	TYPE II	TYPE II	A winery as described in and subject to ORS 215.452 or 215.453, whichever is applicable, but not a restaurant open more than 25 days per calendar year.	
	TYPE II	TYPE II	A bed and breakfast facility as a home occupation in association with a winery, subject to ORS 215.448, as provided in ORS 215.452 or 215.453, whichever is applicable.	401.05(A)(1) & (D)(5)
	TYPE II	TYPE II	A large winery with a restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or; agri-tourism or other commercial events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.	401.05(A)(1)
	TYPE II	TYPE II	Winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to ORS 215.237 and 215.452(6)(c).	
	C	C	Home occupation to host events, subject to Section 806.	401.05(A)(1) & (D)(1)
	C	C	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel that exceeds the standards of ORS 215.203(2)(b)(K) or Subsection 401.05(B)(1). <sup>4</sup>	401.05(A)(1)
	C	C	Agri-tourism additional events not to exceed 18 events on a minimum of 80 acres.	401.05(A)(1) & (D)(6)
	C	C	An aerial fireworks display business.	401.05(A)(1) & (D)(7)
	C	C	Commercial dog boarding kennels.	401.05(A)(1)
C	C	Dog training classes or testing trials that cannot be established under Subsection 401.05(D)(8) or (9).	401.05(A)(1)	
	<b>HV</b>	<b>LV</b>	<b>Use</b>	<b>Subject To</b>
<b>MINERAL, AGGREGATE, OIL, AND GAS USES</b>	A	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and other customary	

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

			production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	A	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	C	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (E)(1) & (E)(1)(a)
	C	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (E)(1)(b)
<b>MINERAL, AGGREGATE, OIL, AND GAS USES</b> (cont.)	C	C	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (E)(1) & (E)(1)(c)
	C	C	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 401.	401.05(A)(1), (E)(1) & (E)(1)(d)
	<b>HV</b>	<b>LV</b>	<b>Use</b>	<b>Subject To</b>
<b>TRANSPORTATION USES</b>	A	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	TYPE II	Parking of no more than seven log trucks, subject to ORS 215.311	401.05(A)(1)
	TYPE II	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	401.05(A)(1)



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	TYPE II	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	401.05(A)(1)
	TYPE II	TYPE II	Improvement of public road and highway related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	401.05(A)(1)
	C	C	Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401.	401.05(F)(1)
	C	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) &(F)(2)
	C	C	Transportation improvements on rural lands, subject to OAR 660-012-0065.	
	<b>HV</b>	<b>LV</b>	<b>Use</b>	<b>Subject To</b>
<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES</b>	A	A	Irrigation reservoirs, canals, delivery lines, and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
	A	A	Solar energy system as an accessory use.	
	A	A	Rainwater collection systems as an accessory use.	
	A	A	Electric vehicle charging stations for residents and their non-paying guests.	
	A	A	Meteorological towers.	
	<u>See Table 835-1A</u>	<u>See Table 835-1A</u>	<u>The following types of wireless telecommunication facilities, subject to Section 835: level one cCollocations, level one placements on utility poles, and, provided that the wireless telecommunication facility includes a transmission tower over 200 feet in height, level two collocationsof antennas with associated equipment on a previously approved wireless telecommunication facility, subject to Subsection 835.04(A).</u>	
	A	A	<u>Placement of telecommunication antennas with associated equipment on an existing utility pole, subject to Subsection 835.04(B).</u>	
	A	A	Utility facility service lines. Utility facility service lines are utility lines and accessory	

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

		facilities or structures that end at the point where the utility service is received by the customer and are located on one or more of the following: a public right-of-way; land immediately adjacent to a public right-of-way provided the written consent of all adjacent property owners has been obtained; and/or the property to be served by the utility.	
TYPE II	TYPE II	Wind energy power production systems as an accessory use.	401.05(G)(1)
TYPE II	TYPE II	Essential public communication services, as defined in <del>Section</del> <u>Subsection 835.03(D)</u> . <del>The use is subject to ORS 215.275, if they it includes a new transmission tower overless than or equal to 200 feet in height.</del>	<u>401.05(A)(1)</u>
<del>TYPE II</del>	<del>TYPE II</del>	<del>Collocation of wireless telecommunication facilities as identified in Subsection 835.05(A)(2), subject to Subsection 835.05(A), provided such facilities include a transmission tower that is over 200 feet in height.</del>	
TYPE II	TYPE II	Utility facilities necessary for public service, including <del>wireless telecommunication facilities not otherwise provided for in Section 401</del> , associated transmission lines <u>as defined in ORS 469.300</u> <del>subject to ORS 215.283(1)(c)(A) or (B) and 215.276</del> , and wetland waste <del>water</del> treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. <u>This category includes wireless telecommunication facilities not otherwise listed in Table 401-1.</u>	401.05(G)(2)
TYPE II	<del>TYPE II</del>	Composting operations and facilities <u>that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract</u> <del>high-value farmland</del> .	<del>401.05(A)(1) &amp; (G)(3)</del>
<del>N</del>	<del>TYPE II</del>	<del>Composting operations and facilities on low value farmland.</del>	<del>401.05(A)(1) &amp; (G)(4)</del>
*NA1	C	Composting operations and facilities <u>(other than those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract)</u> , subject to Section 834.	401.05(A)(1) & (G)(5)
C	C	Transmission towers over 200 feet in height, <del>except as otherwise provided in Section 401 for</del> . <u>Essential public communication services, as defined in Section 835, are excluded from this category, and towers supporting other types of wireless telecommunication facilities are subject to Section 835.</u>	401.05(A)(1)
C	C	Commercial utility facilities for the purpose of generating power for public use by sale, not including wind or photovoltaic solar power generation facilities.	401.05(A)(1) & (G)( <del>4</del> 6)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES (cont.)</b>	C	C	Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(37).	401.05(A)(1)
	C	C	Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130(38).	401.05(A)(1)
	*NA1	C	A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities, or buildings necessary for its operation.	401.05(A)(1)
	<b>HV</b>	<b>LV</b>	<b>Use</b>	<b>Subject To</b>
<b>PARKS, PUBLIC, AND QUASI-PUBLIC USES</b>	A	A	Land application of reclaimed water, agricultural process or industrial process water, or biosolids for agricultural, horticultural, or forest production, or for irrigation in connection with a use allowed in the EFU zoning district, subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468(B).095.	
	A	A	Onsite filming and activities accessory to onsite filming for 45 days or less.	
	TYPE II	TYPE II	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.	401.05(H)(1)
	TYPE II	TYPE II	Public parks and playgrounds.	401.05(A)(1), (5) & (H)(2)
	TYPE II	TYPE II	Fire service facilities providing rural fire protection services.	
	TYPE II	TYPE II	Community centers.	401.05(A)(1), (5) & (H)(3)
	TYPE II	TYPE II	Living history museum.	401.05(A)(1), (5) & (H)(4)
	TYPE II	TYPE II	Firearms training facility as provided in ORS 197.770(2).	401.05(A)(5)
	TYPE II	TYPE II	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.	401.05(A)(1)
	TYPE II	TYPE II	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.	401.05(A)(1)

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

	*NA1	TYPE II	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education.	401.05(A)(5)
<b>PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)</b>	C	C	Operations for the extraction and bottling of water.	401.05(A)(1)
	C	C	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.	401.05(A)(1)
	*NA2	C	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.	401.05(A)(1) & (5)
	*NA1	C	Private parks, playgrounds, hunting and fishing preserves, and campgrounds.	401.05(A)(1), (5) & (H)(5)
	*NA1	C	Golf courses.	401.05(A)(1), (5) & (H)(6)
	<b>HV</b>	<b>LV</b>	<b>Use</b>	<b>Subject To</b>
<b>OUTDOOR GATHERINGS</b>	A	A	An outdoor mass gathering or other gathering described in ORS 197.015(10)(d).	401.05(I)(1)
	TYPE III	TYPE III	Any outdoor gathering subject to review of the Planning Commission under ORS 433.763.	401.05(I)(2)

- 1 The processing, compounding, or conversion of marijuana into cannabinoid extracts is prohibited.
- 2 Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475B.370.)
- 3 A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See ORS 475B.370.)
- 4 A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See ORS 475B.370.)

**401.05 APPROVAL CRITERIA FOR SPECIFIC USES**

The following criteria apply to some of the uses listed in Table 401-1. The applicability of a specific criterion to a listed use is established by Table 401-1.

**A. General Criteria**

1. Uses may be approved only where such uses:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
  - b. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
2. The Natural Resources Conservation Service (NRCS) Web Soil Survey for Clackamas County shall be used to determine the soil classification and soil rating for a specific lot of record for a dwelling, with the following exception:
- a. For purposes of evaluating a Lot of Record Dwelling application on high value farmland, the applicant may submit a report from a professional soils classifier whose credentials are acceptable to the Oregon Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and submits a statement from the Oregon Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.
3. The landowner for the dwelling shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
4. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.
5. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
- a. Any enclosed structures or group of enclosed structures described in Subsection 401.05(A)(5) within a tract must be separated by at least one-half mile. For purposes of Subsection 401.05(A)(5), "tract" means a tract as defined by Subsection 401.03(TU) that was in existence as of June 17, 2010.
  - b. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of Subsection 401.05(A)(5).

B. Farm and Forest Uses

1. A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141 or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038 shall be located on a farm that provides at least one-quarter of the farm crops processed at the facility. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage, or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility. Any division of a lot of record that separates a processing facility or establishment from the farm operation on which it is located is prohibited.
2. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in ORS 215.203(2). Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in Subsection 401.05(B)(2), means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in Subsection 401.05(B)(2) means timber grown upon a tract where the primary processing facility is located.

C. Residential Uses

1. A lawfully established dwelling may be altered, restored, or replaced if substantial evidence is provided that shows:
  - a. The dwelling to be altered, restored, or replaced has:
    - i. Intact exterior walls and roof structure;
    - ii. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
    - iii. Interior wiring for interior lights; and
    - iv. A heating system; and
  - b. The dwelling was assessed as a dwelling for at least the previous five property tax years or less; and

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- c. Replacement dwellings that currently have the features described in (1)(a) and assessment in (1)(b) above may be sited on any part of the same lot or parcel.
  - d. The dwelling to be replaced must, by building permit, be removed, demolished or converted to an allowable nonresidential use:
    - i. Within one year from the certified occupancy of the new dwelling; or
    - ii. If the dwelling to be replaced is in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, the dwelling to be replaced must be removed within 90 days from the date a replacement permit is issued; and
    - iii. If a dwelling is removed to another off-site location, the applicant must obtain approval for the new location.
  - e. A replacement dwelling must comply with applicable building, plumbing, sanitation and other requirements relating to health and safety and to setbacks at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
  - f. The owner of the dwelling to be replaced shall record in the deed records of the parcel that the replaced dwelling has been removed, demolished or converted.
  - g. If the dwelling to be replaced is located on a portion of the parcel that is not zoned EFU, the owner may place the new dwelling on EFU land but must record in the deed records an irrevocable deed statement prohibiting the siting of another dwelling on the non EFU portion of the parcel.
2. Separately from Subsection 401.05(C)(1), a lawfully established dwelling may be altered, restored, or replaced if, when a land use application permit is submitted and substantial evidence is provided that shows:
- a. The dwelling to be altered, restored, or replaced formerly had:
    - i. Intact exterior walls and roof structure;
    - ii. Indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
    - iii. Interior wiring for interior lights; and
    - iv. A heating system; and

- b. Under this subsection a replacement dwelling permit is a land use decision which is not subject to expiration. The replacement dwelling must have been assessed as a dwelling until the value of the dwelling was eliminated and if the value was eliminated it must be as a result of either of the following circumstances:
    - i. The destruction (i.e., by fire or natural hazard), or demolition in the case of restoration of the dwelling; or
    - ii. The applicant establishes the dwelling was improperly removed from the tax rolls. "Improperly removed" means the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard and the County stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
  - c. The following siting standards shall apply when the dwelling qualifies for replacement under this subsection the replacement dwelling must be sited on the same parcel:
    - i. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another boundary of the parcel; and
    - ii. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
  - d. The dwelling to be replaced is also subject to Subsections 401.05(C)(1)(d) through (g).
3. Lot of Record Dwelling when determined to be located on Low Value Farmland, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
  - b. The lot of record has been under the continuous ownership of the present owner who either,
    - i. Acquired the lot of record prior to January 1, 1985, or
    - ii. Acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- c. The tract on which the dwelling will be sited does not include a dwelling;
  - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
  - e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan, this Ordinance and other provisions of law.
  - f. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership shall remain in common ownership as long as the dwelling remains as approved.
  - g. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or can be adequately mitigated. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. The Oregon Department of Fish and Wildlife (ODFW) suggests to the County that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet.
4. Lot of Record Dwelling when determined to be located on High Value Farmland consisting predominantly of Class III and IV Soil, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
  - b. The lot of record has been under the continuous ownership of the present owner who either,
    - i. Acquired the lot of record prior to January 1, 1985, or
    - ii. Acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985.
  - c. The tract on which the dwelling will be sited does not include a dwelling.
  - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan, this Ordinance and other provisions of law.
  - f. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership land shall remain in common ownership as long as the dwelling remains as approved.
  - g. The tract is no more than 21 acres.
  - h. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or, the tract is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.
  - i. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or the impacts can be adequately mitigated so as not to interfere. Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. ODFW suggests to the County that in the absence of impact mitigation measures, winter range is seriously considered impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet.
5. Lot of Record Dwelling when determined to be located on High Value Farmland consisting predominantly of Prime, Unique, Class I or II Soils, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
  - b. The lot of record has been under the continuous ownership of the present owner who either,
    - i. Acquired the lot of record prior to January 1, 1985, or
    - ii. Acquired the lot of record by devise or intestate succession from a person or persons who had continuously owned the property since January 1, 1985.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- c. The tract on which the dwelling will be sited does not include a dwelling;
  - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
  - e. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan, this Ordinance and other provisions of law.
  - f. When the lot of record on which the dwelling will be sited is part of a tract, all remaining portions of the common ownership land shall remain in common ownership as long as the dwelling remains as approved.
  - g. The lot of record cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. Extraordinary circumstances include very steep slopes, deep ravines, rivers, streams, roads, railroads or utility lines or other similar natural or physical barriers that by themselves or in combination, separate the subject property from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use.
  - h. The dwelling will not materially alter the stability of the overall land use pattern in the area.
  - i. The dwelling either will not seriously interfere with the preservation of big game winter range areas identified on Comprehensive Plan Map III-2, *Scenic and Distinctive Resource Areas*, or can be adequately mitigated. (Estimated impacts and appropriate mitigation measures shall be submitted by the applicant and based on the best available data and assessment methods from the appropriate agency. ODFW suggests to the County that in the absence of mitigation measures, winter range is seriously impacted by residential densities which exceed one unit per 80 acres or one unit per 40 acres, if clustered within 200 feet).
6. Dwelling in conjunction with a farm use on High Value Farm Land: A primary farm dwelling for the farm operator may be allowed subject to the following criteria:
- a. The subject tract is currently employed in farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.
  - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use or for mixed farm/forest use owned by the farm or ranch operator or on the farm or ranch operation.
  - d. The lot of record on which the dwelling will be sited was lawfully created;
  - e. The dwelling will be occupied by a person or persons who produced the commodities which generated the income;
  - f. In determining the gross income requirement, the cost of purchased livestock shall be deducted from the total gross annual income attributed to the tract.
  - g. Only gross income from land owned, not leased or rented, shall be counted.
  - h. Gross farm income earned from a lot of record which has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may not be used.
  - i. Only a lot of record zoned for farm use in Clackamas County or a contiguous county may be used to meet the gross income requirements.
  - j. An irrevocable deed restriction shall be recorded with the County Clerk's Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, accessory relative farm dwellings, temporary hardship dwelling or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used again to qualify any other parcel for a primary farm dwelling.
7. Dwelling in conjunction with a farm use on Low Value Farmland: A primary farm dwelling for the farm operator may be allowed on low value farmland subject to the following criteria:
- a. The subject tract is currently employed in farm use on which the farm operator earned at least \$32,500 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years;
  - b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- c. Except as permitted in Subsection 401.05(C)(13), there is no other dwelling on the subject tract;
  - d. The lot of record on which the dwelling will be sited was lawfully created;
  - e. The dwelling will be occupied by a person or persons who produced the commodities which generated the income;
  - f. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
  - g. Only gross income from land owned, not leased or rented, shall be counted.
  - h. Gross farm income earned from a lot of record which has been used previously to qualify another lot of record for the construction or siting of a primary farm dwelling may not be used.
  - i. Only lots of record zoned for farm use in Clackamas County or a contiguous county may be used to meet the gross income requirements.
  - j. An irrevocable deed restriction shall be recorded with the County Clerk's Office acknowledging that all future rights to construct a dwelling on other properties used to qualify the primary farm dwelling is precluded except for accessory farm dwellings, accessory relative farm dwellings, temporary hardship dwelling or replacement dwellings, and that any gross farm income used to qualify the primary farm dwelling cannot be used to qualify any other parcel for a primary farm dwelling.
8. A dwelling customarily provided in conjunction with a commercial dairy farm, which is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income as required by Subsection 401.05(C)(6)(a) or 401.05(C)(7)(a), whichever is applicable, from the sale of fluid milk, if;
- a. The subject tract will be employed as a commercial dairy; and
  - b. The dwelling is sited on the same lot of record as the buildings required by the commercial dairy; and
  - c. Except for a replacement of a lawfully established dwelling, there is no other dwelling on the subject tract; and
  - d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as

the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm; and

- e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
  - f. The Oregon Department of Agriculture has approved the following:
    - i. A permit for a “confined animal feeding operation” under ORS 468B.050 and 468B.200 to 468B.230; and
    - ii. A Producer License for the sale of dairy products under ORS 621.072.
9. 160 Acre Test, subject to the following criteria:
- a. The parcel on which the dwelling will be located is at least 160 acres.
  - b. The subject tract is currently employed in a farm use.
  - c. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock at a commercial scale.
  - d. Except as permitted in Subsection 401.05(C)(13), there is no other dwelling on the subject tract; or
10. Capability Test, subject to the following criteria:
- a. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
  - b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.
  - c. The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection 401.05(C)(10)(a).
  - d. The subject tract is currently employed for a farm use at a level capable of producing the annual gross sales required in Subsection 401.05(C)(10)(a).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- e. The subject lot of record on which the dwelling is proposed is not less than 10 acres.
  - f. Except as permitted in Subsection 401.05(C)(13), there is no other dwelling on the subject tract.
  - g. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
  - h. If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by Subsection 401.05(C)(10)(d).
11. Dwelling not in Conjunction with a Farm Use: A dwelling for a nonfarm use may be allowed subject to the following criteria:
- a. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
  - b. The dwelling will be sited on a lot of record that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils;
  - c. The dwelling will be sited on a lot of record lawfully created before January 1, 1993.
  - d. The dwelling shall not materially alter the stability of the overall land use pattern of the area. The County shall consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots of record in the area similarly situated, subject to:
    - i. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a “distinct agricultural area” based on topography, soils types, land use pattern, or the type of farm operations or practices that distinguish it from other adjacent agricultural areas. Findings shall describe the study area, its boundaries, and the location of the subject parcel with this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area; and to the extent OAR 660-033-0130(4)(a)(D)(ii) is applicable.

- ii. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture, or grazing lands), the number, location, and type of existing dwellings (farms, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsections 401.05(C)(3) through (5) and (11), including identification of predominant soil classifications, the parcels created prior to January 1, 1993, and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area, including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings.
  - iii. Determine whether approval of the proposed nonfarm dwelling together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- e. The dwelling shall comply with such other conditions as the County considers necessary.
  - f. Prior to Planning Director approval for issuance of a building or manufactured dwelling permit, the applicant shall notify the County Assessor that the lot of record is no longer being used for farmland and; request the County Assessor to disqualify the lot of record for special assessment under ORS 308.370, 308.765, 321.257 to 321.381, 321.730 or 321.815 and; pay any additional tax imposed upon disqualification from special assessment. A lot of record that has been disqualified pursuant to Subsection 401.05(C)(11)(f) shall not requalify for special assessment unless, when combined with another contiguous lot of record, it constitutes a qualifying parcel.
12. Accessory Farm Dwelling – Relative: A relative farm help dwelling for a relative of the farm operator may be allowed subject to the following criteria:
- a. A relative farm help dwelling shall be located on the same lot of record as the dwelling of the farm operator and must be on real property used for farm use;



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- b. The accessory farm dwelling shall be located on a lawfully created lot of record;
  - c. The accessory farm dwelling shall be occupied by child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin, of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation, such as planting, harvesting, marketing or caring for livestock, is required by the farm operator.
  - d. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decision about such things as planting, harvesting, feeding and marketing.
  - e. The size, type, and intensity of the farm operation shall be used to evaluate the need for the dwelling.
  - f. The net income derived from the farm products shall be significant and products from the farm unit shall contribute substantially to the agricultural economy, to agricultural processors and farm markets.
  - g. There are no other dwellings on the lot of record that are vacant or currently occupied by persons not working on the subject farm unit that could reasonably be used as an accessory farm dwelling.
  - h. At any time the accessory farm dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days.
  - i. Any lot of record land division or property line adjustment which results in the location of any accessory farm dwelling on a lot of record separate from the farm use property for which it has been established is prohibited.
13. Accessory Farmworker Dwellings – Year-round and Seasonal Farm Workers: An accessory farm dwelling for a nonrelative, and their immediate family unless otherwise specified, of the farm operator may be allowed subject to the following criteria:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. The accessory farm dwelling shall be occupied by a person or persons who will be principally engaged in the farm use of the land and on other commercial farms in the area, whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator on the farm unit.
- b. The accessory farm dwelling shall be located on a lawfully created lot of record;
- c. The accessory farm dwelling shall be located:
  - i. On the same lot of record as the primary farm dwelling; or
  - ii. On the same tract as the primary farm dwelling when the lot of record on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots of record in the tract; or
  - iii. On a lot of record on which the primary farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot of record is conveyed to another party. The manufactured dwelling may remain if it is re-approved pursuant to Section 401; or
  - iv. On any lot of record, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. All accessory farm dwellings approved under Subsection 401.05(C)(13)(c)(iv) shall be removed, demolished, or converted to a nonresidential use when farm worker housing is no longer required.
  - v. On a lot of record on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot of record at least the size of the applicable minimum lot size and the lot of record complies with the gross farm income requirements of Subsection 401.05(C)(13)(f)(i) or 401.05(C)(13)(f)(ii), whichever is applicable.
- d. There are no other dwellings on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- e. All multi-unit accessory dwellings shall be consistent with the intent of the Legislative Assembly as provided in ORS 215.243.
- f. The primary farm dwelling to which the proposed dwelling would be accessory shall meet one of the following:
  - i. On Low Value Farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned the lower of at least \$32,500 in gross annual income from the sale of farm products or at least the midpoint of the median income range of gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon, in each of the last two years or three of the last five years or in an average of three of the last five years, or
  - ii. On land identified as High Value Farmland, the primary farm dwelling is located on a farm operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years.
- g. In determining the gross annual income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- h. Only gross annual income from land owned, not leased or rented, shall be counted.
- i. Any proposed land division or property line adjustment of a lot of record for an accessory farm dwelling approved pursuant to Subsection 401.05(C)(13) shall not be approved. If it is determined that an accessory farm dwelling satisfies the requirements for a dwelling in conjunction with a farm use under Subsection 401.05(C)(6) or (7), a parcel may be created consistent with the minimum parcel size requirements in Subsection 401.07(A).
- j. An accessory farm dwelling approved pursuant to Subsection 401.05(C)(13) shall not later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 401.05(C)(11).
- k. At any time the dwelling is not used for farm help or the farm management plan is not implemented and maintained as approved in the land use application, the dwelling shall be removed, demolished or if not a manufactured dwelling, converted to a nonresidential accessory structure (change of occupancy permit) within 90 days.

- l. "Farmworker", means an individual who, for an agreed remuneration or rate of pay, performs labor, temporarily or on a continuing basis, for a person in the production of farm products, planting, cultivating or harvesting of seasonal agricultural crops; or forestation or reforestation of land, including but not limited to planting, transplanting, tubing, precommercial thinning and thinning of trees or seedlings, the clearing, piling and disposal of brush and slash and other related activities.
  - m. "Farmworker Housing", means housing limited to occupancy by farmworkers and their immediate families, and no dwelling unit of which is occupied by a relative of the owner or operator of the farmworker housing.
  - n. "Relative", for the purposes of Subsection 401.05(C)(13), means an ancestor, lineal descendant, or whole or half sibling of the owner or operator or the spouse of the owner or operator.
  - o. "Farmworker Housing Owner", means a person that owns farmworker housing. It does not mean a person whose interest in the farmworker housing is that of a holder of a security interest in the housing.
14. Dwelling in conjunction with a farm use on Low or High Value Farmland, whichever is applicable: A primary farm dwelling for the farm operator may be allowed subject to the following criteria:
- a. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income as provided in 401.05(C)(6)(a) or 401.05(C)(7)(a), whichever is applicable, in each of the last five years or four of the last seven years.
  - b. The subject parcel on which the dwelling will be located is:
    - i. Currently employed for the farm use, that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income as provided in 401.05(C)(6)(a) or 401.05(C)(7)(a); and
    - ii. The parcel is at least 80 acres.
  - c. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.
  - d. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income as provided in Subsection 401.05(C)(14)(a).

- e. In determining the gross income the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
  - f. Only gross income from land owned, not leased or rented, shall be counted.
15. One manufactured dwelling, residential trailer, or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. A temporary residence approved under Subsection 401.05(C)(15) is not eligible for replacement under Subsection 401.05(C)(1) and (2) as a permanent dwelling. On-site sewage disposal system review and removal requirements through the Septic and Onsite Wastewater Program also apply.

D. Commercial Uses

- 1. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zoning district and shall not be used as justification for a zone change.
- 2. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
- 3. A single agri-tourism or other commercial event or activity in a calendar year that is personal to the applicant and is not transferrable by sale of the tract, subject to ORS 215.239, 215.283(4)(a), and (6) and the following:
  - a. Agri-tourism events shall not include any mass gatherings or other outdoor gatherings; and
  - b. Agri-tourism events shall be “incidental and subordinate” to existing farm use on the tract. Incidental and subordinate means that the event or activity is strictly secondary and ancillary to on-site commercial farm uses or the commercial agricultural enterprises in the area in terms of income generated, area occupied, and off-site impacts; and
  - c. “Agri-tourism”, means a commercial event or activity that is logically, physically, and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture.

4. Agri-tourism for up to six events or other commercial events or activities in a calendar year that is personal to the applicant and is not transferrable by sale of the tract, subject to ORS 215.239, 215.283(4)(c), and (6) and the following:
  - a. Agri-tourism events shall not include any mass gatherings or other outdoor gatherings; and
  - b. Agri-tourism events shall be “incidental and subordinate” to existing farm use on the tract. Incidental and subordinate means that the event or activity is strictly secondary and ancillary to on-site commercial farm uses or the commercial agricultural enterprises in the area in terms of income generated, area occupied, and off-site impacts; and
  - c. “Agri-tourism”, means a commercial event or activity that is logically, physically, and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture.
5. A winery bed and breakfast facility as provided for in ORS 215.452 and 215.453 as a home occupation subject to ORS 215.448, on the same tract as a winery and in association with the winery, and the following:
  - a. May prepare and serve two meals per day to registered guests of the bed and breakfast facility; and
  - b. Meals may be served at the bed and breakfast facility or at the winery.
6. Up to 18 agri-tourism or other commercial events or activities in a calendar year, on a minimum 80 acre lot of record, subject to ORS 215.239, 215.283(4)(d), (5), and (6) and the following:
  - a. Agri-tourism events shall not include any mass gatherings or other outdoor gatherings, and
  - b. Agri-tourism events shall be “incidental and subordinate” to existing farm use on the tract. Incidental and subordinate means that the event or activity is strictly secondary and ancillary to on-site commercial farm uses or the commercial agricultural enterprises in the area in terms of income generated, area occupied, and off-site impacts; and
  - c. “Agri-tourism”, means a commercial event or activity that is logically, physically and/or economically connected to and supports an existing on-site farm operation and promotes the practice of agriculture.
7. An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler’s permit to sell or provide fireworks.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. As part of the conditional use approval process, for the purpose of verifying the existence, continuity, and nature of the business, representatives of the business may apply to the County and submit evidence including, but not limited to, sworn affidavits or other documentary evidence that the business qualifies. Alteration, restoration, or replacement of an aerial fireworks display business may be altered, restored, or replaced pursuant to Section 1206.
8. Dog training classes, which may be conducted outdoors or in preexisting farm buildings that existed on January 1, 2013, when:
    - a. The number of dogs participating in training does not exceed 10 dogs per training class; and
    - b. The number of training classes to be held on-site does not exceed six per day.
  9. Dog testing trials, which may be conducted outdoors or in preexisting farm buildings that existed on January 1, 2013, when:
    - a. The number of dogs participating in a testing trial does not exceed 60; and
    - b. The number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

E. Mineral, Aggregate, Oil, and Gas Uses

1. Mineral, Aggregate, Oil and Gas Uses: Pursuant to ORS 215.298 a land use permit is required for mining more than 1000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. A permit for mining of aggregate shall be issued only for a site included on an inventory acknowledged in the Comprehensive Plan for the following:
  - a. Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources, subject to ORS 215.298.
  - b. Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement; and
    - i. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
  - c. Processing of other mineral resources and other subsurface resources.

- d. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 401.

F. Transportation Uses

1. Roads, highways and other transportation facilities, and improvements not otherwise allowed under Section 401 may be established, subject to the adoption of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply. In addition, transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.
2. A personal-use airport means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.

G. Utility and Solid Waste Disposal Facility Uses

1. Wind energy power production systems as an accessory use, provided:
  - a. The system is not a commercial power generating facility;
  - b. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;
  - c. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;
  - d. The system is prohibited if tower lighting for aviation safety is required;
  - e. The system will be located outside an urban growth boundary on a minimum of one acre;



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;
  - g. The system is set back a distance not less than the tower height plus one blade from all property lines; and
  - h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.
2. A utility facility necessary for public service may be established as provided in OAR 660-033-0130(16)(a) and ORS 215.275 and 215.276, or, if the utility facility is an associated transmission line, as provided in OAR 660-033-0130(16)(b) and ORS 215.274 and 215.276. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided. An associated transmission line for a utility facility is subject to OAR 660-033-0130(16)(b).
3. ~~Composting operations and facilities allowed on high value farmland, subject to the following:~~
- ~~a. Composting operations and facilities on high value farmland~~
  - a. Must:
    - i. Compost only on-farm produced compostable materials; or
    - ii. Compost only off-site materials and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract; or
    - iii. Compost any off-site materials with on-farm produced compostables and use all on-site generated compost for on-farm production in conjunction with, and auxiliary to, the farm use on the subject tract;  
~~and~~
    - ~~biv.~~ Must be an accepted farming practice in conjunction with and auxiliary to farm use on the subject tract,; meaning that if off-site materials are added to on-farm produced compostables, the total amount of compost generated by the operation or facility does not exceed the amount of compost reasonably anticipated to be used on the subject tract;  
~~and~~

~~cv.~~ Must ~~l~~imit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility; ~~and~~

~~dvi.~~ Must mMeet the performance and permitting requirements of the Department of Environmental Quality (~~DEQ~~) under OAR 340-093-0050 and 340-096-0060; ~~and~~

~~eb.~~ May sell or transport eExcess compost ~~from operations and facilities on high value farmland may only be sold or transported if:~~

- i. The operation or facility does not use off-site materials; ~~and~~
- ii. It is sold or transported to neighboring farm operations within two and one-half miles of the subject tract; and
- iii. It is sold or transported in bulk loads of not less than one unit (7.5 cubic yards) in size that are transported in one vehicle.

~~4. Composting operations and facilities allowed on low value farmland that constitute accepted farming practices in conjunction with and auxiliary to farm use on the subject tract, subject to Subsection 401.05(G)(3).~~

~~5. Composting operations and facilities allowed on low value farmland that do not constitute accepted farming practices and are not in conjunction with and auxiliary to an on-site farm use on the subject tract shall be subject to Section 834.~~

46. Commercial utility facilities for the purpose of generating power for public use by sale, but not including wind power or photovoltaic solar power generation. A power generation facility shall not preclude more than 12 acres on High Value Farmland, or more than 20 acres on Low Value Farmland, from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rule 660, Division 4; and

- a. Permanent features of a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) (a private campground) or other statute or rule when the project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment

request shall be subject to 401.05(A)(1) and shall have no effect on the original approval.

H. Parks, Public, and Quasi-public Uses

1. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under Subsection 401.05(H)(1). The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under Subsection 401.05(H)(1). An owner of property used for the purpose authorized in Subsection 401.05(H)(1) may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in Subsection 401.05(H)(1), "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.
2. Public parks including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable. A public park may be established consistent with the provisions of ORS 195.120.
3. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A community center authorized under Subsection 401.05(H)(3) may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
4. "Living History Museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. As used in Subsection 401.05(H)(4), a living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth

boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.

5. Private parks, playgrounds, hunting and fishing preserves, and campgrounds. A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
  - a. Except on a lot of record contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
  - b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
  - c. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle.
  - d. Separate sewer, water, or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by Subsection 401.05(H)(6)(g).
  - e. Campgrounds authorized by Subsection 401.05(H)(6) shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
  - f. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
  - g. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in Subsection 401.05(H)(6), "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.
6. Golf courses, on land determined not to be high value farmland, as defined in ORS 195.300, subject to OAR 660-033-0130(20).

I. Outdoor Gatherings

1. An outdoor mass gathering as defined in ORS 433.735 or other gathering of 3,000 or fewer persons that is not anticipated to continue for more than 120 hours in any three-month period. Agri-tourism and other commercial events or activities may not be permitted as mass gatherings under ORS 215.283(4).
2. Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month planning period is subject to review by the Planning Commission under the provisions of ORS 433.763. Outdoor gatherings may not include agri-tourism events or activities.

J. Nonconforming Uses

1. Existing facilities wholly within a farm use zone may be maintained, enhanced, or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 401.05(A)(1) and OAR 660-033-0130(20), but shall not be expanded to contain more than 36 total holes.
2. In addition to and not in lieu of the authority in Section 1206 to continue, alter, restore, or replace a nonconforming use, schools as formerly allowed pursuant to ORS 215.283(1)(a), as in effect before January 1, 2010, the effective date of 2009 Oregon Laws, chapter 850, section 14, may be expanded subject to:
  - a. The requirements of Subsection 401.05(J)(3); and
  - b. Conditional approval as provided in Subsection 401.05(A)(1).
3. A nonconforming use described in Subsection 401.05(J)(2) may be expanded if:
  - a. The use was established on or before January 1, 2009; and
  - b. The expansion occurs on:
    - i. The lot of record on which the use was established on or before January 1, 2009; or
    - ii. A lot of record that is contiguous to the lot of record described in Subsection 401.05(J)(3)(b)(i) and that was owned by the applicant on January 1, 2009.

401.06 PROHIBITED USES

Uses of structures and land not specifically permitted are prohibited.

401.07 DIMENSIONAL STANDARDS

- A. Minimum Lot Size: New lots of record shall be a minimum of 80 acres in size, except as provided in Subsection 401.09. For the purpose of complying with the minimum lot size standard, lots of record with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- B. Minimum Front Setback: 30 feet.
- C. Minimum Side Setback: 10 feet.
- D. Minimum Rear Setback: 30 feet; however, accessory buildings shall have a minimum rear setback of 10 feet.
- E. Modifications: Modifications to the dimensional standards are established by Sections 800, *Special Uses*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

401.08 DEVELOPMENT STANDARDS

- A. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

401.09 LAND DIVISIONS

- A. Land divisions that are prohibited under OAR 660-033-0100(8) and (9):
  - 1. A land division that separates a temporary dwelling for care, relative farm help dwelling, home occupation or processing facility from a parcel on which the primary residential or other primary use exists is prohibited.
  - 2. A land division of a parcel created before January 1, 1993, on which a nonfarm dwelling was approved is prohibited.
- B. Land divisions are permitted, if consistent with one of the following options and Subsections 1105.01(A) and 1105.07. A land division pursuant to Subsection 401.09(C) shall require review of a Type I application pursuant to Section 1307, *Procedures*. A land division pursuant to Subsection 401.09(D), (E), (F), (G), or (H) shall require review of a Type II application pursuant to Section 1307.
- C. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved, if each new lot of record is a minimum of 80 acres in size, as established by Subsection 401.07(A).

- D. Nonfarm Use Land Divisions: A land division creating parcels less than 80 acres in size may be approved for a fire service facility and for nonfarm uses, except dwellings, set out in ORS 215.283(2), if the parcel for the fire service facility or nonfarm use is not larger than the minimum size necessary for the use.
- E. Nonfarm Dwelling Land Divisions: Lots of record less than 80 acres in size may be approved, subject to the following criteria:
1. The originating lot of record is at least 80 acres, and is not stocked to the requirements under ORS 527.610 to 527.770;
  2. The lot of record is composed of at least 95% Class VI through Class VIII agricultural soils, and composed of at least 95% soils not capable of producing 50 cubic feet per acre per year of wood fiber;
  3. The new lot of record for a dwelling will not be smaller than 20 acres; and
  4. No new lot of record may be created until the criteria in Subsections 401.05(C)(11)(a), (b), (d), (e), and (f) for a dwelling are satisfied.
- F. Parks/Open Space/Land Conservation Land Divisions: A land division for a provider of public parks or open space, or a not-for-profit land conservation organization, may be approved subject to ORS 215.263(10) and Subsection 401.05(A)(1). In addition, the owner of any parcel not containing a dwelling shall sign and record in the County deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.
- G. Historic Property Land Divisions: A land division may be approved to create a parcel with an existing dwelling to be used for historic property that meets the requirements of a Replacement Dwelling under Subsection 401.05(C)(1)(a) and the dwelling has been listed in county inventory as described in ORS 358.480.
- H. Land Divisions Along an Urban Growth Boundary: A division of a lot of record may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned EFU and is smaller than 80 acres, subject to the following criteria:
- a. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.
  - b. If the parcel does not contain a dwelling, the parcel:
    - i. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;

- ii. May not be considered in approving or denying an application for any other dwelling; and
  - iii. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.
- c. The owner of any parcel not containing a dwelling shall sign and record in the County deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

#### 401.10 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for any use requiring review of a Type I, II, or III application shall include an accurate site plan drawn to scale on eight-and-one-half-inch by 11-inch or eight-and-one-half-inch by 14-inch paper, showing the subject property and proposal. In addition, applications for farm dwellings requiring a justification of income shall include tax forms, farm receipts, or other appropriate documentation demonstrating the income produced from the subject property.

#### 401.11 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of a Type I, II, or III application is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented. "Implemented" means:
- 1. For a land division, the final plat shall be recorded with the County Clerk. If a final plat is not required under Oregon Revised Statutes Chapter 92, deeds with the legal descriptions of the new parcels shall be recorded with the County Clerk; or
  - 2. For all other applications, a building or manufactured dwelling placement permit for a new primary structure that was the subject of the application shall be obtained and maintained. If no building or manufactured dwelling placement permit is required, all other necessary County development permits shall be obtained and maintained.
- B. Time Extension: If the approval of a Type I, II, or III application is not implemented within the initial approval period established by Subsection 401.11(A), a two-year time extension may be approved pursuant to Section 1310.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- C. Subsections 401.11(A) and (B) do not apply to home occupations or conditional uses, which shall be subject to any applicable approval period and time extension provisions of Sections 822 or 1203, respectively.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-241, 1/1/13; Amended by Ord. ZDO-247, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-264, 8/22/17; Amended by Ord. ZDO-266, 5/23/18]

**406 TIMBER DISTRICT (TBR)**

---

## 406.01 PURPOSE

Section 406 is adopted to implement the policies of the Comprehensive Plan for Forest and Agriculture areas.

## 406.02 APPLICABILITY

Section 406 applies to land in the Timber (TBR) District.

## 406.03 DEFINITIONS

Unless specifically defined in Subsection 406.03 or in Section 202, *Definitions*, words or phrases used in Section 406 shall be interpreted to give them the same meaning as they have in common usage and to give Section 406 its most reasonable application.

- A. Auxiliary: A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- B. Cubic Foot Per Acre: As defined in Oregon Administrative Rules (OAR) 660-006-0005(3).
- C. Cubic Foot Per Tract Per Year: As defined in OAR 660-006-0005(4).
- D. Date of Creation and Existence: When a lot of record or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.
- E. Dwelling: Unless otherwise provided in Section 406, a dwelling is a detached single-family dwelling or a manufactured dwelling.
- F. Firearms Training Facility: An indoor facility only, that provides training courses and issues certifications required for law enforcement personnel, by the Oregon Department of Fish and Wildlife, or by nationally recognized programs that promote shooting matches, target shooting, and safety.
- G. Forest Operation: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in Oregon Revised Statutes (ORS) 527.620(6).
- H. Navigation: References an instrument within a waterway or flightway that assists in traveling to a destination for water vessels and aircraft.

- I. Owner: For purposes of a Lot of Record Dwelling, “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, niece, stepparent, stepchild, grandparent, or grandchild of the owner, or a business entity owned by any one or a combination of these family members.
- J. Ownership: Holding fee title to a lot of record, except in those instances when the land is being sold on contract, the contract purchaser shall be deemed to have ownership. Ownership shall include all contiguous lots of record meeting this definition.
- K. Primary Processing of Forest Products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, including, but not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.
- L. Private Park: Land that is used for low impact casual recreational uses such as picnicking, boating, fishing, swimming, camping, hiking, or nature-oriented recreational uses such as viewing and studying nature and wildlife habitat and may include play areas and accessory facilities that support the activities listed above but does not include tracks for motorized vehicles or areas for target practice or the discharge of firearms.
- M. Relative: For purposes of a Temporary Dwelling for Care, “relative” means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of the owner.
- N. Temporary Structures: Onsite structures which are auxiliary to and used during the term of a particular forest operation and used in the preliminary processing of a particular forest operation such as: pole and piling preparation, small portable sawmill, small pole building, etc. Temporary structures are allowed for a period not to exceed one year.
- O. Tract: One or more contiguous lots of record under the same ownership, including lots of record divided by a County or public road, or land contiguous at a common point. Lots of record divided by a state highway are not considered contiguous.

406.04 USES PERMITTED

Uses permitted in the TBR District are listed in Table 406-1, *Permitted Uses in the TBR District*.

A. As used in Table 406-1:

- 1. “A” means the use is allowed.

2. "Type II" means the use requires review of a Type II application, pursuant to Section 1307, *Procedures*.
  3. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*
  4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
  5. The "Subject To" column identifies any specific provisions of Subsection 406.05 to which the use is subject.
- B. Permitted uses are subject to the applicable provisions of Subsection 406.07, *Dimensional Standards*; Subsection 406.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

**Table 406-1: Permitted Uses in the TBR District**

	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>FARM AND FOREST USES</b>	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if a primary farm or forest use exists.	
	TYPE II	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1), (6) & (B)(2)
	C	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (6)
	C	Log scaling and weigh stations.	406.05(A)(1) & (6)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	Type	Use	Subject To
<b>NATURAL RESOURCE USES</b>	A	Uninhabitable structures accessory to fish and wildlife enhancement.	
	C	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)
	Type	Use	Subject To
<b>RESIDENTIAL USES</b>	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05(D)(1)
	TYPE II	Forest Lot of Record Dwelling.	406.05(A)(3), (4), (5) & (D)(2)
	TYPE II	Forest Template Test Dwelling.	406.05(A)(3), (4), (5) & (D)(3)
	TYPE II	160 Acre Forest Dwelling.	406.05(A)(3), (4), (5) & (D)(4)
	TYPE II	200 Acre Noncontiguous Tract Forest Dwelling	406.05(A)(3), (4), (5) & (D)(5)
	TYPE II	Caretaker residences for public parks and public fish hatcheries.	406.05(A)(2) & (5)
	TYPE II	Temporary forest labor camp, subject to Subsection 1204.01, for a period not to exceed one year.	
	TYPE II	Temporary dwelling for care, subject to Subsection 1204.04.	406.05(A)(1), (2) & (D)(6)
	Type	Use	Subject To
<b>COMMERCIAL USES</b>	A	Family <del>child care</del> <del>daycare</del> <del>home</del> <del>provider</del> .	
	TYPE II	Home occupation, subject to Section 822.	406.05(A)(1), (2), (5) & (E)(1)
	C	Home occupation to host events, subject to Section 806.	406.05(A)(1), (2), (5) & (E)(1)
	C	Home occupation for canine skills training, subject to Section 836.	406.05(A)(1), (2), (5) & (E)(1)
	C	Private accommodations for fishing on a temporary basis.	406.05(A)(1), (2), (5) & (E)(2)
	C	Private seasonal accommodations for fee based hunting.	406.05(A)(1), (5) & (E)(3)
	Type	Use	Subject To
<b>MINERAL, AGGREGATE, OIL, AND GAS USES</b>	A	Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries.	
	C	Mining and processing of oil, gas, or other subsurface resources.	406.05(A)(1), (6) & (F)(1)
	C	Exploration for and production of geothermal, gas, and oil.	406.05(A)(1), (6) & (F)(2)

	Type	Use	Subject To
<b>TRANSPORTATION USES</b>	A	Widening of roads within existing rights-of-way in conformance with Chapter 5 of the Comprehensive Plan.	
	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Parking of up to seven dump trucks and seven trailers, subject to ORS 215.311.	406.05(A)(1)
	C	Aids to navigation and aviation.	406.05(A)(1) & (6)
	C	Expansion of existing airports.	406.05(A)(1)
	C	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
	C	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	406.05(A)(1) & (G)(1)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES</b>	<del>A</del>	<del>See Table 835-1 Collocation of antennas with associated equipment on a previously approved wireless telecommunication facilities facility, subject to Section 835 Subsection 835.04(A).</del>	
	<del>A</del>	<del>Placement of telecommunication antennas with associated equipment on an existing utility pole, subject to Subsection 835.04(B).</del>	
	<del>A</del>	<del>Essential public communication services, subject to Subsection 835.04(C).</del>	

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

UTILITY AND SOLID WASTE DISPOSAL FACILITY USES (cont.)	A	Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.	
	A	Water intake facilities, canals and distribution lines for farm irrigations and ponds.	
	A	Solar energy systems as an accessory use.	
	A	Rainwater collection systems as an accessory use.	
	A	Electric vehicle charging stations for residents and their nonpaying guests.	
	A	Meteorological towers.	
	TYPE II	Wind energy power production systems as an accessory use.	406.05(H)(1)
	<del>TYPE II</del>	<del>Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility that exceed Subsection 835.04(A), subject to Subsection 835.05(A).</del>	
	<del>TYPE II</del>	<del>Placement of telecommunication antennas with associated equipment on replacement utility pole that exceeds the replaced pole by no more than 20 feet, subject to Subsection 835.05(A).</del>	
	<del>C</del>	<del>Wireless telecommunication facilities listed in Subsection 835.06, subject to Section 835.</del>	
	C	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (6)
	C	Reservoirs and water impoundments.	406.05(A)(1), (2) & (5)
	C	A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation. A composting facility is subject to Section 834.	406.05(A)(1) & (6)
	C	Commercial utility facilities for the purpose of generating power.	406.05(A)(1), (6) & (H)(2)
	C	New electric transmission lines.	406.05(A)(1) & (H)(3)
C	Television, microwave, and radio communication facilities.	406.05(A)(1), (6) & (H)(4)	

	Type	Use	Subject To
<b>PARKS AND PUBLIC/QUASI-PUBLIC USES</b>	A	Private hunting and fishing operations without any lodging accommodations.	
	A	Towers and fire stations for forest fire protection.	
	C	Fire stations for rural fire protection.	406.05(A)(1) & (6)
	C	Youth camps on 40 acres or more, subject to OAR 660-006-0031.	406.05(A)(1) & (3)
	C	Cemeteries.	406.05(A)(1) & (6)
	C	Firearms training facility as provided in ORS 197.770(2).	406.05(A)(1) & (6)
	C	Private parks and campgrounds.	406.05(A)(1), (2), (6) & (I)(1)
	C	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.	406.05(A)(1) & (6)
	Type	Use	Subject To
<b>OUTDOOR GATHERINGS</b>	A	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	406.05(J)(1)
	TYPE III	An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	406.05(A)(1) & (J)(2)

406.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 406-1. The applicability of a specific criterion to a listed use is established by Table 406-1.

A. General Criteria

1. The use may be allowed provided that:
  - a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
  - b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
2. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner that recognizes the rights of the adjacent and nearby land owners to conduct forest operations consistent with the Oregon Forest Practices Act and Rules.



3. The landowner for the dwelling shall sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
4. An approval to construct a dwelling may be transferred to any other person after the effective date of the land use decision.
5. If road access to the use is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management (BLM), or the United States Forest Service (USFS), then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
6. A land division for the use may be approved pursuant to Subsection 406.09(D).

**B. Farm and Forest Uses**

1. Temporary portable facility for the primary processing of forest products grown on-site, subject to Subsection 1204.01, for a period not to exceed one year.
2. Permanent facility for the primary processing of forest products that is:
  - a. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and
  - b. Adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses.

**C. Natural Resource Uses**

1. Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.

**D. Residential Uses**

1. Alteration, restoration, or replacement of a lawfully established dwelling that:
  - a. Has intact exterior walls and roof structure;

- b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
  - c. Has interior wiring for interior lights;
  - d. Has a heating system; and
  - e. In the case of replacement, is removed, demolished, or—if not a manufactured dwelling or residential trailer—converted to an allowable use within 90 days from the occupancy of the new dwelling. Manufactured dwellings and residential trailers to be replaced shall be removed from the property within 30 days from the occupancy of the new dwelling.
2. Lot of Record Dwelling, subject to the following criteria:
- a. The lot of record on which the dwelling will be sited was lawfully created prior to January 1, 1985.
  - b. The lot of record on which the dwelling will be sited was acquired by the present owner:
    - i. Prior to January 1, 1985; or
    - ii. By devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
  - c. The tract on which the dwelling will be sited does not include a dwelling.
  - d. The lot of record on which the dwelling will be sited was not part of a tract that contained a dwelling on November 4, 1993.
  - e. The property is not capable of producing 5,000 cubic feet per year of commercial tree species.
  - f. The property is located within 1,500 feet of a public road, as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be a BLM road, or a USFS road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and the landowners adjacent to the road, a local government, or a state agency.
  - g. The proposed dwelling is not prohibited by this Ordinance or the Comprehensive Plan, or any other provisions of law.

- h. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of adjacent common ownership land shall remain in common ownership as long as the dwelling remains as approved.
  - i. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(2).
3. Forest Template Dwelling, subject to the following criteria:
- a. The tract on which the dwelling will be sited does not include a dwelling.
  - b. No dwellings are allowed on other lots of record that make up the tract.
  - c. A deed restriction shall be recorded with the County Clerk stating no other lots of record that make up the tract may have a dwelling.
  - d. The lot of record upon which the dwelling is to be located was lawfully created.
  - e. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(3).
  - f. The lot of record upon which the dwelling will be sited shall pass a template test, conducted as follows:
    - i. A 160 acre square template shall be centered upon the subject tract. The template may be rotated around the center point to the most advantageous position. After a position has been selected, the template shall remain fixed while lots of record and dwellings are counted. If the subject tract is larger than 60 acres and abuts a road or perennial stream, the 160 acre template shall be one-quarter mile wide by one mile long, be centered upon the subject tract, and, to the maximum extent possible, have its length aligned with the road or perennial stream.
    - ii. If the predominant soil type on the subject tract has a forest production capability rating, as determined by the Natural Resources Conservation Service (NRCS) Internet Soils Survey of:
      - A) Less than 50 cubic feet per acre per year of wood fiber production, at least part of a minimum of three lots of record shall fall within the template, and a minimum of three lawfully established dwellings shall exist on the lots within the template area; or

- B) 50 – 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of seven lots of record shall fall within the template, and a minimum of four lawfully established dwellings shall exist on the lots within the template area; or
  - C) Greater than 85 cubic feet per acre per year of wood fiber production, at least part of a minimum of 11 lots of record shall fall within the template, and a minimum of five lawfully established dwellings shall exist on the lots within the template area.
- iii. The following types of lots of record and dwellings shall not be counted toward satisfying the minimum number of lots of record or dwellings required pursuant to Subsection 406.05(D)(3)(f)(ii) to pass a template test:
- A) Lots of record larger than 80 acres;
  - B) Lots of record created on or after January 1, 1993;
  - C) Dwellings on lots of record larger than 80 acres;
  - D) Dwellings constructed on or after January 1, 1993;
  - E) Lots of record or dwellings located within an urban growth boundary;
  - F) Temporary dwellings; and
  - G) The subject property.
- iv. If the subject tract is larger than 60 acres and abutting a road or perennial stream, a minimum of one of the dwellings required by Subsection 406.05(D)(3)(f)(ii) shall be located on the same side of the road or stream as the subject tract and shall either be located within the template or within one-quarter mile of the edge of the subject tract and not outside the length of the template. If a road crosses the tract on which the dwelling will be sited, a minimum of one of the dwellings required by Subsection 406.05(D)(3)(f)(ii) shall be located on the same side of the road as the proposed dwelling.
4. 160 Acre Minimum Forest Dwelling, subject to the following criteria:
- a. The tract on which the dwelling is to be sited is at least 160 acres.
  - b. The tract on which the dwelling will be sited does not include a dwelling.
  - c. The lot of record upon which the dwelling is to be located was lawfully created.

- d. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(4).
5. 200 Acre Noncontiguous Dwelling, subject to the following criteria:
  - a. The tract on which the dwelling will be sited does not include a dwelling;
  - b. An owner of tracts that are not contiguous but are in Clackamas County adds together the acreage of two or more tracts that total 200 acres or more;
  - c. The owner submits proof of an irrevocable deed restriction, recorded in the deed records of the county, for the tracts in the 200 acres. The deed restriction shall preclude all future rights to construct a dwelling on the tracts not supporting the proposed dwelling, or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural and forest lands;
  - d. None of the lots of record or tracts used to total 200 acres may already contain a dwelling.
  - e. All lots of record or tracts used to total a minimum of 200 acres must have a Comprehensive Plan designation of Forest;
  - f. The lot of record upon which the dwelling is to be located was lawfully created;
  - g. The County Assessor's Office shall be notified of all approvals granted under Subsection 406.05(D)(5).
6. One manufactured dwelling, residential trailer, or recreational vehicle may be used for care in conjunction with an existing dwelling for the term of a health hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling, residential trailer, or recreational vehicle shall be removed or demolished. A temporary residence approved under Subsection 406.05(D)(6) is not eligible for replacement under Subsection 406.05(D)(1) as a permanent dwelling. On-site sewage disposal system review and removal requirements through the Septic and Onsite Wastewater Program also apply.

E. Commercial Uses

1. The home occupation shall not unreasonably interfere with other uses permitted in the zoning district in which the subject property is located and shall not be used as justification for a zone change.

2. Private accommodations for fishing occupied on a temporary basis may be allowed subject to the following:
  - a. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  - b. Only minor incidental and accessory retail sales are permitted; and
  - c. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  - d. Accommodations must be located within one-quarter mile of fish bearing Class I waters.
3. Private seasonal accommodations for fee hunting operations may be allowed subject to the following:
  - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  - b. Only minor incidental and accessory retail sales are permitted; and
  - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

F. Mineral, Aggregate, Oil, and Gas Uses

1. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;
2. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to a well head;

G. Transportation Uses

1. Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance, with:
  - a. The adoption of an exception to the goal related to forest lands and to any other applicable goal with which the facility or improvement does not comply; or

- b. Compliance with ORS 215.296 for those uses identified by rule of the Oregon Land Conservation and Development Commission as provided in Section 3, Chapter 529, Oregon Laws 1993.

H. Utility and Solid Waste Disposal Facility Uses

1. Wind energy power production systems as an accessory use, provided:
  - a. The system is not a commercial power generating facility;
  - b. No turbine has an individual rated capacity of more than 100kW, nor does the cumulative total rated capacity of the turbines comprising the installation exceed 100 kW;
  - c. The system complies with the Oregon Department of Environmental Quality noise standards otherwise applicable to commercial and industrial uses for quiet areas, measured at the nearest property line of the noise-sensitive use. This may be demonstrated through information provided by the manufacturer;
  - d. The system is prohibited if tower lighting for aviation safety is required;
  - e. The system will be located outside an urban growth boundary on a minimum of one acre;
  - f. The system does not exceed 150 feet in height from base to the height of the tower plus one blade;
  - g. The system is set back a distance not less than the tower height plus one blade from all property lines; and
  - h. Roof mounted system towers shall extend no more than an additional five feet above the highest ridge of a building's roof or 15 feet above the highest eave, whichever is higher, but shall not exceed 150 feet in height from finished grade.
2. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4. Hydroelectric facilities shall also be subject to Section 829.
3. New electric transmission lines with right-of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (i.e., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

4. Television, microwave, and radio communication facilities and transmission towers, provided the base of such structure shall not be closer to the property line than a distance equal to the height of the tower.

I. Parks, Public, and Quasi-Public Uses

1. Private parks and campgrounds: Campgrounds in private parks shall only be those allowed by Subsection 406.05(I)(1). A campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground, subject to the following:
  - a. Except on a lot of record contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
  - b. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
  - c. Campsites may be occupied by a tent, travel trailer, yurt, or recreational vehicle.
  - d. Separate sewer, water, or electric service hook-ups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by Subsection 406.05(I)(1)(g).
  - e. Campgrounds authorized by Subsection 406.05(I)(1) shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
  - f. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.
  - g. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in Subsection 406.05(I)(1), "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up, or internal cooking appliance.



J. Outdoor Gatherings

1. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, subject to ORS 433.735 through 433.760.
2. An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces, shall be subject to review by the Planning Commission under the provisions of ORS 433.763.

406.06 PROHIBITED USES

- A. Uses of structures and land not specifically permitted are prohibited.
- B. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use may not be converted to another use.

406.07 DIMENSIONAL STANDARDS

- A. Minimum Lot Size: New lots of record shall be a minimum of 80 acres in size, except as provided in Subsection 406.09. For the purpose of complying with the minimum lot size standard, lots of record with street frontage on County or public road rights-of-way may include the land area between the front lot line and the centerline of the County or public road right-of-way.
- B. Minimum Front Setback: 30 feet.
- C. Minimum Side Setback: 10 feet.
- D. Minimum Rear Setback: 30 feet; however, accessory buildings shall have a minimum rear yard setback of 10 feet.
- E. Modifications: Modifications to dimensional standards are established by Sections 800, *Special Uses*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

406.08 DEVELOPMENT STANDARDS

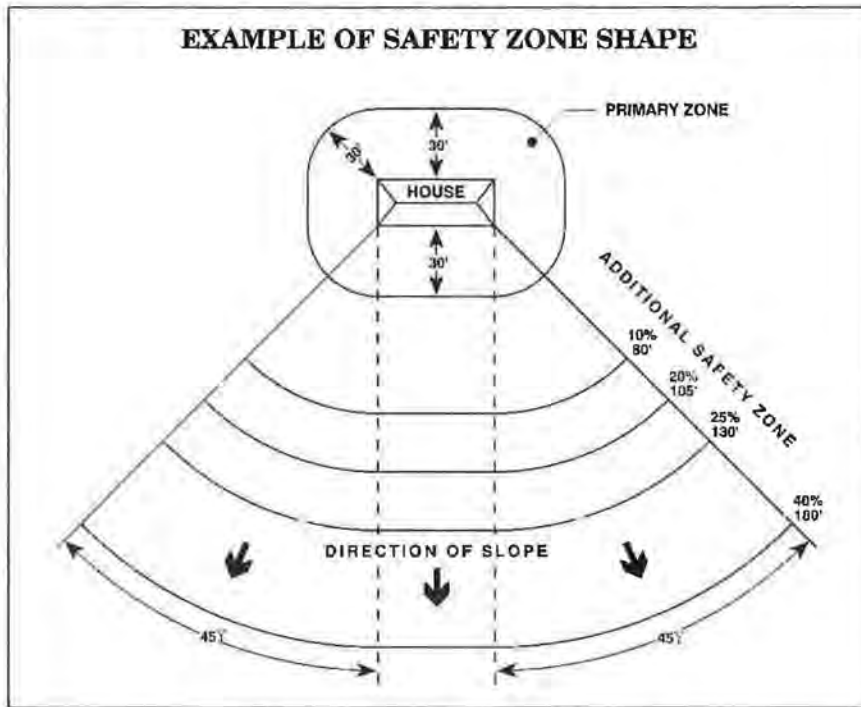
- A. Fire-Siting Standards for New Structures: Fuel-free break standards shall be provided surrounding any new structure approved after April 28, 1992 pursuant to a land use application, as follows:
  1. A primary fuel-free break area shall be maintained surrounding any new structure, including any new dwelling.

- a. The primary safety zone is a fire fuel break extending a minimum distance around structures. The minimum distance is established by Table 406-2 and Figure 406-1. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, limbs and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the structure. As slope increases, the primary safety zone shall increase away from the structure and down the slope at a 45-degree angle from the structure, in accordance with Table 406-2 and Figure 406-1:

**Table 406-2: Minimum Primary Safety Zone**

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

**Figure 406-1: Example of Primary Safety Zone**



2. For any new dwelling, a secondary fuel-free break area shall be cleared and maintained on land surrounding the dwelling that is owned or controlled by the owner.
  - a. The secondary fuel-free break extends around the primary safety zone required pursuant to Subsection 406.08(A)(1). The goal of the secondary fuel-free break shall be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel-free break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. The minimum width of the secondary fuel-free break shall be the lesser of:
    - i. 100 feet; or
    - ii. The distance from the dwelling to the edge of land surrounding the dwelling that is owned or controlled by the owner.

3. Structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705, respectively. Structures shall be sited so that a primary safety zone can be completed around the structure outside of the river or stream corridor setback/buffer area. The area within the river or stream setback/buffer area shall be exempt from the secondary fuel-free break area requirements.
  4. The fuel-free break standards shall be completed and approved prior to issuance of any septic, building, or manufactured dwelling permits. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner.
- B. Additional Fire-Siting Standards for New Dwellings: The following fire-siting standards shall apply to any new dwelling approved pursuant to a land use application based on standards in effect on or after February 5, 1990.
1. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If inclusion within a fire protection district or contracting for residential fire protection is impracticable, an alternative means for protecting the dwelling from fire hazards shall be provided. The means selected may include a fire sprinkling system, onsite equipment and water storage, or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Oregon Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fires season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
  2. The dwelling shall have a fire retardant roof.
  3. The dwelling shall not be sited on a slope of greater than 40 percent.
  4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
- C. Compatibility Siting Standards: The following compatibility siting standards shall apply to any new structure, including any new dwelling, approved pursuant to a land use application based on standards in effect on or after April 28, 1994.

1. Structures shall be sited on the subject property so that:
    - a. They have the least impact on nearby or adjoining forest or agricultural lands;
    - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
    - c. The amount of forest lands used to site access roads, service corridors, and structures is minimized; and
    - d. The risks associated with wildfire are minimized.
  2. Siting criteria satisfying Subsection 406.08(C)(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the subject property least suited for growing trees.
- D. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Oregon Water Resources Department's (OWRD) administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Oregon Forest Practices Rules (OAR Chapter 629). Evidence of a domestic water supply means:
- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water;
  - b. A water use permit issued by the OWRD for the use described in the application; or
  - c. Verification from the OWRD that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.
- E. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.

406.09 LAND DIVISIONS

Land divisions are permitted, if consistent with one of the following options and Subsections 1105.01(A) and 1105.07. A land division pursuant to Subsection 406.09(A) shall require review of a Type I application pursuant to Section 1307, *Procedures*. A land division pursuant to Subsection 406.09(B), (C), (D), (E), (F) or (G) shall require review of a Type II application pursuant to Section 1307.

- A. 80-Acre Minimum Lot Size Land Divisions: A land division may be approved if each new lot of record is a minimum of 80 acres in size, as established by Subsection 406.07(A).
- B. Multiple Dwelling Land Divisions: A lot of record may be divided subject to Subsection 406.05(A)(2) and the following provisions:
1. At least two lawfully established dwellings existed on the lot of record prior to November 4, 1993;
  2. Each dwelling complies with the criteria for a replacement dwelling under Subsection 406.05(D)(1);
  3. Except for one lot or parcel, each lot or parcel created under this provision is not less than two nor greater than five acres in size;
  4. At least one of the existing dwellings is located on each lot or parcel created under this provision;
  5. The landowner of a lot or parcel created under this provision provides evidence that a restriction has been recorded in the Deed Records for Clackamas County that states the landowner and the landowner's successors in interest are prohibited from further dividing the lot or parcel. This restriction shall be irrevocable unless released by the Planning Director indicating the land is no longer subject to the statewide planning goals for lands zoned for Forest use;
  6. A lot of record may not be divided under this provision if an existing dwelling on the lot of record was approved through:
    - a. A statute, an administrative rule, or a land use regulation that prohibited or required removal of the dwelling or prohibited a subsequent land division of the lot of record; or
    - b. A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under Goal 4 (*Forest Lands*);
  7. Existing structures shall comply with the minimum setback standards of Subsections 406.07(B) through (D) from new property lines; and
  8. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- C. Homestead Dwelling Land Division: A land division may be approved for the establishment of a parcel for an existing dwelling, -subject to the following criteria:

1. The parcel established for the existing dwelling shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres;
  2. The dwelling existed prior to June 1, 1995;
  3. The remaining parcel, not containing the existing dwelling, is:
    - a. At least 80 acres; or
    - b. The remaining parcel, not containing the existing dwelling, is consolidated with another parcel, and together the parcels total at least 80 acres;
  4. The remaining parcel, not containing the existing dwelling, is not entitled to a dwelling unless subsequently authorized by law or goal;
  5. The landowner shall provide evidence that an irrevocable deed restriction on the remaining parcel, not containing the existing dwelling, has been recorded with the County Clerk. The restriction shall state that the parcel is not entitled to a dwelling unless subsequently authorized by law or goal and shall be irrevocable unless a statement of release is signed by the Planning Director that the law or goal has changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural or forest land; and
  6. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- D. Conditional Use Divisions: A land division creating parcels less than 80 acres in size may be approved for a conditional use to which Subsection 406.05(A)(6) is applicable, subject to the following criteria:
1. The parcel created for the conditional use shall be the minimum size necessary for the use;
  2. Either the conditional use was approved pursuant to Subsections 406.05(A)(1) and (2), or—for those uses not subject to Subsections 406.05(A)(1) and (2)—compliance with Subsections 406.05(A)(1) and (2) shall be demonstrated; and
  3. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

- E. Parks/Open Space/Land Conservation Divisions: A land division for a provider of public parks or open space, or a not-for-profit land conservation organization, may be approved subject to ORS 215.783. In addition, the landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. Forest Practice Divisions: A land division creating parcels less than 80 acres in size may be approved, subject to the following criteria:
1. The division will facilitate a forest practice as defined in ORS 527.620;
  2. There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;
  3. Parcels created pursuant to Subsection 406.09(F):
    - a. Are not eligible for siting of a new dwelling;
    - b. May not serve as the justification for the siting of a future dwelling on other lots of record;
    - c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
    - d. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
      - i. Facilitate an exchange of lands involving a governmental agency; or
      - ii. Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
    - e. The landowner shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- G. Land Divisions Along an Urban Growth Boundary: A division of a lot of record may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned TBR or AG/F and is smaller than 80 acres, subject to the following criteria:
1. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.
  2. If the parcel does not contain a dwelling, the parcel:



- a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
- b. May not be considered in approving or denying an application for any other dwelling;
- c. May not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and
- d. The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

#### 406.10 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for any use requiring review of a Type I or II application shall include an accurate site plan drawn to scale on eight-and-one-half-inch by 11-inch or eight-and-one-half-inch by 14-inch paper, showing the subject property and proposal.

#### 406.11 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of a Type I or II application is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented. "Implemented" means:
1. For a land division, the final plat shall be recorded with the County Clerk. If a final plat is not required under Oregon Revised Statutes Chapter 92, deeds with the legal descriptions of the new parcels shall be recorded with the County Clerk; or
  2. For all other applications, a building or manufactured dwelling placement permit for a new primary structure that was the subject of the application shall be obtained and maintained. If no building or manufactured dwelling placement permit is required, all other necessary County development permits shall be obtained and maintained.
- B. Time Extension: If the approval of a Type I or II application is not implemented within the initial approval period established by Subsection 406.11(A), a two-year time extension may be approved pursuant to Section 1310.

- C. Subsections 406.11(A) and (B) do not apply to home occupations or conditional uses, which shall be subject to any applicable approval period and time extension provisions of Sections 822 or 1203, respectively.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-247, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-266, 5/23/18]



**407 AG/FOREST DISTRICT (AG/F)**

---

407.01 PURPOSE

Section 407 is adopted to implement the policies of the Comprehensive Plan for Forest and Agriculture areas.

407.02 APPLICABILITY

Section 407 applies to land in the Ag/Forest (AG/F) District.

407.03 DEFINITIONS

The definitions set forth in Subsections 401.03 and 406.03 apply to Section 407. Unless specifically defined in Subsection 401.03, Subsection 406.03, or Section 202, *Definitions*, words or phrases used in Section 407 shall be interpreted to give them the same meaning as they have in common usage and to give Section 407 its most reasonable application.

407.04 USES PERMITTED

Uses permitted in the AG/F District are listed in Table 407-1, *Permitted Uses in the AG/F District*.

A. As used in Table 407-1:

1. "A" means the use is allowed.
2. "Type I" means the use requires review of a Type I application, pursuant to Section 1307, *Procedures*.
3. "Type II" means the use requires review of a Type II application pursuant to Section 1307, *Procedures*.
4. "Type III" means the use requires review of a Type III application, pursuant to Section 1307, *Procedures*.
5. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
6. The "Subject To" column identifies any specific provisions of Subsection 401.05 or 406.05 to which the use is subject.
7. Numbers in superscript correspond to the notes that follow Table 407-1.

- B. Permitted uses are subject to the applicable provisions of Subsection 406.07, *Dimensional Standards*; Subsection 406.08, *Development Standards*; Section 1000, *Development Standards*; and Section 1100, *Development Review Process*.

**Table 407-1: Permitted Uses in the AG/F District**

	Type	Use	Subject To
<b>FARM AND FOREST USES</b>	A	Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash where such uses pertain to forest uses and operations. Inside the Portland Metropolitan Urban Growth Boundary, refer to Subsection 1002.02 regarding a development restriction that may apply if excessive tree removal occurs.	
	A	Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.	
	A	Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction, or recreational facilities.	
	A	Farm use as defined in ORS 215.203. Marijuana production is subject to Section 841.	
	A	Uses and structures customarily accessory and incidental to a farm or forest use, only if the primary farm or forest use exists.	
	TYPE II	Temporary portable facility for the primary processing of forest products.	406.05(B)(1)
	TYPE II	A facility for the processing of farm crops or the production of biofuel as defined in ORS 315.141. Marijuana processing is subject to Section 841. <sup>1</sup>	401.05(B)(1)
	C	Permanent facility for the primary processing of forest products.	406.05(A)(1), (6) & (B)(2)
	C	Permanent facilities for logging equipment repair and storage.	406.05(A)(1) & (6)
	C	Log scaling and weigh stations.	406.05(A)(1) & (6)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>NATURAL RESOURCE USES</b>	A	Uninhabitable structures accessory to fish and wildlife enhancement.	
	A	Creation of, restoration of, or enhancement of wetlands.	
	TYPE II	The propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission.	401.05(A)(1)
	C	Forest management research and experimentation facilities.	406.05(A)(1) & (C)(1)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>RESIDENTIAL USES</b>	A	Uses and structures customarily accessory and incidental to a dwelling, only if a lawfully established dwelling exists.	
	A	Alteration, restoration, or replacement of a lawfully established dwelling.	406.05(D)(1)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	Type	Use	Subject To
<b>RESIDENTIAL USES (cont.)</b>	TYPE II	Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a County inventory as historic property and listed on the National Register of Historic Places. <sup>2</sup>	401.05(A)(3)
	TYPE II	Forest Lot of Record Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(2)
	TYPE II	Agricultural Lot of Record Dwelling on Low Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(3)
	TYPE II	Agricultural Lot of Record Dwelling on Class III or IV High Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(4)
	TYPE III	Agricultural Lot of Record Dwelling on Class I or II High Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(5)
	TYPE II	Agricultural Dwelling in conjunction with a farm use on High Value Farmland that was predominantly agriculture on January 1, 1993. <sup>2</sup>	401.05(A)(3) & (C)(6)
	TYPE II	Agricultural Dwelling in conjunction with a farm use on Low Value Farmland on land that was predominantly agriculture on January 1, 1993. <sup>2</sup>	401.05(A)(3) & (C)(7)
	TYPE II	Agricultural Dwelling customarily provided in conjunction with a commercial dairy farm on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3) & (C)(8)
	TYPE II	Agricultural 160 acre test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993. <sup>2</sup>	401.05(A)(3), (4) & (C)(9)
	TYPE II	Agricultural Capability test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993. <sup>2</sup>	401.05(A)(3), (4) & (C)(10)
	TYPE II	Agricultural Nonfarm dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3), (4) & (C)(11)
	TYPE II	Agricultural Accessory farmworker dwelling for a relative on land that was predominantly agriculture on January 1, 1993. <sup>2</sup>	401.05(A)(3) & (C)(12)
	TYPE II	Agricultural Accessory farmworker dwelling for year-round and seasonal farm workers on land that was predominantly agriculture on January 1, 1993. <sup>2</sup>	401.05(A)(3) & (C)(13)
	TYPE II	Agricultural Dwelling on Low or High Value Farmland to be owned and operated by a different farm operator on at least 80 acres.	401.05(A)(3) & (C)(14)
	TYPE II	Forest Template Test Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(3)
	TYPE II	160 Acre Forest Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(4)
	TYPE II	200 Acre Noncontiguous Tract Forest Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(5)
	TYPE II	Caretaker residences for public parks and public fish hatcheries.	406.05(A)(2) & (5)

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

RESIDENTIAL USES (cont.)	TYPE II	Temporary forest labor camp, subject to Subsection 1204.01, for a period not to exceed one year.		
	TYPE II	Temporary dwelling for care, subject to Subsection 1204.04.	406.05(A)(1), (2) & (D)(6)	
	TYPE II	Room and board arrangements for a maximum of five unrelated persons in existing dwellings.	401.05(A)(1) & (3)	
	TYPE II	Residential home or facility as defined in ORS 197.660, in existing dwellings.	401.05(A)(1) & (3)	
		Type	Use	Subject To
COMMERCIAL USES	A	Family <del>child care</del> day care home provider.		
	A	Dog training classes.	401.05(D)(8)	
	A	Dog testing trials.	401.05(D)(9)	
	TYPE I	A license for a winery to carry out the first six of 18-day agri-tourism and other commercial events, subject to ORS 215.237 and 215.452(6)(a).		
	TYPE II	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(o). <sup>3</sup>		
	TYPE II	Home occupation, subject to Section 822.	406.05(A)(1), (2), (5) & (E)(1)	
	TYPE II	A landscape contracting business.	401.05(A)(1) & (D)(2)	
	TYPE II	Agri-tourism single event.	401.05(A)(1) & (D)(3)	
	TYPE II	Agri-tourism for up to 6 events or activities.	401.05(A)(1) & (D)(4)	
	TYPE II	A winery as described in and subject to ORS 215.452 or 215.453, whichever is applicable, but not a restaurant open more than 25 days per calendar year.		
	TYPE II	A bed and breakfast facility as a home occupation in association with a winery, subject to ORS 215.448, as provided in ORS 215.452 or 215.453, whichever is applicable.	401.05(A)(1) & (D)(5)	
	TYPE II	A large winery with a restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or; agri-tourism or other commercial events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.	401.05(A)(1)	
	TYPE II	Winery agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to ORS 215.237 and 215.452(6)(c).		
	C	Home occupation to host events, subject to Section 806.	406.05(A)(1), (2), (5) & (E)(1)	
	C	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel that exceeds the standards of ORS 215.203(2)(b)(K) or Subsection 401.05(B)(1). <sup>4</sup>	401.05(A)(1)	
	C	Agri-tourism additional events not to exceed 18 events on a minimum of 80 acres.	401.05(A)(1) & (D)(6)	
C	Private accommodations for fishing on a temporary basis.	406.05(A)(1), (2), (5) & (E)(2)		

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>COMMERCIAL USES (cont.)</u>	C	Private seasonal accommodations for fee based hunting.	406.05(A)(1), (5) & (E)(3)
	C	An aerial fireworks display business.	401.05(A)(1) & (D)(7)
	C	Commercial dog boarding kennels.	401.05(A)(1)
	C	Dog training classes or testing trials that cannot be established under Subsection 401.05(D)(8) or (9).	401.05(A)(1)
	Type	Use	Subject To
<u>MINERAL, AGGREGATE, OIL, AND GAS USES</u>	A	Exploration for mineral and aggregate resources as defined in ORS Chapter 517 and subject to the requirements of the Department of Geology and Mineral Industries.	
	A	Operations for the exploration for, and production of, geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to a wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	A	Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).	
	C	Operations conducted for mining, crushing, or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.	401.05(A)(1), (E)(1) & (E)(1)(a)
	C	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	401.05(A)(1), (E)(1) & (E)(1)(b)
	C	Processing of other mineral resources and other subsurface resources.	401.05(A)(1), (E)(1) & (E)(1)(c)
	C	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under Section 407.	401.05(A)(1), (E)(1) & (E)(1)(d)
	C	Mining and processing of oil, gas, or other subsurface resources.	406.05(A)(1), (6) & (F)(1)
	C	Exploration for and production of geothermal, gas, and oil.	406.05(A)(1), (6) & (F)(2)



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	Type	Use	Subject To
<b>TRANSPORTATION USES</b>	A	Widening of roads within existing rights-of-way in conformance with Chapter 5 of the Comprehensive Plan.	
	A	Climbing and passing lanes within the right of way existing as of July 1, 1987.	
	A	Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.	
	A	Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.	
	A	Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations, and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.	
	TYPE II	Parking of up to seven dump trucks and seven trailers, subject to ORS 215.311.	406.05(A)(1)
	TYPE II	Parking of no more than seven log trucks, subject to ORS 215.311.	401.05(A)(1)
	TYPE II	Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.	406.05(A)(1)
	TYPE II	Improvement of public roads and highway-related facilities, such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.	406.05(A)(1)
	C	Aids to navigation and aviation.	406.05(A)(1) & (6)
	C	Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities.	401.05(A)(1) & (F)(2)
	C	Expansion of existing airports.	406.05(A)(1)
	C	Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.	406.05(A)(1)
C	Roads, highways, and other transportation facilities and improvements not otherwise allowed under this Ordinance.	401.05(F)(1)	

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	Type	Use	Subject To
<b>UTILITY AND SOLID WASTE DISPOSAL FACILITY USES</b>	A See Table 835-1	<del>Collocation of antennas with associated equipment on a previously approved wireless telecommunication facilities facility (other than essential public communication services, as defined in Section 835), subject to Section 835.04(A).</del>	
	A	<del>Placement of telecommunication antennas with associated equipment on an existing utility pole, subject to Subsection 835.04(B).</del>	
	TYPE IIA	Essential public communication services, as defined in Section 835 subject to Subsection 835.04(C).	406.05(A)(1)
	A	Local distribution lines (i.e., electric, telephone, natural gas) and accessory equipment (i.e., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.	
	A	Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.	
	A	Water intake facilities, canals and distribution lines for farm irrigation and ponds.	
	A	Solar energy systems as an accessory use.	
	A	Rainwater collection systems as an accessory use.	
	A	Electric vehicle charging stations for residents and their non-paying guests.	
	A	Meteorological towers.	
	TYPE II	Wind energy power production systems as an accessory use.	406.05(H)(1)
	TYPE II	<del>Collocation of antennas with associated equipment on a previously approved wireless telecommunication facility that exceed Subsection 835.04(A), subject to Subsection 835.05(A).</del>	
	TYPE II	<del>Placement of telecommunication antennas with associated equipment on replacement utility pole that exceeds the replaced pole by no more than 20 feet, subject to Subsection 835.05(A).</del>	
	TYPE II	Composting operations and facilities <del>that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract</del> high-value farmland.	401.05(A)(1) & (G)(3)
	C	<del>Wireless telecommunication facilities listed in Subsection 835.06, subject to Section 835.</del>	406.05(A)(1)
	C	<del>Composting facilities on low value farmland.</del>	401.05(A)(1) & (G)(4)
	C	Water intake facilities, related treatment facilities, pumping stations, and distribution lines.	406.05(A)(1) & (6)
	C	Reservoirs and water impoundments.	406.05(A)(1),(2) & (6)
	C	A disposal site for solid waste for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities, or buildings necessary for its operation. <u>A composting facility is subject to Section 834.</u>	406.05(A)(1) & (6)
	C	Commercial utility facilities for the purpose of generating power.	406.05(A)(1), (6) & (H)(2)
C	New electric transmission lines.	406.05(A)(1) & (H)(3)	
C	Television, microwave, and radio communication facilities.	406.05(A)(1), (6) & (H)(4)	

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

	Type	Use	Subject To
PARKS, PUBLIC, AND QUASI-PUBLIC USES	A	Private hunting and fishing operations without any lodging accommodations.	
	A	Towers and fire stations for forest fire protection.	
	A	Land application of reclaimed water, agricultural process or industrial process water, or biosolids for agricultural, horticultural, or forest production, or for irrigation in connection with a use allowed in the EFU zoning district, subject to the issuance of a license, permit, or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053, or 468B.055, or in compliance with rules adopted under ORS 468(B).095.	
	A	Onsite filming and activities accessory to onsite filming for 45 days or less.	
	TYPE II	A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.	401.05(H)(1)
	TYPE II	Community centers.	401.05(A)(1), (5)&(H)(3)
	TYPE II	Living history museum.	401.05(A)(1), (5)&(H)(4)
	TYPE II	Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.	401.05(A)(1)
	TYPE II	A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.	401.05(A)(1)
	TYPE II	Churches and cemeteries in conjunction with churches, consistent with ORS 215.441, which does not include private or parochial school education for prekindergarten through grade 12 or higher education.	401.05(A)(5)
	TYPE II	Fire service facilities providing rural fire protection services.	
	C	Operations for extraction and bottling of water.	401.05(A)(1)
	C	Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.	401.05(A)(1)
	C	Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.	401.05(A)(1) & (5)
	C	Golf courses.	401.05(A)(1), (5)&(H)(6)

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)</b>	C	Youth camps on 40 acres or more, subject to OAR 660-006-0031.	406.05(A)(1) & (3)
	C	Cemeteries.	406.05(A)(1) & (6)
	C	Firearms training facility as provided in ORS 197.770(2).	406.05(A)(1) & (6)
	C	Private parks and campgrounds.	406.05(A)(1),(2),(6) & (I)(1)
	C	Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.	406.05(A)(1) & (6)
	<b>Type</b>	<b>Use</b>	<b>Subject To</b>
<b>OUTDOOR GATHERINGS</b>	A	An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period.	406.05(J)(1)
	TYPE III	An outdoor mass gathering of more than 3,000 persons that continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.	406.05(A)(1) & (J)(2)

- <sup>1</sup> The processing, compounding, or conversion of marijuana into cannabinoid extracts is prohibited.
- <sup>2</sup> Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling. (See ORS 475B.370.)
- <sup>3</sup> A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See ORS 475B.370.)
- <sup>4</sup> A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See ORS 475B.370.)

**407.05 PROHIBITED USES**

- A. Uses of structures and land not specifically permitted are prohibited.
- B. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use may not be converted to another use.

**407.06 DIMENSIONAL STANDARDS**

Subsection 406.07, which establishes dimensional standards in the TBR District, shall apply in the AG/F District.

**407.07 DEVELOPMENT STANDARDS**

Subsection 406.08, which establishes development standards in the TBR District, shall apply in the AG/F District.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

407.08 LAND DIVISIONS

Subsection 406.09, which establishes land division standards in the TBR District, shall apply in the AG/F District.

407.09 SUBMITTAL REQUIREMENTS

Subsection 406.10, which establishes submittal requirements in the TBR District, shall apply in the AG/F District.

407.10 APPROVAL PERIOD AND TIME EXTENSION

Subsection 406.11, which establishes approval period and time extension standards in the TBR District, shall apply in the AG/F District.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-241, 1/1/13; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-247, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-263, 5/23/17; Amended by Ord. ZDO-264, 8/22/17; Amended by Ord. ZDO-266, 5/23/18]

**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**

---

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, daycare 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 Refuse and Recycling Standards for Commercial, Industrial, and Multifamily Developments*, or as an accessory use to an attached single-family dwelling, are prohibited.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 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.

**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 <del>child care</del> <del>homedaycare providers</del> , 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, <del>churches</del> , community centers, convention facilities, exhibition halls, fraternal organization lodges, <del>places of worship</del> , senior centers, and theaters for the performing arts <sup>4</sup>	C	P	P,C <sup>54</sup>	P	P	P	P	P	S	P,C <sup>54</sup>	P,C <sup>54</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> , <del>subject to Section 823</del>	A	A	P	P	P	P	P	P	A	P	P
<b><u>Child Care Facilities</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>L<sup>5</sup>,C</u>	<u>L<sup>6</sup>,C</u>

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>67,78</sup>	P <sup>89</sup>	P <sup>89</sup>	P <sup>89</sup>	P	P	L	P <sup>89</sup>	P <sup>67,78</sup>
<del>Daycare Facilities, subject to Section 807</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>L<sup>9</sup>,C</del>	<del>L<sup>40</sup>;C</del>
<b>Daycare Services, Adult</b>	P	P	P	P	P	P	P	P	P	L <sup>95</sup> ,C	L <sup>406</sup> , C
<b>Drive-Thru Window Services</b> , subject to Section 827	C	A	A <sup>410</sup>	A	A	A	A <sup>411</sup>	X	X	A <sup>411</sup>	A <sup>411</sup>
<b>Dwellings, Attached Single-Family</b>	X	A	X	A	X	A	P	P	L <sup>412</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>67</sup>	P <sup>89</sup>	P <sup>89</sup>	P <sup>89</sup>	P	P	L <sup>413</sup>	P <sup>89</sup>	P <sup>67</sup>
<b>Dwellings, Three-Family</b>	X	X	X	P	P	P	P	P	L <sup>413</sup>	P <sup>8</sup>	X
<b>Dwellings, Two-Family</b>	X	A	X	P	P	P	P	P	L <sup>413</sup>	P <sup>8</sup>	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, daycare facilities <sup>15</sup> , fitness facilities, lounges, and recreational facilities	A	A	A	A	A	A	A	A	A <sup>464</sup>	A <sup>464</sup>	A <sup>464</sup>
<b>Entertainment Facilities</b> , including arcades, billiard halls, bowling alleys, miniature golf courses, and movie theaters	C <sup>4715</sup>	P <sup>4715</sup>	P <sup>4715</sup>	P	P	P	P <sup>4715</sup>	P <sup>4715,481</sup> 6	S	C <sup>4715,4917</sup>	L <sup>406,4715</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

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>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	P <sup>1715</sup>	P <sup>1715</sup>	P <sup>1715</sup>	P	P	P	P <sup>1715</sup>	P <sup>1715,181</sup> 6	L <sup>1715,20</sup> 18	C <sup>1715</sup>	L <sup>1715</sup> 2419
<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>2220</sup>	C	C	C	X	X	X	C <sup>2220</sup>	C <sup>2220</sup>
<b>Helistops</b>	X	X	C <sup>2220</sup>	C	C	C	C	C	X	C <sup>2220</sup>	C <sup>2220</sup>
<b>Home Occupations</b> , <u>including bed and breakfast homestays</u> , subject to Section 822	A	A	A	A	A	A	A	A	A	A	A
<b>Hospitals</b> , <del>subject to Section 809</del>	X	X	X	X	X	X	X	X	X	C	C
<b>Hotels</b>	P	P	P	P	P	P	P	P <sup>1816</sup>	S	L <sup>95,2321</sup> ,C 2321	P <sup>2321</sup>
<b>Hydroelectric Facilities</b> , <del>subject to Section 829</del>	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. Primary processing of raw materials is prohibited.	S <sup>2422</sup>	S <sup>2523</sup>	S	S	P	P	S	P <sup>2624,272</sup> 5	S	P <sup>2826</sup>	S
<b>Marijuana Processing</b>	X	X	X	X	P <sup>2927</sup>	P <sup>2927</sup>	X	P <sup>2624,292</sup> 2	X	P <sup>2826,2927</sup>	X
<b>Marijuana Production</b>	X	X	X	X	X	X	X	X	X	X	X
<b>Marijuana Retailing</b> , subject to Section 841	P	P	P	P	P	P	P	P <sup>1816</sup>	X	P <sup>1917</sup>	L <sup>406</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>3028</sup>	A <sup>3028</sup>	A <sup>3028</sup>
<b>Motels</b>	P	P	P	P	P	P	P	P <sup>1816</sup>	S	L <sup>95,3429</sup> ,C 3429	L <sup>406</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Multi-Use Developments</b> , subject to Section <del>8441016</del>	X	X	X	X	X	C	X	X	X	C	X
<b>Nursing Homes</b> , <del>subject to Section 810</del>	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>3230</sup>	A
<b>Parking Structures</b>	X	A <sup>3431</sup>	P <sup>3230</sup>	P <sup>3230</sup>	P	P	A	A	A <sup>3431</sup>	P <sup>3230</sup>	P <sup>3230</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>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>3432</sup>	C <sup>3432</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>3533</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

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>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>4715</sup>	P <sup>4715</sup>	P <sup>4715</sup>	P	P	P	P <sup>4715</sup>	P <sup>4715,181</sup> 6	S	C <sup>4715</sup>	L <sup>4715</sup> , 3419
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A	A	<del>A<sup>34X</sup></del>	<del>A<sup>34X</sup></del>	A	A	<del>A<sup>34X</sup></del>	<del>A<sup>34X</sup></del>	<del>A<sup>34X</sup></del>	<del>A<sup>34X</sup></del>	<del>A<sup>34X</sup></del>
<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>2826</sup>	P	P <sup>2635</sup>	P <sup>2635</sup>	P <sup>2826</sup>
<b>Retailing</b> —whether by sale, lease, or rent—of new or used products	S	S	P	P	P	P	P	P <sup>1816</sup>	S	C <sup>1017</sup>	L <sup>406</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>1816</sup>	L <sup>2018,27</sup> 16,S	L <sup>95,3736</sup> ,C 4917	L <sup>406</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	S	P	P	P	P	X	X	X	C <sup>1917</sup>	L <sup>196</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>Schools</b> <sup>38</sup>	P <sup>1917</sup>	P <sup>1917</sup>	P	P	P	P	P	P	L <sup>4028</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>1816</sup>	S	C <sup>1917</sup>	L <sup>196</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>1917</sup>	L <sup>196</sup>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Services, Commercial—Food and Beverage,</b> including catering and eating and drinking establishments	P	P	P	P	P	P	P	P <sup>1816</sup>	L <sup>4018</sup>	L <sup>95</sup> , C <sup>4130</sup>	L <sup>406,4</sup> 240
<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>1816</sup>	S	C <sup>4017</sup>	L <sup>406</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>4017</sup>	L <sup>400</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>1816</sup>	S	C <sup>4017</sup>	L <sup>400</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>Services, Commercial—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>1816</sup>	L <sup>2018</sup>	L <sup>95</sup>	L <sup>140</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>1816</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>2624</sup>	P	P	P
<b>Signs</b> , subject to Section 1010	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4341</sup>	A <sup>4241</sup>	A <sup>4341</sup>	A <sup>4341</sup>
<b>Stadiums, Outdoor</b>	X	X	X	X	X	C	X	X	X	X	X

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	NC	C-2	RCC	RTL	CC	C-3	PMU <sup>1</sup>	SCMU	OA <sup>2,3</sup>	OC	RCO
<b>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	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>	<u>P,C<sup>42</sup></u>
<del>Wireless Telecommunication Facilities listed in Subsection 835.04</del> , subject to Section 835	<u>See Table 835-1P</u>	P	P	P	P	P	P	<u>See Table 835-1P</u>	P	P	P
<del>Wireless Telecommunication Facilities listed in Subsection 835.05</del> , subject to Section 835	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>
<del>Wireless Telecommunication Facilities listed in Subsection 835.06(A)</del> , subject to Section 835	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

<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> Churches are not subject to Section 804, *Churches*.~~

<sup>45</sup> An assembly facility with a maximum capacity of more than 500 people is a conditional use.

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

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

~~a. In a multistory building with a primary use, up to a maximum building floor area equal to the building floor area of the first floor; or~~

~~b. On the ground-level floor of a freestanding parking structure.~~

<sup>76</sup> 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.

<sup>87</sup> A congregate housing facility shall have a minimum of four dwelling units.

<sup>98</sup> 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 HDR District. 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.

<sup>9</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>10</sup> ~~The use is permitted only:~~

~~a. In a multistory building with a primary use, up to a maximum building floor area equal to the building floor area of the first floor; or~~

~~b. On the ground-level floor of a freestanding parking structure.~~

<sup>1011</sup> Drive-thru window service is prohibited on streets designated as Main Streets on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*.

<sup>1112</sup> Drive-thru window service is permitted only if it is accessory to a financial institution and only if the financial institution is not on a street designated as a Main Street on Comprehensive Plan Map X-CRC-3.

<sup>1213</sup> Attached single-family dwellings, subject to the density standards of the VTH District, may be developed in the same building as a primary use.

<sup>1314</sup> 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.

<sup>15</sup> ~~Daycare facilities as an employee amenity are not subject to Section 807.~~

<sup>1446</sup> Employee amenities shall be located in the same structure as the use to which they are accessory.

<sup>1517</sup> Only indoor facilities are permitted.

<sup>1618</sup> A maximum of 40,000 square feet of ground-floor building floor area may be occupied by any one business, regardless of the number of buildings occupied by that business. In addition, the total ground-floor building floor area occupied by any combination of uses subject to Note 18 shall not exceed 40,000 square feet in a single building.

<sup>1719</sup> The maximum combined building floor area of the use, any limited uses, and any other uses subject to Note 19, shall be 20 percent of the building floor area of primary uses in the same development.

<sup>1820</sup> An individual use shall not exceed 2,500 square feet of building floor area. In addition, the maximum combined building floor area of an individual use, and any other uses subject to Note 20, shall be 10 percent of the total building floor area in the same development.

<sup>1921</sup> The use may be allowed in conjunction with a primary use on the site, subject to the following criteria:

- a. If the primary use on the site is an office use, the minimum floor area ratio (FAR) standard of Table 510-2 may be modified as follows for a lot of greater than two and one-half acres in size:
  - i. The minimum FAR for the office use shall be 0.75; and
  - ii. The minimum FAR for the fitness facility or recreational sports facility and the office use combined shall be 1.0.
- b. If the primary use on the site is a multifamily dwelling, the site area developed with the fitness facility or recreational sports facility and any parking or accessory structures used exclusively for the fitness facility or recreational sports facility shall be included in the net acreage when calculating minimum density pursuant to Table 510-2.
- c. The fitness facility or recreational sports facility shall be developed concurrently with, or after, a primary use.

<sup>2022</sup> This use is permitted only in conjunction with a primary or another conditional use.

<sup>2123</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>2224</sup> In the NC District, sign production is a conditional use.

<sup>2325</sup> In the C-2 District, sign production is a permitted use.

<sup>2426</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 26, does not exceed 25 percent of the building floor area of the mixed-use development.

<sup>2527</sup> Manufacturing of the following is prohibited: explosive devices; incendiary devices; and renewable fuel resources, such as alcohol, biomass, and methanol.

- ~~2628~~ 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.
- ~~2729~~ 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.
- ~~2830~~ Only level one mobile vending units are permitted.
- ~~2931~~ 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.
- ~~3032~~ The parking is permitted to serve only developments located in the same zoning district as the subject property.
- ~~3133~~ This use is limited to understructure parking.
- ~~3234~~ Only substations are permitted.
- ~~3335~~ 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.
- ~~3536~~ No operation shall be conducted or equipment used which would create hazards and/or noxious or offensive conditions.
- ~~3637~~ 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 19, in the OC District.
- ~~38~~ ~~Schools are not subject to Section 805, Schools.~~
- ~~3739~~ Only commercial schools are permitted.
- ~~3840~~ Schools shall be limited to no more than 30 percent of the total building floor area on a site.
- ~~3941~~ 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;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- f. Has an Oregon Liquor Control Commission license to serve beer and wine; or
- g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

<sup>40/42</sup> Notwithstanding Note 10, 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 26 to Table 510-2, *Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts*, the floor area ratio of the development, including the eating and drinking establishment, shall comply with the minimum floor area ratio standard for primary office uses in Table 510-2.
- c. If the primary use in the same development is a multifamily dwelling or a congregate housing facility, the acreage developed with the eating and drinking establishment, and any parking or accessory structures that are used exclusively for the eating and drinking establishment, may be subtracted from the total acreage when calculating minimum density pursuant to Table 510-2.
- d. The eating and drinking establishment shall be developed concurrently with, or after, a primary use.

<sup>41/43</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>42</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

**Table 510-2: Dimensional Standards in the Urban Commercial and Mixed-Use Zoning Districts**

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



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Standard	NC	C-2	RCC	RTL	CC	C-3	PMU	SCMU	OA	OC	RCO
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

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<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 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>	None	None	None	See Table 510-3	20 dwelling units per net acre for residential development; none for mixed-use development <sup>24</sup>	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 or with a limited use other than a fitness facility or a freestanding restaurant <sup>24</sup>

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.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 3 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.
- 4 The minimum is 2,000 square feet for a lot developed only with an attached single-family dwelling and uses accessory to that dwelling.
- 5 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.
- 6 The maximum front setback standard applies only if required by Subsection 1005.03(H). However, see Subsection 1005.03(E) for a related standard.
- 7 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.
- 8 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.
- 9 There is no minimum setback from a front lot line that abuts a Main Street identified on Comprehensive Plan Map X-CRC-3.
- 10 If the rear lot line abuts a residential zoning district, the minimum shall be 15 feet.
- 11 If the rear lot line abuts a residential zoning district, the minimum shall be 35 feet.
- 12 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.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 13 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.
- 14 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.
- 15 If the side lot line abuts a residential zoning district, the minimum shall be 15 feet.
- 16 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.
- 17 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.
- 18 If the side lot line abuts a residential zoning district, the minimum shall be 35 feet.
- 19 If the subject property abuts a residential zoning district, the maximum building height shall be 35 feet.
- 20 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.
- 21 Floor area ratio shall be calculated pursuant to Subsection 1005.03(K).
- 22 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.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- <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).

**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]

**511 VILLAGE COMMUNITY SERVICE DISTRICT (VCS)**

---

511.01 PURPOSE

Section 511 is adopted to implement the policies of the Comprehensive Plan for Village Community Service areas.

511.02 APPLICABILITY

Section 511 applies to land in the Village Community Service (VCS) District.

511.03 USES PERMITTED

Uses permitted in the VCS District are listed in Table 511-1, *Permitted Uses in the VCS District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 511-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 511-1.

B. Permitted uses are subject to the applicable provisions of Subsection 511.04, *Dimensional Standards*, Subsection 511.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

511.04 DIMENSIONAL STANDARDS

The following dimensional standards apply in the VCS District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

- A. Setback: The setback from lot lines abutting Oregon Trail Drive and Hines Drive shall be zero. The minimum setback from all other lot lines shall be five feet.
- B. Maximum Building Height: Maximum building height shall be 35 feet.



511.05 DEVELOPMENT STANDARD

All primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

**Table 511-1: Permitted Uses in the VCS District**

Use	VCS
<b>Accessory Uses, Customarily Permitted</b> , such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
<b>Assembly Facilities</b> , including auditoriums, community centers, and senior centers	P
<b>Athletic Clubs</b>	C
<b>Bus Shelters</b> , <del>subject to Section 823</del>	A
<b>Child Care Facilities</b>	P
<b>Civic and Cultural Facilities</b> , including art galleries and museums	P <sup>1</sup> , C <sup>2</sup>
<b>Community Gardens</b>	P
<b>Composting Facilities</b>	X
<b>Daycare Facilities</b> , <del>subject to Section 807</del>	P
<b>Daycare Services, Adult</b>	P
<b>Electric Vehicle Charging Stations</b>	A
<b>Employee Amenities</b> , including cafeterias, clinics, daycare facilities <sup>3</sup> , fitness facilities, lounges, and recreational facilities	A <sup>43</sup>
<b>Farmers' Markets</b> , subject to Section 840	P
<b>Government Uses</b> , including fire stations, police stations, and post offices	P
<b>Libraries</b>	P
<b>Marijuana Processing</b>	X
<b>Marijuana Production</b>	X
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	X
<b>Offices</b> , including developer sales offices and professional offices	C
<b>Offices</b> , including government offices and utility offices	P
<b>Pedestrian Amenities</b>	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	VCS
<b>Public Recreation Facilities</b>	P
<b>Recyclable Drop-off Sites</b> , subject to Section 819	A
<b>Schools</b>	P
<b>Signs</b> , subject to Section 1010	A <sup>34</sup>
<b>Telecommuting Support Services</b> , including photocopying centers with fax and computer facilities	P
<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
<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
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>5</sup>
<b>Wireless Telecommunication Facilities Listed in Subsections 835.04 and 835.05</b> , subject to Section 835	PSee Table 835-1
<del><b>Wireless Telecommunication Facilities Listed in Subsection 835.06(A)</b>, subject to Section 835</del>	E

Notes to Table 511-1:

- <sup>1</sup> Museums are a primary use.
- <sup>2</sup> Art galleries are a conditional use.
- ~~<sup>3</sup> Daycare facilities as an employee amenity are not subject to Section 807.~~
- <sup>34</sup> Employee amenities shall be located in the same structure as the use to which they are accessory.
- <sup>45</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.
- <sup>5</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).

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



**512 VILLAGE OFFICE DISTRICT (VO)**

---

**512.01 PURPOSE**

Section 512 is adopted to implement the policies of the Comprehensive Plan for Village Office areas.

**512.02 APPLICABILITY**

Section 512 applies to land in the Village Office (VO) District.

**512.03 USES PERMITTED**

Uses permitted in the VO District are listed in Table 512-1, *Permitted Uses in the VO District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

**A. As used in Table 512-1:**

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.
4. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
5. "X" means the use is prohibited.
6. Numbers in superscript correspond to the notes that follow Table 512-1.

**B. Permitted uses are subject to the applicable provisions of Subsection 512.04, *Dimensional Standards*, Subsection 512.05, *Development Standard*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.****512.04 DIMENSIONAL STANDARDS**

The following dimensional standards apply in the VO District. Modifications to the dimensional standards are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 904, *Height Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

- A. Maximum Front Setback: The maximum front setback shall be 50 feet from the centerline of 142<sup>nd</sup> Avenue, 75 feet from the centerline of Sunnyside Road, and 10 feet from lot lines abutting any other road. The maximum front setback may be exceeded to the minimum extent necessary to accommodate proposed pedestrian amenities.

- B. Minimum Front Setback: The minimum front setback shall be 40 feet from the centerline of 142<sup>nd</sup> Avenue, 65 feet from the centerline of Sunnyside Road, and five feet from lot lines abutting any other road. Awnings or other overhangs may extend a maximum of four feet into the minimum front yard depth.
- C. Rear Setback: The maximum and minimum front setback standards for lot lines abutting 142<sup>nd</sup> Avenue and Sunnyside Road shall apply even if a lot line abutting 142<sup>nd</sup> Avenue or Sunnyside Road is designated as a rear lot line pursuant to the definition of rear lot line in Section 202, *Definitions*.
- D. Maximum Building Height: Maximum building height shall be 45 feet.

512.05 DEVELOPMENT STANDARD

Primary and accessory uses, including storage of materials, products, or waste, shall be wholly contained within an approved structure.

**Table 512-1: Permitted Uses in the VO District**

Use	VO
<b>Accessory Uses, Customarily Permitted</b> , such as bicycle racks, cogeneration facilities, meeting facilities, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, storage of building maintenance and landscape maintenance equipment, and transit amenities	A
<b>Assembly Facilities</b> , including auditoriums, <del>churches</del> , community centers, convention facilities, exhibition halls, fraternal organization lodges, <u>places of worship</u> , senior centers, and theaters for the performing arts	C <sup>21,32</sup>
<b>Bus Shelters</b> , <del>subject to Section 823</del>	A
<u><b>Child Care Facilities</b></u>	L <sup>3,4</sup> , C <sup>5</sup>
<b>Civic and Cultural Facilities</b> , including art galleries and museums	C <sup>21</sup>
<u><b>Composting Facilities</b></u>	X
<del><b>Daycare Facilities</b>, subject to Section 807</del>	L <sup>4,5</sup> , C <sup>6</sup>
<b>Daycare Services, Adult</b>	L <sup>4,5,76</sup> , C <sup>6,5</sup>
<b>Educational Institutes</b>	C <sup>17</sup>
<b>Electric Vehicle Charging Stations</b>	A
<b>Employee Amenities</b> , including cafeterias, clinics, daycare facilities <sup>8</sup> , fitness facilities, lounges, and recreational facilities	A <sup>98</sup>
<b>Farmers' Markets</b> , subject to Section 840	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	VO
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	C
<b>Libraries</b>	C <sup>21</sup>
<b>Manufacturing</b> , including the mechanical, physical, or chemical transformation of materials, substances, or components into new products; and the assembly of component parts. Primary processing of raw materials is prohibited.	P <sup>109</sup>
<b>Marijuana Processing</b>	P <sup>109,110</sup>
<b>Marijuana Production</b>	X
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	X
<b>Mobile Vending Units, Level One</b> , subject to Section 837	A
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: architectural services, business management services, call centers, employment agencies, engineering services, governmental services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	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
<b>Pedestrian Amenities</b>	P
<b>Radio and Television Studios</b> , excluding transmission towers	C <sup>17</sup>
<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.	C
<b>Recyclable Drop-off Sites</b> , subject to Section 819	A
<b>Research Facilities and Laboratories</b> , including medical laboratories, medical research, product design and testing, and product research and development	P <sup>1211</sup>
<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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	VO
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>43</sup>
<b>Services, Information</b> , including blueprinting, bookbinding, photo processing, photo reproduction, printing, and publishing	P
<b>Signs</b> , subject to Section 1010	A <sup>4312</sup>
<b>Studios</b> of the following types: art, dance, and music	C <sup>47</sup>
<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
<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
<b>Trade Schools.</b> Trade schools provide training in occupational skills. These facilities also may be referred to as technical schools, vocational schools, and career schools.	C <sup>47</sup>
<b>Utility Carrier Cabinets</b> , subject to Section 830	P, C <sup>13</sup>
<b>Wireless Telecommunication Facilities Listed in Subsections 835.04 and 835.05</b> , subject to Section 835	P See Table 835-1

Notes to Table 512-1:

- ~~1~~ This use is permitted only if there is no opportunity to locate it on land zoned Village Commercial District prior to annexation to the City of Happy Valley.
- <sup>12</sup> This use is permitted only if there is no opportunity to locate it either in the VCS District or on land zoned VCS prior to annexation to the City of Happy Valley.
- <sup>23</sup> An assembly facility shall have a maximum capacity of 500 people.
- <sup>34</sup> The maximum 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>45</sup> The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 children.
- <sup>56</sup> The use shall be located in the southern half of the VO District and shall be oriented toward the adjacent residential neighborhood.

<sup>67</sup> The use shall be integrated within office buildings and shall neither exceed 1,500 square feet nor serve more than 13 adults.

<sup>7</sup> This use is permitted only if there is no opportunity to locate it on land zoned Village Commercial District prior to annexation to the City of Happy Valley.

~~<sup>8</sup> Daycare facilities as an employee amenity are not subject to Section 807.~~

<sup>98</sup> Employee amenities shall be located in the same structure as the use to which they are accessory.

<sup>109</sup> This use is allowed only if it has physical and operational requirements that are similar to those of other primary uses allowed in the VO District.

~~<sup>110</sup> The processing, compounding, or conversion of marijuana into cannabinoid concentrates or cannabinoid extracts is prohibited.~~

~~<sup>121</sup> No operation shall be conducted, or equipment used, that would create any of the following: hazards, noxious conditions, or offensive conditions.~~

~~<sup>132</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.~~

<sup>13</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).

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





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

---

### 513.01 PURPOSE

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

### 513.02 APPLICABILITY

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

### 513.03 USES PERMITTED

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

### 513.04 DIMENSIONAL STANDARDS

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

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

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

Use	RTC	RC
<b>Accessory Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, carports, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, family <del>child care homes</del> <del>daycare providers</del> , fountains, garages, garden sheds, gazebos, greenhouses, HVAC units, meeting facilities, outdoor kitchens, parking areas, patios, pergolas, pet enclosures, plazas, property maintenance and property management offices, recreational facilities (such as bicycle trails, children’s play structures, dance studios, exercise studios, playgrounds, putting greens, recreation and activity rooms, saunas, spas, sport courts, swimming pools, and walking trails), rainwater collection systems, satellite dishes, self-service laundry facilities, shops, solar energy systems, storage buildings/rooms, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A
<b>Assembly Facilities</b> , including auditoriums, <del>churches</del> <sup>1</sup> , community centers, convention facilities, exhibition halls, fraternal organization lodges, <del>places of worship</del> , senior centers, and theaters for the performing arts	P	P,C <sup>21</sup>
<b>Bed and Breakfast Inns</b> , subject to Section 832	P	P
<b>Bed and Breakfast Residences</b> , subject to Section 832	P	P
<del>Bus Shelters, subject to Section 823</del>	P	P
<del>Child Care Facilities</del>	<del>P</del>	<del>P</del>
<b>Civic and Cultural Facilities</b> , including art galleries, libraries, museums, and visitor centers	P	P
<del>Composting Facilities</del>	<del>X</del>	<del>X</del>
<b>Contractors, Logging</b>	P	P
<del>Daycare Facilities, subject to Section 807</del>	<del>P</del>	<del>P</del>
<b>Daycare Services, Adult</b>	P	P
<b>Drive-Thru Window Services</b> , subject to Section 827	X	A
<b>Dwellings, Detached Single-Family</b>	P <sup>32</sup> ,A	A
<b>Electric Vehicle Charging Stations</b>	P	P
<b>Employee Amenities</b> , including cafeterias, clinics, daycare facilities <sup>4</sup> , fitness facilities, lounges, and recreational facilities	A	A
<b>Entertainment Facilities</b> , including arcades, billiard halls, and movie theaters	P	P
<b>Farmers’ Markets</b> , subject to Section 840	P	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	P	P
<b>Government Uses</b> , including fire stations, police stations, and post offices	P	P
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary, accessory, conditional, or prohibited use in the applicable zoning district	S	C
<b>Home Occupations</b> , including bed and breakfast homestays, subject to Section 822	A	A
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C	C
<b>Hotels</b>	P <sup>53</sup>	S <sup>64</sup>
<b>Hydroelectric Facilities</b> , <del>subject to Section 829</del>	C	C
<b>Marijuana Processing</b>	X	X
<b>Marijuana Production</b>	X	X
<b>Marijuana Retailing</b> , subject to Section 841	P <sup>75</sup>	P <sup>75</sup>
<b>Marijuana Wholesaling</b>	P <sup>86</sup>	P <sup>86</sup>
<b>Mobile Vending Units</b> , subject to Section 837	P	P
<b>Motels</b>	P <sup>53</sup>	S <sup>64</sup>
<b>Offices</b> , including administrative, business, corporate, governmental, and professional offices. Examples include offices for the following: accounting services, architectural services, business management services, call centers, employment agencies, engineering services, governmental services, income tax services, insurance services, legal services, manufacturer's representatives, office management services, property management services, real estate agencies, and travel agencies.	P	P
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy.	P	P
<b>Parking Lots</b>	A	A
<b>Parking Structures, Community</b>	P <sup>97</sup>	X
<b>Pedestrian Amenities</b>	P	P
<b>Public Utility Facilities</b>	S	C
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	S <sup>108</sup>	C <sup>108</sup>
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, gymnastics facilities, golf courses, horse trails, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>119</sup>	C	C

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Recreational Uses, Government-Owned</b> , including amphitheaters; arboreta; arbors, decorative ponds, fountains, gazebos, pergolas, and trellises; ball fields; bicycle and walking trails; bicycle parks and skate parks; equine facilities; boat moorages and ramps; community buildings and grounds; community and ornamental gardens; courtyards and plazas; fitness and recreational facilities, such as exercise equipment, gymnasiums, and swimming pools; horse trails; miniature golf, putting greens, and sports courts; pack stations; parks; picnic areas and structures; play equipment and playgrounds; nature preserves and wildlife sanctuaries; ski areas; tables and seating; and similar recreational uses <sup>119</sup>	P	P
<b>Recreational Uses, Government-Owned Golf Courses</b> <sup>119</sup>	P	P
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	P	X
<b>Recycling Centers</b> , subject to Section 819	C	C
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A	A
<b>Resort Accommodations</b>	p <sup>1210</sup>	S
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: Class I, III, and IV all-terrain vehicles, as defined by Oregon Revised Statutes Chapter 801; motorcycles; and snowmobiles	S	P
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: apparel, appliances, art, art supplies, beverages, bicycle supplies, bicycles, books, cameras, computers, computer supplies, cookware, cosmetics, dry goods, electrical supplies, electronic equipment, firewood, flowers, food, furniture, garden supplies, gun supplies, guns, hardware, hides, interior decorating materials, jewelry, leather, linens, medications, music (whether recorded or printed), musical instruments, nutritional supplements, office supplies, optical goods, paper goods, periodicals, pet supplies, pets, plumbing supplies, photographic supplies, signs, small power equipment, sporting goods, stationery, tableware, tobacco, toiletries, tools, toys, vehicle supplies, and videos	P	P
<b>Retailing</b> —whether by sale, lease, or rent—of any of the following new or used products: animal feed, building materials, farm equipment, forestry equipment, and livestock supplies	P	P
<b>Schools</b> <sup>113</sup>	P	P,C <sup>2,1411</sup>
<b>Service Stations</b>	P	P
<b>Services, Commercial—Construction and Maintenance</b> , including contractors engaged in construction and maintenance of buildings, electrical systems, and plumbing systems	P	P
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	p <sup>1512</sup>	p <sup>1512</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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Services, Commercial—Maintenance and Repair</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	P	P
<b>Services, Commercial— Maintenance and Repair</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	P
<b>Services, Commercial—Miscellaneous</b> , including food lockers, interior decorating, locksmith, upholstering, and veterinary	P	P
<b>Services, Commercial—Mini-Storage/Self-Storage Facilities</b>	C <sup>4613</sup>	C
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	P	P
<b>Services, Commercial—Storage</b> of any of the following: all-terrain vehicles, automobiles, light trucks, motorcycles, and snowmobiles	S	C
<b>Services, Commercial—Storage</b> of any of the following: boats; heavy trucks such as dump trucks, moving trucks, and truck tractors; large cargo trailers such as semitrailers; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; large forestry equipment; large mineral extraction equipment; and recreational vehicles	S	C
<b>Services, Commercial—Studios</b> of the following types: art, craft, dance, music, and photography	P	P
<b>Signs</b> , subject to Section 1010	A <sup>1714</sup>	A <sup>1714</sup>
<b>Telephone Exchanges</b>	S	C
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used On-site Prior to On-site Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A
<b>Temporary Buildings for Uses Incidental to Construction Work.</b> Such buildings shall be removed upon completion or abandonment of the construction work.	A	A
<b>Theme Parks and Amusement Parks</b>	C	S
<b>Transfer Stations</b> , subject to Section 819	C	C
<b>Transit Park-and-Rides</b>	P	P
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>15</sup>	P,C <sup>15</sup>
<b>Wholesaling</b> —whether by sale, lease, or rent—of any of the following new or used products: animal feed, farm equipment, farm materials, farm products, fertilizer, forestry equipment, forestry materials, forestry products, mulch, nursery stock, seeds, and seedlings	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RTC	RC
<b>Wireless Telecommunication Facilities</b> <del>listed in Subsections 835.04 and 835.05</del> , subject to Section 835	<u>PSee</u> <u>Table</u> <u>835-1</u>	<u>PSee</u> <u>Table</u> <u>835-1</u>

~~Churches are not subject to Section 804, Churches.~~

- <sup>21</sup> A ~~church~~, fraternal organization lodge, place of worship, or school is a conditional use if the building floor space exceeds 4,000 square feet.
- <sup>32</sup> On a lot of record created on or before December 7, 1983, one detached single-family dwelling is a primary use. Otherwise, detached-single family dwellings are permitted only as an accessory use.
- ~~<sup>4</sup> Daycare facilities as an employee amenity are not subject to Section 807, Daycare Facilities.~~
- <sup>53</sup> A new hotel or motel in Rhododendron shall be limited to a maximum of 35 units. A new hotel or motel in Government Camp shall be limited to a maximum of 100 units.
- <sup>64</sup> If a hotel or motel is authorized as a similar use inside an unincorporated community, it shall be subject to Oregon Administrative Rules 660-022-0030(5).
- <sup>75</sup> Marijuana retailing is permitted only inside an unincorporated community.
- <sup>86</sup> Marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 4,000 square feet of building floor space may be used for all activities associated with marijuana wholesaling on a lot of record.
- <sup>97</sup> Parking structures are permitted only in Government Camp and only if they are consistent with a community parking plan adopted by the Board of County Commissioners.
- ~~<sup>108</sup> The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.~~
- ~~<sup>119</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.~~
- ~~<sup>1210</sup> A resort accommodations development in Government Camp shall be limited to a maximum of 50 units per acre. A resort accommodations development in Rhododendron or Wemme/Welches shall be limited to a maximum number of units per acre calculated pursuant to Table 317-3, District Land Area Standards in the MRR District, but is not subject to Section 1012, Lot Size and Density.~~
- ~~<sup>13</sup> Schools are not subject to Section 805, Schools.~~
- <sup>11</sup> Schools are prohibited within the areas identified as Employment, Industrial, and Regionally Significant Industrial on the Metropolitan Service District's 2040 Growth Concept Map.
- ~~<sup>12</sup> Drive-in eating and drinking establishments are prohibited.~~

<sup>1613</sup> No outside storage shall be permitted.

<sup>1714</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>15</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

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

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

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

<sup>2</sup> In a planned unit development, the minimum front setback is 20 feet.

<sup>3</sup> If the lot line abuts a national forest, there is no minimum setback. If Note 3 and Note 4 conflict, Note 3 prevails.

<sup>4</sup> In a planned unit development, there are no minimum rear and side setbacks except from rear and side lot lines on the perimeter of the final plat.

<sup>5</sup> If the lot line abuts an RR or HR District, the minimum is 20 feet except as established by Note 3 or 4.



- 6 If the lot line abuts a residential zoning district, the minimum is 20 feet except as established by Note 3 or 4.
- 7 No maximum applies to hotels and motels; uses authorized under Oregon Statewide Planning Goals 3 and 4; and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- 8 A lawfully established commercial use that existed on December 20, 2001, may expand to occupy a maximum of 3,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.
- 9 No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.

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

Standard	RTC
Minimum Front Setback unless the Front Lot Line abuts Government Camp Loop	10 feet, except 20 feet to garage and carport motor vehicle entries
Minimum Front Setback if the Front Lot Line abuts Government Camp Loop	4 feet <sup>1</sup>
Maximum Front Setback if the Front Lot Line abuts Government Camp Loop	10 feet <sup>2</sup>
Minimum Rear Setback	10 feet <sup>3,4,5</sup>
Minimum Side Setback	None
Maximum Building Height	70 feet <sup>6</sup>
Minimum Building Separation above 3,500 Feet in Elevation	20 feet between buildings with contiguous snow slide areas
Maximum Building Floor Space per Commercial Use	8,000 square feet <sup>7</sup>
Maximum Building Floor Space per Industrial Use	60,000 square feet <sup>8</sup>

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

[Added by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18]



**601 CAMPUS INDUSTRIAL DISTRICT (CI)**

---

601.01 PURPOSE

Section 601 is adopted to implement the policies of the Comprehensive Plan for Campus Industrial areas.

601.02 APPLICABILITY

Section 601 applies to land in the Campus Industrial (CI) District.

601.03 USES PERMITTED

Uses permitted in the CI district are listed in Table 601-1, *Permitted Uses in the CI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 601-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "L" means the use is a limited use and shall be developed concurrently with or after a primary use is developed on the same site.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 601-1.

B. Permitted uses are subject to the applicable provisions of Subsection 601.04, *Dimensional Standards*, Subsection 601.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

601.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the CI District are listed in Table 601-2, *Dimensional Standards in the CI District*. As used in Table 601-2, numbers in superscript correspond to the notes that follow Table 601-2.

B. Modifications: Modifications to the standards of Table 601-2 are established by Sections 800, *Special Use Requirements*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

601.05 DEVELOPMENT STANDARDS

The following development standards apply:

- A. Condominiums: Dwellings permitted in the CI District may be platted as condominiums.
- B. Outdoor Storage: No outdoor storage of materials shall be allowed.

**Table 601-1: Permitted Uses in the CI District**

Use	CI
<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 <del>child care homes</del> <del>daycare providers</del> , 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
<b>Bed and Breakfast Inns</b> , subject to Section 832	L <sup>1</sup> , C
<b>Bed and Breakfast Residences</b> , subject to Section 832	L <sup>1</sup> , C
<b>Blueprinting, Bookbinding, Graphic and Photographic Reproduction, Photo Processing, Printing, and Publishing</b>	P
<b>Bus Shelters</b> , <del>subject to Section 823</del>	A
<b>Central Mail Room and Self-Service Postal and Banking Facilities, Newsstands, and Products Information and Display Areas</b>	A <sup>2</sup>
<b><u>Child Care Facilities</u></b>	<u>A, L<sup>1</sup>, C</u>
<b><u>Composting Facilities</u></b>	<u>X</u>
<b>Congregate Housing Facilities</b>	P <sup>3</sup>
<b><del>Daycare Facilities</del></b> , <del>subject to Section 807</del>	<del>A, L<sup>1</sup>, C</del>
<b>Daycare Services, Adult</b>	A, L <sup>1</sup> , C
<b>Dwellings, Multifamily</b>	P <sup>3</sup>
<b>Dwellings, Three-Family</b>	P <sup>3</sup>
<b>Dwellings, Two-Family</b>	P <sup>3</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	CI
<b>Employee Amenities</b> , including cafeterias, clinics, daycare facilities, fitness facilities, lounges, and recreational facilities	A <sup>2</sup>
<b>Experimental, Film, or Testing Laboratories</b>	P <sup>4</sup>
<b>Farmers' Markets</b> , subject to Section 840	P
<b>Financial Institutions</b> , including banks, brokerages, credit unions, loan companies, and savings and loan associations	L <sup>1</sup> , C
<b>Fitness Facilities</b> , including athletic clubs, exercise studios, gymnasiums, and health clubs	L <sup>1</sup> , P <sup>5</sup> , C
<b>Fraternal Organization Lodges</b>	C
<b>Government Uses</b> that exceed a primary or accessory use	C
<b>Heliports</b>	C
<b>Hydroelectric Facilities</b> , <del>subject to Section 829</del>	C
<b>Libraries</b>	C
<b>Manufacturing Products from, or Otherwise Processing, Previously Prepared Materials</b> <sup>6</sup>	P
<b>Marijuana Processing</b>	X
<b>Marijuana Production</b>	X
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	X
<b>Mobile Vending Units</b> , subject to Section 837	A <sup>7</sup> , L <sup>1</sup> , C
<b>Multi-Use Developments</b> , subject to Section <del>8441016</del>	C
<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 <sup>8</sup>
<b>Offices and Outpatient Clinics</b> —both of which may include associated pharmacies and laboratories—for healthcare services, such as acupuncture, chiropractic, counseling, dental, massage therapy, medical, naturopathic, optometric, physical therapy, psychiatric, occupational therapy, and speech therapy	L <sup>1</sup> , C
<b>Parking Structures</b>	A
<b>Pedestrian Amenities</b>	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	CI
<b>Public Utility Facilities</b>	C <sup>9</sup>
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b>	C <sup>10</sup>
<b>Recreational Uses</b> , including playgrounds, sports courts, and swimming pools	P <sup>5</sup>
<b>Recreational Uses</b> , including boat moorages, country clubs, equine facilities, golf courses, gymnastics facilities, lodges, parks, and swimming pools <sup>11</sup>	C
<b>Recreational Vehicle Camping Facilities</b> , subject to Section 813	C
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>12</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	L <sup>1</sup> , C
<b>Retailing</b> —whether by sale, lease, or rent—of any new or used product not specifically listed elsewhere in this table	C <sup>1</sup>
<b>Schools</b> <sup>13,13</sup>	P
<b>Services, Commercial</b> —any service not specifically listed elsewhere in this table	C <sup>1</sup>
<b>Services, Commercial—Food and Beverage</b> , including catering and eating and drinking establishments	L <sup>1,13,14</sup> , C <sup>13,14</sup>
<b>Services, Commercial—Personal and Convenience</b> , including barbershops, beauty salons, dry cleaners, laundries, photo processing, seamstresses, shoe repair, tailors, and tanning salons. Also permitted are incidental retail sales of products related to the service provided.	L <sup>1</sup> , C
<b>Services, Commercial—Veterinary</b>	L <sup>1</sup> , C
<b>Signs</b> , subject to Section 1010	A <sup>14,15</sup>
<b>Telephone Exchanges</b>	C
<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

Use	CI
<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
Utility Carrier Cabinets, subject to Section 830	P, <u>C<sup>16</sup></u>
Warehouse and Storage Structures provided in conjunction with a primary use	A
Wireless Telecommunication Facilities, subject to Section 835	P

- 1 The use is permitted subject to the following criteria:
  - a. The building floor area occupied by all uses subject to Note 1 shall not exceed 10 percent of the building floor area occupied by primary uses.
  - b. The use shall be located, arranged, and integrated within the development to serve primarily the shopping and service needs of residents and employees of the CI District.
  - c. The use shall not be of a type or intensity that produces odor, smoke, fumes, noise, glare, heat, or vibration that are incompatible with associated primary uses in the area.
  
- 2 These uses shall be located in the same structure as the use to which they are accessory.
  
- 3 Congregate housing facilities, multifamily dwellings, three-family dwellings, and two-family dwellings may occupy no more than 75 percent of the building floor area of a development. Accessory uses are not counted toward the 75-percent maximum. In addition, no more than 25 percent of the gross site area may be developed with exclusively residential uses and associated accessory and limited uses. This 25-percent limit does not apply to mixed-use buildings that combine residential uses and other primary uses. The entire gross site area is used to calculate maximum density permitted pursuant to Section 1012, *Lot Size and Density*. The 75-percent maximum building floor area standard may be waived if a substantial mix of primary uses has been established within the CI District to the extent that the following primary-use categories are represented: business/industrial (blueprinting, bookbinding, graphic and photographic reproduction, photo processing, printing, publishing, laboratories, manufacturing, offices, or schools); residential (congregate housing facilities, multifamily dwellings, three-family dwellings, or two-family dwellings); and recreational (fitness facilities or recreational uses). Alternatively, the standard may be modified or waived if:
  - a. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in the CI District; and
  - b. The proposed use and location of the use are compatible with, and complementary to, existing or proposed developments in the CI District.
  
- 4 No operation shall be conducted or equipment used that would create hazards or noxious or offensive conditions.



- 5 The use shall be developed to serve primarily the recreational needs of residents and employees of the CI District.
- 6 The use is permitted subject to the following criteria:
  - a. The use shall be employee-intensive, providing approximately 15 or more jobs for every developed acre of land.
  - b. The use shall not be of a type or intensity that produces odor, smoke, fumes, noise, glare, heat, or vibration that are incompatible with other primary uses allowed in the CI District.
  - c. The physical and operational requirements of the use, including type of structure used and volume of heavy truck traffic generated, shall be similar to other industrial and office uses allowed in the CI District.
- 7 Level one mobile vending units are accessory uses. All other mobile vending units are limited or conditional uses.
- 8 Offices with 50 or more employees may occupy up to 100 percent of the building floor area of the development. Offices with fewer employees may occupy no more than 70 percent of the building floor area of the development. Accessory uses are not counted toward the 70-percent maximum. The 70-percent maximum building floor area standard may be waived if a substantial mix of primary uses has been established within the CI District to the extent that the following primary-use categories are represented: business/industrial (blueprinting, bookbinding, graphic and photographic reproduction, photo processing, printing, publishing, laboratories, manufacturing, offices, or schools); residential (congregate housing facilities, multifamily dwellings, three-family dwellings, or two-family dwellings); and recreational (fitness facilities or recreational uses). Alternatively, the standard may be modified or waived if:
  - a. The need for the use for which additional floor area is requested is at least as great as the need for other compatible primary uses allowed in the CI District; and
  - b. The proposed use and location of the use are compatible with, and complementary to, existing or proposed developments in the CI District.
- 9 Public utility facilities shall not include shops or garages.
- 10 The base of such towers shall not be closer to the property line than a distance equal to the height of the tower.
- 11 This use may include concessions, restrooms, maintenance facilities, and similar support uses.
- 12 Recyclable drop-off sites are permitted only if accessory to an institutional use.
- 13<sup>12</sup> Only trade or community schools primarily serving the business community within the area are permitted.

<sup>1443</sup> Drive-in eating and drinking establishments and drive-thru window services are prohibited.

<sup>1544</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>16</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

**Table 601-2: Dimensional Standards in the CI District**

Standard	CI
District Land Area for Calculating Density Pursuant to Section 1012	1,742 square feet
Minimum Street Frontage	50 feet
Maximum Front Setback	See Subsections 1005.03(E) and (H).
Minimum Front Setback	15 feet
Minimum Rear Setback	15 feet
Minimum Side Setback	15 feet
Maximum Lot Coverage	55 percent

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18]



**602 BUSINESS PARK (BP), LIGHT INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI) DISTRICTS**

---

602.01 PURPOSE

Section 602 is adopted to implement the policies of the Comprehensive Plan for Business Park, Light Industrial, and General Industrial areas.

602.02 APPLICABILITY

Section 602 applies to land in the Business Park (BP), Light Industrial (LI), and General Industrial (GI) Districts.

602.03 USES PERMITTED

Uses permitted in each zoning district are listed in Table 602-1, *Permitted Uses in the BP, LI, and GI 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 602-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 602-1.

B. Permitted uses are subject to the applicable provisions of Subsection 602.04, *Dimensional Standards*, Subsection 602.05, *Development Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

602.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the BP, LI, and GI Districts are listed in Table 602-2, *Dimensional Standards in the BP, LI, and GI Districts*. As used in Table 602-2, numbers in superscript correspond to the notes that follow Table 602-2.

B. Modifications: Modifications to the standards of Table 602-2 are established by Sections 800, *Special Use Requirements*; 1012, *Lot Size and Density*; 1107, *Property Line Adjustments*; and 1205, *Variances*.

602.05 DEVELOPMENT STANDARDS

The following development standards apply in the BP, LI, and GI Districts.

A. Outdoor Operations in the BP District: In the operation of a primary use in the BP District:

1. All display areas shall be located within a building. No outdoor display areas shall be allowed.
2. No outdoor storage of materials or products shall be allowed.
3. No outdoor processes shall be employed in the operation of the business.
4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.

B. Outdoor Operations in the LI District: In the operation of a primary use in the LI District:

1. All display of products shall be located within an enclosed building. No outdoor display areas shall be allowed. Notwithstanding these limitations, outdoor display of finished products may be permitted as a conditional use, as established by Table 602-1 and provided that, at a minimum, outdoor display areas and items on display shall:
  - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
  - b. Be located a minimum of 15 feet from the front lot line(s);
  - c. Be maintained to project an organized and neat appearance at all times; and
  - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
2. Limited outdoor storage areas shall be allowed, subject to the following criteria:
  - a. Except as permitted as a conditional use, as established by Table 602-1, outdoor storage may occupy an area no greater than the area of the ground floor of the building(s) on the same premises.
  - b. Outdoor storage areas shall be located behind the building, to the rear of the site, and not adjacent to front lot lines.

- c. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.03(B) and 1009.06.
  - d. Equipment, vehicles, materials, and other items located within outdoor storage areas shall be maintained in an orderly fashion and, except for large industrial or commercial vehicles and equipment, shall be no higher than the height of the fence.
  - e. Outdoor storage areas shall not be used to store waste or recyclable materials.
3. No outdoor processes shall be employed in the operation of the business.
4. Receptacles for solid waste and recyclable materials shall be maintained within an enclosed structure.
- C. Outdoor Operations in the GI District: In the operation of a primary use in the GI District:
- 1. Outdoor display of finished products is permitted, provided that outdoor display areas and items on display shall:
    - a. Not block visibility to or from any road or driveway, or block visibility of signs located on adjacent lots;
    - b. Be located a minimum of 10 feet from the front lot line(s);
    - c. Be maintained to project an organized and neat appearance at all times; and
    - d. Only include finished products manufactured on, or sold on a wholesale basis from, the subject property.
  - 2. Outdoor storage and processing are permitted, subject to the following standards:
    - a. Outdoor storage and processing areas shall be located a minimum of 20 feet from the front lot line(s), a minimum of 15 feet from side or rear lot lines that abut a commercial zoning district, and a minimum of 35 feet from side or rear lot lines that abut a residential or natural resource zoning district.
    - b. Outdoor storage areas shall be screened with a sight-obscuring fence a minimum of six feet in height and a maximum of 10 feet in height. Fencing shall be located behind the landscaping strips required by Subsections 1009.03(B) and 1009.06. Outdoor processing areas shall be buffered pursuant to Subsections 1009.04(D) through (F).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- c. Equipment, stockpiles of materials, and other items located within outdoor storage and processing areas shall be maintained in an orderly fashion.
- d. Waste materials (by-products that are not further processed or recycled on-premise) shall not accumulate in outdoor storage and processing areas for more than two weeks, except that waste materials from water treatment facilities or surface water retention facilities may accumulate for such longer period as necessitated by Best Management Practices for the facility.
- e. It shall be demonstrated through engineering and design or monitoring that outdoor storage of waste materials will not negatively impact ground or surface waters.

**Table 602-1: Permitted Uses in the BP, LI, and GI Districts**

Use	BP	LI	GI
<b>Accessory Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, television antennas and receivers, transit amenities, trellises, and utility service equipment	A	A	A
<b>Accessory Uses permitted in the R-5 through R-30 Districts, except accessory dwelling units, listed in Table 315-1, Permitted Uses in the Urban Residential Zoning Districts</b> , provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A	A	A
<b>Arenas, Exhibition Halls, and Stadiums</b>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>
<b>Bus Shelters</b> , <del>subject to Section 823</del>	A	A	A
<b>Composting Facilities</b> , subject to Section 834	X	C	C
<b>Construction and Maintenance Contractors</b> , including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P	P	P
<b>Electrical Power Production Facilities</b>	X	X	C
<b>Employee Amenities</b> , such as cafeterias, clinics, <u>child care</u> facilities <sup>2</sup> , fitness facilities, lounges, and recreational facilities	A	A	A
<b>Farmers' Markets</b> , subject to Section 840	P	P	P
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary or accessory use	C <sup>32</sup>	C <sup>32</sup>	C <sup>32</sup>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<p><b>Heavy Truck and Heavy Equipment Uses</b>, including sales, rental, storage, repair, and servicing of heavy trucks such as dump trucks, moving trucks, and truck tractors; large construction equipment such as backhoes and bulldozers; large farm equipment such as tractors and combines; and large cargo trailers such as semitrailers. Sales, rental, storage, repair, and servicing of passenger vehicles, recreational vehicles, and boats are excluded.</p>	X	P	P
<p><b>Heliports</b></p>	C	C	C
<p><b>Industrial Trade Schools</b>, including training facilities whose primary purpose is to provide training to meet industrial needs. These facilities also may be referred to as technical schools, vocational schools, and career schools. Industrial trade schools provide training in such occupational skills as welding, operation and repair of industrial machinery, and truck driving.</p>	P	P	P
<p><b>Information Services</b>, including establishments engaged in producing and distributing information; providing the means to transmit or distribute these products, as well as data or communications; and processing data. Examples include publishing industries such as book, periodical, and software publishing; computer systems design; internet web search services; internet service providers; radio, television, motion picture, and recording studios; computer data storage services; optical scanning and imaging services; and financial transaction processing such as credit card transaction and payroll processing services. These businesses primarily serve other industries or deliver their products to the end user through means other than on-site pickup by the customer. Few general public customer visits per day are generated.</p>	P	P	P
<p><b>Large-Scale Laundry, Dry-Cleaning, and Carpet-Cleaning Plants</b></p> <p>These businesses primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.</p>	P	P	P
<p><b>Level One Mobile Vending Units</b>, subject to Section 837</p>	A	A	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Manufacturing</b> , including establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	P	P	P
<b>Marijuana Processing</b>	P <sup>43</sup>	P <sup>43</sup>	P <sup>43</sup>
<b>Marijuana Production</b>	P <sup>43</sup>	P <sup>43</sup>	P <sup>43</sup>
<b>Marijuana Retailing</b>	X	X	X
<b>Marijuana Wholesaling</b>	P <sup>43</sup>	P <sup>43</sup>	P <sup>43</sup>
<b>Miscellaneous Industrial Uses</b> , including wrecking and salvage of building materials, equipment, and vehicles; tire retreading and recapping; and petroleum, coal, or other fuel storage, refining, reclaiming, distribution, and wholesale trade. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	X	X	P
<b>Offices</b> , including administrative and corporate offices and call centers. These businesses primarily serve other industries or deliver their products and services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
<b>Outdoor Display of Products</b> , subject to Subsection 602.05(B)(1) or (C)(1), provided that such display is associated with a permitted use	X	C	A
<b>Outdoor Entertainment Facilities</b> , including amusement parks, circuses, carnivals, drive-in theatres, and racetracks for automobiles, dogs, horses, and motorcycles	X	X	C
<b>Outdoor Storage Areas Larger than Allowed by Subsection 602.05(B)(2)(a)</b> , provided that such storage is associated with a permitted use	X	C	A
<b>Parking, Storage, Repair, and Servicing of Fleet Vehicles</b>	A	A	A
<b>Parking Structures</b>	A	A	A
<b>Pedestrian Amenities</b>	P	P	P
<b>Public Utility Facilities</b>	C	C	C

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> , provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C	C	C
<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: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category but are included in the “retail and professional services that cater to daily customers/retail commercial uses” category.	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>
<b>Recyclable Drop-Off Sites</b> , subject to Section 819	A <sup>4</sup>	A <sup>4</sup>	A <sup>4</sup>
<b>Recycling Centers and Transfer Stations</b> , subject to Section 819	X	C	P
<b>Repair and Servicing Uses</b> , including large-scale repair and servicing of equipment, machinery, and other products. Examples include authorized service centers, welding shops and machine shops. Products are received from and returned to customers primarily by shipping or pickup/delivery by employees of the business. Few general public customer visits per day are generated.	P	P	P
<b>Research Facilities and Laboratories</b> , including product research and development, product design and testing, medical research, and medical laboratories. Medical laboratories in this category primarily serve other industries or deliver their services to the end user through means other than on-site customer visits. Few general public customer visits per day are generated.	P	P	P
<b>Retail and Professional Services that Cater to Daily Customers/Retail Commercial Uses</b> , including the sale of goods and services to the general public. Examples of retail and professional services that cater to daily customers include rental and storage of passenger vehicles, recreational vehicles, and boats; health and fitness clubs; daycare facilities; and financial, insurance, real estate, legal, medical, and dental offices. Auto repairing, overhauling, painting, washing, body and fender work, and reconditioning are excluded. Examples of retail commercial uses include sales of passenger vehicles, recreational vehicles, and boats; stores; and restaurants. Sales of motor vehicle fuels are excluded.	p <sup>5,6,7</sup>	p <sup>5,6,7</sup>	A <sup>8</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Retail Services</b> , including auto repairing, overhauling, painting, washing, body and fender work, and reconditioning	X	X	C
<b>Signs</b> , subject to Section 1010	A <sup>9</sup>	A <sup>9</sup>	A <sup>9</sup>
<b>Surface Mining</b> , subject to Section 818	X	C	C <sup>10</sup>
<b>Telephone Exchanges</b>	C	C	C
<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
<b>Temporary Storage within an Enclosed Structure of Source-Separated Recyclable/Reusable Materials Generated and/or Used Onsite Prior to Onsite Reuse or Removal by the Generator or Licensed or Franchised Collector to a User or Broker</b>	A	A	A
<b>Towing Establishments and Storage of Towed Vehicles</b>	X	P	P
<b>Transitional Shelter Communities</b> , subject to Section 842 <sup>11</sup>	X	C	C
<b>Transportation Uses</b> , including the transportation of cargo using motor vehicles or rail spurs, loading docks, and parking of cargo transport vehicles. Examples include freight terminals, parcel delivery services, moving companies, and parking facilities for long-haul trucks. These uses often are associated with warehousing facilities. Also included are parking, storage, repair, and servicing of fleet vehicles used for the transport of people. Examples include ambulance services and mass transit and school bus fleet facilities. Also included are commercial motor vehicle fueling services, such as cardlock fueling stations; however, motor vehicle fueling stations that cater to the general public are excluded.	X	P	P
<b>Utility Carrier Cabinets</b> , subject to Section 830	P,C <sup>12</sup>	P,C <sup>12</sup>	P,C <sup>12</sup>
<b>Warehouse Event Retail Sales</b>	A <sup>1213</sup>	A <sup>1213</sup>	A <sup>1213</sup>
<b>Warehousing and Distribution</b> , including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage/self-storage facilities are excluded.	A	P	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	BP	LI	GI
<b>Wholesale Trade</b> , including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.	P	P	P
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	P	P	P

Notes to Table 602-1:

- <sup>1</sup> In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, places of assembly shall not exceed 20,000 square feet.
- ~~<sup>2</sup> Daycare facilities as an employee amenity are not subject to Section 807, *Daycare Facilities*.~~
- <sup>32</sup> In Regionally Significant Industrial Areas (RSIAs) identified on Comprehensive Plan Map IV-8, parks—intended to serve people other than those working or residing in the RSIA—and schools are prohibited.
- <sup>41</sup> Notwithstanding Subsection 602.05, marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.
- <sup>4</sup> Recyclable drop-off sites are permitted only if accessory to an institutional use.
- <sup>5</sup> Notwithstanding other provisions of Section 602 that may permit outdoor display, storage, or processing, these uses shall be conducted entirely within a building, except the following are permitted: outdoor seating areas associated with a restaurant, outdoor play areas associated with a daycare facility, and similar outdoor amenities. Drive-thru window service facilities are prohibited.
- <sup>6</sup> In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet, and the total building floor area of all such uses in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-use limit is 5,000 square feet of building floor area. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection

1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

<sup>7</sup> Lots of record created on or after September 9, 2013, shall be subject to Note 7 to Table 602-1 in lieu of Note 6 to Table 602-1. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 3,000 square feet. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area associated with each use shall not exceed 5,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. In all cases, the total building floor area of all such uses on the same lot of record shall not exceed 20,000 square feet or 25 percent of the building floor area on the lot of record, whichever is less. However, the building floor area limitations do not apply to the following uses in the BP District: destination restaurants that comply with Subsection 1016.05(B)(4) and provide lunch service; and hotels and associated convention facilities, gift shops, and restaurants.

<sup>8</sup> This use is limited to indoor areas for retail display and retail sales of products manufactured by the same business occupying the premises, as well as related products. In Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, building floor area for such retail display and retail sales shall not exceed 3,000 square feet per business, and the total building floor area of all such retail display and retail sales areas in the same development project shall not exceed 20,000 square feet. Notwithstanding these limitations, the lawful use of any structure or land as of September 9, 2013, may continue and expand to add up to 20 percent more building floor area. Outside Regionally Significant Industrial Areas identified on Comprehensive Plan Map IV-8, the same standards shall apply, except that the single-business limit is 5,000 square feet of building floor area.

<sup>9</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>10</sup> Aggregate batch plant operations are a primary use in the GI District.

<sup>11</sup> Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of:

- August 28, 2019; or
- The day after the County renders a final decision approving a conditional use permit for the third of three separate transitional shelter communities.

<sup>12</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).

<sup>13</sup> Warehouse event retail sales are permitted if the products being sold at the event sale are manufactured, warehoused, or distributed as a primary use on the subject property; no more than one event sale occurs each calendar month; a single event sale lasts a maximum of three

consecutive days, which shall be Friday, Saturday, Sunday, or Monday; and the event sales occur indoors.

**Table 602-2: Dimensional Standards in the BP, LI, and GI Districts**

Standard	BP	LI	GI
Minimum Lot Size <sup>1</sup>	3 acres	1 acre <sup>2</sup>	1 acre <sup>2</sup>
Maximum Front Yard Setback	See Subsections 1005.03(E) and (H).		
Minimum Front Setback	20 feet <sup>3</sup>	20 feet <sup>3</sup>	20 feet <sup>3</sup>
Minimum Rear Setback	0 <sup>3,4</sup>	0 <sup>3,4</sup>	0 <sup>3,4,5</sup>
Minimum Side Yard Depth	0 <sup>3,6</sup>	0 <sup>3,6</sup>	0 <sup>3,4,6</sup>

Notes to Table 602-2:

- <sup>1</sup> The minimum lot size standards apply as established by Sections 1012 and 1107, except that no minimum lot size standard applies to a lot that is developed with a dwelling that is a nonconforming use. Notwithstanding the minimum lot size standard, a lot of record may be developed, except minimum lot size standards of Section 800 apply.
- <sup>2</sup> The minimum lot size may be reduced to 20,000 square feet, subject to design review approval pursuant to Section 1102, *Design Review*, of the overall development plan for the entire lot of record, including access, circulation, parking, landscaping, and proposed building locations.
- <sup>3</sup> The minimum setback requirements of Table 315-2, *Dimensional Standards in the Urban Low Density Residential Districts*, apply to dwellings that are nonconforming uses, as well as to structures that are accessory to such dwellings.
- <sup>4</sup> Except as established by Notes 3 and 5, if the rear lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the rear lot line abuts a natural resource or residential zoning district, the minimum setback is 35 feet.
- <sup>5</sup> The minimum setback for a silo, tower, or other specialized storage or processing structure (unless such structure is enclosed in a building) is 35 feet for structures 35 feet or less in height. An additional five feet of setback is required for each additional 10-foot height increment, or portion thereof, for structures over 35 feet in height. These greater setback standards do not apply if the lot line abuts an LI or GI District.

- <sup>6</sup> Except as established by Notes 3 and 5, if the side lot line abuts a commercial zoning district, the minimum setback is 15 feet, and if the side lot line abuts a residential or natural resource zoning district, the minimum setback is 35 feet.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-267, 8/28/17; Amended by Ord. ZDO-266, 5/23/18]





**604 RURAL INDUSTRIAL DISTRICT (RI)**

---

604.01 PURPOSE

Section 604 is adopted to implement the policies of the Comprehensive Plan for Rural Industrial areas.

604.02 APPLICABILITY

Section 604 applies to land in the Rural Industrial (RI) District.

604.03 USES PERMITTED

Uses permitted in the RI District are listed in Table 604-1, *Permitted Uses in the RI District*. In addition, uses similar to one or more of the listed uses may be authorized pursuant to Section 106, *Authorizations of Similar Uses*.

A. As used in Table 604-1:

1. "P" means the use is a primary use.
2. "A" means the use is an accessory use.
3. "C" means the use is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
4. "X" means the use is prohibited.
5. Numbers in superscript correspond to the notes that follow Table 604-1.

B. Permitted uses are subject to the applicable provisions of Subsection 604.04, *Dimensional Standards*, Section 1000, *Development Standards*, and Section 1100, *Development Review Process*.

604.04 DIMENSIONAL STANDARDS

A. General: Dimensional standards applicable in the RI District are listed in Table 604-2, *Dimensional Standards in the RI District*. As used in Table 604-2, numbers in superscript correspond to the notes that follow Table 604-2.

B. Modifications: Modifications to the standards in Table 604-2 are established by Sections 800, *Special Use Requirements*; 903, *Setback Exceptions*; 1107, *Property Line Adjustments*; and 1205, *Variations*.

**Table 604-1: Permitted Uses in the RI District**

Use	RI
<b>Accessory Uses, Customarily Permitted</b> , such as amateur (Ham) radio antennas and towers, arbors, bicycle racks, citizen band transmitters and antennas, cogeneration facilities, courtyards, decks, decorative ponds, driveways, electric vehicle charging stations, fountains, gazebos, HVAC units, meeting facilities, parking areas, patios, pergolas, plazas, property maintenance and property management offices, rainwater collection systems, satellite dishes, solar energy systems, television antennas and receivers, transit amenities, trellises, and utility service equipment	A
<b>Accessory Uses permitted in the RA-2 District listed in Table 316-1, Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts</b> , provided that such uses are accessory to a single-family dwelling that is a nonconforming use	A
<b>Animal Slaughtering and Rendering, Distillation of Bones, and Leather Tanning</b>	C
<b>Auto Wrecking Yards and Junkyards</b> , subject to Section 817	C
<b>Bus Shelters</b> , <del>subject to Section 823</del>	A
<b>Composting Facilities</b> , subject to Section 834	C
<b>Construction and Maintenance Contractors</b> , including contractors engaged in construction and maintenance of buildings and their component parts (e.g., roofing, siding, windows), fencing, decking, building systems (e.g., plumbing, electrical, mechanical), landscaping, and infrastructure (e.g., roads, utilities). Also included are excavation contractors, building movers, pest control services, and janitorial services.	P
<b>Dwellings</b>	A
<b>Employee Amenities</b> , such as cafeterias, clinics, <del>child care day care</del> facilities <sup>1</sup> , fitness facilities, lounges, and recreational facilities	A
<b>Farmers' Markets</b> , subject to Section 840	P
<b>Fraternal Organization Lodges</b>	C
<b>Government Uses</b> , unless such a use is listed elsewhere in this table as a primary or accessory use	C
<b>Heliports</b>	C
<b>Hosting of Weddings, Family Reunions, Class Reunions, Company Picnics, and Similar Events</b>	C
<b>Incineration and Reduction of Offal, Dead Animals, and Solid Waste</b>	C
<b>Level One Mobile Vending Units</b> , subject to Section 837	A

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RI
<b>Light Metal and Fiberglass Fabrication</b>	P
<b>Manufacturing</b> , including establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples of manufacturing are alternative energy development, biosciences, food and beverage processing, software and electronics production, and fabrication of products made from materials such as metal, glass, rubber, plastic, resin, wood, and paper.	P <sup>21</sup>
<b>Manufacturing, Transportation, Distribution, Warehousing, and Wholesale Trade of the Following: Explosive Materials and Devices, Fertilizer, Natural Gas, Pesticides, Petroleum, and Petroleum Products</b>	C
<b>Marijuana Processing</b>	P <sup>32</sup>
<b>Marijuana Production</b>	P <sup>31</sup>
<b>Marijuana Retailing</b>	X
<b>Marijuana Wholesaling</b>	P <sup>32</sup>
<b>Offices</b>	A
<b>Parking, Storage, Repair, and Servicing of Fleet Vehicles</b>	A
<b>Pedestrian Amenities</b>	P
<b>Plant Nurseries</b>	P
<b>Public Utility Facilities without Shops, Garages, or General Administrative Offices</b>	C
<b>Radio and Television Transmission and Receiving Towers and Earth Stations</b> , provided that the base of such towers shall not be closer to the property line than a distance equal to the height of the tower	C
<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: instruction, practice, and competitions. Only indoor facilities are permitted. Health and fitness clubs are excluded from this category.	P
<b>Recreational Uses</b> , including boat moorages, community gardens, country clubs, equine facilities, golf courses, gymnastics facilities, horse trails, lodges, pack stations, parks, playgrounds, sports courts, swimming pools, ski areas, and walking trails <sup>43</sup>	C
<b>Recyclable Drop-off Sites</b> , subject to Section 819	A
<b>Recycling Centers and Transfer Stations</b> , subject to Section 819	C
<b>Repair and Refinishing of Furniture and Household Goods</b>	P

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Use	RI
<b>Repair of Motor Vehicles</b>	P
<b>Retail Sales of Lumber and Building Materials</b>	P
<b>Retail Sales of Products that are Manufactured on the Subject Property, Distributed from the Subject Property, Warehoused on the Subject Property, or Sold on a Wholesale Basis from the Subject Property</b>	A
<b>Sales, Rental, Storage, Repair, and Servicing of Equipment and Materials Associated with Farm and Forest Uses, Road Maintenance, Mineral Extraction, and Construction</b>	P
<b>Sheet Metal and Machine Shops</b>	P
Signs, subject to Section 1010	A <sup>54</sup>
<b>Small Power Production Facilities, <del>provided that if it is a hydroelectric facility, it shall be subject to Section 829</del></b>	P
<b>Surface Mining</b> , subject to Section 818	C
<b>Telephone Exchanges</b>	C
<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
<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
<b>Upholstery Shops</b>	P
<b>Utility Carrier Cabinets</b> , subject to Section 830	P, C <sup>5</sup>
<b>Veterinary Hospitals</b>	P
<b>Warehousing and Distribution</b> , including establishments primarily engaged in operating warehousing and distribution facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and generally are being stored in anticipation of delivery to the final customer. A range of logistical services may be provided, including labeling, packaging, price marking and ticketing, and transportation arrangement. Included are the transportation and distribution of cargo using motor vehicles or rail spurs, loading docks, and parking of cargo transport vehicles. Mini-storage facilities are not included.	P <sup>21</sup>
<b>Wholesale Trade</b> , including establishments engaged in selling and distributing goods and services to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation. Wholesalers sell goods and services to other businesses, not the general public.	P <sup>21</sup>

Use	RI
<b>Wireless Telecommunication Facilities</b> , subject to Section 835	P

Notes to Table 604-1:

~~<sup>1</sup> Daycare facilities as an employee amenity are not subject to Section 807, Daycare Facilities.~~

<sup>21</sup> Manufacturing, transportation, distribution, warehousing, and wholesale trade of certain products are conditional uses, when specifically listed as such in Table 604-1.

<sup>32</sup> Marijuana production, marijuana processing, and marijuana wholesaling shall be located entirely within one or more completely enclosed buildings. A maximum of 20,000 square feet of building floor space may be used for all activities associated with marijuana production, marijuana processing, and marijuana wholesaling on a lot of record.

<sup>43</sup> This use may include concessions, restrooms, maintenance facilities, and similar support uses.

<sup>54</sup> Temporary signs regulated under Subsection 1010.13(A) are a primary use.

<sup>5</sup> Utility carrier cabinets are a conditional use if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A).

**Table 604-2: Dimensional Standards in the RI District**

Standard	RI
Minimum Lot Size	None <sup>1</sup>
Minimum Front Setback	30 feet
Minimum Rear Setback	0 <sup>2,3</sup>
Minimum Side Setback	0 <sup>2,3</sup>
Maximum Building Floor Space per Commercial Use in an Unincorporated Community	4,000 square feet <sup>4</sup>
Maximum Building Floor Space per Industrial Use in an Unincorporated Community	40,000 square feet <sup>5</sup>

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Standard	RI
Maximum Building Floor Space per Industrial Use outside an Unincorporated Community	39,500 square feet <sup>6</sup>

- <sup>1</sup> The minimum lot size inside the Portland Metropolitan Urban Growth Boundary is 20 acres. The 20-acre minimum lot size is applicable to a subdivision or partition, but not to a property line adjustment.
- <sup>2</sup> If the lot line abuts a residential zoning district, the minimum is 30 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 40 feet. If the lot line abuts a commercial zoning district, the minimum shall be 10 feet plus five feet for each 10-foot increase in building height over 35 feet. Height increments of less than 10 feet shall be rounded up to the nearest 10-foot increment. For example, if the building height is 49 feet, the minimum rear setback shall be 20 feet.
- <sup>3</sup> Notwithstanding Note 2, the minimum rear and side setback standards applicable in the RA-2 District apply to dwellings that are nonconforming uses, as well as to uses that are accessory to such dwellings.
- <sup>4</sup> No maximum applies to uses authorized under Oregon Statewide Planning Goals 3 and 4 and uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.
- <sup>5</sup> No maximum applies to uses authorized under Statewide Planning Goals 3 and 4; expansion of a use that existed on December 5, 1994; uses that require proximity to a rural resource, as defined in Oregon Administrative Rules 660-004-0022(3)(a); new uses that will not exceed the capacity of water and sewer service available to the site on December 5, 1994, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage; and uses sited on abandoned or diminished mill sites.
- <sup>6</sup> No maximum applies to the primary processing of raw material produced in rural areas, or uses sited on abandoned or diminished mill sites. Also, any lawfully established industrial use that existed on December 20, 2001, may expand to occupy a maximum of 40,000 square feet of building floor space or 25 percent more building floor space than was occupied by the use on December 20, 2001, whichever is greater.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-243, 9/9/13; 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]

**702 OPEN SPACE MANAGEMENT DISTRICT (OSM)****702.01 PURPOSE**

The intent of the Open Space Management (OSM) District is to preserve and manage the County's committed open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation areas, help satisfy a need for contrast with the built environment, protect natural areas and provide areas of quiet contemplation and enjoyment of the natural environment.

**702.02 AREAS OF APPLICATION**

The ~~OSM~~Open Space Management District shall apply to those areas identified as urban on the Comprehensive Plan and Mount Hood Community Plan maps, in Metro's Urban Reserve Areas, or identified in the Metropolitan Greenspaces Master Plan.

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Other public and private recreation areas, including school playgrounds and golf courses;
- C. Cemeteries;
- D. Unique or distinctive natural areas which have been either dedicated to the public or preserved through an easement; and
- E. Natural areas in Metro's Urban Reserve Areas or identified in the Metropolitan Greenspaces Master Plan, when under public or common ownership.

**702.03 PRIMARY USES**

- A. Public and private outdoor recreation facilities, and parks, including covered but not enclosed areas. Such facilities may include ball fields, swimming pools, play equipment, driving ranges, tennis courts, community gardens, fountain courts, and plazas, provided such uses and facilities are not intended for the purpose of obtaining a commercial profit. These uses are allowed in the urban area and urban services areas. Outside the urban areas these uses are subject to Subsection 702.05;
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas provided such uses are not intended for the purpose of obtaining a commercial profit;
- C. Cemeteries;



- D. Utility carrier cabinets provided that the combined volume of all cabinets located on a single lot does not exceed the applicable maximum established pursuant to Subsection 830.01(A), subject to Section 830, Utility Carrier Cabinets;
- E. Surface water retention and detention facilities. In the Clackamas River flood plain: surface water management biofiltration ponds and surface water pollution reduction facilities that minimize impact on the natural environment;
- F. Areas suitable for flood storage and flood mitigation purposes; and
- G. Wetland mitigation and enhancement facilities.

702.04 ACCESSORY USES

- A. Accessory uses listed under Subsection 702.04(B) may be allowed, provided that any structure shall be designed and integrated into the site by:
  - 1. Minimizing visual impacts by landscaping; and
  - 2. Providing skirting for manufactured dwellings, residential trailers, recreational vehicles, and other structures thatwhich do not have a continuous foundation.
- B. Accessory uses permitted subject to the above conditions include:
  - 1. A caretaker's dwelling;
  - 2. Restroom and locker room facilities;
  - 3. Information and interpretive centers;
  - 4. Pro shops and other concession sales uses incidental to a primary use, provided the combined total area devoted to this use does not exceed 500 square feet; and
  - 5. Maintenance buildings associated with a primary use;
- C. Parking and loading areas;
- D. Bus and mass transit shelters; ~~subject to Section 823~~;
- E. Security facilities, such as lights, gates, and fences;
- F. Clubhouses and lodges;
- G. Cemetery office buildings, ~~crematorics~~crematoriums, and mausoleums in conjunction with a cemetery; Crematories are subject to Section 808, Cemeteries and Crematories;

- H. Rainwater collection systems;
- I. Solar collection systems; ~~and~~
- J. Electric vehicle charging stations.

702.05 CONDITIONAL USES

~~A.~~ The following are conditional uses in the OSM District, approval of which is subject to Section 1203, Conditional Uses.

- ~~A1.~~ Indoor recreation facilities, meeting rooms, interpretive centers, and other similar uses provided such uses are not intended for the purpose of obtaining a commercial profit;
- ~~B2.~~ Fire stations, public schools, and libraries when associated with open space or recreational facilities;
- ~~C3.~~ Pro shops and other concession sales uses incidental to a primary use exceeding the area standards of Subsection 702.04(B)(4);
- ~~D4.~~ Water treatment facilities and other public utilities that exceed the limitations of primary uses in Subsection 702.03; ~~and~~
- ~~E.~~ Utility carrier cabinets if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A), subject to Section 830, Utility Carrier Cabinets; and
- ~~F5.~~ Any use customarily provided in public or private recreation areas.

702.06 DEVELOPMENT STANDARDS

Development in the ~~OSM~~Open Space Management District is subject to the applicable provisions of Sections 1000, Development Standards, and ~~the review procedures set forth in Section 1100, Development Review Process~~1103. In addition, improvements shall ~~comply with~~meet the following standards:

- A. Landscape the site to produce a setting appropriate to its function.
- B. Provide an efficient internal circulation system and facilities layout plan.
- C. Maximize access for pedestrians, bicyclists, transit riders, and people with disabilities~~the handicapped~~ in active recreation areas.
- D. Provide conveniences for ~~handicapped~~users with disabilities.
- E. In the case of parks, conform to the classifications and standards in P~~p~~olicies 1.1 ~~through~~1.3 of the Parks and Recreation Section of Chapter 9, Open Space, Parks, and Historic Sites, of the Comprehensive Plan.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- F. Locate principal and accessory buildings ~~a minimum of at least~~ 10 feet from any lot in a residential zoning district.
- ~~G. Manufactured Dwelling Parks: Redevelopment of a manufactured dwelling park with a different use shall require compliance with Subsection 825.03.~~
- H.G. Community and Design Plans: Development within a Community or Design Plan area identified in Chapter 10, *Community Plans and Design Plans*, of the Comprehensive Plan shall comply with the specific policies and standards for the adopted Community or Design Plan.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14]

**708 MINERAL AND AGGREGATE OVERLAY DISTRICT (MAO)**

---

**708.01 PURPOSE**

The Mineral and Aggregate Overlay District (MAO) carries out the decisions and policies of the Comprehensive Plan for significant mineral and aggregate resources. The overlay assures protection of mineral and aggregate resource sites and regulates the mining of these sites to assure compatibility with nearby land uses.

**708.02 DEFINITIONS**

- A. Aggregate: Sand, gravel, rock, stone or similar minerals commonly used in construction.
- B. Conflicting Use: A use allowed, either outright or through a discretionary permit, in the underlying zone and in the impact area that could adversely affect protection of a resource site or mining a protected site.
- C. ESEE Analysis: The analysis of the economic, social, environmental and energy consequences of (1) allowing mining on a significant site, and (2) allowing the conflicting uses to displace mining on a significant site. Based on the results of the ESEE analysis, the County shall determine a level of protection for the resource, and implement a program to achieve the designated level of protection.
- D. Extraction Area: The area of an identified significant resource in which mining and processing may occur.
- E. Goal 5 Planning Process: The full planning process for a Goal 5 resource, including the identification of resource sites, the determination of significant sites, the identification of conflicting uses, the analysis of ESEE consequences, the determination of the level of protection to be afforded a resource site, and the development of a program to achieve the Goal.
- F. Impact Area: The area surrounding the Extraction Area where conflicting uses are regulated to assure that the resource site is protected to some extent. The County determines the Impact Area for each resource site.
- G. Mining: The extraction of sand, gravel, soil, rock or other similar mineral deposits. Mining does not include excavation or grading conducted during construction, reconstruction or maintenance of public roads. Mining does not include excavation or grading conducted in the process of farming, forestry or cemetery operations or other onsite construction when no more than 5,000 cubic yards of such minerals are removed from the property for compensation. Mining also does not include removal of more than 5,000 cubic yards of such minerals from the property for compensation when the construction activities are authorized by a building permit.

- H. Noise or Dust Sensitive Use: A conflicting use which is primarily used for year-round habitation. Residential structures, ~~places of worship~~ churches, hospitals, schools, public libraries, and campgrounds are considered noise or dust sensitive uses during their period of use. Forest uses and farm uses are not noise or dust sensitive uses unless so determined based on analysis and findings adopted through the Goal 5 planning process to the effect that they satisfy this definition in more than an incidental manner.
- I. Processing: The washing, crushing, milling, screening, handling, and conveying of mineral and aggregate resources, and the batching and blending of such resources into asphalt concrete or Portland Cement Concrete.
- J. Restrictive Covenant: An enforceable promise, given by the owner of a parcel whose use and enjoyment of that parcel will be restricted in some fashion by mining activities occurring on another parcel, not to object to the lawful conduct of mining or processing. The restrictive covenant shall be recorded in the real property records of the County, shall run with the land and shall be binding upon the heirs and successors of the parties. The restrictive covenant shall state that the obligations imposed by the restrictive covenant shall be released when the mining and reclamation has been completed.
- K. Screened Uses: Noise sensitive uses or other uses determined to be conflicting uses through the Goal 5 planning process or scenic viewpoints or other areas designated as significant Goal 5 scenic resources.
- L. Significant Site: A site listed on the Comprehensive Plan inventory as a significant site.
- M. Site Plan: A County permit either (1) to commence mining and processing in the Extraction Area pursuant to Section 708, or (2) to commence a use permitted outright or through a discretionary permit in the underlying zone in the Impact Area. The site plan shall include such maps, diagrams, narratives, and other writings to describe the placement of and use of all improvements, equipment, fixtures, mitigation measures, landscaping, and vehicles on site.

708.03 APPLICABILITY

The MAO District contains two elements, the Extraction Area and the Impact Area. The boundary of the MAO District shall include all property within the mineral and aggregate resources Extraction and Impact Areas.

708.04 EXTRACTION AREA USES

A. The County may allow the following uses, subject to Subsection 708.05 and any requirements adopted as part of the Comprehensive Plan.

- 1. Mining;

2. Processing, except the batching or blending of mineral and aggregate materials into asphalt concrete within two miles of a planted commercial vineyard existing on the date the application was received for the asphalt batch plant;
  3. Stockpiling of mineral and aggregate materials extracted and processed onsite;
  4. Temporary offices, shops or other accessory structures used for the management and maintenance of onsite mining and processing equipment;
  5. Sale of mining products extracted and processed onsite;
  6. Storage of transportation equipment or machinery used in conjunction with onsite mining or processing; and
  7. Other activities including buildings and structures necessary and accessory to development or reclamation of the onsite mineral or aggregate resource.
- B. The County may permit other uses allowed by the underlying zoning district, subject to requirements of the underlying zoning district and requirements of Section 708 for protection of significant mineral and aggregate sites.

708.05 EXTRACTION AREA DEVELOPMENT STANDARDS

The following standards are the basis for regulating mining and processing activities in the MAO District. Requirements adopted as part of the Comprehensive Plan also apply to mining and processing activities in the overlay. Before beginning any mining or processing activity, the applicant shall show compliance with these standards and requirements adopted as part of the Comprehensive Plan program.

- A. Access: Onsite roads used in mining and processing, and access roads from the Extraction Area to a public road shall meet the following standards:
1. All access roads within 100 feet of a paved county road or state highway shall be paved, oiled, or watered.
  2. All roads in the Extraction Area shall be constructed and maintained to ensure compliance with applicable state standards for noise control and ambient air quality.
  3. All roads in the Extraction Area shall be paved at all points within 250 feet of a noise or dust sensitive use existing on February 22, 1996.

B. Screening:

1. The mining activities listed in Subsection 708.05(B)(2) shall be obscured from the view of screened uses, unless one of the exceptions in Subsection 708.05(B)(4) applies. Screening shall be accomplished in a manner consistent with Subsection 708.05(B)(3).
2. Mining activities to be screened:
  - a. All excavated areas, except: areas where reclamation activity is being performed, internal onsite roads existing on the date of County adoption, new roads approved as part of the Site Plan Review, material excavated to create berms, and material excavated to change the level of the mine site to an elevation that provides natural screening;
  - b. All processing equipment; and
  - c. All equipment stored on the site.
3. Types of screening:
  - a. Natural screening is existing vegetation or other landscape features within the boundaries of the Extraction Area that obscure mining activities from screened uses. Natural screening shall be preserved and maintained except where removed according to a mining or reclamation plan approved by DOGAMI.
  - b. Supplied screening is either vegetative or earthen screening. Supplied vegetative screening is screening that does not exist at the time of the Site Plan Review. Plantings used in supplied vegetative screening shall be evergreen shrubs and trees, and shall not be required to exceed six feet in height when planted. Supplied earthen screening shall consist of berms covered with earth stabilized with ground cover.
4. Exceptions. Supplied screening shall not be required if any of the following circumstances exist:
  - a. The natural topography of the site obscures mining and processing from screened uses.
  - b. Supplied screening cannot obscure mining and processing from screened uses because of local topography.
  - c. Supplied vegetative screening cannot reliably be established or cannot survive due to soil, water or climatic conditions.

- C. Air and Water Quality: The discharge of contaminants and dust created by mining and processing shall comply with applicable state air quality and emissions standards and applicable state and federal water quality standards.
- D. Streams and Drainage: Mining and processing shall not occur within 100 feet of mean high water of any lake, river, perennial water body or wetland not constructed as part of a reclamation plan approved by DOGAMI unless allowed by specific provisions adopted in the Comprehensive Plan.
- E. Noise: Mining and processing shall comply with state noise control standards. Operators may show compliance with noise standards through the report of a certified engineer that identifies mitigation methods to control noise. Examples of noise mitigation measures are siting mining and processing using existing topography, using supplied berms, or modifying mining and processing equipment.
- F. Hours of Operation:
1. Mining and processing is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday. Hauling and other activities may operate without restriction provided that state noise control standards are met.
  2. No operations shall take place on Sundays or the following legal holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.
- G. Drilling and Blasting:
1. Drilling and blasting is restricted to the hours of 9:00 a.m. to 4:00 p.m. Monday through Friday. No drilling or blasting shall occur on Saturdays, Sundays, or the following legal holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.
  2. Notice of blasting events shall be posted at the Extraction Area in a manner calculated to be seen by landowners, tenants, and the public at least 48 hours prior to the blasting event. In the case of ongoing blasting activities, notice shall be provided once each month for the period of blasting activities, and specify the days and hours when the blasting event is expected to occur.
- H. Surface and Ground Water: Surface and ground water shall be managed in a manner that meets all applicable state water quality standards and DOGAMI requirements. The applicant shall demonstrate that all water necessary for the proposed operation has been appropriated to the site and is legally available.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- I. Compliance with Special Conditions: The County may impose additional, special conditions to resolve issues specific to an individual site. The conditions shall be specified in the site-specific program to achieve the Goal adopted as part of the Comprehensive Plan.
- J. Security: The permittee shall fence the Extraction Area boundary between the mining site and any parcel where dwellings are a principal use. Fencing shall be a cyclone type fence a minimum of six feet high.
- K. Performance requirements:
  - 1. The mining operator shall maintain DOGAMI and other state agency permits.
  - 2. The mining operator shall carry a comprehensive general liability policy covering mining, and incidental activities during the term of operation and reclamation, with an occurrence limit of at least \$500,000. A certificate of insurance for a term of one year shall be deposited with the County prior to the commencement of mining and a current certificate of insurance shall be kept on file with the County during the term of operation and reclamation.

708.06 RECLAMATION

- A. No mining shall begin until the permittee provides the County with a copy of an Oregon Department of Geology and Mineral Industries (DOGAMI) Operating Permit or exemption in accordance with Oregon Revised Statutes (ORS) 517.750 through 517.900 and the rules adopted thereunder.
- B. The County's jurisdiction over mined land reclamation is limited to determining the subsequent beneficial use of mined areas, ensuring that the subsequent beneficial use is compatible with the Comprehensive Plan and this Ordinance, and ensuring that mine operations and reclamation activities are consistent with the program to achieve the Goal adopted as part of the Comprehensive Plan.
- C. The County shall coordinate with DOGAMI to ensure compatibility between DOGAMI and the County in the following manner.
  - 1. When notified by DOGAMI that an operator has applied for reclamation plan and an Operating Permit, the County shall inform DOGAMI whether Site Plan Review approval by the County is required.
    - a. If Site Plan Review approval is required, the County shall request that DOGAMI delay final action on the application for approval of the reclamation plan and issuance of the Operating Permit until after Site Plan Review approval has been granted.
    - b. If Site Plan Review approval is not required, the County shall so notify DOGAMI and the County shall review the proposed reclamation plan and Operating Permit during DOGAMI's notice and comment period.

2. When reviewing a proposed reclamation plan and Operating Permit application circulated by DOGAMI, the County shall review the plan against the following criteria:
  - a. The plan provides for rehabilitation of mined land for a use specified in the Comprehensive Plan, including subsequent beneficial uses identified through the Goal 5 planning process.
  - b. The reclamation plan and surface mining and reclamation techniques employed to carry out the plan comply with the standards of Subsection 708.05.
  - c. Measures are included which will ensure that other significant Goal 5 resources determined to conflict with mining will be protected in a manner consistent with the Comprehensive Plan.

708.07 EXTRACTION AREA PERMITS

- A. An Extraction Area Permit shall require review as a Type I application pursuant to Section 1307, to the extent that Section 1307 is consistent with the requirements of ORS 197.195 and 215.425.
- B. An Extraction Area Permit shall be subject to Sections 708, 1006, and 1010, and the requirements of the site-specific program to achieve Goal 5 adopted as part of the Comprehensive Plan.

708.08 IMPACT AREA USES AND PERMITS

- A. Uses Permitted Outright: Outright permitted uses and discretionary uses in the underlying zoning district, except noise or dust sensitive uses or conflicting uses, shall be permitted subject to the standards and criteria of the underlying zoning district.
- B. Uses Allowed Conditionally: Noise or dust sensitive uses and conflicting uses shall be reviewed subject to the standards and criteria of the underlying zoning district and the approval criteria of Section 708.
- C. Prohibited Uses: The County shall not allow uses in the Impact Area which it identified in the Goal 5 planning process as incompatible in all instances with protection of the resource site or mining and processing.
- D. Review Procedures and Approval Criteria: Uses allowed conditionally in the Impact Area shall require an Impact Area Permit, which shall require review as a Type I application pursuant to Section 1307, and shall be subject to the following standards and criteria:
  1. The proposed use meets the standards of the underlying zoning district.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

2. The proposed use meets the clear and objective conditions imposed on noise or dust sensitive uses and conflicting uses by the Goal 5 planning process and Section 708.
3. The proposed use will not cause the mining operation that is otherwise lawfully operating to violate any applicable standards of Section 708 or the requirements of a site-specific program to achieve Goal 5.
4. Approval of any new noise or dust sensitive use or conflicting use in the Impact Area shall be conditioned upon execution of a restrictive covenant in favor of the mining use to the effect that the use will not cause the mining operation to violate any applicable standards of Section 708 or requirements of a site-specific program to achieve Goal 5.

708.09 TERMINATION OF THE MINERAL AND AGGREGATE OVERLAY DISTRICT

When a significant site has been fully mined and reclamation has been completed, the County shall remove the site from the Comprehensive Plan inventory and rezone the property to remove the MAO District. The Comprehensive Plan amendment and zone change shall be initiated by the County or the owner or contract purchaser of the property comprising the Extraction Area. If a restrictive covenant is imposed within the MAO District, it shall state that the obligations imposed expire upon the termination of the MAO District.

[Amended by Ord. ZDO-248, 10/13/14]

## 711 GOVERNMENT CAMP OPEN SPACE MANAGEMENT DISTRICT (GCOSM)

---

### 711.01 PURPOSE

The intent of the Government Camp Open Space Management District is to preserve and manage the Government Camp ~~Village~~ open space resources for the benefit, health, and welfare of the people. These resources provide the community with recreation, water quality treatment facilities, natural protection areas, and pedestrian networks. Management of these resources will help protect, enhance, and maintain the quality of living and environmental character of ~~the~~ Government Camp ~~Village~~.

### 711.02 AREAS OF APPLICATION

The Government Camp Open Space Management District shall apply to those areas within the Government Camp Village, as described in the Mount Hood Community Plan, and have the following characteristics:

- A. Parks, whether existing, acquired, or dedicated in the future (see Section 1011 for dedication requirements);
- B. Public and private recreation areas, including areas used for skiing, skating, skateboarding, hiking, biking, and other similar activities;
- C. Natural and historic areas that are dedicated to the public or preserved through an easement;
- D. Areas that buffer existing residential development for the purpose of providing privacy and maintaining the natural character and quality of living in the community;
- E. Areas necessary for utility facilities, such as sewage treatment plants, public water facilities, or water quality treatment facilities.

### 711.03 PRIMARY USES

- A. Public and private outdoor recreation areas, including hiking and biking trails, and ski transportation facilities such as chairlifts and gondolas;
- B. Nature trails, bird sanctuaries, nature conservancies, and other similar natural areas;
- C. Utility carrier cabinets provided that the combined volume of all cabinets located on a single lot does not exceed the applicable maximum established pursuant to Subsection 830.01(A), subject to Section 830; and
- D. Water quality treatment facilities, except those listed as conditional uses in Subsection 711.05.

711.04 ACCESSORY USES

~~A.~~ Accessory uses listed below may be allowed provided landscaping in compliance with Section 1009, Landscaping, is used to obscure visual impacts:

A1. Restroom and locker room facilities;

B2. Information and interpretive centers, provided they are not enclosed;

C3. Maintenance buildings and support facilities customarily associated with a primary use;

D4. Rainwater collection facilities;

E5. Solar collection systems; and

F6. Electric vehicle charging stations.

711.05 CONDITIONAL USES

A. The following are conditional uses in the GCOSM District, approval of which is subject to Section 1203, *Conditional Uses*:

1. Medical clinics, when associated with and incidental to a primary use;

2. Sport shops, restaurants, and other concession sales uses when associated with and incidental to a primary use; ~~and~~

3. Sewage treatment plants; ~~and~~

4. Utility carrier cabinets if the combined volume of all cabinets located on a single lot exceeds the applicable maximum established pursuant to Subsection 830.01(A), subject to Section 830, Utility Carrier Cabinets.

B. Conditional uses are subject to the following standards and criteria:

1. Approval shall not be granted if the proposed use requires a new access to Highway 26 or additional parking, unless such access and parking receive approval from the Oregon Department of Transportation.

2. The maximum building floor space per commercial use shall be 8,000 square feet.

711.06 PROHIBITED USES

~~A.~~ Private outdoor recreation uses that generate vehicular trips, excluding uses for the Summit Ski Area or Multorpor Ski Bowl ~~Ski Areas~~ that do not exceed the

United States Forest Service (USFS) Persons at One Time (PAOT) limits. See the table below for the PAOT limits:

US Forest Service Permitted Recreation Facility	US Forest Service Persons at One Time (PAOT) limits
Summit Ski Area	1500
Multorpor Ski Bowl (Ski Bowl West and Ski Bowl Multorpor Combined)	7800

711.07 BUFFER AREAS

~~A.~~ Buffer areas shall be maintained in natural vegetation, except for minor developments such as:

- ~~A1.~~ Extending and connecting trail systems;
- ~~B2.~~ Posting directional, interpretative, and warning signs not exceeding three square feet for trails;
- ~~C3.~~ Bridges or constructed walkways;
- ~~D4.~~ Lift and tram towers; and
- ~~E5.~~ Development of connecting roads to lands within Government Camp shall be minimized to the fullest possible extent.

711.08 DIMENSIONAL STANDARDS

The following dimensional standards apply in the GCOSM District:

~~A. — Purpose: The dimensional standards are intended to:~~

- ~~1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse influences;~~
- ~~2. Provide for and protect the unique character, livability, and scenic quality of the Mt. Hood Community;~~
- ~~3. Provide for fire safety and protection, and adequate snowslide area, between all structures;~~
- ~~4. Protect the privacy and livability of on- and off-site dwellings and yard areas; and~~
- ~~5. Provide for adequate open space within and between developments.~~

B. Perimeter Requirements For All Structures:

~~A1. Minimum Front Setback Yard Depth: The minimum front setback is 30 feet.~~

~~B2. Minimum Rear Setback Yard Depth: The minimum rear setback is 30 feet.~~

~~C3. Minimum Side Setback Yard Depth: The minimum side setback is 10 feet.~~

711.09 DEVELOPMENT STANDARDS

Conditional uses in the GCOSM District are subject to the applicable provisions of Section 1000, *Development Standards*, and the review procedures of Section 1102, *Design Review*. In addition, the following development standards apply:

- A. ~~Landscaping~~ ~~The subject property shall be landscaped~~ ~~site~~ to produce a setting appropriate to the area's character and development's function. Screening and buffering of adjacent residential zoning districts shall occur pursuant to Section 1009, *Landscaping*
- B. ~~Provide~~ ~~A~~ an efficient internal circulation system and facilities layout plan shall be provided. ~~In addition~~ Additionally, provide for both motorized and non-motorized connections to external circulation systems and trails shall be provided.
- C. ~~Maximize~~ ~~A~~ access shall be maximized for pedestrians, bicyclists, transit riders, and people with disabilities ~~the disabled~~ in active recreation areas.
- D. Park facilities shall comply with the classifications and standards of Policies 1.1 through 1.3 in the Parks and Recreation section of Chapter 9, *Open Space, Parks, and Historic Sites*, of the Comprehensive Plan.
- E. ~~Screening and buffering of adjacent residential zoning districts shall occur pursuant to Section 1009, *Landscaping*.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-253, 6/1/15]

**713 PUBLIC USE AIRPORT AND SAFETY OVERLAY ZONES**

---

**713.01 PURPOSE**

Section 713 is adopted to implement Oregon Revised Statutes 836.600 through 836.630 and policies of the Comprehensive Plan as they relate to public use airports. When applied, it provides for their continued operation and vitality consistent with state law by allowing certain compatible airport related commercial and recreational uses. It also provides for safety standards to promote air navigational safety at such public use airports and to reduce the potential for safety hazards for property and for persons living, working, or recreating on lands near such airports.

**713.02 APPLICATION**

This special use zoning district may be applied to publicly owned airports that are shown in the records of the Oregon Department of Aviation (ODA) on December 31, 1994. It also may be applied to those privately owned, public use airports identified pursuant to Oregon Revised Statutes (ORS) 836.610(3) by the ODA as providing important links in air traffic in Oregon, providing essential safety or emergency services, or are of economic importance to the County.

The boundaries of this special use district are coterminous with airport boundaries as described in Oregon Administrative Rules (OAR) 660-013-0040. The boundaries of safety overlay zones radiate from points at the ends of the airport's primary surface as described in OAR 660-013-0070(1)(a) and Exhibits 1 and 4 that accompany that rule. The definitions in Subsection 713.03 are consistent with ORS Chapter 836, OAR 660-013, and Exhibits 1 and 4 of that rule.

If an airport that had this special use zoning district applied is removed from the State's list of airports in a manner described in ORS 836.610, the application of this special use zoning district is automatically terminated.

**713.03 DEFINITIONS**

- A. Aircraft. Means airplanes and helicopters, but not hot air balloons or ultralights.
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
- D. Airport Imaginary Surfaces. Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- E. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.
- F. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- G. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
    - a. 1,250 feet for a utility runway having only visual approaches;
    - b. 1,500 feet for a runway other than a utility runway with only visual approaches;
    - c. 2,000 feet for a runway with a non-precision instrument approach;
    - d. 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
    - e. 4,000 feet for a non-precision instrument runway, other than utility, having a non-precision approach with visibility minimums as low as three-fourths statute mile; and
    - f. 16,000 feet for precision instrument runways.
  2. The approach surface extends for a horizontal distance of:
    - a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility and visual runways;
    - b. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; and
    - c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at a slope of 40 feet outward for each one foot upward, for precision instrument runways.
  3. The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- H. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

- I. Hazard. All hazards within and around airports shall be as determined by the Oregon Department of Aviation or Federal Aviation Administration (FAA).
- J. Heliports. A heliport is an area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft. The heliport overlay zone applies the following imaginary surfaces. The heliport approach surfaces begin at each end of the heliport primary surface and have the same width as the primary surface. They extend outward and upward for a horizontal distance of 4,000 feet where their width is 500 feet. The slope of the approach surfaces is eight to one for civilian heliports and 10 to one for military heliports. The heliport primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. The heliport primary surface is a horizontal plane at the established heliport elevation. The heliport transitional surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two to one for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.
- K. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
1. 5,000 feet for all runways designated as utility or visual.
  2. 10,000 feet for all other runways.
  3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- L. Non-Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or other FAA planning document.
- M. Other than Utility Runway. A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

- N. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.
- O. Primary Surface. A surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:
1. 250 feet for utility runways having only visual approaches;
  2. 500 feet for utility runways having non-precision instrument approaches;
  3. For other than utility runways the width is:
    - a. 500 feet for visual runways having only visual approaches;
    - b. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
    - c. 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with a visibility minimum as low as three-fourths statute mile, and for precision instrument runways.
- P. Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, places of worship, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
- Q. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

- R. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:
1. 1,000 feet for utility runways.
  2. 1,700 feet for other than utility runways having non-precision instrument approaches.
  3. 2,500 feet for precision instrument runways.
- S. Structure. Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earthen formations and overhead transmission lines. Structures do not include paved areas.
- T. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
- U. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
- V. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.
- W. Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of Section 713.

#### 713.04 USES PERMITTED OUTRIGHT

The following uses and activities are permitted outright in the Public Use Airport special use zoning district:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; aircraft hangars and tie-downs; construction and maintenance of airport facilities; fixed-base operator facilities; one single-family dwelling in conjunction with an airport (if there is not one there already) for an airport manager, caretaker, or security officer; and other activities incidental to the normal operation of an airport. Except as provided in this ordinance, "customary and usual aviation-related activities" do not include residential, commercial, industrial, manufacturing, and other uses.
- B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- C. Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.
- D. Law enforcement, military, and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- E. Search and rescue operations, including aircraft and ground based activities that support the orderly and efficient conduct of search or rescue related activities.
- F. Flight instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- G. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft and aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- H. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

- I. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft, aircraft components or other aircraft-related products for sale to the public.
- J. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.
- K. Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.
- L. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).
- M. Flights carrying parachutists, and parachute drops (including all forms of skydiving) onto an airport, but only upon demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres in size. The configuration of the drop zone shall roughly approximate a square or a circle and may contain structures, trees, or other obstacles only if the remainder of the drop zone provides adequate areas for parachutists to land safely.
- N. Uses not identified in Subsection 713.04, but permitted in the underlying zoning district, may be permitted if they do not conflict with permitted uses in Subsection 713.04, safety, or the continued operation and vitality of the airport.

713.05 USES PERMITTED SUBJECT TO REVIEW

Uses not identified in Subsection 713.04 and contained in an Airport Expansion Plan approved by the County as part of the Comprehensive Plan shall require review as a Type III application pursuant to Section 1307 and shall be subject to the following standards and criteria:

- A. The use is, or will be, supported by adequate types and levels of public facilities, services, and transportation systems authorized by applicable statewide land use planning goals;

- B. The use does not seriously interfere with existing land uses in areas surrounding the airport; and
- C. For airports where the underlying zoning district is EFU, the use shall comply with the standards described in ORS 215.296.
- D. The development standards in Section 1000 shall be applied appropriate to the type of use permitted.
- E. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

713.06 IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY DELINEATION

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, direct and secondary impact boundaries shall be delineated for each public use airport where this district is applied and shall be made part of the zoning maps adopted pursuant to Subsection 103.02. All lands, waters, and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this zone.

713.07 LAND USE COMPATIBILITY REQUIREMENTS

Applications for land use or building permits for properties within the boundaries of these safety overlay zones shall comply with the requirements of this Section as provided herein.

713.08 WATER IMPOUNDMENTS WITHIN SAFETY OVERLAY ZONES

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

713.09 NONCONFORMING USES

Section 713 shall not be construed to require the removal, lowering, or alteration of any existing structure or vegetation not conforming to Section 713. Section 713 shall not require any change in the construction, or alteration of the intended use of any structure, the construction or alteration of which was begun or completed prior to the effective date of this safety overlay zone.

[Amended by Ord. ZDO-248, 10/13/14]

**804 PLACES OF WORSHIP CHURCHES**

---

~~804.01~~ ~~APPLICABILITY~~

~~Section 804 applies to churches.~~

804.01~~2~~ ~~GENERAL~~ STANDARDS

Places of worship Churches shall comply with the following standards:

A. Maximum Lot Coverage: The maximum lot coverage is 50 percent.

B. Maximum Building Height: The maximum building height is 50 feet.

~~C. Minimum Front Yard Depth: 30 feet.~~

~~CD.~~ Minimum Side and Rear Setback Yard Depths: The minimum rear setback is 20 feet. This distance shall be increased by plus five feet for each story in excess of two.

D. Minimum Side Setback: The minimum side setback is 20 feet plus five feet for each story in excess of two.

~~804.03~~ ~~STANDARD IN THE RR DISTRICT~~

~~In the RR District, the minimum site area for churches shall be two acres.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-252, 6/1/15]





**805 SCHOOLS**

---

~~805.01 — APPLICABILITY~~

~~Section 805 applies to schools.~~

~~805.012 GENERAL STANDARD~~

The minimum side ~~setback~~yard depth for a school ~~shall be~~ is 20 feet.

~~805.03 — STANDARD IN THE RR DISTRICT~~

~~In the RR District, the minimum site area for schools shall be 10 acres.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-252, 6/1/15]



**806 HOME OCCUPATIONS TO HOST EVENTS****806.01 — APPLICABILITY**

~~Section 806 applies in the RR, RA-1, RA-2, RRFF-5, FF-10, FU-10, EFU, TBR, and AG/F Districts.~~

**806.01~~2~~ DEFINITIONS**

~~The following definitions apply to~~Unless specifically defined in Subsection 806.02, words or phrases used in Section 806 shall be interpreted to give them the same meaning as they have in common usage and to give Section 806 its most reasonable application.;

- A. Employee: Any on-site person, whether they work full-time or part-time in the home occupation ~~business~~, including, but not limited to, the operator, partners, assistants, and any other persons ~~or family members~~ participating in the operation of the home occupation business. Except in the EFU, TBR, and AG/F Districts, ~~this definition does not apply to~~ persons employed by contract to provide services for a single event, such as caterers, photographers, and florists, are not considered employees.
- B. Events: ~~A w~~Weddings, family reunions, class reunions, company picnics, ~~and~~ similar gatherings.
- C. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation business, ~~lives full-time in a dwelling on the subject property~~ and is responsible for strategic decisions and day-to-day operations of the home occupation business.

**806.02~~3~~ CONDITIONAL STANDARDS**

~~A H~~home occupations to host events shall comply with the following standards:

~~A. The home occupation shall be sited on a lot of record that contains a lawfully established dwelling.~~

~~AB. Operator:~~ The operator ~~of the home occupation~~ shall reside full-time in a lawfully established dwelling unit on the tract~~be a resident of the property~~ on which the home occupation is located.

~~BC. Employees:~~ The home occupation shall have no more than five full-time ~~or part-time employees on the site.~~

~~CD. Type of Buildings:~~ Notwithstanding the definition of home occupation in Section 202, Definitions, ~~i~~n the AG/F, EFU, and TBR, ~~and AG/F~~ Districts, the home occupation shall be operated substantially in ;

- ~~1. The operator's dwelling; or~~
- ~~2. Other buildings which are normally associated with uses permitted in the applicable zoning district in which the subject property is located.~~

DE. Tents: Temporary tents are allowed as follows:

1. In the AG/F, EFU, and TBR and ~~AG/F~~ Districts, temporary tents are permitted to the extent consistent with Subsection 806.02(C)~~806.03(D)~~.
2. In a zoning district other than AG/F, EFU, and TBR, and ~~AG/F~~, one temporary tent is permitted, and additional temporary tents may be permitted if consistent with Subsection 1203.03.
3. Temporary tents may be placed on the subject property no more than 24 hours before the event and must be removed no more than 24 hours after the event.

~~F. The construction of any structure that would not otherwise be allowed in the zoning district in which the subject property is located shall be prohibited.~~

~~G. If the subject property is located in or adjacent to an EFU, TBR, or AG/F District, prior to operating the home occupation, the applicant shall record a written irrevocable statement in the deed records of the County binding upon the landowner, and the landowner's successors in interest, acknowledging the right of adjacent and nearby farm and forest operators to employ accepted farm and forest management practices and prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes (ORS) 30.936 or 30.937. Impacts from farming and forest practices may include, but are not limited to: noise, dust, spray, smoke, vibrations, and visual impacts.~~

EH. Impacts on Dwellings: In the AG/F, EFU, and TBR, and ~~AG/F~~ Districts, the evaluation of compliance with Subsection 1203.03(D)~~1203.01(D)~~ shall include consideration of impacts on dwellings even though dwellings are not primary uses in these zoning districts.

FI. Hours of Operation: During the months of November through March, no event shall take place outside the hours of 9:00 a.m. to 10:00 p.m. During the months of April through October, no event shall take place outside the hours of 8:00 a.m. to 10:00 p.m. These time restrictions do not apply to persons involved in the set-up or clean-up of the facilities.

GJ. Frequency of Events: A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time. During the months of November through March, no more than five events shall be allowed per week. During the months of April through October, no more than seven events shall be allowed per week.

~~K. A maximum of two events shall be allowed per day, and no more than one event shall occur at any one time.~~

~~HL. Guests: The maximum number of guests for any single event ~~is~~ shall not exceed 300. However, to the extent necessary to comply with Subsection 1203.03, a lower limit may be imposed based on site capacity constraints.~~

~~IM. Lighting: All lighting used during events shall comply with Subsection 1005.05(A) ~~be arranged and shielded so as not to shine onto adjacent properties or rights-of-way.~~~~

~~JN. Noise: Noise shall be regulated as follows:~~

1. From 7:00 a.m. until 10:00 p.m. on Friday and Saturday and until 9:00 p.m. on all other days of the week, the average peak sound pressure level, when measured off the subject property, of ~~the~~ noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level when measured off the subject property. During all other hours, the average peak sound pressure level, when measured off the subject property, of ~~the~~ noise created by the home occupation shall not exceed the greater of 50 dB(A) or the ambient noise level ~~when measured off the subject property~~.
  - a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 806.02(J)(1)806.03(N)(1).
  - b. Subsection 806.02(J)(1)806.03(N)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
2. A noise study may be required to demonstrate compliance with Subsection 806.02(J)(1)806.03(N)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

~~KO. Parking: The home occupation shall comply with Section 1015, Parking and Loading, except as modified by ~~this~~ Subsection 806.02(K).~~

- ~~1. The minimum parking requirement shall be one space per three guests based on the maximum number of guests permitted for any single event. An additional space shall be provided for each employee.~~

~~2. The minimum parking space requirement for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.~~

~~13.~~ On-street parking shall be prohibited on the day of an event.

~~24.~~ An alternative to the parking area surface required pursuant to Subsection 1015.013(BE) may be approved based on the following criteria:

- a. It is appropriate considering season, duration, and intensity of use.
- b. It shall be surfaced with hardy grasses, wood chips, or other similar organic materials sufficient to adequately stabilize the ground surface for parking.
- c. In order to minimize tracking of soil onto the roadway, a driveway surfaced with screened gravel or better must extend a minimum of 200 feet in length from the interior edge of the roadway that provides access to the subject property. A traffic management plan must direct all vehicular traffic along the required driveway prior to such traffic entering the roadway.

~~LP. Portable Restrooms: Portable r~~Restroom facilities shall ~~be regulated as follows:~~

- ~~1. Portable restroom facilities shall include hand-sanitizing or hand-washing facilities;:~~
- ~~2. Portable restroom facilities shall be subject to~~Comply with the standards of the service provider and the applicable regulations of the Oregon Department of Environmental Quality~~County Water Environment Services Department (WES);:~~
- ~~3. Portable restroom facilities shall~~Bbe screened from adjacent lots~~properties~~ and rights-of-way by sight-obscuring fences or plantings; and
- ~~4. shall~~Bbe located a minimum of 50 feet from all lot lines.
- ~~4. Use of on-site sewage disposal facilities shall be subject to approval by WES.~~

MQ. Signs: One temporary sign shall be allowed in addition to signs permitted pursuant to Section 1010, Signs. The sign shall not exceed eight square feet in area; shall be placed on private property on the day of the event; shall be removed no more than 24 hours after the event; and shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.

NR. Storage: Equipment, furniture, goods, and other amenities used for events shall be stored indoors on non-event days.

O. Appearance: On non-event days, ~~The~~ use shall not take an outward appearance nor manifest any characteristics of a business or operation of a service commercial retail or wholesale nature, except for those characteristics normally associated with or allowed for a primary use in the subject zoning district, or, in the AG/F, EFU, and TBR Districts, for a use identified as "allowed" by Table 407-1, Permitted Uses in the AG/F District, 401-1, Permitted Uses in the EFU District, or 406-1, Permitted Uses in the TBR District, respectively ~~on non-event days.~~

~~S. The use shall comply with any applicable requirements of the Oregon Liquor Control Commission.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-245, 7/1/13]





~~807 DAYCARE FACILITIES~~

---

~~807.01 CONDITIONAL STANDARDS~~

~~The following conditional standards shall apply:~~

~~A. Special consideration shall be given to:~~

- ~~1. Compatibility in appearance with the surrounding area;~~
- ~~2. Provision of usable onsite open space appropriate to the needs of the children to be served; and~~
- ~~3. Clearly defined property boundaries.~~

[Amended by Ord. ZDO-224, 5/31/11]



**808 CEMETERIES, AND CREMATORIES**

---

**808.01 CEMETERY ~~CONDITIONAL~~ STANDARDS**

Cemeteries shall comply with the following standards:

- ~~A. Crematories shall be located a minimum of five hundred (500) feet from any existing dwelling other than a dwelling on the site.~~
- ~~AB. Minimum Lot Size ~~Area for Cemetery~~: The minimum lot size is ~~Fifty (50)~~ acres.~~
- ~~C. Minimum Lot Area for Crematory: ~~Five (5) acres~~~~
- ~~BD. Location of Graves: Graves shall be located a minimum of ~~thirty (30)~~ feet from any public right ~~of way~~.~~
- ~~E. Points of access must be approved in writing by the County Engineer and, if on a state highway, by the District State Highway Engineer.~~
- ~~F. A plat of the cemetery must be filed in the official county records.~~
- ~~G. No cemetery lots shall be offered for sale until an adequate water supply for irrigation has been developed and approved by the County and the appropriate water district.~~
- ~~H. Notwithstanding the above regulations, all cemeteries and related uses must comply with all State regulations pertaining to these uses.~~

**808.02 CREMATORY STANDARDS**

Crematories shall comply with the following standards:

- A. Minimum Lot Size: The minimum lot size is five acres.
- B. Separation from Dwellings: Crematories shall be located a minimum of 500 feet from any existing dwelling other than a dwelling on the subject property.



~~809 HOSPITALS~~

---

~~809.01 CONDITIONAL STANDARDS~~

- ~~A. Minimum Lot Size: 10 acres.~~
- ~~B. Access: Primary access to the site shall be from a road with a functional classification of major arterial as identified on Comprehensive Plan Map 5-4a, *Road Functional Classification, Urban*, or 5-4b, *Road Functional Classification, Rural*.~~
- ~~C. Minimum Front, Rear, and Side Yard Setbacks: 50 feet.~~
- ~~D. Maximum Building Height: Two and one-half stories or 35 feet. The maximum building height may be exceeded provided that the height of the building is not greater than the setback distance from the higher portion of the building to any Urban Low Density Residential District.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-246, 3/1/14]



~~810~~ ~~NURSING HOMES~~

---

~~810.01~~ ~~CONDITIONAL STANDARDS~~

~~The following conditional standards shall apply:~~

~~A. Minimum Lot Size:~~

~~One to five beds: 10,000 square feet~~

~~Six to 10 beds: 15,000 square feet~~

~~11 to 15 beds: 20,000 square feet~~

~~Plus 800 square feet for each bed over 15 beds~~

~~B. Design Review: An application for a nursing home shall be subject to design review pursuant to Section 1102.~~

~~C. Minimum Setbacks: Minimum front, rear, and side yard setbacks shall be the same as the underlying zoning district unless the Hearings Officer finds that a greater setback is indicated by uses and structures on surrounding properties or unique circumstances of the site.~~

~~D. Fence: A fence of at least five feet in height shall be provided between property used for a nursing home and any contiguous residential property.~~

~~E. Public Facilities: A nursing home shall be served by public sewer and water.~~

~~F. Access: A nursing home shall be located within one-quarter mile of a road with a functional classification of collector or higher as identified on Comprehensive Plan Map 5-4a, *Road Functional Classification, Urban*, or 5-4b, *Road Functional Classification, Rural*.~~

~~G. Signs: Signs shall be subject to Section 1010.~~

[Amended by Ord. ZDO-246, 3/1/14]





**813 RECREATIONAL VEHICLE CAMPING FACILITIES**~~813.01~~ ~~APPLICABILITY~~

~~Section 813 applies to recreational vehicle camping facilities.~~

813.01~~2~~ STANDARDS

Recreational vehicle camping facilities shall comply with the following standards:

A. ~~Location~~Locational Standards:

- ~~1.~~ 1. ~~Inside~~Within an urban growth boundary~~area~~, recreational vehicle camping facilities shall be located on a road with a functional classification of minor arterial or higher, and shall be no more than one-half mile from a road with a functional classification of major arterial or higher~~freeway/expressway~~.
- ~~2.~~ 2. Outside an urban growth boundary~~area~~, recreational vehicle camping facilities shall be located no more than one mile from a road with a functional classification of major arterial or higher~~freeway/expressway~~.

B. ~~Campsite/Area~~ Requirements:

- ~~1.~~ 1. ~~In areas served by public sewer, the maximum number of campsites shall not exceed one per 1,500 square feet of net site area.~~
- ~~2.~~ 2. ~~In areas not served by public sewer, the maximum number of campsites allowed shall be subject to review and approval by the Soils Section of Water Environment Services.~~
- ~~3.~~ 3. ~~Each campsite shall be at least 1,000 square feet, exclusive of roadways.~~

BC. Utilities~~Improvements~~: Each recreational vehicle campsite shall include the following:

- a. Electrical service hookup;
- b. Potable water hookup; and
- c. Sewage disposal service,~~;~~ and

Cd. Landscaping: ~~To the extent consistent with the applicable standards of Section 1009, Landscaping, landscaping shall be dispersed throughout the facility and shall be incorporated in each recreational vehicle campsite in areas that are not intended to be occupied by the recreational vehicle or used for a parking space.~~

D. Parking Requirements:

- ~~1.~~ 1. ~~Each recreational vehicle campsite shall include one recreational vehicle~~

~~parking space with minimum dimensions of 12 feet by 20 feet.~~

- ~~2. Parking spaces shall be provided for the manager and employees of the recreational vehicle camping facility.~~
- ~~3. A minimum of one parking space per campsite shall be provided in addition to the space required for parking of a recreational vehicle. The additional space need not be located on the same site as the recreational vehicle space.~~
- ~~4. Within an urban area, parking spaces shall be hard surfaced. Outside an urban area, a graveled surface with a minimum base of three inches of crushed rock or better may be substituted for hard surfacing.~~

~~D~~E. Accessory Uses: The following accessory uses ~~and structures~~ may be provided at a scale intended to serve the tenants of the recreational vehicle camping facility:

- a. One detached single-family dwelling or manufactured dwelling for a facilityA caretaker's/ or manager's dwelling or officein zoning districts that do not otherwise permit detached single-family dwellings or manufactured dwellings (e.g., the MR-2 District); however, this does not allow the maximum density standard in Section 1012, Lot Size and Density, to be exceeded. (In zoning districts that otherwise permit a detached single-family dwelling or manufactured dwelling on a lot of record (e.g., the RA-1 District) the caretaker or manager may live in that dwelling, but this accessory use allowance would be redundant.);
- b. An office for a facility caretaker or manager;
- ~~c~~b. Recreational areas and equipment;
- ~~d~~e. Clubhouses;
- ~~e~~d. Tourist information centers;
- ~~f~~e. Laundry, restroom, and shower facilities;
- ~~g~~f. Storage and/or maintenance buildings; and
- ~~h~~g. Uses similar to one or more of those listedspecified in Subsection 813.01(D)813.02(E).

~~F~~. Access and Circulation:

- ~~1. The location of access driveways shall be subject to approval by the Department of Transportation and Development.~~
- ~~2. Any driveway, or portion thereof, which does not provide for continuous~~

~~circulation shall not exceed 600 feet in length and shall terminate with a turnaround having a minimum diameter of 60 feet.~~

- ~~3. The minimum driveway width for two-way traffic shall be 24 feet, except that if parking is permitted on the margins of the driveway, the minimum driveway width shall be 32 feet. The minimum driveway width for one-way traffic shall be 16 feet, except that if parking is permitted on the margins of the driveway, the minimum driveway width shall be 24 feet.~~
- ~~4. Driveways shall be hard-surfaced.~~

EG. Screening: ~~Except as necessary to accommodate access driveways and corner vision requirements, T~~the facility shall be screened pursuant to Subsection 1009.04~~on all sides by sight-obscuring plant materials or fencing, or a combination thereof, with a minimum height of six feet.~~

FH. StorageMaintenance: Storage of materials ~~and~~ equipment associated with the facility (as opposed to items brought to the facility by campers) shall be within enclosed structures. ~~Trash receptacles shall be provided in convenient locations for use by guests of the camping facility and in such number and of such capacity that there is no uncovered accumulation of trash at any time.~~

[Amended by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]



~~814 — DRIVE-IN THEATERS~~

~~814.01 — CONDITIONAL STANDARDS~~

- ~~A. — The face of the screen shall not be visible from any major street or major arterial.~~
- ~~B. — The entrance to the theater shall be at least one hundred fifty (150) feet from the established street or road right-of-way.~~
- ~~C. — Exits shall be at least thirty-five (35) feet from street rights-of-way.~~
- ~~D. — The theater shall be setback from the street rights-of-way at least twenty (20) feet.~~



**815 PRODUCE STANDS**

815.01 EXEMPTION

Except as set forth in Section 815, produce stands are exempt from Sections 1000, Development Standards, and 1102, Design Review.

**815.01 ~~CONDITIONAL~~ STANDARDS**

~~A Produce stands may be established under the following conditions:~~

- ~~A. The produce stand s~~ Shall be an accessory use to a single-family dwelling;
- ~~B. Shall~~ All produce displayed and ~~sell~~ sold from the stand shall be only produce that is grown on-site;
- ~~C. The produce stand is~~ Are exempt from the front ~~yard~~ setback standards, but shall comply with the side and rear ~~yard~~ setback standards;
- ~~D. Shall have h~~ Hours of operation shall be limited to between 8 a.m. and 8 p.m.;

~~E. The produce stand shall comply with the following criteria:~~

~~1. May include a table, bench (or similar), cart, or a collapsible covered temporary structure;~~

~~E2. Shall occupy an area no greater than 100 square feet in area;~~

~~F3. Shall not exceed eight feet in height;~~

~~G4. Shall be anchored in a manner that~~ which both prevents the stand from being moved or blown from its location, and allows the prompt removal of the stand; and

~~5. Shall be kept in sound condition.~~

~~6. Shall not block or encroach on a road, access drive, accessway, sidewalk, pedestrian pathway, or bikeway.~~

~~H. May have signs, subject to Section 1010, Signs.~~

~~F. Signs:~~

~~1. Shall not exceed a total of three square feet in area, distributed among any number of signs.~~

~~2. Shall have no illumination.~~

~~3. Shall be attached to, and shall not extend above a roof of, the produce stand.~~



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

[Added by Ord. ZDO-224, 5/31/11]

**818 SURFACE MINING**

**818.01 — PURPOSE**

Section 818 is adopted to

- A. Provide that the usefulness, productivity and scenic values of all lands and water resources affected by surface mining operations within this County shall receive the greatest practical degree of protection during mining and through reclamation necessary for their intended subsequent use in cooperation with State programs; and
- B. Assure that land affected by surface mining and reclaimed in a plan, approved by the State Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County, minimizes any adverse impact on mined land on the livability, value and appropriate development of the affected land and adjacent property.

**818.02 — APPLICABILITY**

- A. Section 818 applies to surface mining regulated by this Ordinance. A technical mining and reclamation permit may also be required from the Oregon Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County.
- B. Section 818 does not apply to operations within a road right-of-way or other easement for the purpose of construction, reconstruction, or maintenance.
- C. Section 818 does not apply to excavations of sand, gravel, clay, rock, or other similar materials by a landowner or tenant for the purpose of construction, reconstruction, or maintenance of access roads, excavation or grading in the process of farming, forestry or cemetery operations, or other onsite construction unless more than 5,000 cubic yards of such materials are removed from the property for compensation. More than 5,000 cubic yards of such materials may be removed from the property for compensation when the construction activities are authorized by a building permit.

**818.013 SUBMITTAL ~~GENERAL APPLICATION~~ REQUIREMENTS**

In addition to the submittal requirements identified in Subsections 1203.02 and 1307.07(C), ~~a~~An application for a permit for surface mining shall ~~include~~contain the following information and whatever additional information necessary to adequately describe and evaluate the proposed operation;. Where required information is already available on an Oregon Department of Geology and Mineral Industries mined land reclamation permit application, a duplicate copy may be submitted to satisfy these general application requirements.

- A. Name and address of the applicant, and the name and address of the landowner,

~~the owner of the surface estate, the operator and any parent corporation of the operator. If the applicant does not own the land on which the mining is to take place, the following shall be required:~~

- ~~1. Written consent of the owner of that land for the mining to take place there;~~
- ~~2. Written acknowledgment of the owner's obligation to see that the land is reclaimed after the mining ceases;~~

~~B. Legal description of the property to be mined.~~

~~C. Vertical aerial photograph of the property, to a scale of at least one inch to 400 feet, accurately representing the condition of the property at the time the application is made.~~

AD. Site plan, drawn ~~to a~~ a scale ~~of not less than~~ than one inch ~~equal to~~ 600 feet, showing:

1. Lot lines, dimensions, and area of the subject pProperty boundaries;
2. Location of all bodies of water, wetlands, roads, railroads, and utility facilities within or adjacent to the subject property;
3. Contour lines with intervals identified;
4. Locations and dimensions of existing and proposed buildings and other structures;
5. Location of existing and proposed ~~all~~ driveways access roads, and parking areas;
6. The boundaries of the mining site;
7. Areas for excavation;
8. Areas for processing and stockpiling;
9. Areas for settling ponds and washing plants; ~~and~~

BE. A description of tThe present use of the subject property ~~and the planned subsequent beneficial use;~~

CF. The starting date of the mining and expected life of the mining operation; ~~;~~

DG. A description of each mineral to be mined and the estimated quantity to be extracted; ~~;~~

EH. A description of the mining methods and types of equipment to be used; ~~;~~

- FI. The characterization of the ground~~water~~ and surface water based on available wells, drill logs, springs, and surface drainages within one mile of the proposed mining operation~~;~~.
- GJ. A surface water management plan to provide protection against contamination of ground-water and discharge of sediments into adjacent waterways. This plan must include provisions for settling ponds, diversion dikes, and channels, or other facilities as may be required~~;~~.
- HK. An erosion control plan detailing ground cover plantings and other methods of controlling erosion of surfaces affected by the mining~~;~~.
- IL. The procedures to control the discharge of contaminants and the disposal of mining refuse~~;~~.
- M. ~~Applications for non-aggregate mining shall include the following additional information if applicable:~~
- ~~1. Details of measures taken to conserve the quantity and quality of affected aquifers.~~
  - ~~2. A description of any toxic or radioactive materials known to be present in the ore, spoil, tailings, overburden or any other material involved in the mining operation, and their approximate concentrations.~~
  - ~~3. A description of how the toxic or radioactive materials described above will be handled during mining and reclamation.~~
  - ~~4. Environmental baseline information as may be required by the County. A copy of any such information prepared for any other agency shall be furnished the county.~~
- JN. ~~For reclamation, i~~dentification of ~~the~~ backfilling techniques, re-contouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding, ~~or~~ planting rates and schedules, and planned subsequent beneficial use of mined areas.
- KO. The procedures for the salvage, storage, and replacement of topsoil or acceptable alternativereplacement;
- LP. Identification of the procedures for the stable storage of overburden, includingwhich includes a description of the pre-mine topography, method of emplacement, height of lifts, final height, slope configuration, and vegetative cover~~;~~ and
- M. Applications for non-aggregate mining shall include the following additional information if applicable:

1. Details of measures taken to conserve the quantity and quality of affected aquifers;
2. A description of any toxic or radioactive materials known to be present in the ore, spoil, tailings, overburden, or any other material involved in the mining operation, and their approximate concentrations; and
3. A description of how any toxic or radioactive materials will be handled during mining and reclamation.

818.024 ~~GENERAL OPERATION REQUIREMENTS AND STANDARDS~~

~~All~~ Surface mining shall ~~comply with~~meet the following ~~operational requirements and~~ standards:

- A. Access: An on-site access or service road used for mining shall be dust free at all points within 300 feet of an ~~off-site~~public road or ~~off-site~~ dwelling ~~off the property being mined~~. If the mining is the primary cause of traffic on an unpaved ~~off-site~~public road, that road shall be dust free at all points within 300 feet of ~~off-site~~ dwellings ~~off the property being mined~~.
- B. Screening: Screening of the mining site may be required to obscure the view or minimize dust or other annoyance ~~from adjoining property and adjacent public roads~~. ~~Unless otherwise approved, the~~ If screening is required, it shall be done pursuant to Subsection 1009.04 ~~along the boundary of the property on which the site is located and may be accomplished by one or more of the following:~~
  1. ~~A sight-obscuring fence or wall;~~
  2. ~~A landscaped berm or preservation of natural slope;~~
  3. ~~Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.~~
- C. Noise: Sound created by ~~the~~a mining operation ~~and which is~~ audible off the ~~subject property~~site shall not exceed the maximum permitted by the Oregon State Department of Environmental Quality (DEQ). Various methods of sound control may be required, such as installation of earth berms, strategic location of stockpiles, and limiting hours of operation.
- D. Air Quality: The discharge of contaminants created by the mining operation shall not exceed the DEQ air quality standards ~~for the State Department of Environmental Quality~~.
- E. ~~Erosion Control~~: ~~Sedimentation or erosion resulting from the mining operation shall not adversely affect the quality of any body of water, as determined on the basis of standards established by the State Department of Environmental Quality and the State Department of Geology and Mineral Industries. Erosion resulting~~

~~from the mining operation shall be contained within the permit area.~~

~~EF. Toxic Materials:~~ Toxic materials shall be handled in a manner ~~that~~<sup>which</sup> prevents environmental degradation, ~~and ensures~~<sup>insures</sup> the safety and health of persons involved in the mining and reclamation operations and the general public, and complies with the requirements of ~~applicable~~<sup>affected</sup> state and federal agencies.

~~FG. Protection of Adjacent Land~~<sup>Setbacks</sup>: Excavation shall be away from the ~~lot~~<sup>property</sup> line a distance adequate to maintain a fence on the ~~lot~~<sup>property</sup> line and such additional distance as is necessary to allow a normal safe angle of repose during operations, ~~ensure~~<sup>assure</sup> lateral support of adjacent ~~lots~~<sup>property and public rights-of-way</sup>, and provide the slopes identified in the reclamation plan for the depth of final excavation. Other provisions to ~~ensure~~<sup>assure</sup> protection of ~~public and adjacent~~<sup>lots</sup>~~property and public rights-of-way~~ from steep banks, deep holes, or other hazards during the mining and reclamation phases shall be required as necessary. In addition, ~~the distance between the excavation and~~<sup>setbacks from</sup> rivers, streams, lakes, and other bodies of water shall be adequate to maintain bank integrity and streamside vegetation. ~~These setbacks shall be identified in the reclamation plan.~~

~~H. Parking:~~ ~~Vehicular parking off public roads shall be available for employees, customers and visitors at the mining site.~~

~~GI. Reclamation Plan:~~ Reclamation shall be ~~done~~<sup>effected</sup> in accordance with a reclamation plan approved by the ~~Oregon~~<sup>State</sup> Department of Geology and Mineral Industries, ~~and the subsequent beneficial use of mined areas shall comply with this Ordinance and or the Oregon Division of State Lands under Subsection 818.05.~~

~~J. Inspection/Violations:~~ If the County has reason to believe that a surface mining permit is being violated or that a surface mining operation is being conducted without a valid permit, it may inspect such surface mining areas without prior notice.

#### ~~818.05 — RECLAMATION PLAN REQUIREMENTS AND STANDARDS~~

~~A plan for reclaiming land affected by surface mining, approved by the State Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County, shall minimize any adverse impact of mined land on the livability, value, and appropriate development of the affected land and adjacent property. This plan shall include the reclamation information required in processing applications before State agencies.~~

[Amended by Ord. ZDO-248, 10/13/14]



## 819 ~~SANITARY LANDFILLS, DEBRIS FILLS, RECYCLING CENTERS, TRANSFER STATIONS, AND RECYCLABLE DROP-OFF SITES~~

### 819.01 ~~SANITARY LANDFILLS AND DEBRIS FILLS~~

~~A. General Standards: Sanitary landfills and debris fills shall comply with all aspects of the Clackamas County Solid Waste and Waste Management Ordinance, requirements of the County Department of Transportation and Development, rules and regulations of the Oregon Department of Environmental Quality, and the Metropolitan Service District.~~

### 819.012 STANDARDS FOR RECYCLING CENTERS AND TRANSFER STATIONS

#### A. Mitigation Standards:

##### 1. Traffic

~~Aa. Access: The road access system to the facility shall be adequate to handle traffic generated by the use. The County shall require the necessary traffic measures to insure the facility use is consistent with the County transportation system. The facility shall have access to major roadways and truck freight routes. The facility shall have an operational plan that ensures those traveling to the facility, particularly trucks, travel primarily on truck freight routes identified on by Comprehensive Plan Maps 5-9a through 5-9d the County.~~

~~b. Posting of Routes—The operator shall provide signage so that routes to the facility are posted and include information on fees for dumping, including differential fees for covered and uncovered loads. Signage shall be subject to the applicable County or state regulations.~~

~~c. A detailed traffic study including onsite circulation shall be required as a means for the County to assess appropriate traffic impact measures. The study shall be based on the Metropolitan Service District's (Metro's) traffic data methodology. Such a study must be performed by an engineer registered in the State of Oregon.~~

B. Air Quality: The discharge of contaminants created by the facility shall not exceed the Oregon Department of Environmental Quality (DEQ) air quality standards.

##### 2. Odor

~~a. Emissions (odors) from the facility shall not exceed the standards set forth in Oregon Administrative Rules Chapter 340, Division 21, Section 050.~~

~~b. Notwithstanding Subsection 819.02(A)(2)(a), the design and operation of the facility shall eliminate odors that would be irritating or annoying to facility personnel and to the surrounding community. Potential causes of odors and their elimination through proper design and operating procedures shall include:~~



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- ~~i. Spillage of acceptable waste around the feeding or processing equipment shall be removed daily; and~~
- ~~ii. Adequate ventilation and collection of dust generated during acceptable waste handling and processing shall be provided.~~
- ~~c. The following minimum procedural steps shall be taken to abate odors:
  - ~~i. A comprehensive program of manual and machine cleaning, combined with disinfection and vector control procedures shall be prepared in writing;~~
  - ~~ii. A plan shall be prepared which minimizes the generation of wastewater associated with hosing down equipment, tipping areas, and platforms in the facility. Compressed air or vacuum equipment shall be used for cleaning, where feasible; and~~
  - ~~iii. A plan shall be prepared for effective dust collection and adequate ventilation.~~~~
- ~~d. Each of the programs or plans required by Subsection 819.02(A)(2)(c), shall be approved by Metro, and compliance therewith shall be required of any facility operator pursuant to applicable Metro regulations.~~

~~3. Dust~~

- ~~a. A dust control plan shall be submitted to the Oregon Department of Environmental Quality (DEQ) for approval. A copy of the approved plan shall be submitted to the County prior to operation of the facility.~~
- ~~b. Access and onsite roads shall be maintained to prevent excessive dust.~~

C4. Noise: Sound created by the facility and audible off the subject property shall not exceed the maximum permitted by DEQ.

- ~~a. The facility's operation shall be in compliance with the standards of DEQ. A copy of the DEQ approval shall be submitted to the County prior to issuance of a building permit.~~
- ~~b. Noise in the receiving area shall be controlled by effective design of the building walls and roof.~~

D5. Storage:

- 1a. Any storage of material shall occur only in a totally enclosed area with proper air quality controls. The storage of uncompacted material shall not exceed one day.
- 2b. Source separated materials, (excluding yard debris), shall be stored in containers. These containers ~~shall~~must be located in an enclosed area.

~~3e.~~ Yard debris shall be removed ~~at least~~ on at least a weekly basis. Storage shall not exceed requirements established by DEQ.

~~4d.~~ Temporary storage areas for all ~~recovered~~-materials recovered from processing shall be totally enclosed.

~~6.~~ Salvaging of Materials

~~a.~~ Salvaging of recyclable materials shall not be authorized unless permitted in accordance with Metro's approved operating plan.

~~b.~~ Any authorized salvaging shall require a County recycling license or permit, if applicable.

~~7.~~ Sanitary Sewage/Processing Wastewater/Stormwater

~~a.~~ The facility shall comply with all applicable federal, state, and sanitary district regulations.

~~b.~~ The operator shall prepare a stormwater management plan for the stormwater collection/disposal system which shall include emergency spill containment and cleanup measures and water quality mitigation measures when appropriate. Management plan approval by the County is required.

~~8.~~ Signing, Building, and Site Design

~~a.~~ The County shall review the site-specific mitigation plan, signing, building, and site design plan to determine whether the plans are consistent with the standards of this Ordinance.

~~b.~~ Any truck washing area shall be covered with a canopy type roof.

~~c.~~ Paved parking adequate for facility personnel, users, and visitors shall be included in the site design. All parking and loading areas must be paved.

~~d.~~ The project design shall include onsite landscaping and screening provisions that will complement and enhance the character of the area. At least 15 percent of the developed site area shall be landscaped. All landscaped areas must have an irrigation system with automatic controls and maintained as required in Section 1009.

~~e.~~ All the facility's onsite utilities—power, telephone, water, sanitation, lighting, etc.—shall be underground.

~~f.~~ Site lighting shall be designed to avoid glare, and deflected so as not to shine onto adjacent properties and roadways.

Eg. SignsSigning:

1i. A clearly visible and legible identification sign shall be ~~posted~~maintained at the entrance to the facility. The sign ~~content~~ shall ~~include~~contain, at a minimum, the name of the facility, name and phone number of the operator/~~phone number~~, and hours of operation.

2ii. A sign~~(s)~~ describing recycling services and fees shall be posted at the facility.

F9. Hazardous Waste Handling:

1a. No disposal of hazardous and biomedical wastes on site shall be allowed except in accordance with Oregon Revised Statutes Chapter 459 and Oregon Administrative Rules~~OAR~~ Chapter 340.

2b. The operator shall provide a covered area for handling or storage of incidental hazardous ~~(such as household hazardous materials)~~, toxic, or other detrimental materials. The area shall provide positive isolation from sanitary and storm sewer systems.

3e. The operator shall prepare and implement an incidental hazardous waste containment and cleanup plan ~~as~~ approved by ~~the County and~~ DEQ.

G10. Safety Measures:

1a. Transfer of waste from one vehicle or container to another vehicle or container shall be done within an enclosed containment area designed to ~~ensure~~assure that waste materials do not fall onto the ground or enter the groundwater, or a water feature, water system, drainageway, or drainage system.

2b. The facility shall establish and implement emergency operating procedures to ensure that minimal risk exists to the public in the case of an emergency. The procedures shall include training programs and practice drills.

11. Identified Environmental Concern Areas

~~a.—The facility shall be designed to protect identified environmentally sensitive areas. Identified environmentally sensitive areas shall be those included in Chapter 3 of the Comprehensive Plan.~~

~~b.—The facility's development shall include provisions for mitigation of potential impacts on drainageways and wildlife corridors.~~

12. Economic Impacts

~~a.—Metro shall provide for the collection and disbursement of a community enhancement fee for all mixed waste entering the facility. The purpose of the fee is to provide a fund to enhance the area around the facility.~~

~~The fee will be collected and a fund shall be established as required by the Plan~~

and shall be administered in accordance therewith.

- b. ~~Metro shall provide for the collection and disbursement of a recycling fee based on the sale of recyclable materials collected at the facility. Said fee shall be used for recycling education and promotion within the County.~~

H13. Litter:

~~The operator/Metro shall ensure that~~ Aa specific litter control plan for the operation of any facility shall ~~will~~ be adopted to control and provide for the removal of facility-related litter along routes leading to and in the vicinity of the ~~proposed~~ facility. The litter control plan shall include ~~at least~~ the following elements:

- 1a. Establish, ~~at the expense of the private operator or Metro,~~ as appropriate, gates, signs, and other traffic control devices that direct facility-related traffic to the facility along approved routes ~~and prevent facility-related traffic from negatively impacting surrounding sensitive areas identified in the Comprehensive Plan.~~
- ~~b. Primary Impact Area—Metro shall establish, after consultation with the County, as part of its approval of any facility, a primary impact area in which the operator will assume responsibility for removal of litter and illegally dumped waste. The initial primary impact area will cover all routes to the facility for a distance of up to one-half mile from the facility entrance. The approval shall provide that the boundaries may be adjusted by Metro based on problems which arise after the facility is in operation.~~

~~Secondary Impact Area—Metro shall provide for removal of litter and illegally dumped waste on a weekly basis within at least a two-mile radius of the facility.~~

- 2e. Establish a patrol and schedule for removal of litter and illegally dumped waste along all routes to the facility for a distance of one-half mile from the facility entrance within the primary impact area. Litter removal within ~~this~~ the primary impact area shall ~~must~~ be completed ~~for the entire area a minimum of at least twice daily each day, seven days each week.~~
- 3d. The facility operator shall document and remove, for proper disposal, all illegal dumping occurring in the ~~patrol~~ primary impact area. The operator shall remove illegally dumped waste within 24 hours of the discovery of the illegal dump ~~and/or~~ within 12 hours of being notified of the illegal dump by the County. ~~The parties agree to take measures consistent with their resources to enforce codes and regulations to prohibit illegal dumping.~~
- 4e. The operator shall provide signs so that routes to the facility are posted and shall post at the facility, in a location visible to the public, the proper routes providing access to the facility and ~~differential~~ the fees for ~~dumping~~ bringing both covered and uncovered loads ~~at~~ to the facility.

5f. The operator shall annually publish and distribute throughout the area served by the facility a brochure ~~that~~~~which~~ includes the proper routes providing access to the facility and the fees for bringing both covered and uncovered loads to the facility; and ~~which both~~ explains and encourages recycling.

~~B. RR and HR Districts Standard: In the RR and HR Districts, the minimum site area for transfer stations shall be three acres.~~

819.023 STANDARDS FOR RECYCLABLE DROP-OFF SITES

Recyclable drop-off sites shall comply with the following standards:

~~A. Recyclable dropoff sites are allowed in the following zoning districts as accessory uses:~~

- ~~1. NC District;~~
- ~~2. C-2 District;~~
- ~~3. CC District;~~
- ~~4. C-3 District;~~
- ~~5. RTC District;~~
- ~~6. RC District; and~~
- ~~7. RI District.~~

~~B. Siting may also include traditional locations for this use, such as:~~

- ~~1. Schools;~~
- ~~2. Churches;~~
- ~~3. Fraternal lodges;~~
- ~~4. Senior citizen and other community buildings; and~~
- ~~5. Other public facilities.~~

~~C. Standards~~

A. Recyclable drop-off-sites shall:

~~1. Shall not be placed in public rights-of-way.~~

12. Shall ~~N~~not obstruct ~~any~~ entrances, exits, onsite traffic circulation, or parking.

- ~~23. Shall Not~~ be placed in required landscape areas;:-
- ~~34. Shall B~~be clean, attractively painted, and maintained at all times;:-
- ~~45. Shall B~~be kept clean and free of debris. All unwanted materials and debris shall be properly disposed of;:- ~~Cleanliness shall be a continuing obligation of the operator and site owner.~~
- ~~56. Shall B~~be designed such that collected recyclable materials are totally enclosed and cannot be removed by unauthorized parties;:-
- ~~7. Siting, maintenance, and hauling shall be coordinated through the area's franchised collector or by a party licensed and/or permitted by the County.~~
- ~~68. Shall O~~only be used for the collection of domestic recyclable or reusable materials such as paper, corrugated paper, glass, tin, aluminum, plastics, and clothing. Yard debris, appliances, ~~and/or~~ other large items ~~that which~~ may otherwise be repairable, recyclable, or reusable are not acceptable;:-
- ~~79. Shall B~~be removed or emptied within five days of becoming full, to avoid accumulation of materials outside the box or depot trailer;:- ~~and~~
- ~~810. Shall B~~be labeled identifying the owner and telephone number to contact in the event that the container and surrounding area becomes a nuisance. Labeling ~~shall must~~ also clearly identify the material(s) accepted, and warn that any other items are not acceptable.
- ~~B. Siting, maintenance, and hauling shall be coordinated through the area's franchised collector or by a party licensed or permitted by the County.~~
- ~~C11.~~ The local fire marshal shall be consulted concerning design and siting of drop boxes and mobile depots.

[Amended by Ord. ZDO-252, 6/1/15]



821 LIVESTOCK

821.01 ~~CONDITIONAL~~ STANDARDS

Livestock shall be subject to the following ~~conditional~~ standards:

A. Livestock shall not be kept for commercial purposes.

B. Livestock shall be properly caged or housed, and proper sanitation shall be maintained at all times.

C. All livestock food shall be stored in rodent-proof receptacles.

~~DB.~~ The ~~keeping~~ raising of swine is ~~prohibited~~ not permitted, except that:

~~C.~~ ~~Notwithstanding the prohibition of swine,~~ the keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (sus scrofa vittatus) is ~~permitted~~ allowed, subject to the following ~~standards~~ conditions:

1. The maximum height of ~~each~~ the swine ~~is~~ may be no more than 18 inches at the shoulder, and the maximum weight of each swine is ~~shall be no more than~~ 95 pounds.;
2. The swine ~~shall~~ must be spayed or neutered.;
3. No more than two such swine may be kept on a lot of record for any period in excess of three calendar days.

~~ED.~~ The minimum lot size for the keeping of ~~c~~ Cows, horses, and similar large livestock ~~is~~ shall not be kept on lots less than one acre ~~in size~~. Each of these animals, other than their young under the age of six months, shall be provided a minimum of at least 25,000 square feet of usable barn or pen area.

~~FE.~~ Each goat, miniature horse, or sheep, other than their young under the age of ~~six~~ 6 months, shall be provided a minimum of at least 10,000 square feet of usable barn or pen area.

~~GF.~~ Roosters, peacocks, and any other fowl known for its loud call are prohibited. Other types of fowl, as well as rabbits, may be kept, subject to one of the following ~~Two options for rabbits and fowl are available:~~

1. Hutches, coops, barns, or pens for any number of rabbits or fowl shall be located a minimum of ~~no closer than~~ 100 feet from any dwelling other than the dwelling of the owner of the subject property; or



2. ~~A maximum of~~Up to six rabbits or fowl, ~~other than their young under the age of older than~~ 12 weeks, ~~are~~shall be allowed in hutches, coops, ~~barns,~~ or pens located behind the ~~front~~ building line of the dwelling and ~~a minimum of no closer than~~ five feet from ~~all the lot~~property lines.
  - a. All animal byproducts and waste shall be kept a minimum of five feet from ~~all the lot~~property lines.
  - b. Hutches, ~~and coops, barns, and pens for rabbits or fowl~~ shall be enclosed on those sides that are not otherwise screened from adjacent ~~lots~~properties by a sight-obscuring fence, wall, or hedge a minimum of six feet in height.
- ~~3. Roosters, peacocks, or any other fowl known for its loud call are prohibited.~~
- ~~G. Livestock shall be properly caged or housed, and proper sanitation shall be maintained at all times.~~
- ~~H. All livestock food shall be stored in rodent proof receptacles.~~

[Amended by Ord. ZDO-224, 5/31/11]

**822 HOME OCCUPATIONS**

---

822.01 EXEMPTION

Except as set forth in Section 822, home occupations are exempt from Sections 1000, Development Standards, and 1102, Design Review.

~~822.01 PURPOSE~~

~~Section 822 is adopted to:~~

- ~~A. Encourage economic development in the County by promoting home occupations;~~
- ~~B. Reduce vehicle miles traveled by providing opportunities for people to work from their homes;~~
- ~~C. Recognize the differences between residential communities, and provide standards for home occupations consistent with these differences;~~
- ~~D. Ensure the compatibility of home occupations with other uses permitted in the underlying zoning district;~~
- ~~E. Maintain and preserve the character of the community and residential neighborhoods; and~~
- ~~F. Mitigate noise, traffic, and other possible negative effects of home occupations.~~

822.02 DEFINITIONS

~~The following definitions apply to Section 822: Unless specifically defined in Subsection 822.02, words or phrases used in Section 822 shall be interpreted to give them the same meaning as they have in common usage and to give Section 822 its most reasonable application.~~

- ~~A. Abutting Properties: Properties that are contiguous to the property on which the home occupation is proposed, as well as properties directly across any access drive, or private, public, or county road, provided the functional classification of the road is below that of a collector.~~
- ~~B.A. Accessory Building Floor Space: Any building floor space, other than atthe dwelling unit, that is used for the home occupation, including, but not limited to, an attached garage, detached garage, or pole building. ~~Accessory space does not include manufactured dwellings, residential trailers, or recreational vehicles.~~~~
- ~~C.B. Employee: Any on-site person, whether they work full-time or part-time in the home occupation, including, but not limited to, the operator, partners, assistants, and any other persons participating in the operation of the home occupation.~~

C. Gross Vehicle Weight Rating: As defined in Oregon Revised Statutes 801.298.

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

DE. Incidental Use: The use of no more than 25 percent of the floor area of a ~~buildingstructure~~ or 500 square feet, whichever is less.

EF. Operator: The person who conducts the home occupation, has majority ownership interest in the home occupation, ~~lives full-time in a dwelling unit on the subject property,~~ and is responsible for strategic decisions and day-to-day operations of the home occupation.

~~G. Property: A lot of record.~~

FH. Vehicle: Any motorized or non-motorized transportation equipment intended for use on public roads and associated with the home occupation, including, but not limited to, a car, van, pickup, motorcycle, truck, bus, recreational vehicle, detached trailer, or a truck tractor with no more than one trailer. Any attached trailer beyond one is a separate vehicle. An exception may be made for Aa detached trailer or trailers, which may be is categorized as equipment, rather than a vehicle, if it is stored inwithin an enclosed accessory building floor space approved for this use through a home occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.

GI. Vehicle Trip: A vehicular movement either to or from the subject property by any vehicle used in the home occupation, any delivery vehicle associated with the home occupation, or any customer ~~or client~~ vehicle.

822.03 LEVEL ONE MINOR HOME OCCUPATIONS

~~A level 1 minor home occupation does not require a land use permit andNo land use permit is required for a Level 1 Minor Home Occupation, which shall be subject to comply with the following standards and criteria:~~

A. Employees: No persons other than residents of the dwelling unit in which the home occupation is located shall be employees of the home occupation.

- B. Building Floor Space: The home occupation shall be conducted in a dwelling unit, ~~and but shall be~~ limited to incidental use thereof. In addition, incidental use of accessory building floor space ~~shall be~~ allowed for storage purposes only.
- C. Noise, Vibration, Glare, Fumes, and Odors: The home occupation shall not create noise, vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.
- D. Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.
- E. Storage and Display: No outside storage, display of goods or merchandise visible from outside ~~the an~~ enclosed building ~~space in which such goods or merchandise are stored~~, or other external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.03. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.
- F. Signs: Signs shall be permitted pursuant to Section 1010, Signs.
- G. Traffic: The home occupation shall not generate more than 10 vehicle trips per day.
- H. Parking: Parking associated with the home occupation shall be regulated as follows:
1. Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
  2. The maximum number of customer ~~or client~~ vehicles that are associated with the home occupation and located on the subject property shall not exceed two at any time.
  3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. ~~Such deliveries Parcel post, United Parcel Service, or similar in-town delivery services~~ shall be limited to no more than one ~~delivery~~ per day.
  4. ~~If customers of the home occupation come to the subject property, t~~Two parking spaces ~~for customers/clients~~ shall be provided for them in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. The minimum parking space requirement for the home occupation shall be in addition to the parking spaces required for other permitted uses on the subject property.

I. Prohibited Uses: The following uses shall be prohibited as a minor home occupation:

1. Bed and breakfast homestays;
- ~~21.~~ Marijuana production;
- ~~32.~~ Marijuana processing;
- ~~43.~~ Marijuana wholesaling; and
- ~~54.~~ Marijuana retailing.

822.04 LEVEL TWO AND THREE MAJOR HOME OCCUPATIONS

A major home occupation~~Level Two Major Home Occupation~~ requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

~~A. Location: The home occupation shall be located on a property where the majority of abutting properties are equal to or less than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.~~

~~B.A. Operator: The operator of the home occupation shall reside full-time in a lawfully established dwelling unit on the tract on which the home occupation is located~~subject property.

~~C.B. Employees: The home occupation shall have no more than five employees.~~

~~D. Building Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. A maximum of 500 square feet of accessory space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.~~

~~E.C. Noise: Noise shall be regulated as follows:~~

1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise detectable to normal sensory perception off the subject property.

- a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.04(E)(1).
  - b. Subsection 822.04(E)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.
2. A noise study may be required to demonstrate compliance with Subsection 822.04(E)(1). If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

~~F.D.~~ Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.

~~G.E.~~ Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.

~~H.F.~~ Storage and Display: No outside storage, display of goods or merchandise visible from outside ~~the~~ enclosed building space in which such goods or merchandise are stored, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.04. Notwithstanding this provision, business logos flush-mounted on vehicles used in the daily operations of the home occupation are allowed.

~~I.G.~~ Signs: Signs shall be permitted pursuant to Section 1010, Signs.

~~J.~~ Traffic: ~~The home occupation shall not generate more than 20 vehicle trips per day.~~

~~K.H.~~ Parking: ~~Parking associated with the home occupation shall be regulated as follows:~~

- ~~1.~~ Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.
- ~~2.~~ ~~The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee vehicles and customer/client vehicles.~~

~~3. The home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks.~~

~~4. Parking spaces needed for employees or customers/clients of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.~~

~~L. Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.~~

~~M. Prohibited Uses: The following uses shall be prohibited as a home occupation:~~

~~1. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;~~

~~2. Towing and vehicle storage business;~~

~~3. Any other use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame;~~

~~4. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less;~~

~~5. Marijuana production;~~

~~6. Marijuana processing;~~

~~7. Marijuana wholesaling; and~~

~~8. Marijuana retailing.~~

~~N.I. Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If the subject property takes access via a private road or access drive/easement that which also serves other properties, evidence shall must be provided by the applicant, in the form of a~~

petition, that all other property owners who have access rights to the private road or ~~access drive~~ ~~easement~~ agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.

~~Q.J. Type of Buildings: Notwithstanding the definition of home occupation in Section 202, Definitions, If the subject property is located in the an AG/F, EFU, and TBR, or AG/F Districts zoning district, the home occupation shall be operated substantially in the operator's dwelling or other buildings normally associated with uses permitted in the applicable zoning district only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.~~

~~K. Hazardous Materials: Hazardous materials shall not be present on the subject property in quantities greater than those normally associated with the primary uses allowed in the applicable zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less.~~

~~L. Level Two and Three Major Home Occupations: Major home occupations are classified as level two or three. A level three major home occupation may be established only if at least 50 percent of the lots of record abutting the subject property are larger than two acres; however, a renewal application shall be evaluated on the basis of the lot size analysis first applied to the home occupation. A lot of record is considered to be abutting if it is contiguous to the tract on which the home occupation is proposed, or if it is directly across an access drive, private road, or public or county road with a functional classification below that of a collector. The following standards differ depending on whether the proposed home occupation is a level two or three:~~

- ~~1. Building Floor Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. For a level two major home occupation, a maximum of 500 square feet of accessory building floor space may be used for the home occupation, and for a level three major home occupation, a maximum of 1,500 square feet of accessory building floor space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.~~
- ~~2. Traffic: A level two major home occupation shall not generate more than 20 vehicle trips per day, and a level three major home occupation shall not generate more than 30 vehicle trips per day.~~



3. Vehicles: Vehicles shall be regulated as follows:

- a. Level Two: The maximum number of vehicles that are associated with a level two major home occupation and located on the subject property shall not exceed four at any time, including, but not limited to, employee and customer vehicles. A level two major home occupation shall not involve the use, parking, storage, or repair of any vehicle exceeding a gross vehicle weight rating of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks, and such deliveries shall be limited to no more than one per day.
- b. Level Three: The maximum number of vehicles that are associated with a level three major home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property. No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight rating of 11,000 pounds.

4. Prohibited Uses: The following uses shall be prohibited as a major home occupation:

- a. Marijuana production;
- b. Marijuana processing;
- c. Marijuana wholesaling;
- d. Marijuana retailing;
- e. As a level two major home occupation:
  - i. Repair of motorized vehicles and equipment, including the painting or repair of automobiles, trucks, trailers, or boats;
  - ii. Towing and vehicle storage business; and
  - iii. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than an automobile repair shop with open flame; and
- f. As a level three major home occupation, any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair.

822.05 — LEVEL THREE MAJOR HOME OCCUPATIONS

~~A Level Three Major Home Occupation requires review as a Type II application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:~~

~~A. Location: The home occupation shall be located on a property where a minimum of 50 percent of abutting properties are greater than two acres. A renewal application shall be evaluated on the basis of the parcel size analysis first applied to the home occupation.~~

~~B. Operator: The operator of the home occupation shall reside in a dwelling unit on the subject property.~~

~~C. Employees: The home occupation shall have no more than five employees.~~

~~D. Building Space: The home occupation may be conducted in a dwelling unit, but—except in the case of a bed and breakfast homestay—is limited to incidental use thereof. A maximum of 1,500 square feet of accessory space may be used for the home occupation. If only a portion of an accessory building is authorized for use in the home occupation, a partition wall at least seven feet in height, or a height as required by the County Building Codes Division, whichever is greater, shall separate the home occupation space from the remainder of the building. A partition wall may include a door, capable of being closed, for ingress and egress between the home occupation space and the remainder of the building.~~

~~E. Noise: Noise shall be regulated as follows:~~

~~1. From 8:00 a.m. until 6:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise created by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise that is detectable to normal sensory perception off the subject property.~~

~~a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 822.05(E)(1).~~

~~a. Subsection 822.05(E)(1) shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.~~

~~2. A noise study may be required to demonstrate compliance with the noise standards. If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.~~

- ~~F. — Vibration, Glare, Fumes, and Odors: The home occupation shall not create vibration, glare, fumes, or odors detectable to normal sensory perception off the subject property. Vehicles entering or exiting the subject property shall be exempt from this standard, but idling vehicles shall not.~~
- ~~G. — Electrical Interference: The home occupation shall not create visual or audible electrical interference in any radio, television, or other electronic device off the subject property, or cause fluctuations in line voltage off the subject property.~~
- ~~H. — Storage and Display: No outside storage, display of goods or merchandise visible from outside an enclosed building space, or external evidence of the home occupation shall occur, except as specifically allowed by Subsection 822.05. Notwithstanding this provision, business logos flush mounted on vehicles used in the daily operations of the home occupation are allowed.~~
- ~~I. — Signs: Signs shall be permitted pursuant to Section 1010.~~
- ~~J. — Traffic: The home occupation shall not generate more than 30 vehicle trips per day.~~
- ~~K. — Parking: Parking associated with the home occupation shall be regulated as follows:~~
- ~~1. — Vehicles associated with the home occupation shall not be stored, parked, or repaired on public rights-of-way.~~
  - ~~1. — The maximum number of vehicles that are associated with the home occupation and located on the subject property shall not exceed five at any time, including, but not limited to, employee vehicles, customer/client vehicles, and vehicles to be repaired. Vehicles to be repaired shall be located within an enclosed building or in an area not visible from off the subject property.~~
  - ~~2. — No more than one of the five vehicles permitted to be located on the subject property at one time shall exceed a gross vehicle weight of 11,000 pounds.~~
  - ~~3. — Parking spaces needed for employees or customers/clients of the home occupation shall be provided in defined areas of the subject property. Such areas shall be accessible, usable, designed, and surfaced for parking. Parking for the home occupation may be required to comply with Americans with Disabilities Act requirements, as determined by the County Building Codes Division.~~
- ~~L. — Change of Occupancy Classification: If the home occupation will alter the occupancy classification of an existing structure as determined by the County Building Codes Division, then the structure shall be made to conform with the current edition of the Oregon Structural Specialty Code or the Oregon~~

~~Residential Specialty Code and the requirements of the State Fire Marshal or the local fire district.~~

~~M. — Prohibited Uses: The following uses shall be prohibited as a home occupation:~~

- ~~1. Any use that requires a structure to be upgraded to a more restrictive use, under the current edition of the Oregon Structural Specialty Code, than aircraft engine repair;~~
- ~~2. Hazardous materials on the subject property in quantities greater than those normally associated with the primary uses allowed in the underlying zoning district, or in quantities greater than those exempt amounts allowed by the current edition of the Oregon Structural Specialty Code, whichever is less;~~
- ~~3. Marijuana production;~~
- ~~4. Marijuana processing;~~
- ~~5. Marijuana wholesaling; and~~
- ~~6. Marijuana retailing.~~

~~N. — Access: The subject property shall have frontage on, and direct access from, a constructed public, county, or state road, or take access on an exclusive road or easement serving only the subject property. If property takes access via a private road or easement which also serves other properties, evidence must be provided by the applicant, in the form of a petition, that all other property owners who have access rights to the private road or easement agree to allow the specific home occupation described in the application. Such evidence shall include any conditions stipulated in the agreement. A new petition shall not be required for a renewal application.~~

~~O. — If the subject property is located in an EFU, TBR, or AG/F zoning district, only structures otherwise allowed in the zoning district shall be used in the operation of the home occupation.~~

## 822.056 EXCEPTIONS

~~A. — An exception to any of the standards identified in Subsections 822.04(C) through (L), 822.04(M)(1) through (4), 822.05(C) through (L), or 822.05(M)(1) and (2) requires review as a Type III application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:~~

- ~~1. The subject property shall take direct vehicular access to a road with a functional classification of collector, minor or major arterial, or freeway/expressway as identified on Comprehensive Plan Map 5-4a, *Road Functional Classification, Urban*, or 5-4b, *Road Functional Classification, Rural*.~~

A2. The use shall remain compatible with the area. The following factors shall be considered when determining if a use is compatible with the area:

- a. The number of standards identified in Subsections 822.04~~(C) through (M)~~ or 822.05~~(C) through (M)~~ that will be exceeded; it is presumed that the more standards exceeded, the more difficult it will be to demonstrate compatibility;
- b. The character of the neighborhood, including such factors as the presence of ~~off-site~~other similar and outside storage uses, proximity of ~~off-site~~other dwellings, ~~the level of~~ surrounding traffic, ~~the size of~~ off-site accessory buildings, and background noise levels, ~~and other outside storage uses~~;
- c. The ability to mitigate impacts by driveway and road improvements, screening, landscaping, building location, building design, and other property improvements ~~(for example, driveway or road improvements)~~;
- d. Potential environmental impacts, including effects on air and water quality; and
- e. Provision of adequate and safe access to public, County, or state roads.

B3. Services adequate to serve the proposed use shall be available, including transportation, public facilities, and other services existing or planned for the area affected by the use. At a minimum, compliance with Subsections 1006.03(B), 1006.04(B), and 1006.06(C) (except as set forth in Subsection 1006.07), and 1007.07 is required.

CB. Notwithstanding the remainder of Subsection 822.056(A):

1. An exception shall not be granted to Subsection 822.04(A), (I), (J), or (L)(4)(a) through (d).

2. Maximum-A accessory building floor space for the home occupation shall not exceed 3,000 square feet, ~~and~~

3. If the subject property is in an EFU, TBR, or AG/F zoning district, the number of employees shall not exceed five.

## 822.067 PREEXISTING HOME OCCUPATIONS

Home occupations legally established prior to April 22, 2010, which complied with all provisions of this Ordinance then in effect, including appropriate permits if required, are exempt from the requirements of Section 822. Those preexisting home occupations that were subject to annual permit review shall be reviewed for compliance with the standards in effect at the time of their establishment, on the same schedule as home occupations established under the current provisions of Section 822. Home occupations established prior to the requirement for permit application and review are not subject to automatic review, but must continue to comply with the standards in effect at the time of their establishment. Preexisting home occupations

may not be transferred to another operator or be enlarged without satisfying all the requirements of Section 822.

822.078 APPROVAL PERIOD AND RENEWALS

- A. A major home occupation permit is valid for three years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.
- B. A major home occupation permit may be renewed an unlimited number of times. Renewals also shall be valid for three years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision.
- C. A renewal of a major home occupation permit, including one for a home occupation with one or more previously approved exceptions under Subsection 822.056, requires review as a Type II application pursuant to Section 1307, *Procedures*. However, if the renewal application includes a request for an exception not approved under the prior home occupation permit, the renewal requires review as a Type III application pursuant to Section 1307.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18]



~~823 — BUS SHELTERS~~

---

~~823.01 — APPLICABILITY~~

~~Section 823 applies to bus shelters.~~

~~823.02 — SUBMITTAL REQUIREMENTS~~

~~All applications for bus shelters shall include a site plan drawn to scale and including the following:~~

- ~~A. Proposed location(s) of the bus shelter(s);~~
- ~~B. Location of all trees on the site on which the bus shelter is to be located;~~
- ~~C. Location of all public rights-of-way adjacent to the property;~~
- ~~D. Location of all drainage channels, ways, or easements on or adjacent to the property; and~~
- ~~E. Location of all public or private utilities on or adjacent to the property.~~

~~823.03 — FACTORS FOR REVIEW~~

~~The following factors shall be considered in the review of a bus shelter:~~

- ~~A. The impact of the bus shelter on adjacent properties;~~
- ~~B. The impact of the bus shelter on traffic and pedestrian safety; and~~
- ~~C. The impact of the bus shelter on drainage.~~

~~823.04 — CONDITIONAL STANDARDS~~

- ~~A. No advertising shall be allowed on bus shelters.~~
- ~~B. A concrete apron shall be provided to facilitate safe pedestrian circulation around the shelter and between the shelter and the street.~~
- ~~C. Bus shelters shall not be placed on a bikeway.~~
- ~~D. Bus shelters shall be provided with waste and cigarette disposal receptacles and shall be maintained to present an attractive appearance.~~
- ~~E. Bus shelters shall not be subject to the yard depth standards of this Ordinance.~~
- ~~F. In the RA-1, RA-2, RR, RRFF-5, FF-10, and FU-10 Districts, bus shelters shall be under the ownership and/or control of a city, county, state, or~~



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~municipal corporation.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-252, 6/1/15]

**824 MANUFACTURED DWELLINGS****824.01 EXEMPTIONS**

Section 824 does not apply to manufactured dwellings approved pursuant to Section 1204, *Temporary Permits*. In addition, Section 824 does not apply inside manufactured dwelling parks except that Subsections 824.02(B)(1) and (3) apply inside manufactured dwelling parks that are smaller than three acres.

**824.021 MINIMUM STANDARDS**

Manufactured dwellings shall ~~comply with~~ ~~be subject to~~ the following ~~standards~~ ~~requirements in all of the zoning districts in which they are allowed:~~

- ~~A. The manufactured dwelling shall satisfy the requirements for a manufactured dwelling as defined in Section 202 of this Ordinance.~~
- ~~B. If the manufactured dwelling is to be located in a Rural or Natural Resource zoning district, it shall contain at least 700 square feet of living space. If the manufactured dwelling is to be located in an R-5 through R-30, RR, HR, FU-10, VR-4/5, or VR-5/7 zoning district or in a manufactured home park or manufactured dwelling park, it shall contain at least 1,000 square feet of living space and shall be subject to Subsection 824.03 and Section 825. Living space is measured from the exterior of the manufactured dwelling, excluding any hitch and any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling. This provision does not apply to manufactured dwellings approved pursuant to Section 1200 or manufactured dwellings, residential trailers, and recreational vehicles located within pre-existing mobile home parks.~~
- ~~C. County approved final inspection for the installation of a sewage disposal system.~~
- ~~D. Placement of the manufactured dwelling upon a foundation or footings according to the requirements of the Oregon Manufactured Dwelling Standards.~~
- ~~E. Placement of manufactured skirting in those areas around the perimeter of the home which are not developed with a solid wall foundation.~~
- ~~F. Any extension of, or attachment to the manufactured dwelling which is not part of the original factory manufactured dwelling and which is intended for use either as part of the dwelling or for storage purposes shall be subject to a County building permit if so required by the appropriate state statutes and regulations.~~
- ~~G. The applicant must obtain an installation/setup permit for the manufactured dwelling from the County Department of Transportation and Development.~~
- ~~H. A manufactured dwelling shall not be attached to another dwelling.~~

~~I. A manufactured dwelling shall not be allowed as an accessory structure, except as permitted by Section 1204, *Temporary Permits*, or by Section 839, *Accessory Dwelling Units*.~~

~~A. In the AG/F, EFU, FF-10, RA-1, RA-2, RRF-5, and TBR Districts, a manufactured dwelling shall have a minimum of 700 square feet of living space. In the FU-10, HR, MRR, RR, Urban Low Density Residential, VR-4/5, and VR-5/7 Districts, a manufactured dwelling shall have a minimum of 1,000 square feet of living space. Living space is measured from the exterior of the manufactured dwelling, excluding any hitch and any extension of, or attachment to, the manufactured dwelling that is not part of the original factory manufactured dwelling.~~

~~824.02 — STANDARDS FOR MANUFACTURED HOMES IN MANUFACTURED HOME PARKS IN THE URBAN AREA~~

~~Manufactured homes in manufactured home parks in the MR-1 and PMD Districts shall be subject to Subsection 824.01 and the following:~~

~~A. The factory design of the manufactured home shall include a roof pitched at a minimum of two inches in 12 inches.~~

~~B. An onsite paved parking area shall be provided for each manufactured home.~~

~~C. Skirting shall be compatible with exterior design and siding materials of the manufactured home.~~

~~D. Play Areas. A separate play area shall be provided in all manufactured home parks that accommodate children under 14 years of age unless each space has a minimum size of 4,000 square feet. Such play area shall be not less than 2,500 square feet of area with at least 100 square feet of play area provided for each manufactured home lot. If the play area abuts a railroad, a street, steep slope, or other similar hazard, then a suitable separation (i.e. fence, large setback, etc.) or other safeguards shall be required.~~

~~824.03 — STANDARDS FOR MANUFACTURED HOMES TO BE USED AS A PERMANENT DWELLING LOCATED ON INDIVIDUAL LOTS IN THE URBAN AREA~~

~~Manufactured homes to be used as a permanent dwelling located on individual lots in the urban area including the R-5 through R-30, RR, HR, FU-10, VR-4/5, and VR-5/7 zoning districts shall be subject to Subsection 824.01 and the following:~~

~~B. In the FU-10, HR, MRR, RR, Urban Low Density Residential, VR-4/5, and VR-5/7 Districts:~~

~~1A. The factory design of the manufactured dwelling home shall have include a roof pitched at a minimum of a nominal three feet inches in height for each in 12~~

feet inches in width.

2B. The manufactured dwellinghome shall be placed on an permanent, excavated and back-filled foundation, and enclosed at the perimeter such that the manufactured dwelling is located notwith no more than 12 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the manufactured dwellinghome. If the manufactured dwellinghome is placed on a basement, the 12-inch maximum inches does not apply.

In addition, the foundation shall include concrete strip footings placed to accommodate interior supports. All transportation mechanisms, including wheels, axles, and hitches, shall be removed.

3C. The manufactured dwellinghome shall have no bare, unpainted, or galvanized metal roofing or siding materials. Wheels and hitches shall be removed.

4D. The manufactured dwelling shall have aAn enclosed garage or carport shall be provided and constructed of like materials to the manufactured dwellingand designed for automobile storage with at least 250 square feet of floor area. The garage or carport may be attached or detached.

5E. TheA manufactured dwellinghome shall be a multisectionalmultiple sectionalized structure which shall contain at least 1,000 square feet of living space. Living space is measured from the exterior of the manufactured home, excluding any hitch and any extension of or attachment which is not part of the original manufactured home.

F. Either the manufactured home was constructed after April 1, 1992 or was manufactured under one of Bonneville Power Administration's energy conservation programs (either the Super Good Cents or the Manufactured Housing Acquisition Program).

[Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-269, 9/6/18]



**825 MANUFACTURED DWELLING PARKS ~~AND MANUFACTURED HOME~~  
PARKS**

---

~~825.01 — APPLICABILITY~~

~~This section applies to manufactured dwelling parks and manufactured home parks.~~

825.01 STANDARDS

Manufactured dwelling parks shall comply with the following standards:

- A. Minimum Lot Size: In an Urban Low Density Residential or MR-1 District, the minimum lot size is one acre
- B. Minimum Front Setback: The minimum front setback is 25 feet from front lot lines on the perimeter of the manufactured dwelling park.
- C. Minimum Rear Setback: In an MR-1 District, the minimum rear setback is 10 feet from rear lot lines on the perimeter of the manufactured dwelling park. In an Urban Low Density Residential District, the minimum rear setback is 20 feet from rear lot lines on the perimeter of the manufactured dwelling park.
- D. Minimum Side Setback: In an MR-1 District, the minimum side setback is 10 feet from side lot lines on the perimeter of the manufactured dwelling park. In an Urban Low Density Residential District, the minimum side setback is 20 feet from side lot lines on the perimeter of the manufactured dwelling park.

~~825.02 — CONDITIONAL STANDARDS~~

~~The following conditional standards shall apply:~~

- ~~A. Manufactured home parks shall comply with the applicable provisions of Section 1000.~~
- ~~B. The density of manufactured homes in a manufactured home park shall be subject to the density requirements of the underlying zoning district and Section 1012, *Density*.~~
- ~~C. Manufactured home parks shall observe a minimum front yard setback of 25 feet from all perimeter public streets. Within an MR-1 District, a minimum perimeter setback of 10 feet from side and rear property lines shall be required.~~

~~Within an Urban Low Density Residential District, carports, interior drives and the park perimeter shall be subject to a minimum setback of 20 feet. A minimum 10-foot separation shall be maintained between manufactured homes.~~

- ~~D. Access drives shall be provided to each manufactured home space, shall be continuous, shall connect with a public street, and shall have a minimum width of~~

~~20 feet for interior circulation. The point of access to the street shall be a minimum of 32 feet in width.~~

- ~~E. A minimum five-foot-wide, hard-surfaced sidewalk or pathway system shall be provided within the park.~~
- ~~F. Access drives within the manufactured home park shall be hard-surfaced according to the standards established by the County for subdivision streets of comparable widths. Each manufactured home space shall be improved with one concrete patio, or rot-resistant wood deck, having a minimum area of 150 square feet, and one crushed rock, or better, manufactured home pad.~~
- ~~G. Storage and similar accessory structures may be located within any manufactured home space, but shall not be attached to any manufactured home, and shall comply with the setback requirements of Subsection 825.02(C).~~
- ~~H. Expansions of a manufactured home park shall conform substantially with Section 825.~~
- ~~I. The entire manufactured home park, or each phase of manufactured home development, shall comply with Section 825 prior to occupancy.~~
- ~~J. A minimum of 200 square feet of usable outdoor passive or active recreation space shall be provided.
  - ~~1. Outdoor recreation areas shall be designed for adequate surveillance opportunities.~~
  - ~~2. Recreation areas shall be conveniently located and accessible to all manufactured homes.~~~~
- ~~K. In an Urban Low Density Residential or MR-1 District, a minimum area of one acre shall be required for a manufactured home park. Land area less than one acre may be added to an approved manufactured home park.~~

825.023 REDEVELOPMENT

- A. A manufactured dwelling park shall not be redeveloped with a different use until:
  - 1. The manufactured dwelling park landlord submits a plan for relocation of the existing tenants to the County Administrator or designee of the Administrator which includes a schedule of amounts required to be paid to affected park tenants under Subsection 825.023(B) and a plan for making these payments to affected park tenants upon cancellation of affected rental agreements; and
  - 2. The County Administrator or designee of the Administrator approves the relocation plan and notifies the Planning Director of the approval. The County Administrator or designee of the Administrator may require the park

landlord to deposit into escrow the amounts required to be paid to affected park tenants under Subsection 825.023(B) as a condition for approval under this subsection.

- B. If a manufactured dwelling park is to be closed or partially closed under conditions that require a payment under Section 2(1)(b), Chapter 906, Oregon Laws 2007, then in addition to and not in lieu of the payment to be made under Section 2(1)(b), Chapter 906, Oregon Laws 2007, the landlord or other person responsible for making the payment under Section 2(1)(b), Chapter 906, Oregon Laws 2007, shall make an additional payment to each tenant whose rental agreement with the landlord is terminated as a result of the change in use in compliance with Section 2(4), Chapter 906, Oregon Laws 2007. A separate payment shall be made for each space for which a rental agreement is terminated. The amount of the payment shall equal:
1. A sum of \$11,000 for a single-wide manufactured dwelling, \$16,000 for a double wide manufactured dwelling, and \$20,500 for a triple-wide manufactured dwelling; minus
  2. The sum of the payment required to be made under Section 2(1)(b), Chapter 906, Oregon Laws 2007, the tax credit to which the tenant is entitled under Section 17, Chapter 906, Oregon Laws 2007, and any other government assistance to which the tenant is entitled by reason of the change in use of the park, as of the date a relocation plan is submitted for approval under Subsection 825.023(A).
- C. Notwithstanding Subsection 825.023(B), for calendar years beginning on or after January 1, 2009, the payment amount described in Subsection 825.023(B) shall be adjusted by the percentage change by which the monthly averaged consumer price index for the preceding calendar year differs from the monthly averaged consumer price index for the 2007 calendar year. As used in Subsection 825.023(C), "consumer price index" means the *US Bureau of Labor Statistics Consumer Price Index - All Urban Consumers (CPI-U), US City Average, All Items*.
- D. As used in Subsection 825.023, "manufactured dwelling park" has the meaning given that term in Oregon Revised Statutes 90.100.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]





**827 DRIVE-THRU WINDOW SERVICES**

---

~~827.01 — APPLICABILITY~~

~~Section 827 applies to drive-thru window services.~~

827.012 ~~CONDITIONAL~~ STANDARDS

~~Approval of a Ddrive-thru window services shall not be granted unless the applicant, by addressing the criteria below and submitting a traffic study, demonstrates that the proposed development:~~

~~A. Shall not conflict with the implementation of adopted area plans or standards. This criterion does not apply in the RC District;~~

AB. Shall not limit ~~or preclude~~ the development of pedestrian-oriented or transit-supportive uses, or adversely impact such uses on adjacent lots~~properties~~. This criterion does not apply in the RC District;

BC. Shall create minimal conflict with pedestrian access to the building from adjacent lots and sites ~~or from the roads~~;

CD. Shall not attract vehicle traffic into existing or proposed pedestrian and transit service areas; and

DE. Shall not create offsite congestion due to ~~undersized site or~~ lack of onsite vehicle queuing storage area commensurate with the estimated volume of traffic to be generated.

~~827.03 — CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS~~

EA. In the Clackamas Regional Center Area, but outside the Clackamas Regional Center itself, ~~drive-thru window service facilities shall be subject to the following standards:~~

1. When drive-thru window service facilities are oriented toward front lot lines or street corners, pedestrian areas shall be buffered from the noise and exhaust of drive-thru vehicles.
2. When building entrances are separated from sidewalks by drive-thru window service facilities, special design features may be required to ensure safe, direct, and convenient crossings and to screen pedestrian areas from drive-thru window service facilities. These may include different paving types, raised elevation, warning signs, landscaping, walls, bollards, or other similar methods.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

FB. Inside the Clackamas Regional Center, ~~drive-thru lanes~~~~internal driveways~~ are prohibited between the building and the street to which a building public entrances ~~is~~~~are~~ oriented pursuant to Subsection 1005.09(B).

[Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]

~~829 — HYDROELECTRIC FACILITIES~~~~829.01 — PURPOSE~~

~~Section 829 is adopted to provide for the production of electricity by hydroelectric facilities in a manner which is consistent with the preservation and protection of the natural resources, recreational resources, natural features, and water quality in the river and stream corridors of the County.~~

~~829.02 — APPLICABILITY~~

~~Section 829 applies to hydroelectric facilities.~~

~~829.03 — OTHER COUNTY PERMITS REQUIRED~~

- ~~A. Flood Hazard Permit: All facilities proposed within a floodplain area shall be subject to Section 703.~~
- ~~B. Principal River Conservation Area: All facilities located on, or within a quarter mile of, the Clackamas, Sandy/Salmon, Molalla/Pudding, and Tualatin River corridors as identified on Comprehensive Plan Maps III-1a, *Principal River Conservation Area Clackamas River Design Plan*, III-1b, *Principal River Conservation Area Sandy-Salmon River Design Plan*, III-1c, *Principal River Conservation Area Molalla River Design Plan*, and III-1d, *Principal River Conservation Area Tualatin River Design Plan*, shall be subject to Section 704.~~
- ~~C. Willamette River Greenway: All facilities located within the Willamette River Greenway shall be subject to Section 705.~~

~~829.04 — CONDITIONAL STANDARDS~~~~A. Oregon Administrative Rules:~~

- ~~1. All facilities over 25,000 kilowatts shall be reviewed under Oregon Administrative Rules (OAR) 690-74-005 through 690-74-095 adopted to achieve the purposes set out in Oregon Revised Statutes 536.220 and 536.310, and adopted basin programs.~~
- ~~2. All other facilities shall satisfy the provisions under those sections of the rules covering environmental and socioeconomic impacts (OAR 690-74-020 through 690-74-075). However, if the applicant can prove that the interests protected by requiring a certain finding are not present in the circumstances involved in the application, that finding need not be made.~~

- ~~B. Development Standards: All facilities, and associated construction and installation procedures, shall be subject to the applicable provisions of this Ordinance for:~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- ~~1. Protection of natural features, under Section 1002;~~
  - ~~2. Hazards under Section 1003;~~
  - ~~3. Historic protection under Section 1004;~~
  - ~~4. Utility lines and facilities, under Section 1006;~~
  - ~~5. Storm drainage, under Section 1008;~~
  - ~~6. Erosion control, revegetation, and screening, under Subsections 1009.05 and 1009.09; and~~
  - ~~7. Open Space protection, under Section 1011, except that no hydroelectric facility development shall occur in, nor shall any such development be allowed where it may produce significant adverse impacts on, Significant Natural Areas or Wetlands, as identified in the Comprehensive Plan and supporting inventories and documents.~~
- ~~C. Stream Flows: At all times during the operation of the project the use of water, or diversion thereof, shall not interfere with the maintenance of pre-project fish population levels in the stream or river utilized by the project. Minimum stream flow standards to satisfy this provision shall be established as follows:~~
- ~~1. If the State or Federal agency licensing the particular facility establishes, as a condition of approval, minimum stream flow for the project, maintenance of such flow shall be a condition of the County permit.~~
  - ~~2. If no minimum stream flow requirements are established under Subsection 829.04(C)(1), the County shall:~~
    - ~~a. Establish minimum stream flow requirements based upon the best available information from the State Departments of Fish and Wildlife, and Water Resources, or County, State, or Federal agencies, or other sources, with expertise to evaluate the stream flow requirements; and~~
    - ~~b. Require maintenance thereof as a condition of approval.~~
- ~~D. Noise: All noise standards of the Department of Environmental Quality shall be satisfied.~~
- ~~E. Bonding: The County may require the posting of a bond to assure compliance with the provisions of this Ordinance and any conditions of approval imposed by the County.~~

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14]

## 830 UTILITY CARRIER CABINETS

### 830.01 STANDARDS ~~FOR OFFSITE SERVICE FACILITIES~~

Utility carrier cabinets shall comply with the following standards:

- A. Maximum VolumeSize Limits: ~~Unless approved pursuant to Section 1203, Conditional Uses, the maximum combined volume of all utility carrier cabinets located on a single lot shall be:~~
1. ~~Within the Urban Growth Boundary— The combined volume of all utility carrier cabinet equipment located on a lot shall not exceed 40 Forty cubic feet in a residential or OSM zoning district inside the Portland Metropolitan Urban Growth Boundary (UGB);-~~
  2. ~~The combined volume for the urban commercial and industrial areas shall not exceed Two hundred200 cubic feet in a commercial or industrial zoning district inside the UGB;- and~~
  3. ~~Outside the Urban Growth Boundary— The combined volume of all utility carrier cabinet equipment located on a lot shall not exceed Two hundred fifty250 cubic feet outside the UGB.~~
  3. ~~Additional cubic feet of equipment on a lot shall be subject to a Conditional Use permit review under Section 1203.~~
- B. Maximum Height Limits: The maximum height ~~limit~~ shall be five feet.
- C. Setback Exemption: ~~Utility carrier cabinets are exempt from the minimum setback standards of this Ordinance.~~
- ~~C. Utility carrier cabinets may be located in the right-of-way or within the required setback area of the underlying district.~~
- D. Contact Information: Utility companies shall clearly identify their carrier cabinets and provide an emergency telephone number where accidents or public safety concerns may be reported.
- E. Design, Screening, or Landscaping: Within the Portland Metropolitan Urban Growth Boundary, utility carrier cabinets shall be designed, screened, or landscaped to blend with the development on the same ~~or adjacent lot of record~~ or, if the utility carrier cabinet is in the right-of-way, with the development on the lot of record nearest the cabinet.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14]



**832 BED AND BREAKFAST RESIDENCES AND INNS**~~832.01 PURPOSE~~

~~This section is adopted to provide for overnight tourist accommodations within dwellings in a manner consistent with the preservation of the residential or historic character of the dwelling and premises.~~

~~832.012 CONDITIONAL STANDARDS~~A. Structure Type and Appearance:

- ~~1. Bed and Breakfast Residences: A bed and breakfast may be established only in sSingle-family dwellings, guest houses, and Historic Landmarks structures, except that a bed and breakfast inn also may be established in a preexisting structure built as an inn-are the only eligible structures for this use.~~
- ~~2. Bed and Breakfast Inns: This use may be established only in single-family dwellings, guest houses, Historic Landmarks, and preexisting structures built as manor houses or inns. No new structures may be built for this use except in commercial or multifamily zoning districts.~~
- ~~23. New Structures and Additions: The architecture of new structures and additions shall be single-family residentialconsistent in appearance with single-family dwellings not used for this purpose.~~

~~B. Operator: The bed and breakfast operator or owner shall reside at the bed and breakfast.~~

~~BC. Length of Stay/Guest Register: No guest shall stay more than 60 days in any one1-year period. An accurate, up-to-date guest register shall be maintained and available for review by any authorized agent of the County or state.~~

~~CD. Number of Guest Rooms: The maximum number of guest rooms allowed in a bed and breakfast residence shall be five5. The maximum number allowed in a bed and breakfast inn shall be as follows:~~

- ~~1. In HR, R-2.5, R-5, R-7, R-8.5, and R-10, and HR zoning Ddistricts: Five5 rooms;~~
- ~~2. In FF-10, FU-10, R-15, R-20, R-30, FU-10, RR, RA-1, RA-2, RR, and RRFF-5, and FF-10 zoning Ddistricts: Seven7 rooms; and~~
- ~~3. In commercial andor multifamily zoning districts andor in Historic Landmarks structures in any zoning district: No maximumlimit.~~



DE. Offstreet Parking: The following standards apply to off-street parking areas:

- ~~1. Required number of spaces: 1 for each guest room and 1 for the proprietor.~~
- ~~2. Design guidelines: The following guidelines shall be used in designing offstreet parking areas to ensure that visual impacts related to required parking areas are minimized.~~
  - ~~1a. No more than one-half of the ~~front yard~~ area of ~~thea~~ lot in front of the building line shall be used for parking.~~
  - ~~2b. Parking areas located to the side or rear of the bed and breakfast structure shall be screened pursuant to Subsection 1009.04 from adjacent properties using sight-obscuring plants or a wood or masonry fence or wall at least 5 feet in height.~~
  - ~~e. Minimum parking area surfacing requirements:~~
    - ~~3a. Inside the Portland Metropolitan Urban Growth Boundary, in all commercial, multifamily, and low-density residential districts: off-street parking areas shall be hard-surfaced, or shall be surfaced with "Grasscrete," or pavers, or similar surfacing material, but They shall not be surfaced with gravel. Outside the UGB, surfacing of off-street parking areas shall comply with Subsection 1015.01(B).~~
    - ~~2. In rural residential and recreational residential districts: 4 inches of crushed rock.~~
    - ~~4d. Parking areas shall be defined using timbers, logs, railroad ties, or other acceptable methods.~~
    - ~~5e. Maneuvering area shall be provided on-site to allow vehicles to exit the property front end first. A waiver of this requirement may be allowed when the bed and breakfast residence or inn takes access from a local street, ~~or private road,~~ or access drive.~~
    - ~~f. A reduction in the number of guest rooms may be required if the impacts of the parking area cannot be mitigated.~~
- ~~3. Offsite Parking: Public rights-of-way shall not be used in satisfying the minimum space requirements for this use. Offsite parking areas may be used provided that:~~
  - ~~a. The offsite parking area is not more than 200 feet from the bed and breakfast residence or inn. This distance may be measured from~~

~~the closest edge of the two properties.~~

~~b. No natural or manmade barriers separate the parking area from the bed and breakfast residence or inn, and pedestrian access is not otherwise impeded.~~

~~e. Satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking spaces for the bed and breakfast use.~~

~~d. The offsite parking area is not in violation of this ordinance.~~

EF. Access: If the subject property takes access via a private road or access drive thatwhich also serves other properties, evidence shallmust be provided by the applicant, in the form of a petition, that all other property owners who havewhose property access rights to the private road or access driveis affected agree to allow the specific bed and breakfast use described in the application. Such evidence shall include any conditions stipulated in the agreement.



**833 GUEST HOUSES ~~AND STUDIOS~~**

**833.01 ~~PURPOSE~~**

~~This section is adopted to provide for guest houses and studios as accessory uses, while ensuring that such uses do not become independent dwellings.~~

**833.02 ~~DEFINITION~~**

~~A guest house or studio is a separate accessory structure, or portion thereof, which is built to residential (R-3 occupancy) building code requirements and which is used by members of the family residing in the primary dwelling or their nonpaying guests or employees on the premises. A guest house or studio shall be a temporary living area and shall not be used for boarders or lodgers.~~

**833.013 ~~CONDITIONAL STANDARDS~~**

~~Guest houses shall comply with t~~The following ~~conditional~~ standards shall apply:

~~A. Use: A guest house shall be used only by members of the family residing in the primary dwelling, their nonpaying guests, or their nonpaying employees who work on the premises. A guest house shall not be a source of rental income.~~

~~A.B. Number: Only one guest house ~~or studio~~ shall be allowed per a lot of record.~~

~~B. Lot Size: The minimum lot size shall be as follows:~~

- ~~1. R-7, R-8.5, and R-10 zoning districts: 14,000 square feet;~~
- ~~2. R-15, R-20, and R-30 zoning districts: the minimum lot size of the underlying zoning district;~~
- ~~3. RR, RA-1, RA-2, RRFF-5, and FF-10 zoning districts: 1 acre.~~

~~C. Maximum Floor Area: The maximum R-3 occupancy floor area ~~of a guest house or studio~~ shall be 600 square feet. ~~Garage area (M-1 occupancy) shall not be included.~~~~

~~D. Maximum Separation Distance: TheA guest house ~~or studio~~ shall be located within 100 feet of the primary dwelling to which it is accessory~~on the same property, except as approved pursuant to Section 1205.~~ This distance shall be measured from the closest portion of each structure.~~

~~E. Facilities: Occupants of thea guest house ~~or studio~~ and the primary dwelling shall live together as one housekeeping unit, sharing the~~one~~~~

kitchen and ~~one~~ laundry ~~facilities~~ facility in the primary dwelling. ~~The~~ A guest house ~~or studio~~ may include one ~~separate~~ bathroom plus one additional and a sink, but shall not include a separate refrigerator or freezer, stove, oven, or other cooking appliances.

- F. Utilities: All public water, electricity, natural gas, and sanitary sewer service for the guest house ~~or studio~~ shall be extended from the primary dwelling services. No separate meters for the guest house ~~or studio~~ shall be allowed.
- G. On-Site Wastewater Treatment Sewage Disposal Systems: A guest house ~~or studio~~ shall use the same on-site wastewater treatment sewage disposal system as the primary dwelling, except when a separate system is required by the County Soils Division of Water Environment Services due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use. ~~Additional drain lines may be added to an existing system when appropriate.~~

**834 COMPOSTING/~~YARD DEBRIS PROCESSING FACILITIES~~FACILITY****834.01 — GENERAL PROVISIONS**

~~Section 834 is adopted to implement the policies of the Solid Waste Section of the Public Facilities and Services element of the Comprehensive Plan. Composting/yard debris processing facilities shall be considered pursuant to the siting, design and operational provisions of this section. Additionally, these facilities shall be subject to:~~

- ~~A. All requirements of the Clackamas County Solid Waste and Waste Management Ordinance.~~
- ~~B. All requirements of the Clackamas County Excavating and Grading Ordinance.~~
- ~~C. All rules and regulations of the Oregon State Department of Environmental Quality for all types of composting facilities as codified in ORS 468B.050 and OAR 340, Divisions 93, 95, 96 and 97.~~
- ~~D. All composting rules of the Metropolitan Service District (as codified in Metro Code chapter 5.01) and compliance with Metro's Regional Solid Waste Management Plan (RSWMP) for facilities that are proposed to be sited within the Metro Boundary.~~
- ~~E. The adoption of these provisions is in addition to the remaining Sections of the Ordinance. In the event there are conflicts between these and other provisions of the Ordinance, the standards and procedures of this Section shall supersede other conflicting provisions affecting composting/yard debris processing facilities.~~

**834.02 — DEFINITIONS**

- ~~A. Composting means the managed process of controlled biological decomposition of green feedstocks. It does not include composting for the purposes of soil remediation.~~
- ~~B. Composting facility means a site or facility excluding home composting areas as described in Section 202 and agricultural composting conducted as a farm use, which utilizes green feedstocks to produce a useful product through a managed process of controlled biological decomposition. Composting may include amendments beneficial to the composting process. Vermiculture and vermicomposting are considered composting facilities. Composting facilities or sites may include sales of the finished product, as well as accessory products limited to topsoil, barkdust and aggregate commonly used in landscaping to wholesale and retail customers. The area utilized for the sale of said accessory products shall not exceed 10 percent of the area used for composting, or two acres, whichever is less subject to the provisions of Subsections 834.03 and 834.04.~~

~~C. Green feedstocks are defined as including yard debris, non-treated wood waste, vegetative food waste, produce waste, vegetative restaurant waste, vegetative food processor by-products, crop waste and livestock manure. For the purpose of these provisions, "non-treated wood waste" excludes wood waste treated with paint, varnish or other chemicals or preservatives.~~

~~834.03 — AREA OF APPLICATION~~

~~A. The following Table of Uses lists where composting/yard debris facilities may be permitted subject to review by the Hearings Officer pursuant to the Conditional Use provisions of Section 1203 in reference to specific zoning districts. Existing lawfully established composting facilities may be maintained, enhanced, or expanded subject to the provisions of this section.~~

~~TABLE OF USES  
STATUS OF USE — ZONING DISTRICT~~

<del>CU</del>	<del>Timber District</del>
<del>CU</del>	<del>Ag/Forest District</del>
<del>CU*</del>	<del>Exclusive Farm Use District</del>
<del>CU</del>	<del>Rural Residential Farm Forest 5-Acre District</del>
<del>CU</del>	<del>Farm Forest 10-Acre District</del>
<del>CU</del>	<del>Light Industrial District</del>
<del>CU</del>	<del>General Industrial District</del>
<del>CU</del>	<del>Rural Industrial District</del>

~~\* Not permitted on "high value farmland as defined in ORS 215.710, except as provided in Subsection 401.05(H)(3).~~

~~B. Composting facilities are a prohibited use in all other zoning districts.~~

~~834.01 SUBMITTAL REQUIREMENTS~~

~~In addition to the submittal requirements identified in Subsections 1203.02 and 1307.07(C), an application for a permit for a composting facility shall include:~~

- ~~A. An operational plan to address compliance with Subsection 834.02(C)(2);~~
- ~~B. Location and design of the physical features of the site and composting facility, surface drainage control, wastewater facilities, fences, residue disposal, controls to prevent adverse health and environmental impacts, and design and performance specifications for major composting equipment and detailed descriptions of methods to be used;~~
- ~~C. A proposed plan for utilization of the processed compost or other evidence of assured utilization of composted green feedstocks;~~

D. A proposed plan to dispose of processed compost that, due to concentration of contaminants, cannot be marketed or used for beneficial purposes, and finished compost which has been stored for two years since processing was completed; and

E. A dust control plan.

834.024 ~~DEVELOPMENT~~ STANDARDS

The development of Composting facilities shall comply with be subject to the requirements prescribed in Section 1000 pursuant to the Design Review procedures of Section 1102. Additionally, these facilities shall be subject to the following development and operational standards:

A. Lot Area, Setbacks:

<u>REVIEW CRITERIA</u>	<u>ZONING DISTRICT</u>	<u>MINIMUM LOT SIZE</u>	<u>Setback Requirements</u>	
			<u>PROPERTY LINES</u>	<u>PERENNIAL DRAINAGEWAYS, WETLANDS &amp; WELLS</u>
Conditional Use	Timber District	5 Acres	All structure setbacks shall meet the fire break standards described under Subsection 406.08(A)	A minimum of 100 feet
Conditional Use	AG/Forest District	5 Acres	All structure setbacks shall meet the fire break standards described under Subsection 406.08(A)	A minimum of 100 feet
Conditional Use	Exclusive Farm Use District	5 Acres	The operational area shall be a minimum 50 feet from all property lines.	A minimum of 100 feet
Conditional Use	Farm Forest 10-Acre District	5 Acres	The operational area shall be a minimum 50 feet from all property lines.	A minimum of 100 feet
Conditional Use	Rural Residential Farm Forest 5-Acre District	5 Acres	The operational area shall be a minimum 50 feet from all property lines.	A minimum of 100 feet
Conditional Use	Light Industrial District	5 Acres	The operational area shall be a minimum 50 feet from all property lines.	A minimum of 100 feet
Conditional Use	General Industrial District	5 Acres	The operational area shall be a minimum 50 feet from all property lines.	A minimum of 100 feet



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

			feet from all property lines.	
Conditional Use	Rural Industrial District	5 Acres	The operational area shall be a minimum 50 feet from all property lines.	A minimum of 100 feet

A. Minimum Lot Size: Five acres.

B. Minimum Separation Distance: Except in the AG/F and TBR Districts, the operational area shall be a minimum of 50 feet from all lot lines and a minimum of 100 feet from perennial drainageways, wetlands, and wells.

CB. Transportation:

~~The County shall require the necessary traffic measures to insure the facility use is consistent with the County transportation system.~~

1. ~~The subject property~~Facilities shall have ~~accessingress and egress~~ from a paved road. ~~Additionally, and such access to the site shall be paved from the edge of the paved road to~~ a minimum of 50 feet into the ~~subject property~~site from the ~~lot~~property line.
2. ~~The road access system to the facility shall be adequate to handle traffic generated by the use.~~ The facility shall have an operational plan that ~~ensures~~assures those traveling to the facility, particularly trucks, travel primarily on truck ~~freight~~ routes identified ~~on Comprehensive Plan Map 5-9a, Freight Routes Urban, and 5-9b, Freight Routes Rural~~by the County. ~~Additionally, the driveway apron from the paved road to the property line shall be hard surfaced. Alternatively, if no truck freight routes are readily available, the routes selected and used shall not significantly impact the existing traffic patterns.~~
3. ~~All-weather roads shall be provided from the nearest state~~public highway or ~~all-weather County or public roads to and within the composting facility~~disposal site and shall be designed and maintained to prevent traffic congestion, traffic hazards, dust, and noise pollution.
4. The operator shall install and maintain signage so that routes to the facility are posted. ~~Signage shall be subject to the applicable County and state regulations.~~
5. Effective barriers to unauthorized entry and dumping, ~~such as fences, gates, and locks,~~ shall be provided ~~(such as fences, gates and locks).~~

D. Fire Protection: The subject property shall be located within a fire protection district capable of fire suppression as demonstrated by a letter from the applicable district.

E. Odor: The tipping, grinding, and storage areas of unprocessed yard debris shall be managed to control odors.

F. Litter: The facility owner or operator shall, on a daily basis, collect litter and illegally dumped waste on all roads leading to the facility for a distance of one-quarter mile from the facility entrance.

C. Site design, landscaping, and lighting:

G. Storage and Screening:

1. The storage of composting materials, end products, and equipment shall occur only in the designated operational area. All green feedstocks deposited at the composting facility shall be confined to the designated receiving area within the operational area
2. The operational area shall be screened and buffered pursuant to Subsection 1009.04 with vegetation. ~~Any screening, buffering or vegetation at the intersection of any road, driveway or easement shall comply with the site distance requirements of the American Association of State Highway and Transportation Officials (AASHTO) manual.~~
3. ~~On-site lighting shall be designed, located, shielded, or deflected so as not to shine off-site onto structures or impair the vision of the driver of any vehicle.~~
4. ~~The property shall be located within a fire protection district capable of fire suppression as demonstrated by a written letter from the applicable district.~~
5. ~~Noise generated from the operation of the composting facility shall not unreasonably interfere with the use and enjoyment of surrounding properties for their primary use. Various methods of sound control may be required such as installation of earth berms, strategic location of stockpiles and limiting hours of operation as required by the Hearings Officer.~~
36. The maximum height of ~~stored storage~~ materials shall ~~not be more than~~ 25 feet; or the height of the ~~vegetation~~-screening established pursuant to Subsection 1009.04, whichever is less.
47. The green feedstocks shall be ground within one week of receipt.
8. ~~The tipping, grinding and storage areas of unprocessed yard debris shall be managed to control odors.~~
9. ~~The facility owner or operator shall on a daily basis collect litter and illegally dumped waste on all public roads leading to the facility for a distance up to one-quarter mile of the facility entrance.~~

510. ~~Green ff~~eedstocks shall be incorporated into active compost piles within a reasonable time. Grass clippings shall be incorporated within 24 hours of receipt.

611. ~~Storage~~

~~a. All feedstocks deposited at the site shall be confined to the designated dumping area.~~

~~b. Facilities and procedures shall be provided for handling, recycling, or disposing of green feedstocks that are non-biodegradable by composting.~~

~~H. Operating Permits and Licenses: Prior to commencing any activities to establish or operate the composting facility, the applicant shall submit copies to the County of all operating permits or licenses required by the Oregon Department of Environmental Quality or the Metropolitan Service District. Notwithstanding this requirement, if DEQ or Metro will not issue a permit or license until the facility has been established, the applicant shall submit a copy of such license or permit prior to commencing operation of the facility.~~

~~I. Sales: Composting facilities may include retail and wholesale sales of the finished product, as well as accessory products limited to topsoil, barkdust, and aggregate commonly used in landscaping. The area used for the sale of the accessory products shall not exceed 10 percent of the area used for composting, or two acres, whichever is less.~~

834.05 — ~~SUBMITTAL REQUIREMENTS~~

~~A. A detailed traffic study, including onsite circulation, shall be required as a means for the County to assess appropriate traffic impact measures. The study shall be based on Metro's traffic data methodology and meet the requirements of the County's comprehensive transportation planning model. Such a study must be performed by an engineer registered in the state of Oregon.~~

~~B. The applicant shall submit a transportation plan that assures those traveling to the facility, particularly trucks, travel primarily on truck routes identified by the County. If no truck routes are readily available, the routes selected and used shall not significantly impact the existing traffic patterns.~~

~~C. An application shall be required and shall include but not be limited to:~~

~~1. Location and design of the physical features of the site and composting plant, surface drainage control, wastewater facilities, fences, residue disposal, controls to prevent adverse health and environmental impacts, and design and performance specifications for major composting equipment and detailed descriptions of methods to be used.~~

- ~~2. A proposed plan for utilization of the processed compost or other evidence of assured utilization of composted feedstocks.~~
- ~~3. A proposed plan to dispose of processed compost that, due to concentration of contaminants, cannot be marketed or used for beneficial purposes, and finished compost which has been stored for two years since processing was completed.~~
- ~~4. A dust control plan shall be submitted to the County and, when required, DEQ for approval. A copy of the approved plan shall be submitted to the County prior to operation of the facility.~~

~~834.06 — ISSUANCE OF PERMITS~~

~~Prior to commencing any activities authorized by the Hearings Officer pursuant to these provisions, the applicant shall submit copies of all operating permits or licenses required by DEQ or Metro as applicable.~~

[Amended by Ord. ZDO-234, 6/7/12; Amended by Ord. ZDO-243, 9/9/13]



**835 WIRELESS TELECOMMUNICATION FACILITIES**

---

**835.01 — PURPOSE**

- ~~A. This section is intended to bring this ordinance into compliance with the Federal Telecommunications Act of 1996;~~
- ~~B. Enhance the provision of communication services to county residents, businesses and visitors;~~
- ~~C. Protect the visual character of the county from the potential adverse effects of wireless communications facilities development;~~
- ~~D. Encourage collocation of facilities to minimize the number of new facilities; and~~
- ~~E. Ensure structural safety.~~

**835.02 — APPLICABILITY**

~~All wireless telecommunication facilities are subject to the standards of this section, with the following exceptions:~~

- ~~A. Existing wireless telecommunication facilities. Collocation on existing wireless telecommunication facilities is subject to the provisions of this section;~~
- ~~B. Amateur (Ham) radio towers, citizen band transmitters and antennas;~~
- ~~C. Wireless telecommunication facilities located in the Exclusive Farm Use District when the wireless telecommunication tower is less than or equal to 200 feet tall; and~~
- ~~D. Towers located on lands wholly owned by any branch of the United States government.~~

**835.013 DEFINITIONS**

The following definitions apply to Section 835:

- ~~A. Abandonment: Wireless telecommunication facilities will be considered abandoned when there has not been a carrier licensed or recognized by the Federal Communications Commission operating on the facility for a period of one year (365 consecutive days).~~
- AB.      Antenna: A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omni-directional antennas, such as whips antennas.**

- BC.** Collocation: The use of a single support structure by more than one wireless telecommunications provider.
- CD.** Essential Public Communication Services: Police, fire, and other emergency communications networks.
- DE.** Equipment Shelter: A structure that houses power lines, cable, connectors, and other equipment ancillary to the transmission and reception of telecommunications.
- EF.** Existing Wireless Telecommunication Facility: A wireless telecommunications ~~facility tower, or other supporting structure, antenna and equipment structures~~ that received land use approval prior to March 14, 20023/14/02.
- FG.** Support Structure: A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.
- GH.** Wireless Telecommunication Facility: An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet, or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.
- Freestanding point-to-point microwave dishes, high-power television and FM transmission facilities, ~~and~~ AM facilities, amateur (Ham) radio antennas and towers, and citizen band transmitters and antennas are not wireless telecommunication facilities.
- HI.** Wireless Telecommunication Tower: A freestanding support structure, including monopole and lattice tower, designed and constructed primarily to support antennas and transmitting and receiving equipment. Wireless telecommunication towers include:
1. Lattice tower: A tower characterized by an open framework of lateral cross members ~~that~~which stabilize the tower; and
  2. Monopole: A single upright pole, engineered to be self-supporting, that does not require guy wires or lateral cross supports.
- IJ.** Wireless Telecommunication Tower Height: The distance from the finished grade at the antenna tower base to the highest point of the tower, including the base pad, mounting structures, and panel antennas, but not including lightning rods and whip antennas.

835.02 EXEMPTION

Except for essential public communication services in zoning districts listed in Subsections 1102.01(A) through (C), wireless telecommunication facilities are exempt from Section 1102, Design Review.

835.03 SUBMITTAL REQUIREMENTS

An application for a Type I permit for a wireless telecommunication facility shall include the submittal requirements identified in Subsection 1307.07(C). In addition to the submittal requirements identified in Subsections 1203.02 (for conditional uses only) and 1307.07(C), an application for a Type II or conditional use permit for a wireless telecommunication facility, or for an adjustment pursuant to Subsection 835.06, shall include:

A. A site plan, drawn to scale, that includes:

1. Existing and proposed improvements;
2. Adjacent roads;
3. Parking, circulation, and access;
4. Areas of vegetation to be added, retained, replaced, or removed;
5. Setbacks of all existing and proposed structures; and
6. If an adjustment is proposed pursuant to Subsection 835.06, the distance from the proposed location of the wireless telecommunication tower to off-site structures that are closer to the proposed location than a distance equal to the height of the proposed tower.

B. A vicinity map showing lots, land uses, zoning, and roadways within 500 feet of the proposed antenna site;

C. Elevations showing antennas, wireless telecommunication towers, equipment shelters, area enclosure, and other improvements related to the proposed facility;

D. For all new antennas, color simulations of the site after construction;

E. A map of existing wireless telecommunication facilities within one mile of the subject property; and

F. An alternatives analysis demonstrating compliance with Subsection 835.05(D)(1)(a).

835.04 USES PERMITTED

A. The types of wireless telecommunication facilities permitted in each zoning district are listed in Table 835-1, *Permitted Wireless Telecommunication Facilities*. Except for essential public communication services, wireless telecommunication facilities are classified as level one or two.

B. As used in Table 835-1:



1. “P” means the classification of wireless telecommunication facility is a primary use.
  2. “C” means the classification of wireless telecommunication facility is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
  3. “X” means the classification of wireless telecommunication facility is prohibited.
  4. Numbers in superscript correspond to the note that follows Table 835-1.
- C. Wireless telecommunication facilities are subject to the applicable provisions of Subsections 835.05 and 835.07, and an adjustment may be approved pursuant to Subsection 835.06.

**Table 835-1: Permitted Wireless Telecommunication Facilities**

<u>Use</u>	<u>FU-10, HR, MRR, and Zoning Districts Regulated by Section 315</u>	<u>AG/F, EFU, FF-10, NC, RA-1, RA-2, RR, RRFF-5, TBR, and VCS</u>	<u>Commercial and Industrial Zoning Districts except NC, VCS, and SCMU</u>	<u>SCMU</u>	<u>Review Process pursuant to Section 1307</u>
<u>Essential Public Communication Services</u>	<u>P</u>	<u>P<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>Type I<sup>2</sup></u>
<u>Level One Collocation</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Type I<sup>3</sup></u>
<u>Level One Placement on a Utility Pole</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Type I<sup>3</sup></u>
<u>Level Two Collocation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>Type II<sup>3</sup></u>
<u>Level Two Placement on a Utility Pole</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>Type II<sup>3</sup></u>
<u>Level Two Wireless Telecommunication Facilities not included in any other category</u>	<u>C</u>	<u>C<sup>1</sup></u>	<u>P</u>	<u>X</u>	<u>Type II if use is P<sup>3</sup>, Type III if use is C</u>

<sup>1</sup> In the AG/F and TBR Districts, the use is subject to Subsection 406.05(A)(1).

<sup>2</sup> In the AG/F, EFU, and TBR Districts, essential public communication services require review as a Type II application pursuant to Section 1307.

<sup>3</sup> If an adjustment is proposed pursuant to Subsection 835.06, the wireless telecommunication facility requires review as a Type III application pursuant to Section 1307, *Procedures*.

835.054 STANDARDS PRIMARY USES

- A. Level One Collocation: A level one collocation of antennas on a previously approved wireless telecommunication facility; shall be subject to the following standards provided:
1. Collocation proposals involving an existing wireless telecommunication facility must have an approved and implemented landscaping plan that complies in compliance with Subsection 835.05(D)(5)835.08(G);
  2. There shall be nNo increase in the height of the existing wireless telecommunication support structure is proposed;
  3. The proposed collocated antennas shall beare no more than 20 feet higher than the existing support structure;;
  4. All aspects of the collocation improvements shall must be located within athe previously approved fenced (lease) area;;
  - ~~5. The collocation improvements must satisfy the development standards for the underlying zone;~~
  - ~~6.5. The collocation shall may not involve the removal of any previously approved landscaping/ or buffering;~~
  - ~~7. The collocation does not propose the location of antennas on a wireless telecommunication tower within an urban residential zoning district, to include the Future Urbanizable (FU-10) 10-Acre District; and~~
  - ~~8. Collocations in commercial and industrial zones are not subject to Section 1102 (Design Review).~~
- B. Level One Placement on a Utility Pole: Level one placements of wireless telecommunication facilities onUse of existing utility poles (electric, cable, telephone, etc.), within a public right-of-way, for the placement of wireless telecommunication facilities; shall be subject to the following standards provided the following requirements are satisfied:
1. The wireless telecommunication facility shall be placed on an existing utility pole or, if it is necessary to replace the existing pole with a pole that is suitable for wireless telecommunication, the new pole shall be no taller than the pole that is being replaced;; and
  2. The existing utility pole shall be within a public right-of-way, and, if the pole is to be replaced pursuant to Subsection 835.05(B)(1), the replacement pole shall remain within the public-right-of-way.

32. Any eEquipment shelters for the wireless telecommunication facility shall be consistent with Section 830, located on the utility pole and within the public right-of-way.

C. Level Two Placement on a Utility Pole: Level two placements of wireless telecommunication facilities on replacement utility poles (electric, cable, telephone, etc.) shall be subject to the following standards:

1. The height of the replacement utility pole shall not exceed the height of the pole being replaced by more than 20 feet.
2. The existing utility pole shall be within a public right-of-way, and the replacement pole shall remain within the public-right-of-way.

~~B. Essential Public Communication Services. When these facilities are proposed in commercial, industrial, or multifamily zoning districts, they are subject to Section 1102, Design Review.~~

~~835.05 — USES SUBJECT TO TYPE II REVIEW~~

~~A. Each of the following uses shall require review as a Type II application pursuant to Section 1307. These uses shall be subject to Subsections 835.08 and 835.09 and Section 1000. Uses authorized under Subsection 835.05(A)(1) are also subject to Subsection 835.07.~~

- ~~1. Wireless telecommunication facilities on lands located within commercial and industrial zoning districts, except the Neighborhood Commercial zone;~~
- ~~2. Collocation of facilities that exceed the limitations identified in Subsection 835.04(A). Collocations in commercial or industrial zones are not subject to Section 1102, Design Review; and~~
- ~~3. The use of a replacement utility pole (electric, cable, telephone, etc.), within a public right of way, for the placement of wireless telecommunication facilities when the height of the replacement pole exceeds the height of the pole being replaced by no more than 20 feet.~~

~~835.06 — CONDITIONAL USES~~

~~A. The following are conditional uses, approval of which is subject to Subsections 835.07, 835.08, and 835.09 and Sections 1000 and 1203:~~

- ~~1. Wireless telecommunication facilities proposed in the Village Community Service District or on sites with a Comprehensive Plan designation of Residential, Unincorporated Community Residential, Rural, or Forest; and~~
- ~~2. Wireless telecommunication facilities in the Exclusive Farm Use District that include a tower over 200 feet in height.~~

~~B. The applicant may be required to provide information about possible alternate locations on the tract. Placement of the tower in an alternate location on the tract may be required, if the alternate location would result in greater compliance with the criteria in Section 1203 than the proposed site. In order to avoid relocating the proposed facility, the applicant must demonstrate that the necessary service cannot reasonably be provided from the alternate location.~~

~~835.07 — COLLOCATION~~

D. Level Two Wireless Telecommunication Facilities: A level two wireless telecommunication facility (including a level two collocation or placement on a utility pole) shall be subject to the following standards:

1. New Towers: If a new wireless telecommunication tower is proposed:

a. ~~No new tower will be permitted under the provisions of Subsections 835.05(A)(1) or 835.06 unless the applicant demonstrates that no existing tower or support structure can accommodate the applicant's proposed antenna. All proposals for new wireless telecommunication facilities must be accompanied by a statement from a qualified person that the necessary telecommunication service cannot be provided by collocation for one or more of the following reasons:~~

iA. ~~No existing towers or support structures, or approved but not yet constructed towers or support structures, are located within the geographic area required to meet the applicant's engineering requirements;~~

iiB. ~~Existing towers or support structures are not of sufficient height to meet the applicant's engineering requirements;~~

iiiC. ~~Existing towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;~~

ivD. ~~The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna; or~~

vE. ~~The applicant demonstrates that there are other limiting factors that render existing towers and support structures unsuitable.~~

~~835.08 — CONDITIONAL STANDARDS~~

bA. ~~If the tower is All wireless telecommunication towers proposed for location within inside the Portland Metropolitan area Urban Growth Boundary, it shall be a of monopole type construction.~~

~~cB.~~ All new wireless telecommunication towers shall be designed and built to accommodate collocation or additional loading. ~~For the purposes of this provision, T~~his means that the tower shall be designed specifically to accommodate no less than the following equipment, in addition to the applicant's proposed equipment:

~~i1.~~ Twelve antennas with a float plate wind-loading of not less than four square feet per antenna;

~~ii2.~~ A standard mounting structure, standoff arms, platform, or other similar structure designed to hold the antennas;

~~iii3.~~ Cable ports at the base and antenna levels of the tower; and

~~iv4.~~ Sufficient room within or on the tower for 12 runs of 7/8-inch<sup>2</sup> coaxial cable from the base of the tower to the antennas.

~~dC.~~ Wireless telecommunication towers shall be painted or coated in a manner that blends with the surrounding area. The finished coloring shall result in a non-reflective surface that makes the tower as visually unobtrusive as possible, unless state or federal regulations require different colors. ~~Colors will be determined through the Design Review process.~~

If the proposed wireless telecommunication facility requires approval of a conditional use permit, placement of the tower in an alternate location on the tract may be required, if the alternate location would result in greater compliance with the criteria in Section 1203, Conditional Uses, than the proposed location. In order to avoid relocating the proposed tower, the applicant shall demonstrate that the necessary wireless telecommunication service cannot reasonably be provided from the alternate location.

~~2D.~~ Equipment shelters shall be entirely enclosed. TheyEquipment shelters may be painted or coated with a finish that best suits the operational needs of the facility, including the ability to reflect heat and to resist accumulations of dirt. ~~Colors will be determined through the Design Review process. If, through the Design Review process, it is determined that there is a conflict between acceptable colors and the operational needs of the facility, Design Review may require~~ the use of architectural screen panels may be required.

~~3E.~~ No lighting shall be permitted on a wireless telecommunication tower, except as required by state or federal regulations. If lighting is required, the light shall be shielded or deflected from the ground, public rights-of-way, and other lotsproperties, to the extent practicable.

~~4F.~~ Unless tThe wireless telecommunication facility is located entirely on a utility pole, it shall be located within an area that is enclosed on all sides. The enclosure ~~shall~~must be a minimum of at least six feet tall and sight-obscuring.

~~5G.~~ Landscaping shall be placed outside of the enclosed area required pursuant to Subsection 835.05(D)(4) and shall ~~consist of the following:~~

- ~~1. A combination of landscaping materials that includes ground cover, shrubs, and trees that are reflective of the natural surrounding vegetation in the area, as determined through the Design Review process;~~
- ~~2. Existing landscaping/vegetation may be used to satisfy the above requirements;~~
- ~~3. Through the Design Review process, applications shall be reviewed for consistency with Subsection 1009.08; and~~
- ~~4. However, if in cases where a portion of the wireless telecommunication facility is screened from points off-site by a building with a height of that is at least eight feet tall, the landscaping is requirements of this subsection will not be required for the screened area. In addition, Subsection 1009.10 applies.~~

~~H.~~ Applications reviewed under Subsections 835.05(A)(1) and (3) and 835.06 are subject to Section 1102, *Design Review*.

~~I.~~ Equipment shelters shall be entirely enclosed. Equipment shelter exterior materials shall be those approved through the Design Review process.

6J. Noise generated by the wireless telecommunication facility shall not exceed the maximum levels established by the ~~State of Oregon~~, Department of Environmental Quality (DEQ). If ~~lots/properties~~ adjacent to the subject property ~~upon which the wireless telecommunication facility is proposed~~ have a lower DEQ noise standard than the subject property/proposed site, the lower standard shall be applicable.

~~K.~~ Maintenance of the lease area is the responsibility of the owner/operator of the wireless telecommunication facility. The owner/operator shall prevent the facility from entering into a state of disrepair due to negligence, vandalism, natural hazard, or any other source. This requirement places the responsibility for maintenance on the owner/operator and is, otherwise, consistent with the requirements of Subsection 1102.06.

~~835.09 — DIMENSIONAL STANDARDS:~~

7. Dimensional Standards: Dimensional standards applicable to wireless telecommunication towers are listed in Table 835-2, *Dimensional Standards for Wireless Telecommunication Towers*.

**Table 835-2: Dimensional Standards for Wireless Telecommunication Towers**



CL/ACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<u>Zoning District</u>	<u>Maximum Height</u>	<u>Minimum Tower Separation</u>	<u>Minimum Front, Side, and Rear Setbacks</u>
<u>All zoning districts inside the Portland Metropolitan Urban Growth Boundary (UGB), HR, MRR, RR, and RTC</u>	<u>100 feet</u>	<u>1000 feet</u>	<u>The minimum setbacks generally applicable in the subject zoning district, or a distance equal to the height of the tower, whichever is greater</u>
<u>FF-10, RA-1, RA-2, RC, RI, and RRFF-5, provided that the tower is outside the UGB</u>	<u>150 feet</u>	<u>2000 feet</u>	
<u>AG/F, EFU, and TBR, provided that the tower is outside the UGB</u>	<u>250 feet</u>	<u>2,640 feet</u>	

~~A. Lands within the Portland metropolitan area urban growth boundary and lands zoned HR, RR, MRR and RTC:~~

- ~~1. Wireless telecommunication tower maximum height: 100 feet.~~
- ~~2. Minimum tower separation: 1000 feet.~~
- ~~3. Setbacks: Must satisfy setbacks of the zone. Additionally, the wireless telecommunication tower shall be set back a distance not less than its height from all property lines.~~

~~B. Lands with a Comprehensive Plan designation of Unincorporated Community Residential, Rural Commercial, Rural Industrial, or Rural (except lands zoned RR):~~

- ~~1. Wireless telecommunication tower maximum height: 150 feet.~~
- ~~2. Minimum tower separation: 2000 feet.~~
- ~~3. Setbacks: Same as 835.09(A)(3).~~

~~C. Lands with a Comprehensive Plan designation of Forest or Agriculture:~~

- ~~1. Wireless telecommunication tower maximum height: 250 feet.~~

~~2. Minimum tower separation: 2640 feet.~~

~~3. Setbacks: Same as 835.09(A)(3).~~

~~835.10 SUBMITTAL REQUIREMENTS~~

~~A. Uses authorized under Subsection 835.04:~~

~~1. Building permit application accompanied by information demonstrating compliance with Subsections 835.04(A)(1) through (6) or (B)(1) and (2).~~

~~B. Uses reviewed under Subsection 835.05:~~

~~1. The submittal requirements identified in Subsection 1307.07(C);~~

~~2. A site plan, drawn to scale, that includes:~~

~~a. existing and proposed improvements;~~

~~b. adjacent roads;~~

~~c. parking, circulation and access;~~

~~d. areas of existing and proposed vegetation to be added, retained, replaced, or removed; and~~

~~e. setbacks from property lines of all existing and proposed structures. If an adjustment is requested, the plan must identify the distance from the wireless telecommunication tower to dwellings and other structures off-site that are within a distance not less than the height of the tower from the proposed location of the tower.~~

~~Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this submittal requirement;~~

~~3. A vicinity map showing adjacent properties, land uses, zoning and roadways within 500 feet of the proposed antenna site;~~

~~4. Elevations showing antennas, towers, equipment shelters, area enclosure and other improvements related to the facility;~~

~~5. Color simulations of the site after construction of the antenna for all new antennas;~~

~~6. An accurate graphic (map) inventory of existing wireless telecommunication facilities within one mile of the property under consideration; and~~

~~7. An alternatives analysis demonstrating compliance with Subsection 835.07;~~

~~C. Uses subject to review under Subsection 835.06:~~

~~1. Requirements listed under Subsections 835.10(B)(1) through (7); and~~

~~2. Requirements listed in Subsection 1203.03.~~

### 835.0611 ADJUSTMENTS

~~A.~~ Adjustments to the standards of ~~this~~ Section 835 may be granted under either of the following circumstances:

A1. A gap in the applicant's service exists, and that gap can only be alleviated through the adjustment of one or more of the standards of this section. If an adjustment is to be approved, the applicant must demonstrate the following:

1a. A gap in coverage or capacity exists in the wireless telecommunication provider's service network that results in network users being regularly unable to connect, or maintain connection, with the provider's network, ~~or maintain connection~~;

2b. The proposed wireless telecommunication facility will fill the existing service gap. ~~The gap would be filled~~ means if the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and

3e. The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment ~~under this subsection~~.

B2. The proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding lots ~~properties~~. ~~For the purposes of this subsection, S~~ site characteristics shall include, but need not be limited to, those identified in Subsection ~~1203.03(B)1203.04(B)~~. ~~Applicants for an adjustment under this provision must demonstrate that T~~ the adjustment must will result in a lower level of impact on surrounding lots ~~properties~~ than would ~~result be generated~~ if the standard were not adjusted. In considering the requested adjustment, the following may be considered:

1a. Visual impacts;

2b. Impacts on view;

3e. Impacts on property values; and

4d. Other impacts that can be mitigated by an adjustment so that greater compliance with Subsection ~~1203.03(D)~~1203.01(D) occurs.

~~B. Requests for adjustment under this subsection shall be considered part of the application to establish a wireless telecommunication facility, not a separate application. All applications that propose an adjustment shall be processed as Type III applications pursuant to Section 1307.~~

835.0712 ABANDONMENT

- A. Wireless telecommunication facilities will be considered abandoned when there has not been a provider licensed or recognized by the Federal Communications Commission operating on the facility for a period of 365 consecutive days. Determination of abandonment will be made by the Planning Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna use.
- B. Upon determination of abandonment, the facility owner shall have 60 calendar days to:
- ~~1. Reuse the facility or transfer the facility to another owner who will reuse it within 60 calendar days of the determination of abandonment.~~
  - ~~2. Remove the facility.~~
- C. If the facility is not reused within 60 calendar days of the determination of abandonment, county authorization for the use shall expire. Once authorization for the use has expired, the facility operator shall remove the facility from the property within 90 calendar days. If the facility operator does not remove the facility within 90 calendar days, the county may remove the facility at the expense of the facility operator, or, in the alternative, at the property owner's expense.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14]



**836 HOME OCCUPATIONS FOR CANINE SKILLS TRAINING****836.01 — APPLICABILITY**

~~Section 836 shall apply in the Timber zoning district.~~

**836.012 DEFINITIONS**

~~The following definitions apply to~~Unless specifically defined in Subsection 836.02, words or phrases used in Section 836 shall be interpreted to give them the same meaning as they have in common usage and to give Section 836 its most reasonable application.:-

- A. Canine Skills Training: Canine obedience, agility, tracking, lure coursing, herding, and similar canine training programs and activities.
- B. Employee: Any on-site person, whether they work full-time or part-time in the home occupation ~~business~~, including, ~~but not limited to~~, the operator, partners, assistants, and any other persons ~~or family members~~ participating in the operation of the business.
- C. Operator: The person who conducts the home occupation, has majority ownership interest in the ~~home occupation business~~, ~~lives full-time in a dwelling on the subject property~~, and is responsible for strategic decisions and day-to-day operations of the ~~home occupation business~~.

**836.023 ~~CONDITIONAL~~ STANDARDS**

~~A~~Hhome occupations for canine skills training shall comply with the following standards:

- ~~A.~~ ~~The home occupation shall be sited on a lot of record that contains a lawfully established dwelling.~~
- ~~B.A.~~ Operator: The operator of the home occupation shall ~~reside full-time in a lawfully established dwelling unit on the tract~~~~be a resident of the property on which the home occupation is located.~~
- ~~C.B.~~ Employees: The home occupation shall have no more than five ~~full-time or part-time employees on the site at any time.~~
- ~~D.C.~~ Type of Buildings: ~~Notwithstanding the definition of home occupation in Section 202, Definitions,~~ ~~t~~The home occupation shall be operated substantially ~~within the operator's dwelling or other buildings normally associated with uses permitted in the TBR District~~~~zone in which the subject property is located.~~
- ~~E.~~ ~~The construction of any structure that would not otherwise be allowed in the zoning district in which the subject property is located shall be prohibited. This~~

~~standard will not permit the construction of new buildings for which the sole intent is to house the proposed home occupation.~~

~~F.D. Appearance: On non-training session days, the use shall not take an outward appearance nor manifest any characteristics of a business or operation of a service commercial nature, except for those characteristics normally associated with or allowed for a primary-use identified as "allowed" in Table 406-1, Permitted Uses in the TBR District in the subject zoning district, on non-training session days.~~

~~G. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.~~

~~H. Prior to operating the home occupation, the applicant shall record a written irrevocable statement in the deed records of the County binding upon the landowner, and the landowner's successors in interest, acknowledging the right of adjacent and nearby farm and forest operators to employ accepted farm and forest management practices and prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under Oregon Revised Statutes 30.936 or 30.937. Impacts from farming and forest practices may include, but are not limited to: noise, dust, spray, smoke, vibrations, and visual impacts.~~

~~I.E. Impacts on Dwellings: The evaluation of compliance with Subsection 1203.03(D)~~1203.01(D)~~ shall include consideration of impacts on dwellings even though dwellings are not primary uses in the TBR Timber zoning D district.~~

~~I.F. Noise: Noise shall be regulated as follows:~~

- ~~1. From 8:00 a.m. until 10:00 p.m., the average peak sound pressure level, when measured off the subject property, of noise create by the home occupation shall not exceed the greater of 60 dB(A) or the ambient noise level. During all other hours, the home occupation shall not create noise that is detectable to normal sensory perception off the subject property.
  - ~~a. Noise generated by vehicles entering or exiting the subject property, but not by idling vehicles, shall be exempt from Subsection 836.02(E)~~(1)836.03(J)~~.~~
  - ~~b. Subsection 836.02(E)~~(1)836.03(J)~~ shall not apply to noise detectable on public rights-of-way and railroad rights-of-way.~~~~
- ~~2. A noise study may be required to demonstrate compliance with Subsection 836.02(E)~~(1)806.03(I)~~. If a noise study is required, measurements shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. The sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response~~

capability. Personnel making measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

~~K.G. Parking: The home occupation shall comply with Section 1015, Parking and Loading except as modified by Subsection 836.03(K). In addition,~~

- ~~1. The minimum parking requirement shall be one off-street space per canine handler, based upon the maximum number of handlers permitted for any single training session. An additional space shall be provided for each employee.~~
- ~~2. One or more Americans with Disabilities Act (ADA) spaces may be required as deemed necessary by the Building Codes Division and, if required, the ADA space(s) shall be appropriately surfaced and signed to meet ADA accessibility requirements.~~
- ~~3. The minimum parking space requirements for the home occupation shall be in addition to the parking required for other permitted uses on the subject property.~~
- ~~4. On-street parking shall be prohibited.~~

~~L.H. Signs: Signs shall be permitted pursuant to Section 1010, Signs.~~

[Added by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-241, 1/1/13]





**837 MOBILE VENDING UNITS**

---

837.01 EXEMPTIONS

A. Section 837 does not apply to mobile vending units that are part of a farmers' market approved pursuant to Section 840, *Farmers' Markets*.

~~837.01—APPLICABILITY~~

~~B. Section 837 shall apply to mobile vending units, except mobile vending units that are part of a farmer's market. Except as set forth in Section 837, mobile vending units are exempt from Sections 1000, *Development Standards*, and 1102, *Design Review*.~~

837.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C):

A. An application for a level two mobile vending unit shall include a site plan, drawn to scale, that includes:

1. The lot lines;
2. The location of existing structures and mobile vending units on the subject property;
3. The proposed location of the mobile vending unit and any portable accessory items, such as picnic tables and trash cans;
4. The dimensions of the proposed mobile vending unit;
5. The proposed distance between the mobile vending unit and the lot lines of the subject property, as well as the proposed separation distance between the unit and other onsite structures or mobile vending units;
6. The type and location of any proposed onsite utility connections for the mobile vending unit;
7. The location of existing loading areas, driveways, onsite circulation drives, parking lot aisles, bicycle and motor vehicle parking spaces, and walkways;
8. The location of windows and doors on the mobile vending unit that are proposed to be used for service to customers;
9. The location of existing landscaping; and
10. The dimensions, height, location, and lighting of proposed signs.

B. An application for a level three mobile vending unit shall include the applicable items identified in Subsection 1102.02.

837.032 LEVEL ONE MOBILE VENDING UNITS

Except as established by Subsection ~~837.03~~~~837.02~~, level one mobile vending units are exempt from regulation under this Ordinance. No permit to operate a level one mobile vending unit is required under this Ordinance. A level one mobile vending unit is one that complies with the following standards:

- A. The mobile vending unit shall operate on a designated route and not stop at a fixed location for more than two hours during the workday. Storage of such a unit during hours outside the workday is not regulated by Section 837, but remains subject to any other applicable provisions of this Ordinance, which may include compliance with Sections 1000 and 1102.
- B. The mobile vending unit shall be entirely self-contained with no connections to onsite utilities; no outdoor seating; and no storage outside the unit. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground.

837.043 LEVEL TWO MOBILE VENDING UNITS

A level two mobile vending unit ~~shall~~~~requires~~ review as a Type I application pursuant to Section 1307, Procedures, and shall be subject to the following standards ~~and criteria~~:

- A. Qualifying Site: The mobile vending unit shall be located on a developed site. A developed site is one that has previously received design review approval and where that approval has been implemented. Alternatively, if not located on a developed site, the mobile vending unit shall remain on the subject property for no more than 120 days in a calendar year. For the purpose of this standard:
  - 1. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
  - 2. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
- B. Maximum Number: Except as allowed under Subsection ~~837.03~~~~837.02~~, no more than two mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.
- C. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole.

No structure shall be attached to the mobile vending unit. New structures, such as restroom buildings, trash enclosures, and gazebos, are prohibited, except that a fence may be constructed pursuant to Subsection ~~837.04(Q)~~~~837.03(Q)~~.

- D. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
- E. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.
- F. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit, such as awnings or canopies, shall be excluded when calculating the square footage.
- G. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
  - 1. Five feet from any structure or mobile vending unit;
  - 2. Ten feet from any front lot line, except in the ~~RTC Rural Tourist Commercial District in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, Government Camp Village Plan, Land Use Plan & Boundary,~~ where the minimum front ~~yard~~-setback from a ~~lot~~~~property~~ line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front ~~yard~~-setback of 10 feet from the ~~lot~~~~property~~ line abutting the other road; and
  - 3. Five feet from any side or rear lot line, except if such lot line abuts a residential one of the following zoning districts, in which case the minimum shall be 15 feet: ~~any urban or rural residential zoning district regulated by Section 300, Village Standard Lot Residential District (VR-5/7), Village Small Lot Residential District (VR-4/5), Village Townhouse District (VTH), and Village Apartment District (VA).~~
- H. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
  - 1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
    - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.

- b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
  2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
  3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.
- I. Portable Sanitation Facilities: Portable toilets are prohibited. Portable hand-washing facilities are permitted but may not drain to the surface.
- J. On-Site Wastewater Treatment Systems Sewage Disposal: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village the Mount Hood urban area, on-site wastewater treatment systems subsurface sewage disposal are prohibited unless allowed by Subsection 1006.05(B)1006.07(B).
- K. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways. However, occupying existing onsite automobile parking spaces is permitted, provided that such spaces are not simultaneously used for parking.
- L. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.
- M. Driveway Access: No new or modified driveway access is permitted.
- N. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.
- O. Surfacing: Inside the UGB, the mobile vending unit shall be placed on an existing hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be on existing hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface was authorized as part of a previously implemented design review approval for the site. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better.

- P. Drive-Thru Window Service: Drive-thru window service is prohibited.
- Q. Screening: If the mobile vending unit is located less than 20 feet from a residential~~one of the following~~ zoning districts, the unit shall be screened from the lot line abutting that zoning district: ~~any zoning district regulated by Section 300, VR-5/7, VR-4/5, VTH, and VA.~~ Required screening:
1. May be provided by an existing structure, a fence, or a hedge;
  2. Shall be sight-obscuring; and
  3. Shall have a minimum height of six feet.
- R. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.02(A)(9)+009.03(G).
- S. Signs: Signs are permitted pursuant to Section 1010, Signs.
- T. Trash Receptacle: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit.
- U. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

837.054 LEVEL THREE MOBILE VENDING UNITS

A level three mobile vending unit ~~shall require~~ review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards ~~and criteria~~:

- A. Maximum Number: Except as allowed under Subsection 837.03837.02, no more than four mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.
- B. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New accessory structures may be constructed, as follows:
1. A maximum of two restroom structures, provided that the combined square footage does not exceed 200;

2. A maximum of two storage buildings, provided that the combined square footage does not exceed 200;
  3. One trash enclosure; and
  4. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g. decks, picnic shelters), provided that the combined square footage does not exceed 200 square feet per mobile vending unit and that no single structure exceeds 200 square feet.
- C. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
- D. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.
- E. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit that are supported entirely by the unit and do not touch the ground shall be excluded when calculating the square footage.
- F. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:
1. Five feet from any structure or another mobile vending unit;
  2. Ten feet from any front lot line, except in the ~~RTC Rural Tourist Commercial District in Government Camp Village, as identified on Comprehensive Plan Map X-MH-4, Government Camp Village Plan, Land Use Plan & Boundary,~~ where the minimum front ~~yard~~-setback from a ~~lot~~property line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front ~~yard~~-setback of 10 feet from the ~~lot~~property line abutting the other road; and
  3. Five feet from any side or rear lot line, except if such lot line abuts a ~~residential one of the following~~ zoning districts, in which case the minimum shall be 15 feet: ~~any zoning district regulated by Section 300, Village Standard Lot Residential District (VR-5/7), Village Small Lot Residential District (VR-4/5), Village Townhouse District (VTH), and Village Apartment District (VA).~~
- G. Structure Setbacks: Structures allowed under Subsection ~~837.05(B)837.04(B)~~ shall comply with the setback standards of the zoning district in which the subject property is located.
- H. Hillsides, ~~Significant~~ Trees ~~and/or~~ Wooded Areas, and Mass Movement Hazard Areas: The development shall be subject to Subsections ~~1002.01+002.02,~~ ~~1002.03+002.04,~~ and 1003.02, as applicable.

- I. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:
1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
    - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
    - b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
  2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
  3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.
- J. Portable Sanitation Facilities: Portable toilets are prohibited, unless they are connected to a sanitary sewer system or an on-site wastewater treatmenta subsurface-sewage-disposal system. Portable hand-washing facilities are permitted but may not drain to the surface.
- K. On-Site Wastewater Treatment SystemsSewage Disposal: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Villagethe Mount Hood urban area, on-site wastewater treatment systemssubsurface-sewage-disposal areis prohibited unless allowed by Subsection 1006.05(B)+006.07(B).
- L. Lighting: Outdoor lighting shall be subject to Subsection 1005.05.
- M. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways.
- N. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading



areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.

- O. Driveway Access: Approval of driveway access shall be subject to the Clackamas County Roadway Standards.
- P. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items or structures shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.
- Q. Surfacing: Inside the UGB, the mobile vending unit shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be ~~on hard-surfaced areas, unless a permeable parking, loading, or maneuvering area surface~~ unless a permeable surface is required ~~for to reduce~~ surface ~~water management runoff, pursuant to the regulations of the surface water management authority as determined by the Department of Transportation and Development~~. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage.
- R. Drive-Thru Window Service: A mobile vending unit may include drive-thru window service only if drive-thru window service is ~~a permitted~~ allowed as a primary or accessory use in the zoning district in which the subject property is located. Drive-thru window service shall be subject to Section 827, Drive-Thru Window Services and if applicable, Section 1700.
- S. Screening and Buffering: The proposed development shall be subject to the screening and buffering provisions of Subsection ~~1009.04~~ 1009.05.
- T. Obstruction of Existing Landscaping: The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection ~~1009.02(A)(9)~~ 1009.03(G).
- U. Landscaping Requirements: If the subject property does not have a previously approved landscape plan, compliance with Subsections ~~1009.01(A) through (E), 1009.03(B), and 1009.10~~ 1009.02 (A) through (E), 1009.04(B), and 1009.08 shall be required.
- V. Signs: Signs are permitted pursuant to Section 1010, Signs.
- W. Off-Street Motor Vehicle Automobile Parking Spaces on a Developed Site: On a developed site, the mobile vending unit, attachments to the mobile vending unit, customer queuing areas, and portable accessory items may occupy existing

off-street ~~motor vehicle~~automobile parking spaces, provided that such spaces are not simultaneously used for parking. A developed site is one that has previously received design review approval and where that approval has been implemented. In addition, no new off-street parking spaces are required. However, new structures may be located in existing off-street ~~motor vehicle~~automobile parking spaces only if such spaces are in excess of the minimum number required for existing development.

- X. ~~Off-Sstreet~~ ~~Motor Vehicle~~Automobile Parking Spaces on an Undeveloped Site: On an undeveloped site, a minimum of two off-street ~~motor vehicle~~ parking spaces per mobile vending unit is required. An undeveloped site is one that does not have an implemented design review approval.
- Y. ~~Motor Vehicle~~Automobile Parking Area StandardsRequirements: The development of new ~~motor vehicle~~automobile parking areas shall comply with Section 1015, *Parking and Loading*.
- Z. ~~Solid Waste~~Refuse and Recycling Standards: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit. In addition, compliance with Section 1021, *Solid Waste and Recyclable Material Collection*, shall be required.
- AA. ~~Skirting~~: Skirting shall be placed around the perimeter of the mobile vending unit.

837.065 LEVEL FOUR MOBILE VENDING UNITS

If a proposed mobile vending unit exceeds the standards of both a level two and a level three mobile vending unit, it may be approved as a level four mobile vending unit, subject to Sections 1000, *Development Standards*, and 1102, *Design Review*, ~~as well as the standards applicable to the zoning district in which the subject property is located~~. In addition, compliance with Subsection ~~837.05~~837.04 shall be required, except where a more restrictive standard is applicable pursuant to other provisions of this Ordinance.

~~837.06~~ — SUBMITTAL REQUIREMENTS

~~The following submittal requirements shall apply to applications for level two and three mobile vending units:~~

- ~~A. In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a level two mobile vending unit permit shall include a site plan of the subject property drawn to scale and including:~~
  - ~~1. The lot lines;~~
  - ~~2. The location of existing structures and mobile vending units on the development site;~~

- ~~3. The proposed location of the mobile vending unit and any portable accessory items, such as picnic tables and trash cans;~~
  - ~~4. The dimensions of the proposed mobile vending unit;~~
  - ~~5. The proposed distance between the mobile vending unit and adjacent lot lines, as well as the proposed separation distance between the unit and other onsite structures or mobile vending units;~~
  - ~~6. The type and location of any proposed onsite utility connections for the mobile vending unit;~~
  - ~~7. The location of existing loading areas, driveways, onsite circulation drives, parking lot aisles, bicycle and automobile parking spaces, and walkways;~~
  - ~~8. The location of windows and doors on the mobile vending unit that are proposed to be used for service to customers;~~
  - ~~9. The location of existing landscaping; and~~
  - ~~10. The dimensions, height, location, and lighting (if any) of proposed signs.~~
- ~~B. In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a level three mobile vending unit permit shall include the applicable items identified in Subsection 1102.05.~~

837.07 APPROVAL PERIOD AND TIME EXTENSION

- A. A level two or three mobile vending unit approval is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary County development permits shall be obtained and maintained for the approved development.
- B. If a level three mobile vending unit approval is not implemented within the initial approval period established by Subsection 837.07(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. A level four mobile vending unit approval is subject to the approval period and time extension provisions of Subsections ~~1102.05~~ 1102.02(G) and (H).

[Added by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-248, 10/13/14]

**840 FARMERS' MARKETS****840.01 EXEMPTION**

~~Except as set forth in Section 840, farmers' markets are exempt from Sections 1000, Development Standards, and 1102, Design Review.~~

~~840.01—APPLICABILITY~~

~~Section 840 applies to farmers' markets.~~

~~840.02—PROCEDURE~~

~~A farmers' market requires review as a Type II application pursuant to Section 1307.~~

~~840.023 STANDARDS AND CRITERIA~~

~~A farmers' market requires review as a Type II application pursuant to Section 1307, Procedures, and shall be subject to the following standards and criteria:~~

- A. Location: If the farmer's' market ~~is will be~~ in a residential zoning district, it shall be located at an institutional use and shall have different days and times of operation than the institutional use.
- B. Parking: If the farmers' market ~~is will be~~ in a commercial or industrial zoning district and is proposed to operate when regular business operations are being conducted, adequate parking shall be provided pursuant to Section 1015, *Parking and Loading*.
  1. Fifty percent of the total area occupied by farmers' market stalls shall be calculated as developed area for the purpose of determining minimum required parking spaces.
  2. Parking spaces occupied by farmers' market stalls shall not be counted as available spaces during farmers' market operation.
- C. Days and Hours of Operation:
  1. The farmers' market may be conducted on a maximum of two days each week.
  2. If the farmers' market is ~~to be located~~ in a residential zoning district, it may be operated (including setup and dismantling) only between the hours of 8 a.m. and 8 p.m.
- D. Signs~~Signage~~: ~~Signs are permitted pursuant to Section 1010, Signs.~~
  - ~~1. The farmers' market may display 20 square feet of signage on each street frontage of the site on which the market is held.~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- ~~2. Each farmers' market stall may display 10 square feet of signage at the stall.~~
- ~~3. Signage shall be subject to Subsection 1010.13(A)(5).~~
- ~~4. Signage may be displayed only during the hours of farmers' market operation.~~

[Added by Ord. ZDO-253, 6/1/15]

**842 TRANSITIONAL SHELTER COMMUNITIES<sup>1</sup>**

---

842.01 EXEMPTION

Transitional shelter communities are exempt from Section 1102, *Design Review*.

~~842.01 APPLICABILITY~~

~~Section 842 applies to transitional shelter communities.~~

842.02 SUBMITTAL REQUIREMENT

In addition to the submittal requirements of Subsection 1203.02, an application for a conditional use permit for a transitional shelter community shall include an operations plan that addresses the following:

A. Parking;

B. Site security;

C. Site lighting;

D. Pets;

E. Heat source, if any, proposed for the shelter units;

F. Length of stay permitted for residents of the transitional shelter community;

G. Plan for transitioning residents of the transitional shelter community to more permanent housing;

H. Support services, if any, to be provided on the site to the residents of the transitional shelter community; and

I. Provisions for onsite management.

~~842.032~~ STANDARDS

Transitional shelter communities shall comply with the following standards:

---

<sup>1</sup> Provisions for transitional shelter communities adopted by Ordinance ZDO-267 are repealed on the earlier of:

- August 28, 2019; or
- The day after the County renders a final decision approving a conditional use permit for the third of three separate transitional shelter communities.

- A. Owner: The transitional shelter community shall be located on land owned by Clackamas County, Clackamas County Development Agency, Clackamas County Service District No. 1, Surface Water Management Agency of Clackamas County, Tri-City Service District, North Clackamas Parks and Recreation District, Clackamas County Extension and 4-H Service District, or the Library Service District of Clackamas County.
- B. Operator: The operator of a transitional shelter community shall obtain approval from the Director of the County Department of Health, Housing, and Human Services in consultation with the County Administrator.
- C. Shelter Unit Type: Shelter units shall be stick-built structures or prefabricated structures but may not have fabric walls or roofs (e.g., tents, yurts, and membrane structures). Shelter units may not be vehicles, residential trailers, or manufactured dwellings. Each shelter unit shall be detached from any other shelter unit.
- D. Maximum Building Floor Space: The maximum building floor space for each shelter unit is 200 square feet.
- E. Bathrooms and Kitchens: Bathrooms and kitchens are prohibited in the shelter units. Instead, common bathroom and kitchen facilities shall be provided for the residents.
- F. Utilities: Water service, sanitary sewer service, natural gas service, and generators are prohibited in the shelter units but are permitted in common facilities.
- G. Storage: No outdoor storage is permitted. Residents shall be provided with enclosed, secure storage facilities for their belongings.
- H. Fencing: The transitional shelter community shall be fenced with sight-obscuring fencing a minimum of six feet in height.
- I. Minimum Rear ~~and Side Setback~~ Yard Depth: The minimum rear ~~and side setback yard depth~~ is five feet, except that if the rear ~~or side lot line~~ abuts a residential zoning district ~~regulated by Section 300, Urban and Rural Residential Districts~~, the minimum ~~is~~ shall be 35 feet from the abutting lot line.
- J. Minimum Side Setback: ~~The minimum side setback is five feet, except that if the side lot line abuts a residential zoning district, the minimum is 35 feet from the abutting lot line.~~
- ~~K. Design Review: Transitional shelter communities are not subject to Section 1102, Design Review.~~

- L. Development Standards: Notwithstanding Subsection 1203.03(F), the standards of Section 1000, *Development Standards*, do not apply, except:
1. The following apply:
    - a. Subsection 1001.03, *General Standards*~~*Other Codes*~~;
    - b. Section 1002, *Protection of Natural Features*;
    - c. Section 1003, *Hazards to Safety*
    - d. Section 1006, *Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrence, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*, except Subsection 1006.02(~~C~~);
    - e. Subsection 1007.0~~7~~9, *Transportation Facilities Concurrence*;
    - f. Section 1010, *Signs*; and
    - g. Section 1021, *Solid Waste and Recyclable Material Collection*~~*Refuse and Recycling Standards for Commercial, Industrial and Multifamily Developments*~~.
  2. Any other standard of Section 1000 applies to the extent that it is imposed as a condition of approval in order to ensure compliance with Section 1203, *Conditional Uses*.

~~842.03~~ — ~~SUBMITTAL REQUIREMENT~~

~~In addition to the submittal requirements of Subsection 1203.02, an application for a conditional use permit for a transitional shelter community shall include an operations plan that addresses the following:~~

- ~~A. Parking;~~
- ~~B. Site security;~~
- ~~C. Site lighting;~~
- ~~D. Pets;~~
- ~~E. Heat source, if any, proposed for the shelter units;~~
- ~~F. Length of stay permitted for residents of the transitional shelter community;~~
- ~~G. Plan for transitioning residents of the transitional shelter community to more permanent housing;~~



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~H. Support services, if any, to be provided on the site to the residents of the transitional shelter community; and~~

~~I. Provisions for onsite management.~~

[Added by Ord. ZDO-267, 8/28/17]

**903 SETBACK EXCEPTIONS**

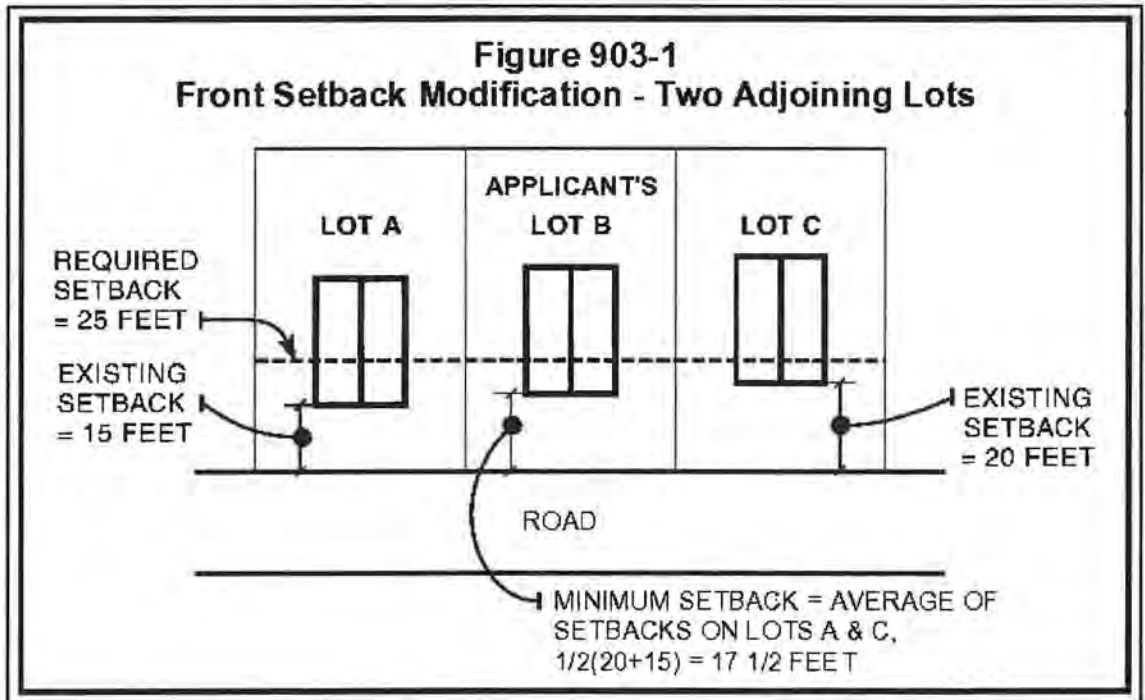
**903.01 APPLICABILITY**

Section 903 applies in all zoning districts except that only the minimum setback exemptions for bus shelters apply in the BP, CI, GI, HDR, LI, RCHDR, and SHD Districts.

**903.02 MINIMUM FRONT SETBACK MODIFICATIONS**

A. The minimum front setback standard is reduced if one or both lots adjoining the subject lot, and with frontage on the same road as the subject lot, are developed with structures, other than accessory structures, whose front setback from that fronting road is lawfully nonconforming.

1. For the purpose of Subsection 903.02(A):
  - a. Lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.
  - b. If the adjoining lot is a flag lot, that lot is excluded, and the next lot is included.
2. If both adjoining lots qualify under Subsection 903.02(A), then the minimum front setback for the subject lot is the average of the setbacks on the two adjoining lots. (See Figure 903-1.)



3. If only one adjoining lot qualifies under Subsection 903.02(A), then the minimum front setback for the subject lot is the average of the setback that would be required without an exception and the setback on the adjoining lot with the nonconforming setback.
- B. The minimum front setback standard is reduced for additions to an existing structure if the existing structure has a lawfully nonconforming front setback, subject to the following criteria. For the purpose of Subsection 903.02(B), lawfully nonconforming does not include a structure whose front setback was reduced through approval of a front setback variance.
1. The minimum front setback for the addition is equal to the front setback of the existing structure; and
  2. The total floor area of all additions made pursuant to this provision shall not exceed 40 percent of the ground floor area of the original legally nonconforming structure. Only the floor area of the portion of the addition that is located closer to the front lot line than the current minimum setback standard counts toward the 40-percent maximum.

C. Bus shelters are exempt from minimum front setback standards.

903.03 PUBLIC DEDICATIONS

Minimum setback standards do not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures that do not comply with the minimum front setback shall be allowed pursuant to Subsection 903.02(B).

903.04 REAR AND SIDE SETBACK EXEMPTIONS

The following structures are exempt from minimum rear and side setback standards:

- A. Underground structures, except there is no exemption where the perimeter wall of the structure is above finished grade or for openings into the structure, including doors, windows, skylights, plumbing, intake vents, and exhaust vents;
- B. Ground-mounted solar energy systems extending less than six feet above finished grade; ~~and~~
- C. Rainwater collection facilities extending less than six feet above finished grade; ~~and~~  
and

D. Bus shelters.

903.05 PROJECTIONS INTO REQUIRED SETBACKS

Architectural features and certain structures may project into minimum setbacks, as follows:

- A. Architectural features may project a maximum of one-third the distance of the minimum setback, and a maximum of 40 inches into a minimum front setback.
- B. Open, unenclosed fire escapes may project a maximum of four feet.

903.06 DECKS AND SIMILAR STRUCTURES

Unless the subject zoning district provides for a lesser setback, the minimum setbacks for a deck, patio, porch, terrace, or underground structure are 10 feet from front and rear lot lines and three feet from side lot lines, provided:

- A. The structure shall not be covered; and
- B. The structure shall not extend more than 30 inches above finished grade.

903.07 FENCES AND WALLS

Minimum setback standards do not apply to fences or walls unless the standard explicitly refers to fences or walls.

903.08 FLAG LOTS

On flag lots, the location of side, rear, and front lot lines may be modified, for the purpose of determining the minimum setbacks, if:

- A. It is not possible to extend a motor vehicle access easement to serve additional properties due to physical conditions such as topographic barriers or existing structures; or
- B. It is not necessary to extend a motor vehicle access easement to serve additional properties because such properties are already fully developed or have access from other existing roads or easements.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]



**904 HEIGHT EXCEPTIONS**

---

Maximum building and structure height standards established by this Ordinance do not apply to barns, silos, and other farm buildings or structures on farms; ~~church~~-spires on places of worship; belfries; clock towers; cupolas and domes; monuments; water towers; fire and hose towers; observation towers; transmission towers; amateur (Ham) radio antennas and towers; windmills; chimneys; smokestacks; radio and television transmission and receiving towers; masts and antennas; and solar collection apparatus. Notwithstanding this provision, maximum height standards established by Section 835, *Wireless Telecommunication Facilities*, continue to apply.

[Amended by Ord. ZDO-266, 5/23/18]



**1001 GENERAL PROVISIONS**

---

**1001.01 PURPOSE**

Section 1000, *Development Standards*, is adopted to implement policies in the Comprehensive Plan that are applicable to new development and thereby ensure that land is:

- A. Used efficiently to support broad-based economic development and the adequacy of housing and public services;
- B. Developed in an environmentally sustainable and aesthetically appealing manner;
- C. Supplied with public facilities sufficient to meet demand; and
- D. Served by a safe, convenient, multimodal, and interconnected transportation system.

**1001.02 APPLICABILITY**

- A. Except where a different applicability standard is set forth elsewhere in Section 1000, Section 1000 applies to partitions; subdivisions; replats; institutional, commercial, and industrial developments; manufactured dwelling parks; condominiums; multifamily dwellings; two- and three-family dwellings; and attached single-family dwellings where three or more dwelling units are attached to one another. Notwithstanding this provision, level one through three mobile vending units are not subject to Section 1000, except as set forth in Section 837, *Mobile Vending Units*. In addition, Section 1009, *Landscaping*, does not apply to partitions, subdivisions, and replats.
- B. Except where a different applicability standard is set forth elsewhere in Section 1000, the following portions of Section 1000 apply to manufactured dwellings, detached single-family dwellings, and attached single-family dwellings where two dwelling units are attached to one another:
  1. Subsection 1002.01, *Hillsides*;
  2. Subsection 1002.04, *River and Stream Corridors*;
  3. Subsection 1002.05, *Deer and Elk Winter Range*;
  4. Subsection 1002.06, *Mount Hood Resource Protection Open Space*;
  5. Subsection 1002.07, *Significant Natural Areas*;
  6. Section 1003, *Hazards to Safety*;
  7. Section 1004, *Historic Protection*;
  8. Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface*



*Water Management, and Erosion Control;*

9. Subsection 1007.04, *Pedestrian and Bicycle Facilities*; and

10. Subsection 1007.08, *Fee in Lieu of Construction*.

C. Subsection 1001.03 applies to all development.

1001.03 GENERAL STANDARDS

A. Redevelopment of a manufactured dwelling park with a different use is subject to Subsection ~~825.02~~825.03.

B. ~~A b~~B Buildings consisting of only a basement shall not be used as a dwelling.

C. A manufactured dwelling shall not be attached to another dwelling.

D. A manufactured dwelling shall not be allowed as an accessory structure, except as permitted by Section 1204, Temporary Permits, or by Section 839, Accessory Dwelling Units.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-266, 5/23/18]

**1005 SITE AND BUILDING DESIGN**

---

**1005.01 PURPOSE**

Section 1005 is adopted to ensure sites are developed and buildings designed to:

- A. Efficiently utilize the land used in development, particularly urban land in centers, corridors, station communities and employment areas;
- B. Create lively, safe, attractive and walkable centers, corridors, station communities, employment areas and neighborhoods;
- C. Support the use of non-auto modes of transportation, especially pedestrian trips to and between developments;
- D. Support community interaction by creating lively, safe and attractive public use spaces within developments and on the street;
- E. Reduce impacts of development on natural features and vegetation;
- F. Utilize opportunities arising from a site's configuration or natural features;
- G. Encourage use of green building technologies and green site development practices, energy conservation and use of renewable energy resources;
- H. Design illumination so that dark skies are maintained to the extent possible, balanced with the lighting needs of safe and functional developments; and
- I. Accommodate the needs of the users to be located in developments.

**1005.02 APPLICABILITY**

Section 1005 applies to institutional, commercial, and industrial development; multifamily dwellings; and developments of more than one two- or three-family dwelling. Subsections 1005.04 (F) and 1005.12 also apply to attached single-family dwellings. Subsection 1005.12 also applies to developments of a single two- or three-family dwelling.

**1005.03 GENERAL SITE DESIGN STANDARDS**

The following site design standards apply:

- A. Where feasible, cluster buildings within single and adjacent developments for efficient sharing of walkways, on-site vehicular circulation, connections to adjoining sites, parking, loading, transit-related facilities, plazas, recreation areas, and similar amenities.

- B. Where feasible, design the site so that so that the longest building elevations can be oriented within 20 degrees of true south in order to maximize the south-facing dimensions.
- C. Minimum ~~setbacks~~~~yard depths~~ may be reduced by up to 50 percent as needed to allow improved solar access ~~—as demonstrated by technical standards set forth in Section 1018 or by other credible evidence—~~ when solar panels or other active or passive solar use is incorporated into the building plan.
- D. A continuous, interconnected on-site walkway system meeting the following standards shall be provided.
1. Walkways shall directly connect each building public entrance accessible to the public to the nearest sidewalk or pedestrian pathway, and to all adjacent streets, including streets that dead-end at the development or to which the development is not oriented.
  2. Walkways shall connect each building to outdoor activity areas including parking lots, transit stops, children's play areas and plazas.
  3. Walkways shall be illuminated. Separate lighting shall not be required if existing lighting adequately illuminates the walkway.
  4. Walkways shall be constructed with a well-drained, hard-surfaced material or porous pavement and shall be at least five feet in unobstructed width.
  5. Standards for walkways through vehicular areas:
    - a. Walkways crossing driveways, parking areas and loading areas shall be constructed to be clearly identifiable to motorists through the use of different paving material, raised elevation, warning signs or other similar methods.
    - b. Where walkways are adjacent to driveways, they shall be separated by a raised curb, bollards, landscaping or other physical barrier.
    - c. Inside the Portland Metropolitan Urban Growth Boundary (UGB), if the distance between the building public entrance and street is 75 feet or greater and located adjacent to a driveway or in a parking lot, the walkway shall be raised, with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
    - d. The exclusive use of a painted crossing zone to make walkways identifiable to motorists may be used only for portions of walkways which are shorter than 30 feet and located across driveways, parking lots, or loading areas.

- e. Walkways bordering parking spaces shall be at least seven feet wide or a minimum of five feet wide when concrete bumpers, bollards, curbing, landscaping, or other similar improvements are provided which prevent parked vehicles or opening doors from obstructing the walkway.
6. The interconnected onsite walkway system shall connect to walkways in adjacent developments, or stub to the adjacent property line if the adjacent land is vacant or is developed without walkways.
- a. Walkway stubs shall be located in consideration of topography and eventual redevelopment of the adjacent property.
  - b. Notwithstanding the remainder of Subsection 1005.03(D)(6), walkway linkages to adjacent development shall not be required within industrial developments, to industrial developments, or to vacant industrially zoned land.
- E. Inside the UGB, except for industrial developments, a minimum of 50 percent of the street frontage of the development site shall have buildings located at the minimum front yard depth line.
- 1. If the minimum front yard depth standard is less than 20 feet, the front yard depth may be increased to 20 feet provided pedestrian amenities are developed within the yard.
  - 2. Primary building entrances for buildings used to comply with Subsection 1005.03(E), shall:
    - a. Face the street;
    - b. Be located at an angle facing both the street and a parking lot; or
    - c. Be located to the side of the building, provided that the walkway connecting to the street is a minimum of eight feet wide and is developed with landscaping and pedestrian amenities.
  - 3. If a development has frontage on more than one street, Subsection 1005.03(E) must be met on only one frontage, as follows:
    - a. If one of the streets is a major transit street, the standard shall be met on that street.
    - b. If neither or both are a major transit street, then the standard shall be met on the street with the higher functional classification.
    - c. If neither 1005.03(E)(3)(a) or (b) applies, then the standard shall be met on the longest frontage.

- F. Inside the UGB, parking lots larger than three acres in size shall be built with major on-site vehicular circulation ways that include raised walkways with curbs, a minimum four-foot-wide landscape strip and shade trees planted a maximum of 30 feet on center.
- G. New retail, office, mixed use, and institutional buildings located on major transit streets shall have at least one public entrance facing a major transit street, or street intersecting a major transit street.
  - 1. A private street used to meet the standards in Subsection 1005.03(G) must have raised walking surfaces on both sides, street trees, curbs, and pedestrian-scale street lighting, and must connect at both ends to an existing or proposed street.
  - 2. If a development has frontage on more than one major transit street, this orientation requirement needs to be met on only one side.
  - 3. The public entrance orientation requirement does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
- H. New retail, office, mixed use, multifamily, and institutional buildings located at a major transit stop shall be set back a maximum of 20 feet from at least one of the following: the major transit stop, the major transit street or an intersecting street, or a pedestrian plaza at the major transit stop or a street intersection.
  - 1. For the purpose of Subsection 1005.03(H), a building is located at a major transit stop, if:
    - a. The building is located on a lot that has frontage on the major transit street or an intersecting street; and
    - b. Any portion of the building is within a 200-foot radius of the major transit stop.
  - 2. Lawfully established buildings that do not comply with the maximum setback standard may have additional height added as an expansion without being brought into conformance with the standard.
  - 3. The maximum setback standard does not apply to warehouses or industrial buildings with less than 5,000 square feet of attached offices.
- I. In the PMU District, there shall be no vehicular parking or circulation within the front yard setback.

- J. In the OC District the design and siting of structures shall control public access points into office buildings, utilizing a central lobby design, entrance courtyard, internal pedestrian walkway or mall, or similar designs that protect business/professional uses from the disturbances of direct public access.
- K. Where a minimum floor area ratio (FAR) is required by the standards of the applicable zoning district, it shall be calculated as follows:
1. Calculate the building floor area by determining the square footage of all buildings in the proposed development, including:
    - a. Gross floor area of all commercial structures (except parking structures), including storage and mechanical equipment;
    - b. Square footage of commercial uses in a parking structure; and
    - c. Square footage of the footprint of a multifamily residential structure.
  2. Calculate the net site area by subtracting from the gross site area the following:
    - a. Right-of-way dedications;
    - b. Off-road (except sidewalks) trails, bikeways, or multi-purpose trails;
    - c. Stormwater detention facilities;
    - d. Design elements (plazas, greenways, transit stations, etc.);
    - e. Parks;
    - f. Civic spaces;
    - g. Stream buffers;
    - h. Wetlands; and
    - i. 100-year floodplain (undeveloped portion)
  3. Divide the building floor area by the net site area. The result is the FAR. For example, if the building floor area is 20,000 square feet and the net site area is 40,000 square feet, the FAR is 0.5.

L. The following standards apply in the HDR, RCHDR, and SHD Districts:

1. The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the

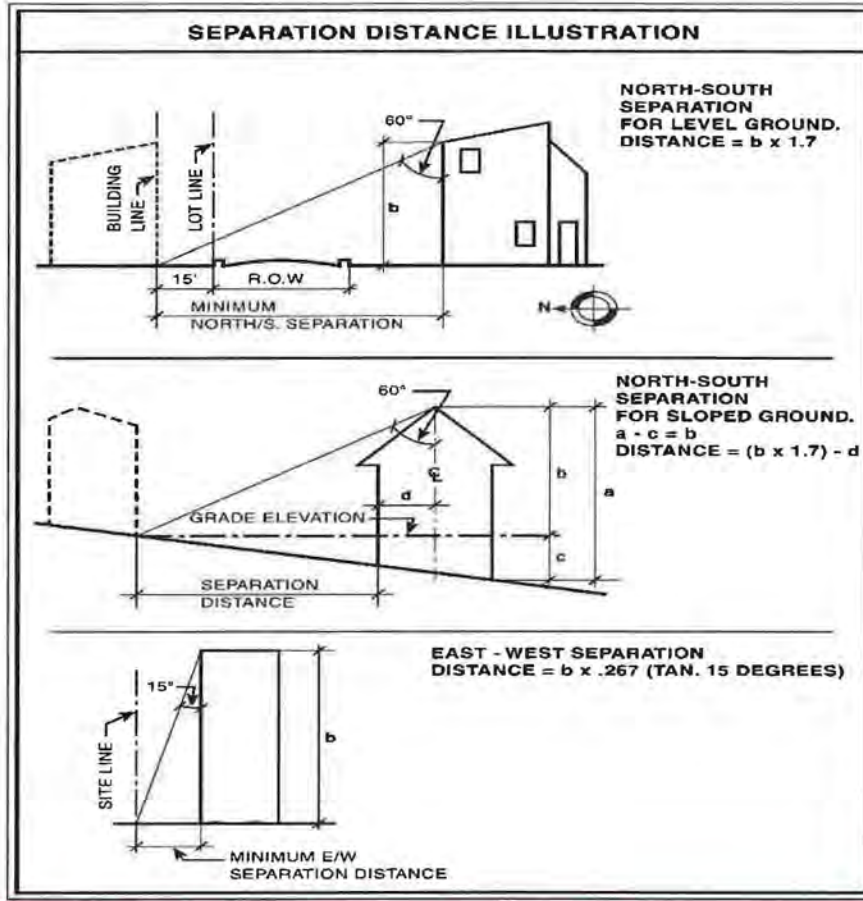
"top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 1005-1.) This provision shall be modified as follows:

- a. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.
  - b. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.
  - c. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 1005.03(L)(2), that area may be included in the required separation distance.
2. An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:
- a. Documentation and a map of the easement is submitted with the development plans for the site areas in question;
  - b. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; and
  - c. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.
3. The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, County or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 1005-1.)

Formula: Separation = b x .267 (tan 15 degrees)

4. The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.

**Figure 1005-1: Separation Distance Illustration**



5. The standards of Subsection 1005.03(L) are not subject to modification pursuant to Section 904, Height Exceptions. However, these standards may be modified if the modification requested is necessary to allow development of primary uses at densities allowed for the site area.

1005.04 BUILDING DESIGN

- A. The following standards apply to building facades visible from a public or private street or accessway and to all building façades where the primary entrance is located.
1. Building facades shall be developed with architectural relief, variety and visual interest and shall avoid the effect of a single, long or massive wall with no relation to human size. Examples of elements that subdivide the wall: change in plane, texture, masonry pattern or color, or windows.
  2. Building facades shall have particular architectural emphasis at entrances and along sidewalks and walkways.
  3. Provide visual interest through use of articulation, placement and design of windows and entrances, building trim, detailing, ornamentation, planters or modulating building masses.



4. Utilize human scale, and proportion and rhythm in the design and placement of architectural features.
5. Use architectural features which are consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
6. When uses between ground-level spaces and upper stories differ, provide differentiation through use of bays or balconies for upper stories, and awnings, canopies, trim and other similar treatments for lower levels.

B. Requirements for building entries:

1. Public entries shall be clearly defined, highly visible and sheltered with an overhang or other architectural feature, with a depth of at least four feet.
2. Commercial, mixed-use and institutional buildings sited to comply with 1005.03(E) shall have public entries that face streets and are open to the public during all business hours.

C. The street-facing façade of commercial, mixed-use and institutional buildings sited to comply with 1005.03(E) shall meet the following requirements:

1. Facades of buildings shall have transparent windows, display windows, entry areas, or arcades occupying a minimum of 60 percent of the first floor linear frontage.
2. Transparent windows shall occupy a minimum of 40 percent of the first floor linear frontage. Such windows shall be designed and placed for viewing access by pedestrians.
3. For large-format retail buildings greater than 50,000 square feet, features to enhance the pedestrian environment, other than transparent window, may be approved through design review. Such items may include, but are not limited to display cases, art, architectural features, wall articulation, landscaping, or seating, provided they are attractive to pedestrians, are built to human scale, and provide safety through informal surveillance.

D. Requirements for roof design:

1. For buildings with pitched roofs:
  - a. Eaves shall overhang at least 24 inches.
  - b. Roof vents shall be placed on the roof plane opposite the primary street.

2. For buildings, other than industrial buildings, with flat roofs or without visible roof surfaces, a cornice or other architectural treatment shall be used to provide visual interest at the top of the building.

E. Requirements for exterior building materials:

1. Use architectural style, concepts, colors, materials and other features that are compatible with the neighborhood's intended visual identity.
2. Building materials shall be durable and consistent with the proposed use of the building, level and exposure to public view, exposure to natural elements, and ease of maintenance.
3. Walls shall be surfaced with brick, tile, masonry, stucco, stone or synthetic equivalent, pre-cast masonry, gypsum reinforced fiber concrete, wood lap siding, architecturally treated concrete, glass, wood, or a combination of these or other high-image materials.
4. Notwithstanding Subsection 1005.04(E)(3) metal may be approved as an exterior building material through design review pursuant to Section 1102 for specific high-image surfaces, canopies, awnings, doors, screening of roof-mounted fixtures, or other architectural features.

F. Additional building design requirements for multifamily dwellings, two- and three-family dwellings, and attached single-family dwellings:

1. Façades of buildings that are two or more stories in height shall have a minimum of one balcony or bay per four dwelling units.
2. Windows shall be frequent and coordinate with bays and balconies.
3. Where feasible, place the buildings to minimize the potential of windows facing directly toward primary living areas of other dwelling units.
4. For buildings that are one or two stories in height, roofs shall be hipped, gambrel or gabled to provide visual interest. Flat roofs shall be allowed in areas of these buildings where mechanical equipment is mounted or where they are used for roof gardens or other outdoor activities. In Urban Low Density Residential Districts, the roof of each attached single-family dwelling shall be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.
5. For multifamily developments, convenient areas shall be provided for storage of articles such as bicycles, barbecues, and outdoor furniture. These areas shall be completely enclosed and easily accessible to respective dwelling units.

G. Requirements to increase safety and surveillance:

1. Locate buildings and windows to maximize potential for surveillance of entryways, walkways, parking, recreation and laundry areas.
2. Provide adequate lighting for entryways, walkways, parking, recreation and laundry areas.
3. Locate parking and automobile circulation areas to permit easy police patrol.
4. Design landscaping to allow for surveillance opportunities.
5. Locate mail boxes where they are easily visible and accessible.
6. Limit fences, walls and, except for trees, landscaping between a parking lot and a street to a maximum of 30 inches in height.
7. Locate play areas for clear parental monitoring.

H. Solar access requirements:

1. Except for uses with greater cooling needs than heating needs, such as many retail uses, concentrate window areas on the south side of buildings (within 20 degrees of due south) where there is good southern exposure.
2. Provide overhangs, balconies, or other shading devices to prevent excessive summer heat gains.
3. Use architectural features, shape of buildings, fences, natural landforms, berms, and vegetation to catch and direct summer breezes for natural cooling, and minimize effects of winter winds.

I. Requirements for compatibility with the intent of the design type or with the surrounding area. For purposes of Subsection 1005.04(I), design types are Centers, Station Communities or Corridor Streets as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*; X-CRC-1, *Clackamas Regional Center Area Design Plan, Regional Center, Corridors and Station Community*; X-SC-1, *Sunnyside Corridor Community Plan, Community Plan Area and Corridor Design Type Location*; or X-MC-1, *McLoughlin Corridor Design Plan, Design Plan Area*. The intent of these design types is stated in Chapter 4 or 10 of the Comprehensive Plan.

1. Use shapes, colors, materials, textures, lines, and other architectural design features that enhance the design type area and complement the surrounding area and development.
2. Use colors, materials and scale, as appropriate, to visually connect building exteriors to adjoining civic/public spaces such as gateways, parks, plazas and transit stations.

3. Use building orientation and physical design, including setbacks and modulations, to ensure a development is compatible with other activities onsite, nearby properties, intended uses and the intent of the design type.
4. Orient loading and delivery areas and other major service activity areas of the proposed project away from existing dwellings. Loading areas shall be located to the side or rear of buildings unless topography, natural features, rail service, or other requirements of this Ordinance dictate front-yard loading bays.
5. In industrial zoning districts, site areas used for vehicular operations, outdoor storage, and outdoor processing to minimize the impacts on adjacent dissimilar uses.
6. Inside the Portland Metropolitan Urban Growth Boundary, use colors, materials and architectural designs to visually reduce the impact of large buildings.
7. In unincorporated communities, design structures to reflect and enhance the local character and to be in scale with surrounding development.
8. In rural and natural resource areas, use materials, colors and shapes that imitate or complement those in the surrounding areas, such as those used in typical farm structures.
9. In open space or scenic areas, use natural color tones, lines and materials which blend with the natural features of the site or site background.

J. Requirements for screening mechanical equipment:

1. Rooftop mechanical equipment, except for solar energy systems, shall be screened from view by the use of parapet walls or a sight-obscuring enclosure around the equipment. The screen shall be constructed of one of the primary materials used on the primary facades, and shall be an integral part of the building's architectural design.
2. Ground mounted mechanical equipment shall be located away from the intersection of two public streets, to the extent practicable, and shall be screened by ornamental fences, screening enclosures, or landscaping that blocks at least 80% of the view.
3. Wall mounted mechanical equipment shall not be placed on the front of a building or on a façade that faces a street. Wall mounted mechanical equipment that extends six inches or more from the outer building wall shall be screened from view from the streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through one of the screening techniques used in 1005.04(J)(1) or (2).

K. Requirements for specialized structures in industrial zoning districts:

1. In the GI District, silos, towers, and other specialized storage or processing structures, including metal-sided structures, are permitted as part of a primary use only if such structures are enclosed in a building that complies with the other applicable standards of Subsection 1005.04, or if such structures have the following characteristics:
  - a. Provide windows and canopies, awnings, wood or masonry siding, or other exterior treatment to highlight accessory office areas within the same building, when applicable;
  - b. Use exterior colors which blend with the landscape, such as brown, green, tan, or, in the case of tall structures, such as silos or towers, use light colors that blend with the sky; and
  - c. Do not use bright colors, white, or multiple colors, except as specifically approved pursuant to Section 1102 for trim, accents, or to provide visual interest to equipment or structures that are unique to the particular use.
2. In the BP and LI Districts, silos, towers, and other specialized storage or processing structures are prohibited unless they are enclosed in a building that complies with the other applicable standards of Subsection 1005.04, or unless they are approved as part of a conditional use.

L. Facades in the OA District: In the OA District, facades are subject to the following standards:

1. Building facades facing public streets shall be designed with windows and entries or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, accessway, or a residential area.
2. Arcades are encouraged along public street rights-of-way or along walkways within the complex of buildings.
3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.

1005.05 OUTDOOR LIGHTING

A. Outdoor lighting devices:

1. Shall be architecturally integrated with the character of the associated structures, site design and landscape.
2. Shall not direct light skyward.

3. Shall direct downward and shield light; or direct light specifically toward walls, landscape elements or other similar features, so that light is directed within the boundaries of the subject property;
  4. Shall be suitable for the use they serve, e.g. bollard lights along walkways, pole mounted lights for parking lots;
  5. Shall be compatible with the scale and intensity of uses they are serving. Height of pole mounted fixtures shall not exceed 25 feet or the height of the tallest structure onsite, whichever is less; and
  6. At entrances, shall be glare-free. Entrance lighting may not exceed a height of 12 feet and must be directed downward.
- B. The following are exempt from Subsection 1005.05(A):
1. Temporary lights used for holiday decorations;
  2. Street lights regulated in Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*; and
  3. Lighting associated with outdoor recreation uses such as ball fields or tennis courts.

#### 1005.06 ADDITIONAL REQUIREMENTS

Development shall comply with a minimum of one of the following techniques per 20,000 square feet of site area. Regardless of site size, a minimum of one and a maximum of five techniques are required. Partial site area numbers shall be rounded.

- A. Install a solar energy system in the development.
- B. Use passive solar heating or cooling techniques to reduce energy consumption. Examples of techniques:
  1. Modulate building masses to maximize solar access.
  2. For developments with more than one structure, locate taller structures to minimize negative impacts on solar access for the development site and adjacent sites, ~~as demonstrated by technical standards set forth in Section 1018 or by other credible evidence.~~
  3. Locate buildings to maximize windbreaks.
  4. Locate structures and landscaping to avoid winter shading on the south side and optimize summer shading on the west and southwest sides of buildings.
  5. Utilize deciduous trees to provide summer shade and allow winter sun.

6. Utilize deciduous vines on fences, trellises, and arbors to provide summer shade.
  7. Locate and form berms to protect buildings and exterior use spaces against winter winds or utilize dense evergreens or conifers to screen winter wind and protect against hostile winter elements.
  8. Provide skylights or clerestory windows to provide natural lighting, and/or solar heating of interior spaces.
- C. Use highly reflective (high albedo) materials on roof surfaces.
  - D. Place major outdoor use areas such as plazas, playgrounds, gardens, etc. on the south side of buildings.
  - E. Construct a minimum of 75 percent of walkway area of porous pavement.
  - F. Construct a minimum of 75 percent of all parking spaces with porous pavement.
  - G. Provide additional landscaping area at least 10 percent above the requirements for the site pursuant to Table 1009-1. For example, if the minimum area requirement is 20 percent, then 22 percent shall be provided. Credit shall be given for green roofs or other areas of vegetation that exceed the minimum area requirements.
  - H. Include additional swales in development landscaping, pursuant to Section 1009. Credit shall be given for additional swale(s) that exceed the requirements of Subsection 1009.04(A)(2) by at least 10 percent of area. For example, if 1009.04(A)(2) requires 200 square feet of swale area, then an additional 20 square feet of swale area would be required.
  - I. Collect rainwater from roofs and/or other impervious surfaces and use it for irrigation.
  - J. Apply other techniques for onsite storm water treatment identified by the surface water management regulatory authority.
  - K. Lay out sites and locate buildings and on-site vehicular circulation to create functional open areas such as plazas, courtyards, outdoor recreation areas, mini-parks, and accessways that are open to the general public.
  - L. Enhance sidewalks and/or walkways by providing additional width, using higher quality materials; shielding from vehicular traffic with enhanced planting strips, street trees and on-street parking, and/or providing pedestrian amenities that are compatible with the design of the development as well as the neighborhood as a whole.

- M. Coordinate development between adjacent uses to provide for a more attractive and lively streetscape, enhance connections, minimize conflicts and provide common-use areas.
- N. Enhance the pedestrian connection between the development and neighborhood shopping areas, nearby transit, trails, bikeways or parks. Examples include additional width or pedestrian amenities.
- O. Provide functional and accessible rooftop gardens.
- P. For multifamily dwelling units that face the street, raise first floor units a minimum of two feet above street level.
- Q. Provide structured or under-structure parking to meet all or part of the parking need.
- R. Provide no more than the minimum number of surface parking spaces set out in Table 1015-2, all of which shall be no greater than the minimum dimensions allowed in Subsection 1015.04(B)(2).
- S. Lay out sites or orient structures, to maximize significant vistas.
- T. Locate and design structures to protect scenic views or vistas from adjacent properties and public thoroughfares. Setbacks, building height, and bulk should be considered.
- U. Utilize rail service opportunities abutting the site.
- V. Inside the UGB, a minimum of 75 percent of the street frontage of each lot shall have buildings located at the minimum front yard depth line. If the minimum front yard depth standard is zero, up to 20 feet of additional front yard depth may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
- W. Outside the UGB, or for industrial developments, a minimum of 25 percent of the street frontage of each lot shall have buildings located at the minimum front yard depth line. Up to 20 feet of additional front yard depth may be provided where plazas, outdoor seating, or other pedestrian amenities are located.
- X. Locate buildings at the minimum side yard setback or within 10 feet of the side setback line, whichever is greater.

#### 1005.07 MODIFICATIONS

Modification of any standard identified in Subsections 1005.03 and 1005.04 may be approved as part of design review if the proposed modification will result in a development that achieves the purposes stated in Subsection 1005.01 as well or better than the requirement listed.



1005.08 CLACKAMAS REGIONAL CENTER AREA DESIGN STANDARDS

Subsection 1005.08 applies in the Clackamas Regional Center Area, including the Regional Center and the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.08 shall take precedence.

- A. Clackamas Regional Center Area Design Plan: Development is subject to the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.
- B. Urban Design Elements: New development is subject to the urban design elements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*. The urban design elements are described in the Clackamas Regional Center Area Design Plan in Chapter 10 of the Comprehensive Plan.
  - 1. Urban design elements provided in a development may be used to reduce gross site area for calculating minimum density requirements in Subsection 1012.08, and to meet minimum landscaping requirements in Section 1009, *Landscaping*.
  - 2. For phased development approved through a master plan, requirements for the urban design elements may be roughly proportional to the amount of the master planned approved development being developed in any one phase.
- C. Parking Structure Orientation: Entrances for ground-level retail uses in parking structures located within 20 feet of a street shall be oriented to a street.
- D. Corner Lot Buildings:
  - 1. A corner lot is a lot, parcel, tax lot, or land area created by a lease agreement at the intersection of two streets.
  - 2. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
  - 3. Development on lots at a Gateway intersection as shown on Comprehensive Plan Map X-CRC-3, and Comprehensive Plan Figure X-CRC-7, *Clackamas Regional Center Area Design Plan Gateway Intersection (Boulevard and Main Street)*, shall be designed to accommodate future Gateway improvements.
- E. Building Setbacks from Private Streets: Where a setback from a private street, as defined in Subsection 1005.08(G), is required by the standards of the applicable zoning district, the setback shall be measured from the back edge of the sidewalk.

- F. Parking Structures: If a parking structure, including understructure parking, abuts a street, appropriate features shall be provided to create a transition between the parking structure, or the entrance to understructure parking, and the abutting street. Examples of appropriate features include, but are not limited to, landscape planters and trellises, awnings, canopies, building ornamentation, and art. As used in Subsection 1005.08(F), a parking structure “abuts a street” if no other building is sited between the parking structure and the street.
- G. Private Streets: Private streets used to meet the structure orientation and/or yard depth standards shall include:
1. Sidewalks or raised walking surfaces on both sides;
  2. Curbs;
  3. Street trees, pursuant to Subsection 1007.08; and
  4. Pedestrian-scale lighting.
  5. Private streets may also provide on-street parking and at-grade loading zones, as applicable.
- H. Internal Streets:
1. Internal streets may be required to connect to adjacent properties to increase connectivity and provide grid patterns that allow for future development.
  2. Internal streets shall be designed to allow for future development when applicable.
  3. Development shall provide, when applicable, direct street and pedestrian connections between developments and schools, parks, open space, shopping areas, employment areas, and transit stops.
- I. New development shall not be sited such that it precludes the construction of the new walkways, or eliminates the existing walkways, that are shown on Comprehensive Plan Map X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, or identified in the *Clackamas Regional Center Pedestrian/Bicycle Plan* adopted by reference in Appendix A of the Comprehensive Plan, unless an alternative walkway location that provides a similar connection is established. An alternative walkway location shall not be deemed “similar” to a planned or existing location unless:
1. It provides comparably safe, direct, and convenient pedestrian access to significant destinations, such as transit facilities, major employers, multifamily dwelling complexes, and retail and service establishments; and
  2. It fulfills a comparable function in terms of filling gaps in the pedestrian circulation system planned for the Clackamas Regional Center Area.

1005.09 REGIONAL CENTER DESIGN STANDARDS

Subsection 1005.09 applies in the Regional Center, as identified on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors, and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.09 shall take precedence.

- A. Freestanding parking structures located within 20 feet of pedestrian facilities, including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use may include:
  - 1. Provide retail or office uses on the ground floor of the parking structure facing the pedestrian facility;
  - 2. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; and
  - 3. Provide pedestrian amenities in the transition area between the parking structure and pedestrian facility, including landscaping, trellises, seating areas, kiosks, water features with seating, plazas, outdoor eating areas, and drinking fountains.
- B. New buildings shall have at least one public entrance oriented to a street. Private streets used to meet this standard shall include the elements identified in Subsection 1005.08(G).
- C. Pedestrian amenities are required between the building and the front lot line. The following guidelines apply to pedestrian amenities used to meet this requirement:
  - 1. Pedestrian areas include plazas, courtyards, outdoor seating areas for restaurants, pocket parks, and atriums when there is direct access for pedestrians. Pedestrian areas in front of buildings should be visible from the street.
  - 2. Pedestrian areas must include landscape planters and at least two of the following amenities for every 100 square feet of pedestrian area: lawn areas with trees and seating; awnings or other weather protection; kiosks; outdoor eating areas with seating; water features with seating; and drinking fountains.
- D. In the RCHDR District, pedestrian amenities are required in the front yard setback area, except landscaping for privacy may also be provided as an option in the setback area for residential buildings.
- E. Internal streets and driveways are prohibited between buildings and the street to which building entrances are oriented.

## 1005.10 FULLER ROAD STATION COMMUNITY DIMENSIONAL AND DESIGN STANDARDS

Subsection 1005.10 applies in the Fuller Road Station Community, as shown on Comprehensive Plan Map X-CRC-1, *Clackamas Regional Center Area Design Plan Regional Center, Corridors and Station Community*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.10 shall take precedence. If the text of Subsection 1005.10 is unclear as applied to a specific development, Figures 1005-1 through 1005-11, as applicable, may be used to resolve the ambiguity.

A. Subsections 1005.10(B) through (M) do not apply in Sectors 1 and 2, as shown on Map 1005-1, until:

1. One or more additional stories are to be added to one or more existing buildings that are more than 150 feet from 82<sup>nd</sup> Avenue in either Sector 1 or Sector 2. For the purpose of this provision, a mezzanine shall not be considered an additional story; or
2. More than 40,000 square feet of new building area is to be developed in either Sector 1 or Sector 2.
  - a. The tally of new square footage will be cumulative starting with new development after March 7, 2011.
  - b. If an existing building is expanded, the square footage of the new building outside the existing building footprint will be counted toward the total of 40,000 square feet.
  - c. If a mezzanine is added inside an existing building, the square footage of the mezzanine will be counted toward the total of 40,000 square feet.
  - d. If one or more stories are added to a building 150 feet or less from 82<sup>nd</sup> Avenue, as allowed by Subsection 1005.10(A)(1), the additional square footage will be counted toward the total of 40,000 square feet.
  - e. If a building is damaged or destroyed, regardless of the cause, and the building is restored or replaced, the square footage of the restored or new building that is constructed inside the previous building footprint will not be counted toward the total of 40,000 square feet, provided that restoration or replacement lawfully commences within three years of the occurrence of the damage or destruction. "Lawfully commenced" shall have the meaning given in Subsection 1206.03(B). However, if the new building has more stories than the previous building, Subsections 1005.10(B) through (M) will become applicable, if required pursuant to Subsection 1005.10(A)(1).
3. Subsections 1005.10(A)(1) and (2) apply separately to Sectors 1 and 2, meaning that compliance with Subsections 1005.10(B) through (M) will not

be required in Sector 1 or 2 until that particular sector exceeds the development threshold established by Subsection 1005.10(A)(1) or (2).

4. Prior to the point at which Subsections 1005.10(B) through (M) become applicable, new development in Sectors 1 and 2 shall not be sited such that it:
  - a. Precludes establishment of the “conceptual street grid” identified on Map 1005-2, or eliminates or reduces existing elements of that grid. All streets shown on the grid are planned to be Type D.; or
  - b. Precludes establishment of a connection, with a Type D street cross section, between a signalized intersection at 82<sup>nd</sup> Avenue and a point on Fuller Road within the “access area” shown on Map 1005-2.
- B. Minimum Building Height: 20 feet, measured to top of parapet or roof.
- C. Minimum Side and Rear Yard Setbacks: Five feet, except a zero setback is allowed for attached structures. (See Figure 1005-1.)
- D. Maximum Driveway Width: The maximum width of a curb cut for a driveway is 24 feet (not including sidewalks or landscaping) unless otherwise required by the Clackamas County Roadway Standards or applicable fire district. (See Figure 1005-1.)
- E. Regulating Plan: Map 1005-1 is the regulating plan for the Fuller Road Station Community. It identifies each existing or planned street in the Fuller Road Station Community as one of four street types: Type A, B, C, or D. As established by Subsections 1005.10(G) and (L), the building frontage and landscape screening regulations for the Fuller Road Station Community are applied by street type and are thereby “keyed” to the regulating plan.
- F. Streets: Street improvements are required as follows:
  1. Except as set forth in Subsection 1005.10(F)(3), the locations of required new streets are shown on Map 1005-1, or will be determined pursuant to Subsection 1005.10(F)(2). New streets shown on Map 1005-1 are intended to create blocks with a perimeter no greater than 2,200 feet. Exact location of these new streets may vary up to 50 feet, provided the maximum block perimeter standard is met and provided that the new streets create the connections/intersections shown on Map 1005-1.
  2. In addition to the mapped streets (existing and new) illustrated on Map 1005-1, a through-block connection is required for any block face longer than 450 feet. (See Figure 1005-2.)
    - a. “Block face” means the curb to curb distance between any two streets, including Type E pedestrian/bicycle connections.

- b. These additional connections shall:
  - i. Have a Type D street cross section or a Type E pedestrian/bicycle connection cross section;
  - ii. Be located no closer than 100 feet to an adjacent street intersection, whether existing or planned; and
  - iii. Align with other existing or planned streets or Type E pedestrian/bicycle connections where possible.
  
- 3. Subsections 1005.10(F)(1) and (2) do not apply in Sectors 1 and 2 shown on Map 1005-1. Instead, compliance with either Subsection 1005.10(F)(3)(a) or Subsections 1005.10(F)(3)(b) and(c) is required.
  - a. Development shall not occur until a connection with a Type D street cross section is constructed between a signalized intersection at 82<sup>nd</sup> Avenue and a point on Fuller Road within the “access area” shown on Map 1005-2. In addition:
    - i. New development shall not be sited such that establishment of the “conceptual street grid” identified on Map 1005-2 is precluded, or existing elements of that grid are eliminated or reduced. All streets shown on the grid are planned to be Type D.
    - ii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1005.10(F)(4).
  - b. In lieu of compliance with Subsection 1005.10(F)(3)(a), development shall not occur until an alternative connectivity plan is approved for Sectors 1 and 2 shown on Map 1005-1. This connectivity plan shall:
    - i. Connect the on-site transportation system to the existing and planned facilities shown on Map 1005-1;
    - ii. Provide pedestrian, bicycle, and motor vehicle circulation that meets the needs of future residents and visitors;
    - iii. Emphasize pedestrian mobility and accessibility, demonstrating an effective and convenient system of pedestrian walkways leading through the subject site;
    - iv. Provide for bicycle connections and efficient motor vehicle movements through the site;

- v. Except where precluded by existing development, existing interests in real property, natural features, or topography, provide for block faces that do not exceed 450 feet between any two streets;
  - vi. Include a minimum of three street connections to 82<sup>nd</sup> Avenue and a minimum of two street connections to Fuller Road. These connections must be Type D streets, and one must connect to Fuller Road within the “access area” shown on Map 1005-2;
  - vii. Include a phasing plan for completion of the connectivity plan based on the submitted development application or conceptual future development, as appropriate. This phasing plan shall ensure that at no point is the overall connectivity in Sectors 1 and 2 reduced and that at least one connection from 82<sup>nd</sup> Avenue to Fuller Road is constructed to a Type D street cross section in conjunction with the first phase of new development; and
  - viii. Comply with the Clackamas County Roadway Standards and the requirements of the Oregon Department of Transportation, as applicable.
- c. Once an alternative connectivity plan is approved:
- i. New development shall not be sited such that establishment of the connections identified on the connectivity plan are precluded, or existing elements of that plan are eliminated or reduced.
  - ii. New development shall not occur until at least one connection from 82<sup>nd</sup> Avenue to Fuller Road is constructed to a Type D street cross section. The other connections required by the connectivity plan shall be constructed in a manner consistent with the approved phasing plan. However, at a minimum, if an existing connection is removed as allowed by the connectivity plan, a new connection that provides at least the same degree of connectivity shall be constructed.
  - iii. New development is required to complete frontage improvements for all streets upon which it has street frontage, as necessary to achieve consistency with Subsection 1005.10(F)(4). Frontage shall be determined based on the approved connectivity plan.
4. Streets and Type E pedestrian/bicycle connections shall be designed in conformance with the design standards shown in Comprehensive Plan Figures X-CRC-8 through X-CRC-11, unless an alternative design is required pursuant to the Clackamas County Roadway Standards or to accommodate fire access, necessary truck circulation, or other engineering factors. An alternative design shall not change the designated street type for purposes of applying the building frontage and landscape screening regulations. Cross

section designs for SE Johnson Creek Boulevard and SE 82nd Avenue shall be determined by Clackamas County and the Oregon Department of Transportation.

- G. **Building Frontage Types:** Four building frontage types are established, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Subsection 1005.10(G) applies to existing or future Type A, B, C, and D streets, regardless of whether they are shown on Map 1005-1. Table 1005-1 establishes which building frontage types are permitted on each street type. Figure 1005-3 summarizes the four building frontage types.

**Table 1005-1: Permitted Building Frontage Type by Street Type**

Permitted Building Frontage Type:	Street Type:
Landscape	A Street
Linear	A, B, C, and D Streets
Forecourt	A, B, C, and D Streets
Porch/Stoop/Terrace	B, C, and D Streets

1. Buildings, except parking structures, located wholly or partially within 40 feet of a Type A, B, C or D street are required to comply with the standards for a building frontage type permitted on the applicable street type.
2. The entire length of street frontage designated on Map 1005-1 as “building frontage required,” or “required retail opportunity area,” excluding walkway cuts with a maximum width of eight feet and driveway cuts, shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type.
  - a. Except along Otty Road, where the building frontage requirement extends the entire length of the street, the “building frontage required” designation extends a distance of 60 feet from the street intersection, and the “required retail opportunity area” designation extends a distance of 100 feet from the street intersection. The beginning point for measurement is the outside edge of the right-of-way, or in the case of a private street, the outside edge of the improved street surface, including any landscape strip or sidewalk.
3. A minimum of 50 percent of the length of street frontage not designated as “building frontage required” or “required retail opportunity area” shall be developed with one or more buildings that comply with the standards of a building frontage type permitted on the abutting street type. The 50-percent



building frontage requirement is calculated for each lot individually, rather than in the aggregate for an entire street.

- a. If part of the street frontage is designated as “building frontage required” or “required retail opportunity area,” buildings developed pursuant to Subsection 1005.10(G)(2) may be counted toward meeting the 50-percent requirement for the entire street frontage.
4. If a lot has street frontage on more than one street:
    - a. Compliance with Subsection 1005.10(G)(2) is required for all street frontage designated as “building frontage required” or “required retail opportunity area.”
    - b. Compliance with Subsection 1005.10(G)(3) is required for only one street frontage, unless one of the frontages is on Otty Road, in which case compliance with Subsection 1005.10(G)(3) is not required.
  5. Lots developed solely with parks and open space uses are exempt from Subsection 1005.10(G)(2) and (3).
- H. Landscape Building Frontage Type: Landscape Building Frontage, which is permitted on Type A Streets, shall comply with the following standards (see Figure 1005-4):
1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of 10 feet and a maximum of 15 feet.
    - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
    - b. The front yard setback area shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
    - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
    - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
      - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.

- e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
  - i. The fence or wall shall be a maximum of three feet high.
  - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
  - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
  - iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling.
3. Minimum Building Depth: Buildings shall be a minimum of 40 feet deep.
4. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building facade. If an awning or canopy is provided, it shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front facade a minimum of three feet.
5. Primary Building Entrances: Each building shall have at least one building entrance that faces the street and is directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
  - a. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
  - b. If a fence or wall is within the front yard setback as provided in Subsection 1005.10(H)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
6. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing facade area.
7. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

- I. Linear Building Frontage Type: Linear Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-5):
  1. Front Yard Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback.
    - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
    - b. The front yard setback area, if any, shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
    - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
    - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
      - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
    - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
      - i. The fence or wall shall be a maximum of three feet high.
      - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
      - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
      - iv. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).
  2. Minimum Ground Floor Height: The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.
  3. Ground Floor Construction Type: In areas designated "required retail opportunity area" on Map 1005-1, the ground floor construction type shall

meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.

4. Minimum Building Depth: In areas designated “required retail opportunity area” on Map 1005-1, buildings shall be a minimum of 40 feet deep.
5. Weather Protection: Awnings or canopies shall be provided for a minimum of 50 percent of the linear distance of the street-facing building facade and shall comply with the following:
  - a. Awnings and canopies shall project a minimum of five feet and a maximum of eight feet over the sidewalk.
  - b. Awnings and canopies shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 13 ½ feet.
6. Building Entrances: Building entrances shall either be covered by an awning or canopy, or be covered by being recessed behind the front building façade. If an awning or canopy is provided, it shall have a minimum vertical clearance of 8 feet and a maximum vertical clearance of 13 ½ feet. If only a recessed entry is provided, it shall be recessed behind the front façade a minimum of three feet.
7. Primary Building Entrances: Primary building entrances shall face the street and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.
  - a. Primary building entrances shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
  - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
  - c. If a fence or wall is within the front yard setback as provided in Subsection 1005.10(I)(1)(e), a pedestrian opening a minimum of five feet wide shall be provided for the walkway.
8. Windows: Transparent ground-floor windows shall be provided along a minimum of 60 percent of the ground-floor, street-facing façade area.
9. Building Materials: Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.

- J. Forecourt Building Frontage Type: Forecourt Building Frontage, which is permitted on all street types, shall comply with the following standards (see Figure 1005-6):
1. Front Yard Setback: The street-facing facade of the building shall be set back a maximum of five feet. There is no minimum front yard setback. Except for the portion of the facade located behind a recessed courtyard, as required by Subsection 1005.10(J)(2), the street-facing facade of the building shall be built to the chosen setback line.
    - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
    - b. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area or in the required courtyard. Bicycle parking may be permitted in the courtyard, subject to compliance with Section 1015.
    - c. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade, in the front yard setback area, or in the required courtyard, except:
      - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
  2. Courtyard: A recessed courtyard is required and shall comply with the following standards:
    - a. The courtyard shall be set back from the street-facing building facade a minimum of 10 feet and a maximum of 30 feet.
    - b. The courtyard shall not be covered.
    - c. The courtyard shall be landscaped with plants, or paved with masonry pavers or stamped concrete.
    - d. The courtyard shall span a minimum of 20 feet along the street-facing building facade and a maximum of 50 percent of the street-facing building facade. As a result, the building must have a street-facing building facade of at least 40 feet wide.
  3. Incorporation of Linear Building Frontage Type: The street facing-building facade not located behind a recessed courtyard shall comply with the standards for the Linear Building Frontage Type in Subsection 1005.10(I).

4. **Minimum Ground Floor Height:** The ground floor of the building shall measure a minimum of 15 feet from floor to ceiling, except when the building is designed to accommodate residential uses, in which case the minimum floor-to-floor height shall be 12 feet.
5. **Ground Floor Construction Type:** In areas designated “required retail opportunity area” on Map 1005-1, the ground floor construction type shall meet at least the minimum requirements for a commercial use, as set forth in the current edition of the Oregon Structural Specialty Code.
6. **Primary Building Entrances:** Primary building entrances shall face the street or the courtyard and be a minimum of 40 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance.
  - a. Primary building entrances facing the street shall open onto an abutting public sidewalk, or be directly connected to a public sidewalk by a walkway that is a minimum of five feet wide.
  - b. If the entrance serves a business (other than a home occupation), the entrance must be open to the public during regular business hours.
7. **Windows:** Transparent ground-floor windows shall be provided along a minimum of 50 percent of the ground-floor, courtyard-facing façade area. See the Linear Building Frontage Type for window requirements for the street-facing façade.
8. **Building Materials:** Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.
9. **Fences:** Fences and walls are permitted in the courtyard setback area, subject to the following standards:
  - a. The fence or wall shall be a maximum of three feet high.
  - b. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
  - c. A wall shall be wood, masonry, concrete, or a combination thereof.
  - d. A fence shall be a minimum of 20 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with eight-inch solid sections).

- e. A minimum of one pedestrian opening per courtyard street frontage shall be provided in the fence or wall. Required pedestrian openings shall be a minimum of five feet wide.
- K. Porch/Stoop/Terrace Building Frontage Type: Porch/Stoop/Terrace Building Frontage, which is permitted on Type B, C, and D Streets, shall comply with the following standards (see Figure 1005-7):
- 1. Front Yard Setback: The street-facing facade of the building shall be set back a minimum of five feet and a maximum of 15 feet. Entry thresholds, including roofs over the thresholds and steps to the thresholds, may extend to the front property line.
    - a. If it is not possible for a development to comply with the maximum setback standard and the intersection sight distance and roadside clear zone standards of the County Roadway Standards, the setback may be increased to the minimum extent necessary.
    - b. The front yard setback area shall be landscaped with plants. Hardscaping is permitted only to provide access to the threshold and shall consist of masonry pavers or concrete.
    - c. No parking, storage, or display of motorized vehicles or equipment is allowed in the front yard setback area.
    - d. Building service and utility equipment and outdoor storage of garbage or recycling is not permitted along the street-facing building facade or in the front yard setback area, except:
      - i. Garbage and recycling receptacles for public use are permitted, provided that they do not exceed 35 gallons in size and are clad in stone or dark-colored metal.
    - e. Fences: Fences and walls are permitted in the front yard setback area, subject to the following standards:
      - i. The fence or wall shall be a maximum of three feet high.
      - ii. A fence shall be wrought iron, steel, or a similar metal and shall be dark in color. Chain-link fences are prohibited.
      - iii. A wall shall be wood, masonry, concrete, or a combination thereof.
      - iv. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).

2. **Entry Threshold:** An entry threshold, such as a porch, stoop, terrace, patio, or light court, is required and shall comply with the following standards:
  - a. The entry threshold shall have a minimum depth of five feet from the street-facing building façade to the front of the threshold.
  - b. The entry threshold height shall be no more than six feet above finished grade. An additional threshold may be provided to access a lower level and shall be no more than five feet below finished grade.
  - c. The entry threshold may be covered by a roof no larger than the threshold.
  
3. **Primary Building Entrances:** Primary building entrances shall face the street and be a minimum of 10 percent transparent. The minimum amount of transparency is measured as a percentage of the total area of the entrance. Each ground-floor dwelling unit, if any, shall have an individual entrance that complies with this requirement.
  
4. **Windows:** Transparent windows shall be provided along a minimum of 20 percent of the street-facing façade area. Windows shall be vertically oriented, but vertical windows may be grouped together to create square or horizontally-oriented rectangular windows.
  
5. **Building Materials:** Exterior building materials and finishes shall be high-image, such as masonry, architecturally treated tilt-up concrete, glass, wood, or stucco. Metal siding is prohibited, except as approved through design review pursuant to Section 1102 for specific high-image materials, canopies, awnings, doors, screening for roof-mounted fixtures, and other architectural features.
  
- L. **Landscape Screening Types:** Street frontage not developed with a building compliant with one of the four building types established by Subsections 1005.10(H) through (K), a walkway cut with a maximum width of eight feet, or a driveway cut, shall be developed with one of three landscape screening types, each of which is allowed on one or more of the four street types allowed in the Fuller Road Station Community. Table 1005-2 establishes which landscape screening types are permitted on each street type. Figure 1005-8 summarizes the three landscape screening types. If the subject property abuts an existing or future Type A, B, C, or D Street -- regardless of whether it is shown on Map 1005-1— compliance is required with the standards for a landscape screening type permitted on the applicable street type.

**Table 1005-2: Permitted Landscape Screening Type by Street Type**

Permitted Landscape Screening Type:	Street Type:
Low Wall and Trellis	A, B, C, and D Streets



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Urban Fence or Wall	A, B, C, and D Streets
Landscaped Setback	A, B, and C Streets

1. Low Wall and Trellis Landscape Screening Type: Low Wall and Trellis Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-9):
  - a. The low wall and the support structure for the trellis shall be set back a maximum of five feet from the front lot line. The trellis itself may extend to the front lot line, or may overhang an abutting sidewalk or walkway if permitted by the County Engineering Division.
  - b. Any area between the back edge of the sidewalk or walkway and the low wall shall be planted with ground cover or shrubs, or paved with masonry pavers or stamped concrete. Shrubs at maturity shall not exceed the height of the low wall.
  - c. The underside of the trellis portion of a Low Wall and Trellis shall be a minimum of eight feet above grade and a maximum of 13½ feet above grade.
  - d. The trellis shall be heavy timber or steel (or a similar metal) and shall consist of an open structure with no decking or awning material. The trellis shall have masonry, heavy timber, or steel (or similar metal) supporting columns spaced no more than 30 feet on center.
  - e. The low wall portion of a Low Wall and Trellis shall be a minimum of 18 inches high and a maximum of three feet high (30 inches if it is between a parking lot and a street) and have a minimum depth of 16 inches. The low wall shall be wood, masonry, concrete, or a combination thereof.
  - f. Surface parking and loading areas shall be set back a minimum of five feet from the Low Wall and Trellis. Low shrubs, groundcover, and climbing plants shall be provided in this setback area, in lieu of trees ordinarily required pursuant to Section 1009 for perimeter surface parking and loading area landscaping. Climbing plants shall be planted at each support column.
  - g. Openings in the Low Wall and Trellis Screening are permitted for plazas that comply with Subsection 1005.10(M).
2. Urban Fence or Wall Screening Type: Urban Fence or Wall Screening, which is permitted on all street types, shall comply with the following standards (see Figure 1005-10):

- a. The fence or wall shall be set back a maximum of five feet from the front lot line.
  - b. Any area between the back edge of the sidewalk or walkway and the fence or wall shall be paved with masonry pavers or stamped concrete.
  - c. The fence or wall shall be a minimum of two feet high and a maximum of three feet high (30 inches if it is between a parking lot and a street).
  - d. A fence shall be wrought iron, steel, or a similar material and shall be dark in color. Chain-link fences are prohibited. A fence shall be a minimum of 50 percent transparent. The transparent portions of the fence shall be distributed along the length of the fence in a recognizable pattern (e.g., two-inch gaps alternating with two-inch solid sections).
  - e. A wall shall be wood, masonry, concrete, or a combination thereof.
  - f. Surface parking and loading areas shall be set back a minimum of five feet from the Urban Fence or Wall. This area shall be landscaped as follows:
    - i. One large tree is required a minimum of every 30 linear feet, except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards.
    - ii. A minimum of six shrubs is required every 30 linear feet along the fence or wall. The minimum shrub height at maturity shall be the same as the height of the fence or wall, and the maximum shall be six feet.
    - iii. Ground cover plants must fully cover any remaining area at maturity.
  - g. Openings in the Urban Fence or Wall Screening are permitted for plazas that comply with Subsection 1005.10(M).
3. Landscaped Setback Screening Type: Landscaped Setback Screening, which is permitted on Type A, B, and C Streets, shall include a landscape strip a minimum of 10 feet wide adjacent to the property line. This area shall be landscaped as follows (see Figure 1005-11):
- a. A continuous row of shrubs shall be planted at the inside edge of the landscape strip. The shrubs shall be a minimum of three feet high (maximum 30 inches between a parking lot and a street), and shall be mostly opaque year round.
  - b. One large tree is required a minimum of every 30 linear feet except where a waiver is necessary to comply with the intersection sight distance and roadside clear zone standards of the County Roadway Standards. The

required shrub row may be interrupted with a gap of up to two feet wide, in order to accommodate each tree.

- c. Ground cover plants must fully cover any remaining area at maturity.
- d. A three-foot-high masonry wall (30 inches between a parking lot and a street) may be substituted for the shrub row, but the trees and groundcover plants are still required.
- e. Openings in the Landscaped Setback Screening are permitted for plazas that comply with Subsection 1005.10(M).

M. Plazas: Openings in required landscape screening are permitted for plazas, subject to the following standards:

- 1. The plaza shall be permanent space open to the public.
- 2. The plaza shall be integrated in the development and be accessible from and visible from the street(s) upon which it fronts.
- 3. The plaza shall be surfaced with masonry pavers or stamped concrete.
- 4. Ten percent of the total plaza area shall be landscaped. Landscape planters may count toward this requirement.
- 5. If the plaza abuts a surface parking or loading area, it shall be separated from that area by a landscape strip that complies with Subsection 1009.04(B).

#### 1005.11 PMU DISTRICT STANDARDS

Subsection 1005.11 applies in the PMU District. Where these standards conflict with other provisions of Section 1000, Subsection 1005.11 shall take precedence.

A. Access and Circulation: Onsite circulation shall meet the minimum requirements shown on Comprehensive Plan Map X-CRC-3, *Clackamas Regional Center Area Design Plan, Urban Design Elements*, and in addition:

- 1. An internal circulation system shall include a network of public, private, and internal streets subject to Subsection 1005.08(G) through (I). Private streets shall function like local streets, with curbs, sidewalks, or raised walking surfaces on both sides, street trees, pedestrian scale lighting, and connections to state, county, or public streets. This internal street network shall create developable sites defined by streets.

In addition, the internal circulation system may include a range of secondary facilities, including service roads, driveways, drive aisles, and other similar facilities. The overall intent is to provide a pattern of access and circulation that provides a clear and logical network of primary streets that have

pedestrian orientation and amenities. A secondary network of pedestrian ways and vehicular circulation will supplement this system.

2. Internal driveways shall not be located between buildings and the streets to which building entrances are oriented.

**B. Building Siting and Design:**

1. New buildings shall have at least one public entrance oriented to a state, county, public, or private street.
2. Buildings shall have first floor windows with views of internal activity or display cases, and the major entrance on the building façade facing the street the building is oriented to. Entrances and windows on the street-side facade shall not be blocked, or entrances locked during operation hours. Additional major entrances may also be allowed facing minor streets and parking areas.
3. Buildings on street corners shall have corner entrances or other architectural features to enhance the pedestrian environment at the intersection.
4. First floor windows or display cases are required on building facades facing and adjacent to public and private streets, plazas, walkways, and pedestrian areas. Windows and doorways shall not be blocked or entrances locked during operation hours.
5. Parking structures located within 20 feet of pedestrian facilities including public or private streets, pedestrian ways, greenways, a transit station or shelter, or plaza, shall provide a quality pedestrian environment on the façade facing the pedestrian facility. Techniques to use include, but are not limited to:
  - a. Provide retail, office or similar uses on the ground floor of the parking structure with windows and activity facing the pedestrian facility; or,
  - b. Provide architectural features that enhance the first floor of the parking structure adjacent to the pedestrian facility, such as building articulation, awnings, canopies, building ornamentation, and art; or,
  - c. Provide pedestrian amenities in the transition area between the parking structure and the pedestrian facility, including landscaping, trellises, trees, seating areas, kiosks, water features with a sitting area, plazas, outdoor eating areas, and drinking fountains.
  - d. The above listed techniques and features, and others of similar nature, must be used so that blank walls are not created.

- C. Buffering:** When existing residential uses are located adjacent to a PMU site, such uses shall be buffered from the PMU site with landscaped buffers or by the

location of streets, parks, plazas, greenways, or low density residential uses in the PMU District.

1005.12 SUNNYSIDE VILLAGE STANDARDS

Subsection 1005.12 applies in Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan Land Use Plan Map*. Where these standards conflict with other provisions in Section 1000, Subsection 1005.12 shall take precedence.

A. Primary Dwellings in the VTH District: In the VTH District, the following standards apply to primary dwellings:

1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.
2. Porches are required for each unit and shall be located immediately adjacent to the primary entry. Porches shall cover a minimum of 50 percent of the primary facade (not including the garage) with a minimum net depth of six feet.
3. Front facades shall be designed with balconies and/or bays. Facades facing a street right-of-way or designated accessway shall not consist of a blank wall.
4. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill.
5. Hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited.
6. Attached single-family dwellings shall orient to and line streets with a series of attached "rowhouse" units.

B. Garages and Driveways in the VTH District: In the VTH District, the following standards apply:

1. A detached garage may be placed at the rear of a lot.
2. A front-access garage attached to the dwelling structure shall be recessed a minimum of two feet behind the front facade (not including porches, bays, and architectural features) and a minimum of 20 feet from the street right-of-way.
3. A minimum two-foot-deep trellis or bay window shall be placed above the garage opening. The trellis shall extend the full width of the garage, and the bay window shall be a minimum of eight feet in width.
4. If located in the front, the garage opening and the driveway shall not exceed a width of 10 feet.

5. If a lot abuts an alley, then garage access from the street is prohibited.
- C. Site Design in the VA District: Except on Sunnyside Road, multifamily dwellings shall orient to and line the streets.
- D. Entries in the VA District: In the VA District, entries are subject to the following standards:
1. Primary entries shall be accessed directly from a street right-of-way and shall be visible from the street.
  2. Secondary entries may face parking lots or loading areas.
  3. Ground floor units should have entries directly from the street; upper story units may share one or more entries.
- E. Facades in the VA District: In the VA District, facades are subject to the following standards:
1. Building facades shall be designed, at a minimum, with windows, entries, balconies, and bays. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets. Facades facing a street right-of-way or pedestrian path shall not consist of a blank wall.
  2. Windows shall be frequent and coordinate with bays and balconies. Vertical proportions and divided lights are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows facing the front street shall be double-hung or casement windows.
- F. Roofs in the VA District: In the VA District, hipped, gambrel, or gabled roofs are required. Flat roofs are prohibited except for mechanical equipment areas.
- G. Building Materials in the VA District: In the VA District, exterior finishes shall be primarily wood and/or masonry. Human-scaled building elements and finishes are encouraged.
- H. Site Design in the VCS District: In the VCS District, the following standards shall apply:
1. The buildings occupying areas adjacent to the village green shall face the village green and traffic circle to better integrate with the surrounding neighborhood. Parking shall be to the rear of the buildings.
  2. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.

- I. Site Design in the VO District: In the VO District, the following standards shall apply:
1. Driveway access from 142<sup>nd</sup> Avenue and Sunnyside Road shall be prohibited. Access shall be off of 145<sup>th</sup> Avenue and Princeton Village Way.
  2. A group of small low-rise buildings shall be required, oriented toward the primary surrounding streets and the adjacent multifamily dwellings and attached single-family dwellings, to better integrate with the neighborhood.
  3. Circulation facilities, architectural features, signing, and landscaping shall be designed for pedestrian safety and convenience.
- J. Facades in the VCS District: In the VCS District, facades are subject to the following standards:
1. Building facades shall be designed with windows, entries, and/or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street.
  2. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.
  3. Consistent design elements shall be used throughout the VCS area to ensure that the entire complex is visually and functionally unified.
  4. Windows shall be placed with no more than six feet of blank non-window wall space in every 25 feet of frontage and shall be coordinated with bays and balconies. Square or vertical proportions are preferred. Window trim shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.
  5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.
- K. Facades in the VO District: In the VO District, facades are subject to the following standards:
1. Building facades shall be designed with windows, entries, or bays. Sides or rears of buildings shall not consist of an undifferentiated wall when facing a public street, an accessway, or a residential area.
  2. Towers, or other special vertical elements, may be used in a limited fashion to focus views to the area from surrounding streets.

3. Consistent design elements shall be used throughout the office area to ensure that the entire complex is visually and functionally unified.
  4. There shall be no more than six feet of blank non-window wall space in every 25 feet of frontage. Windows shall be coordinated with bays and balconies. Square or vertical proportions are preferred. Windows shall not be flush with exterior wall treatment. Windows shall be provided with an architectural surround at the jamb, head, and sill. All windows shall be placed so that their sills are at least two feet above floor level. Glass walls and reflective glass are prohibited.
  5. Awnings shall have clearance of a minimum eight feet above sidewalks and walkways for pedestrian access.
  6. Arcades may be used along public street rights-of-way or along walkways within the complex of buildings.
- L. Roofs in the VCS and VO Districts: In the VCS and VO Districts, hipped, gambrel or gabled roofs are required. Flat roofs are not permitted except for mechanical equipment areas.
- M. Building Materials in the VCS and VO Districts: In the VCS and VO Districts, exterior finishes of buildings shall be primarily of materials such as masonry, wood siding or shingles, stucco, or similar material. Sheet metal, cinder block, and T1-11 are prohibited as exterior wall material.

#### 1005.13 GOVERNMENT CAMP STANDARDS

Subsection 1005.13 applies in Government Camp. Where these standards conflict with other provisions in Section 1000, Subsection 1005.13 shall take precedence.

- A. MRR District: In the MRR District, the following standards shall apply to commercial developments.



1. Exterior Building Materials: Primary and accessory structures shall use wood, stone, stone veneer, or stucco for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors visible from roadways. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.
  2. Roofing Materials: No composition shingles or galvanized or corrugated metal roofs are allowed.
  3. Design: Building design shall meet the design intent of mountain architecture as described in the Government Camp Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style".
- B. RTC District: In the RTC District, the following standards shall apply to all new development and, where reasonable, to remodels.
1. Main Entrance Siting: Properties with street frontage on Government Camp Loop shall locate the main entrance and pedestrian amenities on Government Camp Loop.
  2. Walkways: Walkways parallel to Government Camp Loop are not required; however, if a walkway is extended from the existing 10-foot-wide sidewalk fronting Government Camp Loop, it shall be constructed of materials consistent with the existing 10-foot-wide sidewalk. Covered walkways may be provided along the building frontage of development on properties with street frontage on Government Camp Loop from Wy'East Trail to Olive Street and on Little Trail from Olive Street to Church Street. When a covered walkway is constructed, it shall be a permanent structure at a minimum of 8 feet in width and attached to the building, shall not project beyond the lot lines, and shall be consistent with the building design and materials and existing 10-foot-wide sidewalk fronting Government Camp Loop. A covered walkway shall extend along the entire frontage of the building.
  3. Exterior Building Materials: Building and accessory structures shall use wood, stone, stone veneer, or stucco for exterior construction. Stucco and textured concrete may be used as secondary materials. Stucco must be acrylic-based and combined with heavy timber, wood, or stone cladding. A rock, rock veneer, or textured concrete base shall be provided around building exteriors with street frontage. No exposed plywood, particle board, plain concrete, cinder block, or grooved T1-11 is permitted.
  4. Roofing Materials: No non-architectural composition shingles or galvanized or corrugated metal roofs are allowed.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

5. Design: Building design shall meet the design intent of mountain architecture styles as described in the Government Camp Village Design Guidelines Handbook. Examples of mountain architecture include "Cascadian", "Oregon Rustic", and the "National Park Style".
6. Loading: Loading and delivery shall not be located on Government Camp Loop unless there is no other access.

*Editor's Note: The existing figures in Section 1005 are renumbered from 1005-1 through 1005-11 to 1005-2 through 1005-12. No changes are made to the maps in Section 1005.*

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]



**1007 ROADS AND CONNECTIVITY**

---

## 1007.01 GENERAL PROVISIONS

- A. The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.
- B. Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- C. New developments shall have access points connecting with existing private, public, county, or state roads.
1. Intersection spacing and access control shall be based on Subsection 3.08.110(E) of the Metro Code (*Regional Transportation Functional Plan*); Chapters 5 and 10 of the Comprehensive Plan; and the Clackamas County Roadway Standards.
  2. For development on any portion of a contiguous site identified on Comprehensive Plan Map 5-6, *Potentially Buildable Residential Sites > 5 Acres in UGB*, the applicant shall provide a conceptual map of new streets for the entire site. The map shall identify street connections to adjacent areas to promote a logical, direct, and connected system of streets; demonstrate opportunities to extend and connect new streets to existing streets, and provide direct public right-of-way routes. Closed-end street designs shall be limited to circumstances in which barriers prevent full street extensions. Closed-end streets shall not exceed 200 feet in length and shall serve no more than 25 dwelling units. Subsequent development on the site shall conform to the conceptual street map, unless a new map is approved pursuant to Subsection 1007.01(C)(2).
  3. Access control shall be implemented pursuant to Chapter 5 of the Comprehensive Plan and the Clackamas County Roadway Standards considering best spacing for pedestrian access, traffic safety, and similar factors as deemed appropriate by the Department of Transportation and Development.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

4. Approaches to public and county roads shall be designed to accommodate safe and efficient flow of traffic and turn control where necessary to minimize hazards for other vehicles, pedestrians, and bicyclists.
  5. Joint access and circulation drives utilizing reciprocal easements shall be utilized as deemed necessary by the Department of Transportation and Development. In the NC District, joint street access for adjacent commercial developments shall be required.
  6. In the SCMU District, driveways shall be spaced no closer to one another than 35 feet, measured from the outer edge of the curb cut, unless compliance with this standard would preclude adequate access to the subject property as a result of existing off-site development or compliance with the Clackamas County Roadway Standards.
  7. In the VA District, no direct motor vehicle access is permitted on Sunnyside Road.
  8. In the VCS District, the area adjacent to the village green shall be permitted one curb cut on Oregon Trail Drive and one on Hines Drive. Curb cuts shall not exceed a width of 20 feet at the road right-of-way.
  9. In the VO District, the maximum width for a single-use driveway shall be 12 feet, and the maximum width for a shared driveway shall be 20 feet.
  10. Inside the Portland Metropolitan Urban Growth Boundary:
    - a. The development shall have no more than the minimum number of driveways required by the Department of Transportation and Development on all arterial and collector streets.
    - b. For properties having more than one street frontage, driveways shall be located on the street with the lowest functional classification, if feasible.
    - c. Driveways shall be no wider than the minimum width allowed by the Clackamas County Roadway Standards.
    - d. Driveways shall be located so as to maximize the number of allowed on-street parking spaces, the number of street trees, and optimum street tree spacing.
- D. Street alignments, intersections, and centerline deflection angles shall be designed according to the standards set forth in Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards.

- E. All roads shall be designed and constructed to adequately and safely accommodate vehicles, pedestrians, and bicycles according to Chapters 5 and 10 of the Comprehensive Plan and the Clackamas County Roadway Standards. Development-related roadway adequacy and safety impacts to roadways shall be evaluated pursuant to the Clackamas County Roadway Standards and also to Oregon Department of Transportation standards for state highways.
- F. Roadways shall be designed to accommodate transit services where transit service is existing or planned and to provide for the separation of motor vehicles, bicycle, and pedestrian traffic, and other modes as appropriate.
- G. The needs of all modes of transportation shall be balanced to provide for safe and efficient flow of traffic. Where practical, pedestrian crossing lengths shall be minimized and the road system shall be designed to provide frequent pedestrian connections.

1007.02 PUBLIC AND PRIVATE ROADWAYS

- A. All roadways shall be developed according to the classifications, guidelines, tables, figures, and maps in Chapters 5 and 10 of the Comprehensive Plan and the provisions of the Clackamas County Roadway Standards.
  - 1. Development along streets with specific design standards specified in Chapter 10 of the Comprehensive Plan shall improve those streets as shown in Chapter 10.
  - 2. Development along streets identified as Regional or Community Boulevards on Comprehensive Plan Map 5-5, *Metro Regional Street Design Classifications*, shall provide pedestrian, bicycle, transit, and visual amenities in the public right-of-way. Such amenities may include, but are not limited to, the following: street trees, landscaping, kiosks, outdoor lighting, outdoor seating, bike racks, bus shelters, other transit amenities, pedestrian spaces and access to the boulevard, landscaped medians, noise and pollution control measures, other environmentally sensitive uses, aesthetically designed lights, bridges, signs, and turn bays as appropriate rather than continuous turn lanes.
  - 3. Development adjacent to scenic roads identified on Comprehensive Plan Map 5-1, *Scenic Roads*, shall conform to the following design standards, as deemed appropriate by the Department of Transportation and Development:
    - a. Road shoulders shall be improved to accommodate pedestrian and bicycle traffic; and
    - b. Turnouts shall be provided at viewpoints or for recreational needs.

4. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, *Urban Growth Concept*, roads shall be designed to minimize the length of street crossings and to maximize connectivity for pedestrians as deemed appropriate by the Department of Transportation and Development. Other streetscape design elements in these areas include:
    - a. On-street parking;
    - b. Street trees;
    - c. Street lighting;
    - d. Pedestrian amenities; and
    - e. Truck routes shall be specified for deliveries to local businesses.
  5. In centers, corridors, and station communities, as identified on Comprehensive Plan Map IV-8, on local streets within the Portland Metropolitan Urban Growth Boundary (UGB), and in unincorporated communities, when conflicts exist between the dimensional requirements for vehicles and those for pedestrians, pedestrians shall be afforded additional consideration in order to increase safety and walkability. In industrial areas, the needs of vehicles shall take precedence.
  6. In the NC, OA, VCS, and VO Districts, landscaping, crosswalks, additional lighting, signalization, or similar improvements may be required to create safe and inviting places for pedestrians to cross streets.
- B. The layout of new public and county roads shall provide for the continuation of roads within and between the development and adjoining developments when deemed necessary and feasible by the Department of Transportation and Development.
1. When public access to adjoining property is required, this access shall be improved and dedicated to the County.
  2. Street stubs shall be provided to allow for future access to adjacent undeveloped property as deemed necessary by the Department of Transportation and Development.
  3. These standards may be deviated from when the County finds that safe and efficient alternate designs would better accommodate:
    - a. Sustainable development features such as “Green Streets” as described in Metro’s *Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002)*, which shall be allowed within the UGB and in unincorporated communities;

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- b. Sustainable surface water management solutions such as low infiltration planters and basins, swales, ponds, rain gardens, trees, porous pavement, and minimal disruption to natural drainage systems;
  - c. Preservation of existing significant trees and native vegetation;
  - d. Preservation of natural terrain and other natural landscape features;
  - e. Achievement of maximum solar benefit for new development through orientation and block sizing;
  - f. Existing forest or agricultural uses;
  - g. Existing development;
  - h. Scenic qualities;
  - i. Planned unit developments;
  - j. Local access streets less than 200 feet in length which are not extendible; and
  - k. Interior vehicular circulation for multifamily, commercial, institutional, and industrial developments.
- C. New county and public roads terminating in cul-de-sacs or other dead-end turnarounds are prohibited except where natural features (such as topography, streams, or wetlands), parks, dedicated open space, or existing development preclude road connections to adjacent properties, existing street stubs, or existing roads.
- D. Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards. In addition:
- 1. No planting, signing, or fencing shall be permitted which restricts motorists' vision; and
  - 2. Curbside parking may be restricted along streets with visibility problems for motorists, pedestrians, and/or bicyclists as deemed appropriate by the Department of Transportation and Development.
- E. New developments, subdivisions, and partitions may be required to dedicate land for right-of-way purposes and/or make road frontage improvements to existing rights-of-way as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.



- F. Road frontage improvements within the UGB and in Mt. Hood urban villages shall include:
1. Surfacing, curbing, or concrete gutters as specified in Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards;
  2. Pedestrian, bikeway, accessway, and trail facilities as specified in Subsection 1007.04;
  3. Transit amenities as specified in Subsection 1007.05; and
  4. Street trees as specified in Subsection 1007.06.

1007.03 PRIVATE ROADS AND ACCESS DRIVES

- A. Private roads and access drives shall be developed according to classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards, except:
1. When easements or “flag-pole” strips are used to provide vehicular access to lots or parcels, the minimum width shall be 20 feet, unless a narrower width is approved by the Department of Transportation and Development and the applicable fire district’s Fire Marshal;
  2. Where the number of lots served exceeds three, a wider width may be required as deemed appropriate or necessary by the Department of Transportation and Development consistent with other provisions of Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards;
  3. Access easements or “flag-pole” strips may be used for utility purposes in addition to vehicular access;
  4. The standards listed above may be deviated from when deemed appropriate by the Department of Transportation and Development to accommodate one-half streets or private common access drives and roads within developed urban areas providing access to not more than seven lots; and
  5. The intersection of private roads or access drives with a public or county road and intersections of two private roads or access drives shall comply with the sight distance and clear zone standards pursuant to Subsection 1007.02(D).

## 1007.04 PEDESTRIAN AND BICYCLE FACILITIES

- A. General Standards: Pedestrian and bicycle facilities shall be developed according to the classifications and guidelines listed in Section 1007, Comprehensive Plan Figures 5-1 through 5-3, *Typical Roadway Cross Sections*, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.
- B. Pedestrian and Bicycle Facility Design: Pedestrian and bicycle facilities shall be designed to:
1. Minimize conflicts among automobiles, trucks, pedestrians, and bicyclists;
  2. Provide safe, convenient, and an appropriate level of access to various parts of the development and to locations such as schools, employment centers, shopping areas, adjacent developments, recreation areas and open space, and transit corridors;
  3. Allow for unobstructed movements and access for transportation of disadvantaged persons; and
  4. Be consistent with Chapters 5 and 10 of the Comprehensive Plan; Comprehensive Plan Maps 5-2a, *Planned Bikeway Network, Urban*, 5-2b, *Planned Bikeway Network, Rural*, and 5-3, *Essential Pedestrian Network*; North Clackamas Parks and Recreation District's (NCPRD) Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.
- C. Requirements for Pedestrian and Bicycle Facility Construction: Within the Portland Metropolitan Urban Growth Boundary (UGB), sidewalks, pedestrian pathways, and accessways shall be constructed as required in Subsection 1007.04 for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, development of such facilities shall be required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet.
- D. Requirement for Sidewalk Construction: Within the UGB, sidewalks shall be constructed, as required in Subsection 1007.04(F), for two-family dwellings, detached single-family dwellings, attached single-family dwellings where two dwelling units are attached to one another, and manufactured dwellings outside a manufactured dwelling park.

- E. Sidewalks or Pedestrian Pathways in Unincorporated Communities: In an unincorporated community, either a sidewalk or a pedestrian pathway shall be constructed on arterial or collector street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed.
- F. Sidewalk Location: Sidewalks required by Subsection 1007.04(C) or (D) shall be constructed on:
1. Both sides of a new or reconstructed road, except that sidewalks may be constructed on only one side of the road if:
    - a. The road is not a through road;
    - b. The road is 350 feet or less in length and cannot be extended; or
    - c. In consideration of the factors listed in Subsection 1007.02(B)(3).
  2. The street frontage(s) of a lot upon which a subdivision, partition, multifamily dwelling, three-family dwelling, attached single-family dwelling where three or more dwelling units are attached to one another, or a commercial, industrial, or institutional development is proposed; and
  3. Local or collector road street frontage(s) of a lot upon which a two-family dwelling, a detached single-family dwelling, an attached single-family dwelling where two dwelling units are attached to one another, or a manufactured dwelling is proposed. This requirement shall be imposed as a condition on the issuance of a conditional use permit, building permit, or manufactured dwelling placement permit, but
    - a. The requirement shall be waived if the dwelling is a replacement for one destroyed by an unplanned fire or natural disaster; and
    - b. The sidewalk requirement shall apply to no more than two street frontages for a single lot.
- G. Pedestrian Pathways: Within the UGB, a pedestrian pathway may be constructed as an alternative to a sidewalk on a local or collector road when it is recommended by the Department of Transportation and Development; the surface water management regulatory authority approves the design; and at least one of the following criteria is met:
1. The site has topographic or natural feature constraints that make standard sidewalk construction unusually problematic;
  2. No sidewalk exists adjacent to the site;

3. Redevelopment potential along the road is limited; or
  4. The road is identified for a pedestrian pathway by the River Forest Neighborhood Plan adopted by the City of Lake Oswego.
- H. Sidewalk and Pedestrian Pathway Width: Sidewalks and pedestrian pathways shall be constructed to the minimum widths shown in Table 1007-1, *Minimum Sidewalk and Pedestrian Pathway Width*, and be consistent with applicable requirements of Chapters 5 and 10 of the Comprehensive Plan.

**Table 1007-1: Minimum Sidewalk and Pedestrian Pathway Width**

Street Type	Residential Sidewalk	Commercial or Institutional Sidewalk	Industrial Sidewalk
Local	5 feet	7 feet	5 feet
Connector	5 feet	7 feet	5 feet
Collector	5 feet	8 feet	5 feet
Arterial	6 feet	8 feet	6 feet

1. The entire required width of sidewalks and pedestrian pathways shall be unobstructed.
2. Sidewalks and pedestrian pathways at transit stops shall be a minimum of eight feet wide for a distance of 20 feet centered on the transit shelter or transit stop sign.
3. A sidewalk set back from the curb by at least five feet may be one foot narrower (but not less than five feet) than the standard listed above. This five-foot separation strip shall be landscaped and shall be maintained by the adjacent property owner. The landscape strip may contain fixed objects provided that sight distance and roadside clear zone standards are satisfied pursuant to the Clackamas County Roadway Standards.
4. Uses located in the Campus Industrial, Light Industrial, General Industrial, or Business Park District and containing over 5,000 square feet of office space shall comply with the requirements for Commercial and Institutional uses.

5. In Sunnyside Village, notwithstanding Table 1007-1 and Comprehensive Plan Figures X-SV-1, *Sunnyside Village Plan Connector Street with Planting Strips and Bike Lanes* and X-SV-2, *Sunnyside Village Plan Connector Street with Planting Strips*, a connector street requires nine-foot-wide sidewalks if commercial/retail is adjacent to the site.

I. Accessways: Accessways shall comply with the following standards:

1. Accessways shall be required where necessary to provide direct routes to destinations not otherwise provided by the road system and where topography permits. Developments shall not be required to provide right-of-way for accessways off-site to meet this requirement. If right-of-way is available off-site, the developer may be required to improve an accessway off-site up to 150 feet in length.
2. Accessways shall provide safe, convenient access to facilities generating substantial pedestrian or bicycle trips, such as an existing or planned transit stop, school, park, place of worship, daycare center, library, commercial area, or community center. Facilities such as these shall be accessible from dead-end streets, loops, or mid-block locations. Where required, accessways shall be constructed at intervals of no more than 330 feet, unless they are prevented by barriers such as topography, railroads, freeways, pre-existing development, or environmental constraints such as streams and wetlands.
3. An accessway shall include at least a 15-foot-wide right-of-way and an eight-foot-wide hard surface. For safety, accessways should be as straight as practicable and visible from an adjacent use if practicable. Removable bollards or other large objects may be used to bar motor vehicular access.
4. So that they may be safely used at night, accessways shall be illuminated by street lights or luminaires on shorter poles. Separate lighting shall not be required if existing lighting adequately illuminates the accessway.
5. Fences are not required, but the height of a fence along an accessway shall not exceed six feet.
6. Ownership and maintenance responsibility for accessways shall be resolved during the development review and approval process.

J. Accessways in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with Subsection 1007.04(I), Subsection 1007.04(J) shall take precedence.

1. A system of interconnecting accessways shall be provided from subdivisions and multifamily developments to commercial facilities and public amenities such as existing or planned transit stop or facility, school, park, place of worship, daycare facility, children's play area, outdoor activity areas, plazas, library, or similar facility and to a dead-end street, loop, or mid-block where the block is longer than 600 feet.
  - a. An accessway shall include at least 15 feet of right-of-way and a 10-foot-wide paved surface.
  - b. Accessways shall be illuminated so that they may be safely used at night.
  - c. The maximum height of a fence along an accessway shall not exceed four feet.
  - d. Bollards or other similar types of treatment may be required in order to prevent cars from entering the accessway.
  - e. The designated east-west pedestrian accessway shall include a minimum 10-foot-wide concrete surface within a 10-foot-wide right-of-way, easement, or other legal form satisfactory to the County. Planting areas adjacent to the easement with street trees should be provided along at least one side of this accessway. However, alternatives to this standard may be considered through design review pursuant to Section 1102. If the accessway is within a parking area, it shall be lined by parking lot trees planted at a maximum of 30 feet on center along both sides.

K. Bikeways: Bikeways shall be required as follows:

1. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be included in the reconstruction or new construction of any street if a bikeway is indicated in Chapters 5 and 10 of the Comprehensive Plan and on Comprehensive Plan Map 5-2a or 5-2b; NCPRD's Park and Recreation Master Plan; or Metro's Regional Trails and Greenways Map.
2. Shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be considered in the reconstruction or new construction of any other arterial or collector.
3. Within urban growth boundaries, shoulder bikeways, bike lanes, bike paths, or cycle tracks shall be constructed from new public or private elementary, middle school, and high school facilities to off-site bikeways to provide continuous bicycle route connections within and between surrounding developments, unless precluded by existing development.

- L. Trails: Trail dedications or easements shall be provided and developed as shown on Comprehensive Plan Map IX-1, *Open Space Network & Recreation Needs*; the Facilities Plan (Figure 4.3) in NCPRD's Park and Recreation Master Plan; and Metro's Regional Trails and Greenways Map.
- M. Trails and Pedestrian Connections in Sunnyside Village: The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.04(M) shall take precedence.
1. An interconnecting system of trails and accessways throughout Sunnyside Village shall be provided. The general trail locations are shown on Comprehensive Plan Map X-SV-1. The location of the trails shall be set at the time a land use application is approved. The locations of the trails are based on achieving connections to streets and/or pedestrian ways and protection of the significant features of the resource protection areas.
  2. The trail system will generally occur along the creeks and resource protection areas. The accessways and/or trail system will provide connections to parks, the elementary school, and to adjacent commercial and residential developments.
  3. There also shall be an east-west accessway between 142<sup>nd</sup> Avenue and 152<sup>nd</sup> Drive, south of Sunnyside Road and north of Oregon Trail Drive.
  4. The trail system shall be designed to provide multiple access points for the public. The trails shall be constructed by the developer.
  5. All trails and accessways within the resource protection areas shall either be dedicated or an easement granted to NCPRD in conjunction with development. These connections shall be maintained by and constructed to the standards established by NCPRD.
  6. The maintenance of all pedestrian connections and trails located outside the resource protection areas as identified on Comprehensive Plan Map X-SV-1 shall be the responsibility of the property owner.
- N. Pedestrian and Bicycle Circulation: The pedestrian and bicycle circulation connections shown on Comprehensive Plan Maps X-CRC-3, *Clackamas Regional Center Area Design Plan Urban Design Elements*, X-CRC-7, *Clackamas Regional Center Area Design Plan Pedestrian and Bicycle Circulation Network*, and X-CRC-7a, *Clackamas Regional Center Area Design Plan Walkway Network*, shall be provided.

## 1007.05 TRANSIT AMENITIES

All residential, commercial, institutional, and industrial developments on existing and planned transit routes shall be reviewed by Tri-Met or other appropriate transit provider to ensure appropriate design and integration of transit amenities into the development. The design shall not be limited to streets, but shall ensure that pedestrian/bikeway facilities and other transit-supportive features such as shelters, bus pull-outs, park-and-ride spaces, and signing will be provided. The designs shall comply with Tri-Met standards and specifications.

## 1007.06 STREET TREES

- A. Within the Portland Metropolitan Urban Growth Boundary, street trees are required on all road frontage—except frontage on private roads or access drives—for subdivisions, partitions, multifamily dwellings, three-family dwellings, attached single-family dwellings where three or more dwelling units are attached to one another, and commercial, industrial, or institutional developments, except that for structural additions to existing commercial, industrial, or institutional buildings, street trees are required only if the addition exceeds 10 percent of the assessed value of the existing structure, or 999 square feet. Street trees shall comply with the following standards:
1. Partial or complete exemptions from the requirement to plant street trees may be granted on a case-by-case basis. Exemptions may be granted, for example, if the exemption is necessary to save existing significant trees which can be used as a substitute for street trees.
  2. Street trees to be planted shall be chosen from a County-approved list of street trees (if adopted), unless approval for planting of another species is given by the Department of Transportation and Development.
  3. Location and planting of street trees may be influenced by such conditions as topography, steep terrain, soil conditions, existing trees and vegetation, preservation of desirable views, and solar access.
  4. Planting of street trees shall be coordinated with other uses which may occur within the street right-of-way, such as bikeways, pedestrian paths, storm drains, utilities, street lights, shelters, and bus stops.
  5. Street trees at maturity shall be of appropriate size and scale to complement the width of the street or median area.
- B. Street trees required for developments in the Clackamas Regional Center Area shall comply with the following standards:
1. Street trees are required along all streets, except for drive aisles in parking lots.



2. When determining the location of street trees, consideration should be given to accommodating normal retail practices in front of buildings such as signage, outdoor display, loading areas, and pullout lanes.
  3. Street trees are required along private access streets under the following conditions:
    - a. On both sides when the access point is a signalized intersection;
    - b. On both sides when the street section has four or more lanes at the access point;
    - c. On both sides when the private street is developed to comply with building orientation standards;
    - d. On a minimum of one side when the street section has one or two lanes, and the street is not at a signalized intersection or is not used to meet the structure orientation standards of Subsections 1005.08(C) and 1005.09(B); and
    - e. On a minimum of one side of the street when access is shared with adjacent property. Adjoining property shall be required to install trees on its side of the access street when the property is developed.
  4. In the Fuller Road Station Community, as identified on Comprehensive Plan Map X-CRC-1, street trees are required along both sides of all street types, and as shown in Comprehensive Plan Figure X-CRC-11, *Clackamas Regional Center Area Design Plan Fuller Road Station Community, Type "E" Pedestrian/Bicycle Connection*, for Type E pedestrian/bicycle connections. Street trees shall be spaced from 25 to 40 feet on center, based on the selected tree species and any site constraints. Street trees shall otherwise comply with the other provisions of Subsections 1007.06(A) and (B).
- C. In the Business Park District, street trees are required at 30- to 40-foot intervals along periphery and internal circulation roads, except where significant trees already exist.
- D. Street trees are required for developments in Sunnyside Village along both sides of all connector and local streets, and as set forth in Subsection 1007.09. In addition:
1. One to two street trees are required per interior lot, and two to four for corner lots depending on the canopy of the tree species proposed. If a small canopy (less than or equal to 25 feet in diameter at maturity) is proposed, then two per interior lot and four per corner lot are required. If a larger canopy (greater than 25 feet in diameter at maturity) is proposed, then one per interior lot and two per corner lot are required.

2. As each portion of a project is developed, a specific species of street tree will be chosen for each street. The developer may choose the species of street tree to be planted so long as the species is not known to cause sidewalks to buckle, does not have messy fruits or pods, is not prone to insects or having weak wood, and is not on the list of prohibited trees. The County will have final approval regarding the type of street tree to be planted.
3. Along connector streets or streets with a higher classification, metal grating, non-mortared brick, grasscrete, or similar material shall be installed at grade over the planting area around street trees, or raised planters shall be constructed to prevent soil compaction and damage to the trunk. Landscape strips or tree wells are required along streets with a classification below connector status.

1007.07 TRANSPORTATION FACILITIES CONCURRENCY

- A. Subsection 1007.07 shall apply to the following development applications: design review, subdivisions, partitions, and conditional uses.
- B. Approval of a development shall be granted only if the capacity of transportation facilities is adequate or will be made adequate in a timely manner. The following shall be exempt from this requirement:
  1. Development that is located:
    - a. In the Light Industrial, General Industrial, or Business Park District; and
    - b. North of the Clackamas River; and
    - c. West of Highway 224 (south of Highway 212) or 152<sup>nd</sup> Drive (north of Highway 212); and
    - d. South of Sunnyside Road (east of 82<sup>nd</sup> Avenue) or Harmony Road (west of 82<sup>nd</sup> Avenue) or Railroad Avenue (west of Harmony Road); and
    - e. East of Interstate 205 (south of Milwaukie Expressway) or the city limits of Milwaukie (north of the Milwaukie Expressway).
  2. Modification or replacement of an existing development (or a development that has a current land use approval even if such development has not yet been constructed) on the same property, provided that an increase in motor vehicle traffic does not result;
  3. Unmanned utility facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance;

4. Mass transit facilities, such as light rail transit stations and park-and-ride lots;
  5. Home occupations to host events, which are approved pursuant to Section 806; and
  6. Development in Government Camp that is otherwise consistent with the Comprehensive Plan land use plan designations and zoning for Government Camp.
- C. As used in Subsection 1007.07(B), adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, *Motor Vehicle Capacity Evaluation Standards for the Urban Area*, and 5-2b, *Motor Vehicle Capacity Evaluation Standards for the Rural Area*.
- D. For the purpose of calculating capacity as required by Subsections 1007.07(B) and (C), the following standards shall apply:
1. The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.
  2. The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed development. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.
- E. As used in Subsection 1007.07(B), timely means:
1. For facilities under the jurisdiction of the County, necessary improvements are included in the Five-Year Capital Improvement Program, fully funded, and scheduled to be under construction within three years of the date land use approval is issued;
  2. For facilities under the jurisdiction of the State of Oregon, necessary improvements are included in the Statewide Transportation Improvement Program (STIP) and scheduled to be under construction within four years of the date land use approval is issued;
  3. For facilities under the jurisdiction of a city or another county, necessary improvements are included in that jurisdiction's capital improvement plan, fully funded, and scheduled to be under construction within three years of the date land use approval is issued.
  4. Alternatively, timely means that necessary improvements will be constructed by the applicant or through another mechanism, such as a local improvement district. Under this alternative:

- a. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
  - i. Complete the necessary improvements; or
  - ii. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.
5. For a phased development, the first phase shall satisfy Subsections 1007.07(E)(1) through (4) at the time of land use approval. Subsequent phases shall be subject to the following:
  - a. At the time of land use approval, necessary improvements shall be identified and the phase for which they are necessary shall be specified.
  - b. Necessary improvements for a particular phase shall either:
    - i. Comply with Subsections 1007.07(E)(1) through (3) at the time of building permit approval, except that the improvements shall be scheduled to be under construction within three years of building permit approval rather than within three years of land use approval; or
    - ii. Comply with Subsection 1007.07(E)(4), in which case the improvements shall be completed or guaranteed prior to issuance of a certificate of occupancy or recording of the final plat for the applicable phase.
- F. As used in Subsection 1007.07(E), necessary improvements are:
  1. Improvements identified in a transportation impact study as being required in order to comply with the adequacy standard identified in Subsection 1007.07(C).
    - a. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.

- b. If a transportation impact study is not required, County traffic engineering or transportation planning staff shall identify necessary improvements or the applicant may opt to provide a transportation impact study.
- G. Notwithstanding Subsections 1007.07(D) and (F)(1)(a), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.
- H. As an alternative to compliance with Subsection 1007.07(B), the applicant may make a voluntary substantial contribution to the transportation system.
- 1. As used in this subsection, “substantial contribution” means construction of a roadway or intersection improvement that is all of the following:
    - a. A complete project or a segment of a roadway identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*, 5-3b, *Preferred Capital Projects*, or 5-3c, *Long-Term Capital Projects*; the STIP; or the capital improvement plan (CIP) of a city or another county.
      - i. For a segment of a roadway to qualify as a substantial contribution, the roadway shall be on or abutting the subject property; no less than the entire segment that is on or abutting the subject property shall be completed; and there shall be a reasonable expectation that the entire project—as identified in Comprehensive Plan Table 5-3a, 5-3b, or 5-3c; the STIP; or the CIP of a city or another county—will be completed within five years;
    - b. Located within the impact area of the proposed development. The impact area shall be established by the Clackamas County Roadway Standards;
    - c. Estimated to have a minimum construction cost of \$527,000 in year 2004 dollars. The minimum construction cost shall on January 1<sup>st</sup> of each year following 2004 be adjusted to account for changes in the costs of acquiring and constructing transportation facilities. The adjustment factor shall be based on the change in average market value of undeveloped land, except resource properties, in the County according to the records of the County Tax Assessor, and the change in construction costs according to the Engineering News Record (ENR) Northwest (Seattle, Washington) Construction Cost Index; and shall be determined as follows:
      - i.  $\text{Change in Average Market Value} \times 0.50 + \text{Change in Construction Cost Index} \times 0.50 = \text{Minimum Construction Cost Adjustment Factor}$
      - ii. After the adjustment factor is applied to the previous year’s minimum construction cost, the result shall be rounded to the nearest thousand.

2. Prior to issuance of a certificate of occupancy for a conditional use or a development subject to design review and prior to recording of the final plat for a subdivision or partition, the applicant shall do one of the following:
  - a. Complete the substantial contribution; or
  - b. For transportation facilities under the jurisdiction of the County, the applicant shall provide the county with a deposit, letter of credit, performance bond, or other surety satisfactory to county staff pursuant to Section 1311. For transportation facilities under the jurisdiction of the state, a city, or another county, the applicant shall comply with the respective jurisdiction's requirements for guaranteeing completion of necessary improvements. This option is only available if the jurisdiction has a mechanism in place for providing such a guarantee.

#### 1007.08 FEE IN LIEU OF CONSTRUCTION

For all or part of the road frontage improvements required by Section 1007; located within the Portland Metropolitan Urban Growth Boundary (UGB) and required for a partition, a two- or three-family dwelling (where no more than one such dwelling is proposed), an attached or detached single-family dwelling, or a manufactured dwelling; the developer may elect to pay a fee in lieu of construction as follows.

- A. The fee in lieu of construction may be paid if the road frontage improvements are located on a local, connector, or collector road that is not identified on Comprehensive Plan Map 5-3, *Essential Pedestrian Network*, and payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; or
- B. The fee in lieu of construction may be paid if the road frontage improvements are located on a road that is identified on Comprehensive Plan Map 5-3; payment of the fee is deemed by the Department of Transportation and Development to be an acceptable alternative to construction of the required improvements; and at least one of the following criteria is met:
  1. The improvements are included in the Five-Year Capital Improvement Program;
  2. The improvements are located on a road where significant topographical or natural feature constraints exist; or
  3. The improvements are located on a local, connector, or collector road where a sidewalk or pathway does not exist within 200 feet of the required improvements.
- C. The amount of the fee in lieu of construction is established by separate order of the Board of County Commissioners.

- D. All fees in lieu of improvements collected, and interest thereon, shall be placed in a "Sidewalk Improvement Fund." Fees shall be spent on sidewalk or pedestrian pathway construction on local, connector, or collector roads within the UGB.

1007.09 STREETS AND SIDEWALKS IN SUNNYSIDE VILLAGE

The following standards apply in Sunnyside Village. Where these standards conflict with other provisions in Section 1007, Subsection 1007.09 shall take precedence.

- A. Cul-de-sacs are permitted only when topographic conditions or existing street patterns preclude extension of streets. The maximum radius shall be 40 feet.
- B. All streets adjacent to resource protection areas shall have at least one five-foot-wide sidewalk along one side of the street. If there are no significant trees (at least eight inches in diameter) along the resource protection area adjacent to the street, then a minimum four-foot-wide planting strip is required along both sides of the street. If it is determined that a unique view is to be preserved, then the Planning Director will determine if street trees are required.
- C. New street connections along arterial streets are shown on Comprehensive Plan Map X-SV-3, *Sunnyside Village Plan Street Classifications*. New street connections to collector roadways shall be a minimum of 150 feet apart, measured road centerline to centerline.

New individual driveway connections shall not be permitted along arterial and collector roadways.

At existing or future major street intersections (existing or proposed traffic signals), no new driveways or street connections shall be allowed within the influence area of the intersection. The influence area is defined as the distance that vehicles will queue from the signalized intersection. The influence area shall be based upon traffic volumes summarized in the Sunnyside Area Master Plan (November 1994) or based upon information acceptable to the County Engineering Division. This influence area shall include an additional 100 feet beyond the queue length for back-to-back left turns.

The preferred minimum intersection spacing on minor arterials is 500 feet, measured road centerline to centerline. Major arterial intersection spacing is preferred to be between 600 feet and 1,000 feet, measured road centerline to centerline.

- D. The interior angles at intersection roadways shall be as near to 90 degrees as possible, and in no case shall it be less than 80 degrees or greater than 100 degrees. Minimum centerline radius for local roadways shall be 100 feet unless the alternative horizontal curve illustrated on Comprehensive Plan Figure X-SV-9, *Sunnyside Village Plan Alternative Horizontal Curve for Local Streets*, is used.

- E. Alleys shall be private streets with rights-of-way of 16 feet. (See Comprehensive Plan Figure X-SV-6, *Sunnyside Village Plan Alleys*.)
- F. A traffic circle will mark the heart of Sunnyside Village and will provide suitable geometrics for the five radial streets that converge at this point. Travel on the circle shall occur in one direction. This shall be facilitated by traffic diverters that guide vehicles but still allow comfortable pedestrian movement. The raised diverters should consist of low raised curbs and/or special paving. The travel lane within the circle should allow for easy merging.

Special paving shall demark crosswalks. Bike lanes shall be clearly marked and shall occur at the edge of the travel lane and define the inner boundary of the crosswalks and bus loading areas. The bus loading areas shall be located adjacent to the Village Commercial area. On the other side of the circle, this added dimension shall be used for planting strips with street trees, adjacent to nine-foot-wide sidewalks.

The center island shall have a radius of at least 30 feet and shall be landscaped. A vertical feature or monument identifying the entrance to Sunnyside Village should mark the center of the circle and shall be framed by blossoming trees.
- G. Intersection dimensions should be minimized to reduce pedestrian crossing-distances and slow vehicles. Curb radiuses should not exceed 25 feet at corners.

1007.10 VACATIONS

- A. Road and Access Easement Vacations: In the RTL and CC Districts, road vacations shall be prohibited in developments unless replaced with a new road or walkway that serves the same function. The replacement does not have to be in the same alignment as long as it provides access to the same areas the vacated road would have if constructed.
- B. Internal Streets: In the Clackamas Regional Center Area, to provide connectivity, existing platted roads within proposed developments shall not be vacated unless similar access is provided on the site.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-232, 3/12/12; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-258, 1/18/17; Amended by Ord. ZDO-266, 5/23/18]





**1010 SIGNS**

---

1010.01 PURPOSE

The provisions of Section 1010 are intended to maintain a safe and pleasing environment for the people of Clackamas County by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

1010.02 GENERAL PROVISIONS

- A. Permits Required: If a sign other than one named in Subsection 1010.03 is to be placed, constructed, erected, or modified, a sign permit shall be secured.
- B. Along State Highways: All off-premises signs which are visible from a state highway are subject to approval by the Oregon State Highway Division pursuant to the Oregon Motorists Information Act.
- C. Oregon State Structural Specialty Code Compliance: All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in Section 1010.
- D. Address Display: The signing program for a multifamily, commercial, or industrial development shall include the display of the street number(s) for the development on the sign or building where it can be seen from adjacent roads and meet fire district standards.
- E. Sign Clearances: A minimum of eight feet above sidewalks and 15 feet above driveways shall be provided under freestanding and projecting signs.
- F. Sight Distance: All signs shall comply with the intersection sight distance standards of the Department of Transportation and Development.
- G. Setbacks: Unless otherwise specified, all signs shall observe the yard setback requirements of the zoning districts in which they are located.
- H. Blanketing: No sign shall be situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.
- I. Illuminated Signs:
  - 1. Internally illuminated signs, or external lights used to illuminate signs, shall be placed, shielded, or deflected so they do not shine into dwellings or impair the vision of the driver of any vehicle.
  - 2. The light intensity of an illuminated sign shall conform to or be less than the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

3. Except for an electronic message center sign approved pursuant to Subsection 1010.14, no sign or illuminating devices shall have blinking, flashing, or fluttering lights.
- J. Signs or displays containing any electrical components or parts or illuminated by electrical lighting must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state-approved power outlet.
- K. Moving Signs: No sign, sign structure, or portion thereof, except flags (as per Subsection 1010.12) and temporary displays (as per Subsection 1010.13(B)) shall be designed to rotate, flutter, or appear to move.
- L. Maintenance: All signs, together with all of their supports, braces, guys, and anchors, shall be maintained in a safe condition, in compliance with all building and electrical codes, and in conformance with Section 1010, at all times.
- M. Preexisting Signs: Notwithstanding Section 1206, signs and sign structures existing prior to September 12, 1996, which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of Section 1010 shall be subject to the following provisions:
  1. Alterations to a nonconforming sign which reduce or do not increase its noncompliance with the provisions of this Ordinance, including changes in display surface, sign areas, height, and setback, may be allowed subject to review under Subsection 1010.05, and
  2. Failure to use the copy area of a nonconforming sign for purposes permitted under Section 1010 for a period of more than 12 consecutive months shall constitute a "discontinuation of use" as provided under Subsection 1206.02 and such sign shall be removed or modified to satisfy all applicable requirements of Section 1010 and the underlying zoning district.
- N. Hazards: No sign, light, electrical cord, streamer, flag, or other apparatus shall be situated or used in a manner which creates a hazard.
- O. Sign Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be in scale with the sign.
- P. Site: For purposes of Section 1010, a "site" shall be the entire "site area" of the development as it is defined in Subsection 601.08(B), and onsite signs shall be those permanent signs which are oriented towards internal circulation roads, driveways, and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways.
- Q. Incidental signs shall not exceed three square feet per side.

1010.03 EXEMPT SIGNS:

- A. The following signs do not require a sign permit, but must meet other provisions of Section 1010:
  - 1. Signs having an area three square feet or less;
  - 2. Signs listed as temporary under Subsection 1010.13; and
  - 3. Government owned or posted signs in the public right-of-way.
- B. The following signs are not regulated by this Ordinance:
  - 1. Incidental signs;
  - 2. Product dispensers, such as beverage, newspaper, and recycling machines;
  - 3. Window signs
  - 4. Signs painted on or attached to a level one mobile vending unit. A level one mobile vending unit is one that complies with Subsection 837.02.

1010.04 PROHIBITED SIGNS:

The following signs and sign characteristics are prohibited:

- A. Temporary signs, except as provided by Subsection 1010.13;
- B. Portable signs, except as provided by Subsection 1010.07(A)(2)(d), 1010.09(C)(2), or 1010.13;
- C. Animated signs, except as provided by Subsection 1010.14;
- D. Roof signs, except integral roof signs in Commercial and Industrial zoning districts;
- E. Signs that obstruct free and clear vision of a traffic sign or signal from intended users, or otherwise constitute a traffic impediment;
- F. Signs imitating or resembling official traffic signs or signals;
- G. Any sign imitating or resembling an official county street or road sign, unless the sign is approved pursuant to Chapter 7.05, *Addressing and Road Naming*, of the Clackamas County Code;
- H. Colored lights which might in any way be confused with or construed to be traffic signals or lights on emergency vehicles;
- I. Strobe lights and signs containing strobe lights;

- J. Any sign that emits sound, odor, or visible matter; and
- K. Multiple reader signs designed to be read as a continued statement.

1010.05 DESIGN REVIEW

The size, materials, design, color, lighting, and location of signs and supporting structures for all permanent signs greater than 60 square feet in area, shall be subject to design review pursuant to Section 1102 and the following criteria:

- A. Design: Signs shall be designed to be compatible with other development on the site, other nearby signs, other elements of street and site furniture, and adjacent structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
- B. Scale: The scale of the sign, letter size, and design shall be appropriate for roadway or walkway visibility.

1010.06 RESIDENTIAL SIGNS IN URBAN AND RURAL RESIDENTIAL DISTRICTS AND FUTURE URBAN DISTRICTS

A. Residential Signs in Urban Low Density and Future Urban Districts:

- 1. Shall not exceed three square feet.
- 2. Shall be located inside the dwelling or located flat against the dwelling.
- 3. Only one such sign shall be permitted upon the premises.
- 4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).
- 5. No moving parts, noisemaking or musical devices, banners, or other attractions or displays shall be used, except as provided in Subsection 1010.13.

B. Signs in Rural Residential Districts:

- 1. Shall not exceed eight square feet per side or six feet in height.
- 2. Only one such sign shall be permitted upon the premises.
- 3. May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.
- 4. May be illuminated by internal or external lighting subject to Subsections 1010.02(I)(1) and (2).

5. No moving parts, noisemaking or musical devices, banners, flags, or other attractions or displays shall be used, except as provided in Subsection 1010.13.

C. Freestanding signs for multifamily developments or subdivisions:

1. Maximum total sign area: 32 square feet per side.
2. Maximum number: No more than one freestanding sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, except as follows:
  - a. When an additional sign is located at a major public access point located on a different public road, or
  - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign, or
  - c. In mixed-use developments, a separate monument sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.
  - d. In the case of signs permitted under Subsection 1010.06(C)(2)(a) or (b), neither sign shall exceed the maximum sign size allowed.
3. Maximum top-of-sign height: Five feet above the finished ground elevation (not including berms or mounds specifically created for the sign).
4. Setbacks: Behind property line.

D. MRR District: In the MRR District, permanent identification signs shall be subject to Subsections 1010.09(A)(1) through (5). Signs may be indirectly illuminated and shall be complementary to the unique character of the Mount Hood Community in the use of graphics, symbols, and natural materials. Onsite directional signing shall be sensitive to the needs of tourists. Where these standards conflict with other provisions in Section 1010, except Subsection 1010.15, Subsection 1010.06(D) shall take precedence. Where these standards conflict with Subsection 1010.15, Subsection 1010.15 shall take precedence.

E. Signs for Produce Stands that are subject to Section 815, *Produce Stands*:

1. Shall not exceed a total of three square feet in area, distributed among any number of signs.
2. Shall have no illumination.
3. Shall be attached to, and shall not extend above a roof of, the produce stand.

1010.07 SIGNS IN NATURAL RESOURCE DISTRICTS

A. Commercial signs:

1. Shall not exceed 32 square feet. Signs may be two sided.
2. Freestanding commercial signs:
  - a. Maximum top-of-sign height: Eight feet above finished ground elevation (not including berms or mounds specifically created for the sign).
  - b. Maximum number: The maximum number of signs shall be four. (11/6/97)
  - c. Setback: Behind front property line.
  - d. May include portable signs when anchored in accordance with Subsection 1010.13(A)(5).
  - e. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
3. Building commercial signs:
  - a. Maximum number: One
  - b. May be illuminated by internal or external lighting, subject to Subsection 1010.02(I).

B. Residential signs as per Subsection 1010.06(B).

C. Institutional uses as per Subsection 1010.08.

1010.08 SIGNS FOR SERVICE, RECREATIONAL, INSTITUTIONAL, AND GOVERNMENTAL USES

- A. In residential and natural resource zoning districts, the following standards shall apply to signs for recreational vehicle camping facilities regulated by Section 813, other uses regulated by Section 813 prior to June 1, 2015, and institutional uses.
1. Maximum Area: 32 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.
  2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
  3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises.
  4. Maximum Top-of-Sign Height: Five feet for a freestanding sign.

5. Setback: Behind front property line.
- B. Notwithstanding Subsection 1010.08(A), in residential and natural resource zoning districts outside the Portland Metropolitan Urban Growth Boundary, the following standards shall apply to signs for governmental uses.
1. Maximum Area: 60 square feet per side. Neither a freestanding nor a building sign shall exceed this standard.
  2. Illumination: Signs may be illuminated by internal or external lighting, subject to Subsection 1010.02(I).
  3. Maximum Number: One freestanding and one building sign shall be permitted upon the premises, except if the subject property has frontage on two different streets, an additional sign may be permitted under the following conditions:
    - a. If the subject property has a driveway entrance on each street frontage, one freestanding sign may be oriented to each street frontage; or
    - b. If one of the street frontages abuts a state highway, one freestanding sign may be oriented to each street frontage; or
    - c. A second building sign oriented to the second street frontage may be permitted in lieu of a second freestanding sign allowed pursuant to Subsection 1010.08(B)(3)(a) or (b).
  4. Maximum Top-of-Sign Height: 20 feet for a pole sign, five feet for a monument sign.
  5. Setback: Behind front property line.

1010.09 COMMERCIAL SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

A. Commercial Freestanding Signs:

1. Number: Only one sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development, unless through design review pursuant to Section 1102, the following is determined:
  - a. An additional sign is needed to provide identification of the development at major public access points located on two different public roads, and/or
  - b. When two single-faced signs oriented in two different directions are proposed in lieu of a two-sided identification sign.
  - c. In mixed use developments a separate freestanding sign, not to exceed 32 square feet, may be allowed for the multifamily portion of the development.



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- d. In the case of signs permitted under Subsection 1010.09(A)(1)(a) or (b), neither sign shall exceed the maximum sign size allowed.
  - e. In the C-3 and RTL Districts, one additional freestanding sign may be allowed on a public, county, or state road when the frontage on that road exceeds 450 feet. In no case shall the number of freestanding signs exceed four for any development. The additional signs shall be a maximum of 60 square feet. This provision for an additional freestanding sign shall not allow an additional sign on any site located on a corner which qualifies for an additional sign by reason of that corner location under Subsection 1010.09(A)(1)(a).
  - f. In the BP, LI, and GI Districts, one sign oriented toward offsite traffic may be provided at each public access point from a county or state road.
2. Maximum top-of-sign height:
    - a. Pole signs: In C-3 and RTL Districts, 25 feet. In all other commercial zoning districts, 20 feet.
    - b. Monument signs: In all commercial zoning districts, six feet. In all industrial zoning districts, five feet.
  3. Maximum Sign Area: 60 square feet. Signs may be two sided. For developments of more than one use included on the same site, a sign area may be increased above this requirement an additional 10 square feet per tenant, up to a maximum of 200 square feet, subject to Subsection 1010.05. Additionally, multiple-tenant signs shall use a common background.
  4. Setbacks: Behind property line.
  5. The sign supporting structure shall not be counted for purposes of determining sign area.
  6. Illumination: Such signs may be internally or externally illuminated, subject to Subsection 1010.02(I).
- B. Building Commercial Signs:
1. Number: The maximum sign area may be distributed among any number of signs.
  2. Maximum size:
    - a. If there is not a freestanding sign on the same site frontage, then one and one-half square feet of sign area per linear footage of the occupant's primary building wall.
    - b. If there is a freestanding sign on the same site frontage, then one square

foot of sign area per linear footage of the occupant's primary building wall.

- c. Wall signs based on the sign rights of a primary building wall may be placed on a secondary building wall; they may not be placed onto another primary building wall.
  - d. Each tenant shall be allowed a minimum 32 square feet of building sign area.
  - e. In no case shall a building sign exceed 200 square feet.
3. Design: Building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.
  4. Illumination: Building signs may be internally or externally illuminated, subject to Subsection 1010.02(I).

C. Mobile Vending Unit Signs:

1. The number and area of signs on a mobile vending unit are unrestricted. However, such signs shall be located flat against the unit, and no portion of any sign shall extend above the roof of the unit. These signs may be internally or externally illuminated, provided that any required utility connections for such illumination comply with Section 837.
2. Each mobile vending unit may have one portable menu or sandwich board sign a maximum of six square feet in area. This sign shall be located within 10 feet of the mobile vending unit and shall be located outside the unit only during unit operating hours.

D. NC District: In the NC District, only projecting, building, or low freestanding or ground-mounted signs, graphics, or symbols shall be used. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(D) shall take precedence.

E. VCS District: In the VCS District, signs shall be subject to the following standards. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(E) shall take precedence.

1. Signs shall have a maximum of two colors in addition to black and white.
2. Only hanging, on-building, or monument signs shall be used.
3. Signs shall not exceed 24 square feet in size.

F. VO District: In the VO District, signs shall be subject to the following standards. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(F) shall take precedence.

1. Signs shall have a maximum of two colors in addition to black and white.
2. Only hanging, on-building, or monument signs shall be used.
3. Hanging signs shall not exceed eight square feet in size, and shall have eight-foot pedestrian clearance.
4. Monument and on-building signs shall not exceed 24 square feet in size.
5. Except for neon signs, all illumination shall be external.

G. RTC District: In the RTC District, all signs shall be complementary to the unique historic character of the Mount Hood corridor in the use of graphics, symbols, lighting, and natural materials. In addition, identification and onsite directional signing shall be sensitive to the needs of tourists. Identification signing may be provided for each distinctive village or area designated in the Mt. Hood Community Plan subject to approval by the State Highway Division and the Design Review Committee. Where these standards conflict with other provisions in Section 1010, except Subsection 1010.15, Subsection 1010.09(G) shall take precedence. Where these standards conflict with Subsection 1010.15, Subsection 1010.15 shall take precedence.

H. RC District: In the RC District, signs shall be complementary to the historic character and rural scale of the unincorporated community in the use of graphics, symbols, lighting, and natural materials. Where these standards conflict with other provisions in Section 1010, Subsection 1010.09(H) shall take precedence.

#### 1010.10 ONSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS

- A. Directories oriented primarily toward vehicle circulation shall be limited in area to a maximum of two square feet per tenant, use, or building specifically identified, up to a maximum of 40 square feet.
- B. Directories, including those attached to buildings, that are oriented toward pedestrian circulation areas shall be a maximum of 24 square feet in area, and a maximum of eight feet in top-of-sign height.
- C. An onsite monument sign for an individual building within a development may be allowed as an alternative to a building sign, provided such sign shall:
  1. Be located adjacent to the building being identified.
  2. Not exceed 12 square feet in area.

3. Not exceed four feet in top-of-sign height.
  4. Use materials and colors that are the same, or substantially the same, as those used on the building identified by the sign.
- D. In the CI District, identification signs may be allowed within a perimeter setback area that fronts on a public, county, or state road, and onsite directional signs may be allowed within perimeter setback areas that are adjacent to other site areas.

1010.11 OFFSITE TRAFFIC CONTROL AND IDENTIFICATION SIGNS IN NATURAL RESOURCE DISTRICTS

- A. A temporary permit may be approved, renewable after five years. Criteria for approval:
1. Shall be allowed only in Natural Resource zoning districts.
  2. The sign shall provide the actual registered name of a business and directions to the business (e.g., left or right, an arrow, one-quarter mile, etc.).
  3. A maximum of three offsite traffic control identification signs are allowed for each business.
  4. Maximum distance of business from offsite traffic control identification sign: Five miles.
  5. A maximum of two offsite traffic control signs shall be located at any one site.
- B. Development Standards
1. Maximum size: Shall not exceed four square feet per side.
  2. Setback: Behind the front property line.
  3. Illumination: Offsite traffic control and identification signs shall not be illuminated.

1010.12 FLAGS

Flags are allowed in all zoning districts, subject to the following:

- A. Number: Three flags per site.
- B. Maximum size: No flag shall exceed 40 square feet.
- C. Height: Top of pole supporting flag shall not exceed 35 feet above finished ground elevation (not including berms or mounds specifically created for the sign).

D. All flags shall be located on one pole.

1010.13 TEMPORARY DISPLAYS AND SIGNS

A. Temporary signs may be displayed under the following conditions and limitations:

1. Number: Only one temporary sign shall be displayed for a site.
2. Time Period and Duration: Shall not be displayed for a total time period exceeding 60 days in any calendar year.
3. Size and Height Limits: Same size and height limits as a permanent sign for the same site.
4. Setbacks: Behind front property line.
5. Anchoring: All signs approved under this provision shall be physically attached to the premises in a manner which both prevents the sign from being moved or blown from its location, and allows the prompt removal of the sign.
6. Exceptions: No temporary sign shall be allowed under this provision for any business or development which has a changeable copy sign incorporated into its permanent sign.

B. Temporary displays (pennants, banners, streamers, strings of lights, and beacon lights) may be displayed according to Subsections 1010.13(A)(2) and (5) and 1010.02(N).

1010.14 CHANGEABLE COPY SIGNS

Electronic message center signs and other changeable copy signs may be incorporated into permanent signs permitted pursuant to Subsections 1010.08 or 1010.09. Approval shall not be granted unless the following criteria are satisfied:

- A. Only one such sign shall be used in a development.
- B. The changeable copy sign or electronic message center sign shall be included in the maximum sign area allowed under Subsections 1010.09(A)(3) or 1010.09(B)(2), and Subsections 1010.08 (A)(1) or (B)(1), and shall not exceed 80 percent of the total sign area.
- C. The changeable copy sign or electronic message center sign shall be integrated into the design of the sign.
- D. All segments of a message shall be completed within 12 seconds.

1010.15 GOVERNMENT CAMP SIGN STANDARDS

- A. Area of Application: Subsection 1010.15 shall apply to all permanent identification signs for commercial developments in the RTC and MRR Districts in Government Camp and in the HR District on properties with frontage on Government Camp Loop. The purpose of these sign standards is to provide a consistent design theme in the commercial areas.
- B. Conformance: Signs shall comply with the other applicable provisions of Section 1010, except as otherwise provided in Subsection 1010.15. Where there are conflicts, Subsection 1010.15 shall govern. A sign plan must be submitted to the Design Review Committee which shows:
1. Total signage allowed for the proposed sign frontage, face area of existing signage, and face area of proposed signage;
  2. The design of the sign and sign support including dimensions, materials, colors, sign copy, lighting, and graphics; and
  3. A site plan and building elevation showing placement of existing and proposed signs on the site.
- C. Preexisting Signs: Signs and sign structures existing prior to February 10, 1993, that complied with applicable regulations existing when the sign was established but do not comply with one or more of the requirements of Section 1010 shall be subject to the provisions of Section 1206 and Subsection 1010.02(M), except:
1. Any permanent sign which is nonconforming in any manner other than individual size shall be brought into conformance with the provisions of this Ordinance prior to any expansion or change in use which requires design review or a conditional use permit. Total signage area of existing and new signs may not exceed the maximum established in these standards. No occupancy permit shall be issued until a sign plan is submitted.
  2. Should any permanent nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement costs at the time of damage, it shall be reconstructed or replaced in conformance with these sign standards.
  3. Placement of a new sign where existing signage is greater than the total allowed, or where the new sign will make the total greater, requires removal of an amount of existing signage to keep the total signage area under the limit.
  4. Where a Clackamas County Development Agency incentive program is in effect, all nonconforming signs, except those that are nonconforming in size alone, must be brought into conformance or removed by February 10, 1996.

D. Design Standards: Signs shall comply with Subsection 1010.05 and the following conditions:

1. Design: Sign design and support structure shall uphold the rustic, mountain environment of Government Camp through a Cascadian design theme.
2. Materials:
  - a. Signs and support structures are limited to wood or wood exterior, stone, brick, etched or stained glass, wrought iron, or non-shiny metal. Plywood may be used for signs only if it is heavily painted and/or edged to obscure the plywood texture and the surface is sealed to keep it from delaminating.
  - b. Neon signs are permitted inside windows only.
  - c. Plastic may be used only in the letters of sign copy or the portion of a sign with changeable copy.
  - d. Signs in the RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26 or with frontage on U.S. Highway 26 may be constructed of plastic if the design intent is upheld.
3. Colors: No reflective or fluorescent colors shall be used on signs or support structures.
4. Lighting: The source of the lighting shall be external and obscured from the pedestrian. Internally lit signs are permitted only where the letters of the copy are illuminated or in RTC-zoned properties at the east and west entries of Government Camp visible from U.S. Highway 26, or in signs on U.S. Highway 26 frontage.
5. Changeable Copy: Electronic message center sign area or changeable copy sign area is limited to no more than 20 percent of total signage allowed.
6. Scale: Signs shall be kept in scale with pedestrians and buildings.
7. Placement: Signs shall be incorporated into the design of the building and shall not be placed in locations which interrupt, detract from, or change the architectural lines of the building.

E. Total Signage Area:

1. Developments less than three acres in size:
  - a. Total signage area shall be determined by the lineal feet of building frontage per street. This shall be a minimum of 30 square feet of signage plus one square foot for every five feet of building frontage greater than 30 lineal feet.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- b. Buildings two stories or taller may increase the total signage allowed by 50 percent.
  - c. Only frontages on streets shall be used to determine total signage per frontage per development.
  - d. Signage shall not be transferred between frontages.
2. Developments over three acres in size:
- a. Total signage area shall be determined by lineal street frontage. This shall be a minimum of 30 square feet of signage plus one square foot of signage per five lineal feet of street frontage greater than 30 feet.
  - b. Internal signs not readily visible from the street shall not be subject to total signage area restrictions in Subsection 1010.15(E)(2)(a).
3. Developments with U.S. Highway 26 frontage: Such signs serve a unique purpose in attracting high speed traffic from the Highway and are also subject to Oregon Department of Transportation sign regulations. One sign shall be allowed per development per U.S. Highway 26 frontage and will be handled on a case-by-case basis. Signage shall conform to the Government Camp design intent to the degree possible.

F. Types of Signs Permitted:

1. Freestanding or monument signs:
  - a. Shall be situated within setback.
  - b. Shall have a maximum of one ground mounted sign per 50 feet of lineal building frontage.
  - c. Shall have a maximum face area of 24 square feet.
  - d. Shall have a maximum top-of-sign height of 12 feet.
  - e. Shall be on a base or wooden supports; poles are permitted only if integrated into a base. Any metal poles must be free of peeling paint and rust.
2. Building signs:
  - a. Shall have a maximum face area of 24 square feet.
  - b. Shall not extend more than 10 inches from the wall.
  - c. Sign or components shall not exceed top of roofline or extend beyond the face area of the building.



3. Projecting signs:
  - a. Shall not extend more than two feet into the public right-of-way, project farther than five feet from the building, or exceed top of roofline immediately above.
  - b. Shall not exceed one projecting sign per 25 feet of lineal building frontage.
  - c. Shall have a maximum face area of 12 square feet; buildings over two stories may have signs of up to 24 square feet.
  - d. Supporting structure may not exceed sign's height or width by more than two feet or extend higher than roofline.
4. Window signs readily visible from outside the building:
  - a. Shall have a maximum face area of 30 percent of total window area per frontage; maximum sign size per individual window sign is 12 square feet.
  - b. Interior neon window signs readily visible from the street shall not exceed 10 percent of the total window area per street frontage. No more than 20 percent of an individual window should be covered with neon. Neon signs within these limits shall not be counted toward the total signage area.
5. Awning/overhead or walkway covering signs:
  - a. Shall be completely positioned on awning, overhead, or covered walkway.
  - b. Shall have a maximum face area of 24 square feet.

1010.16 SUNNYSIDE VILLAGE SIGN STANDARDS

In the Sunnyside Village, as identified on Comprehensive Plan Map X-SV-1, *Sunnyside Village Plan, Land Use Plan Map*, freestanding signs shall be constructed of brick, masonry, wood, or other materials that are compatible with the development. Where these standards conflict with other provisions in Section 1010, Subsection 1010.16 shall take precedence.

1010.17 SCMU DISTRICT SIGN STANDARDS

The following standards shall apply in the SCMU District. Where these standards conflict with other provisions in Section 1010, Subsection 1010.17 shall take precedence.

- A. Attached single-family dwellings and three family dwellings shall be subject to Subsection 1010.06(A).

- B. Developments of multifamily dwellings shall be subject to Subsection 1010.06(C).
- C. All other developments, including mixed-use developments, shall be subject to Subsection 1010.09, except:
  - 1. Pole signs, electronic message center signs, and other changeable copy signs are prohibited.
  - 2. Monument signs shall not exceed a height of six feet or an area of 60 square feet, regardless of the number of tenants.
  - 3. Building signs may be projecting signs, and projecting signs shall be subject to the following standards:
    - a. A maximum of one projecting sign per entrance per tenant shall be permitted.
    - b. A projecting sign shall project no more than four feet from the building or one-third the width of an abutting sidewalk or walkway, whichever is less. However, if there is no wall sign on the same building façade, the sign shall project no more than six feet from the building.
    - c. A projecting sign shall not exceed 12 square feet per side, excluding the support brackets. However, if there is not wall sign on the same building façade, the sign shall not exceed 24 square feet per side, excluding the support brackets.

#### 1010.18 FARMERS' MARKET SIGNS

The following sign standards apply to a farmers' market approved pursuant to Section 840, *Farmers' Markets*:

- A. The farmers' market may display 20 square feet of sign area on each street frontage of the tract on which the market is located.
- B. Each farmers' market stall may display 10 square feet of sign area at the stall.
- C. Signs shall be subject to Subsection 1010.13(A)(5).
- D. Signs may be displayed only during the hours of farmers' market operation.

#### 1010.19 MULTI-USE DEVELOPMENTS

The following sign standards apply to multi-use developments approved pursuant to Section 844, *Multi-Use Developments*. Where these standards conflict with other provisions in Section 1010, Subsection 1010.19 shall take precedence.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- A. Freestanding Signs: One freestanding sign may be provided on each public road, county road, or state highway from which the development takes access. One additional freestanding sign may be allowed on a public road, county road, or state highway when the frontage on that road exceeds 1,000 feet and two or more major access points are provided. In no case shall the number of freestanding signs exceed four for any multi-use development. The maximum size and height for each freestanding sign shall be determined pursuant to Subsection 1010.05(A)(3).
- B. Building Signs: Individual building tenant identification signs shall be allowed pursuant to Subsection 1010.05(B).
- C. Ground-Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:
1. No building sign with the same message is facing in the same direction;
  2. The sign area does not exceed 30 square feet;
  3. The sign does not exceed five feet in height; and
  4. Architectural features may be added to the sign structure provided the sign area and height are not increased by more than one-third of the above requirements.
- D. Road Signs: If interior circulation roads are named, directional signs to various uses within the development may be included on the road signs.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-231, 1/31/12; Amended by Ord. ZDO-245, 7/1/13; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-252, 6/1/15]

**1015     PARKING AND LOADING**

---

**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)(2)(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.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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).

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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>**

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone 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
<u>Bed and Breakfast Residences and Inns</u>	<u>1 for each guest room and 1 for the operator</u>	<u>None</u>	<u>None</u>
Bowling Alleys (per alley)	3	None	None
<u>Child Care</u> <del>Daycare</del> Facilities	0.5 In addition, a passenger-loading area shall be provided on the site.	None	None
Dwellings, including:			
Accessory Dwelling Unit, 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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
Attached Single-Family Dwelling in MR-1 or MR-2 District (per dwelling unit)	2	None	None
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 one-bedroom dwelling unit)	1.25	None	None
Multifamily Dwelling (per two-bedroom dwelling unit)	1.5	None	None
Multifamily Dwelling (per three-bedroom dwelling unit)	1.75	None	None
Congregate Housing Facilities (per resident)	0.25	None	None
<u>Home Occupations for Canine Skills Training</u>	<u>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.</u>	<u>None</u>	<u>None</u>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone B)
<u>Home Occupations to Host Events</u>	<u>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.</u>	<u>None</u>	<u>None</u>
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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Category	Minimum Parking Spaces	Maximum Parking Spaces (Urban Zone A)	Maximum Parking Spaces (Urban Zone 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
<u>Recreational Vehicle Camping Facilities</u>	<u>1 per campsite (in addition to the space required for parking the recreational vehicle) and 1 per employee at peak employment period</u>	<u>None</u>	<u>None</u>
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

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 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 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.

3. 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:

$\text{Parking Cap} = \text{Gross Acres of the Development Site} \times 67 \text{ Parking Spaces}$
--

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:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

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	

**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>
<b>Institutional Uses</b>			
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	
<b>Assisted Living Facilities</b>	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	
<b>Schools</b>	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]



**8441016 MULTI-USE DEVELOPMENTS**

---

**1016.01—PURPOSE**

Section 1016 is adopted to:

- A. ~~Implement the goals and policies of the Comprehensive Plan for multi-use developments;~~
- B. ~~Accommodate and encourage innovation and design excellence in the development of multi-use centers containing a mixture of different uses in close proximity;~~
- C. ~~Ensure functionally coordinated, aesthetically pleasing, and cohesive site planning and design that maximizes the benefits of multi-use to all individual components of the development;~~
- D. ~~Ensure compatibility of multi-use developments with the surrounding area and minimize off-site impacts associated with the development;~~
- E. ~~Provide for the development of sites that, because of their strategic location, can be developed to a higher and better land use development pattern than would otherwise be allowed in the zoning districts in which the sites are located;~~
- F. ~~Provide focal points for various levels of transportation service (roads, transit, etc.) that can better serve areas of mixed uses and higher concentrations of development;~~
- G. ~~Recognize the need for a higher level of economic activity, development and employment that multi-use developments generally provide in a community;~~
- H. ~~Accommodate the changing land use and economic dynamics of the region, including the decentralization of many businesses and services into subregional centers to better serve their clients;~~
- I. ~~Recognize and accommodate the need to provide for cultural, social, and entertainment interests of the larger community;~~
- J. ~~Recognize the increasing importance of tourism on the economy of the County, and provide for a variety of attractions and tourist-related services to increase the County's share of this market; and~~
- K. ~~Facilitate the economic objectives of the Comprehensive Plan, and other adopted County plans.~~

~~1016.02~~—APPLICABILITY

~~Section 1016 applies to multi-use developments. Multi-use developments are conditional uses in the zoning districts where they are permitted. The provisions of Section 1016 shall be applied as part of the conditional use review process under Section 1203 and, if required, the design review process under Section 1102.~~

~~1016.03~~—APPROVAL CRITERIA

~~Approval of a multi-use development shall be subject to the following criteria:~~

- ~~A. Multi-use developments are listed as a conditional use in the zoning district in which the site is located.~~
- ~~A. The subject property and affected area is presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services, and transportation networks are planned to be provided to accommodate the development of the subject property.~~
- ~~B. The site is suited to and desirable for a mix of different categories of use, one or more of which is not allowed outright in the subject zoning district, considering location, size, shape, access, topography, transportation networks existing or planned for the area, visibility, natural features, and existence of improvements and uses which support the higher intensity use of the subject property associated with multi-use developments.~~
- ~~C. The use of the site for a multi-use development will not substantially limit, impair, or preclude the use of surrounding properties for uses allowed in the zoning district(s) in which the surrounding properties are located.~~

~~844.01~~1016.04 DETERMINATION OF USES

~~The following provisions shall determine the Uses included in a multi-use development shall be determined pursuant to the following standards:-~~

- ~~A. Use Selection: Uses shall be selected from those categories (or subcategories) of uses which are required, permitted, or limited in the subject zoning district, as specified in Table ~~844-11016-1~~, *Determination of Uses Chart*.~~
- ~~B. Required Uses: Required uses shall be included at the minimum percent of floor area or land area specified in Table ~~844-11016-1~~.~~
- ~~C. Limited Uses: The total area occupied by limited uses shall not exceed the maximum percent of floor area or land area specified in Table ~~844-11016-1~~.~~
- ~~D. Permitted Uses: Permitted uses may occupy the floor area or land area that remains after subtracting the required and limited use area.~~

- E. Residential District/ Limited Uses: In the HR and Urban Low Density Residential zoning Districts, a minimum of at least one-half of the proposed dwelling residential units shall be constructed prior to the introduction of limited uses into the development. In the HDR, MR-1, MRR, and SHD multifamily zoning Districts, limited uses located within the same building as dwelling units may be developed concurrently provided the maximum allowed percent of developed floor area for limited uses is not exceeded at any time.
- F. Residential Districts/ Required Uses: In residential zoning districts, the total land area may be used to calculate the base density; pursuant to as provided under Section 1012, Lot Size and Density for the underlying zoning district. A minimum of At least 80 percent of the base density in the HDR and MR-1 and HDR Districts; and a minimum of 50 percent of the base density in the SHD District shall be provided in the development. Dwelling Residential units may be clustered to provide for limited uses and preserve natural features or protect restricted areas. However, the density on any acre of land shall not exceed that allowed in the next highest residential Comprehensive Plan category.
- G. Commercial/ and Industrial District Phased Developments: In phased developments in the C-3, CI, and OC commercial or industrial zoning Districts phased developments, the floor area/land area developed for limited uses in each phase shall not exceed the floor area/land area developed for other uses in that phase. An increase in the ratio of limited to other uses may be proposed and approved for any phase when other protection measures are used, such as binding development agreements, bonding, or other suitable controls over the total development percentages.
- H. Minimum Mix: In the C-3, CI, and OC commercial and industrial zoning Districts, the multi-use development shall include uses from at least three of the primary use categories under Subsection 844.021016.05.

844.021016.05 USE CATEGORIES

Uses listed under the following use categories may be included in a multi-use development when allowed in the subject zoning district pursuant to Table 844-11016-1, Determination of Uses Chart, subject to Subsection 844.011016.04.

A. Office/Manufacturing:

1. Business and professional offices, including legal, financial, architectural, engineering, governmental, manufacturers' representatives, corporate facilities; medical and dental, chiropractic, counseling, and other similar services and clinics; insurance, real estate, travel agencies and membership organization headquarters; studios for artists, photographers, writers, radio and television broadcasting (but not transmission towers).



2. Research and development operations and testing laboratories; manufacturing and assembly of medical equipment, communications equipment, electronic components, measuring and analyzing instruments; printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting and photo finishing; and similar uses, except those prohibited under Subsection ~~844.041016.07~~, provided that no operation shall be conducted or equipment or chemicals used which would create a hazard or offensive noise, odor, vibration, smoke, dust, or other similar condition.

B. Hospitality/Public Use:

1. Hotels, motels, guest lodges and associated convention facilities; gift shops, newsstands and eating and drinking establishments located within the same building with a motel, hotel, or public use facility; tourist facilities and information services.
2. Health, recreation and exercise facilities, including health clubs, swimming pools, spas, tennis, racquetball, handball courts, golf courses and driving ranges and similar uses.
3. Large-scale public use facilities such as auditoriums for live entertainment, operas, concerts, and plays; convention facilities not part of a hotel or motel; indoor or outdoor stadia and arenas, spectator sport and multi-use facilities, such as coliseums or domes; exhibition halls, galleries, and museums; movie theaters; other public use gathering places of similar nature.
4. A "destination restaurant" may be allowed as a "hospitality" use in the CI and OC Districts. A "destination restaurant," ~~for purposes of this Ordinance~~, is a "full menu establishment" (as defined by the U.S. Census Bureau) with no drive-through service, which satisfies five of the criteria listed below. On sites 40 acres or larger, up to two restaurants meeting four of the seven criteria listed below may be allowed as a "hospitality" use.
  - 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~~OLCC~~ license to serve beer and wine; and

- g. Employs only chefs who have graduated from a recognized culinary institute, or who have outstanding qualifications or reputations for their culinary skills.

C. Commercial:

- 1. The following neighborhood retail and service commercial uses which primarily serve the tenants ~~and~~/or residents of the multi-use development and the immediate surrounding area:
  - a. Apparel stores and dressmaking shops;
  - b. Bakery shops;
  - c. Catering establishments;
  - d. Confectionery stores;
  - e. Delicatessen shops and restaurants, but not drive-in restaurants or drive-thru service;
  - f. Drug stores;
  - g. Fabric and dry goods stores;
  - h. Florist and gift shops;
  - i. Grocery and produce stores;
  - j. Hardware and garden supplies;
  - k. Meat and fish markets;
  - l. Barber and beauty shops;
  - m. Clothes pressing, alterations, and tailoring shops;
  - n. ~~Child care~~Daycare facilities and ~~other~~ adult ~~daycare~~~~or~~ ~~child care~~ facilities, ~~operated during the daytime, subject to Section 807, Daycare Facilities~~;
  - o. Dry cleaners; laundry agencies; self-service laundromats and dry cleaning facilities;
  - p. Exercise and tanning studios;
  - q. Offices for doctors, dentists, chiropractors, naturopathic treatment personnel, and other health service personnel; small clinics or community health care programs;

- r. Photo finishing;
- s. Shoe repair;
- t. Veterinarian services and pet supplies;
- u. Video rental stores;
- v. Bed and breakfast residences and inns, subject to Section 832, *Bed and Breakfast Residences and Inns*;
- w. The following types of wireless telecommunication facilities listed in Subsection 835.04, subject to Section 835, *Wireless Telecommunication Facilities: level one collocations, level one placements on utility poles, and essential public communication services; and*

~~x. Preexisting retail or service commercial uses; and~~

~~y.x.~~ Mobile vending units, subject to Section 837, *Mobile Vending Units*.

- 2. Commercial amusement uses such as bowling alleys, game rooms, billiard and pool halls, miniature golf, roller or ice skating rinks, and similar uses, but not those included in Category B, or prohibited under Subsection ~~844.04~~~~1016.07~~.
- 3. All retail and service commercial uses except those included under Subsection ~~844.02(C)(4)~~~~1016.05(C)(4)~~; eating and drinking establishments except those qualifying as "hospitality" uses under Subsection ~~844.02(B)~~~~1016.05(B)~~; banks, credit unions, and financial institutions.
- 4. Sales lots and repair services for automobiles, trucks, boats, motorcycles, recreational vehicles, trailers, manufactured dwellings, farm or construction equipment and other heavy machinery; lumber yards, fuel yards, carpentry or sheet metal shops; mini-storage and vehicle storage facilities, moving equipment rental; funeral parlors; gasoline service stations.

D. Residential:

- 1. Low density residential zoning district primary uses, as specified in the underlying zoning district (i.e., R-~~57~~ through R-30 Districts and HR District).
- 2. MR-1 District primary uses, subject to Section 315.
- 3. HDR District primary uses, subject to Section 315.
- 4. SHD District primary uses, subject to Section 315.
- 5. MRR District primary uses, subject to Section 317.

- E. Educational: Colleges, universities, ~~and/or~~ graduate centers; business, trade, and craft schools; specialty schools in the arts, music, counseling, etc.; and rehabilitation and worker training/retraining centers and facilities.

~~844.031016.06~~ ACCESSORY USES

The following uses may be provided in conjunction with any category of use, or uses, approved for the multi-use development:

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work;
- B. Transit stations, bus shelters, bike racks, pedestrian amenities, and transit amenities;
- C. Parking structures;
- D. Utility carrier cabinets, subject to Section 830, Utility Carrier Cabinets.
- E. Solar energy systems;
- F. Cogeneration facilities;
- G. Radio and television earth stations and dishes;
- H. Child care~~Daycare~~ facilities associated with a principal use;
- I. Cafeterias, delicatessens, and other such facilities provided for employees of a principal use;
- J. Recycling collection containers, provided all materials are presorted, no processing occurs on-site, and all materials are stored within an enclosed structure or area between pickup days;
- K. Private recreational facilities as part of a multifamily residential complex;
- L. Helistops;
- M. Rainwater collection systems;
- N. Electric vehicle charging stations; and
- O. Other uses and structures customarily accessory and incidental to a primary use.

~~844.041016.07~~ PROHIBITED USES

The following uses shall be prohibited in a multi-use development:

- A. New dwellings, manufactured dwellings, and manufactured dwelling parks, except as permitted within low density or medium density residential districts;
- B. Outdoor storage of materials or products;
- C. Drive-thru window service, except those associated with a bank, credit union, or other financial institution, subject to Section 827, *Drive-Thru Window Services*; and
- D. Industrial uses listed in Table 602-1, *Permitted Uses in the BP, LI, and GI Districts*, as conditional uses in the GI District, except as specifically allowed under Subsection ~~844.02+016.05~~.

~~844.05+016.08~~      DIMENSIONAL STANDARDS

- A. Purpose: The dimensional standards are intended to:
  - 1. Provide for and encourage coordinated development and the most efficient use of property within a multi-use development~~;~~
  - 2. Ensure adequate structure separation for light, air, fire safety and protection of all uses and structures within the development, and between the development and uses and structures on adjacent properties~~;~~
  - 3. Protect adjacent properties and uses from incompatible uses, and provide adequate buffering and transitioning between different uses within the development~~;~~
  - 4. Ensure an attractive appearance through the use of open spaces, setbacks, landscaping and pedestrian amenities, plazas, buffering, and retention of significant natural features~~;~~ and
  - 5. Ensure adequate access to property and minimum traffic conflicts and impacts.
- B. Standards: A multi-use development shall comply with the following dimensional ~~standards~~requirements:
  - 1. Minimum Site Area: The minimum site area is one acre in the C-3 District, five acres in the HDR and SHD Districts, 10 acres in the MR-1, MRR, and OC Districts, 20 acres in the CI District, and 30 acres in the HR and R-5 through R-30 Districts.
    - a. ~~R-7 through R-30 Districts: 30 acres~~
    - b. ~~HR District: 30 acres~~
    - c. ~~MR-1 District: 10 acres~~

~~d. MRR District: 10 acres~~

~~e. HDR District: Five acres~~

~~f. SHD District: Five acres~~

~~g. C-3 District: One acre~~

~~h. OC District: 10 acres~~

~~i. CI District: 20 acres~~

~~j. OSM District: 20 acres~~

~~k.a.~~ A site area less than the above requirements may be allowed when such site is physically separated from all other undeveloped or underdeveloped properties in the subject zoning district. Minimum site area means minimum gross site area, including land dedicated for roadway purposes. Site area means a single tax lot, or two or more contiguous tax lots under the same ownership; or site area means two or more contiguous tax lots under separate ownership, provided that

- i. All individual property owners are members of a group formed for the purpose of developing the properties as a single planned development; and
- ii. All individual tax lot ownerships are converted into development shares prior to any building permit being issued for the project; or the group shall record, in the office of the County Clerk, a contract and associated deed restrictions, in which all members agree to subject the use and development of individual tax lots or ownerships to the development plan for the site area as approved by the County. No permit shall be issued on any separate tax lot or ownership for any structure or use not indicated on the County-approved development plan for the site area.

2. Minimum front ~~yard~~ setbacks:

- a. From major periphery roads: 25 feet.
- b. From interior access driveways and circulation roads: 10 feet.

3. Minimum side and rear setbacks: 15 feet.

4. Minimum building separation: The minimum separation between a multifamily ~~dwelling residential use~~ located in a separate building on the same site, or on an adjacent site, and any building housing another category of use

shall be 50 feet. However, this shall not preclude the mixing of multifamily ~~dwelling~~residential with other categories of use within one building.

5. Minimum ~~site area~~street frontage: 200 feet, except in the C-3 District, where the minimum street frontage shall be 100 feet.

~~6. Maximum building height: Same as subject zoning district.~~

67. Minimum landscaping/open space area ~~requirements~~: The minimum landscaped area standards under Table 1009-1, *Minimum Landscaped Area*, shall be modified as follows:

- a. In the C-3 District, a minimum of 20 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 15 percent for any phase when the applicant demonstrates how the minimum 20-percent requirement will be satisfied.
- b. In the R-7 through R-30, MR-1, HDR, SHD, MRR, HR, ~~OSM~~, CI, and OC Districts, a minimum of 25 percent of the net site area shall be utilized for landscaping and open space. In phased developments, landscaped areas may be reduced to a minimum of 20 percent for any phase when the applicant demonstrates how the minimum 25-percent requirement will be satisfied.

C. ~~Exceptions to Dimensional Requirements~~: The ~~standards~~requirements of this ~~Subsection 844.05~~ are not subject to modification pursuant to Section ~~903, Setback Exceptions~~900. However, except for the minimum landscaping/open space area standard~~landscape provisions~~, these ~~standards~~requirements may be reduced up to 20 percent ~~through design review~~ pursuant to Section 1102, *Design Review*, when such modification is consistent with the purposes under Subsections ~~1016.01 and 844.05(A)+1016.08(A)~~. The effect of the proposed modification on the natural features of the site and on the use and preservation of solar access shall be considered when applicable. ~~Proposed modifications that exceed 20 percent of the requirement shall be subject to Section 1205, Variance.~~

844.06~~1016.09~~ DEVELOPMENT STANDARDS

~~A multi-use development shall comply with Section 1000, Development Standards. In addition, T~~the following development standards ~~and objectives~~ shall apply:

A. Site Planning and Design: The overall site plan and siting of individual uses and buildings within a multi-use development shall address the following objectives:

- 1. Identity: To create a stimulating environment through the siting of various uses, the use and articulation of open spaces, structure scale, design and texture, and the provision of pedestrian level amenities to produce a strong "sense of place."

2. Pedestrian Circulation: To provide pedestrian access and movement through the site in a manner that maximizes foot traffic exposure to goods and services, and minimizes conflicts with vehicle circulation areas.
  3. Transit: To maximize the use of mass transit services through the provision of transit and pedestrian facilities and amenities in cooperation with the regional transit provider.
  4. Parking: To minimize the visual impact of parking areas. This may be accomplished through the use of: landscaping techniques; the incorporation of parking structures, as provided under Subsection ~~844.06(D)~~~~1016.09(D)~~; the siting of uses to maximize the "shared parking" provisions of Section 1015, *Parking and Loading*; or a combination of these methods.
  5. Access/Circulation: To minimize the number of access points onto the site from adjacent roads and provide for traffic circulation between on-site uses, as appropriate.
  6. Visual Access/Traffic Impacts: To maximize visibility and access for uses most dependent upon impulse shopping, or off-the-street business, while minimizing traffic impacts on other uses within the development.
  7. Natural Features: To protect the aesthetic and location advantages provided by the terrain and natural features of the site and minimize the alteration thereof as far as practicable.
  8. Impacts: To minimize negative impacts of proposed uses on adjacent properties and uses and ensure the livability of residential areas of the site, when applicable.
- B. Building Design: In addition to the provisions of Section 1005, *Sustainable Site and Building Design*, ~~a multi-use development shall require~~:
1. Buildings and structures ~~shall~~ be designed using materials, architectural styling and features, pedestrian plazas and amenities, and color, texture and scale of architectural elements to produce a mix of ~~complementary~~~~complimentary~~ styles which are in scale with each other and demonstrate comparable excellence in design and implementation.
  2. Buildings housing retail commercial uses shall provide ample window area oriented toward pedestrian walkways or plazas, and, when single-story construction is used, shall incorporate design techniques and elements to enhance the scale of the building(s).
- C. Landscaping/Open Space: The minimum percent of landscaping/open space required shall be as specified under Subsection ~~844.05(B)(7)~~~~1016.08(B)(7)~~. In addition to the requirements under Section 1009, *Landscaping*, the design and development of open space and landscaping in a multi-use development shall:



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. Include street trees and parking area trees which are in scale with the development.
  2. Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.
  3. Provide pleasing transitions between uses, soften and buffer utility and loading areas, visually break up parking areas into identifiable subareas, and provide pleasing textures and variety, particularly next to buildings, along walkways, and within plazas.
  4. Include open spaces and plazas which are in scale with the development, invite activity appropriate to adjoining uses, and incorporate plant materials, seating, waste receptacles, lighting, and a focal element such as a fountain, sculpture, mural, or other visual art object.
- D. Parking and Circulation: In addition to the standards of Section 1015, *Parking and Loading*, the County may require parking structures to serve intensive uses. Factors to be considered include:
1. Topography and other physical characteristics of the site;
  2. Effects on distinctive natural features of the site;
  3. Effects on surface drainage and associated facilities;
  4. Effect on the capacity of the site to absorb the parking and traffic impacts of the intensive use(s);
  5. Effects on the quality of the overall site design in addressing the objectives under Subsection ~~844.06(A)~~1016.09(A); and
  6. The benefits associated with structure parking, such as the increase in development intensity and provision of open space amenities, and the ability or inability of such benefits to recoup the added expense associated with such facilities.
- ~~E. Identification/Signing: The provisions of Section 1010, *Signs*, shall be modified as follows:~~
- ~~1. Signing Master Plan: Applications for multi-use developments shall include a comprehensive signing plan which shall include:~~
    - ~~a. Elevations illustrating the major sign and sign types;~~
    - ~~b. Maps and drawings indicating location of all proposed signs;~~

- ~~e. Descriptions of sizes and heights of signs; and~~
- ~~d. Description of how the proposed signing plan satisfies the criteria set forth in this Ordinance pertaining to size, design, placement, height, and number of signs.~~
- ~~2. Standards: The signing master plan shall be reviewed under Section 1010, except as specifically provided below:~~
  - ~~a. Freestanding Signs: One freestanding identification sign may be provided on each public, County or State road from which the development takes access. One additional freestanding sign may be allowed on a public, County or State road when the frontage on that road exceeds 1,000 feet, and two or more major access points are provided. In no case shall the number of freestanding signs exceed four for any multi-use development. The maximum size and height for each freestanding sign shall be determined pursuant to Subsection 1010.05(A)(3).~~
  - ~~b. On-Building Signs: Individual on-building tenant identification signs shall be allowed under the provisions of Subsection 1010.05(B).~~
  - ~~e. Ground Mounted Signs: Ground-mounted signs may be used to identify an individual building within a multi-use development provided that:~~
    - ~~i. No on-building sign with the same message is facing in the same direction;~~
    - ~~ii. The sign area does not exceed 30 square feet;~~
    - ~~iii. The sign does not exceed five feet in height; and~~
    - ~~iv. Architectural features may be added to the sign structure provided the total sign size and height are not increased by more than one-third of the above requirements.~~
- ~~3. Addresses/Road Signs: Street addresses shall be clearly displayed on or in front of each separate building or commercial tenant space. Interior circulation roads may be required to be named. Such names shall be subject to County approval. Signs identifying roads within the development shall be installed and maintained by the developer or management association. Directional signs to various uses within the development may be included on the road signs.~~

F.E. Management Association/Easements: The County may require the formation of a management association or other suitable mechanism approved by the County to assure that the following maintenance and liability duties are adequately addressed:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. To improve, operate, and maintain common facilities, including open space, landscaping, parking and service areas, streets, recreation areas, signing, and lighting;
2. To provide and maintain cross-easements between uses and parcels within the development for parking, circulation, drainage facilities, utilities, and similar elements shared in common;
3. To adopt and enforce restrictions on the use of open space, landscaping, plazas, and service areas, malls, and other public access areas of the site;
4. To maintain liability insurance and pay local taxes, unless other legally binding mechanism is provided;
5. To assess and collect from members their pro rata share of the cost associated with the responsibilities herein described. The association shall be able to adjust the assessment to meet changes as needed; and
6. To make revisions to the bylaws as necessary, subject to County review and approval, when the County determines that such changes protect the intent and purpose of this Ordinance and are in the public's interest.

**Table 844-11016-1: Determination of Uses Chart**

<b>ZONING DISTRICTS</b>	<b>RESIDENTIAL</b>					<b>COMMERCIAL</b>		<b>INDUSTRIAL</b>	
	<b>HR and R-5 - R-30 LDR</b>	<b>MR-1</b>	<b>HDR</b>	<b>SHD</b>	<b>MRR</b>	<b>C-3</b>	<b>OC</b>	<b>CI</b>	<b>OSM</b>
Minimum Site Area*	30-ae	10-ae	5-ae	5-ae	10-ae	1-ae	10-ae	20-ae	20-ae
Minimum % <u>R</u> la or fa required	80% la	70% fa	50% fa	50% fa	70% fa	N/A	N/A	60% fa	70% la
Minimum % <u>bd</u> required		80% bd	80% bd	50% fa					
Maximum % (L) la or fa allowed	20% la	15% fa	20% fa	25% fa	20% fa	N/A	35% fa	35% fa	30% la
<b>CATEGORY A</b>									
1. Offices	(L)	P	P	P	P	P	P	<u>R</u>	(L)
2. High Tech	X	X	X	X	X	P	P	<u>R</u>	X
<b>CATEGORY B</b>									
1. Hospitality	X	P	P	P	P	P	P	P	(L)
2. Health/Recreation	(L)	P	P	P	P	P	P	P	<u>R</u>
3. Public Use/Cultural	X	P	P	P	P	P	P	P	(L)
<b>CATEGORY C</b>									
1. Neighborhood Commercial	(L)	(L)	(L)	(L)	(L)	P	(L)	(L)	(L)
2. Commercial Amusement	X	X	(L)	(L)	(L)	P	(L)	(L)	(L)
3. Retail/Service	X	X	X	(L)	X	P	(L)	(L)	X
4. Strip/Auto	X	X	X	X	X	P	X	X	X
<b>CATEGORY D</b>									
1. Residential (District Density)	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	MR-1 to HDR	HDR	HDR	X
<b>CATEGORY E</b>									

**Table ~~844-11016-1~~: Determination of Uses Chart**

1. Education	(L)	P	P	P	P	P	P	P	(L)
--------------	-----	---	---	---	---	---	---	---	-----

**SYMBOL KEY:**

P	Permitted Use
<u>R</u>	Required Use <i>(See minimum % required)</i>
la	Land Area
<del>bd</del>	<del>Base Density</del>
(L)	Limited Use <i>(See maximum % allowed)</i>
X	Prohibited Use
fa	Floor Area
*	<i>See Subsections 1016.08(B)(1)(k) and 1016.08(C) for exceptions</i>

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-243, 9/9/13; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]

**1017 SOLAR ACCESS FOR LAND DIVISIONS AND REPLATS**

**1017.01 APPLICABILITY**

Section 1017 applies to subdivisions, partitions, and Type II replats in the VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts.

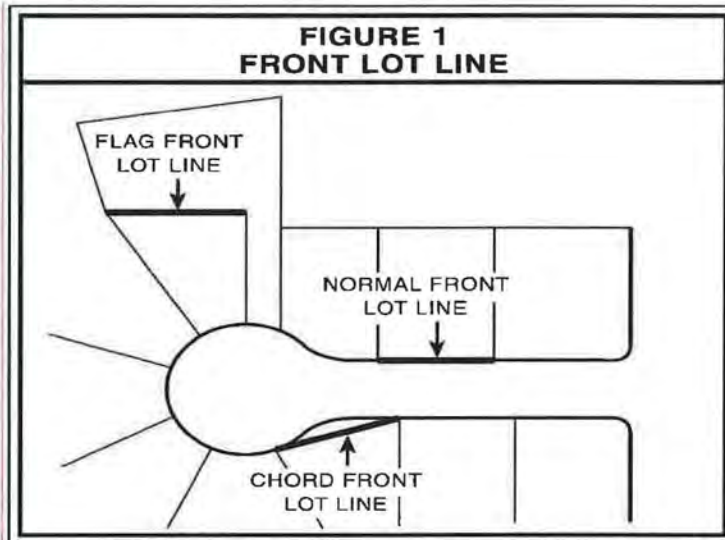
**1017.02 DEFINITIONS**

The following definitions apply to words and terms used in Sections 1017 and 1018 are defined as follows:

A. CROWN COVER: The area within the drip line or perimeter of the foliage of a tree.

B. EXEMPT TREE OR VEGETATION: The full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; and any vegetation listed as exempt on a plat map or a document recorded with the plat.

BC. FRONT LOT LINE: A lot line abutting a street. For corner lots, the front lot line is that with the narrowest street frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot. (See Figure 1017-1).

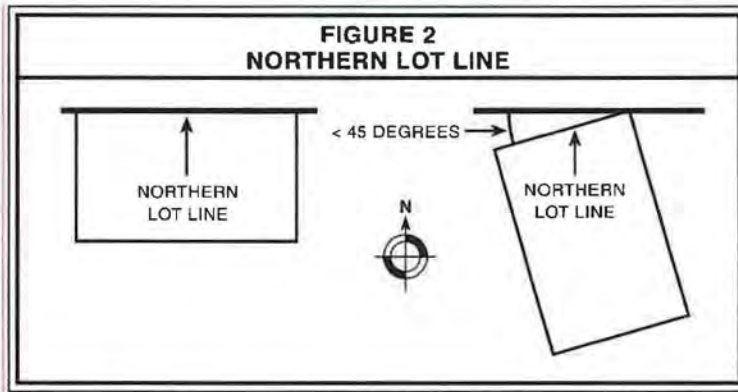


Commented [HJ1]: Renumber as Figure 1017-1

1017-1

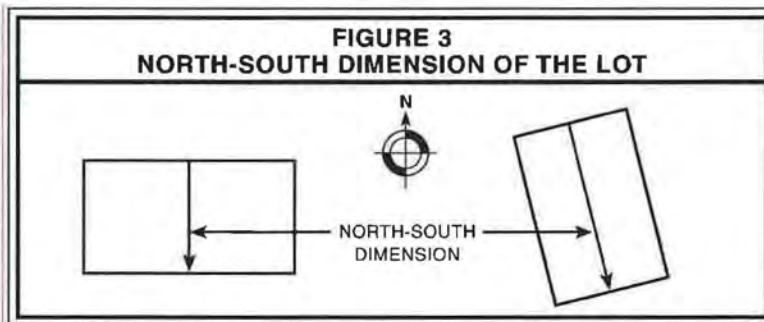
~~D. NONEXEMPT TREE OR VEGETATION: Vegetation that is not exempt.~~

~~CE. NORTHERN LOT LINE: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, the northern lot line shall be an east-west line 10 feet in length within the lot in the northernmost point possible parallel with and at a maximum distance from the front lot line. (See Figure 1017-2.)~~



Commented [HJ2]: Renumber as Figure 1017-2

~~DF. NORTH-SOUTH DIMENSION: The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a lot line property boundary. (See Figure 1017-3.)~~



Commented [HJ3]: Renumber as Figure 1017-3 and delete "of the lot" from the title

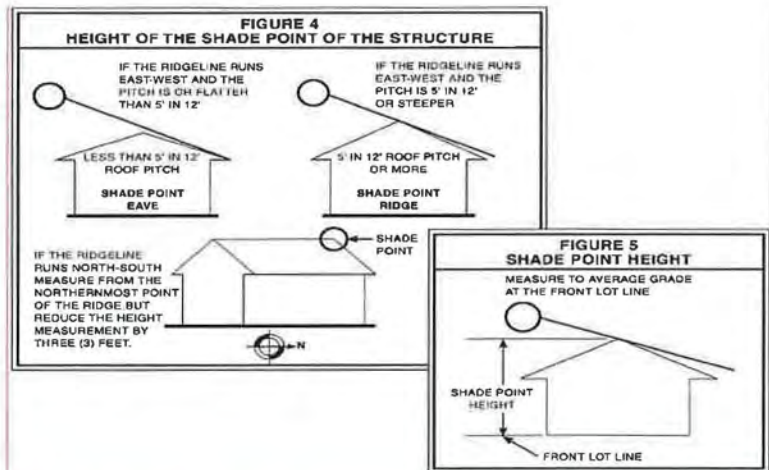
~~G. PROTECTED SOLAR BUILDING LINE: A line on a plat or map recorded with~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or nonexempt trees (see Figure 10).

H. **SHADE:** A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

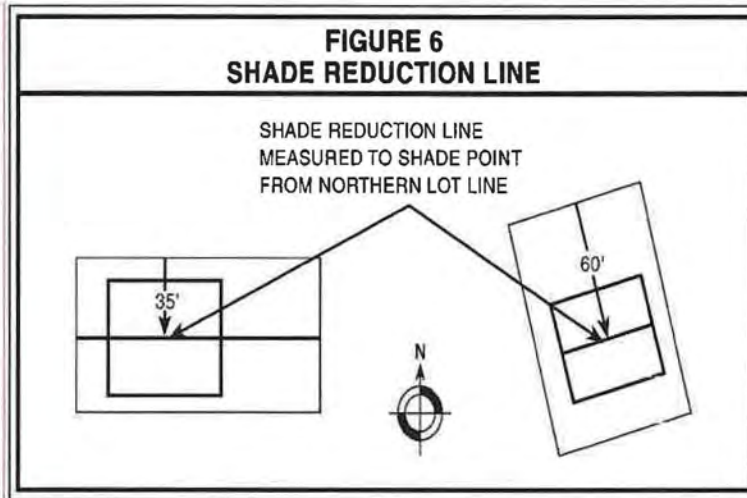
I. **SHADE POINT:** The part of a structure or nonexempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south, except a shadow cause by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eaves of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).



Commented [HJ4]: Figures 4 and 5 are repealed.

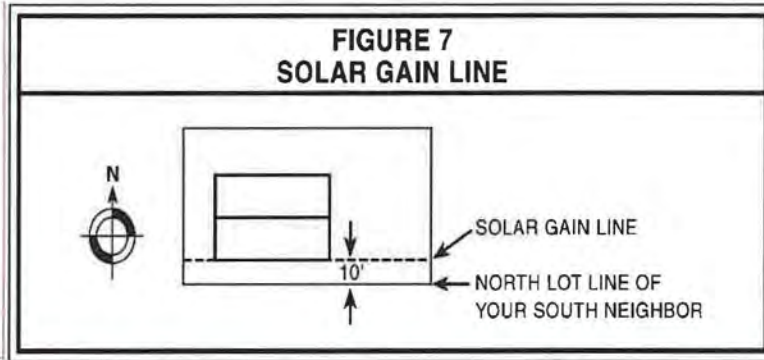
J. **SHADE REDUCTION LINE:** A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).





Commented [HJ5]: Figure 6 is repealed.

- K. SHADOW PATTERN:** A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 11).
- L. SOLAR FEATURE:** A device or combination of devices or elements that use or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. Examples of a solar feature include a solar greenhouse, a solar hot water heater, or a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature.
- M. SOLAR GAIN LINE:** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.



Commented [HJ6]: Figure 7 is repealed.

~~N. SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.~~

~~O. SUNCHART: One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.~~

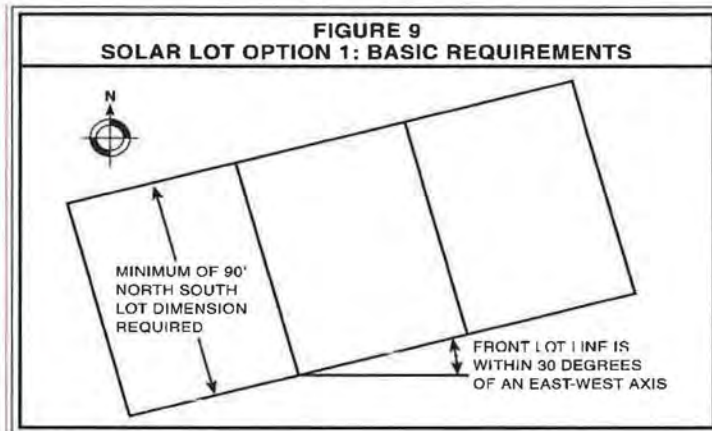
~~EP. UNDEVELOPABLE AREA: An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as right-of-way; existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.~~

1017.03 DESIGN STANDARD

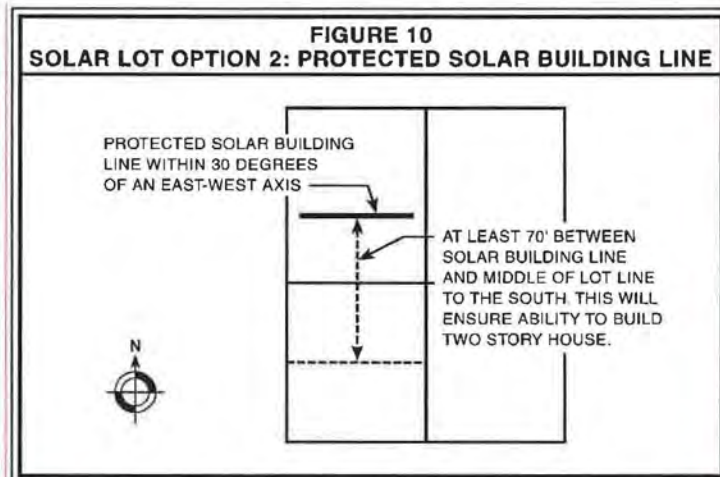
~~Except as established by Subsection 1017.04, a minimum of 70At least 80 percent of the lots or parcels in the subdivision, partition, or Type II replat shall in a development shall comply with one or more of the options in this subsection.;~~

~~A. Basic Requirement: (See Figure 9). A lot complies with Subsection 1017.03 if it~~

~~A1. HaveHas a minimum north-south dimension of 90 feet or more. Undevelopable area, other than a required setback area, may be included in the north-south dimension if it abuts either of the lot lines used in calculating north-south dimension; and~~



Commented [HJ7]: Renumber as Figure 1017-4, change the title to Solar Access Design Standard, and change north south lot dimension to north-south dimension



Commented [HJ8]: Figure 10 is repealed.

B2. ~~Have~~Has a front lot line that is oriented within 30 degrees of a true east-west axis. (See Figure 1017-4.)

B. ~~Protected Solar Building Line Option:~~ (See Figure 10). ~~In the alternative, a lot complies with Subsection 1017.03 if a solar building line is used to protect solar access as follows:~~

1. ~~A protected solar building line for the lot to the north is designated on the plat or documents recorded with the plat; and~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- ~~2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and~~
  - ~~3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and~~
  - ~~4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or nonexempt vegetation.~~
- ~~C. Performance Option: In the alternative, a lot complies with Subsection 1017.03 if:~~
- ~~1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from the shade of structures and nonexempt trees; or~~
  - ~~2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of south and protected from the shade of structures and nonexempt trees.~~

~~1017.04—EXEMPTIONS FROM DESIGN STANDARD~~

~~A development is exempt from Subsection 1017.03 if one or more of the following conditions apply to the site. A development is partially exempt from Subsection 1017.03 if one or more of the following conditions apply to a corresponding portion of the site.~~

~~If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 1017.03.~~

- ~~A. Slopes: The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.~~
- ~~B. Off-site Shade: The site, or a portion of the site for which the exemption is sought, is within the shadow of off-site features such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.~~
- ~~1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.~~
  - ~~2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.~~

- ~~3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.~~
- ~~4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.~~

~~C. On-site Shade: The site, or a portion of the site for which the exemption is requested:~~

- ~~1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or~~
- ~~2. Contains nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a sealed survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.~~
- ~~3. Compliance with Subsection 1017.03 would prevent the development from meeting the minimum density provisions in Section 1012, *Lot Size and Density*.~~

1017.04 EXCEPTIONS TO THE DESIGN STANDARD

~~1017.05 ADJUSTMENT TO DESIGN STANDARD~~

The minimum percentage of lots or parcels that must comply with Subsection 1017.03 shall be reduced to the minimum extent necessary if one or more of the following site characteristics apply:

- A. Density and Cost: If ~~the design standard in~~ Subsection 1017.03 is applied, either the resulting density would be less than that proposed, the minimum density would be less than that required in Section 1012, *Lot Size and Density*, or on-site site development costs (e.g., grading, roads, and water, surface water

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

~~management storm drainage and sanitary sewer systems, and roads) and solar related off-site site development costs are at least five percent more per lot or parcel than if the standard is not applied. due to one of (The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 1017.03 would reduce density or increase per lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development;~~

1. ~~The subject property, or a portion of the subject property site for which the exception adjustment is sought, has a natural grade that is sloped 20+ percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor registered in the State of Oregon.~~
  2. ~~The subject property includes~~ There is a significant natural feature ~~identified in the Comprehensive Plan, designated open space on the site, identified as such in the Comprehensive Plan, a highly or moderately restricted area identified in Subsection 1012.05, or a protected water resource and associated vegetated corridor regulated by the surface water management authority this Ordinance,~~ that:
    - a. ~~Prevents given streets, or lots, or parcels from being oriented for solar access;~~ and
    - b. ~~it will remain undeveloped exist after the site is developed.~~
  3. Existing road patterns must be continued through the ~~subject property site or must terminate on-site to comply with applicable road standards or planned public roads plans in a way that prevents given streets, or lots, or parcels in the development from being oriented for solar access.~~
  4. An existing public easement or right-of-way prevents given streets, ~~or lots, or parcels in the development from being oriented for solar access.~~
- B. ~~Development Amenities:~~ If ~~the design standard in~~ Subsection 1017.03 is applied to a given lot or ~~parcel~~ lots, significant development amenities that would otherwise benefit the lot(s) ~~or parcel~~ will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) ~~or parcel~~ would result from having the lot(s) ~~or parcel~~ comply with Subsection 1017.03 is relevant to whether a significant development amenity is lost or impaired.
- C. ~~Existing Shade:~~ ~~Nonexempt As demonstrated by a scaled tree survey or an aerial photograph,~~ trees ~~a minimum of at least 30 feet tall, and, when measured 4 feet above the ground,~~ more than ~~six~~ 6 inches in diameter ~~at a point four feet above grade,~~ have a crown cover over at least 80 percent of a ~~given~~ the lot or parcel, and at least 50 percent of the crown cover will remain after development of the lot or parcel. ~~The applicant can show such crown cover exists using a scaled survey of nonexempt trees on the site or using an aerial photograph.~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. ~~Shade from nonexempt trees are~~ assumed to remain if ~~the trees do not need to be removed for a driveway or other development and at least one of the following applies:~~
  - a. ~~The trees are situated in a required setback; or~~
  - b. ~~The trees they are part of an existing or proposed park, open space, or recreational amenity; or~~
  - c. ~~The trees they are separated from the developable remainder of their lot or parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and the trees do not need to be removed for a driveway or other development.~~
  - d. ~~The trees are required to be preserved pursuant to Subsection 1002.03(A).~~
2. ~~Those trees that are assumed to remain; required for compliance with the minimum crown cover standard of Subsection 1017.04(C); and located on the subject property, or contiguous property under the same ownership as the subject property, shall be preserved and protected pursuant to Subsection 1002.03.~~
2. ~~Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, the shade is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.~~

~~1017.06—PROTECTION FROM FUTURE SHADE~~

~~Structures and nonexempt vegetation shall comply with Section 1018, *Solar Balance Point/Infill*, if located on a lot that is subject to the solar design standard in Subsection 1017.03 or if located on a lot south of and adjoining a lot that complies with Subsection 1017.03.~~

~~The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 1017.06. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.~~

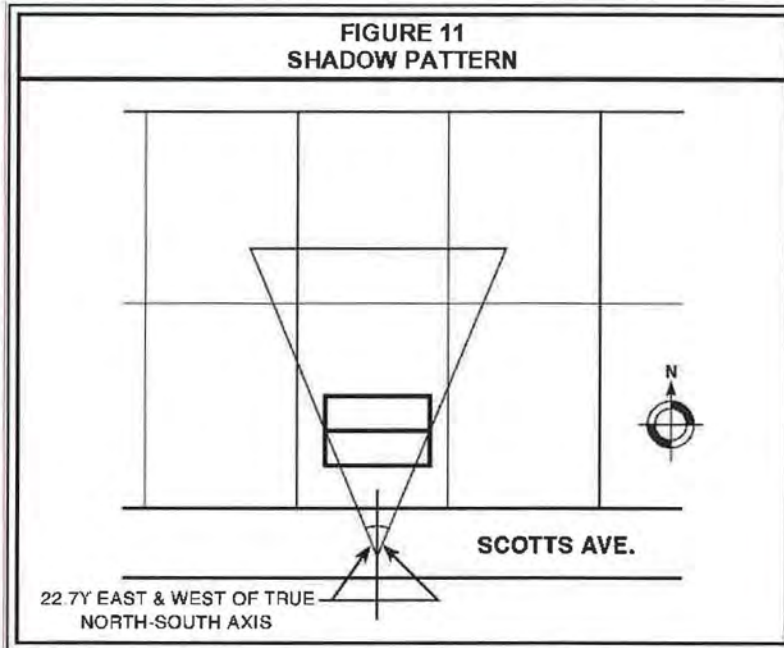
~~1017.07—SUBMITTAL REQUIREMENTS~~

~~An application for approval of a development subject to Section 1017 shall include:~~

- A. ~~Maps and text sufficient to show the development complies with the solar design standard of Subsection 1017.03, except for lots for which an exemption or adjustment from Subsection 1017.03 is requested, including at least:~~

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. The north-south lot dimension and front lot line orientation of each proposed lot.
  2. Protected solar building lines and relevant building site restrictions, if applicable.
  3. For the purpose of identifying trees exempt from Subsection 1017.06, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter, and species, and stating that they are to be retained and are exempt.
  4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Subsection 1017.03 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsection 1017.04 and 1017.05, respectively.



Commented [H29]: Figure 11 is repeated.

[Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]





~~1018 — SOLAR BALANCE POINT/INFILL~~

~~1018.01 — APPLICABILITY~~

~~Section 1018 applies to an application for a building permit for all structures in VR-4/5, VR-5/7, R-7, R-8.5, R-10, R-15, R-20, and R-30 Districts and all detached single-family dwellings in any zoning district, except to the extent that one or more of the conditions listed in Subsections 1018.05 and 1018.06 exists, and exemptions or adjustments provided for therein are warranted. In addition, nonexempt vegetation planted on lots subject to Subsection 1017.06 shall comply with the shade point height standards as provided in Subsections 1018.04 and 1018.05. In addition, Subsection 1018.10 shall apply to development in the HDR, SHD, and RCHDR Districts.~~

~~1018.02 — DEFINITIONS~~

~~Words and terms used in Section 1018 shall be as defined under Subsection 1017.02.~~

~~1018.03 — SOLAR SITE PLAN REQUIRED~~

~~An applicant for a building permit for a structure subject to Section 1018 shall submit a site plan that shows the maximum shade point height allowed under Subsection 1018.04 and the allowed shade on the proposed structure's solar features as provided in Subsection 1018.07. If applicable, the site plan also shall show the solar balance point for the structure as provided in Subsection 1018.08.~~

~~1018.04 — MAXIMUM SHADE POINT HEIGHT STANDARD~~

~~The height of the shade point shall comply with either A or B below.~~

~~A. Basic Requirement: The height of the shade point shall be less than or equal to the height specified in Table 1018-1 or computed using the following formula. If necessary, interpolate between the five-foot dimensions listed in Table 1018-1.~~

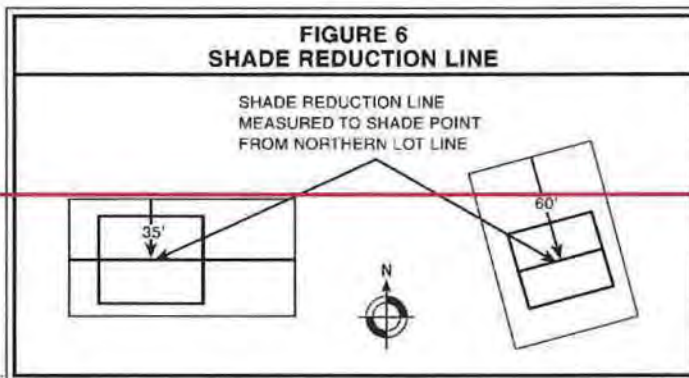
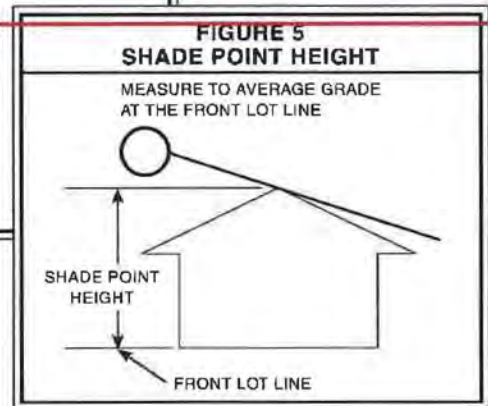
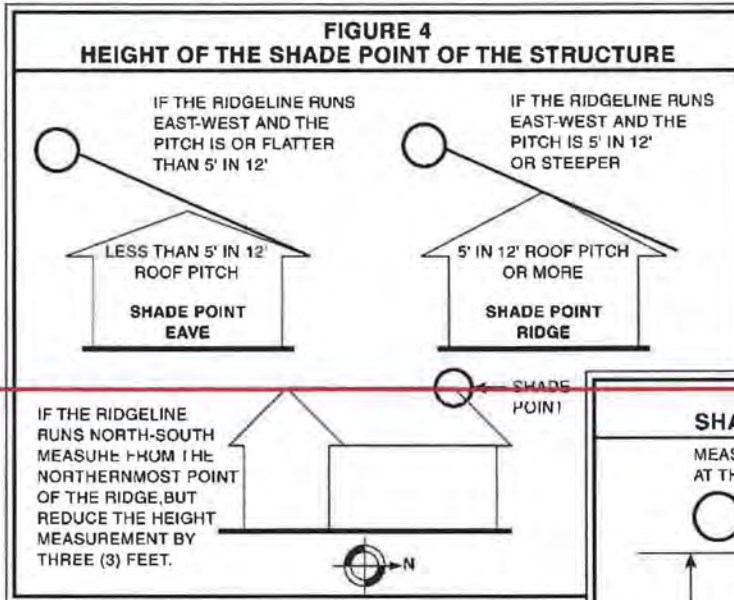
$$\frac{H = (2 \times \text{SRL}) - N + 150}{5}$$

~~Where: H — the maximum allowed height of the shade point (see Figures 4 and 5);~~

~~SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and~~

~~N — the north-south lot dimension, provided that a north-south lot dimension of more than 90 feet shall use a value of 90 feet for this section.~~

Adjustment to shade point height on sloped lots: The maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table 1018-1 for each foot that the average grade at the north property line exceeds the average grade at the south property line.



**Table 1018-1: Maximum Permitted Shade Point Height (in feet)**

Length of Shade Reduction Line	North-South Lot Dimension (in feet)										
	90+	85	80	75	70	65	60	55	50	45	40
70	40	41	42	43	44						
65	38	39	40	41	42	43					
60	36	37	38	39	40	41	42				
55	34	35	36	37	38	39	40	41			
50	32	33	34	35	36	37	38	39	40		
45	30	31	32	33	34	35	36	37	38	39	
40	28	29	30	31	32	33	34	35	36	37	38
35	26	27	28	29	30	31	32	33	34	35	36
30	24	25	26	27	28	29	30	31	32	33	34
25	22	23	24	25	26	27	28	29	30	31	32
20	20	21	22	23	24	25	26	27	28	29	30
15	18	19	20	21	22	23	24	25	26	27	28
10	16	17	18	19	20	21	22	23	24	25	26
5	14	15	16	17	18	19	20	21	22	23	24

B. Performance Option: The proposed structure or applicable nonexempt vegetation will shade not more than 20 percent of the south-facing glazing of an existing habitable structure(s), or, where applicable, the proposed structure or nonexempt vegetation will comply with Subsection 1017.03(B) or 1017.03(C). If Subsection 1017.03(B) is used, nonexempt trees and the shade point of structures shall be set back from the protected solar building line two and one-half feet for every one foot of height of the structure or of the mature height of nonexempt vegetation over two feet.

**1018.05 — EXEMPTIONS FROM THE MAXIMUM SHADE POINT HEIGHT STANDARD**

A proposed structure or nonexempt vegetation shall be exempt from Subsections 1018.03 and 1018.04, if one or more of the following conditions exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

A. Exempt Lot: When created, the lot was subject to Section 1017, *Solar Access*, and was not subject to Subsection 1017.06.

B. Preexisting Shade: The structure or affected nonexempt vegetation will shade an area that is shaded by one or more of the following:

- 1. An existing or approved building or structure;

~~2. A topographic feature;~~

~~3. A nonexempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law, a public park or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.~~

~~C. Slope: The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.~~

~~D. Insignificant Benefit: The proposed structure or nonexempt vegetation shades one or more of the following:~~

~~1. An undevelopable area; or~~

~~2. The wall of an unheated space, such as a typical garage; or~~

~~3. Less than 20 square feet of south-facing glazing.~~

~~E. Public Improvement: The proposed structure is a publicly owned improvement.~~

#### ~~1018.07 ADJUSTMENTS TO THE MAXIMUM SHADE POINT HEIGHT STANDARD~~

~~The maximum permitted height of the shade point determined using Subsection 1018.04 shall be increased to the extent that one or more of the following conditions exists, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.~~

~~A. Physical Conditions: Physical conditions preclude development of the site in a manner that complies with Subsection 1018.04, due to such things as a lot size less than 3,000 square feet, unstable or wet soils, a drainageway, public or private easement, or a right-of-way.~~

~~B. Conflict Between Maximum Shade Point Height and Allowed Shade on Solar Feature Standards: A proposed structure may be sited to meet the solar balance point standard described in Subsection 1018.08 or be sited as near to the solar balance point as allowed by Subsection 1018.08 if:~~

~~1. When the proposed structure is sited to meet the maximum shade point height standard determined using Subsection 1018.04, its solar feature will potentially be shaded as determined using Subsection 1018.07; and~~

2. ~~The application includes a form provided by the County that:~~
  - a. ~~Releases the applicant from complying with Subsection 1018.04 and agrees that the proposed structure may shade an area otherwise protected by Subsection 1018.04;~~
  - b. ~~Releases the County from liability for damages resulting from the adjustment; and~~
  - c. ~~Is signed by the owner(s) of the property(ies) that would be shaded by the proposed structure more than allowed by the provisions of Subsection 1018.04.~~

~~Before the County issues a permit for a proposed structure for which an adjustment has been granted pursuant to Subsection 1018.06(B), the applicant shall file the form provided for in Subsection 1018.06(B)(2), in the office of the County Recorder with the deeds to the affected properties.~~

#### ~~1018.08 ANALYSIS OF ALLOWED SHADE ON SOLAR FEATURE~~

- A. ~~The applicant is exempt from Subsection 1018.07 if the lot(s) south of and adjoining the applicant's property is exempt from Subsection 1018.04.~~
- B. ~~Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or nonexempt trees on the lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from the adjacent lot(s) to the south to use in calculating the maximum shade height at the north property line:~~
  1. ~~Existing structure(s) or nonexempt trees; or~~
  2. ~~The maximum shade that can be cast from future buildings or nonexempt trees, based on Table 1018-2. If the lot(s) to the south can be further divided, the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zoning district.~~

**Table 1018-2**

<b>North-South Lot Dimension of Adjacent Lot(s) to the South</b>	100	95	90	85	80	75	70	65	60	55	50	45	40
<b>Allowed Shade Height at the North Property Line of Adjacent Lot(s) to the South</b>	12	12	12	13	14	15	16	17	18	19	20	21	22

C. ~~The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the midpoint of the front lot line of the lot to the south.~~

D. ~~The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection 1018.07(B) by using the following formula or Table 1018-3.~~

$$SFSH = SH(SGL/2.5)$$

Where: SFSH – ~~The allowed shadow height on the solar feature (see Figure 8)~~

SH – ~~The height of the shade at the northern lot line of the lot(s) to the south as determined in Subsection 1018.07(B)~~

SGL – ~~The solar gain line (the distance from the solar feature to the northern lot line of the adjacent lot(s) to the south)~~

~~Table 1018-2 may be used to determine (SH) in the above formula.~~

**Table 1018-3: Maximum Permitted Height of Shadow at Solar Feature (in feet)**

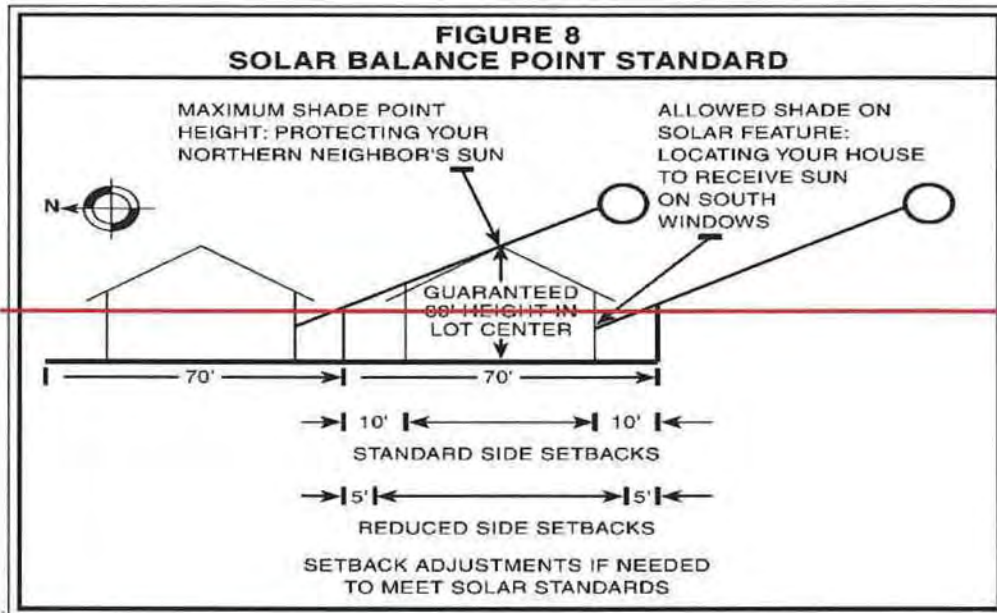
Distance from Solar Gain Line to Lot Line (in feet)	Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (in feet)										
	22	21	20	19	18	17	16	15	14	13	12
50	2	1									
45	4	3	2	1							
40	6	5	4	3	2	1					
35	8	7	6	5	4	3	2	1			
30	10	9	8	7	6	5	4	3	2	1	
25	12	11	10	9	8	7	6	5	4	3	2
20	14	13	12	11	10	9	8	7	6	5	4
15	16	15	14	13	12	11	10	9	8	7	6
10	18	17	16	15	14	13	12	11	10	9	8
5	20	19	18	17	16	15	14	13	12	11	10

E. If the allowed shade height on the solar feature calculated in Subsection 1018.07(D) is higher than the lowest height of the solar feature calculated in Subsection 1018.07(C), the applicant shall be encouraged to consider any changes to the structure design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

**1017.08 — SOLAR BALANCE POINT**

If a structure does not comply with the maximum shade point height standard in Subsection 1018.04 and the allowed shade on a solar feature standard in Subsection 1018.07, the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where the location of a structure would be the same for complying with both of these standards.





**1018.09 — YARD SETBACK ADJUSTMENT**

An adjustment shall be granted to the side, front, and/or rear setback requirement(s) by up to 50 percent, if necessary to build a proposed structure so it complies with either the shade point height standard in Subsection 1018.04, the allowed shade on a solar feature standard in Subsection 1018.07, or the solar balance point standard in Subsection 1018.08 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of Section 1018. The following are permitted yard setback adjustments:

**A. In R-7 and R-8.5 Districts:**

1. A front yard setback may be reduced to not less than 10 feet.
2. A rear yard setback may be reduced to not less than 10 feet.
3. A side yard setback may be reduced to not less than three feet.

**B. In R-10, R-15, and R-20 Districts:**

1. A front yard setback may be reduced to not less than 15 feet.
2. A rear yard setback may be reduced to not less than 15 feet.

~~1018.10—MINIMUM AND MAXIMUM SEPARATION DISTANCE IN THE HDR, SHD, AND RCHDR DISTRICTS~~

The following standards apply in the HDR, SDH, and RCHDR Districts:

~~A. Minimum North-South Separation: The minimum distance on a north-south axis between any building and a site area line north of said building shall be the horizontal distance calculated by drawing a 60-degree angle line from the top of the structure to the natural ground elevation north of the structure. For purposes of this provision, the "top of the structure" shall be that part of projection of the structure which first intersects a 60-degree angle line projecting toward the ground north of the building. (See Figure 1018-1.) This provision shall be modified as follows:~~

- ~~1. Intervening streets and 15 feet of setback into the property on the north side of said street may be included in the required separation distance.~~
- ~~2. If an area on the adjacent site north of a proposed structure is developed or committed for use as a circulation drive or parking structure or lot, that area may be included in the required separation distance, provided no existing or proposed primary use structure on the adjacent site shall fall within the required separation distance.~~
- ~~3. If the owner of the site area to the north grants a north-south separation easement, as provided under Subsection 1018.10(B), that area may be included in the required separation distance.~~

~~B. North-South Separation Easements: An owner, or owners, of a site area may grant a north-south separation easement to the owner, or owners, of a site area to the south provided that:~~

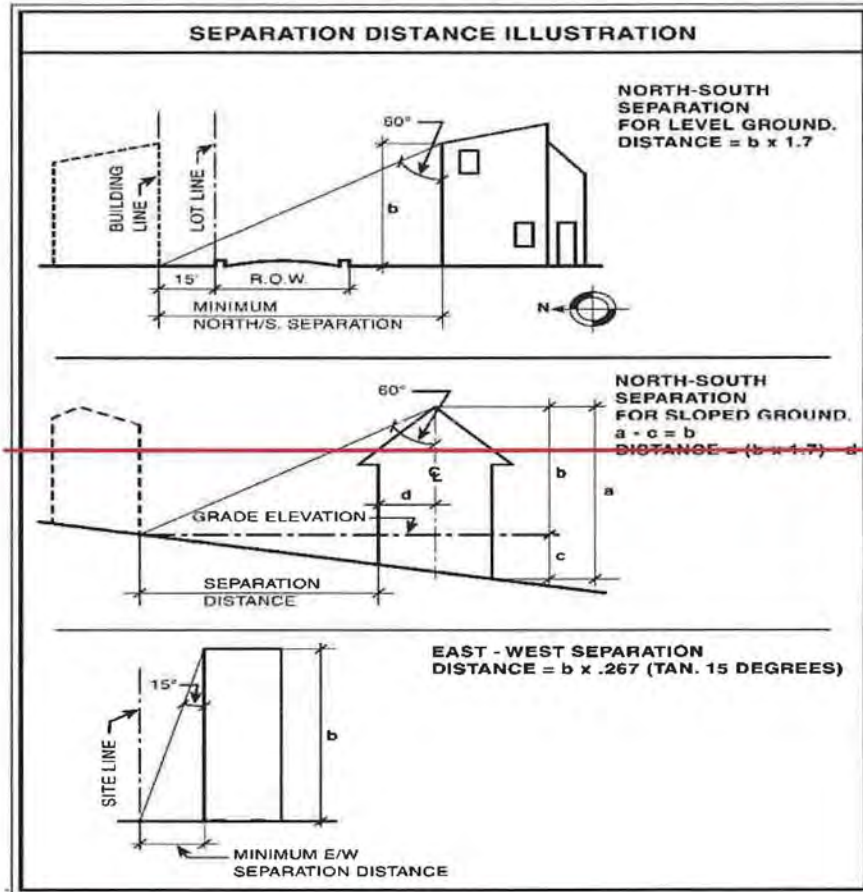
- ~~1. Documentation and a map of the easement is submitted with the development plans for the site areas in question;~~
- ~~2. The development plans for the two or more site areas in question are coordinated to the maximum extent possible; and~~
- ~~3. Buildings are sited to minimize the loss of solar access to primary use structures. However, this provision shall not preclude or restrict the use or development of any north-south separation easement area.~~

~~C. Minimum East-West Separation: The minimum distance on an east-west axis between any building and a site area line, except when abutting a public, County or state road, shall be the horizontal distance calculated by drawing a 15-degree angle line from the top of the structure to the natural ground elevation east and west of the structure. (See Figure 1018-1.)~~

~~Formula: Separation = b x .267 (tan 15 degrees)~~

~~D. Separation Exception: The north-south and east-west separation distance requirements shall not preclude structurally connecting two or more buildings on separate site areas provided that the proposed connection is approved as part of the development plans for the affected site areas.~~

**Figure 1018-1: Separation Distance Illustration**



~~E. Exceptions: The standards of Subsection 1018.10 are not subject to modification pursuant to Sections 903, *Setback Exceptions*, and 904, *Height Exceptions*. However, these standards may be modified through design review pursuant to Section 1102, *Design Review*. Approval shall not be granted unless the modification requested is necessary to allow development of primary uses at densities allowed for the site area.~~

[Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-266, 5/23/18]

**1021 SOLID WASTE REFUSE AND RECYCLABLE MATERIAL COLLECTION/RECYCLING STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY DEVELOPMENTS**

---

~~1021.01~~ **PURPOSE**

~~Section 1021 is adopted to:~~

- ~~A. Implement the recycling and waste management policies of the Comprehensive Plan;~~
- ~~B. Provide efficient, safe, and convenient siting and location of refuse and recycling areas;~~
- ~~C. Provide efficient, safe, and convenient on-site maneuvering of collection vehicles, equipment, and personnel for servicing solid waste and recycling areas; and~~
- ~~D. Achieve compliance with the Clackamas County Solid Waste and Waste Management Ordinance, Metro's Waste Reduction Program and Oregon Revised Statutes Chapter 459.~~

~~1021.0102~~ **APPLICABILITY**

~~Section 1021 applies to all development and expansions of the following uses pursuant to the application and procedural Design Review requirements of Section 1102:~~

- ~~A. Multifamily dwelling developments of five dwelling units or more; and~~
- ~~B. Institutional, Commercial, and industrial developments; and~~
- ~~C. Uses subject to Section 800 of this Ordinance.~~

~~1021.0203~~ **DEFINITIONS**

~~In addition to the definitions in Chapter 10.03, *Solid Waste and Wastes Management*, of the Clackamas County Code (The following definitions apply to Section 1021): terms are hereby defined, consistent with the provisions of the Clackamas County Solid Waste and Waste Management Ordinance (SWWMO). The SWWMO definitions shall prevail for those terms not specifically defined in Subsection 1021.03.~~

- ~~A. Compactor: Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or wastes or recyclable materials.~~
- ~~B. Container: A receptacle with wheels, one cubic yard or larger in size, used to~~

store solid waste or wastes or recyclable materials, but not a drop box or compactor.

- C. Drop Box: A single container designed for the storage and collection of large volumes of solid waste or wastes or recyclable materials, which is usually 10 cubic yards or larger in size.
- D. Receptacle: A can, cart, container, drop box, compactor, recycling bin, or any other means of containment of solid waste or wastes or recyclable materials.
- E. ~~Recycling Enclosure~~: A structure ~~built consistent with the Oregon Structural Specialty Code and~~ designed to provide shelter for ~~compactors, containers, drop boxes, receptacles, or any other solid waste and recycling containment facilities.~~
- F. Recycling Shelter: A pre-manufactured structure designed for containment and storage of recyclable materials.
- G. Recycling and Solid Waste Service Area: An area designed and established for the purpose of satisfying the local ~~franchised~~ collection service franchisee's firm's service requirements.

#### 1021.0304 GENERAL ~~STANDARDS~~PROVISIONS

~~All commercial, industrial and multifamily development shall comply with the standards set forth in these provisions. Modifications may be granted when consistent with the local franchised solid waste and recycling collection firm's service requirements pursuant to Subsection 1021.10. Additionally:~~

- A. Pads: Compactors, containers, and drop boxes shall be located on a level Portland Cement concrete pad, a minimum four inches thick, at ground ~~level~~elevation or other location compatible with the local ~~franchise~~ collection service franchisee's firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.
- B. Recycling and Solid Waste Service Areas:
  - 1. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.
  - 2. ~~The R~~ecycling service areas shall be located in close proximity to the solid wastegarbage container areas and be accessible to the local ~~franchised~~ collection service franchisee's firm's equipment.
  - 3. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water- and insect-resistant material. ~~The maintenance of enclosures, receptacles and shelters is the responsibility of the property owner.~~

4. The location of ~~the~~ recycling service areas and method of storage shall be approved by the local fire marshal.
5. Recycling and solid waste service areas shall be at ground level and be accessible to the ~~local franchised solid waste and recycling~~ collection service franchisee firm.
6. Recycling and solid waste service areas shall be used only for ~~purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.~~
7. ~~Recycling and solid waste~~ Recyclable material service areas and equipment shall be maintained in a clean and safe condition pursuant to ~~the provisions Chapter 10.03, Solid Waste and Wastes Management, of the Clackamas County Code~~ Solid Waste and Waste Management Ordinance.

C. Special Wastes or Recyclable Materials:

1. ~~Environmentally h~~ Hazardous wastes defined in Oregon Revised Statutes 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.
2. Containers used to store cooking oils, grease, or animal renderings for recycling or disposal shall not be located in the principal recyclable materials or solid waste storage areas. These materials shall be stored in a separate storage area designed for such purpose.

~~D. Screening and Buffering:~~

~~Screening and buffering shall be in accordance with Section 1009.05.~~

1021.~~0405~~ ENCLOSURES AND GATES STANDARDS

- A. Gate Access: Gates shall be designed to permit sufficient service access for ~~the local franchised solid waste~~ collection service franchisee's equipment and personnel.
- B. Gate Swing: The gate swing shall be free of obstructions and have restrainers in the open and closed positions.
- C. Bumper Curb: Enclosures constructed of wood or chain link fencing material shall contain a two- to four-inch high bumper curb at ground level located 12 inches inside the perimeter ~~of the outside~~ walls of the enclosure or fencing to prevent damage from container impacts.
- D. Bumper Rail: Enclosures constructed of concrete, brick, and masonry block or

similar ~~type~~ materials shall contain a bumper curb described in Subsection ~~1021.04(C)~~~~1021.05(C)~~ or a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the ~~service~~ receptacle.

- E. Obstructions and Accumulations: All areas around the receptacles shall be kept free of obstructions and accumulations of waste matter, grease, oil, water, and standing water.

#### 1021.0506 RECEPTACLE ~~DESIGN~~ STANDARDS

~~The following provisions shall apply to the design and location of receptacles.~~

- A. Containers: Enclosures shall be designed consistent with the following standards:

1. Length and width of the service container.
2. A minimum of two feet, including pad area, shall be provided around the sides and rear of each container.
3. A minimum three feet, including pad area, shall be provided in front of each container for maneuverability in depositing ~~solid waste~~~~garbage~~ or recyclable materials. In cases where the containers face each other, a minimum four feet shall be provided.
4. Containers two cubic yards or less in size shall be provided with a minimum nine feet of unobstructed overhead or vertical clearance for servicing.
5. Containers greater than two cubic yards in size shall be provided with a minimum 20 feet of unobstructed overhead or vertical clearance for servicing.

- B. Drop Boxes and Compactors:

1. The ~~size of the~~ pad shall be a minimum of at least 14 feet wide and a minimum of at least five feet longer than the length of the drop box or compactor.
2. ~~Setbacks~~:
  - a.—The pad shall be located a minimum of two feet from any perimeter wall or structure.
  - ~~3b.~~ Drop boxes and compactors shall be located a minimum of five feet from any combustible wall, structure, opening, or overhang. This may be reduced to a minimum of two feet provided the pad is located adjacent to a noncombustible wall, structure, opening, or overhang.
  - ~~43.~~ Loading dock areas shall have a guide rail and bumper stop placed at ground

level or at dock level where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.

54. Compactors shall be compatible with the local collection service franchisee's equipment and weight limits prescribed by state and local law. ~~The local franchised collection firm shall be consulted for equipment compatibility and service demands.~~
5. ~~Weekly collection and disposal of putrescible waste is required by the Clackamas County Solid Waste and Waste Management Ordinance. More frequent collection may be required to prevent nuisance conditions when use and capacity of the receptacle(s) is inadequate to provide clean and safe conditions.~~
6. ~~The maintenance of privately owned compactors and the area surrounding the compactor is the responsibility of the property owner.~~

#### 1021.0607 VEHICLE ACCESS

- A. ~~The minimum safe V~~vehicular access to the front of a ~~service~~ container pad, shelter, or enclosure shall be a minimum of length of 45 feet long and a minimum width of 12 feet wide.
- B. Vehicular~~Vehiele~~ access to service a drop box or compactor shall include the pad length ~~as~~ required in Subsection ~~1021.06(A)~~1021.07(A) plus a minimum of 65 feet in front of the loading hook placement position.
- C. The vehicular access to a pad or enclosure shall be hard-surfaced consistent with the off-street parking provisions of Section 1015, Parking and Loading.
- D. In the absence of an on-site through street or driveway, a cul-de-sac with a minimum 50-foot turning radius shall be provided for vehicle maneuvering at the end of a private dead-end street or driveway. A standard emergency services hammerhead turnaround, consistent with the County's standards for road improvements, may be granted in lieu of the cul-de-sac if when the local fire district approves the design ~~is approved by the local fire district~~.
- E. The ~~percent of~~ grade for access to the pad or enclosure shall not exceed three percent. Exceptions may be granted when compatible with the equipment manufacturer's specifications and consistent with Subsection ~~1021.08~~1021.10.

#### 1021.0708 SIGNS

"No parking" signs shall be placed in a prominent location on the enclosure, or shelter, and painted on the pavement in front of the enclosure, or shelter, to provide unobstructed and safe access for servicing receptacles. Signs clearly identifying recycling containers and type of recyclable material shall be posted~~placed~~ on each



~~respective container and maintained at all times.~~

~~1021.09~~ EXISTING DEVELOPMENTS

~~A. Developments existing prior to September 21, 1994, that implement an on-site recycling program shall provide improvements consistent with these provisions. Additionally:~~

- ~~1. Shelters or enclosures used to house or store recyclable materials shall be designed to complement the existing development; and~~
- ~~2. Screening and buffering of the recycling area, shelter, or enclosure shall be in accordance with Subsection 1009.05.~~

~~1021.0840~~ MODIFICATIONSEXCEPTIONS

Modifications to the provisions-standards of Section 1021 may be permitted when:

~~A. T~~ the modificationsechanges are consistent with the provision of:

1. Efficient, safe, and convenient siting of recycling and solid waste service areas; andpurpose of Section 1021 and the County receives
2. Efficient, safe, and convenient on-site maneuvering of collection vehicles, equipment, and personnel for servicing recycling and solid waste service areas; and

~~B. W~~ ritten evidence is provided from the local collection service franchiseefranchised solid waste and reeyeling firm that the proposed modificationsechanges:

~~A. —a~~ Are compatible with the franchisee'sfirm's methods of operation; and

~~B. Will not result in an increase in the cost of service.~~

[Amended by Ord. ZDO-224, 5/31/11]

## 1105 SUBDIVISIONS, PARTITIONS, REPLATS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS

---

### 1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, condominium plat, or vacation of a recorded plat may be approved, except:

- A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.07; and
- B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter 97 are exempt from Section 1105.

### 1105.02 SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, or replat shall include:

- A. Five copies of a preliminary plat. The preliminary plat shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet. If the preliminary plat is larger than 11 inches by 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on eight-and-one-half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be included on the preliminary plat or by separate attachment:
  - 1. Source of domestic water and location of any existing and proposed wells;
  - 2. Method of wastewater disposal and location of any existing and proposed on-site wastewater treatment systems;
  - 3. Existing and proposed utility lines and facilities;
  - 4. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, *Lot Size and Density*, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;
  - 5. Locations, dimensions, and area of each lot, parcel, and tract;
  - 6. The north-south dimension and front-lot-line orientation of each proposed lot or parcel, except for lots or parcels for which an exception from the solar design standard of Subsection 1017.03 is requested pursuant to Subsection

1017.04. For the purpose of this submittal requirement, north-south dimension and front lot line are defined in Subsection 1017.02;

- 76. Date the preliminary plat was prepared;
- 87. North arrow;
- 98. Identification of each lot or parcel by number;
- 109. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
- 1140. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
- 1244. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;
- 1342. Contour lines at two-foot intervals if 10 percent slope or less or five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information;
- 1413. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;
- 1544. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
- 1615. Locations and dimensions of all existing and proposed driveways and walkways;
- 1746. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;
- 1817. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;
- 1948. Boundaries and type of restricted areas identified in Subsection 1012.05, as applicable;
- 2049. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and
- 2120. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to Oregon Revised Statutes 92.090;

- B. Preliminary statements of feasibility required pursuant to Section 1006, *Utilities, Street Lights, Water Supply, Sewage Disposal, Surface Water Management, and Erosion Control*;
- C. If the subject property includes land designated Open Space by the Comprehensive Plan, a vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;
- D. If the subject property includes land designated Open Space by the Comprehensive Plan, an existing conditions map of the subject property showing:
  - 1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.
  - 2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
  - 3. Drainage;
  - 4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003, *Hazards to Safety*;
  - 5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
  - 6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photograph, at a scale of not more than one inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
  - 7. Location of any overlay zoning districts regulated by Section 700, *Special Districts*;
  - 8. Noise sources;
  - 9. Sun and wind exposure;
  - 10. Significant views; and

- 11. Existing structures, impervious surfaces, utilities, landscaping, and easements; and
- E. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.07, occur in two or more phases pursuant to Subsection 1105.03(C).
- F. A master plan if required pursuant to Section 1012.

1105.03 APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, *Procedures*. A minor subdivision or a partition requires review as a Type II application pursuant to Section 1307. A replat that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

- A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and Section 1000, *Development Standards*.
- B. In an Urban Low Density Residential District, the applicant may designate the proposed subdivision, partition, or replat as a zero-lot-line development. In a zero-lot-line development, there are no minimum rear and side setbacks for single-family dwellings, manufactured homes, and structures accessory to single-family dwellings and manufactured homes, except from rear and side lot lines on the perimeter of the final plat.
- C. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following:
  - 1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, *Lot Size and Density*, for the gross site area included in all such phases.
  - 2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the entire subdivision.
  - 3. Future phases shall be shown upon the initial and subsequent final plats as a "Tract Reserved for Future Development."

4. As deemed necessary by the County or special districts, dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.
- D. A nonprofit, incorporated homeowners association, or an acceptable alternative, shall be required for ownership of, improving, operating, and maintaining common areas and facilities, including, but not limited to, open space, private roads, access drives, parking areas, and recreational uses, and for snow removal and storage in Government Camp.
1. The homeowners association shall continue in perpetuity unless the requirement is modified pursuant to either Section 1309, *Modification*, or the approval of a new land use permit application provided for by this Ordinance.
  2. Membership in the homeowners association shall be mandatory for each lot or parcel owner.
  3. The homeowners association shall be incorporated prior to recording of the final plat.
  4. Acceptable alternatives to a homeowners association may include, but are not limited to, ownership of common areas or facilities by the government or a nonprofit conservation organization.
- E. If the subject property is in a future urban area, as defined by Chapter 4 of the Comprehensive Plan, the location of proposed easements, road dedications, structures, wells, and on-site wastewater treatment systems shall be consistent with the orderly future development of the subject property at urban densities.

1105.04 ADDITIONAL APPROVAL CRITERIA FOR REPLATS

The number of lots or parcels in the replatted area shall not exceed the number previously approved for the area, unless:

- A. The gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area;
- B. The allowed density is recalculated pursuant to Section 1012, *Lot Size and Density*, on the basis of the gross site area of the original platted area and any additions to the gross site area, and, if applicable, on the basis of the new zoning;
- C. All existing lots or parcels within the plat that are not affected by the replat, including additional lots or parcels that may be created by subdivision or partition under existing zoning, are subtracted from the maximum density of the original plat area in determining allowed density for the replatted portion; and

- D. All open space requirements of the original plat, if applicable, are satisfied by the replatted subdivision or partition, or portion thereof.

1105.05 CONDOMINIUM PLATS

If condominium platting is proposed as part of a design review application pursuant to Section 1102, *Design Review*, a separate condominium plat application is not required. Otherwise, a condominium plat requires review as a Type I application pursuant to Section 1307, *Procedures*. A proposed condominium plat shall comply with the applicable provisions of the section of this Ordinance that regulates the subject zoning district and with Section 1000, *Development Standards*.

1105.06 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a preliminary plat is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.
- B. If a final plat is not recorded within the initial approval period established by Subsection 1105.06(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. If a phasing plan and schedule are approved pursuant to Subsection 1105.03(C), the following shall apply in lieu of Subsections 1105.06(A) and (B):
  - 1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed four years from the date of the final written decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision.
  - 2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed two years from the end of the prior phase approval period.
  - 3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.
  - 4. If a final plat for any phase is not recorded within the initial approval period for that phase, a two-year time extension for that phase and all subsequent phases may be approved pursuant to Section 1310.
  - 5. In no case shall a phasing schedule or any time extensions permit the recording of any phase more than 10 years after the date of preliminary plat approval.

1105.07 FINAL PLAT REVIEW

If a preliminary plat is approved, finalizing the approval requires the completion of a final plat, except that a final plat is not required for a partition or partition replat in which all parcels are larger than 80 acres. The applicant shall comply with the following:

- A. The form and content of the final plat shall comply with the County's final decision approving the preliminary plat and applicable provisions of Chapters 11.01 and 11.02 of the Clackamas County Code and Oregon Revised Statutes Chapters 92, 94, 100, and 209.
- B. The final plat shall be submitted to the County for review. If a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws shall be submitted to the County with the final plat. If the final plat and, if a homeowners association is required, the declaration for a planned community, articles of incorporation, and bylaws are consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the application have either been satisfied or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall sign the plat.

1105.08 VACATIONS OF RECORDED PLATS

A recorded plat, or portion thereof, may be vacated pursuant to Oregon Revised Statutes (ORS) 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes.

1105.09 SUBDIVISIONS OF MANUFACTURED DWELLING PARKS AND MOBILE HOME PARKS

The conversion of an existing or approved manufactured dwelling park or mobile home park to a subdivision requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the submittal, review, and platting requirements of Oregon Revised Statutes (ORS) 92.830 through 92.845. Where ORS 92.830 through 92.845 conflict with the provisions of this Ordinance, ORS 92.830 through 92.845 shall take precedence.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-266, 5/23/18]





**1307 PROCEDURES**

---

1307.01 PURPOSE

Section 1307 is adopted to:

- A. Implement the goals and policies of the Comprehensive Plan for citizen involvement and the planning process;
- B. Establish uniform procedures for the review of land use applications and legislative land use proposals;
- C. Facilitate timely review of land use applications by the County;
- D. Clarify the land use application review process for applicants; and
- E. Enable the public to effectively participate in the County's land use permit decision-making process.

1307.02 APPLICABILITY

Section 1307 applies to all land use permit applications and all legislative land use proposals under this Ordinance.

- A. No person shall engage in or cause development to occur without first obtaining the necessary land use permit approvals required by, and according to the procedures in, Section 1307.
- B. Where the provisions of Section 1307 conflict with other provisions of this Ordinance, the more specific provisions shall control.

1307.03 REVIEW AUTHORITIES

- A. Review Authorities, Generally: Review authorities are those who are designated to make recommendations or decisions regarding land use permit applications and legislative land use proposals. Table 1307-1 lists the land use permits and legislative land use proposals that are provided for by this Ordinance and establishes:
  - 1. The review authority charged with making the initial decision;
  - 2. The review authority charged with making the decision on the initial County-level appeal, if any;
  - 3. The review authority charged with making the decision on the second County-level appeal, if any; and

4. Those circumstances where an additional review authority is charged with making a recommendation on the application or proposal to the decision maker.
- B. Planning Director: Pursuant to Oregon Revised Statutes 215.042, the Planning Director is the County official designated to administer land use planning in the County. In this role, the Planning Director administers the Comprehensive Plan and this Ordinance, issues decisions on certain land use permit applications, and provides administrative support to other review authorities. As used in this Ordinance, the term Planning Director includes any County staff member authorized by the Planning Director to fulfill the responsibilities assigned to the Planning Director by this Ordinance.
- C. Hearings Officer: Pursuant to ORS 215.406, the Hearings Officer is appointed by the Board of County Commissioners to conduct public hearings and issue decisions on certain land use permit applications.
- D. Historic Review Board: The Historic Review Board is designated as an advisory body on matters pertaining to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district and has the powers and duties described in Sections 707 and 1307.
1. The Historic Review Board shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.
  2. Historic Review Board members shall have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of historic preservation. Three positions on the Historic Review Board shall be filled as follows:
    - a. One architect, with knowledge in historic restoration;
    - b. One contractor, with expertise in construction techniques applied to historic structures; and
    - c. One representative from a historic group in the County.
  3. Unless otherwise provided for, members of the Historic Review Board shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
  4. If a member of the Historic Review Board does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.

5. A member whose term has ended may continue to serve on the Historic Review Board until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(D)(3).
  6. The Historic Review Board shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.
  7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- E. Design Review Committee: The Design Review Committee is designated as an advisory body on matters pertaining to the design review process and has the powers and duties described in Sections 1102 and 1307.
1. The Design Review Committee shall be composed of seven members, appointed by and serving at the pleasure of the Board of County Commissioners.
  2. Five positions on the Design Review Committee shall be filled as follows:
    - a. One landscape architect;
    - b. One architect;
    - c. One registered engineer;
    - d. One graphic design representative; and
    - e. One representative from the field of finance or the construction and development industry.
  3. Unless otherwise provided for, members of the Design Review Committee shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
  4. If a member of the Design Review Committee does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
  5. A member whose term has ended may continue to serve on the Design Review Committee until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(E)(3).

6. The Design Review Committee shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.
  7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- F. Planning Commission: The Planning Commission is designated as the land use planning advisory body to the Board of County Commissioners and acts as the decision maker on an initial appeal of the Planning Director's interpretation of the Comprehensive Plan. The Planning Commission shall have the powers and duties described in Section 1307 and such other powers and duties as may be imposed on it by County, state, or federal law.
1. The Planning Commission shall be composed of nine members, designated in positions labeled 1 through 9, appointed by and serving at the pleasure of the Board of County Commissioners.
  2. Members of the Planning Commission shall be residents of the various geographic areas of the County. No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade, or profession.
  3. Unless otherwise provided for, members of the Planning Commission shall serve four-year terms, beginning on May 1st of the year in which they are appointed. Terms may be renewed by the Board of County Commissioners.
  4. If a member of the Planning Commission does not complete his or her term, the Board of County Commissioners shall appoint a replacement to serve the remainder of that term.
  5. A member whose term has ended may continue to serve on the Planning Commission until the Board of County Commissioners renews that term or appoints a new member. The new term shall be considered to have begun on the date it would have under Subsection 1307.03(F)(3).
  6. The Planning Commission shall adopt bylaws governing its proceedings and appoint a chair and vice chair to manage those proceedings according to those bylaws, and County, state, and federal law.

7. In the event of a conflict between the bylaws and any provision of this Ordinance, this Ordinance shall govern. In the event of a conflict between the bylaws and a non-mandatory provision of state law, the bylaws shall govern.
- G. Board of County Commissioners: The Board of County Commissioners is the governing body of the County and is the final County decision maker on legislative land use proposals and certain land use permit applications.

1307.04 REVIEW PROCEDURE TYPES

- A. Land use permits and legislative land use proposals provided for under this Ordinance are classified as one of four types, each of which is subject to a corresponding review procedure. The four types are described as follows:
1. Type I permits are ministerial in nature and involve land use actions governed by non-discretionary standards and clear and objective approval criteria. Approval of a Type I permit may require imposition of conditions of approval to ensure compliance with this Ordinance. The Type I procedure is an administrative review process, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.
  2. Type II permits are administrative in nature and involve land use actions governed by standards and approval criteria that generally require the exercise of limited discretion. Impacts associated with the land use action may require imposition of conditions of approval to minimize those impacts and to ensure compliance with this Ordinance. The Type II procedure is an administrative review process, where the review authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision.
  3. Type III permits are quasi-judicial in nature, and involve land use actions governed by standards and approval criteria that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with this Ordinance and the Comprehensive Plan. The Type III procedure is a quasi-judicial review process where the review authority receives testimony, reviews the application for conformance with the applicable standards and approval criteria, and issues a decision.
  4. Type IV proposals are legislative in nature, and involve the creation, broad-scale implementation, or revision of public policy. These include amendments to the text of the Comprehensive Plan or this Ordinance. Large-scale changes in the Comprehensive Plan Land Use Plan maps and zoning maps also may be characterized as legislative where a larger number of property owners are directly affected.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

B. Table 1307-1 lists the land use permits and legislative land use proposals that are provided for by this Ordinance and assigns a procedure type to each. In the event that the procedure type for a land use permit application is not identified in Table 1307-1, specified elsewhere in this Ordinance, or otherwise required by law, the Planning Director shall determine the applicable procedure based on the guidelines in Subsection 1307.04(A). Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

1. As used in Table 1307-1:
  - a. "PD" means Planning Director.
  - b. "HO" means Hearings Officer.
  - c. "PC" means Planning Commission.
  - d. "BCC" means Board of County Commissioners.
  - e. Numbers in superscript correspond to the notes that follow Table 1307-1.

**Table 1307-1: Land Use Permits by Procedure Type**

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Accessory Historic Dwelling	I	No	PD	No County-Level Appeal
AG/F District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection <del>406.09(A)</del> 401.09(C)]	I	No	PD	No County-Level Appeal
<u>AG/F District, Land Division [pursuant to Subsections 406.09(B) through (G)]</u>	<u>II</u>	<u>No</u>	<u>PD</u>	<u>HO</u>
AG/F District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(5)]	III	No	HO	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
AG/F District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 407-1	II	No	PD	HO
Comprehensive Plan Map Amendment <sup>1</sup>	III or IV	Type III Only	BCC	No County-Level Appeal
Comprehensive Plan Text Amendment	IV	No	BCC	No County-Level Appeal
Conditional Use	III	Yes	HO	No County-Level Appeal
Condominium Plat <sup>2</sup>	I	No	PD	No County-Level Appeal
Conversion of a Manufactured Dwelling Park or a Mobile Home Park to a Subdivision	I	No	PD	No County-Level Appeal
Design Review <sup>3</sup>	II	Yes	PD	HO
EFU District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 401.09(C)]	I	No	PD	No County-Level Appeal
<u>EFU District, Land Division [pursuant to Subsections 401.09(D) through (H)]</u>	<u>II</u>	<u>No</u>	<u>PD</u>	<u>HO</u>



CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

<b>Land Use Permit</b>	<b>Procedure Type</b>	<b>Pre-Application Conference Required</b>	<b>Initial Decision Review Authority</b>	<b>Appeal Review Authority</b>
EFU District, Lot of Record Dwelling on High Value Farmland [pursuant to Subsection 401.05(C)(5)]	III	No	HO	No County-Level Appeal
EFU District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 401-1	II	No	PD	HO
Farmers' Market	II	No	PD	HO
Floodplain Development	II	No	PD	HO
Floodway, Fish Enhancement Project [pursuant to Subsection 703.07(F)]	I	No	PD	No County-Level Appeal
Gathering subject to review under Oregon Revised Statutes 433.763	III	Yes	PC	BCC
Habitat Conservation Area District	See Subsection 706.06	No	See Subsection 706.06	See Subsection 706.06
Historic Landmark, Historic District, and Historic Corridor, Maintenance	I	No	PD	No County-Level Appeal
Historic Landmark, Historic District, and Historic Corridor, Major Alteration <sup>4</sup>	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Minor Alteration	II	Yes	PD	HO
Historic Landmark, Historic District, and Historic Corridor, Moving or Demolition <sup>4</sup>	II	Yes	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Historic Landmark, Historic District, and Historic Corridor, New Construction <sup>4</sup>	II	Yes	PD	HO
Home Occupation, Major, New, with an Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, New, without an Exception	II	No	PD	HO
Home Occupation, Major, Renewal, with a New Exception	III	Yes	HO	No County-Level Appeal
Home Occupation, Major, Renewal, without a New Exception	II	No	PD	HO
Interpretation, Comprehensive Plan <sup>5</sup>	II	No	PD	PC
Interpretation, Zoning and Development Ordinance <sup>6</sup>	II	No	PD	HO
Marijuana Processing in the AG/F and EFU Districts	II	No	PD	HO
Marijuana Production, if regulated by Section 841, <i>Marijuana Production, Processing, and Retailing</i>	I	No	PD	No County-Level Appeal
Marijuana Retailing	I	No	PD	No County-Level Appeal

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Land Use Permit</b>	<b>Procedure Type</b>	<b>Pre-Application Conference Required</b>	<b>Initial Decision Review Authority</b>	<b>Appeal Review Authority</b>
Mineral and Aggregate Overlay District, Extraction Area Permit	I	No	PD	No County-Level Appeal
Mineral and Aggregate Overlay District, Impact Area Permit	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Two	I	No	PD	No County-Level Appeal
Mobile Vending Unit, Level Three	II	Yes	PD	HO
Modification	II	No	PD	HO
Nonconforming Use, Alteration not Required by Law	II	No	PD	HO
Nonconforming Use, Verification	II	No	PD	HO
Open Space, Conflict Resolution for Wetlands and Significant Natural Areas	II	No	PD	HO
Open Space Review	II	No	PD	HO
Partition	II	Yes	PD	HO
Principal River Conservation Area	II	No	PD	HO
Private Use Airport and Safety Overlay Zone, Expansion of Existing Use [pursuant to Subsection 712.05(B)]	II	No	PD	HO

**CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE**

<b>Land Use Permit</b>	<b>Procedure Type</b>	<b>Pre-Application Conference Required</b>	<b>Initial Decision Review Authority</b>	<b>Appeal Review Authority</b>
Private Use Airport and Safety Overlay Zone, New Use [pursuant to Subsection 712.06]	III	No	HO	No County-Level Appeal
Public Use Airport and Safety Overlay Zones, Use Permitted Subject to Review [pursuant to Subsection 713.05]	III	No	HO	No County-Level Appeal
Property Line Adjustment [except pursuant to Subsection 1107.04(C)(2)(b), 1107.04(C)(2)(c), or 1107.04(D)(3)]	I	No	PD	No County-Level Appeal
Property Line Adjustment [pursuant to Subsection 1107.04(C)(2)(b), 1107.04(C)(2)(c), or 1107.04(D)(3)]	II	No	PD	HO
Replat (number of lots or parcels proposed to increase)	II	Yes	PD	HO
Replat (number of lots or parcels proposed to decrease or remain the same)	I	No	PD	No County-Level Appeal
Sensitive Bird Habitat District, Alteration or Development	II	No	PD	HO
Sign Permit	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(A)]	I	No	PD	No County-Level Appeal
Slopes, Development [pursuant to Subsection 1002.01(B)]	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Stream Conservation Area	II	No	PD	HO
Subdivision, Major	III	Yes	HO	No County-Level Appeal
Subdivision, Minor	II	Yes	PD	HO
TBR District, Land Division, 80-acre Minimum Lot Size [pursuant to Subsection 406.09(A)]	I	No	PD	No County-Level Appeal
<u>TBR District, Land Division [pursuant to Subsections 406.09(B) through (G)]</u>	<u>II</u>	<u>No</u>	<u>PD</u>	<u>HO</u>
TBR District, Permits not Otherwise Listed in Table 1307-1 but Identified as Type II in Table 406-1	II	No	PD	HO
Temporary Dwelling for Care	II	No	PD	HO
Temporary Dwelling while Building	I	No	PD	No County-Level Appeal
Temporary Structure for Emergency Shelter	I	No	PD	No County-Level Appeal
Temporary Use Otherwise Prohibited	II	No	PD	HO
Time Extension	II	No	PD	HO
Variance	II	No	PD	HO

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Vested Right Determination	II	No	PD	HO
Water Quality Resource Area District	See Subsection 709.06	No	See Subsection 709.06	See Subsection 709.06
Willamette River Greenway	II	No	PD	HO
Willamette River Greenway, Timber Harvest [pursuant to Subsection 705.03(I)]	II	No	PD	HO
Wireless Telecommunication Facility, <u>Identified as Type I in Table 835-1, Permitted Wireless Telecommunication Facilities, without an Adjustment</u> <del>[pursuant to Subsection 835.04]</del>	I	No	PD	No County-Level Appeal
<u>Wireless Telecommunication Facility, Identified as Type II in Table 835-1, without an Adjustment</u>	<u>II</u>	<u>No</u>	<u>PD</u>	<u>HO</u>
Wireless Telecommunication Facility, <u>Identified as a Primary Use in Table 835-1, with an Adjustment</u> <del>[pursuant to Subsection 835.05]</del>	III	No	HO	No County-Level Appeal
<del>Wireless Telecommunication Facility, without an Adjustment [pursuant to Subsection 835.05]</del>	<del>II</del>	<del>No</del>	<del>PD</del>	<del>HO</del>
Zone Change <sup>7</sup>	III or IV	Type III Only	HO, Type III BCC, Type IV	No County-Level Appeal

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

Land Use Permit	Procedure Type	Pre-Application Conference Required	Initial Decision Review Authority	Appeal Review Authority
Zoning and Development Ordinance Text Amendment	IV	No	BCC	No County-Level Appeal

Notes to Table 1307-1:

- 1 The Type III procedure shall be modified to include Planning Commission public hearing and recommendation to the Board of County Commissioners prior to the initial Board of County Commissioners public hearing. In the case of a Comprehensive Plan amendment related to the designation of a Historic Landmark, Historic District, or Historic Corridor, both the Type III and Type IV procedures shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.
- 2 If condominium platting is proposed as part of a design review application, a separate condominium plat application is not required.
- 3 The Type II procedure may be modified, pursuant to Subsection 1102.04(A) or (B), to include Design Review Committee review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.
- 4 The Type II procedure shall be modified to include Historic Review Board review and recommendation to the Planning Director prior to issuance of the Planning Director's decision.
- 5 The Type II procedure shall be modified to allow the Planning Commission's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.13(E)(1).
- 6 The Type II procedure shall be modified to allow the Hearings Officer's decision on initial appeal to be further appealed to the Board of County Commissioners, pursuant to Subsection 1307.13(E)(2).
- 7 In the case of a zone change related to the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the Type III procedure shall be modified to designate the Board of County Commissioners as the initial decision review authority and to include Historic Review Board review and recommendation to the Board of County Commissioners prior to the initial Board

of County Commissioners public hearing, and the Type IV procedure shall be modified to replace the Planning Commission public hearing and recommendation to the Board of County Commissioners with Historic Review Board review and recommendation to the Board of County Commissioners.

- C. Notwithstanding any other provision in Section 1307, except for an application for an interpretation of the Comprehensive Plan, an applicant may choose to process a Type II land use permit application using the Type III procedure, and the Hearings Officer shall be the review authority for the initial decision. The decision of the Hearings Officer shall be the final decision of the County, except for an application for an interpretation of this Ordinance, in which case appeal to the Board of County Commissioners is allowed pursuant to Subsection 1307.13(E)(2).

#### 1307.05 PRE-APPLICATION CONFERENCE

- A. Purpose: Pre-application conferences are intended to familiarize applicants with the requirements of this Ordinance; to provide applicants with an opportunity to meet with County staff to discuss proposed projects in detail; and to identify standards, approval criteria, and procedures prior to filing a land use permit application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use review process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the County from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- B. Applicability: Table 1307-1 identifies the land use permit applications for which pre-application conferences are mandatory. Pre-application conferences are voluntary for all other land use permit applications.
- C. Submittal Requirements: Pre-application conference requests shall include:
  - 1. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
    - a. The names, mailing addresses, and telephone numbers of the applicant(s);
    - b. The address of the subject property, if any, and its assessor's map and tax lot number;
    - c. The size of the subject property;
    - d. The Comprehensive Plan designation and zoning district of the subject property;
    - e. The type of application for which the pre-application conference is requested;



- f. A brief description of the proposal for which the pre-application conference is requested; and
  - g. Signature(s) of the applicant(s), authorizing the filing of the pre-application request.
2. Additional information necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow County staff to review and comment; and
  3. Payment of the applicable fee, pursuant to Subsection 1307.15.
- D. Scheduling: Upon receipt of a complete application, the Planning Director will schedule the pre-application conference. The Planning Director will coordinate the involvement of other County departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.
- E. Summary: Subsequent to the pre-application conference, the Planning Director will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the County or any other outside agency or service provider on the merits of the proposal.
- F. Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences: A follow-up pre-application conference is required for those mandatory pre-application conferences that have already been held when:
1. A complete application relating to the proposed development has not been submitted within one year of the pre-application conference; or
  2. The proposed use, layout, or design of the proposed development has changed significantly.

#### 1307.06 REVIEW OF MULTIPLE APPLICATIONS

When multiple land use permits for the same property are required or proposed by an applicant, all of the applications may be filed concurrently. Each application shall be processed separately using the procedure identified in Table 1307-1 for that application, except that applications filed concurrently shall be processed through a consolidated procedure if:

- A. One of the applications is a Type III application for a Comprehensive Plan map amendment, in which case the Type III Comprehensive Plan map amendment procedure shall be used;
- B. Multiple land use permit applications are subject to the same procedure type with the same initial decision and appeal review authorities. Applications for an

interpretation of this Ordinance are excluded from this consolidation provision; or

- C. The applicant elects to process multiple applications through a consolidated procedure, if such consolidation is consistent with Subsection 1307.04(C).

1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

- A. Initiation of Applications: Type I, II, and III land use permit applications may be initiated by:
  - 1. The owner of the subject property;
  - 2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;
  - 3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority; or
  - 4. If the application is for Comprehensive Plan designation or zoning of a Historic District or Historic Corridor, the owners or contract purchasers of at least 60 percent of the property within the area to be so designated or zoned.
- B. Initiation of Legislative Proposals: Type IV legislative land use proposals may be initiated by the Board of County Commissioners, the Planning Commission, or the Planning Director. However, initiation of a legislative proposal does not obligate the County to further processing of the proposal pursuant to Subsection 1307.11, or prevent the County from discontinuing the processing of the proposal at any point prior to decision.
- C. Application Submittal: Type I, II, and III land use permit applications are subject to the following submittal requirements:
  - 1. The following shall be submitted for an application to be complete:
    - a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:
      - i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
      - ii. The address of the subject property, if any, and its assessor's map and tax lot number;
      - iii. The size of the subject property;
      - iv. The Comprehensive Plan designation and zoning district of the subject

- property;
- v. The type of application being submitted;
  - vi. A brief description of the proposal; and
  - vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.
- b. A completed supplemental application form, such form to be prescribed by the Planning Director, or a written statement addressing each applicable approval criterion and standard and each item on the supplemental application form;
  - c. Any additional information required under this Ordinance for the specific land use permit sought; and
  - d. Payment of the applicable fee, pursuant to Subsection 1307.15.
2. The Planning Director, at his or her sole discretion, may waive a submittal requirement of Subsection 1307.07(C)(1)(b) or (c), if the Planning Director determines that the requirement is not material to the review of the application.
  3. Each application, when received by the Planning Director, shall be date-stamped with the date the application was received.
- D. Completeness of a Type I Application: If a Type I application is not complete when submitted, and the applicant does not make it complete within 60 days of submittal, the application is void.
- E. Completeness Review for Type II and III Applications: After it is submitted, a Type II or III land use permit application shall be reviewed for completeness, as follows:
1. Except as otherwise provided under Oregon Revised Statutes 215.427, the Planning Director shall review an application for completeness within 30 days of its receipt.
  2. Determination of completeness shall be based upon the submittal requirements of Subsection 1307.07(C)(1) and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the County will make a favorable decision on the application.
  3. If an application is determined to be complete, review of the application shall commence.

4. If an application is determined to be incomplete, written notice shall be provided to the applicant within 30 days of receipt of the application, identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. The application shall be deemed complete upon receipt by the Planning Director of:
  - a. All of the missing information;
  - b. Some of the missing information and written notice from the applicant that no other information will be provided; or
  - c. Written notice from the applicant that none of the missing information will be provided.
5. If the application was complete when first submitted, or the applicant submits additional information, as described in Subsection 1307.07(E)(4), within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
6. On the 181st day after first being submitted, the application is void, if the applicant has been notified of the missing information as required under Subsection 1307.07(E)(4) and has not submitted the missing information or otherwise responded, as provided in Subsection 1307.07(E)(4).

#### 1307.08 TYPE I MINISTERIAL PROCEDURES

Type I land use permit applications are subject to the following procedure:

- A. Notice of Application: Notice of application is not provided.
- B. Decision: The review authority shall approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision.
- C. Notice of Decision: A copy of the decision shall be mailed to the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof.
- D. Appeal: The review authority's decision is the final decision of the County.

#### 1307.09 TYPE II ADMINISTRATIVE PROCEDURES

Type II land use permit applications are subject to the following procedures:

- A. Notice of Application: Notice of application shall be provided as follows:
  1. A minimum of 20 days prior to the issuance of a decision, written notice of application shall be mailed to:

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
    - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;
    - ii. 500 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
    - iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district;
  - c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
  - d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
  - e. Cities, as prescribed in applicable urban growth management agreements;
  - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
  - g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;
  - h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
  - i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
2. At a minimum, notice of application shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
  - b. A list of the applicable criteria from this Ordinance and the

- Comprehensive Plan that apply to the application;
- c. The street address or other easily understood geographical reference to the subject property;
  - d. The name and telephone number of the County staff member to contact where additional information may be obtained;
  - e. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
  - f. A general explanation of when, where, how, and to whom written comments on the application may be submitted; and
  - g. A statement that subsequent to the closing of the public comment period, a decision will be issued and mailed to everyone entitled to the initial notice of the application.
3. A minimum of 20 days prior to the issuance of a decision, a copy of the submitted application shall be mailed to those identified in Subsections 1307.09(A)(1)(d) through (i).
- B. Decision: The review authority shall consider the record of the application and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
  2. The conditions of approval, if any;
  3. The street address or other easily understood geographical reference to the subject property;
  4. The name and telephone number of the County staff member to contact where additional information may be obtained;
  5. A statement that the complete application file is available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
  6. The date the review authority's decision becomes effective, unless appealed;

7. A statement that the decision will not become final until the period for filing an appeal with the County has expired without the filing of an appeal;
  8. A statement that any person who is adversely affected or aggrieved or who is entitled to written notice under Subsection 1307.09(C) may appeal the decision by filing a written appeal, and including the date and time by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, the appeal fee, and where further information may be obtained concerning the appeal process; and
  9. A statement that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.
- C. Notice of Decision: A copy of the decision shall be mailed to those identified in Subsection 1307.09(A)(1).
- D. Appeal: The review authority's decision is the final decision of the County, unless an appeal is filed pursuant to Subsection 1307.13.

#### 1307.10 TYPE III QUASI-JUDICIAL PROCEDURES

Type III land use permit applications are subject to the following procedures:

- A. Notice of Application and Public Hearing: Notice of application and public hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development (DLCD), if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
  2. A minimum of 35 days prior to the first evidentiary hearing on the application, a copy of the submitted application shall be mailed to:
    - a. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
    - b. Cities, as prescribed in applicable urban growth management agreements;
    - c. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
    - d. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation, cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;

- e. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification; and
  - f. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416.
3. A minimum of 20 days prior to the first evidentiary hearing of each review authority on the application, written notice of the application and hearing shall be mailed to:
- a. The applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
  - b. All property owners of record, pursuant to Subsection 1307.16(C), within:
    - i. 300 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located inside an urban growth boundary or in an MRR, HR, or RTC District;
    - ii. 500 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and outside an MRR, HR, RTC, EFU, TBR, or AG/F zoning district; or
    - iii. 750 feet of the subject property, and contiguous properties under the same ownership, if the subject property is located outside an urban growth boundary and in an EFU, TBR, or AG/F zoning district.
    - iv. If the application is for a zone change to apply the MAO District, the distances set forth in Subsections 1307.10(A)(3)(b)(i) through (iii) shall be increased to 1,000 feet from the outer boundary of the proposed impact area under Section 708;
  - c. If the application is for a replat of a recorded plat, all owners of lots or parcels in the original plat.
  - d. Any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
  - e. Cities, as prescribed in applicable urban growth management agreements;
  - f. Those special districts and government agencies deemed by the Planning Director to have an interest in the application;
  - g. The Oregon Department of Agriculture, if the subject property is in the EFU or AG/F District and the application is for the propagation,



cultivation, maintenance, and harvesting of aquatic species that are not under the jurisdiction of the Oregon Fish and Wildlife Commission;

- h. Metro and any watershed council recognized by the Oregon Watershed Enhancement Board and whose boundaries include the subject property, if the application is for Habitat Conservation Area map verification;
  - i. The airport owner and the Oregon Department of Aviation, if required by Oregon Revised Statutes (ORS) 197.183, 215.223, or 215.416; and
  - j. Tenants of a mobile home or manufactured dwelling park, as defined in ORS 446.003, when property that includes all or part of such mobile home or manufactured dwelling park is the subject of an application for a Comprehensive Plan map amendment, zone change, or both. Notice to such tenants shall be mailed no more than 40 days before the first evidentiary hearing.
4. At a minimum, notice of application and hearing shall include:
- a. An explanation of the nature of the application and the proposed use or uses that could be authorized;
  - b. A list of the applicable criteria from this Ordinance and the Comprehensive Plan that apply to the application;
  - c. The street address or other easily understood geographical reference to the subject property;
  - e. Date, time, and location of the hearing;
  - f. A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue;
  - g. The name and telephone number of the County staff member to contact where additional information may be obtained;
  - h. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a cost established by the Board of County Commissioners;
  - i. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at a cost established by the Board of County Commissioners;
  - j. A general explanation of the requirements for submission of testimony and

the procedure for conduct of hearings; and

- k. A statement that subsequent to the close of the public hearing, a decision will be issued and mailed as required by Subsection 1307.10(E).
5. If the application is for a Comprehensive Plan amendment, notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first evidentiary hearing, by publication in a newspaper of general circulation in the County. However, if the application applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Application Review and Staff Report: The Planning Director shall review the application, written comments, and evidence submitted prior to the public hearing; prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and make a recommendation to the review authority. The staff report shall be made available to the public for review a minimum of seven days prior to the first evidentiary hearing.
- C. Public Hearing: A public hearing shall be held before the review authority, for the purpose of receiving testimony regarding the application.
- D. Decision: The review authority shall consider the record and approve, approve with conditions, or deny the application based on the applicable standards and criteria. The review authority shall issue a written decision that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the standards, criteria, and facts set forth. The decision also shall include:
1. An explanation of the nature of the application and the use or uses that were proposed and, if applicable, are authorized by the decision;
  2. The conditions of approval, if any;
  3. The street address or other easily understood geographical reference to the subject property;
  4. The date the review authority's decision becomes effective, unless appealed; and
  5. A statement that any person who presented evidence, argument, or testimony as part of the record may appeal the decision by filing a written appeal; the date by which an appeal must be filed, the location for filing, a brief statement explaining how to file an appeal, and where further information may be

obtained concerning the appeal process;

- E. Notice of Decision: A copy of the decision shall be mailed to:
1. Those identified in Subsections 1307.10(A)(3)(a) and (d) through (i);
  2. Anyone who provided evidence, argument, or testimony as part of the record;
  3. Anyone who made a written request for notice of decision; and
  4. DLCD, if required pursuant to ORS 197.615. Procedures for the giving of the required notice to DLCD shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.
- F. Appeal: The review authority's decision is the final decision of the County, except as may be provided for interpretation applications pursuant to Subsection 1307.13(E). Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

#### 1307.11 TYPE IV LEGISLATIVE PROCEDURES

Type IV legislative land use proposals are subject to the following procedures:

- A. Notice of Proposal and Public Hearing: Notice of proposal and hearing shall be provided as follows:
1. Notice shall be provided to the Oregon Department of Land Conservation and Development, if required pursuant to ORS 197.610. Procedures for the giving of the required notice shall be those established by ORS 197.610 and Oregon Administrative Rules Chapter 660, Division 18.
  2. Notice shall be provided to the Metropolitan Service District, if required pursuant to Section 3.07.820 of the Code of the Metropolitan Service District. Procedures for the giving of the required notice shall be those established by Section 3.07.820 of the Code of the Metropolitan Service District.
  3. For proposed amendments to the text of the Comprehensive Plan or this Ordinance, a minimum of 35 days prior to the first public hearing, a copy of the text, showing proposed additions and deletions, shall be made available to the public for review. All active community planning organizations, hamlets, and villages that are recognized by the County shall be notified when it becomes available.
  4. A minimum of 20 days prior to the first public hearing of each review authority on the proposal, written notice of the proposal and hearing shall be mailed to:
    - a. For proposed amendments to the text of the Comprehensive Plan or this

Ordinance, all active community planning organizations, hamlets, and villages that are recognized by the County;

- b. For proposed Comprehensive Plan Land Use Plan map amendments and zone changes, any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village;
  - c. Cities, as prescribed in applicable urban growth management agreements; and
  - d. Those special districts and government agencies deemed by the Planning Director to have an interest in the proposal.
5. At a minimum, notice of proposal and hearing shall include:
- a. An explanation of the nature of the proposal;
  - b. Date, time, and location of the hearing;
  - c. The name and telephone number of the County staff member to contact where additional information may be obtained; and
  - d. For Comprehensive Plan Land Use Plan map amendments and zone changes, a copy of the proposed map change(s).
6. Notice of the date, time, location, and purpose of the Planning Commission's hearing and the Board of County Commissioner's hearing shall be given a minimum of 10 days prior to the date of each review authority's first public hearing, by publication in a newspaper of general circulation in the County. However, if the legislative land use proposal applies to only a part of the County, the notice may instead be published in a newspaper of general circulation in that part of the County.
- B. Proposal Review and Staff Report: The Planning Director shall consider the proposal, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the proposal, comments received to-date, and the relevant issues associated with the proposal. Each staff report shall make a recommendation to the review authority.
- C. Planning Commission Public Hearing: A public hearing shall be held before the Planning Commission, for the purpose of receiving testimony regarding the proposal.
- D. Planning Commission Recommendation: The Planning Commission shall consider the record and may make a recommendation to the Board of County Commissioners to adopt, adopt with modifications, or decline to adopt the proposal. If no recommendation is made by the Planning Commission and no

extension is granted by the Board of County Commissioners, the Board of County Commissioners may act upon the proposal notwithstanding the lack of a recommendation.

- E. Board of County Commissioners Public Hearing: A public hearing shall be held before the Board of County Commissioners, for the purpose of receiving testimony regarding the proposal.
- F. Decision: The Board of County Commissioners shall consider the record and may adopt, adopt with modifications, or decline to adopt the proposal; remand the matter back to the Planning Commission for further consideration; or table the matter. The decision of the Board of County Commissioners to adopt or adopt with modifications shall be by ordinance.
- G. Notice of Decision: Notice of decision shall be provided as follows:
  - 1. A maximum of 20 days after the decision is made it shall be submitted to the Oregon Department of Land Conservation and Development (DLCD). Procedures for the giving of the required notice shall be those established by ORS 197.615 and Oregon Administrative Rules Chapter 660, Division 18.
  - 2. On the same day the decision is submitted to DLCD, the County shall mail, or otherwise deliver, notice to persons who both participated in the County proceedings that led to the decision to adopt the change to the Comprehensive Plan or this Ordinance and requested in writing that the County give notice of the change. The notice shall:
    - a. State how and where the materials described in ORS 197.615(2) may be obtained;
    - b. Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;
    - c. List the locations and times at which the public may review the decision and findings; and
    - d. Explain the requirements for appealing the land use decision under ORS 197.830 to 197.845.
- H. Appeal: The Board of County Commissioners' decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals or the Oregon Land Conservation and Development Commission, as determined by state law.

## 1307.12 PUBLIC HEARINGS

Subsection 1307.12 applies to public hearings held pursuant to Section 1307, except that only Subsections 1307.12(A), (B), (E) through (H), and (J) apply to public hearings in a Type IV proceeding.

- A. Procedure, Generally: Public hearings shall be conducted in accordance with Oregon Revised Statutes (ORS) 197.763, Subsection 1307.12, and any bylaws or rules of procedure adopted by the review authority. Subsection 1307.12 authorizes the Hearings Officer, Planning Commission, and Board of County Commissioners to adopt rules of procedure for the conduct of hearings.
- B. Parties: Any interested party shall be entitled to participate in a public hearing.
- C. Order of Proceeding: The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted bylaws or rules of procedure of the review authority, as appropriate.
  - 1. Jurisdictional Objections: Before receiving the staff report or testimony on the application, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the review authority has the discretion to proceed or terminate the hearing.
  - 2. Disclosure Statement: The review authority (or individual member thereof), or its designee, shall read the land use disclosure statement, which shall include:
    - a. A list of the applicable substantive criteria, or a reference to the staff report, where a list of the criteria can be found;
    - b. A statement that testimony, argument, and evidence must be directed toward the criteria described in Subsection 1307.12(C)(2)(a) or other criteria in the Comprehensive Plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals (LUBA) based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
  - 3. Call for Ex Parte Contacts: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact. If the review authority is the Hearings Officer, he or she shall declare any ex parte contacts and state for the record the nature and content of

the contact.

4. Call for Abstentions: If the review authority is the Planning Commission or the Board of County Commissioners, the presiding officer, or designee, shall inquire whether any member must abstain from participation in the hearing due to conflicts of interest. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises. If the review authority is the Hearings Officer, he or she shall declare any potential conflicts of interest. The Hearings Officer shall state the nature of the conflict, and if the nature of the conflict is such that the Hearings Officer cannot fulfill his or her duty to be a fair and impartial decision maker, the Hearings Officer shall recuse himself or herself from hearing the matter.
5. Staff Report: The Planning Director shall present a report and recommendation concerning the proposal.
6. Presentation of the Application:
  - a. Applicant's case;
  - b. Community planning organizations, hamlets, and villages. Appearance by a representative from any active community planning organization, hamlet, or village that is recognized by the County, if the subject property lies wholly or partially inside the boundaries of such organization, hamlet, or village, to present the organization's position on the proposal;
  - c. Public testimony; and
  - d. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters that were introduced during the hearing.
7. Close of Hearing: No additional testimony, evidence, or argument shall be accepted after the close of the hearing unless the record is held open by the review authority.
8. Reopened Hearing: The hearing may be reopened by the review authority, prior to decision, to receive additional testimony, evidence, or argument. Notice shall be provided to the same persons who received notice of the original hearing and to anyone who provided evidence, argument, or testimony as part of the record.
9. Deliberations: If the review authority is the Planning Commission or Board of County Commissioners, deliberations shall immediately follow the hearing,

except that deliberations may be delayed to a subsequent date and time certain. If the review authority is the Hearings Officer, deliberations will not occur, and the Hearings Officer will instead take the matter under advisement.

10. Remand: The Board of County Commissioners may remand any matter previously considered by the Planning Commission back to the Planning Commission for further review.
11. Recommendation or Decision: When the review authority is the Planning Commission or Board of County Commissioners, the recommendation or decision, as applicable, will be voted on and announced during a public meeting.

D. Ex Parte Contact:

1. The review authority shall not do any of the following:
  - a. Communicate, directly or indirectly, with any party or their representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate;
  - b. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with a particular application, unless the parties are afforded an opportunity to contest the material so noted; or
  - c. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present. Individuals representing the review authority may inspect the site alone but must put the circumstances of the inspection on record.
2. A party may challenge the review authority, or individual member thereof, on the grounds of Subsection 1307.12(D)(1), or that such individual has a legal conflict of interest as defined by ORS 244.020(1) or ORS 244.120. A challenge and the decision thereon by the review authority shall be entered in the record of the application.
3. While every effort must be made to avoid ex parte contact, no decision of the review authority shall be invalid due to ex parte contact or bias resulting from ex parte contact, as described under Subsection 1307.12(D)(1), if the review authority (or individual member thereof) receiving the contact:
  - a. Places on the record the substance of any written or oral ex parte communication concerning the decision or action; and
  - b. Has a public announcement made of the content of the communication, and of the parties' right to rebut the substance of the communication, at the first hearing following the communication where action will be



considered or taken on the subject to which the communication related.

4. A communication between County staff and the review authority (or individual member thereof) shall not be considered an ex parte contact for purposes of Subsection 1307.12(D)(1).

E. Evidence and Exhibits:

1. All evidence may be received unless excluded by the review authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the approval of the land use permit or legislative land use proposal more or less probable than it would without the evidence. Evidence may be received subject to a later ruling regarding its admissibility.
2. The review authority may exclude cumulative, repetitive, or immaterial evidence, but erroneous admission of evidence by the review authority shall not preclude action by the review authority or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party.
3. All evidence shall be offered and made a part of the record in the application or legislative proceeding; and, except for matters stipulated to and except as provided in Subsection 1307.12(E)(4), no other factual information or evidence shall be considered in the recommendation or decision.
4. The review authority may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within specialized knowledge. Except in a Type IV proceeding, interested parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The review authority may utilize experience, technical competence, and specialized knowledge in evaluation of the evidence presented.
5. All exhibits received shall be marked so as to provide identification upon review. Such exhibits may be returned when the period for review has expired, but shall otherwise be preserved by the Planning Director.

F. Time Limits: The review authority may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. No person may speak more than once without obtaining permission from the review authority.

G. Questioning: The review authority (or individual member thereof) or County staff may question any person who testifies. The applicant and other parties to the

proceeding shall not have the right to question or cross-examine any person who testifies.

- H. Scope of Testimony: Except in a Type IV proceeding, testimony shall be directed towards the applicable standards and criteria that apply to the proposal. The review authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the review authority may call for those in favor and those in opposition to rise, and the review authority shall note the numbers of such persons for the record.
- I. Continuances and Open Record Periods:
1. All documents or evidence relied upon by the applicant shall be submitted to the County and be made available to the public. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If additional documents or evidence are provided by any party, the review authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension of the time limitations of ORS 215.427 and ORS 215.429.
  2. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, argument, or testimony regarding the application. The review authority shall either continue the public hearing, pursuant to Subsection 1307.12(I)(2)(a), or leave the record open for additional written evidence, argument, or testimony, pursuant to Subsection 1307.12(I)(2)(b).
    - a. If the review authority grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, argument, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, argument, or testimony for the purpose of responding to the new written evidence. Only one continuance is available of right under Subsection 1307.12(I)(2)(a); provided, however, nothing in Subsection 1307.12(I)(2)(a) shall restrict the review authority, in its discretion, from granting additional continuances.
    - b. If the review authority leaves the record open for additional written evidence, argument, or testimony, the record shall be left open for at least seven days. The review authority may leave the record open for an additional period of at least seven days for any participant to respond to new evidence submitted during the prior open-record period. However, if the review authority has not provided for this additional open-record

period, any participant may file a written request with the Planning Director for an opportunity to respond to new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is left open. If such a request is filed, the review authority may reopen the record pursuant to Subsection 1307.12(I)(4).

- c. A continuance or extension granted pursuant to Subsection 1307.12(I)(2) shall be subject to the limitations of ORS 215.427 and ORS 215.429, unless the continuance or extension is requested or agreed to by the applicant.
3. Additional notice of a continued hearing is not required, unless the hearing is continued without announcing a date, time, and place certain, in which case notice of the continued hearing shall be given as though it were the initial hearing.
4. If the record is reopened to admit new evidence, argument, or testimony, any person may raise new issues which relate to the new evidence, argument, testimony, or criteria for decision-making which apply to the matter at issue. Notice of the reopened record shall be provided to any person who presented evidence, argument, or testimony as part of the record prior to the date the record was reopened.
5. Unless waived by the applicant, the review authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 215.427 and ORS 215.429.

J. Record of Hearing:

1. A verbatim record of the proceeding shall be made by written, mechanical, or electronic means, which record need not be transcribed except upon review on the record.
2. The record of proceedings is comprised of:
  - a. The Comprehensive Plan and this Ordinance, all of which shall be automatically incorporated into the record;
  - b. The application or legislative proposal that initiated the proceeding;
  - c. All testimony, argument, evidence, and exhibits submitted prior to the close of the record of the proceeding;

- d. Any staff reports submitted prior to the close of the record of the proceeding;
- e. Any electronic presentation used by either staff, applicant, or other participant in the proceeding;
- f. The verbatim record, as provided in Subsection 1307.12(J)(1);
- g. Minutes, if any, of the hearing;
- h. A verbatim record, as provided in Subsection 1307.12(J)(1), of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority;
- i. Minutes, if any, of any public meeting after the close of the hearing at which the proceeding is discussed by or acted upon by the review authority; and
- j. The written decision.

#### 1307.13 APPEALS

Subsection 1307.13 applies to all appeals processed by the County of decisions issued under Section 1307. Table 1307-1 identifies those land use permit decisions that may be appealed at the County level and the applicable review authority for those appeals.

- A. Filing an Appeal: An appeal shall be in writing and must be received by the Planning Director within 12 days of the date of mailing of the notice of decision, or if the 12<sup>th</sup> day falls on a day on which the County is not open for business, by the next day on which the County is open for business.
- B. Notice of Appeal: Notice of appeal shall be made on a form prescribed by the Planning Director and shall be accompanied by the appeal fee. The notice of appeal shall contain:
  - 1. Identification of the decision sought to be appealed, including its assigned file number, the name of the applicant, and the decision date;
  - 2. The name, mailing address, and telephone number of the appellant;
  - 3. The nature of the decision being appealed and the grounds for appeal; and
  - 4. Signature(s) of the appellant(s), or the duly authorized representative(s) thereof, authorizing the filing of the appeal.
- C. Proper Filing of Notice of Appeal: The failure to file a timely and complete notice of appeal is a jurisdictional defect, and the Planning Director shall not accept a notice of appeal that does not comply with Subsections 1307.13(A) and

(B). The Planning Director's determination that an appellant has failed to comply with Subsections 1307.13(A) and (B) shall be final.

D. Appeal Procedures; Scope: Appeals are subject to the following procedures:

1. De Novo Review: Appeals shall be de novo. In a de novo review, all issues of law and fact are heard anew, and no issue of law or fact decided by the lower-level review authority is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony. The record of the initial proceeding shall be made a part of the record of the appeal. For purposes of Subsection 1307.13(D)(1), the record of the initial proceeding consists of
  - a. Those items listed in Subsections 1307.12(J)(2)(a) through (d) and (j); and
  - b. Those items listed in Subsections 1307.12(J)(2)(e) through (i), to the extent that any prior hearing(s) or public meeting(s) were conducted in reaching the decision that is being appealed.
2. Notice of Public Hearing: Notice of public hearing shall be provided as follows:
  - a. A minimum of 20 days prior to the first evidentiary hearing on the appeal, written notice of the appeal and hearing shall be mailed to:
    - i. Those who were entitled to notice pursuant to Subsection 1307.09(A)(1);
    - ii. The appellant; and
    - iii. Anyone who previously provided evidence, argument, or testimony as part of the record.
  - b. At a minimum, notice of hearing shall include those elements identified in Subsection 1307.10(A)(4), except that 1307.10(A)(4)(i) will reference the appealed decision, rather than the staff report.
3. Public Hearing: A public hearing shall be held before the appeal review authority, for the purpose of receiving testimony regarding the application.
4. Decision: The appeal review authority shall consider the record and affirm the decision, affirm the decision with additional conditions or modifications, or reverse the decision. The appeal review authority shall issue a written decision in the form of an order, which shall be signed and dated, that explains the standards and criteria considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the

decision based on the standards, criteria, and facts set forth. The decision also shall include the elements identified in Subsection 1307.10(D)(1) through (5).

5. Notice of Decision: A copy of the written order shall be mailed to:
  - a. Those identified in Subsection 1307.10(E); and
  - b. The appellant.
6. Appeal: Except where an additional County-level appeal is provided pursuant to Subsection 1307.13(E), the appeal review authority's decision is the final decision of the County. Appeal of the County's final decision is to the Oregon Land Use Board of Appeals.

E. Review of an Interpretation by the Board of County Commissioners:

1. A second County-level appeal is provided for applications for an interpretation of the Comprehensive Plan, where the Board of County Commissioners shall review the decision of the Planning Commission on appeal. Processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given to:
  - a. Those identified in Subsections 1307.09(A)(1)(a), (d) through (f), and (i);
  - b. The appellant;
  - c. Anyone who provided evidence, argument, or testimony as part of the record; and
  - d. Anyone who made a written request for notice of decision.
2. A second County-level appeal is provided for applications for an interpretation of this Ordinance, where the Board of County Commissioners may choose to review the decision of the Hearings Officer on appeal but is not required to do so.
  - a. If the Board of County Commissioners accepts the appeal, processing of the appeal shall comply with Subsections 1307.13(A) through (D), except that notice of the public hearing shall be given pursuant to Subsection 1307.13(E)(1).
  - b. If the Board of County Commissioners denies a request for review, it shall do so in writing. Notice of the denial shall be given pursuant to Subsection 1307.13(E)(1). If the Board of County Commissioners denies a request for review, the decision of the Hearings Officer stands as the final decision of the County. The period for appeal to the Oregon Land Use Board of Appeals commences on the date of mailing of the Board of County Commissioners' denial of review.

- F. Effect of Judicial or Administrative Review: Except as provided by law or order of a court or administrative tribunal having jurisdiction, a decision of the County shall remain valid and effective notwithstanding the initiation of judicial or administrative review of such decision; provided, however, that any development permit dependent upon such decision shall be issued only with the applicant's written acknowledgement in a form approved by County Counsel, that such review has been initiated and may result in the reversal of the decision, in which event the permit shall be revoked, as well as any temporary occupancy permit, and the premises shall thereafter be brought into conformity with the applicable standards and criteria by appropriate means. No permanent occupancy certificate shall be issued by the building official until such review has concluded through the adoption of a decision making such occupancy in all respects lawful.
- G. Remand from the Land Use Board of Appeals: Except as set forth in Oregon Revised Statutes (ORS) 215.435(4), the County shall take final action on decisions remanded by the Oregon Land Use Board of Appeals within the time frame established by ORS 215.435(1) and (2).

1307.14 CONDITIONS OF APPROVAL

Approval of a Type I, II, or III land use permit may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:

- A. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no time is set forth, within a reasonable time. Failure to fulfill any conditions within the time limitations provided shall be grounds for the Planning Director to initiate revocation of the approved land use permit pursuant to Subsection 1307.16(L).
- B. Conditions shall be imposed to ensure compliance with the standards and approval criteria applicable to the land use permit, or shall be reasonably calculated to fulfill public needs emanating from the proposed land uses as set forth in the application, in the following respects:
  - 1. Protection of the public from the potentially deleterious effects of the proposed use; or
  - 2. Fulfillment of the need for public services created by the proposed use.
- C. The review authority may find compliance with an applicable approval criterion by imposing conditions necessary to ensure compliance and finding that it is feasible for the conditions to be satisfied. Notwithstanding this provision, where conditions require state agency permits to be obtained, the review authority need only find substantial evidence to demonstrate that the applicant is not precluded from obtaining such state agency permits as a matter of law.
- D. A surety may be required from the applicant, in an amount sufficient to ensure

compliance with one or more conditions of approval, subject to Section 1311, *Completion of Improvements, Sureties, and Maintenance.*

1307.15 FEES

Fees are for the purposes of defraying administrative costs and are subject to the following:

- A. Fees payable at the time of application or appeal are established by separate order of the Board of County Commissioners.
- B. The failure to submit the required fee with an application or appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect.
- C. An active community planning organization that is recognized by the County may file appeals without fee, provided the decision to file an appeal is made at a public meeting held in compliance with Oregon Revised Statutes 192.610 to 192.690.
- D. Appeal fees shall be refunded if the appellant prevails. Any other fee refund policy shall be established by separate order of the Board of County Commissioners.
- E. The County Administrator or designee may reduce or waive fees upon showing of just cause to do so.

1307.16 GENERAL PROVISIONS

- A. Calculation of Time: For the purposes of this Ordinance, unless otherwise specifically provided, days mean calendar days. In calculating a specific time period, the day on which the period begins to run shall not be included; and the day on which the period ends shall be included. In the event the last day falls on a day on which the County is not open for business, the period of time shall end on the next day on which the County is open for business.
- B. Property Owner's Signature: When any person signs as the owner of property or as an officer of a public or private corporation owning the property, or as an attorney in fact or agent of any owner, or when any person states that he or she is buying the property under contract, the Planning Director and the review authority, if other than the Planning Director, may accept these statements to be true, unless the contrary be proved, and except where otherwise in this Ordinance more definite and complete proof is required. Nothing herein shall prevent the Planning Director or the review authority, if other than the Planning Director, from demanding proof that the signer is the owner, officer, attorney in fact, or agent.



- C. Property Owner Notice: Where notice to property owners of record is required by Section 1307, the records of the County Assessor shall be used to identify the owners and their mailing addresses. Persons whose names and addresses are not on file at the time of the filing of the applicable land use permit application or appeal need not be notified of the application, decision, or hearing. If a property within the notification area is located outside the County, the records of the applicable County Assessor shall be used. The failure of a property owner to receive notice as provided in Section 1307 shall not invalidate the proceedings, if the County can demonstrate by affidavit that such notice was given.
- D. Method of Mailing: When mailing is required by Section 1307, first-class mail shall be used, except that for mailing to any of the following, either first-class mail or electronic mail may be used: community planning organizations, hamlets, villages, cities, special districts, and government agencies.
- E. Burden of Proof: Except in a Type IV proceeding, the proponent has the burden of proof on all elements of the proposal. The proposal must be supported by a preponderance of evidence that it conforms to all applicable standards and criteria. The preponderance of evidence standard is often described as enough evidence to make the proponent's point more likely than not.
- F. Argument and Evidence: For the purposes of Section 1307:
1. Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by any party. Argument does not include facts.
  2. Evidence means facts, documents, data, or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by any party to be relevant to the proposal.
- G. Withdrawal: Prior to the issuance of the written decision, the applicant may submit a written notice of withdrawal of the application. Upon receipt of a written notice of withdrawal, the application shall be deemed dismissed without further action by the review authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A withdrawal cannot be appealed. If an application is withdrawn after the mailing of notice of application or public hearing, the Planning Director shall mail written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.
- H. Final Action Deadline: Except as modified by ORS 197.763, the County shall take final action on a land use permit application that is subject to Oregon Revised Statutes (ORS) 215.427, including resolution of all County appeals, within the time period specified by ORS 215.427, unless the applicant provides written request for an extension of such period pursuant to ORS 215.427(5).

- I. Effective Date of Decision: The County's final decision on a Type I, II, or III land use permit application becomes effective on:
1. The day the final decision is issued, if no appeal at the County level is allowed;
  2. The day after the appeal period expires, if an appeal at the County level is allowed, but no notice of appeal is timely filed;
  3. The day the decision is issued by the final County appeal body, if an appeal is allowed and notice of appeal is timely filed. However, if the appeal is withdrawn prior to decision, the effective date of the County's final decision shall revert to the day after the appeal period would have expired had an appeal not been timely filed; or
  4. The date of mailing of the Board of County Commissioners' denial of review, pursuant to Subsection 1307.13(E)(2)(b).
- J. Reissuing a Decision: The review authority may reissue a Type I, II, or III decision as a result of a clerical error, a misstatement of facts, or the erroneous imposition or omission of conditions of approval. A decision may not be reissued after the expiration of the appeal period, if any, or after the filing of an appeal. Notice of the reissued decision shall be given in the same manner as notice of the original decision. A new appeal period equal to that of the original decision shall be provided from the date of mailing of the amended decision.
- K. Re-filing an Application: If a Type II or III land use permit application is denied, or a Type II or III land use permit is revoked pursuant to Subsection 1307.16(L), an applicant may re-file for consideration of the same or substantially similar application only if:
1. At least two years have passed after either final denial of an application by the County or revocation of a permit; or
  2. The review authority finds that one or more of the following circumstances render inapplicable all of the specific reasons for the denial:
    - a. A change, which is material to the application, has occurred in this Ordinance, the Comprehensive Plan, or other applicable law; for the purposes of this provision, "change" includes amendment to the applicable provisions or a modification in accepted meaning or application caused by an interpretation filed pursuant to Section 1308;
    - b. A mistake in facts, which was material to the application, was considered by the review authority;

- c. There have been changes in circumstances resulting in new facts material to the application;
- d. A change has occurred in the zoning of the subject property, or adjacent property, that substantially affects the merits of the application; or
- e. There have been substantial changes in the surrounding area, or on the subject property, such as availability of services or improvements to public facilities, that affect the merits of the application.

L. Revocation of Approval: An approval of a Type II or III land use permit may be revoked, as follows:

- 1. The Planning Director may initiate a public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation.
- 2. Revocation of approval shall be reviewed using the Type III procedure. The Hearings Officer shall be the review authority, and the decision of the Hearings Officer shall be the final decision of the County.
- 3. Revocation is in addition to, and not in lieu of, any other remedy provided by law or equity, and is not a condition precedent to any such remedy.

M. Modifications: Except as permitted pursuant to Section 1309:

- 1. A modification to an approved Type I, II, or III land use permit, or conditions thereto, shall be processed as a new application; and
- 2. A modification to conditions of approval for a Type II or III land use permit shall be considered only if one or more of the circumstances identified in Subsection 1307.16(K)(2) apply.

[Added by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-262, 5/23/17; Amended by Ord. ZDO-266, 5/23/18; Amended by Ord. ZDO-269, 9/6/18]