
MEMORANDUM

TO: Planning Commission

FROM: Glen Hamburg, Senior Planner

DATE: June 30, 2020

RE: File ZDO-276, *Minor and Time Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments (FY 2020)*

The Planning Commission held a public hearing on ZDO-276 on June 22, 2020. This memorandum responds to four questions Commissioners had during the hearing, and highlights certain minor changes Staff has made to the proposed amendments to Comprehensive Plan Chapter 4 and ZDO Sections 401, 406, 407, and 835.

Questions from June 22 Public Hearing:

1. *What can we learn from how the City of San Diego has regulated small wireless facilities?*

The City of San Diego is an example of a large jurisdiction that already requires wireless facilities match the color of portions of other structures they are attached to, as proposed for Clackamas County in ZDO-276, without an exception for “technical feasibility”.

The City’s February 2019 *Wireless Communication Facility (WCF) Guidelines* (Attachment F) prescribe aesthetic requirements for wireless facilities depending on whether they are on roofs or poles, on light fixtures, attached to buildings, or concealed by faux trees or architectural elements. The Guidelines do not provide an exception for “technical feasibility”. Rather, the Guidelines include photographs of existing wireless facilities showing that it is possible to for the facilities to be in a variety of colors, as well as textures.

In certain cases, the City of San Diego Guidelines require wireless facilities to be “painted” the “same color” of the structure they’re attached to, without any allowance for other covering/shielding methods or other colors that are “similar” to but not the same as those of the structure. The standards for Clackamas County as initially proposed in the draft amendments to ZDO Section 835, *Wireless Telecommunication Facilities*, in Attachment A are already more flexible to wireless service providers than San Diego’s Guidelines because they do not necessarily require that the wireless facilities be “painted” at all. Indeed, the County’s draft amendments allow the facilities to be covered in a film or made of any material that matches the color of the portion of the structure they’re mounted on, as

suggested by representatives of AT&T and others in the industry out of a concern that some paints could be technologically problematic.

Staff has included in Attachment E updated proposed amendments to Section 835 to provide further flexibility to wireless providers. The updated amendments would require small wireless facilities to be the same *or similar* color or colors as the portions of a building they're attached to or mounted on.

2. *Could we regulate small wireless facility colors according to technical feasibility or the market availability of certain products?*

Staff does not believe it would be practical or consistent with the FCC mandates to have ZDO standards that require small wireless facilities be certain colors only to the extent a service provider says those colors are “technically feasible” or “available” to them or their chosen suppliers, as those terms are undefined and subjective and would require Planning Staff to conduct, document, and defend an assessment of the technical feasibility and market availability. Applications with subjective standards and approval criteria warrant public notice and opportunity for appeal, which could not occur within the approval “shot clocks” required by the FCC.

3. *Are there opportunities for allowing the manufacture of products retailed on site other than just edible or drinkable products in the C-2, C-3, CC, OC, RTC, and SCMU Districts?*

Yes, but given the scope of this project and the current interests of the Oak Grove community, Staff recommends expanding the allowed uses in these zoning districts at this time only for the manufacture of edible and drinkable products retailed on site.

The C-3, CC, OC, and SCMU Districts already allow some manufacturing, including the mechanical, physical, or chemical transformation of materials, substances, or components into new products, and the assembly of component parts, regardless of whether the manufactured goods are retailed on site, provided the manufacturing operation doesn't include the primary processing of raw materials. This existing allowed manufacturing use in these four zoning districts conceivably includes making painting canvases, furniture, apparel, sports equipment, and mechanical devices. The prohibition on the “primary processing of raw materials”, however, effectively precludes bakeries that process wheat in to flour or breweries that process fresh hops in to beer.

Currently, no manufacturing is allowed in the Community Commercial (C-2 and RTC) zoning districts, whether or not the manufacturing includes the primary processing of raw materials or whether the goods produced are retailed on the same site.

The C-2, C-3, CC, OC, RTC, and SCMU Districts do already allow commercial art studios and commercial craft studios.

Text amendments to newly allow uses such brewpubs in the Community Commercial zoning districts was added to the 2018-2020 Long-Range Planning Work Program, following the request of Oak Grove community members and their representatives. For the reasons outlined in the Staff Report, Staff has proposed allowing the new use in the C-3, CC, OC, and SCMU Districts as well.

Staff has been informed that the Board of Historic Downtown Oak Grove (HDOG) met following the Planning Commission's June 22 hearing to discuss allowing in the C-2 and C-3 Districts the manufacture (and wholesale) of goods other than edible or drinkable products, and that the Board ultimately decided to stick with supporting uses like bakeries and brewpubs (i.e., manufacturing of edible or drinkable products) for the time being. Staff has not received a request to newly allow the manufacturing of any other products in the C-2, C-3, CC, OC, RTC, or SCMU Districts.

Manufacturing and wholesaling of other goods, such as apparel, fertilizer, furniture, automotive parts, sports equipment, soap/detergent, paper, cement, or electronics/robotics may or may not comply with the Comprehensive Plan goals and policies for the Community Commercial and other commercial zoning districts, and may or may not produce land use impacts that are disruptive to these zones' neighborhoods. Staff has not conducted an analysis of these other uses, considering the Work Program's direction for this project to be concerned with minor and time-sensitive amendments that are necessary to comply with governmental mandates and that require only minimal analysis.

Consideration of allowing additional manufacturing opportunities in commercial zoning districts could be added to the next work program.

4. *Was there error in the draft amendments to ZDO Section 401 with its reference to Subsection 401.05(G)(4) in Table 401-1?*

Yes. The draft amendments to Section 401 dated May 18, 2020, and included in Attachment A would have required that renewable energy facilities as defined in ORS 215.446 comply with Subsection 401.05(G)(4). This was an error, which has been corrected in the draft amendments dated June 30, 2020, and included in Attachment E.

Other Changes to Proposed Amendments (Attachment E):

In addition to changing the proposed amendments to Section 835 in order to allow small wireless facilities to be a color/colors the same as *or similar to* the portions of a building they're attached to, as mentioned above, Attachment E includes minor revisions to amendments to the following:

- Comprehensive Plan Chapter 4, *Land Uses*, in order to clarify that the manufacturing of edible or drinkable products would be permitted in General Commercial areas, even if they involve the processing of raw materials;
- ZDO Sections 401, *Exclusive Farm Use District (EFU)*, 406, *Timber District (TBR)*, and 407, *AG/Forest District (AG/F)*, in order to clarify that new uses and land divisions optionally allowed by the County would not be permitted by state law in urban or rural reserves; and
- Section 401, in order to align replacement dwelling standards and criteria with the wording of recently adopted Oregon Administrative Rules and to clarify that certain secondary school expansions require a Type II land use application.

Summary of Proposed Amendments to Comprehensive Plan Chapter 4, *Land Use*

1. Repeal provisions related only to the Campus Industrial (CI) Comprehensive Plan land use designation.
2. Clarify that the manufacturing permitted in General Commercial areas includes the manufacturing of edible and drinkable products retailed on site.

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. 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,

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

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.

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.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.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

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,

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

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.

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

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

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 82nd Ave, SE Johnson Creek Boulevard and SE Sunnyside Road (from 82nd Ave to approximately SE 117th 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 117th Ave to SE 139th 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

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

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.

- 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
 - 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 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 unrestricted.

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.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 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.

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, but not excluding manufacturing of edible or drinkable products retailed on the same site), 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.

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

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:

- 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

- 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~~

~~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

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

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.

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

- 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. Hillsides 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.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

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:

- 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.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:

- a. 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;
- b. That such uses would not rely upon a work force employed by uses within urban growth boundaries; and
- c. 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.

- 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.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.

- 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.

- 4.OO.4. New sewer facilities shall not be allowed in Agricultural areas.
- 4.OO.5. Roads shall be developed in a manner and to a level compatible with maintaining Agricultural areas.
- 4.OO.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.OO.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.OO.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.OO.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.OO.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.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.

Summary of Proposed Amendments to Section 401, *Exclusive Farm Use (EFU) District*

1. Relocate, without substantively changing, the definition of “biofuel” to be consistent with Section 2 of Oregon House Bill 2844 (2019).
2. Relocate, without substantively changing, the definition of “facility for the processing of farm products”, consistent with Section 2 of HB 2844.
3. Relocate a definition of “farm stand”, amend the definition’s phrasing, and codify the criteria for a farm stand to be consistent with Oregon Revised Statutes (ORS) 215.283(1)(o).
4. Make conforming amendments to citations and subsection designations.
5. Repeal the County’s definition of “fee-based activity to promote the sale of farm crops or livestock”, as used in criteria for a farm stand, and rely on the wording in Oregon Administrative Rules (OAR) 660-033-0130(23) for approval criteria.
6. Provide definitions for “farm crops of livestock” and “local agricultural area”, as used in criteria for a farm stand, consistent with OAR 660-033-0130(23).
7. Update the definition of “owner”, as used in the criteria for a Lot of Record Dwelling, to be consistent with ORS 215.705(6).
8. Provide a definition of “processing area”, as used in the criteria for farm crop processing, consistent with Section 2 of HB 2844.
9. Make conforming amendments to the term for “facility for processing of farm products”.
10. Modify criteria for the replacement dwellings in the EFU District, consistent with Oregon House Bill 3024 (2019).
11. Modify the terms for “relative farm help dwelling” and “accessory dwelling in conjunction with farm use” to be consistent with OAR 660-033-0130(9) and 660-033-0130(24), respectively.
12. Modify a reference to “residential home” as an allowed use in the EFU District to be consistent with ORS 197.660, without changing approval criteria.
13. Codify existing state allowances for cideries and farm breweries, and for agri-tourism and other commercial events on approved cideries and farm breweries, subject to applicable criteria in ORS 215.451 and 215.449.

14. Codify existing state allowances for a bed and breakfast facility as a home occupation in association with an approved cider business, farm brewery, or winery, subject to applicable criteria in ORS 215.448, 215.449, and 215.451-215.453.
15. Allow for equine and equine-affiliated therapeutic and counseling services, with approval criteria consistent with Oregon Senate Bill 1533 (2018).
16. Clarify, without substantively changing, a reference to the processing of farm crops in to biofuel as a potential type of commercial activity in conjunction with a farm use.
17. Modify terms for “farm practices” used in relation to composting operations and facilities, consistent with amendments made by Section 3 of HB 2844.
18. Provide for renewable energy facilities as a conditional use, consistent with Oregon House Bill 2329 (2019).
19. Clarify that certain new uses are not permissible in an urban or rural reserve.
20. Codify a provision in HB 2844 that exempts a facility for the processing of farm products that is less than 2,500 square feet from siting standards.
21. Codify the current requirements in OAR 660-033-0135(3), including the \$40,000 income requirement, for a dwelling in conjunction with a farm use on Low Value Farmland.
22. Modify, without substantively changing, the wording of criteria for a dwelling not in conjunction with a farm use to be consistent with OAR 660-003-0130(4).
23. Repeal a criterion related to removal, demolition, and conversion of an accessory farm help dwelling that is not provided for in state law.
24. Codify the current requirements in OAR 660-033-0130(24) for an accessory dwelling in conjunction with a farm use and repeal criteria that are not provided for in state law.
25. Codify state allowances provided by Oregon House Bill 3384 (2019) for the expansion of nonconforming secondary schools, and require such expansions to be reviewed according to Type II procedures.
26. Repeal a redundant provision related to redevelopment of a manufactured dwelling park.
27. Allow land divisions resulting in parcels smaller than 80 acres when for siting approved utilities, subject to standards required by Oregon Senate Bill 408 (2019).

28. Clarify, without substantively changing, the requirements for historic property land divisions and clarify that approved applications for Type II replacement dwellings are not afforded the same four-year approval period as certain other land use decisions.
29. Standardize spacing, capitalizations, and the formatting of references to state statutes and regulations and Zoning and Development Ordinance (ZDO) sections and subsections.

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. Biofuel: As defined in Oregon Revised Statutes (ORS) 315.141.

~~CD~~. 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.

~~DE~~. 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.

~~EF~~. Dwelling: Unless otherwise provided in Section 401, a dwelling is a detached single-family dwelling or a manufactured dwelling.

G. Facility for the Processing of Farm Products: A facility or establishment for:

1. Processing farm crops, including the production of biofuel, if at least one-quarter of the farm crops come from the farm operation containing the facility; or
2. Slaughtering, processing, or selling poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

~~FH.~~ Farm Operator: A person who resides on and actively manages a “farm unit”.

~~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.~~

~~HI.~~ 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.

~~IJ.~~ Farm Use: As defined in ~~Oregon Revised Statutes (ORS)~~ 215.203.

~~J. Fee-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 spouses in a marriage, ~~wife, husband~~, son, daughter, ~~mother, father~~parent, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, ~~mother~~parent-in-law, ~~father in law~~, aunt, uncle, niece, 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. Processing Area: The floor area of a building dedicated to farm product processing, not including the floor area designated for preparation, storage, or other farm use.
- ~~ST~~. 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.
- ~~TU~~. 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*.
 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
FARM AND FOREST USES	A	A	Propagation or harvesting of a forest product.	
	A	A	Farm use as defined in <u>Oregon Revised Statutes (ORS) 215.203</u> . -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 products. -Marijuana processing is subject to Section 841. ¹	401.05(B)(1) & (2)
	C	C	A facility for the primary processing of forest products.	401.05(B)(23)
	HV	LV	Use	Subject To
NATURAL RESOURCE USES	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)

	HV	LV	Use	Subject To
RESIDENTIAL USES	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)
	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)(21)
	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. ²	401.05(A)(3)
	N	TYPE II	Lot of r Record d Dwelling on Low Value Farmland.	401.05(A)(2), (3), (4) & (C)(32)
	TYPE II	N	Lot of r Record d Dwelling on Class III or IV High Value Farmland.	401.05(A)(2), (3), (4) & (C)(43)
	TYPE III	N	Lot of r Record d Dwelling on Class I or II High Value Farmland.	401.05(A)(2), (3), (4) & (C)(54)
	TYPE II	N	Dwelling customarily provided in conjunction with a farm use on High Value Farmland. ²	401.05(A)(3) & (C)(65)
	N	TYPE II	Dwelling customarily provided in conjunction with a farm use on Low Value Farmland. ²	401.05(A)(3) & (C)(76)
	TYPE II	TYPE II	Dwelling customarily provided in conjunction with a commercial dairy farm.	401.05(A)(3) & (C)(87)
	N	TYPE II	160 acre test for a dwelling. ²	401.05(A)(3), (4) & (C)(98)
	N	TYPE II	Capability test for a dwelling. ²	401.05(A)(3), (4) & (C)(109)
	TYPE II	TYPE II	A single-family dwelling not provided in conjunction with farm use; a nonfarm dwelling.	401.05(A)(3), (4) & (C)(110)
	TYPE II	TYPE II	Accessory farmworker dwelling for a relative Relative Farm Help Dwelling. ²	401.05(A)(3) & (C)(121)
	TYPE II	TYPE II	Accessory farmworker dwelling for year-round and seasonal farm workers Dwelling in Conjunction with Farm Use. ²	401.05(A)(3) & (C)(1312)
	TYPE II	TYPE II	Dwelling on Low or High Value Farmland to be operated by a different farm operator on at least 80 acres. ²	401.05(A)(3) & (C)(1413)
	TYPE II	TYPE II	Temporary dwelling for care, subject to Subsection 1204.04.	401.05(A)(1), (3) & (C)(1514)
	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 child care home.	
	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 an <u>approved cider business, farm brewery, or</u> winery to carry out the first six of 18-day agri-tourism and other commercial events, subject to: <u>ORS 215.451(6)(a) for a cider business; ORS 215.449(6)(a) for a farm brewery; and</u> ORS 215.237 and 215.452(6)(a) <u>for a winery.</u>	
	TYPE II	TYPE II	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(e). ³	<u>401.05(D)(10)</u>
	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)
	TYPE II	TYPE II	Agri-tourism for up to 6 events or activities.	401.05(A)(1) & (D)(4)
	<u>TYPE II</u>	<u>TYPE II</u>	<u>A cider business as described in and subject to ORS 215.451.</u>	
	<u>TYPE II</u>	<u>TYPE II</u>	<u>A farm brewery as described in and subject to ORS 215.449.</u>	
	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)
	<u>TYPE II</u>	<u>TYPE II</u>	<u>A bed and breakfast facility as a home occupation in association with a cider business, farm brewery, or winery, subject to: ORS 215.448 and ORS 215.451(10) for a cider business; ORS 215.448 and ORS 215.449(10) for a farm brewery; and ORS 215.448 and either ORS 215.452 or 215.453, whichever is applicable, for a winery.</u>	<u>401.05(A)(1) & (D)(5)</u>
	TYPE II	TYPE II	<u>Cider business, farm brewery, or Winery-winery</u> agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to:	

			<u>215.451(6)(c) for a cider business; ORS 215.449(6)(c) for a farm brewery; and ORS 215.237 and 215.452(6)(c) for a winery.</u>	
	<u>TYPE II</u>	<u>TYPE II</u>	<u>Equine and equine-affiliated therapeutic and counseling activities.³</u>	<u>401.05(A)(1) & (D)(11)</u>
	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), <u>such as the processing of farm crops into biofuel.</u> ⁴	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)

	HV	LV	Use	Subject To
<u>MINERAL, AGGREGATE, OIL, AND GAS USES</u>	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 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)
	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)
	HV	LV	Use	Subject To
<u>TRANSPORTATION USES</u>	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.	

	HV	LV	Use	Subject To
TRANSPORTATION USES (cont.)	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)
	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 Oregon Administrative Rules (OAR) 660-012-0065.	
	HV	LV	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	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.	
	See Table 835-1	See Table 835-1	The following types of wireless telecommunication facilities, subject to Section 835: level one collocations, level one placements on utility poles, and, provided that the wireless telecommunication facility includes a transmission tower over 200 feet in height, level two collocations.	
	A	A	Utility facility service lines. -Utility facility service lines are utility lines and accessory 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.	

	HV	LV	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES (cont.)	TYPE II	TYPE II	Essential public communication services, as defined in Section 835, if they include a new transmission tower over 200 feet in height.	401.05(A)(1)
	TYPE II	TYPE II	Utility facilities necessary for public service, including associated transmission lines as defined in ORS 469.300 and wetland waste 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. -This category includes wireless telecommunication facilities not otherwise listed in Table 401-1, <u>Permitted Uses in the EFU District</u> .	401.05(G)(2)
	TYPE II	TYPE II	Composting operations and facilities that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract.	401.05(G)(3)
	*NA1	C	Composting operations and facilities (other than those that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract), subject to Section 834.	401.05(A)(1)
	C	C	Transmission towers over 200 feet in height. 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.	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 <u>or renewable energy facilities as defined in ORS 215.446</u> .	401.05(A)(1) & (G)(4)
	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)
	<u>C</u>	<u>C</u>	<u>Renewable energy facilities as defined in and subject to ORS 215.446.</u>	<u>401.05(A)(1)</u>
	*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)
	HV	LV	Use	Subject To
PARKS, PUBLIC AND QUASI-PUBLIC USES	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.	
	HV	LV	Use	Subject To
PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)	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)
	*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)
	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)
	*NA 12	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)
	<u>TYPE II</u>	<u>TYPE II</u>	<u>Expansion of a public or private secondary school established on or before January 1, 2009.</u>	<u>401.05(J)(1) & (2)</u>
	*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)

	HV	LV	Use	Subject To
OUTDOOR GATHERINGS	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~~526.)
- ~~³ A farm stand shall not be used for the sale, or to promote the sale, of marijuana items. (See ORS 475B.370.)~~
- ³ The use is prohibited in an urban or rural reserve established pursuant to OAR chapter 600, division 27.
- ⁴ A commercial activity carried on in conjunction with a marijuana crop is prohibited. (See ORS 475B.~~370~~526.)

401.05 APPROVAL CRITERIA FOR SPECIFIC USES

The following criteria apply to some of the uses listed in Table 401-1, Permitted Uses in the EFU District. 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:
 - 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 Oregon Revised Statutes (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 Oregon Administrative Rules (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(T) 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 products ~~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.;~~

a. Use less than 10,000 square feet for its processing area and comply with all applicable siting standards, but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment;
or

b. Notwithstanding any applicable siting standard, use less than 2,500 square feet for its processing area.

2. Any division of a lot of record that separates a facility for the processing of farm products, as defined in 401.03(G), from the farm operation on which is located is prohibited.

23. 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)(23), 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)(23) 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. When an application is submitted, the County finds to its satisfaction, based on substantial evidence, that The-the dwelling to be altered, restored, or replaced has, or 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. ~~The dwelling was assessed as a dwelling for at least the previous five property tax years or less~~In addition to the provisions of Subsection 401.05(C)(1)(a), the dwelling to be replaced meets one of the following conditions.; ~~and~~
- i. If the dwelling was removed, destroyed or demolished, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes and any removal, destruction or demolition occurred on or after January 1, 1973;
 - ii. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes;
or
 - iii. A dwelling not described in 401.05(C)(1)(b)(i) or 401.05(C)(1)(b)(ii) was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years; or from the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010.
- 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. ~~For replacement of a lawfully established dwelling~~The dwelling to be replaced must, by building permit, be removed, demolished or converted to an allowable nonresidential use:
- i. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use: ~~Within~~ within one year from the ~~date the replacement dwelling is certified for occupancy of the new dwelling~~ pursuant to ORS 455.055; or, 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
 - 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~~The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished or converted.;
~~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.~~
- gd. As a condition of approval, If if the dwelling to be replaced is located on a portion of the parcel lot of record that is not zoned EFU, the owner applicant shall execute and cause to be recorded may place the new dwelling on EFU land but must record in the deed records an irrevocable deed statement statement deed restriction prohibiting the siting of another dwelling on the non-EFU that portion of the parcel lot of record. The restriction imposed is irrevocable unless the planning director, or the director's designee, places a statement of release in the deed records of the County to the effect that the provisions of 2019 Oregon Laws, chapter 440, section 1 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- e. A replacement dwelling under Subsection 401.05(C) must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting 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 replacement dwelling must be sited on the same lot or 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 natural boundary of the lot of record; 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.
- g. If an applicant is granted a deferred replacement permit:
 - i. The deferred replacement permit does not expire but, notwithstanding 401.05(C)(1)(c)(i), the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and the deferred replacement

permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant; and

ii. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

~~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).~~
32. Lot of ~~r~~Record ~~d~~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.
 - 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.

43. Lot of ~~r~~Record ~~d~~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.
 - 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.

54. Lot of ~~r~~Record ~~d~~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.
 - 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).

65. 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;
- 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.

76. 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~~40,000 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;
- b. Lots of record in Eastern Oregon shall not be used to qualify a dwelling under this criterion.
- c. Except seasonal farmworker housing approved prior to 2001 as permitted in Subsection 401.05(C)(13), 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~~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.

87. 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)(~~65~~)(a) or 401.05(C)(~~76~~)(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.

98. 160 ~~a~~Acre ~~t~~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)(~~4312~~), there is no other dwelling on the subject tract; or

~~409~~. Capability ~~F~~est, 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)(~~409~~)(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)(~~409~~)(a).
- 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)(~~4312~~), 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)(~~409~~)(d).

~~44~~10. Dwelling not in ~~c~~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. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in 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. To address this standard, subject to the following shall be done:
 - 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 within 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)(~~32~~) through (~~54~~) and (~~44~~10), 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)(~~44~~10)(f) shall not requalify for special assessment unless, when combined with another contiguous lot of record, it constitutes a qualifying parcel.

~~4211. Accessory Farm Dwelling—Relative~~Relative farm help dwelling: 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;
- 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.~~
- hi. 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.

~~1312.~~ Accessory ~~Farmworker Dwellings—Year-round and Seasonal Farm Workers~~dwelling in conjunction with farm use: 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:

- 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, and~~ 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 operations 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)(~~4312~~)(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)(~~4312~~)(f)(i) or 401.05(C)(~~4312~~)(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.
- 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~~ \$40,000 in gross annual income from the sale of farm products or gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with the 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.~~
- hi. 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)(~~4312~~) 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)(~~65~~) or (~~76~~), a parcel may be created consistent with the minimum parcel size requirements in Subsection 401.07(A).
- ij. An accessory farm dwelling approved pursuant to Subsection 401.05(C)(~~4312~~) 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)(~~4410~~).
- ~~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.~~
- jl. “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.
- km. “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.

~~1412~~. “Relative”, for the purposes of Subsection 401.05(C)(~~1312~~), means an ancestor, lineal descendant, or whole or half sibling of the owner or operator or the spouse of the owner or operator.

~~1413~~. “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.

~~1413~~. 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)(~~65~~)(a) or 401.05(C)(~~76~~)(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)(~~65~~)(a) or 401.05(C)(~~76~~)(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)(~~1413~~)(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.

~~1514~~. 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)(~~1514~~) 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 cider business, farm brewery, or 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~~ the approved cider business, farm brewery, or winery and in association with ~~that~~ cider business, farm brewery, or 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 cider business, farm brewery, or 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.
- 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.

10. Farm stands if:

- a. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in Oregon, 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 sales of the incidental items and feeds from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
- b. The farm stands do 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.
- c. As used in Subsection 401.05(D)(10), “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in Oregon. As used in 401.05(D)(10)(c), “processed crops and livestock includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
- d. Farm stands may not be used for the sale, or to promote the sale, of marijuana items.

11. Equine and equine-affiliated therapeutic and counseling activities, provided:

- a. The activities are conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and
- b. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

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;
 - 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.
3. Composting operations and facilities

- 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;
- b. 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;
- c. Must limit buildings and facilities used in conjunction with the composting operation to those required for the operation of the subject facility;
- d. Must meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060; and
- e. May sell or transport excess compost only if:
 - i. The operation or facility does not use off-site materials;
 - 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. 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 use, occupy, or cover ~~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~~ OAR chapter 660, Division 4; and
 - a. Permanent features of a power generation facility shall not use, occupy, or cover ~~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 ~~c~~Chapter 660, ~~d~~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~~ Notwithstanding ORS 215.283, Section 1206, or any other provision of this Ordinance, to continue, alter, restore, or replace a nonconforming use, a public or private 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 provided:~~
 - a. ~~The requirements of Subsection 401.05(J)(3)~~ The expansion complies with 401.05(A)(1); and
 - b. ~~Conditional approval as provided in Subsection 401.05(A)(1)~~ The school was established on or before January 1, 2009;-
 - c. The expansion occurs on a tax lot:
 - i. On which the school was established; or

ii. Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and

d. The school is a public or private school for kindergarten through grade 12.

3. A nonconforming ~~use~~ public or private school described in Subsection 401.05(J)(2) may be expanded ~~if~~ without regard to:

a. ~~The use was established on or before January 1, 2009~~ Capacity of people in the structure or group of structures; and

b. ~~The expansion occurs on~~ Distance between structures; or

~~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.~~

c. Density of structures per acre.

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~~08. -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.~~

401.0908 LAND DIVISIONS

- A. Land divisions that are prohibited under Oregon Administrative Rules (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 401.0908(C) shall require review of a Type I application pursuant to Section 1307, Procedures. A land division pursuant to Subsection 401.0908(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:
1. A land division creating parcels less than 80 acres in size may be approved for the following uses, if the parcel for the use is not larger than the minimum size necessary for the use:
 - a. ~~a~~ 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;
 - b. Nonfarm uses, except dwellings, set out in ORS 215.283(2); or
 - c. If the parcel to be divided is outside an urban or rural reserve established pursuant to OAR chapter 600, division 27, utility facilities necessary for public service set out in ORS 215.283(1)(c), including wetland waste 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.
 2. Land that is divided under 401.08(D)(1)(c) may not later be rezoned for retail, commercial, industrial, or other nonresource use, except as provided under the statewide planning goals or under ORS 197.732.

- 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)(~~41~~10)(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~~ has the features listed in Subsection 401.05(C)(1)(a)(i) through (iv) 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.~~1009~~ SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), *Application Submittal and Completeness Review*, 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.~~1110~~ APPROVAL PERIOD AND TIME EXTENSION

- A. Approval Period: Approval of a Type I, II, or III application, *except approval of a Type II application for a replacement dwelling pursuant to Subsection 401.05(C)(1)*, 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~~ ORS 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.

- C. Subsections 401.~~410~~(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; Amended by Ord. ZDO-268, 10/2/18]

Summary of Proposed Amendments to Section 406, Timber (TBR) District

1. Update the definition of “owner”, as used in the criteria for a Lot of Record Dwelling, to be consistent with ORS 215.705(6).
2. Repeal an outdated reference to certain non-existent approval criteria for a temporary forest labor camp.
3. Allow for forest relative dwellings outside of urban and rural reserves, subject to standards consistent with Oregon House Bill 2469 (2019), and only if the accessory dwelling is a manufactured home that uses the same driveway entrance as the existing single-family dwelling on the same lot of record.
4. Codify the requirements of Oregon House Bill 2225 (2019) for determining the center of the subject tract in consideration of a forest template dwelling.
5. Repeal a redundant provision related to redevelopment of a manufactured dwelling park.
6. Standardize spacing, capitalizations, and the formatting of references to state statutes and regulations and Zoning and Development Ordinance (ZDO) sections and subsections.

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-record Dwellingdwelling~~, “owner” includes the ~~spouses in a marriage-wife, husband~~, son, daughter, ~~parentmother~~, ~~father~~, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, ~~motherparent~~-in-law, ~~father-in-law~~, aunt, uncle, niece, 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

	Type	Use	Subject To
FARM AND FOREST USES	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, <i>Development Restriction Following Excessive Tree Removal</i> 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 <u>Oregon Revised Statutes (ORS) 215.203</u> . -Marijuana production is subject to Section 841, <i>Marijuana Production, Processing, and Retailing</i> .	
	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)

	Type	Use	Subject To
NATURAL RESOURCE USES	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
RESIDENTIAL USES	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 r Record d Dwelling.	406.05(A)(3), (4), (5) & (D)(2)
	TYPE II	Forest t Template t Test d Dwelling.	406.05(A)(3), (4), (5) & (D)(3)
	TYPE II	160 a Acre Forest-forest Dwelling dwelling.	406.05(A)(3), (4), (5) & (D)(4)
	TYPE II	200 Acre-acre Noncontiguous-noncontiguous Tract tract Forest-forest Dwelling 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, Temporary Dwelling for Care .	406.05(A)(1), (2) & (D)(6)
	TYPE II	Accessory dwelling supporting family forestry.	406.05(D)(7)
	Type	Use	Subject To
COMMERCIAL USES	A	Family child care home.	
	TYPE II	Home occupation, subject to Section 822, Home Occupations .	406.05(A)(1), (2), (5) & (E)(1)
	C	Home occupation to host events, subject to Section 806, Home Occupation to Host Events .	406.05(A)(1), (2), (5) & (E)(1)
	C	Home occupation for canine skills training, subject to Section 836, Home Occupations for Canine Skills Training .	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
MINERAL, AGGREGATE, OIL, AND GAS USES	A	Exploration for mineral and aggregate resources as defined in ORS c 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
TRANSPORTATION USES	A	Widening of roads within existing rights-of-way in conformance with Chapter 5, <u>Transportation System Plan</u> 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)

	Type	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	See Table 835-1	Wireless telecommunication facilities, subject to Section 835, <u>Wireless Telecommunication Facilities</u> .	
	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 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 nonpaying guests.	
	A	Meteorological towers.	
	TYPE II	Wind energy power production systems as an accessory use.	406.05(H)(1)
	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, <u>Composting Facilities</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)
	Type	Use	Subject To
PARKS AND PUBLIC/QUASI-PUBLIC USES	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
OUTDOOR GATHERINGS	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, Permitted Uses in the TBR District. -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 Oregon Revised Statutes (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 ~~r~~Record ~~d~~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 ~~t~~Template ~~d~~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 mathematical centroid of the subject tract. ~~The template may be rotated around the center point~~ centroid 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-acre Minimum-minimum Forest-forest Dwellingdwelling~~, 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-acre Noncontiguous-noncontiguous Dwellingdwelling~~, 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.

7. Accessory dwelling supporting family forestry, subject to the following criteria:

- a. The new single-family dwelling unit will not be located in an urban or rural reserve established pursuant to OAR chapter 600, division 27;
- b. The new single-family dwelling unit will be a manufactured home on a lot of record no smaller than 80 acres;
- c. The new single-family dwelling unit will be on a lot of record that contains exactly one existing single-family dwelling unit that was lawfully:
 - i. In existence before November 4, 1993; or
 - ii. Approved under OAR 660-006-027, ORS 215.130(6), ORS 215.705, or OAR 660-006-0025(3)(o);
- d. The shortest distance between any portion of the new single-family dwelling unit and any portion of the existing single-family dwelling unit is no greater than 200 feet;
- e. The new single-family dwelling unit shall use the same driveway entrance as the existing single-family dwelling unit, although the driveway may be extended;

- f. The lot of record is within a rural fire protection district organized under ORS chapter 478;
- g. The new single-family dwelling unit complies with the Oregon residential specialty code relating to wildfire hazard mitigation;
- h. As a condition of approval of the new single-family dwelling unit, in addition to the requirements of OAR 660-006-0029(5)(e), the property owner agrees to acknowledge and record in the deed records for the county, one or more instruments containing irrevocable deed restrictions that:
 - i. Prohibit the owner and the owner's successors from partitioning the property to separate the new single-family dwelling unit from the lot of record containing the existing single-family dwelling unit; and
 - ii. Require that the owner and the owner's successors manage the lot of record as a working forest under a written forest management plan, as defined in ORS 526.455 that is attached to the instrument;
- i. The existing single-family dwelling is occupied by the owner or a relative;
- j. The new single-family dwelling unit will be occupied by the owner or a relative;
- k. The owner or a relative occupies the new single-family dwelling unit to allow the relative to assist in the harvesting, processing or replanting of forest products or in the management, operation, planning, acquisition, or supervision of forest lots of record of the owner; and
- l. If a new single-family dwelling unit is constructed under 406.05(D)(7), the new or existing dwelling unit may not be used for vacation occupancy as defined in ORS 90.100.
- m. As used in 406.05(D)(7)(j), "owner or relative" means the owner of the lot of record, or a relative of the owner or the owner's spouse, including a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew, or first cousin of either.

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 ~~c~~Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS ~~c~~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 Oregon Laws 1993, chapter 529, Section 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 chapter 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 ~~c~~Chapter 660, ~~d~~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 Oregon Revised Statutes (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

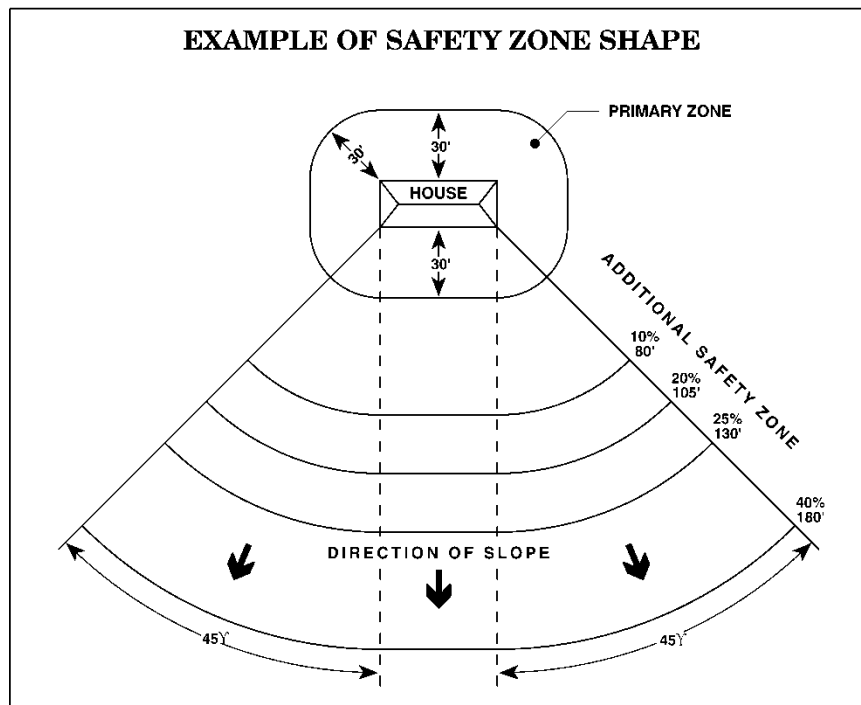
- A. Fire-Siting Standards for New Structures: Fuel-free break standards shall be provided surrounding any new structure approved after April 28, 1992, pursuant to a land use application, as follows:
 - 1. A primary fuel-free break area shall be maintained surrounding any new structure, including any 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, Minimum Primary Safety Zone and Figure 406-1, Example of Primary Safety Zone. -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



- 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, River and Stream Conservation Area (RSCA) and 705, Willamette River Greenway (WRG), 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 ~~c~~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 Oregon Revised Statutes (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 [Oregon Revised Statutes \(ORS\) 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 AG/F or 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), *Application Submittal and Completeness Review*, 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 (ORS) cChapter 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, Time Extension.
- 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, Home Occupations or 1203, Conditional Uses, 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; Amended by Ord. ZDO-268, 10/2/18]

Summary of Proposed Amendments to Section 407, Ag/Forest (AG/F) District

1. Adopt conforming amendments incorporating the proposed changes to Sections 401 and 406, which regulate the Exclusive Farm Use (EFU) and Timber (TBR) Districts, that are also applicable in the AG/F District.
2. Standardize spacing, capitalizations, and the formatting of references to state statutes and regulations and Zoning and Development Ordinance (ZDO) sections and subsections.

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, Definitions and 406.03, Definitions 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, Approval Criteria for Specific Uses or 406.05, Approval Criteria for Specific Uses 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
<u>FARM AND FOREST USES</u>	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, <u><i>Development Restriction Following Excessive Tree Removal</i></u> 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 <u><i>Oregon Revised Statutes (ORS)</i></u> 215.203. -Marijuana production is subject to Section 841, <u><i>Marijuana Production, Processing, and Retailing</i></u> .	
	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 products. 141. -Marijuana processing is subject to Section 841. ¹	401.05(B)(1) <u>& (2)</u>
	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)
	Type	Use	Subject To
<u>NATURAL RESOURCE USES</u>	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)
	Type	Use	Subject To

	Type	Use	Subject To
RESIDENTIAL USES	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	Use	Subject To
RESIDENTIAL USES (cont.)	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. ²	401.05(A)(3)
	TYPE II	Forest Lot of r Record d Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(2)
	TYPE II	Agricultural Lot of r Record d Dwelling on Low Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(32)
	TYPE II	Agricultural Lot of r Record Dwelling-dwelling on Class III or IV High Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(43)
	TYPE III	Agricultural Lot of Record-record Dwelling-dwelling on Class I or II High Value Farmland that was predominantly agriculture on January 1, 1993.	401.05(A)(2), (3), (4) & (C)(54)
	TYPE II	Agricultural Dwelling-dwelling in conjunction with a farm use on High Value Farmland that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(65)
	TYPE II	Agricultural d Dwelling in conjunction with a farm use on Low Value Farmland on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(76)
	TYPE II	Agricultural d 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)(87)
	TYPE II	Agricultural 160 acre test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3), (4) & (C)(98)
	TYPE II	Agricultural c Capability test on low value farmland for a dwelling on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3), (4) & (C)(109)
	TYPE II	Agricultural n Nonfarm dwelling on land that was predominantly agriculture on January 1, 1993.	401.05(A)(3), (4) & (C)(110)
	TYPE II	Agricultural Accessory farmworker dwelling for a relative relative farm help dwelling on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(1211)
	TYPE II	Agricultural a Accessory farmworker dwelling for year-round and seasonal farm workers dwelling in conjunction with farm use on land that was predominantly agriculture on January 1, 1993. ²	401.05(A)(3) & (C)(1312)
	TYPE II	Agricultural d 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)(1413)

TYPE II	Forest t Template t est d Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(3)
TYPE II	160 a Acre f Forest d Dwelling on land that was predominantly forest on January 1, 1993.	406.05(A)(3), (4), (5) & (D)(4)
TYPE II	200 a Acre n Noncontiguous t Tract f Forest d 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)

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, Temporary Dwelling for Care.	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)
	<u>TYPE II</u>	<u>Accessory dwelling supporting family forestry on land that was predominantly forest on January 1, 1993.</u>	<u>406.05(D)(7)</u>
COMMERCIAL USES	Type	Use	Subject To
	A	Family child care home.	
	A	Dog training classes.	401.05(D)(8)
	A	Dog testing trials.	401.05(D)(9)
	TYPE I	A license for an <u>approved cider business, farm brewery, or</u> winery to carry out the first six of 18-day agri-tourism and other commercial events, subject to: <u>215.451(6)(a) for a cider business; ORS 215.449(6)(a) for a farm brewery; and</u> ORS 215.237 and 215.452(6)(a) <u>for a winery.</u>	
	TYPE II	Farm stands, subject to OAR 660-033-0130(23) and ORS 215.283(1)(e). ³	<u>401.05(D)(10)</u>
	TYPE II	Home occupation, subject to Section 822, <u>Home Occupations.</u>	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)
	<u>TYPE II</u>	<u>A cider business as described in and subject to ORS 215.451.</u>	
	<u>TYPE II</u>	<u>A farm brewery as described in and subject to ORS 215.449.</u>	
	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	401.05(A)(1)

	215.453 that occur on more than 25 days in a calendar year.	
<u>TYPE II</u>	<u>A bed and breakfast facility as a home occupation in association with a cider business, farm brewery, or winery, subject to: ORS 215.448 and ORS 215.451(10) for a cider business; ORS 215.448 and ORS 215.449(10) for a farm brewery; and ORS 215.448 and either ORS 215.452 or 215.453, whichever is applicable, for a winery.</u>	<u>401.05(A)(1) & (D)(5)</u>
TYPE II	<u>Cider business, farm brewery, or Winery-winery</u> agri-tourism or other commercial events for days seven through 18 of the 18-day limit, subject to: <u>215.451(6)(c) for a cider business; ORS 215.449(6)(c) for a farm brewery; and ORS 215.237 and 215.452(6)(c) for a winery.</u>	
<u>TYPE II</u>	<u>Equine and equine-affiliated therapeutic and counseling activities.³</u>	<u>401.05(A)(1) & (D)(11)</u>
C	Home occupation to host events, subject to Section 806, <u>Home Occupation to Host Events.</u>	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), <u>such as the processing of farm crops into biofuel.⁴</u>	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)

COMMERCIAL USES (cont.)	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
MINERAL, AGGREGATE, OIL, AND GAS USES	A	Exploration for mineral and aggregate resources as defined in ORS c 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)

	Type	Use	Subject To
TRANSPORTATION USES	A	Widening of roads within existing rights-of-way in conformance with Chapter 5, <u>Transportation System Plan</u> 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)

	Type	Use	Subject To
UTILITY AND SOLID WASTE DISPOSAL FACILITY USES	See Table 835-1	Wireless telecommunication facilities (other than essential public communication services, as defined in Section 835, <i>Wireless Telecommunication Facilities</i>), subject to Section 835.	
	TYPE II	Essential public communication services, as defined in Section 835.	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	Composting operations and facilities that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract.	401.05(G)(3)
	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. A composting facility is subject to Section 834, <i>Composting Facilities</i> .	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
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.	
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	Type	Use	Subject To
<u>PARKS, PUBLIC, AND QUASI-PUBLIC USES (cont.)</u>	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)
	C	Youth camps on 40 acres or more, subject to Oregon Administrative Rules (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
<u>OUTDOOR GATHERINGS</u>	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	406.05(A)(1) & (J)(2)

		any three-month period and any part of which is held in open spaces.	
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- 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.)~~
- ³ The use is prohibited in an urban or rural reserve established pursuant to OAR chapter 600, division 27.
- ⁴ 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 Oregon Revised Statutes (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, Dimensional Standards, which establishes dimensional standards in the TBR District, shall apply in the AG/F District.

407.07 DEVELOPMENT STANDARDS

Subsection 406.08, Development Standards, which establishes development standards in the TBR District, shall apply in the AG/F District.

407.08 LAND DIVISIONS

Subsection 406.09, Land Divisions, which establishes land division standards in the TBR District, shall apply in the AG/F District.

407.09 SUBMITTAL REQUIREMENTS

Subsection 406.10, Submittal Requirements, 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, Approval Period and Time Extensions, 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; Amended by Ord. ZDO-268, 10/2/18]

Summary of Proposed Amendments to Section 835, *Wireless Telecommunication Facilities*

1. Define “small wireless facility” and establish review procedures for such facilities consistent with Federal Communications Commission (FCC) 18-133 *Declaratory Ruling and Third Report and Order* and 47 CFR 1.6002(l)(1).
2. Except small wireless facilities in public rights-of-way or in easements under Clackamas County jurisdiction from the standards and land use review requirements of other wireless telecommunication facilities in Section 835, and provide for their regulation under the County’s Roadway Standards.
3. Require that small wireless facilities outside of public rights-of-way and easements under Clackamas County jurisdiction to have the same or similar color or colors as the portions of any building they are attached to or mounted on, and prohibit them from being affixed to trees, shrubs, or other vegetation.
4. Make conforming amendments to citations and subsection designations.

835 WIRELESS TELECOMMUNICATION FACILITIES

835.01 DEFINITIONS

The following definitions apply to Section 835:

- A. 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 whip antennas.
- B. Collocation: The use of a single support structure by more than one wireless telecommunications provider.
- C. Essential Public Communication Services: Police, fire, and other emergency communications networks.
- D. Equipment Shelter: A structure that houses power lines, cable, connectors, and other equipment ancillary to the transmission and reception of telecommunications.
- E. Existing Wireless Telecommunication Facility: A wireless telecommunication facility that received land use approval prior to March 14, 2002.
- F. Small Wireless Facility: A wireless telecommunication facility that enables provision of wireless services and meets the conditions in Subsections 835.02(A)(1) through (4).
- ~~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, 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 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.

H. 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 SMALL WIRELESS FACILITIES

A. Small wireless facilities, consistent with 47 CFR 1.6002(l)(1), are facilities that meet each of the following conditions:

1. The facilities:

- a. Are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR 1.1320(d); or
- b. Are mounted on a structure no more than 10 percent taller than other adjacent structures; or
- c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

2. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and

4. The facilities comply with Federal Communications Commission (FCC) requirements for registration, as well as FCC radio frequency emissions standards specified in 47 CFR 1.1307(b) and other applicable standards in 36 CFR 800.16(x) related to location on Tribal Lands.

B. Notwithstanding any otherwise applicable definition in Section 202 or Subsection 835.01, terms used in Subsection 835.02 have the meanings provided in 47 CFR 1.6002, which includes the following definitions:

1. Antenna: Consistent with 47 CFR 1.1320(d), an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional

radiator, mobile station, or device authorized under Part 15, Radio Frequency Devices of CFR Title 47, Telecommunication.

2. Antenna equipment: Consistent with 47 CFR 1.1320(d), equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
2. Deployment: Placement, construction, or modification of a personal wireless service facility.
3. Structure: A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

835.~~02~~03 EXEMPTIONS

- A. Except for essential public communication services **not provided by small wireless facilities** in zoning districts listed in Subsections 1102.01(A) through (C), **small wireless facilities and other** wireless telecommunication facilities are exempt from Section 1102, *Design Review*.
- B. Small wireless facilities in public rights-of-way or in easements under Clackamas County jurisdiction are regulated by the Clackamas County Roadway Standards and are not subject to Subsection 835.04, Subsections 835.06 through 835.08, or Table 835-02.

835.~~03~~04 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~~07, 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~~06(D)(1)(a).

835.~~04~~05 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 and small wireless facilities, 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 that are not small wireless facilities are subject to the applicable provisions of Subsections 835.~~05-06~~06(A-D) and 835.~~07~~08, and an adjustment may be approved pursuant to Subsection 835.~~06~~07. Small wireless facilities are not subject to Subsections 835.06(A-D) or 835.08, but are subject to the provisions of Subsection 835.06(E); small wireless facilities are not eligible for an adjustment pursuant to Subsection 835.07.

Table 835-1: Permitted Wireless Telecommunication Facilities

Use	FU-10, HR, MRR, and Zoning Districts Regulated by Section 315	AG/F, EFU, FF-10, NC, RA-1, RA-2, RR, RRFF-5, TBR, and VCS	Commercial and Industrial Zoning Districts except NC, VCS, and SCMU	SCMU	Review Process pursuant to Section 1307
Essential Public Communication Services	P	P ¹	P	P	Type I ²
Level One Collocation	X	P	P	P	Type I ³
Level One Placement on a Utility Pole	P	P	P	P	Type I ³
Level Two Collocation	P	P	P	X	Type II ³
Level Two Placement on a Utility Pole	P	P	P	X	Type II ³
Level Two Wireless Telecommunication Facilities not included in any other category	C	C ¹	P	X	Type II if use is P ³ , Type III if use is C
<u>Small Wireless Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Type I⁴</u>

¹ In the AG/F and TBR Districts, the use is subject to Subsection 406.05(A)(1).

² In the AG/F, EFU, and TBR Districts, essential public communication services require review as a Type II application pursuant to Section 1307.

³ If an adjustment is proposed pursuant to Subsection 835.~~06~~07, the wireless telecommunication facility requires review as a Type III application pursuant to Section 1307, *Procedures*.

⁴ Small wireless facilities in public rights-of-way or in easements under Clackamas County jurisdiction do not require review through a Type I process.

835.~~0506~~ STANDARDS

- A. Level One Collocation: A level one collocation of antennas on a previously approved wireless telecommunication facility shall be subject to the following standards:
1. Collocation proposals involving an existing wireless telecommunication facility must have an approved and implemented landscaping plan that complies with Subsection 835.~~0506~~(D)(5).
 2. There shall be no increase in the height of the existing wireless telecommunication support structure.
 3. The proposed collocated antennas shall be no more than 20 feet higher than the existing support structure.
 4. All collocation improvements shall be located within a previously approved fenced lease area.
 5. The collocation shall not involve the removal of any previously approved landscaping or buffering.
- B. Level One Placement on a Utility Pole: Level one placements of wireless telecommunication facilities on utility poles (electric, cable, telephone, etc.) shall be subject to the following standards:
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.
 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.~~0506~~(B)(1), the replacement pole shall remain within the public-right-of-way.
 3. Any equipment shelters for the wireless telecommunication facility shall be 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.

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 unless no existing support structure can accommodate the 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:
 - i. No existing support structures, or approved but not yet constructed support structures, are located within the geographic area required to meet the applicant's engineering requirements;
 - ii. Existing support structures are not of sufficient height to meet the applicant's engineering requirements;
 - iii. Existing support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support structure, or the existing antenna would cause interference with the applicant's proposed antenna; or
 - v. The applicant demonstrates that there are other limiting factors that render existing support structures unsuitable.
- b. If the tower is inside the Portland Metropolitan Urban Growth Boundary, it shall be a monopole.
- c. The tower shall be designed and built to accommodate collocation or additional loading. This means that the tower shall be designed specifically to accommodate no less than the following equipment, in addition to the applicant's proposed equipment:
 - i. Twelve antennas with a float plate wind-loading of not less than four square feet per antenna;
 - ii. A standard mounting structure, standoff arms, platform, or other similar structure designed to hold the antennas;
 - iii. Cable ports at the base and antenna levels of the tower; and
 - iv. Sufficient room within or on the tower for 12 runs of 7/8-inch coaxial cable from the base of the tower to the antennas.

- d. The tower 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.
 - e. 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.
2. Equipment shelters shall be entirely enclosed. They 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. If there is a conflict between acceptable colors and the operational needs of the facility, the use of architectural screen panels may be required.
 3. 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 lots, to the extent practicable.
 4. Unless the 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 be a minimum of six feet tall and sight-obscuring.
 5. Landscaping shall be placed outside of the enclosed area required pursuant to Subsection 835.0506(D)(4) and shall include ground cover, shrubs, and trees that are reflective of the natural surrounding vegetation in the area. However, if a portion of the wireless telecommunication facility is screened from points off-site by a building with a height of at least eight feet, landscaping is not required for the screened area. In addition, Subsection 1009.10 applies.
 6. Noise generated by the wireless telecommunication facility shall not exceed the maximum levels established by the Oregon Department of Environmental Quality (DEQ). If lots adjacent to the subject property have a lower DEQ noise standard than the subject property, the lower standard shall be applicable.
 7. Dimensional Standards: Dimensional standards applicable to wireless telecommunication towers that are not solely for small wireless facilities are listed in Table 835-2, *Dimensional Standards for Wireless Telecommunication Towers* Not Solely for Small Wireless Facilities.

E. Small Wireless Facilities: Small wireless facilities, including all related equipment and appurtenances, shall:

1. If attached to or mounted on a building, have the same or similar color or colors as the portions of the building they are attached to or mounted on; and
2. Not be affixed to trees, shrubs, or other vegetation.

Table 835-2: Dimensional Standards for Wireless Telecommunication Towers Not Solely for Small Wireless Facilities

Zoning District	Maximum Height	Minimum Tower Separation	Minimum Front, Side, and Rear Setbacks
All zoning districts inside the Portland Metropolitan Urban Growth Boundary (UGB), HR, MRR, RR, and RTC	100 feet	1000 feet	The minimum setbacks generally applicable in the subject zoning district, or a distance equal to the height of the tower, whichever is greater
FF-10, RA-1, RA-2, RC, RI, and RREF-5, provided that the tower is outside the UGB	150 feet	2000 feet	
AG/F, EFU, and TBR, provided that the tower is outside the UGB	250 feet	2,640 feet	

835.0607 ADJUSTMENTS

Adjustments to the standards of Section 835 for wireless telecommunication facilities that are not small wireless facilities may be granted under either of the following circumstances:

- A. 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:
 1. 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;
 2. The proposed wireless telecommunication facility will fill the existing service gap. Filled means 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
 3. 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.

- B. The proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding lots. Site characteristics include, but need not be limited to, those identified in Subsection 1203.03(B). The adjustment must result in a lower level of impact on surrounding lots than would result if the standard were not adjusted. In considering the requested adjustment, the following may be considered:

1. Visual impacts;
2. Impacts on view;
3. Impacts on property values; and
4. Other impacts that can be mitigated by an adjustment so that greater compliance with Subsection 1203.03(D) occurs.

835.~~07~~08 ABANDONMENT

- A. Wireless telecommunication facilities that are not small wireless facilities will be considered abandoned when there has not been a provider licensed or recognized by the ~~Federal Communications Commission~~FCC 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 reuse the facility or transfer the facility to another owner who will reuse it within 60 calendar days of the determination of abandonment.
- 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; Amended by Ord. ZDO-268, 10/2/18]

THE CITY OF SAN DIEGO

Wireless Communication Facility (WCF) Guidelines

FEBRUARY 2019

Please note: The Wireless Ordinance (SDMC 141.0420) is currently being updated, which will soon require further changes to these Guidelines.



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Introduction

In the City of San Diego, Wireless Communication Facilities (WCFs) are defined as the antennas, support structures, and other equipment or apparatus necessary for providing personal wireless services and information services. The Telecom Review Section of the Project Submittal and Management Division of Development Services processes WCF applications, from the entitlement and discretionary review process to building permit issuance and inspection. The Development Services [Wireless Communication Facilities web page](#) provides links to additional reference material.

[Council Policy 600-43](#) and the [City's General Plan](#) (Urban Design Element UD-A.15) provide guidance on the design and placement of WCFs within the City. San Diego Municipal Code (SDMC) Section [141.0420](#), "Wireless Communication Facility (WCF) Regulations," regulates WCFs, and [Information Bulletin 536](#) provides information on the procedures and submittal requirements for WCF permit applications. Other state and federal laws and policies, including guidance from the Federal Communications Commission (FCC), also govern WCF placement and development in the City.

These Wireless Communication Facility Guidelines outline the processing and design requirements the City has instituted to implement the above policies and regulations. These guidelines outline clear, reasonable, and predictable criteria to assess and process applications quickly and consistently. They establish a framework of opportunities for creating desirable WCFs in the City.

Council Policy 600-43

[Council Policy 600-43](#) provides guidelines for four locational categories that correspond to the Process levels contained within the Wireless Communication Facilities Regulations. The purpose of this policy is to provide comprehensive guidelines for the review and processing of applications for the placement and design of Wireless Communication Facilities in accordance with the City of San Diego land use regulations. These guidelines are intended to prescribe clear, reasonable, and predictable criteria to assess and process applications in a consistent and expeditious manner, while reducing visual and land use impacts associated with Wireless Communication Facilities.

The Council Policy establishes a hierarchy from most preferred location to least preferred location, encouraging the placement of WCFs in commercial and industrial zones. Higher preference sites have lower decision processes: WCFs in commercial and industrial zones are reviewed under Process One, a staff-level decision. WCFs in parks, open space, or residential zones are reviewed under Process Four, with permits decided by the Planning Commission.

General Plan - Wireless Facilities

The City of San Diego's General Plan addresses Wireless Communication Facilities in section UD-A.15, which requires proposed WCFs to:

- *Minimize the visual impact of wireless facilities.*

- *Conceal wireless facilities in existing structures when possible, otherwise use camouflage and screening techniques to hide or blend them into the surrounding area.*
- *Design facilities to be aesthetically pleasing and respectful of the neighborhood context.*
- *Conceal mechanical equipment and devices associated with wireless facilities in underground vaults or unobtrusive structures.*

Federal Regulations

Telecommunications Act of 1996

Section 704 of the Telecommunications Act of 1996 guides the City's review of WCFs. The City's review and approval or denial of WCF applications "shall not unreasonably discriminate among providers of functionally equivalent services," and "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

The Telecommunications Act requires the City to act on a permit application request within "a reasonable period of time", and states that any decision to deny a request to "place, construct, or modify [a WCF] shall be in writing and supported by substantial evidence contained in the written record."

The Telecommunications Act also prohibits the City from regulating the "placement, construction, and modification of [WCFs] on the basis of the environmental effects of Radio Frequency (RF) emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions." The City requires that WCF applications provide a report, prepared by a qualified RF engineer, demonstrating that the WCF will comply with the FCC RF Guidelines.

In conjunction with this act and other regulations, such as the California Permit Streamlining Act, the FCC's Shot Clock Ruling, and the California Environmental Quality Act (CEQA), the City processes WCF applications in an expeditious manner in compliance with all applicable regulations.

Spectrum Act

Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 (Spectrum Act) states that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station" and describes the required timeline (60 days). The associated [FCC Report and Order 14-153](#) provides guidance on what may be considered an "eligible facilities request" and what constitutes "substantial change". The City reviews each Spectrum Act application to determine if it qualifies as an eligible facilities request.

FCC Declaratory Ruling and Third Report and Order – “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment”

The FCC adopted [Report and Order FCC 18-133](#) (the “Small Cell Order”) to accelerate the deployment of the next generation of wireless technology (known as 5G) using small cell antennas. Such antennas are typically placed on City streetlights or traffic signals in the right-of-way, although not exclusively. The Small Cell Order requires local jurisdictions to process applications for collocation of small cells on existing structures within 60 days and on new structures within 90 days. Right-of-way applications on City assets are reviewed by staff and processed concurrently with a Master Use and Occupancy Permit (MUOP), a Master Structural Permit, and a Right-of-Way Permit. Applications may also be made for new poles and/or on private property, which may require discretionary review.

This Report and Order also codifies processing timelines for non-small cell WCFs required by other federal policies: 90 days for existing structures, and 150 days for new structures. See [Information Bulletin 545](#) for more information on small cells.

State Regulations

AB 57 (2015)

AB 57 added [Section 65964.1](#) to the Government Code, which “deems approved” applications for most types of wireless sites if the City does not act on an application within the FCC’s “shot clock” timeframe if the applicant has provided all required notices.

Shot Clocks and Processing Timelines

The above federal laws and policies provide shot clocks for all types of WCF approved by the City of San Diego. The City must decide on a project within the shot clock timeframes outlined below. Shot clocks are tolled while the City awaits resubmittal.

Shot clocks for WCF projects	
Project Type	Shot Clock
Spectrum Act Projects	60 Days
SWF (Small Wireless Facility) on an existing structure	60 Days
SWF on a new structure	90 Days
Non-SWF on an existing structure	90 Days
Non-SWF on a new structure	150 Days

WCF applications have historically been a partnership between the applicant and City staff. The applicant submits a project, and the staff works with the applicant to ensure the project meets the requirements of City regulations and policies. This continues until all issues are resolved and the project can move forward.

The shot clocks codified by the Third Report and Order force the City to act quickly. This is good for the wireless industry, but it also removes any flexibility the City has to “partner” with the applicant during project review – there is no longer time to do so. Because this “partnership” often serves as a substitute for due diligence, applicants must ensure that such research is done prior to submittal.

The Spectrum Act requires the City to approve any eligible facilities request within 60 days. All other shot clocks do not require the City to approve an application, only to act on it. For non-Spectrum Act projects, the City needs a complete application early in the process to facilitate project approval. Otherwise, staff will be forced to deny an incomplete application to meet shot clock requirements. It is the applicant's responsibility to ensure that they submit all the information that the City needs to decide on a project. This includes (but is not limited to) noise reports, biology reports, slope analyses, evidence that the project complies with the Land Development Code and engineering standards, requirements of these guidelines, etc.

Shot Clock Processing Standards for WCF projects

Non-Spectrum Act Projects:

To meet shot clock requirements, the City requires the concurrent submittal of zoning approval and construction permits at the same time. If the applicant does not want this, they must toll the shot clock. Tolling applies to the whole project, including any ministerial construction permits. Tolloed projects will still be processed diligently.

The City will issue one set of corrections; if they are all not addressed by the second review, the applicant must toll the shot clock.

If not tolled after the second review, all Process One and Two applications will be denied and fees forfeited. For Process Three through Five applications, a hearing will automatically be scheduled when the project is resubmitted. Failure to toll will result in a recommendation of denial at this hearing, and fees forfeited.

See [Information Bulletin 536](#) for more information.

Spectrum Act Projects:

The Third Report and Order does not affect the City's Spectrum Act process or the Spectrum Act shot clock. See [Information Bulletin 536](#) for more information.

Small Cells:

See the [Information Bulletin 545](#) for more information.

Voluntary Preliminary Review

Because shot clocks greatly reduce staff's ability to help a submitted project through the process, the City strongly encourages applicants to submit voluntary preliminary review applications for any WCF project. Preliminary reviews are not a project and are not subject to any shot clock. Staff can then work with an applicant to address issues prior to submittal.

SDMC 141.0420 - WCF Regulations

[SDMC 141.0420, "Wireless Communication Facility Regulations"](#), outlines requirements for the placement of WCFs in the City of San Diego in support of the categories outlined in Council Policy 600-43. The zone, site characteristics, and development proposal will determine the permits required for a WCF.

In addition to SDMC 141.0420, WCFs may require other permits based on their location or project characteristics. For example, project sites containing Environmentally Sensitive Lands may require a Site Development Permit (SDP), projects in the Coastal Overlay Zone may require a Coastal Development Permit (CDP), and projects that deviate from the development regulations or WCF Guidelines may require a Planned Development Permit (PDP). All permits are consolidated and processed according to the highest process of any required permit.

The WCF Guidelines should be used in conjunction with the WCF Regulations. The Guidelines are a tool for processing WCF applications. They do not supersede the regulations found in the SDMC. They provide guidance to staff and stakeholders involved in the design and development of WCFs in the City of San Diego.

Design Requirements of SDMC 141.0420

Section 141.0420(g) of the SDMC specifies regulations which apply to all WCFs. The first four design requirements are applicable to all WCFs, and they are the foundation for these guidelines:

1. WCFs shall utilize the smallest, least visually intrusive antennas, components, and other necessary equipment.
2. The applicant shall use all reasonable means to conceal or minimize the visual impacts of the WCF through integration. Integration with existing structures or among other existing uses shall be accomplished through the use of architecture, landscape, and siting solutions.
3. The wireless communication facility's equipment shall be located within an existing building envelope, whenever possible. If a new equipment enclosure is necessary, it shall be of a height minimally necessary to accommodate the equipment, not to exceed 250 square feet, unless a Process Two Neighborhood Development Permit is granted in accordance with Section 126.0402.
4. Overhead wires connecting the antennas to the equipment are not permitted.

Other subsections of SDMC 141.0420(g) apply only to specific types of WCF, and are discussed later in these guidelines.

Design Requirements and Types of WCFs

Design Requirements for all WCFs

To provide guidance on the implementation of the Wireless Regulations, the following are general design guidelines for all WCF installations.

1. **Integration (Concealment) is required** – Integration is how each part of a site fits together. Well-integrated sites have WCFs that are as concealed as possible on the site. Concealment is the level to which the components of a WCF are hidden from view. It is a function of the appearance, placement, context, and level of visibility of a WCF. Depending on the site, a change in any of these elements may defeat concealment.

New WCFs and non-Spectrum Act modifications should be integrated (concealed) into a site. Spectrum Act projects may not defeat existing concealment.

Because they do not represent the smallest, least visually intrusive antennas, components, and other necessary equipment, non-integrated (unconcealed) installations are discouraged in the City of San Diego. There are a wide range of acceptable integration/concealment methods. The default level of concealment for a previously-approved site is its last approved Exhibit A. Every aspect of a site is considered an element of concealment including (but not limited to) the dimensions, build and scale, color, tree shape, branch count, materials and texture. Future modifications to a site must not defeat concealment.



Figure 1: A well-concealed WCF. Antennas are architecturally integrated into the building.

A WCF's size, shape, number of antennas, dimensions, color, texture, offset, azimuth, height, location on a site and location on a structure all contribute to how concealed the site is. A change in any of these elements that makes the site more visible than it was previously is defeating concealment.

To judge how well-integrated a site is (how well it is concealed), we rely on three principles. Each influences the other, and together they determine how integrated a site is:

- a. **The Principle of Balance** – All visible elements should have symmetry in all visible dimensions. Antennas and concealment elements should not dominate the element they are placed on.



Figure 2: One sector of this site is balanced...and one sector is not.

Examples of the Principle of Balance include, but are not limited to:

- i. Visible antennas should be (or have the appearance of being) equal in length, width, and depth and should be evenly spaced on their support structure.
- ii. Visible equipment should be grouped in like size and should also be evenly spaced on the support structure in a way that compliments the symmetry of antennas.
- iii. Visibly-placed concealment elements (items that conceal WCF elements but are themselves visible) should also observe this principle. This may require the bilateral symmetry of faux architectural elements or screen boxes, such as adding cupolas or faux chimneys to both sides of a façade instead of one, or raising parapets at two corners of a façade instead of one, etc.

Antennas and shrouds should not dominate the element they are placed on. This is especially relevant to vertical elements such as light standards, flagpoles, and similar fixtures.

Depending on the context, balance/symmetry may NOT be desired in certain situations. However, it should always be assumed that symmetry is necessary, and the greatest possible amount of symmetry/balance should always be provided.

A balanced site will appear uniform and is considered less visually obtrusive than one that lacks balance. Bringing a site out of balance reduces its level of concealment.

- b. **The Principle of Context** – Specific situations require specific design solutions. What integrates well into one site may not be appropriate for another. Select the best design solution based on site and project characteristics.

Examples of the Principle of Context include, but are not limited to:

- i. A faux tree may be appropriate if there are other mature trees of a similar height in the vicinity, but not if there aren't.
- ii. A cupola may be appropriate for certain styles of architecture, but not for others.
- iii. Façade-mounted antennas may be appropriate for certain styles of architecture, but not for others.
- iv. Concealment behind a parapet is good, but designs that only raise part of the parapet may not be.
- v. A faux saguaro may conceal antennas well, but may not work in a park.
- vi. A faux chimney may look good, but too many of them on a building may not.
- vii. An eight-foot-tall rooftop box may look appropriate on a three-story industrial building, but not on a one-story liquor store.
- viii. A rustic water tower conceals antennas well, but may not be appropriate at Mission Valley Center.

A WCF that fits into its context (a faux tree within an area with many trees) is more integrated (concealed) than one that doesn't (a faux tree in the middle of a non-landscaped parking lot). Changing the context of a site can change its level of concealment.

- c. **The Principle of Least Visibility:** The least visible solution is best. Placement on the site should be as minimally visible as possible.

Examples of the Principle of Least Visibility include, but are not limited to:

- i. WCFs should not be located between buildings and the street. They should be concealed on existing buildings, or ground mounted adjacent to the side or rear of existing buildings.
- ii. Unless a site is architecturally integrated, visibility of WCF elements from the public right-of-way is not desirable, regardless of level of concealment.
- iii. Façade-concealed antennas are preferred over façade-mounted antennas.

- iv. Integration into architectural elements is preferred over covering antennas with something (i.e., appearing flush with a wall or hiding in a cupola is better than concealment behind a façade-mounted box). Design elements of existing façades should be replicated.
- v. Concealment within a structure is preferred over visible mounting (façade mounts or faux trees).
- vi. Covering or painting the antennas doesn't mean they're well-concealed. Concealment methods can themselves be visible (antenna skirts, FRP boxes, etc.). For example, even if it covers the antennas, a large, untapered FRP box can call attention to a facility.
- vii. Complete concealment is preferred over other methods.
- viii. RF safety barriers should be the least visible barrier possible. When possible, striping and restricted access should be used instead of posts, chains and/or fencing. When barriers must be visible, select building materials that integrate into the site. Radio Frequency Reports should consider alternative options. Photo simulations and plans should show proposed barriers and signage.

The less visible a facility is, the more integrated/concealed it is. Increasing visibility reduces/defeats concealment. Anything that is represented on plans and photo simulations as providing concealment (adjacent landscaping, paint colors, architectural elements, etc.) should be present for the life of the project, and so must be in an area within the applicant's control.

2. **Concealment, Expiration Dates and Completely Concealed and Integrated Facilities**

(CCIFs): It is the City's goal to completely conceal WCFs wherever feasible. A CCIF is a site that is indistinguishable from the built and/or natural environment of the surrounding area. CCIFs apply camouflaging methods to WCFs to blend them into an existing/proposed structure or visual backdrop in a way that renders the WCF completely non-visible.



Figure 3: Antennas and equipment are all concealed within this tower element.

WCFs have three separate elements: antennas, cables, and equipment/equipment areas. Permits for WCFs that don't completely conceal any of these elements will be receive/be recommended to receive an expiration date of ten years. Longer permit terms (see table on Page 13) are available to applicants that completely conceal certain parts of their facility. Depending on the level of concealment, a permit can also be issued for a ten, twelve, or fifteen-year term. Sites that completely conceal all elements will qualify as CCIFs, which receive/will be recommended to receive no

expiration date. Without an expiration date, sites can be more easily modified without renewing their zoning approvals.

CCIFs must meet all the following criteria to receive no expiration date:

- a. Antennas must be completely hidden: The antennas, mounting apparatus, and any associated components should be fully concealed from all sides within a structure that achieves total and complete architectural integration with the existing building (for example, antennas behind FRP in a parapet, and equipment inside an existing building), or which creates outbuildings that are architecturally integrated into a site and are expected components of the setting (for example, a WCF integrated into single-family residential shed). Antennas should be completely hidden from view to qualify for a. Façade-mounted antennas (with or without FRP screening) and faux trees do not qualify.
- b. Cables and cable trays must be completely hidden from view: All cables should be routed internally or buried underground. Exterior cable trays designed to replicate an existing vertical element may be considered on a case by case basis. Standard cable trays painted and textured to match the existing building do not meet the intent and do not qualify as hidden.

- c. Equipment and equipment areas should be completely hidden: The associated equipment should be completely concealed inside an existing building, inside an underground vault, or in the same method as the antennas (RRUs, RRHs, surge suppressors, and similar). Screen walls/fences and prefabricated facilities do not meet the intent of a CCIF.

Equipment enclosures designed to replicate existing buildings and structures may be considered on

a case by case basis. This applies to any existing or proposed mechanical equipment that serves the WCF, including (but not limited to) generators, air conditioning units, and similar.



Figure 4: A completely concealed WCF. There are antennas in this picture!

Permit Terms and Concealment Levels:

Concealment Elements Provided from List on Page 12	Concealment Level	Permit Expiration Date
Anything other than below	Low	10 Years
a and b	Medium	12 Years
a and c	High	15 Years
a, b, and c	Complete (CCIF)	No expiration

3. **Landscaping** - Landscaping should be used to offset the overall visual impact of WCFs. Existing and proposed landscape material and design techniques should be utilized to integrate WCFs with the surrounding environment to improve views from neighboring properties and the public right-of-way. All landscape shall conform to the City's Landscape Regulations and the Land Development Manual: Landscape Standards. Landscape Plans submitted for review shall include the components identified in Information Bulletin 536.
- a. Landscaping should address all components of a WCF, including cable trays and equipment areas. A combination of trees, shrubs, and/or vines can be used to screen and help soften the WCF.
 - b. Where it is not feasible to provide additional landscaping in proximity to a proposed WCF location, or substantial landscaping already exists on-site, other means of balancing the project's visual impacts should be considered.
 - c. The WCF's design should be consistent with the existing and/or proposed landscape design for the project site. Existing, mature trees should be retained when feasible. Any trees proposed for removal should be replaced in-kind or with sufficient replacements. Landscaping for a WCF should use the same plant palette as the underlying site to the satisfaction of the Development Services Department. Landscaping that does not conform to the existing site can be considered on a case-by-case basis.
 - d. When underground vaults are proposed, they should be located to meet minimum clearances from street trees. Locations of proposed underground vaults should not impact existing street trees and/or impede location for new street trees.
 - e. Removal, replacement, or installation of street trees is subject to review by the City's Urban Forester in accordance with SDMC 62.0600. Regardless of location, per SDMC 141.0420(g)(7), if trees with a trunk width of 4 inches or more (measured by caliper, 4 feet above grade) are removed or significantly trimmed for the installation or operation of the wireless communication facility, then replacement trees of a similar size should be planted to the satisfaction of the City Manager.
 - f. Tree "topping" or the improper pruning of trees is prohibited by the SDMC.

- g. Landscaping on the project site that screens, conceals, complements, or softens the visual impact of a WCF as shown in site photos, project plans, and photosimulations should remain for the life of the project, and should be under the applicant's control. Wireless tenants should coordinate with property owners to ensure that this happens.
- h. Landscaping on other properties should generally not be considered to screen a WCF. However, this can be considered on a case-by-case basis if it can be justified to staff.

4. Equipment, Generators, and Access

- a. All non-antenna components of a WCF (except concealment features, cabling and cable trays) are considered "equipment" no matter where they are located.

- b. Architectural integration is required for equipment enclosures and screening walls. Architecture should match or complement that of the underlying site. Any equipment not located within an equipment enclosure should either be completely hidden from view, or should be concealed in the same manner as antennas.



Figure 5: The generator is concealed inside the building above the existing equipment enclosure.

- c. Use similar building materials, colors, accents, and texture as the primary building. If no buildings exist on site, ensure that the proposed structure is appropriately designed to blend into the environment.

- d. Minimize exterior appurtenances. Use a screen wall and landscape for screening.

- e. Use an open top with an architectural element, like a trellis, to eliminate the need for air conditioning units.



Figure 6: Equipment is concealed within this enclosure with the air conditioning units located on the roof behind the parapet.

- f. Existing topography or landscape can assist in screening views of equipment.

- g. Gates should be constructed of similar or complimentary materials as the enclosure but should maintain opaque qualities. Locate gates away from public areas if possible.

- h. Fences should be constructed of decorative materials that compliment and blend with the surroundings. Chain-link fencing and barbed wire are not permitted.

- i. Anti-graffiti finishes should be applied to all solid fences, walls, and gates. Employ design techniques to reduce the opportunities for graffiti.
- j. All rooftop equipment should be screened. Per SDMC 141.0420(g)(7), it should also be set back or located to minimize visibility, especially from the public right-of-way or public places.
- k. A noise analysis may be required to demonstrate that equipment will operate within allowed noise limits.
- l. All exhaust pipes, vents and similar components should be illustrated on plans and photo simulations, and should be screened.
- m. Caged access ladders should be located away from street views and placed in an area of the building where visibility is minimized.
- n. Generator plugs, Remote Radio Units (RRUs), Remote Radio Heads (RRHs), diplexers, meters, surge suppressors, and other similar components should be located to minimize visibility. If they are located near the antennas, they should have the same concealment method as the antennas, unless to do so would increase visibility. Otherwise, they should be located in the equipment area.

5. Cabling and Cable Trays

- a. Cables should run underground between the public right-of-way and the WCF.
- b. Cables should run underground between components of the WCF unless required to go into or onto a tower or base station. Cable trays should not be used to cross the ground, or to cross buildings not acting as a tower or base station.
- c. Cables running from the ground into a structure should be routed internally within the tower or base station unless the building construction does not allow internal routing of the cables. In that case, the cable tray should be concealed or integrated with the building design. The cable tray can also be designed as a decorative building feature or architectural element. No cables should be visible at the transition from ground to above-ground at any time.
- d. Cable trays on a building exterior should be placed and spaced consistently and appropriately so as not to disrupt the building design.
- e. Above-ground cable, "ice bridges", "dog houses", cable bridges, and similar are not considered to comply with SDMC 141.0420 unless concealed.
- f. Cables should not be visible protruding from the bottom of antennas. On new projects, 90-degree connectors, chin straps, and antennas skirts should be used to eliminate looping. On previously conforming projects, group cabling and minimize looping. No project should increase the amount of visible cabling.

- g. Cables running visibly (faux trees, certain permitted installations, and all previously conforming facilities) should be painted to match adjacent surfaces and should use a cable management plan to minimize visibility.
6. **Associated WCF Components** including Remote Radios, Surge Suppressors, Tower Mounted Amplifiers, and all similar components



Figure 7: This cable tray is concealed inside the "Simon" wing wall.

- a. All roof-mounted components should be concealed behind and below a parapet, within a rooftop-mounted equipment area, or an architecturally-integrated structure that conforms to SDMC 141.0420(g)(5).
 - b. For faux trees, these components should be located behind the antennas and painted to match. Displacement of branches to accommodate any components is prohibited. For any allowed modifications to faux palms, these components should be concealed within the growth pod, faux hula skirt, or in the equipment enclosure.
 - c. For Athletic Field Lights (AFL), these components should be concealed inside the antenna shroud with a bottom cap.
 - d. Vents for radios or integrated antennas proposed behind FRP are permitted on the top only. Side and bottom vents may be considered depending on the installation.
 - e. See also 4n above.
7. **Mounting Hardware and Fasteners**
- a. Mounting hardware should be selected to minimize depth of installation.
 - b. If antennas are visible, pipes and mounting brackets should not be visible beyond the face of the antennas.
 - c. If antennas are not visible, select mounting brackets that minimize the physical dimensions of any screening.
 - d. Mounting hardware and related components should not be present if antennas are not present.

- e. Fasteners such as rivets, screws, and similar should not be visible.
8. **Fiberglass-Reinforced Plastic Installations** - Fiberglass Reinforced Plastic (FRP) or RF transparent materials can be used to screen and integrate a WCF with an existing building. FRP is subject to the following guidelines regardless of location:
- a. No visible transition lines between the old and new materials, colors, and/or surfaces are permitted. Specifically, FRP should be painted and textured to match adjacent surfaces exactly. If necessary, these surfaces should be repainted to retain consistency. This may necessitate painting an entire façade.
 - b. No exposed construction braces.
 - c. Rooftop additions should be concealed on all sides.
 - d. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if it complements the architecture of the existing building.
 - e. Faux chimneys and similar additions should include architectural details and trim, if such details exist on the building, or if it improves the appearance of the WCF.
 - f. Architectural details (including, but not limited to flashing, horizontal/vertical trim, reveals, texture changes, and other similar building elements) should match the adjacent building face. Site-specific alternatives may be considered if they can be justified.
9. **Radio Frequency Protective Devices** – Where a site’s Radio Frequency (RF) Report identifies signage or other protective devices for RF safety, the following should apply.
- a. Locate signage and barriers to minimize or eliminate visibility from public areas. Signage should only be visible as someone approaches the antenna sectors from directly accessible areas; it should not be visible from the street/ground level.
 - b. Signs placed on the roof/ground surface or painted warning markings on the flat roof or ground are preferred to signs and physical barriers in publicly



Figure 8: Place RF protective devices on the flat roof/ ground.

visible locations.

- c. If physical barriers should be used, they should be complementary to the architecture of the building unless completely concealed from view of the public.
- d. All RF-protective signs, barriers, and/or markings should appear on project plans and in photo simulations.
- e. Existing sites that modify their permits should bring signage into compliance with this section.

10. **Unified solutions are desired when multiple carriers are present** – If more than one carrier is located on a site, each carrier's installation should be architecturally similar.

- a. When modifying existing sites co-located on base stations, carriers should work together and coordinate with property managers/owners to create unified concealment elements to the extent feasible.
- b. Co-locating carriers should meet or exceed existing concealment features. If co-locating onto a structure where existing carriers do not meet current concealment guidelines, the co-locating carrier must comply with current guidelines, unless to do so would increase the visual impact of the facility.
- c. Multiple faux trees on the same site should be of the same type.
- d. If physically possible, all carriers should share a unified concealment element.
- e. If multiple carriers are façade-mounted facilities on the same building, all carriers should have similar concealment dimensions and spacing.
- f. Carriers using the same facility should have the same type of concealment unless this requirement would increase the overall visibility of a WCF.
- g. If a design was approved at a site within the last 36 months, all subsequent permits by any carrier at the same site should match it, unless to do so would increase the overall visibility of the site.

11. **Emerging and future technologies** – Staff recognizes that emerging technologies present design issues that may not be anticipated by these published guidelines, and will work with applicants on site-specific solutions. For example, at the time of publication, antennas on certain newly available frequencies present screening challenges due to shorter wavelengths. However, history has shown that concealment technology evolves as well. All WCFs in the City of San Diego should be integrated/concealed to the maximum extent possible.

12. **Other Design Considerations** – Although the WCF Regulations and these Design Guidelines are the primary design considerations for WCFs, other Municipal Code sections may govern project design, depending on project location. These sections include, but are not limited to:
- a. Zoning (Commercial, Industrial, Agricultural, Residential, Open Space, or Planned District zoning, including overlay zones), which regulates setbacks and height limits.
 - b. Fence Regulations, which may regulate the height of screening walls and equipment enclosures.
 - c. Equipment Screening Regulations, which may require screening of equipment separately from the WCF regulations.
 - d. Environmentally Sensitive Lands Regulations, which contain additional permit and design requirements for sites located in Environmentally Sensitive Lands.
 - e. Coastal Development Permit Regulations, which may require a site located in the Coastal Zone to get a Coastal Development Permit, which contains specific findings.
 - f. Historic Resources Regulations, which may require alternative designs for WCFs located on the same site as a historic resource.

WCFs that Comply with SDMC 141.0420, and their Design Requirements

The following pages contain supplemental guidelines for specific WCF types. All installations should also follow the requirements for all WCFs found on pages 8-19.

These guidelines cannot encompass all current and future forms of WCF. Concealment structures that aren't contemplated here will be evaluated by the principles, general design guidelines, and best practices outlined in this document, and the guidelines for similar elements as appropriate.

Allowable types of WCF in the City of San Diego include:

- Architecturally-Designed Stand-Alone Towers
- Athletic Field Lights
- Façade-Concealed Antennas
- Façade-Mounted Antennas
- Faux Architectural Elements
- Faux Buildings
- Faux Natural Elements
- Flagpoles and Other Similar Vertical Elements
- Parking Lot or Pedestrian Path Light Standards
- Right-of-Way Sites (not Small Cells)
- Rooftop Concealment
- Small Cells (In the Right-of-way and on Private Property)
- Temporary Sites

Installation Type	Preferred	Can be CCIF?	Examples
<u>1. Architecturally-Designed Stand-Alone Towers</u>	Yes	Yes	<ul style="list-style-type: none"> • Signs • Clock towers • Obelisks • Steeples • Faux small water towers • Similar elements

Architecturally-Designed Stand-Alone Towers - Towers that are designed to appear as buildings or signs, and which conceal antennas completely within them. There are many variations on this design. It is anticipated that these towers are enclosed on all sides. Site-specific novelty designs (faux water tanks/towers, etc.) may also qualify for this type of concealment.



Figure 9: A tower designed as focal point/art piece.



Figure 10: A tower designed as a pole sign

- Design towers to architecturally blend with the setting. However, this guideline is not intended to preclude towers from being artistically treated, or from being community focal points as appropriate.
- Towers should be of a quality design, with architectural variation, including varied planes, textures, colors, and treatments. A simple box is not sufficient.
- Towers should be built at the lowest height possible.
- A separate sign permit may be required for any sign designed to conceal antennas.
- The WCF permit process cannot be used to request signage that does not follow Municipal Code standards for signage.
- Clock towers should have a functioning clock at all times.

Installation Type	Preferred	Can be CCIF?	Examples
2. Athletic Field Lights (AFL)	No, unless antennas are completely integrated into the pole	None	<ul style="list-style-type: none"> None

a. These guidelines are for lights used to illuminate large areas for the purposes of recreation. For lights used to illuminate the immediate area for pedestrian safety, use the Parking Lot or Pedestrian Path Light Standards guidelines on Page 32.

b. Mount antennas as close as possible to the pole, below the light source and within an antenna shroud no more than 38 inches in diameter.

c. Antenna shrouds should conceal antennas and any associated components. No WCF component except the antenna shroud should be visibly mounted to a pole.



Figure 11: Photosimulation of athletic field light standards with antenna shrouds.

d. Antenna shroud length may be one-third of the overall pole height.

e. Per SDMC 141.0420(g)(9), WCFs on AFL should replicate the design, diameter and proportion of the vertical element they are intending to imitate.

f. For allowed modifications to existing, previously conforming AFL with exposed antennas, all cables should be routed directly into port holes no more than 12 inches of exposed conduit (may be further evaluated on a case by case basis). Chin covers replicating the antenna profile should be used.

g. Paint antennas and mounting components the same color as the pole.

h. All cables and conduit to and from the light standard are to be routed from the caisson up into the pole. "Doghouse" cable coverings may be permitted to remain in limited circumstances where they are minimally visible.

i. Single-carrier, multi-pole installations should follow the Principle of Balance. If multiple carriers are present on a site, their facilities should also be complementary in size, shape, and style.

Installation Type	Preferred	Can be CCIF?	Examples
3. Façade-Concealed Antennas	Yes	Yes	<ul style="list-style-type: none"> • Within a wall • Within a parapet

Façade-Concealed Antennas are any antennas concealed within the plane of the façade, including the parapet, of a building using Fiber-Reinforced Plastic (FRP) panels or similar. This is a preferred installation type for integration into buildings.

- FRP should be textured and painted to match adjacent building faces at all times. Paint and texture should match completely.
- There should be no noticeable transitions between FRP and adjacent surfaces at any time, be they paint, texture, or seam.
- If concealed within a parapet, top, sides and rear of antennas and associated components should also be enclosed or otherwise screened from view. At no time should any WCF component be visible, be it antenna, mounting apparatus, cabling, or equipment.
- If a project extends the parapet upwards, it should follow the Principle of Balance: Parapet extensions should either be uniform (raise the entire parapet) or should be symmetrical (should balance along a building face, i.e. raise both corners, or be in the center, etc.). They should also present as the same length. Raising at sectors only is not desired unless it follows the Principle of Balance.

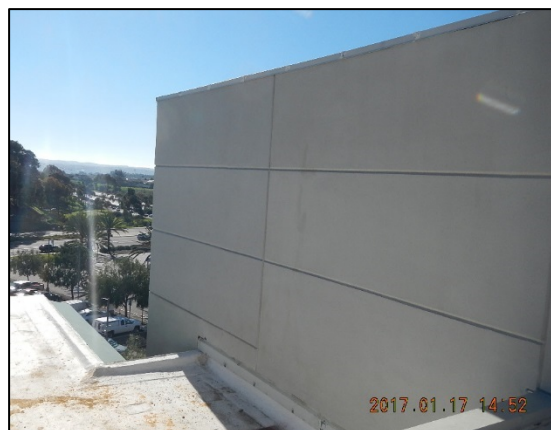


Figure 12: Antennas are concealed within the left-hand side of this wall.

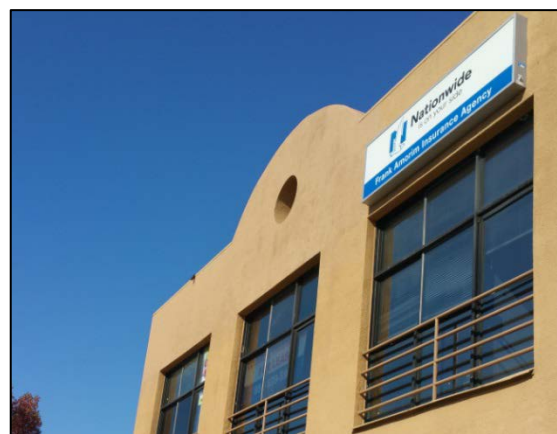


Figure 13: Antennas are concealed behind the circular element.

Installation Type	Preferred	Can be CCIF?	Examples
<u>4. Façade-Mounted Antennas</u>	No	No	<ul style="list-style-type: none"> No concealment (previously conforming) Antenna Skirts and Chin Straps Façade-mounted antennas covered by FRP boxes

Façade-Mounted Antennas are any antennas mounted on the exterior of a building that are not faux architectural elements.



Figure 14: Façade-mounted antennas with antenna skirts and chin straps, placed symmetrically and painted to match.



Figure 15: Although façade-mounted boxes are not preferred, this is still an excellent example of integration.

architectural lines of the façade. Associated mounting brackets and coaxial cable shall be concealed from view. Any pipes or similar apparatus used to attach panel antennas to a building façade shall not extend beyond the length or width of the panel antenna. Any measurements may be verified during inspection.

a. Employ a symmetrical, balanced design for all façade-mounted antennas. No interruption of architectural lines or horizontal or vertical reveals is permitted. Antennas should be no longer or wider than the facade on which they are proposed, and they may not encroach into window areas or protrude above or below the surface on which they are mounted. Antennas should be mounted with their tops at the roofline unless there is an obstacle, or unless to do so would decrease the concealment of a site.

b. Use the smallest mounting brackets available to provide the smallest offset from the building.

c. Per SDMC 141.0420(g)(8), the distance between the front of the antenna (or antenna shroud/FRP) to the face of the building shall not exceed 12 inches. Panel antennas may be mounted up to 18 inches away from a building façade when the applicant provides evidence demonstrating that the wireless communication facility cannot operate without incorporating a tilt greater than 12 inches. Each panel antenna shall fit into the design of an existing façade and shall be no longer nor wider than the portion of the façade upon which it is mounted. The antennas shall not interrupt the

- d. Whether antenna skirts and chin covers are preferred vs. when unifying FRP boxes are preferred depends on the visual context of the building. Principles of Least Visibility, Context, and Balance apply.
- e. If a façade-mounted facility dominates a façade element, façade-mounted FRP boxes should be used, and made to look like an extension of the façade (see Figure 15 below)



Figure 16: FRP Boxes used to complement architecture.

f. If covered by an FRP box, boxes should unify an entire sector and be the same size and shape for each sector, unless this causes conflict with existing architectural features or increases visibility.

g. If not covered by an FRP box, use skirts and chin covers to conceal mounting hardware, create a cleaner appearance, and minimize visual impact. Chin covers should be designed to replicate the antenna profile. Transitions between antennas and screening devices should not be visible, and gaps are not

permitted. Antennas should present as the same length, width, and depth, spaced uniformly.

- h. Paint and texture antennas and concealment measures to match the adjacent building surfaces. This includes trim, reveals, lines, and similar features. No visible transition lines/gaps are allowed.
- i. No exposed cabling is permitted.
- j. Per SDMC 141.0420(g)(8), exposed mounting components may not remain on a building facade without the associated antennas. Such areas shall be returned to their pre-WCF condition or made to match the adjacent façade, whichever is more appropriate.
- k. If not covered by an FRP box, façade-mounted antennas should have a unified appearance. If antennas are a different shape and size, they should all be given unified dimensions using skirts and chin straps, and should be spaced uniformly across a façade.
- l. Façade-mounted FRP concealment that appears as an architectural element of the building may qualify as another type of concealment measure.
- m. Ventilation openings should be on the top or bottom of screening elements only.



Figure 17: Antenna skirts and chin straps used to conceal mounts and cables.

Installation Type	Preferred	Can be CCIF?	Examples
<u>5. Faux Architectural Elements</u>	Yes	Yes	<ul style="list-style-type: none"> • Cupolas • Chimneys • Attached steeples • Attached tower elements • Raised roofs • Partial stories • Attached signs • Other building extensions/additions

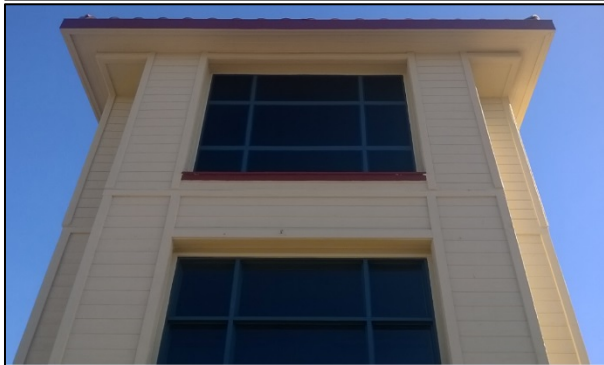


Figure 18: A cupola, a clock tower, and an added story, all concealing antennas. Note the replicated windows in the bottom picture.

Faux Architectural Elements – Antennas concealed entirely within existing or proposed architectural elements on an existing building. Façade-concealed antennas that present as architectural elements of the building are considered faux architectural elements rather than façade-concealed antennas.

a. Should follow the Principles of Balance and Context.

b. Should be appropriate to the architectural context: should match style of existing building, and should be designed as a feature commonly found on the type/style of building.

c. Should match colors and textures of existing building, including finishing features such as reveals, windows, tapers, cornices, tiling, roofing materials, and trim.

d. This is a preferred installation type that can take a variety of forms. Tower elements and cupolas are pictured here, but architectural integration can also include tapered columns (can hide façade-mounted antennas individually), wing walls, dormers, statues, façade-mounted signage, and more.

Installation Type	Preferred	Can be CCIF?	Examples
6. Faux Buildings	Yes	Yes	• None

Faux Buildings – Designed as a separate, stand-alone building that is allowed by the zone in which it is proposed. Distinguished from Stand-Alone towers in that faux buildings are designed to not stand out (single dwelling unit in a single dwelling unit neighborhood, commercial building that matches other buildings on the property, park building that might be expected in the park, etc.).

- Buildings should be of a quality design, with architectural variation, including varied planes, textures, colors, and treatments. A simple box is not sufficient.
- Buildings designed to conceal WCFs should meet all requirements of the Municipal Code, including setbacks, height, design, articulation, and landscaping.
- A faux building should complement the existing built environment in the area. If there is none, it should conform to the planned land uses in the area.



Figure 19: Two faux buildings that meet the requirements of their zones.



Installation Type	Preferred	Can be CCIF?	Examples
<u>7. Faux Natural Elements</u>	No, unless antennas are CCIF	In rare circumstances	<ul style="list-style-type: none"> • Faux tree • Faux bush • Faux saguaro cactus • Faux rock

Faux Natural Elements – WCFs designed to emulate naturally occurring elements, such as rocks or vegetation.

- a. Per SDMC 141.0420(g)(6), faux landscaping may be used on premises where natural vegetation similar in size and species exist or where landscaping similar in size and species is proposed as part of the development. Use in an existing setting where there are similar elements, or where such elements would be expected. It is discouraged to place faux vegetation in a location where nearby natural vegetation of the same size and type isn't existing or proposed.
- b. Landscaping used to complement faux vegetation should remain for the life of the permit, even if it is not located within the applicant's lease area. Applicants should coordinate with property owners to ensure that required landscaping is not removed, and that it is properly maintained. Landscaping on premises outside the carrier's/property owner's control is generally not considered to provide concealment.
- c. Faux vegetation should only be used in the form of faux trees and bushes. It should not be used to architecturally screen (to cover fences, walls, or areas).
- d. Provide detailed specifications during plan review **including 3D-modeled photo simulations for faux vegetation**. Models should include branches, foliage, pole, and equipment. Per SDMC 141.0420(g)(6), provide sufficient samples, models or other means to demonstrate the quality, appearance, and durability of the faux vegetation.
- e. "Doghouse" cable coverings should be avoided. Cables should run directly from underground into the pole.
- f. Projects will not be approved at final inspection if they do not match the approved exhibits, including photo simulations.
- g. **Faux trees and bushes:** Should be of a type and size to adequately conceal antennas within them while appearing natural. Due to the physical form of palm trees and the difficulty of providing concealment for WCF components, faux palms are no longer considered to comply with the Wireless Ordinance. Existing faux palms with valid permits may be modified as allowed by law. If modifications are allowed, the following conditions apply.



Figure 20: A 3D-modelled photo simulation.

1. Frond removal is considered defeating concealment and is not allowed.
 2. Increase in size or number of any visible element (antenna, equipment, or foliage) is considered defeating concealment and is not allowed. If RRUs or similar are needed, they should go behind antennas to the satisfaction of staff.
 3. Change in color or placement of existing elements can be considered if they do not increase in number or size. Color should still substantially conform to original.
 4. If fronds are replaced, they should all match each other and should meet or exceed the level of concealment provided by previously-approved photo-simulations.
- h. **Faux trees and bushes:** should be used where existing trees/bushes are of a similar height, species, and appearance, or where the most mature screening trees possible are proposed.

- i. **Faux trees and bushes:** in non-urban settings, faux plants should be species regionally appropriate to San Diego that blend with established plant communities.



Figure 21: A mono-pine. Note how difficult it is to see the antennas.

- j. **Faux trees and bushes:** All branches at the antenna level must extend a minimum of 24 inches beyond the entire vertical length of the antennas for maximum concealment. Antenna socks do not count toward this requirement.

- k. **Faux trees and bushes:** Should replicate the shape, structure, and color of live trees or bushes, and should be designed to look like the tree species they are intending to replicate (can't have pine tree that isn't shaped like a pine tree). Branching should not make the tree look top-heavy.

- l. **Faux trees and bushes:** Ensure that the top of the faux tree does not exceed allowed height on approved plans.

- m. **Faux trees and bushes:** Use 90-degree connectors to eliminate large looping cables coming from the bottom of the antennas.
- n. **Faux trees and bushes:** Socks are mandatory for all antennas and associated components located on a faux tree.
- o. **Faux trees and bushes:** Should be designed with a minimum of four branches per foot for full density coverage with limited spacing between the branches, unless 3D models justify lower branch counts.

- p. **Faux trees and bushes:** There should be no gaps in branch coverage. All branch ports should be used for branches. Branches should blend down the tree with no abrupt transitions.
- q. **Faux trees and bushes:** No exposed mounting apparatus may remain without the associated antennas; even if an antenna was approved at that location but not installed.
- r. **Faux trees and bushes:** Any changes to branches will require a building permit, and should appear on the scope of work of any plans submitted. Faux vegetation should not be re-branched without a permit, even if there is no other work. This rule is not intended to prevent the maintenance replacement of individual branches on an as-needed basis. However, the systematic removal and replacement of multiple branches without a building permit is prohibited.
- s. **Faux saguaro, faux rocks/boulders:** Should completely contain all WCF components within the faux structure, the ground, or the equipment enclosure. Should appear entirely natural, with no visible transitions between FRP and non-FRP elements. Should be appropriate to the place, may not be appropriate for all landscaping contexts or development types.

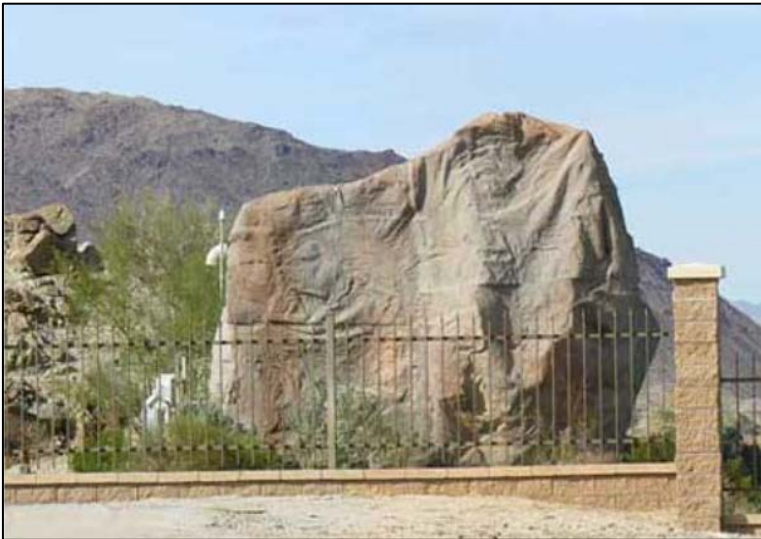


Figure 23: A faux boulder - not from San Diego.

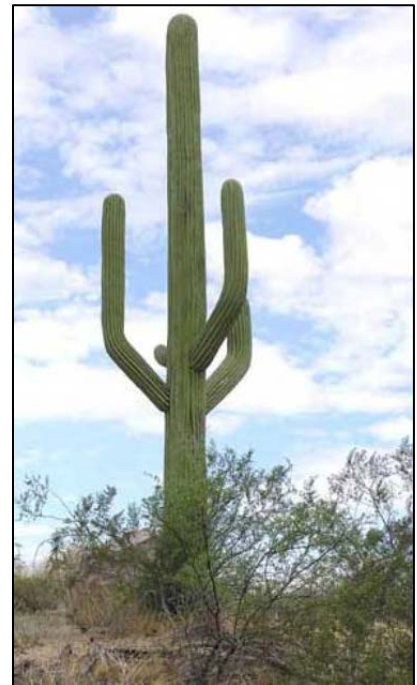


Figure 22: A faux saguaro. This installation is not in San Diego.

Installation Type	Preferred	Can be CCIF?	Examples
8. Flagpoles and similar vertical elements	No, unless CCIF	In rare circumstances	<ul style="list-style-type: none"> • Flagpoles • Utility poles • Foul poles • Similar

This section is designed to capture flagpoles, and other stand-alone pole-like elements of all-types that are not used for illumination.



Figure 24: There are antennas in this flagpole.

a. Per SDMC141.0420(g)(9), flagpoles shall replicate the design, diameter and proportion of the vertical element they are intending to imitate and shall maintain a tapered design. Flagpoles 30 feet or less in height should not exceed 9-inches in diameter.

b. Consideration will be given to flagpoles higher than 30-feet that exceed the 9-inch diameter limitation if it can be demonstrated that the flag pole is located in a suitable environment and appropriately tapered to maintain the appearance of an authentic flag pole.

c. Flagpoles: Antennas and any pole-mounted equipment should be enclosed within the flagpole. Flagpoles may not have an antenna shroud.

d. Flagpoles should comply with the U.S. Flag Code at all times.

e. Poles placed for the sole purpose of mounting a WCF are strongly discouraged, as they do not provide the expected camouflage – they are themselves visible. However, innovative and decorative treatments of this idea can be explored provided they observe the Principles on Pages 9-11.

f. Poles should be placed in conjunction with existing or added landscape planting.

g. All cables should be routed directly from the ground up through the pole. No “doghouse” cable coverings are permitted.

h. Single-carrier, multi-pole installations should follow the Principle of Balance. If multiple carriers are present on a site, their facilities should also be complementary in size, shape, and style.

Installation Type	Preferred	Can be CCIF?	Examples
<u>9. Parking Lot or Pedestrian Path Light Standards</u>	No, unless antennas are completely integrated into the pole	No	<ul style="list-style-type: none"> Parking lot or parking garage lights Pedestrian path lighting

- a. These guidelines are for lights used to illuminate the immediate area for pedestrian safety. For lights used to illuminate large areas for the purposes of recreation, use the Athletic Field Lights guidelines on Page 22.
- b. Per SDMC 141.0420(g)(9), light standards shall replicate the design, diameter and proportion of the vertical element they are intending to imitate. If there are other non-WCF light standards on site, they should be replicated as closely as possible.
- c. Use only in parking lots or along pedestrian paths. Not to be used to gain height in areas where a light standard is unnecessary.
- d. New light standard designs should be consistent and compatible with the surrounding area.
- e. Match design, material and color of nearby light poles.
- f. Replicate the height of existing poles.
- g. If more than one pole is used, space appropriately throughout property. Consideration should be given to existing vertical elements before proposing new light pole(s).
- h. All cables and conduit to and from the light standard should be routed from the caisson through the pole to the antennas. "Doghouse" cable coverings are not permitted.
- i. All antennas should be concealed inside an antenna shroud of a consistent width and compatible with the diameter of the pole, or concealed within the pole.
- j. Light fixtures should be sized and balanced with the design and height of the overall light pole.



Figure 25: A parking lot light with an antenna shroud that complements the pole.

Installation Type	Preferred	Can be CCIF?	Examples
10. Right-of-way installations – Non-Small Cell	No	No	<ul style="list-style-type: none"> None

Any WCF in the public right-of-way with antennas greater than 24" in any dimension, typically designed to serve a wide area. These guidelines are intended to apply to non-small cell sites placed on City light poles. For other forms of WCF placed in the right-of-way, please refer to the guidelines for that WCF type, except that g. through j. below apply to any type of right-of-way installation.

- a. Pursuant to SDMC 141.0420(g)(9), poles shall match height, color, diameter, and material of the original and/or adjacent poles.
- b. No WCF component should exceed the height of the pole. If a pole is topped by a decorative element that is a different shape/diameter than the pole itself, antennas should not encroach into this area.
- c. Per SDMC 141.0420(h)(2), use brackets that allow antennas to be mounted no more than 6" from the pole (measured from the face of the pole to the face of the antennas). Antennas shall be parallel to the pole; no down-tilt or azimuth is allowed.
- d. Per SDMC 141.0420(h)(4), antennas (and associated cabling) or antenna shrouds shall be painted to match the color of the surface of the pole on which they are attached.
- e. Antenna shrouds are required unless precluded by RF engineering needs, or unless to add them would be aesthetically infeasible. Shrouds should have tapered bottom caps, and should also have non-tapered top caps if they are not within 5 feet of the height limit on the nearest property. Tapers may not be appropriate at all sites, but it should be assumed they are required.
- f. If an antenna shroud is not used, chin straps/chin covers are required. They should be no more than six inches long and no wider than antennas. Cables should be routed directly from chin straps into the pole, minimizing exposed cabling. Cables should not loop or bunch. 90-degree connectors should be used.
- g. All new or replacement poles must comply with all applicable City regulations and policies.
- h. Per SDMC 141.0420(h)(1), equipment must be located in an underground vault. If this is not feasible, a Conditional Use Permit is required for ground-mounted equipment. Ground-mounted equipment should be designed and located in an area with minimal visual impact.



Figure 26: Macro (non-small cell) right-of-way site with antenna shroud



Figure 27: This right-of-way installation has three antennas mounted flush to the pole with no pipe mounts and no antenna shroud. This is an older installation with no chin covers; they are now required.

- i. All disturbed landscape shall be replaced in-kind and areas of bare or disturbed soil must be revegetated in accordance with the Landscape Regulations.
- j. Disconnect switches are required. They should be mounted on the pole and should be painted the same color as the pole.
- k. All cables and conduit to and from the light standard should be routed from the caisson through the pole to the antennas. "Doghouse" cable coverings are not permitted.

Installation Type	Preferred	Can be CCIF?	Examples
11. Rooftop Concealment	If façade integration is not possible	Yes, if they present as integrated into the building	<ul style="list-style-type: none"> Rooftop boxes/screens, whether or not they are solely for the WCF Faux penthouses, including facades Elevator/stair towers, which may be considered façade-concealed

Rooftop Concealment – Any WCF with antennas mounted on the roof of a building, behind a plane of the façade. Does not include rooftop elements that present as a building façade, architectural element, or parapet; these would be evaluated under the guidelines for façade-mounted facilities, façade-concealed facilities, or faux architectural elements.

a. Should follow the Principles of Balance and Context; should be appropriate to the architectural setting: should match colors and textures of existing building (including features such as reveals, cornices, tiling, roofing materials, and trim), and should be designed as a feature commonly found on the type/style of building.

b. Integration into existing rooftop elements is preferred over creating new rooftop elements, unless to do so would defeat concealment or be otherwise undesirable.

c. Should conceal ALL WCF components from all sides. This may include the top. Antennas should not be visible from sides or back.

d. Per SDMC 141.0420(g)(5), equipment located on the roof of an existing structure shall be set back or located to minimize visibility, especially from the public right-of-way or public places.

e. Unconcealed rooftop installations such as lattice towers, monopoles, rack mounts, “popsicle sticks”, and unconcealed façade mounts are not considered to comply with SDMC 141.0420.

f. Rooftop elements should generally be set back from the roof edge at least as far as they are tall; however, this may not be required in certain contexts.

g. Should not dominate a façade – for example, an eight-foot tall antenna screen that runs most of the length of the façade on a one-story building dominates the façade, substantially increasing building height but not appearing as part of the structure. In this case, it would be more desirable to extend the parapet and make the building itself appear taller.



Figure 28: Two rooftop boxes that replicate existing building elements well.

Installation Type	Preferred	Can be CCIF?	Examples
<u>12. Small Cell WCFs (SC-WCFs)</u>	N/A	N/A	<ul style="list-style-type: none"> Right-of-way sites (on city assets and as stand-alone poles, with or without luminaires) Private property

A SC-WCF is one single dish antenna 24" or less in diameter or one single antenna with antenna shroud, no more than 24" in all dimensions. SC-WCFs are low-power cellular radio access nodes. They consist of small radio equipment, antennas, and backhaul that can be placed on City-owned structures such as City-owned streetlights and traffic signals, non-City-owned streetlights, standalone poles, and on private property.

a. **Guidelines for all SC-WCFs:**

- i. The Principles of Least Visibility, Balance, and Context should be observed.
- ii. 4G antennas should be shrouded or otherwise concealed at all times.
- iii. Pole-mounted 5G antennas should consolidate sectors using multi-sector shrouds. Building-mounted 5G antenna sectors should use antenna skirts and chin straps. At the time these guidelines were published, 5G concealment technology was still in development. As such technology advances, the City expects it to be used to maximum effect.
- iv. Unless otherwise stated in these guidelines, cabling should always be concealed. Absolutely no visible cabling at any time. Cabling shall run within any pole upon which a small cell is mounted.
- v. If placed on a pole, conceal all cabling within the pole, with no doghouse and no looping cables. Match nearby poles to the maximum extent possible.
- vi. Vertical elements should replicate the design, diameter and proportion of the vertical element they are intending to imitate.
- vii. Stand-alone poles (without a City-standard luminaire) are strongly discouraged on streets with a curb-to-curb measurement of 40 feet or less, except for areas containing only decorative poles. Decorative poles supporting SC-WCFs are allowed when they are designed to replicate other nearby decorative pole in color and style and not to exceed 50% of the existing height of the pole.
- viii. Equipment cabinets/shrouds not integrated into a pole or mounted on a cable strand may not exceed 7 cubic feet in volume, 24" in width, 12" in depth, and should be mounted directly behind any road signs located on a pole. Equipment cabinets and associated components should not block any road signs. The design of non-integrated equipment cabinets/shrouds should be slim in profile to match the pole.

- ix. Existing government infrastructure on a light pole, traffic signal, or elsewhere nearby may preclude small cell installation at a given location.
- x. Avoid electric meter enclosure if possible. Use an underground, unmetered connection. If not, use the narrowest electric meter and disconnect available.
- xi. All installations should use all design techniques to minimize visual impacts. Anti-graffiti finishes should be applied to all equipment cabinet designs reachable from ground level.
- xii. Any manufacturer decals or logos on equipment enclosures that may be visible to the public should be removed or painted over.

b. Guidelines for all SC-WCFs in the Public Right-of-Way:

- i. If there is a choice of using a location in the street or in an alley, the alley should be used.
- ii. Unless required to provide service, avoid pole locations near windows (especially residential windows), historically/architecturally significant buildings, ornamental light standards, and Maintenance Assessment Districts.
- iii. Locations with the least visual impact should be chosen. Exhaust all options to minimize visual impact.
- iv. Disturbed landscape shall be replaced in-kind and areas of bare or disturbed soil must be revegetated in accordance with the Landscape Regulations.
- v. Applicants should consider the aesthetics of the existing streetlights and neighborhoods when proposing a small cell installation. New/replacement poles should meet City standards and/or match height, color, diameter, cobra arm placement and shape, and material of the original and/or adjacent poles.
- vi. All installations should use all design techniques to minimize visual impacts. Anti-graffiti finishes should be applied to all equipment cabinet designs reachable from ground level.
- vii. Any manufacturer decals or logos on equipment enclosures that may be visible to the public should be removed or painted over.

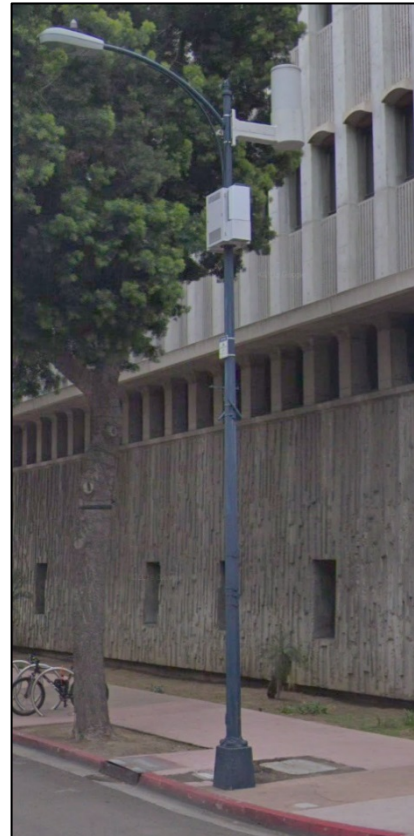


Figure 29: An unpainted small cell downtown.

Guidelines and Preference Levels for Specific Types of SC-WCF in the Public Right-of-Way

The following are preference levels and requirements for specific types of SC-WCFs in the public right-of-way. The intent is to locate on existing infrastructure already occupying the right of way. In selecting a lower-preference location, applicants should demonstrate why more-preferred locations were not feasible.

Preference level 1 (most preferred): On existing or replacement City-standard streetlights, or new City-standard streetlights as allowed by the Street Design Manual

- a. No more than one antenna shroud, 24" or smaller in all dimensions, and one equipment cabinet not exceeding 7 cubic feet in volume, 24" in width, 12" in depth, are allowed per pole. Equipment cabinet should be entirely occupied by required equipment with no empty space.
- b. City-standard cobra lights should also be used, and poles should be painted and textured to City standards to match existing streetlights in the vicinity. Equipment not integrated into a pole may not exceed 7 cubic feet in volume, 24" in width, 12" in depth, and must be mounted directly behind any road signs located on a pole. Equipment cabinets and associated components should not block any road signs.
- c. Applicants must consider the aesthetics of existing streetlights and neighborhoods when proposing a small cell installation. New/replacement poles should meet City standards and/or match height, color, diameter, cobra arm placement and shape, and material of the original and/or adjacent poles.
- d. Locations with the least visual impact should be chosen. Exhaust all options to minimize visual impact. If there is a choice of using a pole in the street or in an alley, the alley should be used.
- e. Antennas are either top-mounted or side-mounted. Both designs offer different advantages and requirements for integration and concealment. Case-by-case review is required.
- f. In areas with low structure heights, avoid designs featuring top-mounted antennas on tall poles that may not match the neighborhood context.

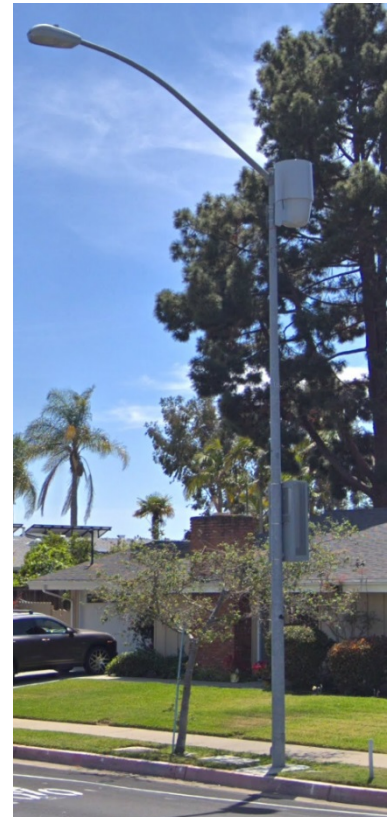


Figure 30: A small cell in La Jolla.

- g. Top-mounted antennas must be narrow to match the pole profile. Extension arms should be avoided. If not, antenna and pole top extension arms should not appear offset from the pole. Use extension arms that are as wide as the top of the pole and taper toward the antenna. Use a shroud around the base of the antenna to conceal cabling.
- h. For designs featuring side-mounted antennas, use arms containing flanges or channels to conceal cables and passive RF gear. No visible cabling is allowed.
- i. Side-mounted antennas should not exceed the height of the pole.
- j. Antennas, brackets, cabling and cabinet should be painted to match the color of the pole.
- k. Antennas should not obstruct the view from, or light into, any adjacent residential window.
- l. Equipment should face away from residential windows or primary travel direction are required.
- m. Use an underground, unmetered electric connection.
- n. Minimum height clearance for equipment mounted to the outside of a streetlight, traffic signal, or new pole in the right-of-way shall be eight feet above grade, mirroring the height requirements for signs in the right-of-way found in SDMC 142.1230(e)(1)(A).
- o. All cables should be concealed within the pole, with a sleeve between the bottom of the antenna and the mounting bracket. Use shrouds and/or 90-degree connectors to prevent exposed cables. No doghouses are allowed.
- p. Disconnect switches are required. They must be minimal in size, mounted on the pole, and must be painted the same color as the pole.

Preference level 2: Traffic signals and other signalized poles

- a. All Preference 1 requirements apply.
- b. Placement may not interfere with traffic signal operation.
- c. Only one installation is allowed per intersection or equivalent.

Preference level 3: On non-City-owned utility poles

- a. All Preference 1 requirements apply, except:
- b. When utility companies do not allow cabling to be concealed within the pole, one cable may run outside the pole, attached to the pole, painted to match, and running directly

- into a top-mounted antenna shroud or side-mounted antenna mount/shroud. Cables must not hang or loop and should be directly fastened to the pole at all times. All cables, fasteners, and equipment should be painted to match the adjacent surface.
- c. More than one cable must be concealed within a cable riser attached directly to the pole and running parallel to the pole, of the absolute minimum diameter necessary for concealment, and painted to match the pole. Riser must connect directly to antenna shroud.
 - d. Side-mounted antennas are required on utility poles unless the utility will not allow them for safety reasons.

Preference level 4: Strand-mounted on existing aerial utility wires

- a. Strand mounts must contain all equipment and antennas within one strand-mounted shroud no larger than 5 cubic feet. Shroud should be as narrow as possible to mimic the cable profile, and should be painted a neutral color.
- b. When utility companies do not allow cabling to be concealed within the pole, one cable may run outside the pole, attached to the pole, painted to match. Cables must not hang or loop and should be directly against the pole until the transition to the cable strand, then should run directly along the strand (painted to match) to the shroud.
- c. More than one cable must be concealed within a cable riser attached directly to the pole and running parallel to the pole, of the absolute minimum diameter necessary for concealment, and painted to match the pole. At transition to strand, it should run directly along the strand (painted to match) to the shroud.

Preference level 5: On proprietary poles WITH luminaire

- a. Proprietary light poles must contain all equipment, cabling and antennas within the pole itself and/or entirely under the ground.
- b. Proprietary light poles must be proposed in areas accepted by the City where light poles are appropriate per the Street Design Manual. If a light pole isn't appropriate at a location, one may not be constructed there.
- c. Antenna shrouds must be the same diameter as the pole, which may be no wider than 14 inches. The bottom 66 inches of a pole (the "base") may be up to 18 inches to accommodate equipment.
- d. To prevent accumulation of trash, facilities should be designed to avoid flat surfaces in the transition from the base to the upper pole.
- e. All installations must use a City-standard cobra light OR be designed to match existing non-standard lights in the vicinity to the satisfaction of staff.

- f. Poles should be painted and textured to City standards to match existing streetlights in the vicinity. If located in an area with non-standard or decorative street lights, match them to the maximum extent.
- g. Poles must match the height of nearby streetlights. If there are none, they must meet the applicable height limit in the area, or be no taller than 40 feet, whichever is less.
- h. Disconnect switches are required. They must be located inside the base of the pole and accessible to City personnel.

Preference level 6 (least preferred): Proprietary poles WITHOUT luminaire

- a. If a stand-alone pole is used, the pole should be of a unitary design, concealing all equipment within the pole itself, with an antenna/shroud mounted directly to the top of the pole and no visible transitions. No equipment should be visible outside the pole.
- b. Antenna shrouds must be the same diameter as the pole, which may be no wider than 14 inches. The bottom 66 inches of a pole (the “base”) may be up to 18 inches to accommodate equipment. To prevent accumulation of trash, facilities should be designed to avoid flat surfaces in the transition from the base to the upper pole.
- c. Stand-alone poles must match the height of nearby streetlights. If there are none, they must meet the applicable height limit in the area, or be no taller than 40 feet, whichever is less.
- d. Stand-alone poles should be designed to mimic the colors and styles of adjacent streetlights. If there are none, the facility should be painted a neutral color appropriate to the area
- e. Stand-alone poles should not obstruct pedestrian or vehicular paths of travel.
- f. Separation requirements: If a stand-alone pole is placed, it should be at least 10 feet away from existing city light poles, traffic signals, signalized poles, and any utility pole, and 250 feet away from any other proprietary pole.
- g. Stand-alone poles (without a City-standard streetlight) are strongly discouraged on streets with a curb-to-curb measurement of 40 feet or less.



Figure 31: Stand-alone small cell pole in Denver, Colorado. Exposed utility meters are not preferred in San Diego.

Guidelines for Small cells on private property: Pursuant to SDMC 141.0420(a)(2), one single dish antenna 24” or less in diameter or one single antenna with antenna shroud, no more than 24” in all

dimensions, is exempt from SDMC 141.0420, and requires only those ministerial permits necessary for installation.

More than one small cell on a premises from the same applicant may be considered a standard WCF, with permits required per SDMC 141.0420, and design subject to these guidelines.

Small cells on private property should be mounted to existing buildings (unless coverage objectives cannot be met otherwise) and follow the corresponding design guidelines herein. Design the installation to blend in to the structure to the extent feasible. Match colors and select locations for a minimum of visibility. Hide antennas in architectural elements or behind a façade. If this is not possible, use antenna skirts, chin straps, or antenna shrouds.

If building mounts are not desired, pedestrian path/parking lot light standards or flagpoles should be used, and the design guidelines for these types should be followed.

Installation Type	Preferred	Can be CCIF?	Examples
<u>13. Temporary Sites</u>	No	No	<ul style="list-style-type: none"> • City-wide for public events • For construction purposes • Pilot Projects

Temporary sites – installations that are not intended to provide permanent wireless services. There are four types:

- a. **Temporary Sites to Service Public Events** - Can only be issued to provide service to a citywide public event pursuant to SDMC 123.0402(c)(1). Per SDMC 123.0406, up to two TUPs can be issued every 365 days, but each TUP is limited to a maximum of 180 days.
- b. **Emergency sites** – Except on sites containing a residential use, when an emergency arises that is not the result of any act of the wireless service provider and is otherwise determined by the City Manager to be an emergency, a TUP not directly associated with an existing site can be issued pursuant to SDMC 123.0402(c)(2). The ending of a lease is not considered to constitute an emergency. Per SDMC 123.0406, up to two TUPs can be issued every 365 days, but each TUP is limited to a maximum of 180 days.
- c. **Temporary Sites to provide service during construction** – Not eligible for a TUP. If the need for an existing WCF to have a temporary site during construction is known at the time of zoning review, include the temporary site in the project details and plans with a schedule for installation and final removal. Staff will consider it during the project review process. Provisions for a temporary site will be written into the new permit.

If the need for a temporary site is not known at the time a WCF is originally approved, a temporary site can be approved using a Substantial Conformance Review (SCR). This type of temporary site must be located on the same property as a permanent site.

- d. **Pilot Projects** – Not eligible for a TUP. Tests of new technology, new concealment types, and similar types of pilot projects may take place on existing, active sites with valid permits. Such tests will be limited to a one-year term, granted by Substantial Conformance Review (SCR). Because new technologies may not be compatible with typical concealment methods, pilot projects that comply to guidelines to the extent feasible as coordinated with staff can be allowed.

WCFs that do not comply with Regulations (Previously Conforming Sites)

New permits or permit amendments for WCFs of these types will not be approved in the City of San Diego unless otherwise provided for by law.

Previously conforming WCFs with a valid permit that has not expired, but do not meet the current requirements of SDMC 141.0420 are listed here. Certain modifications may be allowed to these sites, and design requirements for these modifications are outlined herein.

Modifications to sites in this category are allowed only by the following methods. If this is not possible, the facility must be brought into compliance with the current Wireless Ordinance and Guidelines.

- a. Substantial Conformance Review (SCR): See criteria on Page 50.
- b. Spectrum Act/6409 modification: See criteria on Pages 50-51.

WCFs in this category must continuously be in conformance with their approved permits. Non-permitted work, deteriorated site conditions, or non-operational equipment that has not been removed can affect previously conforming rights and Spectrum Act eligibility, and may result in code enforcement action.

WCFs in this category include, but are not limited to:

- Faux Palm Trees
- Monopole, lattice tower, "Popsicle Sticks" or similar at any location
- Unconcealed rooftop- or façade-mounted facilities or similar
- Unconcealed or under-concealed implementations of otherwise lawful facilities

Installation Type	
14. Faux Palm Tree	Monopole disguised as a palm tree. Do not meet the requirements of SDMC 141.0420. These WCFs are no longer approved in the City of San Diego unless otherwise provided for by law. Modifications only allowed per Page 44.



Figure 32: Faux palms do not provide the level of concealment required by the Wireless Ordinance - they are monopoles with fronds!

If an SCR is desired, the following conditions apply.

- a. Reducing the number of fronds is considered defeating concealment and is not allowed.
- b. Increase in size or number of any visible element (antenna, equipment, or foliage) is considered defeating concealment and is not allowed.
- c. Change in color or placement of existing elements can be considered if they do not increase in number or size; otherwise, it is not allowed.

- d. If fronds are replaced, they should all match each other and should meet or exceed the level of concealment provided by previously-approved photo-simulations.
- e. Note that non-compliance with any permit condition may be grounds to deny an SCR, and may subject the site to code enforcement action, including permit revocation.

If a Spectrum Act modification is desired:

- a. The facility must currently be constructed in its last approved configuration and the project must be considered an eligible facilities request.
- b. Spectrum Act applications may not be used to bring a site into compliance with its permit; the site must be compliant at the time of application.

Installation Type	
<u>15. Monopole, lattice tower, "Popsicle Sticks" or similar, whether standing alone or located on a building.</u>	Pole- or tower-mounted facilities of any configuration that are not disguised or concealed, whether or not antenna shrouds are provided. Do not meet the requirements of SDMC 141.0420. No longer approved in the City of San Diego unless otherwise provided for by law. Modifications only allowed per Page 40.



Figure 33: Lattice towers and monopoles don't integrate. They do not meet the requirements of the Wireless Ordinance.

- a. If an SCR is desired, see Page 50. Note that SCRs cannot be used to decrease the level of conformity with the regulations or with these Guidelines.
- b. If a Spectrum Act modification is desired, see Pages 50-51. Note that the project must be an Eligible Facilities Request in order to be approved. Spectrum Act applications may not be used to bring a site into compliance with its permit; the site must be compliant at the time of application.
- c. If a new (non-Spectrum Act) approval is being sought, the facility must be brought into compliance with the current Wireless Ordinance and Guidelines.
- d. Co-location onto this type of facility must meet current regulations.
- e. Although this installation type is unconcealed by definition, antenna size and spacing is considered to provide an integrative function. If a project proposes to modify any facility in this category, all proposed antennas should appear to be the same size and spacing to comply with the Principle of Balance. Use antenna skirts and chin straps or similar.
- f. Cable management is also considered to provide an integrative function. Any modifications should manage cables to provide the absolute minimum of visibility. Avoid looping cables. Bunch cables whenever possible, and paint to match adjacent surfaces.

Installation Type	
<u>16. Unconcealed rooftop- or façade-mounted facilities or similar</u>	Base station-mounted facilities of any configuration (façade-mount, rack mount, towers on top of buildings, etc.) that are not disguised or concealed to current standards, whether or not antenna shrouds are provided. New permits for this type of WCF are no longer allowed in the City of San Diego unless otherwise provided for by law.



Figure 34: Unconcealed facilities like these do not meet the requirements of the Wireless Ordinance.

- If an SCR is desired, see Page 50. Note that SCRs cannot be used to decrease the level of conformity with the regulations or with these Guidelines.
- If a Spectrum Act modification is desired, see Pages 50-51. Note that the project must be an Eligible Facilities Request in order to be approved. Spectrum Act applications may not be used to bring a site into compliance with its permit; the site must be compliant at the time of application.
- If a new (non-Spectrum Act) approval is being sought, the facility must be brought into compliance with the current Wireless Ordinance and Guidelines.
- Co-location onto this type of facility must meet current regulations.
- Although this installation type is unconcealed by definition, antenna size and spacing is considered to provide an integrative function. If a project proposes to modify any facility in this category, all proposed antennas should appear to be the same size and spacing to comply with the Principle of Balance. Use antenna skirts and chin straps or similar, with 90-degree connectors.
- Cable management is also considered to provide an integrative function. Any modifications should manage cables to provide the absolute minimum of visibility. Avoid looping cables. Bunch cables whenever possible, and paint to match adjacent surfaces.

Installation Type	
<u>17. Unconcealed or under-concealed implementations of otherwise lawful facilities</u>	<p>Any facility with a valid permit for a facility type that is otherwise allowed herein, but which does not fully comply with these guidelines. Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Façade-mounted antennas without cable management, chin straps, or antenna skirts • Any legal facility that doesn't follow the Principle of Balance • Legal faux trees that comply with their permits but don't comply with current standards • Light pole-mounted antennas or equipment without a shroud • Antenna shrouds that don't meet size requirements.

- a. If an SCR is desired, see Page 50. Note that SCRs cannot be used to decrease the level of conformity with the regulations or with these Guidelines.
- b. If a Spectrum Act modification is desired, see Pages 50-51. Note that the project must be an Eligible Facilities Request in order to be approved. Spectrum Act applications may not be used to bring a site into compliance with its permit; the site must be compliant at the time of application.
- c. If a new (non-Spectrum Act) approval is being sought, the facility must be brought into compliance with the current Wireless Ordinance and Guidelines.
- d. Co-location onto this type of facility must meet current regulations.

Administrative/Processing Requirements

1. **Substantial Conformance Review** – Substantial Conformance Review (SCR) is a process where projects can undertake modifications that are deemed to be in “substantial conformance” with the original permit. The goal of an SCR is to determine if the proposed project is consistent and in conformance with a previously approved permit. This includes a review of the revised project against the approved exhibits, permit conditions, environmental documentation, applicable land use policies and the public record for the prior permit. For general information on SCRs, see [Information Bulletin 500](#).

An SCR for a WCF must meet the following criteria, which supplement Attachment A to Information Bulletin 500:

- a. An SCR cannot be used to change the number of any visible WCF components or concealment elements.
 - b. An SCR cannot be used to increase the size, reduce the symmetry, or alter the appearance of any visible WCF components or concealment elements unless the change would positively affect the appearance of the facility.
 - c. An SCR cannot be used to increase the height of a project.
 - d. An SCR cannot be used to increase the amount of visible cabling.
 - e. An SCR cannot be used to cause visible elements to be different colors.
 - f. An SCR will not be granted if the site is not in compliance with its existing permit.
 - g. A building permit implementing the changes approved by an SCR must be issued within one year and pursued to completion or the SCR is null and void.
2. **Spectrum Act** – Pursuant to Section 6409(a) of the federal Middle Class Tax Relief and Job Creation Act of 2012 (the Spectrum Act), the City “may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

The City complies with [FCC Report and Order FCC-14-153](#), and the reader is referred to that document for more information (see Pages 10 and 11 of that document for a summary). However, the following is of note, and is supported by the Report and Order:

- a. To be considered “existing” under the Spectrum Act, a site must be constructed in accordance with all applicable permits, including all permit conditions (Page 86, Paragraph 174). If not, the site cannot be considered an eligible facilities request. Applicants should research the complete permit history of their site before making a Spectrum Act application. Should a project not qualify, fees will not be refunded.

- b. Because a site must be “existing” to be considered an eligible facilities request, the City does not allow Spectrum Act applications to be used to bring a site into compliance with its permit. The site must be compliant at the time of application. The City makes an exception to this requirement if the non-compliance is related solely to previously-required landscaping that can be installed in conjunction with the Spectrum Act application.
 - c. Spectrum Act applications may not defeat existing concealment elements, and must comply with all permit conditions, except where the Spectrum Act separately allows certain modifications (Page 100, Paragraph 200).
 - d. Spectrum Act applications may not include replacement of the underlying structure (Page 89, Paragraphs 180 and 181).
3. **WCFs are iterative, which means plans require additional information** – WCFs typically have a series of permits that make incremental enhancements to a site, and can also change property owners/managers/carriers. This can make it difficult to account for exactly what is permitted on a site. The following are standards to facilitate plan review.
- b. Show the entire WCF on the plans, regardless of what is being modified. Every component should be shown. Show existing and proposed site plans, and elevations from all four directions, whether or not the elevation has any changes.
 - c. Project documents should reflect the total number of antennas, RRUs, RRHs, surge suppressors, generators, equipment cabinets, equipment rooms, cables, cable trays, and similar at a site, regardless of what is being modified by the current project. Even if only one antenna is being replaced, the whole WCF should be shown and described.
 - d. Project descriptions on applications and plans should describe the WCF in total. In other words, if an existing site has twelve antennas, the project description should not say “remove and replace three antennas”, it should say “remove and replace three antennas, nine existing antennas and twelve existing RRUs to remain, total of twelve antennas and twelve RRUs” or similar.
 - e. Specifications for all antennas, RRUs, RRHs, generators, and similar on a site should be provided, regardless of what is being modified by the current project. Even if the project is only to add one antenna, specifications for everything should be provided.
 - f. Plans should include existing and proposed antenna/equipment schedules in table form on the plans. Tables can be separate or combined into one. These tables should include the dimensions, manufacturer, and model number of all existing and proposed antennas and RRUs/RRHs.
 - g. If WCF components were previously approved but not built, this information should also be included in project descriptions and equipment schedules.

- h. Projects submitted by a site management company should disclose the carrier(s) on the site, and project submitted by a carrier should disclose the site management company. If Company A manages the site, and Carrier B is their tenant, plans submitted by Company A should say Carrier B is the tenant, and plans submitted by Carrier B should state that the site is managed by Company A.
4. **Annual Site Listing** – SDMC 141.0420 requires all WCF providers to submit site listings to the City. For the purposes of implementation, “WCF Provider” includes both wireless carriers and telecom site management companies. Therefore, sites may be on more than one list.

This documentation should include any site that provides commercial personal wireless services and/or information services, regardless of the size, location, or the technology used. This means that both macro sites and Small Cell WCFs (SC-WCFs) should be listed. The following should be included in this site listing. A Microsoft Excel template will be provided on the [City's WCF page](#), with separate formats for carriers and site management companies.

- a. Site Name: The name by which the provider refers to the site.
- b. Site Address: The address assigned to the site and/or used in applications. If there is no address, do not approximate. Staff will rely on geographic coordinates.
- c. Geographic coordinates: The latitude and longitude of the site in decimal degrees to the eighth decimal place. Latitude in San Diego will be a positive number, and longitude a negative number. 32.719370, -117.138327 is in San Diego, but 32.719370, 117.138327 is in China!

Please do not submit coordinate in Degrees/Minutes/Seconds (32°43'09.7"N 117°08'18.0"W); these coordinates may be used to track/map sites and decimal degrees (32.719370, -117.138327) are required.
- d. Site number: Typically in a format such as SD0338X or 805974.
- e. Wireless providers only: If your site is owned by another entity such as Crown Castle, SBA, American Tower, Mobilitie, etc., list the name of that entity.
- f. Property/Asset managers only: list each wireless provider at your site. If you give each provider a separate site number, each site number should be a separate line in the list. If multiple carriers share a site number, use one line per carrier.
- g. The type of site: Whether the site is a macro site or a Small Cell WCF (SC-WCF).
- h. Form factor: Site category as shown in these guidelines (faux tree, rooftop concealment, façade-mounted, etc.).

5. **Properties with Existing Code Violations** – WCFs may not be approved on properties with existing code or permit violations unless the violation is remedied by the project. This may

include collocated facilities that rely on the permits of others. Depending on the context, code violations may be cleared with the work proposed by the project, or a separate permit may be required. For Spectrum Act projects, all permit violations should be cleared prior to determining if the project is an Eligible Facilities Request. The Spectrum Act cannot be used to bring a site into compliance.

6. **Plans should match what is constructed** – Staff will not be held responsible for projects that are not constructed per plans and photo simulations. Variance in the field must be brought to staff's attention and reevaluated as soon as possible. Staff understands that projects can sometimes change in the field and will work toward an equitable solution.

Telecom inspections are not scheduled using the automated telephone system. Contractors should send high-resolution pictures demonstrating compliance with the conditions and exhibits identified on the approval notes imaged onto construction drawings to the Telecom Project Manager. Once cleared by the Project Manager, the project can call for final inspection.

Glossary

Italicized definitions match definitions found in section 113.0103 of the Municipal Code.

[AB 57](#): State law which “deems approved” applications for wireless sites if the City does not act on an application within the FCC’s “shot clock” timeframe.

Antenna: A device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an Omni-directional (whip), directional (panel), dish, or GPS antenna. It does not include the support structure.

Antenna shroud: A physical barrier that screens antennas entirely from view when they are mounted to a pole. Generally proposed as the only screening element. Also referred to as a radome or raydome. FRP integrated into building façade, architectural element, or rooftop screen is not an antenna shroud.

Concealment: The level to which WCFs components are hidden from view. Related to integration. (Pages 8-13)

Completely Concealed and Integrated Facility (CCIF): A site where antennas, cables and cable trays, and equipment are all completely hidden and blended into an existing/proposed structure or visual backdrop in a way that renders the WCF completely non-visible. (Page 11)

[Council Policy 600-43](#): City Council Policy that outlines location preferences for WCFs. (Page 3)

Equipment: Any non-antenna portion of the WCF, except concealment features, cabling and cable trays. Includes, but is not limited to, Remote Radio Units/Heads, surge protectors, diplexers, triplexers, battery racks, generators, air conditioners, XMUs, BBUs. (Pages 14-17)

Equipment area: A unified area, separate from the antennas, where most equipment is stored/mounted. All equipment does not have to be located here (for example, some or all Remote Radio Units, diplexers, surge suppressors, etc. may be located near antennas).

Fiberglass-Reinforced Plastic/FRP: A material used to conceal antennas. Allows signal to pass through and can be painted/textured to match existing/proposed buildings. (Page 17)

[General Plan Policy UD-A.15](#): Outlines design requirements for WCFs. Certain community plans may contain additional language. (Page 3)

Integration: How each part of a site fits together, how well a WCF fits into a site. Related to concealment. (Page 86)

Macro Site: Any WCF that is not a Small Cell WCF (SC-WCF).

Principle of Balance: All visible elements should have symmetry in all visible dimensions. Antennas and concealment elements should not dominate the element they are placed on. (Page 9)

Principle of Context: Specific situations require specific design solutions. What integrates well into one site may not be appropriate for another. Select the best design solution based on site and project characteristics. (Page 10)

Principle of Least Visibility: The least visible solution is best. Placement on the site should be as minimally visible as possible. (Page 10)

Radome/Raydome: See antenna shroud.

Remote Radio Head (RRH)/Remote Radio Unit (RRU): A part of the WCF's networking equipment that is separated into a smaller unit and can be placed near the antennas.

Site Management Company: Any entity that does not directly provide personal wireless services, but owns/manages sites that it leases to providers of personal wireless services.

Small Cell WCF (SC-WCF): Consists of one single antenna shroud, no more than 24" in all dimensions. (Pages 36-42)

Small Cell Wireless Facility (SWF): As defined in [FCC Report and Order 18-133](#).

Spectrum Act: Federal Law that governs certain modifications to WCFs. [FCC Report and Order 14-153](#) provides guidance on implementation. (Pages 4 and 50)

Stand-alone Pole: A small cell WCF that does not contain a City-standard streetlight. (Page 42)

Telecommunications Act of 1996: Federal law that regulates WCF processing and placement decisions. (Page 4)

Wireless Communication Facility (WCF): *The antennas, support structures, and other equipment or apparatus necessary for providing personal wireless services and information services.*

WCF Regulations: [Section 141.0420](#) of the San Diego Municipal Code, governs WCFs as a Separately-Regulated Use City-wide. Contains permitting and design requirements for WCFs. (Page 7)

EXHIBIT LIST

IN THE MATTER OF ZDO-276: Minor and Time Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments (FY 2020)

<i>Ex. No.</i>	<i>Date Received</i>	<i>Author or Source</i>	<i>Subject & Date of Document (if different than date received)</i>
1	5/20/2020	Mitch Jones, West Linn Resident	Email in support of ½ mile notice radius increase
2	6/1-2/2020	Michael Budd, Mt. Hood Cannabis Company	Email correspondence with Planning Staff, including 6/1/2020 email in support of repeal of County's marijuana retail operating hours
3	6/1/2020	Historic Downtown Oak Grove (HDOG)	Emailed letter in support of manufacturing of edible or drinkable products retailed on site in C-2 and C-3 Districts
4	6/7/2020	Greg Norman, Oak Grove Resident	Email in support of allowing bakeries and brewpubs
5	6/8/2020	Alvia and Justin Cetas, Oak Grove Residents	Email in support of allowing bakeries and, potentially, brewpubs
6	6/8-9/2020	Meridee Pabst	Email correspondence with Planning Staff, including 6/8/2020 suggested additional amendments to ZDO Section 835, <i>Wireless Telecommunication Facilities</i>
7	6/15-16/2020	Martin Meyers, Redland-Viola-Fischers Mill CPO Chair	Email correspondence with Planning Staff concerning existing farm crop processing requirements
8	6/16/2020	Paul Slotemaker, Tilson Senior Site Acquisition Specialist	Email correspondence with Planning Staff, including 6/16/2020 comments on proposed amendments to ZDO Section 835, <i>Wireless Telecommunication Facilities</i> and recommending setback exemptions for small wireless facilities and certain other changes
9	6/19/2020	Joseph Edge, Oak Grove Community Council Chair	Emailed letter in support of manufacturing of edible or drinkable products retailed on site in C-2 and C-3 Districts, and recommending future parking standard amendments
10	6/19/2020	Meridee Pabst	Emailed letter from 'Wireless Policy Group' on behalf of AT&T with comments on proposed amendments to ZDO Section 835, <i>Wireless Telecommunication Facilities</i> and recommending additional ZDO amendments related to wireless telecommunications
11	6/29-30/2020	Suzanne Wolf, Historic Downtown Oak Grove (HDOG)	Email correspondence with Planning Staff concerning additional types of manufacturing in commercial zoning districts

Hamburg, Glen

From: Suzanne Wolf <sznnwolf@gmail.com>
Sent: Tuesday, June 30, 2020 10:33 AM
To: Hamburg, Glen
Subject: Re: Follow-Up

Thank you, Glen, for sending ZDO Section 510 along with a map.

Much appreciated,

Suzanne

On Jun 30, 2020, at 7:46 AM, Hamburg, Glen <GHamburg@clackamas.us> wrote:

Good morning Suzanne,

Thank you all for touching base on this follow-up.

The uses currently allowed in the C-2 and C-3 zoning districts are identified in Table 510-1 of ZDO Section 510 online [here](#). Only the uses listed in the table are potentially allowable in those zones, and only according to the terms identified in the table with the abbreviations explained in Subsection 510.03 and by the relevant footnotes to the table. If someone is thinking of a use that is not listed anywhere in the table for one of these zones, or is listed with an 'X', the use is not allowed in either of these zones.

All areas of the County zoned C-2 or C-3 are shown in the North Urban Area Zoning Map online [here](#).

Regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm



The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Suzanne Wolf [<mailto:sznnwolf@gmail.com>]
Sent: Monday, June 29, 2020 7:53 AM
To: Hamburg, Glen <GHamburg@clackamas.us>
Cc: Joseph Edge <joseph.edge@gmail.com>
Subject: Re: Follow-Up

Good morning, Glen!

Thank you for restating what the planning commission wants to know. This past Wednesday, our Board met to discuss the allowance to manufacture and wholesale products other than edible/drinkable ones. It was a lively discussion! At this time, the Board is in consensus to stick with artisanal businesses, such as bakeries and brewpubs.

However, the Board thinks this question is worthy of further consideration. They want a better understanding of current ordinances and raised concerns about the impact of the COVID-19 virus, seeing the future as hard to predict. They do not want to limit the business opportunities in our neighborhood. The Board requested links to the current ordinance(s), along with maps of the C2 and C3 districts to aid their discussion.

We appreciate your attention to these matters. If you have any other questions, please let me know.

Suzanne Wolf
President
HDOG (Historic Downtown Oak Grove)

On Jun 23, 2020, at 11:31 AM, Hamburg, Glen <GHamburg@clackamas.us> wrote:

Hi Suzanne,

Thank you again for your patience and participation yesterday evening.

The Planning Commission closed verbal testimony on ZDO-276, but will continue to accept written testimony up to their continued hearing scheduled for July 13th. That means that anyone can submit additional written comments before the Planning Commission votes on what to recommend to the BCC.

We will be finalizing the printed packets for the Planning Commission's July 13th by June 30. If you, HDOG, OGCC, would like to have additional written comments included in that packet, be sure to provide them to me prior June 30. If additional written comments are submitted after June 30, they will still be passed to the Planning Commission, but likely not until the very day of their continued hearing (July 13).

The Planning Commission was curious whether there is an interest in allowing the manufacture and wholesale distribution of on-site retailed goods other than just edible/drinkable products. If your community hopes to allow manufacturing/wholesaling of other types of products retailed on-site, rather than just edible and drinkable products, you might identify: what those additional products would be; which zones the manufacturing should be allowed; and potential associated land use impacts.

For example, is there an interest in allowing manufacturing/wholesaling of garments (e.g., shirts, hats) that are retailed on-site in the C-2 and C-3 Districts? How about jewelry, watches, or eye glasses? Is there anything that the community would NOT want to see manufactured/wholesaled in these commercial zoning districts? Would the community be OK with the manufacturing of things like fertilizer, furniture, automotive parts, sports equipment, soap/detergent, paper, cement, or electronics/robotics, if end-users could directly purchase these products from the manufacturer (either in-person or online)? If so, how would manufacturing of these types of products forward the community's long-term goals?

I should be clear that it *may* not be possible to allow additional types of manufacturing with this particular ordinance (ZDO-276), given the limited amount of time for additional analysis and the scope of proposals already publically noticed. However, depending on what additional suggestions are provided, we may be able to include them.

Kind regards,

Glen Hamburg
Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your feedback. We appreciate your comments and will use them to evaluate and improve the quality of our public service.

-----Original Message-----

From: Suzanne Wolf [<mailto:sznnwolf@gmail.com>]

Sent: Tuesday, June 23, 2020 10:58 AM

To: Hamburg, Glen <GHamburg@clackamas.us>

Subject: Follow-Up

Warning: External email. Be cautious opening attachments and links.

Good morning Glen!

I partially missed out toward the end of the meeting last night the part about “next steps” before the July 13th meeting. I thought I heard you say something about following up with Oak Grove. Would you share what that was with me? I have a board meeting tomorrow morning at 10:00 AM and would like to update the Board with what I heard.

Thank you,

Suzanne

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[Spam Email](#)
[Phishing Email](#)

Memo

To: Planning Commission
From: Karen Buehrig, Long Range Planning Manager
Re: Proposed Changes to the Fee In Lieu of Construction Language in ZDO Section 1007
Date: July 6, 2020

The original Fee In Lieu of Construction (FILO) provisions, which took effect in January 2008, were created working closely with the Pedestrian and Bikeway Advisory Committee and through other public engagement methods, such as open houses. The primary purpose of FILO is to address the issue of disconnected sidewalks being constructed in locations where few sidewalks currently exist. It also allows for the accumulation of funds that can be spent on the construction of sidewalks in locations where there are gaps.

ZDO-276 proposes amendments to these original FILO provisions to address issues that have arisen over the past 12 years, as identified by Development Engineering. Development Engineering, located in the Transportation Engineering Division, is the staff that determines if FILO is the best approach for a project. They follow the guidelines within ZDO Section 1007 when reviewing whether FILO is appropriate for an application.

At the June 22, 2020, Planning Commission hearing on ZDO-276, the Planning Commission had some additional questions about the FILO program and the related proposed amendments. Below are responses to those questions.

1. Who determines what specific projects the money collected from FILO is put towards?

Transportation Planning staff works together with Transportation Maintenance and Development Engineering to match opportunity with need. Project selection is dependent on the amount of funds in the FILO reserves. These projects are smaller than the projects in our Capital Improvement Plan, and we have recently been selecting projects identified through the Safe Route to Schools plans, as well as projects brought to our attention by local community groups.

There have been three projects constructed using FILO funds:

1. Completion of sidewalk gap on Sieben Parkway in Sunnyside Village near Library (2012)
2. Kellogg-Risley sidewalk project near Concord School (2013)
3. Torbank sidewalk connecting to Oak Grove Elementary School (2019)

2. What are the criteria used to decide which projects are funded with the collected FILO?

At this point, there are not specific criteria, but project selection is guided by the amount of funds available, the potential to leverage other funds, where investments have been made in the past, and where there is a clear connection to use.

3. How is an “equity lens” used to decide which projects are funded, so that certain areas/neighborhoods are not left without needed frontage improvements while others have their road frontages improved?

FILO funds slowly accumulate over time and the amount of money available is dependent on development. We have only been able to construct one project every five years or so; therefore, we have not established a detailed project selection process.

4. Amendments proposed to Subsection 1007.08(A)(3) reference certain distances (e.g., 100 feet, 200 feet). How were these distances determined?

There are two distance-related opportunities for FILO in the proposed amendments. The first is in Subsection 1007.08(A)(3)(d), which would allow FILO to be paid if the required improvements would be located on a road where a sidewalk or pathway does not exist within 200 feet. This provision and its particular distance is in the ZDO language already and is simply being moved. For reference, a typical city block in Portland is 400 feet. When the FILO provisions were created, 200 feet was the gap that was considered reasonable to have the applicant achieve a connection and complete a gap.

The second distance-related provision is in Subsection 1007.08(A)(3)(e). This provision would allow FILO to be paid when the improvements are located on public street frontage that is 100 feet or less and there is no existing sidewalk or pathway that the new improvements would connect to. This provision would allow for a property that is narrow, or without much street frontage, to not have to construct a sidewalk because it would not connect to anything, regardless of whether it is within 200 feet of an existing sidewalk. Requiring sidewalk construction for the small developers creates issues at times and Development Engineering was interested in adding this flexibility.

5. How is stormwater retention accounted for in the FILO fee?

Engineer's estimates for FILO are reviewed by staff to verify that the fee paid would cover most of what it would cost the County to complete the work. Staff has developed standard unit costs for FILO estimates that were derived from Capital Improvement Plan estimates and engineer's estimates that had been provided for development bonding purposes.

From inception of the FILO provisions in the ZDO, the cost of stormwater infrastructure has not been included in FILO estimates. This was likely due to the variation in what stormwater facilities would be needed on any given frontage. The idea of a linear foot cost for a typical storm system, including stormwater pipe and catch basins, has been discussed and will be considered in the future. For reference, the current FILO estimates include costs for pavement widening (including AC, rock, and geotextile fabric), a six-inch curb, a five-foot-wide landscape strip with street trees, a five- to seven-foot-wide sidewalk, and ADA curb ramps where applicable.

Stormwater treatments, such as vegetated water quality swales, are allowed to be constructed as long as ongoing maintenance is addressed. Within Water Environment Service's district, WES will maintain the swales. Swales located in the Oak Lodge Water Services District, however, they are not maintained by the District; rather, private maintenance agreements are required to maintain them. Outside of a stormwater district, County Transportation Maintenance cannot maintain these facilities; rather, again, private maintenance agreements are required to maintain them. The cost of water quality swales are not addressed in FILO estimates, mainly because they are not a standard approach and, in some cases, the soil may not be suitable for that type of facility. It would seem that a standard stormwater facility would make sense for FILO estimates since the funds will be used somewhere else, and it is unknown what facility will ultimately be constructed with the funds.